

SS SCS HCS HB 1414 -- PROTECTION OF CHILDREN

This bill modifies several provisions relating to child protection.

HOMELESS YOUTH (Sections 193.265, 208.151, and 431.056)

A homeless child or youth or an unaccompanied youth, or their parent or guardian, shall not be charged a fee for copies of birth records for the child or youth. An unaccompanied youth shall not be required to have the consent or signature of his or her parent or guardian for a copy of his or her own birth record. Only one birth certificate under this provision shall be provided at no cost and additional certificates shall be provided upon payment of the statutory fee.

Any homeless child or homeless youth shall be eligible for MO HealthNet benefits, subject to federal approval of a state plan amendment.

A minor's ability to contract shall include obtaining mental health services if he or she meets certain qualifications specified in current law. Status as an unaccompanied youth may be demonstrated by a letter verifying the minor is an unaccompanied youth signed by:

- (1) A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless persons;
- (2) A local education agency liaison for homeless children or youth designated under federal law or a school social worker or counselor; or
- (3) A licensed attorney representing the minor in any legal matter.

Any entity or licensed provider who contracts with a minor under this bill shall be immune from any civil or criminal liability based on the entity's or provider's determination to contract with the minor, unless the entity's or provider's determination is the result of the entity's or provider's negligence or willful or wanton acts or omissions.

PROTECTION OF FOSTER CHILDREN (Sections 210.145, 210.566, and 211.135, RSMo)

This bill requires Children's Division within the Department of Social Services to complete a standard risk assessment within 72 hours of a report of abuse or neglect as part of its structured

decision-making protocols for responding to abuse and neglect. The Division and the Office of the State Court Administrator shall develop a joint safety assessment tool before December 31, 2020 to replace the current risk assessment. The safety assessment tool must be implemented before January 1, 2022.

The bill also prohibits the Division from requiring foster parents to conduct or be present for supervised visits with a child in their care and states that the court shall only require a child to appear in court if necessary for making a decision and after considering all of the information provided by the Division and family support team and the appropriateness of the courtroom environment and the hardship to the child and current guardians. However, the bill also clarifies that according to the foster care bill of rights, a child maintains a right to attend any hearing.

CHILD CARE FACILITY DEFINITIONS AND BACKGROUND CHECKS (Sections 210.025, 210.201, 210.211, 210.221, 210.252, 210.254, and 210.1080)

This bill provides new definitions of "child care", "child care facility", and "child care provider". Specifically, this bill defines "child care" for the purpose of child care facility licensure as the care of a child away from his or her own home for any part of the 24-hour day for compensation or otherwise. "Child care" is a voluntary supplement to parental responsibility for the child's protection, development, and supervision. A "child-care facility" shall be a house or other place conducted or maintained by any person who advertises or holds himself or herself out as providing child care for more than six children or for more than three children under two years of age, for any part of the 24-hour day, for compensation or otherwise.

It also provides definitions for "Montessori school", "neighborhood youth development program", "nursery school", "person", "school system", and "summer camp" and clarifies other conditions and requirements related to defining what entities need to be licensed to provide child care. This bill removes the requirement to renew licenses every two years and updates the requirements for background checks to agree with the change in raising the age for certification as an adult in the commission of a crime to age 18, updates the list of crimes that makes a person ineligible to be a child care provider, and clarifies the procedures and designated department to oversee the background check process for licensed, licensed-exempt, and unlicensed facilities.

The bill also updates the appeal process for a person denied a license based on the results of a background check.

CHILD PROTECTION FOR MILITARY FAMILIES (Sections 210.109 and

210.150)

This bill requires the Children's Division within the Department of Social Services upon receipt of a report of child abuse to attempt to ascertain whether or not the suspected perpetrator or any person responsible for the care, custody, and control of the child is a member of the military, and the Children's Division must report its findings to the most relevant program authorized by the Department of Defense or the most relevant person authorized by the Department of Defense.

FOSTER CARE REFORM (Sections 210.112, 210.123, 210.135, and 453.121)

These provisions elaborate on the principles guiding the child protection system to prioritize home and community-based services and support and successful outcomes. To that end, it requires creation of a response and evaluation team that will review and evaluate the practice of the Division and any contractors. This system will be used to support contract development, placement and referrals, and enhanced payments.

The bill creates "temporary alternative placement agreements" that allow voluntary placement of a child with a relative in cases where a parent is temporarily unable to care for a child, but removal from the home, through court action is not appropriate.

This bill establishes protections from civil liability for employees of state-funded child assessment centers.

Any adult whose parents have had their parental rights terminated through a nonconsensual termination of parental rights proceeding shall have access to their complete records, including all identifying information.

FOSTER PARENT RIGHTS (Sections 210.566 and 211.171)

The bill modifies the "Foster Parents' Bill of Rights" to require the Children's Division and its contractors to provide written notification of these rights at the time the child is placed with a prospective foster parent, even if the parent has yet to be licensed as a foster parent. Additionally, the Division and its contractors shall provide full access to the child's medical, psychological, and psychiatric records, including records prior to the child coming into care, at the time the child is placed with a foster parent. Access shall include providing information and authorization for foster parents to review or to obtain the records directly from the service provider. If a foster parent alleges a court failed to allow the foster parent to be heard orally or in

writing in a court hearing involving a child in his or her care, the foster parent may seek remedial writ relief pursuant to Missouri Supreme Court Rules 84, 94, and 97. No docket fee shall be required to be paid by the foster parent. The Division shall not remove a child from placement with the foster parent based solely upon the foster parent's filing of a petition for a remedial writ or while the writ is pending, unless removal is necessary for the health and safety of the child.

SUBSTANCE ABUSE TREATMENT WAIVER (Section 1)

This provision allows the Department of Social Services to seek a waiver of the Institutions for Mental Disease (IMD) exclusion for the comprehensive substance abuse treatment and rehabilitation program as administered by the Department of Mental Health. Operating through a global pandemic disclosed a need for additional flexibility in administering this program in accordance with federal requirements.