



Bill Number: **HB 2640** _____

Brophy McGee Floor Amendment

Reference to: _____

Amendment drafted by: _____

FLOOR AMENDMENT EXPLANATION

HB 2640 requires a Department of Child Safety (DCS) investigator, prior to returning a child to the child's home, to determine if any member of the child's household or any person who has a dating or intimate relationship with a member of the household has been arrested for, charged with or convicted of a domestic violence or sexual offense.

The substitute floor amendment requires the Department of Child Safety (DCS) to adopt rules to ensure the safe return of a child who had been removed by the department which include:

- Performing criminal background checks on all persons currently living in the home and anyone who may have a "dating or intimate" relationship with a member of the household.
- Prohibiting the return of a child to a home wherein a resident or a person in a relationship with a member of the household has a felony offense and the perpetrator poses an imminent threat that cannot be mitigated by DCS, family resource providers or the non-offending parent.

Prescribes provisions on how an imminent threat is determined.

Specifies that if there is not an imminent threat, a child may be returned to a home regardless of whether the parent, guardian or custodian is able to provide all of the information regarding changes in the household membership or persons who have a dating or intimate relationship with a member of the household to DCS.

Makes technical and conforming changes.

Amendment explanation prepared by Ingrid Garvey _____

lcs

3/12/2015

BROPHY MCGEE FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2640
(Reference to printed bill)

- 1 Page 2, line 21, after "CHILD" strike remainder of line
2 Line 22, strike "MEMBER OF THE CHILD'S" insert ", CONDUCT A CRIMINAL BACKGROUND
3 CHECK OF ALL MEMBERS OF THE"; after "HOUSEHOLD" insert "TO WHICH THE CHILD
4 WILL BE RETURNED"
5 Line 23, after "HOUSEHOLD" insert a period and strike remainder of line
6 Strike lines 24 and 25
7 Line 42, after "CHILD" insert "AFTER A DETERMINATION OF DEPENDENCY"
8 Line 45, strike "AND" insert a comma
9 Page 3, line 2, after "HOUSEHOLD" insert "AND OF A BIOLOGICAL PARENT OF THE CHILD
10 WHOSE PARENTAL RIGHTS HAVE NOT BEEN TERMINATED"
11 Line 5, strike "DOMESTIC VIOLENCE OR SEXUAL" insert "FELONY"; after "OFFENSE"
12 insert "THAT INVOLVED CONDUCT THAT POSES AN IMMINENT THREAT OF DANGER TO THE
13 CHILD"
14 Strike line 6, insert "RETURNED IF THERE IS SIGNIFICANT EVIDENCE THAT THE
15 ALLEGED OR CONVICTED PERPETRATOR'S IMMINENT THREAT TO CHILDREN CANNOT BE
16 REASONABLY MITIGATED BY PLANNING AND ACTION TAKEN BY THE DEPARTMENT IN
17 PARTNERSHIP WITH THE NONOFFENDING PARENT, FAMILIAL RESOURCES OR
18 PROVIDERS. THE IMMINENT THREAT OF DANGER SHALL:
19 (a) BE DETERMINED BASED ON THE ALLEGED OR CONVICTED PERPETRATOR'S
20 PATTERN OF BEHAVIOR, THE DIFFICULTY IN CONTROLLING THIS BEHAVIOR AND THE
21 ALLEGED OR CONVICTED PERPETRATOR'S VIOLENCE AGAINST OR THREATS TO A PARTNER
22 OR CHILD, OR BOTH.
23 (b) NOT BE BASED ON THE RESIDENCE, LOCATION OR RELATIONSHIP STATUS OF
24 THE ALLEGED OR CONVICTED PERPETRATOR.
25 B. IN DETERMINING"
26 Reletter to conform

1 Page 3, line 8, strike "(a)" insert "1."; strike "DOMESTIC VIOLENCE OR SEXUAL"
2 insert "FELONY"
3 Lines 9 and 10, strike "THE VICTIM OF THE DOMESTIC VIOLENCE OR SEXUAL OFFENSE"
4 insert "THE ALLEGED OR CONVICTED PERPETRATOR'S HISTORY OF BEHAVIOR"
5 Line 11, strike "DOMESTIC VIOLENCE OR SEXUAL" insert "FELONY"; after "OFFENSE"
6 insert ", INCLUDING THE PROTECTIVE CAPACITY OF THE NONOFFENDING PARENT"
7 Line 12, strike "(b)" insert "2."; after "LITEM," insert "A DOMESTIC VIOLENCE
8 VICTIM ADVOCATE,"
9 Line 14, strike "DOMESTIC VIOLENCE OR SEXUAL" insert "FELONY"
10 Line 21, after "IF" insert ", TO THE KNOWLEDGE OF THE CHILD'S PARENT, GUARDIAN
11 OR CUSTODIAN,"; after "HOUSEHOLD" insert ", A BIOLOGICAL PARENT WHOSE
12 PARENTAL RIGHTS HAVE NOT BEEN TERMINATED"
13 Line 23, strike "DOMESTIC VIOLENCE OR SEXUAL" insert "FELONY"; after "OFFENSE"
14 insert "THAT INVOLVED CONDUCT THAT POSES AN IMMINENT THREAT OF DANGER TO THE
15 CHILD"; after the period insert "THE INABILITY OF A PARENT, GUARDIAN OR
16 CUSTODIAN WHO IS SEEKING THE RETURN OF THE CHILD TO PROVIDE THIS INFORMATION
17 IS NOT A BAR TO THE CHILD BEING RETURNED TO THE PARENT, GUARDIAN OR CUSTODIAN
18 IF THERE IS NO IMMINENT THREAT OF DANGER TO THE CHILD IN BEING RETURNED."
19 Line 24, after the comma strike remainder of line; strike lines 25 and 26,
20 insert ""DOMESTIC VIOLENCE VICTIM ADVOCATE" HAS THE SAME MEANING PRESCRIBED
21 IN SECTION 12-2239."
22 Amend title to conform

KATE BROPHY MCGEE

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C: kcb