

1 SB461
2 168733-2
3 By Senator Bussman
4 RFD: Health and Human Services
5 First Read: 07-MAY-15

1 SB461

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to the termination of parental rights; to
12 amend Section 12-15-312, Code of Alabama 1975, to eliminate
13 the duty of the Department of Human Resources to make
14 reasonable efforts with respect to a parent of a child to
15 protect the family relationship if the parent has allowed the
16 child to be in the presence of a methamphetamine laboratory or
17 a location where illegal drugs are stored, kept, packaged,
18 diluted, or manufactured.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 12-15-312, Code of Alabama 1975,
21 is amended to read as follows:

22 "§12-15-312.

23 "(a) When the juvenile court enters an order
24 removing a child from his or her home and places the child
25 into foster care or custody of the Department of Human
26 Resources pursuant to this chapter, the order shall contain

1 specific findings, if warranted by the evidence, within the
2 following time periods while making child safety the paramount
3 concern:

4 "(1) In the first order of the juvenile court that
5 sanctions the removal, whether continuation of the residence
6 of the child in the home would be contrary to the welfare of
7 the child. This order may be the pick-up order that the
8 juvenile court issues on the filing of a dependency petition.

9 "(2) Within 60 days after the child is removed from
10 the home of the child, whether reasonable efforts have been
11 made to prevent removal of the child or whether reasonable
12 efforts were not required to be made.

13 "(3) Within 12 months after the child is removed
14 from the home of the child and not less than every 12 months
15 thereafter during the continuation of the child in out-of-home
16 care, whether reasonable efforts have been made to finalize
17 the existing permanency plan.

18 "(b) As used in this chapter, reasonable efforts
19 refers to efforts made to preserve and reunify families prior
20 to the placement of a child in foster care, to prevent or
21 eliminate the need for removing the child from the home of the
22 child, and to make it possible for a child to return safely to
23 the home of the child. In determining the reasonable efforts
24 to be made with respect to a child, and in making these
25 reasonable efforts, the health and safety of the child shall
26 be the paramount concern. If continuation of reasonable

1 efforts is determined to be inconsistent with the permanency
2 plan for the child, reasonable efforts shall be made to place
3 the child in a timely manner in accordance with the permanency
4 plan including, if appropriate, through an interstate
5 placement, and to complete whatever steps are necessary to
6 finalize a permanent plan for the child.

7 "(c) Reasonable efforts shall not be required to be
8 made with respect to a parent of the child if the juvenile
9 court has determined that the parental rights of the parent to
10 a sibling of the child have been involuntarily terminated or
11 that a parent has done any of the following:

12 "(1) Subjected a child to an aggravated circumstance
13 against the child or a sibling of the child and the risk of
14 child abuse or neglect is too high for the child to remain at
15 home safely or to be returned home. An aggravated circumstance
16 includes, but is not limited to, rape, sodomy, incest,
17 aggravated stalking, abandonment, torture, chronic abuse, or
18 sexual abuse. An aggravated circumstance may also include any
19 of the following:

20 "a. Allowing a child to use alcohol or illegal drugs
21 to the point of abuse, neglect, or substantial risk of harm.

22 "b. Substance misuse or abuse, or both, by a parent
23 or interfering with the ability to keep the child safe and
24 refusal of a parent to participate in or complete treatment,
25 or where treatment has been unsuccessful.

1 "c. Allowing a child to be in the presence of a
2 methamphetamine laboratory.

3 "~~c.~~d. A parent demonstrating extreme disinterest in
4 the child by doing either of the following:

5 "1. Not complying with the steps outlined in the
6 individualized service plan or case plan over a period of six
7 months.

8 "2. Repeatedly leaving the child with someone who is
9 unwilling or incapable of providing care and not returning for
10 the child as promised.

11 "d. Abandoning an infant or young child when the
12 identity of the child is unknown and the parent is unknown or
13 unable to be located after a diligent search.

14 "e. When the parent has an emotional or mental
15 condition and there is clearly no treatment that can improve
16 or strengthen the condition enough to allow the child to
17 remain at home safely or to return home safely.

18 "f. When a parent is incarcerated and the child is
19 deprived of a safe, stable, and permanent parent-child
20 relationship.

21 "(2) Committed murder or manslaughter of another
22 child or murder or manslaughter of the other parent of the
23 child.

24 "(3) Aided or abetted, attempted, conspired, or
25 solicited to commit murder or manslaughter of another child or

1 aided or abetted, attempted, conspired, or solicited to commit
2 murder or manslaughter of the other parent of the child.

3 "(4) Committed a felony assault which resulted in
4 serious bodily injury to the child or another child or to the
5 other parent of the child. The term serious bodily injury
6 means bodily injury which involves substantial risk of death,
7 extreme physical pain, protracted and obvious disfigurement,
8 or protracted loss or impairment of the function of a bodily
9 member, organ, or mental faculty.

10 "(d) Nothing in the exceptions to making reasonable
11 efforts listed in subsection (c) shall be interpreted to
12 require the reunification of a child with a stepparent or
13 paramour of a parent under similar circumstances. The crimes
14 listed in subsection (c) may include those from other states
15 or federal crimes if the elements of the crimes are
16 substantially similar to those crimes in this state.

17 "(e) If reasonable efforts are not made with respect
18 to a child as a result of a determination made by a juvenile
19 court in situations as described above, a permanency hearing,
20 as provided in Section 12-15-315, in which in-state or
21 out-of-state placement options for the child are considered,
22 shall be held for the child within 30 days after the
23 determination. Reasonable efforts shall be made to place the
24 child in a timely manner in accordance with the permanency
25 plan and to complete whatever steps are necessary to finalize
26 permanent placement of the child. Reasonable efforts to place

1 a child for adoption or with a legal guardian or legal
2 custodian, including identifying appropriate in-state and
3 out-of-state placements, may be made concurrently with other
4 reasonable efforts."

5 Section 2. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Health and Human Services..... 07-MAY-15

Read for the second time and placed on the calen-
dar..... 21-MAY-15

Read for the third time and passed as amended 28-MAY-15

Yeas 28
Nays 0

Patrick Harris
Secretary