

HCS SS SCS SB 801 -- GUARDIANSHIPS

SPONSOR: Sater (Franklin)

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Children and Families by a vote of 11 to 0. Voted "Do Pass with HCS" by the Select Committee on Social Services by a vote of 8 to 0.

This bill defines the word "kin" to be a person who is related to the child by blood or affinity beyond the third degree, or a person who is not so related to the child but has a close relationship with the child or the child's family including, but not limited to, godparents, neighbors, teachers, or close family friends. The bill adds kin to the individuals for whom standards for licensure not related to safety waived for specific children in care if the standards would otherwise impede licensing of the kin's home.

The bill requires a court and all parties involving a child in care shall defer to the reasonable decisions of the child's designated caregiver involving decisions about the child's participation in extracurricular, enrichment, cultural, and social activities. The Children's Division or a contracted agency must designate at least one on-site caregiver who has the authority to apply the reasonable and prudent parent standard, as specified in the bill, for each child placed in its custody. Such caregiver must receive a training regarding the reasonable and prudent parent standard. So long as a caregiver acts in accordance with such standard, the caregiver will not be liable for harm caused to a child while participating in an activity chosen by the caregiver.

The bill requires that a child be consulted regarding his or her case plan when that child reaches the age of 14. If a child leaves foster care because he or she has reached the age of 18 or an older age as selected by the state, the Children's Division shall provide the child with an official or certified copy of his or her United States birth certificate, a Social Security card, health insurance information, a copy of the child's medical records, and a driver's license or identification card issued by the state. This shall not apply to children who have reached the age of majority and who have been in child care for less than six months and who are not eligible to receive such documents.

The bill prohibits a child under the age of 16 from having a permanency plan of another planned permanent living arrangement. For children who do have such a permanency plan, the court must make findings of facts and conclusions of law as specified in the bill.

The bill requires that during any child protective assessment that does not result in an out-of-home placement, if the Children's Division within the Department of Social Services determines that a child is at risk for possible removal and placement in out-of-home care, the division must provide information to the parent or guardian about community service programs that provide respite care, voluntary guardianship, or other support services for families in crisis in cases where such services may address the needs of the family.

The bill establishes the Supporting and Strengthening Families Act that changes the laws regarding the delegation of powers relating to the care and custody of a child. A parent or legal custodian of a child may delegate to an attorney-in-fact any powers regarding the care and custody of the child for a period not to exceed one year, except for a parent or legal custodian that is a member of the Armed Forces, as specified in the bill. The bill requires a community service program to ensure a background check is completed for the attorney-in-fact and any adult household members prior to the placement of the child. The bill requires the attorney-in-fact to make arrangements to ensure the child attends classes at an appropriate school and requires notification to the child's school of the existence of the power of attorney and his or her contact information. The bill requires the child's school to communicate with the delegate and the child's parents or guardians for the duration of the delegation and upon notice of the expiration or revocation of the delegation, requires the school to cease communication with the delegate regarding the child. The delegation must not operate to modify a child's eligibility for benefits the child is receiving at the time the power of attorney is executed, except where inconsistent with federal law. The delegation must not deprive the parent or legal custodian of any parental or legal rights, obligations, or authority, including custody, visitation, or support of the child and can be revoked at any time. The delegate does not have the power to consent to the marriage or adoption of the child, performance or inducement of an abortion on or for the child, or the termination of parental rights to the child.

The attorney-in-fact must exercise parental or legal authority on a continuous basis without compensation and must not be subject to any statutes dealing with the licensing or regulation of foster care homes.

The bill repeals current law regarding temporary delegation of powers by parents.

**PROPOSERS:** Supporters say that the bill is an attempt to prevent abuse and neglect of children whose families are experiencing a

temporary crisis. The bill gives families another option and can be especially helpful to single parents who are active duty military.

Testifying for the bill were Senator Sater; Missouri Alliance For Freedom; and Carla Holste.

OTHERS: Others testifying on the bill say the foster care language mirrors the federal legislation.

Testifying on the bill was the Missouri Coalition Of Children's Agencies.