

HCS HB 717 -- CHILDREN AND FAMILIES

SPONSOR: Grisamore

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Children, Families, and Persons with Disabilities by a vote of 8 to 3.

This substitute changes the laws regarding children and families. In its main provisions, the substitute:

- (1) Specifies that the liberty of a parent to direct the upbringing, education, and care of his or her child is a fundamental right. The State of Missouri and any political subdivision of the state is prohibited from infringing on this right without demonstrating a compelling governmental interest. Any law or policy must be narrowly tailored and by the least restrictive means to achieve the interest;
- (2) Specifies that the constitutions and laws of the United States and Missouri must protect the rights of an alternatives-to-abortion agency and its officers to freely engage in activities without interference;
- (3) Requires the income and financial resource of an individual who was determined to be ineligible and remains ineligible for food stamps prior to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 due to the individual's immigration status to be considered in determining the eligibility and the value of the allotment of the household of which he or she is a member and a pro rata share of the income and deductible expenses of an individual determined to be ineligible for food stamps due to the individual's immigration status must be considered in determining the eligibility and value of the allotment of the household of which he or she is a member;
- (4) Specifies that a recipient of state Temporary Assistance for Needy Families (TANF) benefits who is found to have made a cash withdrawal at any casino, gambling casino, or gaming establishment using an electronic benefit transfer transaction, after an administrative hearing conducted by the Department of Social Services, must be declared ineligible for benefits for three years from the date of the administrative hearing decision;
- (5) Requires the Department of Social Services to implement and maintain policies and practices that prevent a TANF electronic benefit transaction in any liquor store, casino, gambling casino, gambling establishment, or any retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment. The policies and

practices implemented by the department must ensure that recipients have access to using or withdrawing assistance with minimal or no fees or charges. The department must ensure that the recipient has adequate information on applicable fees and charges that apply to the electronic fund transactions involving assistance and that the information is publicly available;

(6) Requires, by December 31, 2014, the department to submit a report to the Governor and General Assembly detailing the policies and practices implemented in accordance with specified requirements and federal rules. The department must also report Missouri's implementation of the policies and practices to the United States Secretary of Health and Human Services as required under federal rules within two years of the enactment of the federal law;

(7) Expands MO HealthNet benefit eligibility, without regard to income or assets, to a person who is in foster care on his or her eighteenth birthday and is less than 26 years of age, is not eligible for coverage under another mandatory coverage group, and was covered by Medicaid while he or she was in foster care;

(8) Establishes the Show-Me Healthy Babies Program within the department as a separate children's health insurance program for low-income unborn children. At least annually, the department must prepare and submit a report to the Governor, Speaker of the House of Representatives, and President Pro Tem of the Senate analyzing the cost savings and benefits of the program, if any, to specified entities and persons;

(9) Requires, by January 1, 2014, the Children's Division within the department to classify all identifying information, including telephone reports, relating to reports of abuse or neglect received by the division into tiers based on the level of risk of future injury to the child. The substitute specifies the criteria for each tier;

(10) Includes a neighborhood youth development program that meets a nationally federated organization's standards and that provides research-based curricula, delivered by trained professionals in a positive all-female environment to those neighborhood youth development programs that are exempt from state child care licensing requirements;

(11) Changes the time period under the Safe Place for Newborns Act of 2002 that a parent may voluntarily relinquish a newborn after the child's birth by safely delivering physical custody of the baby to specified persons without being prosecuted for child abandonment from 5 days to 45 days after birth. If either parent of a relinquished child fails to take steps to establish parentage

within the 30 days after public notice or specific notice that the child has been relinquished, either parent may have all of his or her rights terminated with respect to the child. Currently, this provision applies only to the nonrelinquishing parent;

(12) Specifies that if a youth under 21 years of age is released from the custody of the Children's Division within the Department of Social Services and after the release it appears that it would be in the youth's best interest to have his or her custody returned to the division, the juvenile officer, the division, or the youth can petition the court to return custody of the youth to the division until the youth is 21. Currently, this provision applies to a child under 18 years of age;

(13) Specifies that any person desiring to adopt a child must petition the juvenile division of the county circuit court in which the child has resided for at least 90 days prior to the filing of the adoption petition. Currently, a person must file the petition in the juvenile division of the county circuit court in which the child is located at the time of the filing of the petition;

(14) Revises the term "relative" for the purposes of determining eligibility for a subsidy to a qualified relative who is granted legal guardianship of a child to include a great grandparent, great aunt, great uncle, or any adult cousin of the child or any fictive kin. "Fictive kin" means any individual, whether related or unrelated by birth or marriage, who is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual;

(15) Requires, beginning July 1, 2014, children older than 15 years of age who are in the foster care system or the Division of Youth Services Program within the Department of Social Services to receive a visit to a state university or community or technical college in the child's area before being adopted or terminated by foster care or completing the division's custody or training unless the visit is waived by the youth's family support team or his or her treatment team. The visit must include an entry application process, financial support application and availability, career options with academic or technical training, a campus tour, and other information and experience desired; and

(16) Increases the surcharge the governing body of any county and the City of St. Louis may impose by order or ordinance upon the filing of a civil action in the circuit court to be used to provide financial assistance to shelters for victims of domestic violence from \$2 to \$4.

The substitute changes the laws regarding certain sexual offenses. In its main provisions, the substitute:

- (1) Repeals the requirement that the victim must be a child less than 12 years of age at the time of the commission of statutory rape in the first degree or statutory sodomy in the first degree in order for those crimes to be classified as dangerous felonies;
- (2) Requires sentences for statutory rape in the first degree or an attempt to commit statutory rape in the first degree to run consecutively to other specified offenses;
- (3) Specifies the authorized penalty for forcible rape or an attempt to commit forcible rape is life imprisonment or a term of at least 15 years imprisonment if the victim is a child and the defendant has pled guilty to or has been convicted of the crime of incest against the victim;
- (4) Specifies the authorized penalty for statutory rape in the first degree or an attempt to commit statutory rape in the first degree is life imprisonment or a term of at least 10 years imprisonment if the defendant has pled guilty to or been convicted of the crime of incest against the victim;
- (5) Specifies that statutory rape in the second degree is a class B felony if the defendant has pled guilty to or been convicted of the crime of incest against the victim;
- (6) Specifies the authorized penalty for forcible sodomy or an attempt to commit forcible sodomy is life imprisonment or a term of at least 10 years imprisonment if the victim is a child and the defendant has pled guilty to or been convicted of the crime of incest against the victim;
- (7) Specifies the authorized penalty for statutory sodomy in the first degree or an attempt to commit statutory sodomy in the first degree is life imprisonment or a term of at least 10 years imprisonment if the defendant has pled guilty to or been convicted of incest against the victim;
- (8) Specifies that statutory sodomy in the second degree is a class B felony if the defendant has pled guilty to or been convicted of the crime of incest against the victim;
- (9) Specifies that child molestation in the first degree is a class A felony if the defendant has pled guilty to or been convicted of the crime of incest against the victim;
- (10) Specifies that child molestation in the second degree is a

class D felony if the defendant has pled guilty to or been convicted of the crime of incest against the victim;

(11) Specifies that sexual misconduct involving a child or attempted sexual misconduct involving a child is a class C felony if the defendant has pled guilty to or been convicted of the crime of incest against the victim; and

(12) Specifies the authorized penalty for sexual trafficking of a child is life imprisonment without eligibility for probation or parole until the defendant has served at least 25 years of the sentence if the defendant has pled guilty to or been convicted of the crime of incest against the victim.

PROPONENTS: Supporters say that the bill increases the youth foster care re-entry age from 18 to 21.

Testifying for the bill were Representative Grisamore; Missouri Coalition of Children's Agencies; Great Circle; and Partnership for Children.

OPPONENTS: There was no opposition voiced to the committee.