

HB 402 -- Family Intervention Orders

Sponsor: Shumake

This bill establishes family intervention orders for the treatment of persons who abuse chemical substances. In its main provisions, the bill:

(1) Requires all reports of abuse or neglect of a child; abuse of a convalescent, nursing, or boarding home resident; or any report of an eligible adult that presents a likelihood of suffering serious physical harm and in need of protective services to include an inquiry of the reporter whether chemical substance abuse may be present. If the reporter is a family member of the alleged abuser he or she must be informed on how to obtain a family intervention order if chemical substance abuse may be a factor;

(2) Requires a petition in a dissolution proceeding to state whether a family intervention order has been entered against either party and specifies what action the court may take if an order has been entered;

(3) Requires the court to consider whether either or both parties to a custody proceeding have a family intervention order entered against them for chemical substance abuse. Temporary or permanent custody must be presumed for any party that does not have a family intervention order entered against them for chemical substance abuse;

(4) Requires the court to make specific findings of fact showing the custody or visitation schedule ordered by the court best protects the child and the parent or other family or household member if the court finds that a parent or other family or household member is a chemical substance abuser;

(5) Specifies a person who alleged to have a family chemical substance abuser as a member of his or her family or household may petition for a family intervention order. The petition must be filed in the county where the petitioner or respondent resides or where the respondent may be served;

(6) Requires a hearing on a petition for a family intervention order to be held within 15 days of the filing of the petition unless the court determines upon good cause shown that a continuance should be granted. The court must order a full family intervention order if the petitioner proves the allegation of chemical substance abuse by a preponderance of the evidence;

(7) Specifies a family intervention order may be issued or renewed

for a period of time the court determines is appropriate, but must be valid for at least 180 days and not more than one year. If found to be in the best interest of the parties, the court may include an automatic renewal provision in the order;

(8) Specifies the requirements for the service of the petition and full family intervention order on the respondent;

(9) Specifies the minimum requirements for any full or ex parte order of protection;

(10) Creates a presumption of chemical substance abuse by the respondent if the respondent fails to comply with the requirements of the family intervention order;

(11) Allows the court to order a petitioner, respondent, or other family or household member to participate in codependency treatments programs or Al-Anon;

(12) Requires the Department of Social Services to obtain any necessary waivers to utilize 1% of any Temporary Assistance for Needy Families funds to provide loans at 6% annual interest for individuals who enter chemical substance abuse treatment and who are uninsured or do not have available financial resources to pay for treatment. The loan must not exceed the cost of the chemical substance abuse treatment;

(13) Requires the department to file, beginning February 1, 2014, and by every February 1 thereafter, a report with the General Assembly that includes a summary detailing any loans provided under these provisions and statistical information by county regarding family intervention orders;

(14) Specifies the language that must be used on forms to be used for the issuance of family intervention orders;

(15) Requires the department, subject to appropriations, in consultation with the courts, to develop and make available literature regarding family intervention orders. The literature must be available at all state government offices, domestic violence courts, and law enforcement offices and provided on request to 12-step programs, practicing psychologists and psychiatrists, and other organizations;

(16) Requires the department, subject to appropriations, to implement a public awareness media campaign to inform the public on the availability of family intervention orders; and

(17) Requires the court to retain jurisdiction over the family

intervention order for its entire duration.