

HB 556 -- REENTRY OF CHILDREN RELEASED FROM CHILDREN'S DIVISION
CUSTODY

SPONSOR: Wood

This bill changes the law regarding reentry of children who are released from the custody of the Children's Division within the Department of Social Services. The bill adds proceedings involving any youth under 21 years of age for whom a petition to return the youth to Children's Division custody has been filed to those proceedings over which the juvenile court or family court, if available, have exclusive original authority. Currently, if a youth under 21 years of age is released from the custody of the division and it would be in the youth's best interest to have his or her custody returned to the division, the juvenile officer, the division, or the youth may petition the court to return custody to the division until the youth is 21 years old. The bill requires the petition to be filed in the court that previously exercised authority over the youth. If the petition is not heard within six months of the filing date, the petition may be filed in the court where the youth resides or in the court of an adjacent county. In deciding if it is in the best interests of the youth to be returned to the custody of the division under these provisions, the court is required to consider:

- (1) The circumstances of the youth;
- (2) Whether the division has services or programs in place that will benefit the youth and assist the youth in transitioning to self-sufficiency; and
- (3) Whether the youth has the commitment to fully cooperate with the division in developing and implementing a case plan.

The bill prohibits the court from returning a youth to the custody of the division if the youth:

- (1) Has been committed to the custody of another agency;
- (2) Is under a legal guardianship; or
- (3) Has pled guilty or who has been found guilty of a felony criminal offense or misdemeanor except for traffic offenses.

The bill requires the youth to cooperate with the case plan developed for the youth by the division in consultation with the youth. Upon motion of the Children's Division or the youth, the court may terminate care and supervision before the youth's 21st birthday if the division does not have services available for the

youth or if the youth declines to cooperate with the case plan.

The bill defines "youth" as an individual 18 years of age or older and under 21 years of age who was in the custody of the division in foster care at any time in the two-year period preceding the youth's 18th birthday.