

FIRST REGULAR SESSION

HOUSE BILL NO. 684

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KOENIG.

1196H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 210 and 475, RSMo, by adding thereto four new sections relating to the supporting and strengthening families act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 210 and 475, RSMo, are amended by adding thereto four new sections, to be known as sections 210.1109, 475.600, 475.602, and 475.604, to read as follows:

210.1109. During any child protective investigation that does not result in an out-of-home placement, a child protective investigator shall 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.

475.600. Sections 210.1109, 475.600, 475.602, and 475.604 shall be known and may be cited as the “Supporting and Strengthening Families Act”.

475.602. 1. A parent or legal custodian of a child may, by a properly executed power of attorney as provided in section 475.604, delegate to an attorney-in-fact for a period not to exceed one year, except as provided in subsection 6 of this section, any of the powers regarding the care and custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. A delegation of powers under this section shall not deprive the parent or legal custodian of any parental or legal authority regarding the care and custody of the child.

2. The parent or legal custodian of the child shall have the authority to revoke or withdraw the power of attorney authorized in subsection 1 of this section at any time. Except as provided in subsection 6 of this section, if the delegation of authority lasts longer

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 than one year, the parent or legal custodian of the child shall execute a new power of
13 attorney for each additional year that the delegation exists. If a parent withdraws or
14 revokes the power of attorney, the child shall be returned to the custody of the parents as
15 soon as reasonably possible.

16 3. Unless the authority is revoked or withdrawn by the parent, the attorney-in-fact
17 shall exercise parental or legal authority on a continuous basis without compensation for
18 the duration of the power of attorney authorized by subsection 1 of this section and shall
19 not be subject to any statutes dealing with the licensing or regulation of foster care homes.

20 4. Except as otherwise provided by law, the execution of a power of attorney by a
21 parent or legal custodian as authorized in subsection 1 of this section shall not constitute
22 abandonment, abuse, or neglect as defined in law unless the parent or legal guardian fails
23 to take custody of the child or execute a new power of attorney after the one-year time limit
24 has elapsed.

25 5. Under a delegation of powers as authorized by subsection 1 of this section, the
26 child or children subject to the power of attorney shall not be considered placed in foster
27 care as otherwise defined in law and the parties shall not be subject to any of the
28 requirements or licensing regulations for foster care or other regulations relating to
29 community care for children.

30 6. A parent or legal custodian who is a member of the armed forces of the United
31 States including any reserve component thereof, the commissioned corps of the National
32 Oceanic and Atmospheric Administration, the Public Health Service of the United States
33 Department of Health and Human Services detailed by proper authority for duty with the
34 armed forces of the United States, or who is required to enter or serve in the active military
35 service of the United States under a call or order of the President of the United States or
36 to serve on state active duty may delegate the powers designated in subsection 1 of this
37 section for a period longer than one year if on active duty service. The term of delegation
38 shall not exceed the term of active duty service plus thirty days.

2 475.604. Any form for the delegation of powers authorized under section 475.602
shall be witnessed by a notary public and contain the following information:

3 (1) The full name of any child for whom parental and legal authority is being
4 delegated;

5 (2) The date of birth of any child for whom parental and legal authority is being
6 delegated;

7 (3) The full name and signature of the attorney-in-fact;

8 (4) The address and telephone number of the attorney-in-fact;

9 (5) The full name and signature of the parent or legal guardian;

10 **(6) One of the following statements:**

11 **(a) “I delegate to the attorney-in-fact all of my power and authority regarding the**
12 **care, custody, and property of each minor child named above including, but not limited to,**
13 **the right to enroll the child in school, inspect and obtain copies of education and other**
14 **records concerning the child, the right to give or withhold any consent or waiver with**
15 **respect to school activities, medical and dental treatment, and any other activity, function,**
16 **or treatment that may concern the child. This delegation shall not include the power or**
17 **authority to consent to marriage or adoption of the child, the performance or inducement**
18 **of an abortion on or for the child, or the termination of parental rights to the child.”; or**

19 **(b) “I delegate to the attorney-in-fact the following specific powers and**
20 **responsibilities (insert list). This delegation shall not include the power or authority to**
21 **consent to marriage or adoption of the child, the performance or inducement of an**
22 **abortion on or for the child, or the termination of parental rights to the child.”; and**

23 **(7) A description of the time for which the delegation is being made and an**
24 **acknowledgment that the delegation may be revoked at any time.**

✓