

**FORTY-NINTH LEGISLATURE
FIRST SESSION, 2009**

March 16, 2009

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred

SENATE BILL 248, as amended

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. Strike Senate Public Affairs Committee Amendment 3.
2. On page 28, line 16, after "older", strike the remainder of the line, strike line 17 in its entirety and strike line 18 up to "shall".
3. On page 28, line 21, after the period, insert "A child shall not be transferred to a county jail solely on the basis of attaining the age of eighteen while detained in a juvenile detention facility."
4. On page 30, line 1, through page 31, line 13, strike Subsection F in its entirety.
5. Reletter the succeeding subsections accordingly.
6. On page 74, lines 5 and 6, strike "and a prima facie case presented".
7. On page 74, line 18, strike "or a prima facie case is not presented".
8. On page 86, lines 8 and 9, strike "a reasonable suspicion" and insert in lieu thereof "reasonable grounds".
9. On page 90, line 4, after "notice" insert "of the factual grounds supporting the change in placement".
10. On page 94, line 9, strike "and a prima facie case presented".
11. On page 95, lines 1 and 2, strike "or a prima facie case has not been presented".

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12. On page 115, line 24, strike "E" and insert in lieu thereof "D".

13. On page 117, between lines 8 and 9, insert the following new subsection:

"D. If the court adopts a permanency plan other than reunification, the court shall determine whether the department has made reasonable efforts to identify and locate all grandparents and other relatives. The court shall also determine whether the department has made reasonable efforts to conduct home studies on any appropriate relative expressing an interest in providing permanency for the child. The court must ensure the consideration has been given to the child's familial identity and connections. If the court finds that reasonable efforts have not been made to identify or locate grandparents and other relatives or to conduct home studies on appropriate and willing relatives, the court shall schedule a permanency review within sixty days to determine whether an appropriate relative placement has been made. If a relative placement is made, the subsequent hearing may be vacated."

14. Reletter succeeding subsections accordingly.

15. On page 119, line 12, after "choosing" insert ", including biological family members,".

16. On page 121, lines 11 and 12, strike "The motion may be filed regardless of a court-ordered permanency plan.".

17. On page 123, line 17, after the period insert:

"The moving party shall also file a motion for court-ordered mediation between the parent and any prospective adoptive parent to discuss an open adoption agreement. If an open adoption agreement is reached at any time before termination of parental rights, it shall be made a part of the court record."

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Respectfully submitted,

Al Park, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 12 For 1 Against
Yes: 12
No: Kintigh
Excused: Rehm
Absent: None