

STATEMENT OF PURPOSE

RS32074C1 / H0159

Idaho's Child Protective Act contains several ineffective provisions regarding the issuance of protective orders to prevent removing a child from his home in cases of alleged abuse or neglect. Due to the unworkable nature of these provisions, this bill seeks to strike these references to protective orders and relief. This bill also creates a straightforward process for a court to enter an order to prevent removal to accomplish the same goal. An order to prevent removal is specifically defined as an order to allow a child to remain in the child's present surroundings when there is reasonable cause to believe the child is safe in the sole care of a parent, legal guardian, or legal custodian and when there is alleged neglect or abuse by another parent, legal guardian, or legal custodian. A prosecutor or the attorney general may seek such an order by filing a motion that is accompanied by a sworn affidavit from a law enforcement officer or the department. The court in which the motion is filed may then issue an order to prevent removal if there is reasonable cause to believe the child would be safe in the child's present surroundings. The order will exclude the alleged offender from the child's residence, prohibit the alleged offender from communicating with the child, and restrain the alleged offender from coming within a certain distance of the child. A hearing on whether to continue the order may be held and the court may continue the order upon certain findings. Finally, this bill also establishes that a failure to abide by an order to prevent removal is punishable as misdemeanor criminal contempt.

FISCAL NOTE

This proposed amendment will have no fiscal impact upon the General Fund, any other state fund, or local governments. The proposed amendment simply eliminates unworkable language and replaces it with a clear process intended to protect children, and it will cause neither an increase nor decrease in existing or future appropriations or revenues.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).