

SECOND REGULAR SESSION

# HOUSE BILL NO. 1433

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KOENIG.

4450H.021

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapters 210 and 475, RSMo, by adding thereto four new sections relating to guardianships.

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*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:

2 **210.1109. During any child protective investigation that does not result in an out-of-**  
2 **home placement, a child protective investigator shall provide information to the parent or**  
3 **guardian about community service programs that provide respite care, voluntary**  
4 **guardianship, or other support services for families in crisis. The children's division is**  
5 **authorized to exercise its discretion in selecting community service programs provided to**  
6 **a parent or guardian under this section.**

2 **475.600. Sections 210.1109, 475.600, 475.602, and 475.604 shall be known and may**  
2 **be cited as the "Supporting and Strengthening Families Act".**

2 **475.602. 1. A parent or legal custodian of a child may, by a properly executed**  
2 **power of attorney as provided under section 475.604, delegate to an attorney-in-fact for a**  
3 **period not to exceed one year, except as provided under subsection 6 of this section, any**  
4 **of the powers regarding the care and custody of the child, except the power to consent to**  
5 **marriage or adoption of the child, the performance or inducement of an abortion on or for**  
6 **the child, or the termination of parental rights to the child. A delegation of powers under**  
7 **this section shall not deprive the parent or legal custodian of any parental or legal**  
8 **authority regarding the care and custody of the child.**

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.

9           **2. The parent or legal custodian of the child shall have the authority to revoke or**  
10 **withdraw the power of attorney authorized in subsection 1 of this section at any time.**  
11 **Except as provided in subsection 6 of this section, if the delegation of authority lasts longer**  
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**  
35 **military service of the United States under a call or order of the President of the United**  
36 **States or to serve on state active duty may delegate the powers designated in subsection 1**  
37 **of this section for a period longer than one year if on active duty service. The term of**  
38 **delegation shall not exceed the term of active duty service plus thirty days.**

**475.604. Any form for the delegation of powers authorized under section 475.602**  
2 **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.**

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