

Senate Study Bill 2189

Bill Text

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1 1 Section 1. CHILD PROTECTION SYSTEM REVIEW.
1 2 1. The citizens' aide shall conduct a review of the
1 3 state's child protection system in accordance with this
1 4 section. The review shall encompass all aspects of the
1 5 system, including child abuse reporting, investigation, and
1 6 assessment, child removal, child in need of assistance
1 7 proceedings, review and appeals, and termination of parental
1 8 rights. The purpose of review is to determine whether the
1 9 current system adequately provides fairness and due process
1 10 protections for all persons involved with the system.
1 11 2. The review may include but is not limited to all of the
1 12 following:
1 13 a. Surveys of attorneys experienced in representing
1 14 subjects of child abuse investigations and assessments and in
1 15 child welfare and family law.
1 16 b. Surveys of persons who have been the subject of a child
1 17 abuse investigation or assessment.
1 18 c. Reviews of known complaints concerning the system.
1 19 d. Reviews of previous testimony and submissions by
1 20 critics and proponents of the system to legislative,
1 21 administrative, and other bodies organized to provide
1 22 oversight of the child protection system. In addition, the
1 23 review may include review of the reports and findings of these
1 24 bodies.
1 25 e. Review of legal information concerning child protection
1 26 including state and federal statutory requirements, rules,
1 27 regulations, and policies, judicial decisions including
1 28 dissenting opinions, and opinions of the attorney general.
1 29 f. Interviews of recognized critics and supporters of the
1 30 child protection system.
1 31 g. Use of focus groups to refine the issues for
1 32 consideration.
1 33 h. Random sample reviews of closed child abuse
1 34 investigations and assessments.
1 35 3. The citizens' aide may appoint a project team or
2 1 contract for a project team to perform the review. Any
2 2 project team shall include persons with skills and knowledge
2 3 concerning child welfare and juvenile justice and due process
2 4 rights. The project team may include an attorney, an
2 5 authority on social work, and a skilled general investigator
2 6 or a paralegal. The citizens' aide may also utilize a broad-
2 7 based advisory group.
2 8 4. The citizens' aide shall submit a report containing
2 9 findings and recommendations in accordance with chapter 2C to
2 10 the department of human services, chief juvenile court officer
2 11 of each judicial district, governor, and general assembly.
2 12 The report shall be submitted on or before March 1, 1999.
2 13 5. Implementation of this section is subject to
2 14 authorization of funding for the purposes of this section by
2 15 the legislative council.
2 16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
2 17 immediate importance, takes effect upon enactment.
2 18 EXPLANATION
2 19 This bill relates to juvenile justice provisions involving
2 20 child protection and the payment of claims for wrongful
2 21 separation of a family.

2 22 The bill directs the citizens' aide to conduct a review of
2 23 all aspects of the state's child protection system to
2 24 determine whether the system adequately protects fairness and
2 25 due process for all involved. The bill includes a listing of
2 26 various aspects of the system which may be reviewed and
2 27 approaches to conducting the review. Performance of the
2 28 review is contingent upon the legislative council authorizing
2 29 funding.

2 30 The bill takes effect upon enactment.

2 31 LSB 3969SC 77

2 32 jp/sc/14