

CCS SS HCS#2 HB 568 -- PROTECTION OF CHILDREN

This bill changes the laws regarding the protection of minors.

CHILD CUSTODY AND VISITATION

The bill:

(1) Clarifies the provision prohibiting a child under the care of the state or the jurisdiction of a juvenile court from being reunited with a parent or being placed back in the home with a parent who has been found guilty or plead guilty to specific crimes of sexual offenses or offenses against the family when a child was the victim;

(2) Clarifies the provision allowing the Children's Division in the Department of Social Services to exercise discretion in awarding custody or visitation or the placing of a child back in the home of a parent, or any person residing in the home, who has been found guilty or plead guilty to any other offense;

(3) Removes when a parent has had a full order of protection entered against them from the list of conditions preventing a child from being returned to a parent;

(4) Clarifies the provision prohibiting a court from awarding custody or unsupervised visitation to a parent when that parent has been found guilty or plead guilty to specific crimes of sexual offenses or offenses against the family when a child was the victim;

(5) Clarifies the provision prohibiting a court from granting visitation rights to the noncustodial parent if that parent or any person residing with the parent has been found guilty or plead guilty to specific crimes of sexual offenses or offenses against the family when a child was the victim;

(6) Clarifies the provision prohibiting a court from modifying an order granting or denying visitation rights if a parent or any person residing with the parent has been found guilty or plead guilty to specific crimes of sexual offenses or offenses against the family when a child was the victim; and

(7) Allows a court to appoint a guardian ad litem in any proceeding alleging child abuse or neglect.

MODEL SCHOOL WELLNESS PROGRAM

The bill establishes the Model School Wellness Program, administered by the Department of Elementary and Secondary Education, to create pilot programs in school districts encouraging students to avoid tobacco use, balance their diets,

get regular exercise, and become familiar with chronic medical conditions resulting from being overweight. School districts receiving the grants will establish programs that address academic success and encourage links between school and home. The tobacco prevention initiative will focus on fourth and fifth grades, while the obesity prevention element will cover kindergarten through fifth grade. The bill requires hands-on professional development and an evaluation after the 2005-2006 school year that will include changes in body mass index and measurement of changing behaviors related to nutrition, physical activity, and tobacco use.

The provisions of this section will expire six years from the effective date.

ASSESSMENT AND TREATMENT SERVICES FOR CHILDREN

The Children's Division will recognize and treat the needs of at-risk and abused or neglected children under the age of 10. Within 30 days of a child's entry into state custody and every six months thereafter as long as the child remains in custody, the division may conduct physical, developmental, and mental health screenings. Children whose screenings indicate an area of concern may conduct a comprehensive health, psycho-diagnostic, or developmental assessment within 60 days of entry into custody.

IMMUNITY FOR PRIVATE CONTRACTORS

The bill allows immunity from civil liability for a private contractor with the Children's Division providing services to children and their families when the child is not in their care. Immunity does not apply to a private contractor who knowingly violates a department policy.