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Overview

This bill creates a new felony crime for a parent or guardian who knowingly allows a female genital mutilation of a child and facilitates the temporary or permanent removal of the child from the home. It requires the commissioner of health to provide education and outreach to inform relevant communities about the crime and child custody provisions; allows the county to continue a child protection case without providing reasonable efforts to reunify the family when a parent or guardian pleads guilty to allowing the female genital mutilation; adds the crime of female genital mutilation to the list of actions that can constitute the basis of a CHIPS petition; adds the crime of allowing a female genital mutilation to the list of crimes that constitute egregious harm; creates a new felony offense for a parent or guardian who allows female genital mutilation; creates a new felony offense for a person who performs Type IV female genital mutilation on a minor; clarifies that a peace officer can take custody of a child when the officer has a reasonable belief that the parent is attempting or has allowed the genital mutilation of a child; creates a tiered penalty for a person who performs female genital mutilation, or parents or guardians who knowingly allow genital mutilation; defines “maltreatment;” and clarifies that mandatory reporters must report maltreatment. Each section is effective the day after final enactment.

Section

- 1 Female genital mutilation; education and outreach.** Adds an additional requirement to the commissioner of health’s duty to provide education and outreach to communities that

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traditionally practice female genital mutilation to educate them about the changes in this bill, include laws that would allow a parent to lose custody of a child for allowing female genital mutilation.

- 2 **Duty to ensure placement prevention and family reunification; reasonable efforts.** Allows the county to continue with a child protection case, without providing reasonable efforts to reunify the child with the parent, when the parent has been convicted of allowing a female genital mutilation.
- 3 **Child in need of protection or services.** Adds the crime of female genital mutilation to the list of actions that can constitute the basis for a CHIPS petition.
- 4 **Egregious harm.** Adds the crime of allowing a female genital mutilation by a parent or guardian of a child, while the child is a resident of the United States and after the effective date of this act, to the list of crimes that constitute an egregious harm. A parent who commits an egregious harm is one of many grounds upon which the county can base a petition for the termination of parental rights, and in those circumstances the county can request, and the court can order, that the county does not have to provide reasonable efforts to reunify the child with the parent.
- 5 **Crime.** Creates a felony offense for a parent, guardian, or other person legally responsible for the care or custody of a child who knowingly allows a female genital mutilation of that child. Creates a new felony offense for a person who performs a harmful procedure of the female genitalia of a minor for a non-medical purpose which does not constitute clitorrectomy, excision, or infibulation.
- 6 **Custody of child.** Clarifies in chapter 609 that the parent or guardian of a child who is attempting or has allowed the genital mutilation of a child has committed an act that allows the child to be immediately removed from the parents' care consistent with chapter 260C.
- 7 **Penalties.** Creates tiered felony penalties for a person who performs female genital mutilation, or a parent or guardian who allows female genital mutilation to take place based on the World Health Organization's description of four levels of mutilation:
 1. If the act results in narrowing of the vaginal orifice with creation of a covering seal by cutting and appositioning the labia minora, labia majora, or both, the penalty is up to 20 years imprisonment, payment of a fine of \$30,000, or both.
 2. If the act results in partial or total removal of the clitoris and the labia minora, the penalty is up to 10 years imprisonment and a fine of not more than \$20,000, or both.
 3. If the act results in partial or total removal of the clitoris, prepuce, or both, the penalty is up to 5 years imprisonment, payment of a fine of not more than \$10,000, or both.
 4. If the act constitutes a harmful procedure to the female genitalia not described in the first three clauses, the penalty is up to 5 years imprisonment, payment of a fine of not more than \$10,000, or both.

The penalty for a person performing the procedure is unchanged from the current statutory penalty of up to 5 years imprisonment, payment of a fine of not more than \$10,000, or both.
- 8 **Definitions.** Defines "maltreatment" in the child protection chapter.

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- 9** **Persons mandated to report; persons voluntarily reporting.** Requires a person who is a mandatory reporter to report to the appropriate agency when the person has reason to believe a child is a victim of maltreatment, or was a victim of maltreatment in the preceding three years.