

CCS SB 819 -- PROTECTION OF CHILDREN

This bill modifies provisions relating to the protection of children.

SOCIAL INNOVATION GRANT PROGRAM

This bill establishes the "Social Innovation Grant Program" within the Office of Administration. The executive director shall establish a "Social Innovation Grant Team" comprised of specified individuals with relevant expertise for any critical state concern for which a social innovation grant is being utilized. A "critical state concern" is defined as an instance or circumstance in which Missouri is currently, or will likely be in the future, responsible for the costs associated with a particular act of the state through annual appropriations. Such areas of concern include families in generational child welfare, opioid-addicted pregnant women, and children in residential treatment with behavioral issues. A "social innovation grant" is defined as a grant awarded to a non-profit organization to design a short-term demonstration project that can be replicated to optimize state funding and services for a critical state concern.

The grant team shall:

- (1) Formulate a request for proposals for social innovative grants;
- (2) Evaluate responsive proposals and select those bids for demonstration projects that provide the greatest opportunity for addressing the critical state concern in a cost-effective and replicable way; and
- (3) Monitor demonstration projects and evaluate them on specified criteria.

Upon the conclusion of a demonstration project, the grant team shall submit a report to the General Assembly evaluating the project. The grant team shall identify methods to fund the grant program, including state partnerships with nonprofit organizations and foundations. All social innovation grants shall be subject to appropriation (Section 37.940, RSMo).

This provision shall expire August 28, 2024.

PHYSICIAN REFERRALS OF CHILDREN EXPOSED TO DRUGS OR ALCOHOL

Currently, any physician or health care provider may refer a family in which a child may have been exposed to a Schedule I, II, or III

controlled substance or alcohol to the Department of Health and Senior Services. This bill permits the physician or health care provider instead to refer the family to the Children's Division within the Department of Social Services. Additionally, this bill repeals the requirement that the Department of Health and Senior Services offer service coordination services to the family and initiate such services within 72 hours of notification (Sections 191.737 and 191.739).

VITAL RECORDS

This bill specifies that no fee shall be required, or collected for a birth, death, or marriage certificate if the request is made by the Children's Division, the Division of Youth Services within the Department of Social Services, the guardian ad litem, or the juvenile officer on behalf of a child under the jurisdiction of the juvenile court (Section 193.265).

IMMUNIZATIONS

This bill states that a child who has not completed all immunizations appropriate for his or her age may enroll in a public, private, or parochial day care center, preschool or nursery school if the child is homeless or in the Children Division's custody and cannot provide satisfactory evidence of the required immunizations. Satisfactory evidence must be presented within 30 days of enrollment. If the child has begun the process of immunization, he or she may continue to attend as long as the process is being accomplished (Section 210.003).

MISSOURI CHILDREN'S SERVICE COMMISSION

This bill repeals the Missouri Children's Service Commission and moves the Coordinating Board for Early Childhood from the commission to the Department of Social Services (Sections 210.101, 210.102, and 210.103).

ASSESSMENT AND TREATMENT SERVICES AND CASE MANAGEMENT

This bill modifies the definition of "assessment and treatment services for children under 10 years old" to remove the requirement that the assessment and screening be conducted every six months for a child under 10 years old and in the custody of the state. Instead, the assessment and screening shall be conducted for children of all ages in accordance with the periodicity schedule of the American Academy of Pediatrics.

Currently, contracts entered into by the Children's Division with qualified children's services providers and agencies shall require

that a case management plan be developed for each child no later than 14 days after an initial investigation or referral. This bill changes that time frame to 30 days. Additionally, by December 1, 2018, the division shall convene a task force to review the recruitment, licensing, and retention of foster and adoptive parents statewide and shall submit recommendations to the General Assembly, the Joint Committee on Child Abuse and Neglect, and the Governor by December 1, 2019 (Sections 210.110 and 210.112).

THE SUPPORTING AND STRENGTHENING FAMILIES ACT

This bill establishes 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

bill 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 this bill (Sections 210.115, 475.024 475.600, 475.602, and 475.604).

RECORDS OF CHILD ABUSE AND NEGLECT INVESTIGATIONS

This bill specifies that the Children's Division may accept a report for a child abuse or neglect investigation or family assessment if the child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident occurred in Missouri. If the division receives a report in which neither the child nor the perpetrator resides in Missouri or may be found in Missouri and the incident did not occur in Missouri, the division shall document the report and communicate it and any relevant information and records to the appropriate agencies in the state where the child is believed to be located.

The division shall be permitted to co-investigate a report of child abuse or neglect, as well as share records and information with child welfare, law enforcement, or judicial officers in Missouri or another state, territory, or nation when the division determines it is appropriate to do so.

Currently, the Children's Division is required to retain or remove identifying information contained in a child abuse or neglect investigation report according to specified time lines depending on the type of report. This bill requires the division to retain or remove all information in a report, including identifying information, and modifies the retention time lines. Investigation reports where the division finds insufficient evidence of abuse or neglect shall be retained for 10 years following the end of the investigation when the investigation is initiated by a mandated reporter and five years for all other reports. Reports where the division is unable to locate the child alleged to have been abused or neglected shall be maintained for 18 years from the date of the report (Sections 210.145 and 210.152).

FOSTER CARE BACKGROUND CHECKS

This bill modifies the current law regarding background checks for persons in an applicant foster parent's home prior to licensing. The division shall obtain fingerprints from specified individuals in the applicant's household and the State Highway Patrol shall assist the division in providing a criminal fingerprint background

check in compliance with existing state law. After the initial background check has been completed, the State Highway Patrol shall provide ongoing electronic updates to the background check. These ongoing checks shall end when the applicant ceases to be a licensed foster parent (Section 210.487).

ADOPTION AND FOSTER CARE RECORDS

This bill specifies that records relating to foster home or kinship placements of children in foster care shall be considered closed records under state law. Such records may be disclosed as specified in this bill. A parent or legal guardian of a child in foster care may have access to investigation records kept by the Children's Division regarding the denial, suspension, or revocation of the license of a foster home in which the child was placed. The division's response to a request for the release of such information shall not include financial, medical, or other personal information relating to the foster home provider and the foster home provider's family, unless the division determines that the information is directly relevant to the disposition of the investigation and report.

The division may disclose or utilize information and records relating to foster homes in its discretion and as needed for the administration of the foster care program. The Director of the Department of Social Services shall authorize the disclosure of such information in cases of child fatalities or near-fatalities to courts, juvenile officers, law enforcement agencies, and prosecuting and circuit attorneys upon written request and as related to their duties under law. Finally, the division may disclose such information and records to specified individuals that have a need for the information to conduct their lawful duties.

This bill also provides that all papers, records, and information known to or in the possession of an adoptive parent or adoptive child that pertain to an adoption may be disclosed by the adoptive parent or adoptive child. Nothing in this bill shall be construed to create a right to have access to information not otherwise allowed under existing state law concerning information in adoption records (Sections 210.498, 453.121, and 610.021).

THE TRAUMA-INFORMED CARE FOR CHILDREN AND FAMILIES TASK FORCE

This bill creates the "Trauma-Informed Care for Children and Families Task Force," which shall promote the healthy development of children and families by promoting comprehensive trauma-informed support systems and interagency cooperation. The bill specifies task force membership and meeting requirements. The task force includes two members of the House appointed by the Speaker and two

members of the Senate approved by the President Pro Tem. The task force shall examine early identification of children and families at risk of experiencing trauma, referral of such children and families to appropriate trauma-informed support services, and implementation of trauma-informed approaches and interventions in schools, organizations, homes, and other settings. The task force shall submit a report and any recommendations to the General Assembly and the Joint Committee on Child Abuse and Neglect by January 1, 2019 and will terminate on January 1, 2019 (Section 210.1030).

TERMINATION OF PARENTAL RIGHTS

Currently, a juvenile officer or the Children's Division may file a petition for involuntary termination of the parental rights of a child's parent when the parent has been found guilty of or pled guilty to certain felonies involving sexual offenses when the child or any child in the family was a victim. This makes filing a petition in such instances mandatory and adds felony pleas or convictions of child pornography and genital mutilation to the list of mandatory conditions for filing a petition (Section 211.447).

MINOR BANK ACCOUNTS

This bill specifies that a minor who is 16 years or older and in the legal custody of the Children's Division may contract with a bank to open a checking or savings account. The minor shall be responsible for all costs and penalties associated with the account.

Additionally, a minor shall be able to contract for admission to a rape crisis center if the minor is qualified as specified in the bill (Section 431.056).

POST ADOPTION CONTACT AGREEMENTS

Currently, written consent to an adoption shall be required from the mother of the child and the presumptive or putative father or the child's current adoptive parents or other legally recognized mother and father. This bill requires written consent from all three categories of individuals. Additionally, a birth father or the current adoptive parents of a child may execute a written consent to adoption before or after the birth of the child and before or after the commencement of adoption proceedings. Properly executed consent to adoption under this provision is irrevocable. The consent shall be signed in the presence of two adult witnesses, one of whom may be the attorney representing the party executing the consent. The court shall receive and acknowledge a properly executed consent to adoption if such consent is in the best

interests of the child.

This bill permits out of state adoptive petitioners to appear by their attorney or by video conference.

This bill removes a requirement that a court consider whether the adoption would be in compliance with the Uniform Child Custody Jurisdiction Act.

Finally, this bill permits adoptive parents and the birth parents of a child to enter into a written post adoption contact agreement to allow contact, communication, and the exchange of photographs after the adoption between the parties. Any agreement shall be voluntary, contain provisions specified in the bill, be in writing, signed by the parties to the agreement, and approved by the court. The court shall enforce an agreement unless doing so would not be in the best interest of the child (Sections 453.015, 453.030, and 453.080).

STATUTE OF LIMITATIONS FOR CERTAIN OFFENSES

Currently, there are various time periods during which the statute of limitations for prosecutions is tolled. This bill adds to the various time periods any period of time after which a DNA profile is developed from evidence collected in relation to the commission of a crime and included in a published laboratory report until the date upon which the accused is identified by name based upon a match between the DNA evidence profile and the known DNA profile of the accused.

In addition, currently, the law provides that prosecutions for certain unlawful sexual offenses involving a person 18 years of age or younger must be commenced within 30 years of the victim turning 18. This bill provides that such prosecutions may be commenced at any time for offenses committed after August 28, 2018 (Sections 556.036 and 556.037).