

1st Sub. H.B. 266
REVISIONS TO CHILD WELFARE

Representative **Wayne A. Harper** proposes the following amendments:

1. *Page 2, Line 48:*

- 48 ▶ modifies definitions related to child abuse and neglect in the criminal code;
= ▶ modifies definitions related to child abuse and neglect in the Juvenile Court Act of 1996;

2. *Page 28, Line 862 through Page 29, Line 865:*

- 862 (v) ~~[[of potential]]~~ that there are resources available to assist the parent or guardian in
locating:
863 (A) a parent advocate;
864 (B) a qualified attorney; and
865 (C) potential expert witnesses to testify on behalf of the child, the parents, or the

3. *Page 39, Lines 1191 through 1193:*

- 1191 (c) "Mental cruelty" means conduct which:
1192 (i) causes serious chronic anguish in a child; ~~[[or]]~~
1193 (ii) impairs the child's social and emotional functioning ; or
(iii) **causes substantial emotional harm to a child** .

4. *Page 40, Lines 1212 through 1214:*

- 1212 (v) any combination of two or more reportable physical injuries ~~[[, not resulting from~~
1213 spanking,]] inflicted by the same person ~~[[+]]~~ , ~~[[+]]~~ either at the same time or on different occasions
1214 within a two-year period;

5. *Page 41, Lines 1242 through 1245:*

- 1242 (5) A parent or legal guardian who refuses traditional medical or mental health
1243 treatment on behalf of a child in order for the child to receive nontraditional medical or mental
1244 health treatment **under the care of a medical, mental health, licensed, or approved practitioner** may
not, for that reason alone, be considered to have committed an offense
1245 under this section.

6. *Page 44, Lines 1347 through 1349:*

1347 ~~(s)~~ (t) (i) "Neglected child" means a minor~~[-(A)]~~ whose parent, guardian, or
1348 custodian has demonstrated repeated or substantial failure to provide adequate food, shelter,
1349 clothing, training, ~~[[or]]~~ physical safety ~~[[to]]~~ , or any other care necessary for the health, safety,
or well-being of the minor.

7. Page 56, Line 1728 through Page 57, Line 1747:

1728 (ii) In a case involving potential medical or mental health neglect, the court may not
1729 order an examination, treatment, or special care under Subsection (2)(n)(i) or any other
1730 provision of law unless:
1731 (A) at least one of the minor's parents or guardian consents to the examination,
1732 treatment, or special care;
1733 (B) the examination, treatment, or special care ordered by the court does not pose a
1734 significant risk of producing serious side effects, including:
1735 (I) death;
1736 (II) blindness;
1737 (III) suppression of growth;
1738 ~~[[(IV) depression;]]~~
1739 ~~[[(V)]]~~ (IV) behavior disturbances;
1740 ~~[[(VI)]]~~ (V) thought disorders;
1741 ~~[[(VII)]]~~ (VI) tardive dyskinesia;
1742 ~~[[(VIII)]]~~ (VII) brain function impairment; or
1743 ~~[[(IX)]]~~ (VIII) emotional or physical harm resulting from the compulsory nature of the
treatment
1744 or special care; or
1745 (C) clear and convincing evidence demonstrates ~~[[beyond a reasonable doubt]]~~ that the
1746 examination, treatment,
1747 or special care provided by the parents or legal guardian, or the lack thereof, will result in an
immediate serious threat to the life or essential physiological functions of the minor.

8. Page 60, Lines 1840 through 1843:

1840 (b) a parent or guardian engages in ~~[or threatens the minor with]~~ unreasonable conduct
1841 that ~~[[+]]~~ **causes the minor** ~~[[+]]~~ ~~[to suffer]~~ serious ~~[[+]]~~ **emotional**
damage ~~[[+]]~~ or constitutes mental cruelty and there are no
1842 reasonable means available by which the minor's emotional health may be protected without
1843 removing the minor from the custody of the minor's parent or guardian;

9. Page 71, Line 2189 through Page 72, Line 2202:

2189 (6) (a) If a parent is incarcerated or institutionalized, the court shall order reasonable

2190 services unless it determines that those services would be seriously detrimental to the health or
2191 safety of the minor. In determining detriment, the court shall consider:
2192 (i) the age of the child[;];
2193 (ii) the degree of parent-child bonding[;];
2194 (iii) the length of the sentence[;];
2195 (iv) the nature of the treatment[;];
2196 (v) the nature of the crime or [~~illness;~~] mental [~~incapacity~~] illness ;
2197 (vi) the degree of detriment to the [~~child~~] child's health and safety if services are not
2198 offered [~~and~~;];
2199 (vii) for minors ten years of age or older, the minor's attitude toward the
2200 implementation of family reunification services[~~and~~], which shall be given particular
2201 consideration and weight; and
2202 (viii) any other appropriate factors.