

The Children's Code Reform Task Force


Draft legislation, recommendations, and future work

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Funded by appropriation to the AOC in 2022 and 2023

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- To assess the Children's Code and recommend changes
 - Interdisciplinary membership with subject matter expertise and statewide representation
 - 2 periods of activity – 5 months in 2023 under the AOC followed by 5 months in 2024 – under the Corinne Wolfe Center for Child and Family Justice
 - Dedication to as open a process as possible - resolution
 - Besides monthly task force meetings, committees and subcommittees met once or twice a month
 - Pending a small grant from the Annie E. Casey Foundation to address some recommendations in the next 4 months

Draft amendments to statutes re poverty

- Modify definition of neglected child to: remove poverty alone as a reason for removal,
- Upon removal, charge CYFD with assessing family for need, and providing resources as possible, with court report to include what conditions other than poverty that led to removal
- CYFD to not use children's own assets to pay for CYFD or foster care expenses, to pursue such assets for eligible youth and children, and to set up STABLE accounts for such children

Draft amendments to statutes re time limitations

- Adjudications to be completed within 90 days (maintain commencement of trials within 60 days of service on parent, guardian, or custodian)
- “Circumstances beyond the control of the parties or the courts” to be considered and dismissal with prejudice if time limits not met
- Judicial reviews to be held every 3 months if permanency plan is still reunification or “another planned permanent living arrangement”
- Simplification of calculation when first permanency hearing to occur with subsequent permanency hearings to be held every 3 months if permanency plan is still reunification or “another planned permanent living arrangement”

Draft amendments to statutes re access to deadly weapons

- Modify definition of neglected child to add negligent unsupervised access to firearms or other deadly weapon
- Bennie Hargrove Gun Safety Act makes it a crime to negligently make a firearm available to a minor
 - Exceptions under this could be considered in determining negligence

New Act – Crossover youth

Crossover youth are in foster care and have juvenile justice charges

- Improve tracking of these youth to improve service provision
- Create crossover youth program within CYFD
- Train judges, CYFD, LOPD, and other CYFD staff
- Require inter-agency collaboration
- Require notice to parents, guardians and custodians, CYFD protective Services, and youth or child's attorney or GaL in foster care case
- Reasonable efforts by JJ division of CYFD to help youth complete probation

New Act – Reinstatement of parental rights

For the occasional case where it would be in the best interest of a child or youth to have a parent's rights reinstated.

- Requires material change in circumstances showing parent can provide safety and stability for child
- Petition may be filed by child, former parent, or CYFD
- Adoptive parent or guardian must consent
- Only if 12 months post Termination of parental rights and all appeals barring certain circumstances
- CYFD must still investigate any new allegations

For the Executive

- Support and create ways to collaborate with other groups
- Develop policies to provide funds to a family in lieu of foster care

For the Legislature

- Annual training about child and family welfare
- Modify definitions and language
- Consider modification to FINCOS

For the Judiciary via the Children's Court Rules Committee

- Develop rules in alignment with suggested changes to the law
 - Require consultation between judges when there are time conflicts
 - Better clarify processes for notice by publication as well as service
 - Improve notice of change of placement
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For more than one branch of government

- Further study on confidentiality on protective services cases
- Explore if Kinship Guardianship Act funding can be provided to guardians without a family being involved in the abuse and neglect system
- Study the need for any changes to the Safe Haven for Infants Act
- Begin a Universal Basic Income pilot program (guaranteed minimum income)
- Reform child and family welfare via a collaborative, three-branch approach
- Develop policies to use state and federal funds for concrete supports for families
- Collect and analyze robust data to inform this work

AND

- Continue funding of the SM 5 and Children's Code Reform Task Forces and support those groups' collaboration
 - Use individuals with lived expertise as parents or children in the system as well as national experts
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