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AB-2792 Termination of the parent and child relationship: severe sexual abuse. (2017-2018)

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Assembly Bill No. 2792

CHAPTER 83

An act to amend Section 7823 of the Family Code, relating to parent and child relationship.

[Approved by Governor July 09, 2018. Filed with Secretary of State July 09, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2792, Calderon. Termination of the parent and child relationship: severe sexual abuse.

Existing law specifies the circumstances under which a proceeding may be brought to have a child under 18 years of age declared free from the custody and control of either or both parents. These circumstances include, among others, the abandonment of the child by a parent and the neglectful or cruel treatment of the child by a parent.

This bill would establish that a finding that a parent committed severe sexual abuse against the child is prima facie evidence that the parent has neglected or cruelly treated the child for the purposes of terminating parental rights under these procedures.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7823 of the Family Code is amended to read:

7823. (a) A proceeding under this part may be brought if all of the following requirements are satisfied:

(1) The child has been neglected or cruelly treated by either or both parents. A finding that a parent committed severe sexual abuse, as described in paragraph (6) of subdivision (b) of Section 361.5 of the Welfare and Institutions Code, against the child shall be prima facie evidence that the parent has neglected or cruelly treated the child within the meaning of this subdivision.

(2) The child has been a dependent child of the juvenile court under any subdivision of Section 300 of the Welfare and Institutions Code and the parent or parents have been deprived of the child's custody for one year before the filing of a petition pursuant to this part.

(b) Physical custody by the parent or parents for insubstantial periods of time does not interrupt the running of the one-year period.