

HB136 INTRODUCED



1 HB136
2 RR52YYN-1
3 By Representative Simpson
4 RFD: Judiciary
5 First Read: 07-Feb-24



SYNOPSIS:

Under existing law, a juvenile court may issue an emergency ex parte order of protection or restraint upon a showing of verified written or verbal evidence of abuse or neglect.

This bill would provide that a circuit court and district court may also issue an emergency ex parte order of protection or restraint in certain circumstances.

A BILL
TO BE ENTITLED
AN ACT

Relating to juvenile court; to amend Sections 12-15-125 and 12-15-141, Code of Alabama 1975, to allow a circuit court or district court to issue an emergency ex parte order of protection or restraint in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-15-125 and 12-15-141, Code of Alabama 1975, are amended to read as follows:

"§12-15-125

(a) A child or minor may be taken into custody for any of the following reasons:



HB136 INTRODUCED

(1) Pursuant to an order of the circuit court, district court, or juvenile court.

(2) By a law enforcement officer having reasonable grounds to believe that the child or minor has run away from a juvenile detention, residential, shelter, or other care facility.

(3) By a law enforcement officer having reasonable grounds to believe that the child or minor is suffering from an illness or injury or is in immediate danger from the surroundings of the child or minor and that the immediate removal of the child or minor from those surroundings is necessary for the protection of the health and safety of the child or minor.

(b) In addition to the grounds listed in subsection (a), a child may also be taken into custody for any of the following reasons:

(1) By a law enforcement officer for an alleged delinquent act pursuant to the laws of arrest~~+~~.

(2) By a law enforcement officer who has reasonable grounds to believe that the child has run away from his or her parents, legal guardian, or other legal custodian~~+~~.

(3) By a law enforcement officer who has reasonable grounds to believe that the child has no parent, legal guardian, legal custodian, or other suitable person willing and able to provide supervision and care for the child~~+~~~~or~~.

(4) By a juvenile probation officer pursuant to Section 12-15-107."

"§12-15-141



HB136 INTRODUCED

57 (a) The juvenile court, district court, or circuit
58 court may enter an ex parte order of protection or restraint
59 on an emergency basis, without prior notice and a hearing,
60 upon ~~a showing of verified written or verbal evidence of~~
61 finding evidence of the potential for abuse or neglect
62 injurious to the health or safety of a child ~~subject to a~~
63 ~~juvenile court proceeding and the likelihood that the abuse or~~
64 ~~neglect will continue unless the order is issued.~~

65 (b) A judge entering an emergency ex parte order
66 pursuant to subsection (a) may order that a child be taken
67 into custody without delay.

68 (c) If an emergency order is issued, a hearing, after
69 notice, a hearing shall be held by the juvenile court in the
70 county in which the order was issued within 72 hours of the
71 ~~written evidence~~ issuance of the order or the next judicial
72 business day thereafter, to either dissolve, continue, or
73 modify the order."

74 Section 2. This act shall become effective on June 1,
75 2024.