

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

Representative **James A. Ferrin** proposes the following amendments:

1. *Page 8, Lines 219 through 227:*

219 As used in this chapter:

220 (1) (a) "Abuse" means:

221 [~~(a)~~ actual or threatened nonaccidental physical or mental harm;]

222 [~~(b)~~ negligent treatment;]

223 (i) physical abuse;

224 (ii) serious physical abuse;

225 (iii) mental cruelty;

226 [~~(c)~~ (iv) sexual exploitation; ~~[[~~-or~~]]~~]

227 [~~(d)~~ any] (v) sexual abuse ~~[[~~-~~]]~~ ;~~or~~

(vi) an injury, accident, or other incident that was caused intentionally, knowingly, recklessly, or with criminal negligence as defined in Section 76-2-103.

2. *Page 8, Lines 228 through 234:*

228 (b) "Abuse" does not include:

229 (i) unintentional incidents, including unintentional accidents and unintentional injuries ~~[[~~-~~~~

230 unless the injury, accident, or other incident was caused intentionally, knowingly, recklessly, or

231 with criminal negligence, as defined in Section 76-2-103]] ~~;~~or~~~~

232 (ii) reasonable parental discipline or management of a child with which a child may

233 disagree, including prohibiting the use of an automobile or other possession and the

234 withholding of other privileges.

3. *Page 10, Lines 292 through 300:*

292 (ii) lack of adequate care by a parent or guardian; and

293 [~~(ii)~~ subjecting a child to mistreatment or abuse;]

294 [~~(iii)~~ lack of proper parental care by reason of the fault or habits of the parent,

295 guardian, or custodian;]

296 [~~(iv)~~ failure or refusal of a parent, guardian, or custodian to provide proper or necessary

297 subsistence, education, or medical care, including surgery or psychiatric services when

298 required, or any other care necessary for his health, safety, morals, or well-being; or]

299 ~~[[~~_____~~ [(v) a child at] (iii) substantial risk of [being neglected] neglect or [abused] abuse~~

300 because another child in the same home is neglected or abused[.]; and]]

4. Page 11, Lines 305 through 307:

305 ~~[(iv)]~~ **(iii)** failure by a parent or guardian [fails] to make a good faith effort to ensure that
306 [the] a child receives an appropriate education[-] after having received notice that the child has
307 been frequently absent from school without good cause.

5. Page 39, Lines 1185 through 1187:

1185 (i) unintentional incidents, including unintentional accidents and unintentional injuries,
1186 ~~[[unless the injury, accident, or other incident was caused intentionally, knowingly, recklessly, or~~
1187 ~~with criminal negligence, as defined in Section 76-2-103]]~~ ; and

6. Page 42, Lines 1280 through 1288:

1280 (1) As used in this chapter:
1281 (a) (i) "Abused child" [~~includes~~] means a minor less than 18 years of age who[-:(+)] has
1282 suffered [~~or been threatened with nonaccidental physical or mental harm, negligent treatment,~~
1283 ~~or sexual exploitation; or (ii) has been the victim of any sexual abuse.];~~
1284 (A) physical abuse;
1285 (B) serious physical abuse;
1286 (C) mental cruelty;
1287 (D) sexual exploitation; ~~[[or]]~~
1288 (E) sexual abuse ~~[[.]]~~ ; or
(F) any injury, accident, or other incident that was caused intentionally, knowingly, recklessly, or
with criminal negligence as defined in Section 76-2-103.

7. Page 42, Lines 1290 through 1292:

1290 (A) unintentional incidents, including unintentional accidents and unintentional
1291 injuries ~~[[, unless the injury, accident, or other incident was caused intentionally, knowingly,~~
1292 ~~recklessly, or with criminal negligence, as defined in Section 76-2-103]]~~ ; and

8. Page 44, Line 1354:

1354 (II) demonstrated a lack of adequate care for the minor; **and**

9. Page 45, Lines 1362 through 1364:

1362 ~~[[(E)]]~~ **(B)** a minor who is at substantial risk of being a neglected child or an abused
1363 child [as defined in this chapter] because another minor in the same home is a neglected child
1364 or abused child [as defined in this chapter.]; and]]

10. Page 45, Line 1367:

1367

~~[(C)]~~

(B) a minor whose parent or guardian, after receiving notice that [a] the minor has been