If you don’t know your Rights, You have none.

The listing of these topics has been a great starting point for those that may be challenged in Our Family Courts and/or Child Protective Agencies.

The following information has been developed by the Child Welfare Information Gateway and;

The PDF File was created by the NFPCAR Team for the use on your computer.
Index of State Statute Topics & Template for Model State Legislation

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A Statement for Your Consideration
"We are joining forces with all persons affected by Parens Patriae to include parents, extended family, foster parents and father's and mother's rights groups. While this is a difficult endeavor due to various divisions, the focus will be on challenging the system with the unified goals and commonalities that each is suffering under in family courts and through CPS."
(See Definition: Parens Patriae)
Key Issues

Topics of State Statute Summaries

Access to Adoption Records: Summary of State Laws

Series Title: State Statutes
Author(s): Child Welfare Information Gateway
Availability: View Download (PDF - 497KB)
Year Published: 2009 - 68 pages

In nearly all States, adoption records are sealed and withheld from public inspection after an adoption is finalized. Most States have instituted procedures by which parties to an adoption may obtain both nonidentifying and identifying information from an adoption record while still protecting the interests of all parties. This resource, current through June 2009, provides definitions of nonidentifying and identifying information, an overview of who may access such information, and information about access to original birth certificates. Summaries of laws for all States and U.S. territories are included.

Case Planning for Families Involved with Child Welfare Agencies

Series Title: State Statutes
Author(s): Child Welfare Information Gateway
Availability: View Download (PDF - 476KB)
Year Published: 2011 - 67 pages

Presents a review of statutes and administrative codes that shows that States are using a variety of approaches to address the issue of case planning in child welfare. States generally require a case plan when a child is placed in out-of-home care or when a child and his or her family are receiving any kind of in-home services to prevent placement. Topics covered include requirements for when a case plan is needed, participants in case planning, and contents of plans. The laws presented are current through December 2010.
Child Witnesses to Domestic Violence: Summary of State Laws

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: View Download (PDF - 223KB)

Year Published: 2009 - 17 pages

Discusses legal measures to protect children who may be harmed by witnessing acts of domestic violence in their homes. Summaries of laws for all States and US territories are included.

Clergy as Mandatory Reporters of Child Abuse and Neglect

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: View Download (PDF - 290KB)

Year Published: 2012 - 19 pages

Discusses laws that require members of the clergy to report cases of suspected child abuse and neglect. The issue of whether a member of the clergy can claim privileged communications as a reason for not reporting also is discussed. Summaries of laws for all States and U.S. territories are included.

Collection of Family Information About Adopted Persons and Their Birth Families

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: View Download (PDF - 617KB)
Summarizes State laws regarding the types of information that are required or permitted to be collected on adopted persons and their birth families. Information generally relates to medical and genetic history, family and social background, and mental health history. For the adopted child or youth, it may also include placement history and any history of abuse or neglect. This factsheet also includes information about the timing of such a report and exceptions for relative adoptions.

**Concurrent Planning for Permanency for Children: Summary of State Laws**

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: [View](#)  
[Download (PDF - 298KB)](#)

Year Published: 2009 - 16 pages

Reviews State laws that permit an agency to plan for another permanent placement for a child at the same time efforts are made to reunify the child with his or her family of origin. Full-text excerpts of laws for all States, the District of Columbia, Puerto Rico, and U.S. territories are included.

**Consent to Adoption**

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: [View](#)  
[Download (PDF - 590KB)](#)

Year Published: 2010 - 95 pages

Reviews State laws that specify the persons who must consent to a child's adoption, timeframes for consent, and guidelines for revocation of consent. Summaries of laws for all States and US territories are included.
Court Hearings for the Permanent Placement of Children

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: View
Download (PDF - 772KB)

Year Published: 2012 - 75 pages

Summarizes State laws on the court hearings that must be held to review the status of children placed in out-of-home care. At these hearings, the court reviews the efforts made to address the family issues that necessitated the out-of-home placement as well as efforts to achieve permanency for the child. This document also describes lists the persons who may attend the hearings and permanency options.

Court Jurisdiction and Venue for Adoption Petitions

Series Title: State Statutes

Author(s): Child Welfare Information Gateway.

Availability: View
Download (PDF - 252KB)

Year Published: 2010 - 25 pages

Provides the laws that specify the appropriate State courts, by type and location, for handling adoption petitions. Summaries of laws for all States and US territories are included.

Criminal Background Checks for Prospective Foster and Adoptive Parents

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: View
Download (PDF - 589KB)
Discusses the requirements set by States for conducting checks of State and Federal criminal records of prospective foster and adoptive parents, as well as any adults residing in the prospective parents' households. Summaries of laws for all States and U.S. territories are included.

Cross-Reporting Among Responders to Child Abuse and Neglect: Summary of State Laws

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: View
Download (PDF - 280KB)

Year Published: 2010 - 27 pages

Reviews States’ requirements for child protective and law enforcement agencies to share information and work cooperatively in responding to reports. Summaries of laws for all States and US territories are included.

Definitions of Child Abuse and Neglect

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: View
Download (PDF - 587KB)

Year Published: 2011 - 92 pages

Provides State laws that define the conduct, acts, and omissions that constitute child abuse or neglect that must be reported to child protective agencies. Summaries of laws for all States and U.S. territories are included. The laws presented are current through February 2011.
The definition of domestic violence varies depending on the context in which the term is used. A clinical or behavioral definition is "a pattern of assaultive and/or coercive behaviors, including physical, sexual, and psychological attacks, as well as economic coercion, that adults or adolescents use against their intimate partners." Legal definitions across the States generally describe specific conduct or acts that are subject to civil and criminal actions, and the specific language used may vary depending on whether the definition is found in the civil or criminal sections of the State's code. Approximately 46 States, the District of Columbia, American ...
Summaries of statutes detailing the officials who may have access to confidential records and the circumstances under which information may be disclosed. Summaries of laws for all States and U.S. territories are included.

**Establishment and Maintenance of Central Registries for Child Abuse Reports**

**Series Title:** State Statutes

**Author(s):** Child Welfare Information Gateway

Examines State laws and procedures for maintaining records of child abuse and neglect. Most States maintain a central registry, which is a centralized database of child abuse and neglect investigation records. In some States, the individual State agencies that received the reports of suspected abuse or neglect are required to maintain these records. Central registry reports are typically used to aid social services agencies in the investigation, treatment, and prevention of child abuse cases and to maintain statistical information for staffing and funding purposes. Summaries of laws for all States and U.S. territories are included.

**Grounds for Involuntary Termination of Parental Rights**

**Series Title:** State Statutes

**Author(s):** Child Welfare Information Gateway

Examines State laws and procedures for maintaining records of child abuse and neglect. Most States maintain a central registry, which is a centralized database of child abuse and neglect investigation records. In some States, the individual State agencies that received the reports of suspected abuse or neglect are required to maintain these records. Central registry reports are typically used to aid social services agencies in the investigation, treatment, and prevention of child abuse cases and to maintain statistical information for staffing and funding purposes. Summaries of laws for all States and U.S. territories are included.
Reviews State laws that detail the specific circumstances that must be present when a court terminates the legal parent-child relationship. Summaries of laws for all States and US territories are included.

Home Study Requirements for Prospective Foster Parents

Series Title: State Statutes

Author(s): Child Welfare Information Gateway.

Availability: View
Download (PDF - 1,050KB)

Year Published: 2011 - 174 pages

Presents State laws and policies for licensing or approving family foster homes, including laws about standards, the approval process, kinship foster care, and interjurisdictional approval. A licensed family is one that is approved by the State to provide care for children and that meets basic standards of safety set by law and regulation. These standards reduce predictable risks to the health, safety, and well-being of children in out-of-home care. The laws presented are current through October 2010.

Home Study Requirements for Prospective Parents in Domestic Adoption

Series Title: State Statutes

Author(s): Child Welfare Information Gateway.

Availability: View
Download (PDF - 1,155KB)

Year Published: 2012 - 138 pages

Summarizes State laws and policies for approving prospective adoptive homes. This document describes who must be included in the home study, qualifications for adoptive parents, elements of the home study, exceptions for relatives, requirements for placements across State lines, and more.
Immunity for Reporters of Child Abuse and Neglect

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: View
Download (PDF - 481KB)

Year Published: 2012 - 20 pages

Summarizes State laws on immunity from liability for persons who in good faith report suspected instances of child abuse or neglect. Immunity statutes protect both mandatory and voluntary reporters from civil or criminal liability. This document describes that immunity, additional provisions, and limitations for statutes.

Infant Safe Haven Laws: Summary of State Laws

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: View
Download (PDF - 447KB)

Year Published: 2010 - 69 pages

Reviews State laws that provide a vehicle for the safe relinquishment of newborns who might otherwise be abandoned. Summaries of laws for all States and US territories are included.

Interstate Inheritance Rights for Adopted Persons

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: View
Download (PDF - 528KB)
Discusses the right of an adopted child to inherit from his or her adoptive parents whether or not the parent has written a will. In some States, an adopted person also may retain the right to inherit from a birth parent. The right of inheritance of an adopted child who has been omitted from a will also is discussed. Summaries of laws for all States and U.S. territories are included.

**Making and Screening Reports of Child Abuse and Neglect: Summary of State Laws**

*Series Title:* State Statutes  
*Author(s):* Child Welfare Information Gateway  
*Availability:* View Download (PDF - 619KB)  
*Year Published:* 2009 - 87 pages

All 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands have laws and policies that specify procedures for making and responding to reports of suspected child abuse or neglect. All States require mandated reporters to make an immediate report when they suspect or know of abusive or neglectful situations. In all jurisdictions, the initial report may be made orally to either the child protective services (CPS) agency or a law enforcement agency. In addition, the laws and policies in all jurisdictions specify procedures for the initial response required by ...

**Mandatory Reporters of Child Abuse and Neglect**

*Series Title:* State Statutes  
*Author(s):* Child Welfare Information Gateway  
*Availability:* View Download (PDF - 493KB)  
*Year Published:* 2012 - 59 pages

Discusses laws that designate the groups of professionals that are required to report cases of suspected child abuse and neglect. Reporting by other persons, the standards for making a report, and confidentiality
of reports also are discussed. Summaries of laws for all States and U.S. territories are included.

**Online Resources for State Child Welfare Law and Policy**

Series Title: State Statutes  
Author(s): Child Welfare Information Gateway  
Availability: View  
Download (PDF - 340KB)  
Year Published: 2012 - 3 pages

Provides web addresses for State statutes that are accessible online and lists the parts of the code for each State and territory that contains the laws addressing child protection, adoption, child welfare, legal guardianship, and services for youth. It also provides web addresses for States’ regulation and policy sites, State court rules, Tribal codes, and judicial resources. Resources for all States and U.S. territories are included.

**Parental Drug Use as Child Abuse**

Series Title: State Statutes  
Author(s): Child Welfare Information Gateway  
Availability: View  
Download (PDF - 554KB)  
Year Published: 2012 - 34 pages

Discusses laws that address the issue of substance abuse by parents. Two areas of concern are the harm caused by prenatal drug exposure to the health and development of affected infants and the harm caused to children of any age by exposure to illegal drug activity in their homes or environment. Summaries of laws for all States and U.S. territories are included.
Penalties for Failure to Report and False Reporting of Child Abuse and Neglect

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: View Download (PDF - 296KB)

Year Published: 2012 - 22 pages

Discusses laws that impose penalties, in the form of either fines of jail time or both, on mandatory reporters who fail to report cases of suspected child abuse and neglect as required by the reporting laws. State laws also may impose penalties on any person who knowingly makes a false report of abuse or neglect. Summaries of laws for all States and U.S. territories are included.

Placement of Children With Relatives

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: View Download (PDF - 350KB)

Year Published: 2010 - 55 pages

This publication summarizes State laws and statutes regarding placement of children with relatives when they are removed from their home and enter foster care. In order for States to receive Federal payments for foster care and adoption assistance, Federal law requires that they "consider giving preference to an adult relative over a nonrelated caregiver when determining placement for a child, provided that the relative caregiver meets all relevant State child protection standards." Most States give preference or priority to relative placements in their statutes. This publication discusses definitions of "relative," financial support for relative placement, and adoption by relatives. Summaries ...

Postadoption Contact Agreements Between Birth and Adoptive Families

Series Title: State Statutes
Presents State statutes on postadoption contact agreements, which are arrangements that allow contact between a child's adoptive family and members of the child's birth family or other persons with whom the child has an established relationship. Topics covered include States that do and do not have enforceable contract agreements, parties to agreements, the court's role, and mediation. The laws presented are current through May 2011.

**Reasonable Efforts to Preserve or Reunify Families and Achieve Permanency for Children: Summary of State Laws**

Reasonable efforts refer to efforts made by State social services agencies to provide the assistance and services needed to preserve and reunify families. Laws in all States, the District of Columbia, Guam, and Puerto Rico require the provision of services that will assist families in remedying the conditions that brought the child and family into the child welfare system. The statutes in most States, however, use a broad definition of what constitutes reasonable efforts. Some commonly used terms associated with reasonable efforts include "family reunification," "family preservation," "family support," and "preventive services." Summaries of laws for all States and U.S. ...
Nearly all States, the District of Columbia, and the U.S. territories have enacted statutes that provide some regulation of the fees and expenses that adoptive parents are expected to pay when arranging an adoptive placement. Some of the fees and expenses that are typically addressed in the statutes are placement costs, such as agency fees; legal and attorney expenses for adoptive and birth parents; and some of the expenses of the birth mother during pregnancy. This briefing provides general information on birth parent expenses, agency fees and costs, use of an intermediary, and reporting adoption-related expenses to the court.

**Representation of Children in Child Abuse and Neglect Proceedings**

**Series Title:** State Statutes

**Author(s):** Child Welfare Information Gateway

**Year Published:** 2012 - 83 pages

Examines State laws that specify when a State court must provide legal representation for a child involved in child abuse and neglect proceedings and whether that representative must be an attorney, guardian ad litem, or a court-appointed special advocate. The qualifications, training, specific duties, and compensation of the representative also are addressed. Summaries of relevant laws for all States and U.S. territories are included.

**Review and Expunction of Central Registries and Reporting Records**

**Series Title:** State Statutes

**Author(s):** Child Welfare Information Gateway

**Year Published:** 2012 - 83 pages

Review and expunction of central registries and reporting records.
Examines State laws and procedures that provide persons who are named as alleged perpetrators in central registry reports the right to review the records and to request administrative hearings to contest the findings and have inaccurate records removed from the registry. Laws that provide for the expunction of old or unsubstantiated reports also are discussed. Summaries of relevant laws for all States and U.S. territories are included.

**The Rights of Unmarried Fathers**

**Series Title:** State Statutes

**Author(s):** Child Welfare Information Gateway

**Availability:** [View](#) [Download (PDF - 626KB)](#)

**Year Published:** 2010 - 104 pages

Reviews the State laws related to unmarried fathers and explains the circumstances in which a man may be presumed to be the father of a child, paternity registries, alternate means for establishing paternity, revocations of claims, and access to information. Summaries of laws for all States and U.S. territories are accessible through the [State Statute Search](#).

**Standby Guardianship**

**Series Title:** State Statutes

**Author(s):** Child Welfare Information Gateway

**Availability:** [View](#) [Download (PDF - 354KB)](#)

**Year Published:** 2011 - 43 pages

Examines State standby guardianship laws in which a parent may transfer guardianship of his or her child to a specific person under certain conditions. Many States developed these laws specifically to address the needs of parents living with HIV/AIDS, other disabling conditions, or terminal illnesses who want to plan a legally secure future for their children. A standby guardianship differs from traditional guardianships in
that the parent retains much of his or her authority over the child. This publication covers the establishment of standby guardianship, the noncustodial parents, parental authority, and withdrawal of guardianship.
State Recognition of Intercountry Adoptions Finalized Abroad

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: View
Download (PDF - 348KB)

Year Published: 2011 - 46 pages

Discusses the requirements and restrictions set by the Federal Government and by States that apply to adoptions finalized in another country by U.S. citizens. In order for a child who has been adopted abroad to enter the United States, the adoptive parents must fulfill the requirements set by the U.S. Citizenship and Immigration Services (USCIS) of the U.S. Department of Homeland Security, the foreign country in which the child resides, and sometimes the adoptive parents’ State of residence. This factsheet addresses recognition of intercountry adoption decrees, readoption in the United States, and application for a U.S. birth certificate.

Use of Advertising and Facilitators in Adoptive Placements

Series Title: State Statutes

Author(s): Child Welfare Information Gateway

Availability: View
Download (PDF - 476KB)

Year Published: 2012 - 28 pages

Discusses States laws that permit, regulate, or prohibit the use of advertising or facilitators in private or independent adoptions. Summaries of laws for all States and U.S. territories are included.

Who May Adopt, Be Adopted, or Place a Child for Adoption?

Series Title: State Statutes

Author(s): Child Welfare Information Gateway
Model State Legislation - Parental Due Process Act

There is currently an effort in the State of California to have the model legislation (below) passed in an effort to ensure Parental Due Process in the Juvenile Dependency Courts.

However, feel free to use any of this information for your state.

The model legislation was written by a team of attorneys at Pacific Justice Institute [http://www.pacificjustice.org/] in Sacramento California.

Anyone wishing to get involved and/or support this legislation please contact Greg Smart at cpsvictim@gmail.com

A BILL

To protect the fundamental due process rights of a parent in proceedings to terminate parental rights.

SECTION 1. SHORT TITLE.

This shall be cited as the “Parental Due Process Act.”

SECTION 2. FINDINGS AND PURPOSES.

(a) FINDINGS- the legislature finds that--

(1) Parental rights are so fundamental to the human condition so as to be deemed inalienable. Termination of parental rights equals or exceeds the detriment of criminal sanctions.

(2) The “liberty interest of parents in the care, custody, and control of their children is perhaps the oldest of the fundamental liberty interests” recognized by the U.S. Supreme Court. Troxel v. Granville, 527 U.S. 1069 (1999). Moreover, the companionship, care, custody, and management of a
parent over his or her child is an interest far more precious than any property right. May v. Anderson, 345 U.S. 528, 533, (1952). As such, the parent-child relationship is an important interest that undeniably warrants deference and, absent a powerful countervailing interest, protection. Stanley v. Illinois, 405 U.S. 645 (1972).

(3) State and local family services, child protective agencies, and courts have not recognized the rights of parents as inalienable, and, as a result, have failed to provide fundamental due process rights in the investigation and legal proceedings to determine abuse, neglect, and the termination of parental rights.

(b) PURPOSE- The purpose of this Act is to provide core fundamental due process rights to parents whose parental rights are subject to termination.

SECTION 3. DEFINITIONS.

As used in this Act:

(1) “Hearing” means any judicial or administrative hearing;

(2) “law enforcement officer” means an employee, the duties of whose position are primarily the prevention, investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws, including an employee engaged in this activity who is transferred to a supervisory or administrative position, or serving as a probation or pretrial services officer;

(3) “agency” means any state or local government;

(4) “Duress” consists of:

   a. Unlawful confinement of the person of the party, or of the husband or wife of such party, or of an ancestor, descendant, or adopted child of such party, husband, or wife;
   b. Unlawful detention of the property of any such person; or,
   c. Confinement of such person, lawful in form, but fraudulently obtained, or fraudulently made unjustly harassing or oppressive.

(5) “Actual fraud” consists of any of the following acts, committed by a party, or with his connivance, with intent to deceive another party thereto, or to induce him to enter into an agreement or to rely upon it to his detriment:

   a. The suggestion, as a fact, of that which is not true by one who does not believe it to be true;
   b. The positive assertion, in a manner not warranted by the information of the person making it, of that which is not true, though he believes it to be true;
c. The suppression of that which is true, by one having knowledge or belief of the fact;
d. A promise made without any intention of performing it; or,
e. Any other act fitted to deceive.

(6) “Undue influence” consists of:

a. In the use, by one in whom a confidence is reposed by another, or who holds a real or apparent authority over him, of such confidence or authority for the purpose of obtaining an unfair advantage over him;
b. In taking an unfair advantage of another's weakness of mind; or,
c. In taking a grossly oppressive and unfair advantage of another's necessities or distress.

(7) “Malice” means conduct that is intended by the person to cause injury or despicable conduct that is carried out with a willful and conscious disregard of the rights or safety of others;

(8) “Emergency” means exigent circumstances in which immediate action is required to prevent the imminent physical injury or death of a child.

SECTION 4. HEARINGS OPEN TO THE PUBLIC.

(a) Upon the request of a parent, guardian or custodian, the right to have proceedings open to the public shall be guaranteed in the following circumstances:

(1) any hearing for the purpose of terminating parental rights;
(2) any hearing for the purpose of determining if a child is or has been deprived.

(b) Notwithstanding subsection (a), a judge may, upon consideration of written motion and papers filed in opposition, exclude the public if it is determined, by a preponderance of the evidence, that the safety of the child would be in jeopardy by a public hearing.

If the public is excluded from the hearing, the following people may attend the closed hearing unless the judge finds it is not in the best interests of the child:

(i) the child’s relatives;
(ii) the child’s foster parents, if the child resides in foster care; and,
(iii) any person requested by the parent.

SECTION 5. TRIAL BY JURY

Upon the request of a parent, guardian or custodian, the right to a trial by jury shall be guaranteed in the following circumstances:
(1) any hearing to terminate parental rights;
(2) any hearing to determine if a child is or has been deprived.

SECTION 6. RELIGIOUS/CULTURAL/MORAL/ETHNIC VALUES AND BELIEFS OF PARENTS

In placing the legal custody or guardianship of a child with an individual or a private agency, a court shall take into consideration the religious, cultural, moral and ethnic values of the child or of his/her parents, if such values are known or ascertainable by the exercise of reasonable care.

SECTION 7. ELECTRONIC OR DIGITAL RECORDING OF INTERVIEWS

Except in the case of an emergency, any law enforcement officer, agent or employee for a state’s health and welfare department or child protective services, or mental health professional, who interviews a child for the purposes of investigation, shall electronically and/or digitally cause to be made an audio and visual recording of all questioning of, and interviews with, children. All recordings made pursuant to subsection (a) shall be made available to the parent, guardian or custodian of a child not later than ten days prior to any hearing to terminate parental rights or to determine if a child is or has been deprived.

SECTION 8. EVIDENCE IN FACT-FINDING HEARINGS

(a) Only evidence that is competent, material and relevant may be admitted in a fact-finding hearing.
(b) Any determination at the conclusion of a fact-finding hearing that a respondent did an act or acts must be based on proof beyond a reasonable doubt. For this purpose, an uncorroborated confession made out of court by a respondent is not sufficient.

SECTION 9. RIGHT TO A SPEEDY TRIAL

(a) In that removal of a child from a home for even brief periods is an extreme hardship on families, upon the request of a parent, guardian or custodian, the right to a speedy trial shall be guaranteed in the following circumstances:

(1) any hearing to terminate parental rights;
(2) any hearing to determine if a child is or has been deprived.

(b) A hearing, as described in subsection a, shall be conducted within thirty days of any type of removal of a child. In the event that the thirtieth day falls on a legal holiday or other day when the court is not in session, the hearing shall be conducted prior to the thirtieth day. In no event shall a hearing be conducted beyond the thirtieth day after the removal of a child if the right to a speedy trial has been exercised.
SECTION 10. WAIVER OF RIGHTS
The rights of a parent or guardian as described in this Act cannot be waived, neither can parental rights be terminated, if said waiver is due to:

(1) mistake;
(2) fraud;
(3) undue influence; or
(4) duress.

SECTION 11. IMMUNITY
(a) Notwithstanding any other provision of law, the civil immunity of juvenile court social workers, agents or employees of a health and welfare department or child protective services or law enforcement official authorized to initiate or conduct investigations or proceedings shall not extend to any of the following:

(1) Perjury;
(2) Fabrication of evidence;
(3) Failure to disclose known exculpatory evidence;
(4) Obtaining testimony by duress, fraud, or undue influence.

(b) Notwithstanding any other provision of law, any prosecutor, investigator, agent or employee of a state’s health and welfare department or child protective services who induces a parent to waive any of his or her rights under this Act by

(1) fraud;
(2) undue influence; or
(3) duress shall be subject to civil liability.

SECTION 12. DAMAGES
In the case of a determination by a court or jury of any violation of a parent’s rights under this Act, damages shall be presumed.

SECTION 13. ATTORNEYS FEES
Subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988 (b) and (c)) (concerning the award of attorney’s and expert fees) shall apply to cases brought or defended under this Act.

SECTION 14. SEVERABILITY
If any provision of this Act or of an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provision to any other person or circumstance shall not be affected.