

CCS SS SCS HCS HB 397 -- PROTECTION OF CHILDREN

The bill changes laws relating to the protection of children. In its main provisions, the bill:

(1) Establishes "Simon's Law" that adds one new section to the law relating to life-sustaining treatment policies of health care facilities. The bill prohibits a health care facility, nursing home, physician, nurse, or medical staff from instituting a do-not-resuscitate order, or similar physician's order for any child who is not emancipated or under juvenile or family court jurisdiction without oral or written permission of at least one parent or legal guardian. The bill includes provisions for exceptions when parents or legal guardians are not successfully contacted after diligent efforts, for children under court jurisdiction, and those with relative caretakers. Permission previously given under the provisions of the bill may be revoked in writing by the legal guardian or either parent of the patient. The provisions do not require any treatment to be continued if it is medically inappropriate or would not result in further benefit or recovery of the patient (Section 191.250, RSMo);

(2) The bill allows Missouri residents between the ages of 18 and 26, who have received foster care for at least six months in another state, and who meet other specific criteria, to receive MO HealthNet benefits (Section 208.151);

(3) Currently, a daycare provider is exempt from licensure if he or she cares for four or fewer children. Specified related children or any child in legal custody of the caregiver is not included in the number. This bill changes the total number to six or fewer, as specified, and children living in the caregiver's home eligible for enrollment in a public kindergarten, elementary, or high school are not included in the numbers (Sections 210.201 and 210.211);

(4) Modifies the law regarding the confidentiality of records made and maintained by entities under the child fatality review panel statutes. Currently, all meetings, reports, and records are required to be confidential and not open to the public. This bill specifies that all meetings and work product shall be confidential, while the state technical assistance team shall make non-identifiable aggregate data on child fatalities public and the Director of the Department of Social Services shall have the discretion to release identifiable data. The state technical assistance team shall make an annual report on child fatalities that includes a summary on the county level of compliance with the child fatality review panel statutes. The requirement that the Department of Health and Senior Services analyze the child fatality

review panel reports and prepare epidemiological reports regarding childhood deaths is repealed (Sections 210.192 and 210.194);

(5) Allows the Missouri Department of Health and Senior Services to reject applications for child care facilities if they are located within 1000 feet of residences, care facilities, hospitals, or other places housing sex offenders. It also provides that a patient of a hospital or long-term care facility is not considered a resident for purposes of locating child care facilities near the residence of a registered sexual offender (Sections 210.221 and 566.147);

(6) Increases penalties for false statements under Section 210.245 regarding obtaining or renewing licenses for child care facilities from an infraction to a class C misdemeanor and increases fines as specified in the bill (Section 210.245);

(7) Creates a civil penalty, enforceable by the department, for any person who operates an unlicensed, nonexempt child care facility. The department shall send a written notice to such person of the department's findings, along with educational materials about child care facility laws and the ways to become compliant with such laws, including attaining exempt status or becoming licensed. The person shall have 30 days to become compliant and if such person fails to do so, he or she shall be liable for a civil penalty of not less than \$750 and not more than \$2,000. The department, or the Attorney General on the department's behalf, may bring a civil action in Cole County against such person. The department shall not be subject to liability for failing to file suit under this provision. It also establishes the "Family Child Care Provider Fund," which shall consist of appropriated funds. The fund shall be used by the department for the dissemination of information concerning compliance with child care facility laws, educational initiatives, and the provision of financial assistance, based on need as determined by the department and available funds, for family child care homes to become licensed (Section 210.245);

(8) Requires the Children's Division within the Missouri Department of Social Services to make efforts to locate adult siblings and parents of siblings for foster care placement and specifies orders of preference for placing foster children (Section 210.565);

(9) Requires the Amber Alert System Oversight Committee to meet at least annually to discuss potential improvements to the Amber Alert System. Amber Alerts issued in Missouri may include an embedded URL, which references a resource online that provides additional information or technological capabilities. The bill establishes "Hailey's Law," which requires the Amber Alert System to be

integrated into the Missouri Uniform Law Enforcement System (MULES) to expedite the reporting of child abductions (Section 210.1014);

(10) Requires a party intending to relocate a child subject to custody or visitation agreements to provide notice to parties entitled to custody and visitation and inform them of the right to file a notice opposing such alterations within 30 days of receipt of such notice (Section 452.377);

(11) Modifies definition of "account" under financial disclosure provisions under Section 454.507 and allows financial institutions to enter into a data sharing agreement with the federal office of child support enforcement to assist the Missouri Division of Child Support Enforcement (Section 454.507);

(12) Modifies the definition of "health benefit plan" to include public assistance programs and requires courts or the Family Support Division of the Missouri Department of Social Services to provide insurance coverage as specified in the bill (Section 454.603); and

(13) Makes technical reference changes to the bankruptcy exemptions under Section 513.430 and other provisions (Section 513.430); and

(14) Defendants to specified prostitution charges are classified as victims of abuse and such abuse is subject to reporting requirements. It adds certain offenses related to sexual trafficking, solicitation, prostitution, and abuse and neglect that may be used to qualify for the pattern of street gang activity offense if certain requirements under Section 578.421, RSMo, are met. Any person who was convicted of the offense of prostitution and who was under 18 at the time of the offense may apply to the court in which he or she pled guilty or was sentenced to expunge all official records relating to the offense. If the court determines that the person was under 18 when committing the offense, the court shall enter an order of expungement (Sections 567.020, 567.050, 578.421, and 610.131).