

Hall of the House of Representatives
91st General Assembly - Regular Session, 2017
Amendment Form

Subtitle of Senate Bill No. 40

TO AMEND PROVISIONS IN THE JUVENILE CODE CONCERNING THE PLACEMENT OF JUVENILES.

Amendment No. 1 to Senate Bill No. 40

Amend Senate Bill No. 40 as engrossed, S3/7/17 (version: 03/07/2017 9:17:38 AM):

Page 2, delete lines 5 through 36, and substitute the following:

"(B)(i) If there is a safety issue identified from a Child Maltreatment Central Registry check or criminal background check, the department is not required to provide further assessment or notice to the persons identified under subdivision (b)(1)(A) of this section.

(ii) If there is not a safety issue identified in a Child Maltreatment Central Registry check or criminal background check regarding all the persons identified under subdivision (b)(1)(A) of this section, the department shall provide, in writing, to the persons identified the following notice:

(a) A statement saying that the juvenile has been or is being removed from his or her parent;

(b) An explanation concerning how to participate and be considered for care, placement, and visitation with the juvenile;

(c) Information needed for a child welfare safety check and home study, if the person is interested in placement;

(d) Information about provisional relative foster care, fictive kin, and other supportive benefits available through the department;

(e) A statement saying that failure to timely respond may result in the loss of opportunities to be involved in the care, placement, and visitation with the juvenile; and

(f) The name, number, email, and physical address of the caseworker and supervisor assigned to the case.

(C) If the court has not transferred custody to a noncustodial parent, relative, or other individual, or the department has not placed the juvenile in provisional relative placement or fictive kin placement, the department shall continue its assessment under subdivision (b)(1)(A) of this section and subdivision (b)(1)(B) of this section throughout the case.

(D) The department shall provide upon request of the



court, parties to the proceeding, or counsel for the parties to the proceeding a record of the efforts made to locate the non-custodial parent, relatives, fictive kin, or other persons identified under subdivision (b)(1)(A) of this section and the results of the assessment, including the following information concerning the identified person:

(i) Name;

(ii) Last known address and phone number;

(iii) The appropriateness of placement based

on the department's assessment of the person; and

(iv) Other identifying or relevant information to the extent known by the department.

(E)(i) A relative or fictive kin identified by the department under subdivision (b)(1)(A) of this section shall be given preferential consideration for placement if the relative or fictive kin meets all relevant protective standards and it is in the best interest of the juvenile to be placed with the relative or fictive kin.

(ii) In all placements, preferential consideration for a relative or fictive kin shall be given at all stages of the case.

(iii) If the court denies placement with a relative or fictive kin, the court shall make specific findings of fact in writing regarding the considerations given to the relative or fictive kin and the reasons the placement was denied.

(iv) The court shall not base its decision to place the juvenile solely upon the consideration of the relationship formed between the juvenile and a foster parent.

(F) The court may transfer custody to any relative or any other person recommended by the department, the parent, or any party upon review of a home study, including criminal background and child maltreatment reports, and a finding that custody is in the best interest of the child."

AND

Page 3, delete line 1

AND

Page 3, delete lines 2 and 3, and substitute the following:

"(2) Placement or custody of a juvenile in the home of a relative, fictive kin, or other person shall not relieve the department of its"

AND

Page 3, delete lines 10 and 11, and substitute the following:

"grants custody of the juvenile to the relative, fictive kin, or other person after a"

AND

Page 4, delete lines 6 and 7, and substitute the following:

"or step-siblings to the relative, fictive kin, or other person:"

AND

Page 4, delete lines 10 and 11, and substitute the following:
"the home of the relative, fictive kin, or other person."

AND

Page 4, delete lines 13 and 14, and substitute the following:
shall not be removed from the custody of the relative, fictive kin, or other person,"

AND

Page 4, delete line 16, and substitute the following:
"the home of the relative, fictive kin, or other person while remaining in the"

AND

Page 4, delete lines 18 and 19, and substitute the following:
"(B) The relative, fictive kin, or other person shall not receive any"

AND

Page 4, delete lines 21 and 22, and substitute the following:
"for financial assistance for which the relative, fictive kin, or other person has applied and for which the relative, fictive kin, or other person qualifies under the"

AND

Page 4, delete lines 27 through 29, and substitute the following:
"to the relative, fictive kin, or other person as reasonable efforts to prevent removal of custody from the relative, fictive kin, or other person."

AND

Page 4, delete lines 30 through 32, and substitute the following:
~~"(c)(1) Juveniles who are in the custody of the department shall be allowed trial placements with parents or the person from whom custody was removed for a period not to exceed sixty (60) days~~ The court may order juveniles who are in the custody of the department to be placed in a trial placement with parents or the person from whom custody was removed for a period not to exceed sixty (60) days, except as approved by the department, and in any event, not to exceed six (6) months."

AND

Page 5, delete line 8, and substitute the following:
~~"(2)(3)~~ At the end of sixty (60) days trial placement, the court shall either"

The Amendment was read _____
By: Representative Hammer
SRC/SRC - 03-15-2017 17:57:29
SRC443

Chief Clerk