

HCS SCS SB 530 -- TERMINATION OF PARENTAL RIGHTS

SPONSOR: Libla (Lichtenegger)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Judiciary by a vote of 9 to 3.

The bill changes the laws regarding the termination of parental rights under which a parent is presumed unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse by adding the following circumstances:

(1) If, while a child is in utero or within eight hours after a child's birth, the child's birth mother has tested positive for alcohol, cocaine, heroin, methamphetamine, a controlled substance as defined in Section 195.010, or a prescription drug as defined in Section 196.973, except those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother;

(2) If, at the time of the child's birth or within eight hours after a child's birth, the child tested positive for alcohol, cocaine, heroin, methamphetamine, a controlled substance as defined in Section 195.010, or a prescription drug as defined in Section 196.973, except those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother; or

(3) If, within a three-year period immediately prior to termination adjudication, the parent has pled guilty to or has been convicted of a felony involving the possession, distribution, or manufacture of cocaine, heroin, or methamphetamine and the parent is the biological parent of at least one other child who was adjudicated an abused or neglected minor by that parent and the parent has previously failed to complete recommended treatment services by the children's division through a family-centered services case.

PROPOSERS: Supporters say that this bill is similar to HB 1492. This legislation sets out to speed up the process of termination of parental rights for unfit parents. The goal is to get addicted parents the help they need to provide a safe and nurturing home. Children that live in homes with drug addicted parents need their rights to a stable and loving home to be balanced against their parents' rights to raise them.

Testifying for the bill were Senator Libla; Mary Beck; Jed Schneider; Missouri Kids First; Jim Ward; and Deena Ward.

OPPONENTS: Those who oppose the bill say that a presumption takes away the discretion of the judge.

Testifying against the bill was Larry Swall.

OTHERS: Others testifying on the bill say obtaining drug and alcohol treatment is extremely difficult; there is currently a 3,000 person waiting list for treatment. Drug abuse and the lack of treatment services available is a chronic issue.

Testifying on the bill was Missouri Coalition Against Domestic and Sexual Violence.