

HB 1877 -- CHILDREN'S DIVISION

SPONSOR: Wood

This bill adds to the list of crimes that make an individual eligible to be listed on the Central Registry. The added crimes include rape, sodomy, and promoting prostitution if the victim is under the age of 18, and sexual exploitation of minor, possession of child pornography, furnishing pornographic materials to minor, child used in sexual performance, and promoting sexual performance by a child.

The bill requires the court clerk to send a certified copy of any judgment or order to the Children's Division within the Department of Social Services when the court finds by a preponderance of the evidence that an individual is responsible for child abuse or neglect and in every case in which a person has pled guilty or has been found guilty of specified crimes involving murder, manslaughter, assault, or sexual offenses against children or an attempt to commit any of the crimes. Upon receipt, the division must list the individual as a perpetrator of child abuse or neglect in its central registry.

The bill changes the law regarding reentry of children who are released from the custody of the division. The bill adds proceedings involving any youth for whom a petition to return the youth to the division's custody has been filed to those proceedings over which the juvenile court or family court, if available, have exclusive original jurisdiction in proceedings. 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, in the court where the youth resides, or in the court of an adjacent county. In deciding if it is in the best interest 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.

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 court finds the division does not have services available for the youth, the youth no longer needs services, or if the youth declines to cooperate with the case plan. The youth may request to be appointed a guardian ad litem. The bill requires the court to hold review hearings as necessary, but at a minimum no less than once every six months for the duration of the division's custody of the youth.

This bill is similar to HB 556 (2015).