

HCS SCS SB 672 -- FIDUCIARY RELATIONSHIPS

SPONSOR: Koenig

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee to Improve the Care and Well-being of Young People by a vote of 12 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 14 to 0.

SUPPORTING AND STRENGTHENING FAMILIES ACT

This bill may be known as the "Supporting and Strengthening Families Act."

A parent or legal custodian of a child may delegate to an attorney-in-fact, without compensation, any powers regarding the care and custody of a child for a period not to exceed one year, unless an exception applies as specified in the bill. Such delegation does not change parental or legal rights established by a court order or deprive the parent or legal custodian of any rights regarding child custody, visitation, or support.

A parent who intentionally uses a power of attorney to permanently avoid legal responsibility for the care of the child is guilty of violating current law on transferring child custody without a court order. A child subject to the power of attorney shall not be considered placed in foster care, and the parties shall not be subject to any licensing regulations for foster care or community care for children.

The use of a power of attorney by a parent who uses a community service program to assist in the delegation of the custody of a child shall not constitute abandonment, abuse, or neglect. Community service programs for families in crisis must conduct a background check of an attorney-in-fact and any adult members of his or her household prior to the placement of the child. Community service programs may not place a child with an attorney-in-fact who has committed a felony or is on either the child abuse and neglect registry or sex offender registry. If the community service program has reasonable cause to suspect that a parent is using a power of attorney to permanently avoid legal responsibility for the care of the child, then the program shall report the parent to the Children's Division, who shall conduct an investigation. Personnel and volunteers of a community service program are required to report to the Children's Division if he or she suspects that a child is being abused or neglected.

An attorney-in-fact must make arrangements to ensure that the child attends classes at an appropriate school based upon the residency

requirements of the school, and the child's school shall be notified of the existence of the power of attorney and be provided a copy of the power of attorney. The delegation of care under the act shall not modify a child's eligibility for benefits, such as free or reduced lunch, that the child is receiving at the time of the execution of the power of attorney.

This bill specifies the information to be included on a form delegating any powers regarding the care and custody of a child under these provisions (Sections 210.115, 475.600, 475.602, and 475.604, RSMo).

These sections are similar to SB 195 (2017) and CCS SCS#2 SB 128 (2017).

TRUST INSTRUMENTS

This bill specifies how a health savings account may be created. Currently, a trustee of a trust consisting of trust property having a total value less than \$100,000 may, after notice to qualified beneficiaries, terminate the trust if the trustee concludes that the value of the trust property is insufficient to justify the cost of administration. This bill increases the dollar amount to less than \$250,000.

Finally, there are currently certain circumstances under which a no-contest clause, in a trust instrument is unenforceable against an interested person. This bill adds the following circumstances:

(1) Filing a motion, pleading, or other claim for relief concerning breach of trust by a trustee; and

(2) Filing a motion, pleading, or other claim for relief concerning removal of a trustee (Sections 456.006, 456.4-414, and 456.4-420).

These provisions are the same as HB 1650 (2018) and SCS HCS HB 427 (2017).

PROPOSERS: Supporters say that this bill will keep kids safe by allowing a volunteer family to take care of the children in an emergency situation and will prevent child abuse or neglect from happening during that emergency situation.

Testifying for the bill were Senator Koenig; Christine Corcoran, Bethany Christian Services; Campaign Life Missouri; and FosterAdopt Connect.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that there are no concerns with the current language of the bill.

Testifying on the bill was the Missouri Department of Social Services.