

SB 517 STAFF MEASURE SUMMARY

Senate Committee On Human Services, Mental Health and Recovery

Prepared By: C. Ross, Counsel

Meeting Dates: 2/23

WHAT THE MEASURE DOES:

Adds requirement for Department of Human Services (DHS) to concisely inform persons with legal custody of children taken into protective custody, why the child was removed, and what steps the person might be expected to take to enable the child's return. Requires the latter information (what steps might be taken) also be included when a protective order is sought, and when a brief report is filed. Also requires brief reports to verify that a clear explanation and remedial steps were provided to the child's legal custodian. Adds to documentation DHS is required to provide at corresponding court proceedings, verification that remedial steps were explained to the person with legal custody, and any progress made. Operative 90 days after effective date.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Peace officers, counselors, and Department of Human Services (DHS) personnel, are explicitly authorized under the Juvenile Code to take children into protective custody, even in the absence of a court order, in limited situations involving imminent danger. They must seek a protective order, and provide particular information, such as, why custody is necessary and in the child's best interests. In the absence of a court order, they must also file a brief report that includes information detailing any efforts to notify individuals with physical or legal custody of the child, and, if a child has not been released, why. Children and parents have rights to be heard at corresponding proceedings; courts must make certain written findings and determinations; and DHS is required to submit documentation of efforts to avoid protective custody and to provide services that enable the child to return home safely.

Senate Bill 517 adds a requirement for DHS to clearly and concisely inform the person with legal custody of a child that has been taken into protective custody, why the child was removed, and what steps the person might be expected to take to enable the child's return. The measure also requires the latter information be included when a protective order is sought, and when a brief report is filed. The measure further requires the brief report to verify that a clear and concise explanation was provided to the child's legal custodian, along with remedial steps that might be expected of them. Finally the measure adds to documentation that DHS is required to provide at corresponding court proceedings: that remedial steps were explained to the person with legal custody, and any progress that has been made.