

HB 2040 -- CHILD ABUSE INVESTIGATIONS

SPONSOR: Kelly (141)

This bill states that the Department of Social Services or the Attorney General has several powers for the purpose of investigations or proceedings for child abuse or neglect.

Additionally, the Children's Division, juvenile officer, or prosecuting attorney may petition the court on an ex parte basis directing a parent, guardian, or other person with care, custody, and control of a child who is the subject of an investigation of child abuse or neglect to present the child to a health care provider for an examination or testing. The court will enter the ex parte order if there is probable cause to suspect the child has been abused or neglected and the examination is necessary for the completion of the investigation or collection of evidence. The petition and order may be made on an ex parte basis if it is reasonable to believe that providing notice may place the child at risk for further abuse or neglect, or that the child may be removed from the state, or that the evidence will be unavailable.

Any person served with a subpoena, petition, or order under this bill is not required to file an answer, but may file a motion for a protective order. The court shall expedite a hearing on the motion and issue a decision no later than one business day after the motion is filed. Any information that may reveal the identity of a hotline reporter must not be disclosed.

The bill outlines the proper court to file a subpoena or order; the court must expedite all proceedings under this bill.

A person served with an investigative demand or subpoena must preserve the information requested. If a person knowingly violates this requirement, he or she will be guilty of a class A misdemeanor.

The time frame of the Children's Division to complete an investigation under certain circumstances is tolled from the date the division files a subpoena until the information is produced, the subpoena is withdrawn, or a court quashes the subpoena.