

HCS HB 2216 -- PRESERVATION OF THE FAMILY

SPONSOR: Coleman (97)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 17 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 8 to 0.

The following is a summary of the House Committee Substitute for HB 2216.

This bill modifies many sections of current statute relating to child protection, foster care and adoption, and treatment of caretakers.

SAFETY REPORTING

This bill requires the Office of Child Advocate to create a safety reporting system for Department of Social Services employees to be able to report information regarding the safety of those served by the office and the safety of the employees. The bill specifies how the identity of the person making the report will be protected. Any criminal act reported to the reporting system will be disclosed to the department and to the appropriate law enforcement agency, and any investigation conducted as a result of the report must be conducted by an unbiased and disinterested investigator (Section 37.717, RSMo).

ADOPTION

The bill eliminates the "special needs" requirement in the Adoption Tax Credit and makes it available to any family in Missouri adopting any child.

It also eliminates the requirement for adoptive parents to pay the legal fees of the birth parents and opens all adoption records in cases of involuntary termination of parental rights.

Finally, it lowers the time limit to be considered willful abandonment of a child to 60 days for a child under the age of three (Sections 135.325, 326, 327, and 335 and 453.030, 040, and 121).

SCHOOL REPORTING POLICIES

The bill repeals language related to the Children's Division's jurisdiction over or ability to investigate reports of alleged child abuse by personnel of a school district, a teacher, or other

school employee. It also repeals language related to how a school and school district are to handle reports of alleged child abuse (Section 160.261).

#### PHYSICIAN-PATIENT PRIVILEGE

This bill specifies that a physician or health care provider shall not be required to make a referral to the division if an infant is born to a woman who is undergoing medication-assisted treatment under the supervision of a health care provider (Section 191.737).

#### FEES FOR VITAL RECORDS

The bill specifies that a parent or guardian of a homeless child or homeless youth will not be required to pay a fee to obtain a copy of the child's or youth's birth, death, or marriage certificate. An unaccompanied youth will be eligible to receive a certification or copy of his or her own birth record without the consent or signature of his or her parent or guardian (Section 193.265).

#### MO HEALTHNET

Currently, a person in foster care under the responsibility of Missouri on the date the person turns 18 or at any time during the 30-day period before the person's 18th birthday, or a person who received foster care for at least 6 months in another state, and who is residing in Missouri is eligible to receive MO HealthNet benefits. Under this bill, persons who were in foster care for at least 6 months at any time when such persons were at least 13 years old, who are residing in Missouri, and are at least 18 years old are eligible for MO HealthNet benefits. Additionally, those who are not eligible for insurance coverage under another mandatory coverage group and do not have access to any other private insurance will have access to the benefits, as will any homeless child or homeless youth (Section 208.151).

#### CHILD PROTECTION SYSTEM GOALS AND PRIORITIES

These sections refine the goals and priorities of the Department of Social Services and the Children's Division of the department to prioritize safety of children, birth or adoptive families, kinship placements, foster families, and other institutional settings. It also requires more data collection and reporting by the department and the division to provide individual-level anonymized data to the University of Missouri that allows researchers to track children through the system (Sections 210.001, 210.109, 210.188).

#### CHILD PROTECTION REPORTING AND CASE MANAGEMENT

The bill modifies the required practices of the department to include creation of a Social Service Plan with time requirements and expectations for everyone with care, custody and control of the child, for each child that enters the child protection system.

It also requires the department to create a response and evaluation team of division personnel, academic experts, and service agency personnel that will develop an evaluation tool with which to provide a transparent system of review for the division and all contractors of the division (Sections 210.110, 112, 113, 115, 117, 145, and 147).

#### ELECTRONIC SHARING

Allows the division to exchange electronic reports with other states (Section 210.116).

#### CENTRAL REGISTRY

This section revises the list of offenses for which a person will be listed as a perpetrator of child abuse or neglect in the Central Registry (Section 210.118).

#### COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM

This section requires the Department of Social Services to create a Comprehensive Child Welfare Information System that will serve as the statewide information system for documenting and reporting child welfare information. The bill specifies how the system will function and who will have access (Section 210.119).

#### REPORTING

This section repeals language providing a person who is not a school district employee who makes a report to any employee of a school district of child abuse by a school employee immunity from liability that might result from such report. The section also specifies that any employee of a state-funded child assessment center will be immune from any civil liability that arises from the employee's participation in the investigation process and services by the child assessment center, unless the employee acts in bad faith (Section 210.135).

#### BIRTH MATCH PROGRAM

Creates a data sharing system between the department and the Department of Health and Senior Services to compare birth reports with reports of parents who have been convicted of certain crimes or have a termination of parental rights (Section 210.157).

## WELL-CHILD CHECKS

The bill provides that a guardian ad litem may conduct well-child checks in emergency situations under a court order (Section 210.160).

## CHILD ABANDONMENT

This bill adds a newborn safety incubator, as defined in the bill, as a place a parent of child up to 45 days old may voluntarily deliver the child with the intent not to return, without being prosecuted. It also lowers the time limit to be considered willful abandonment of a child to 60 days for a child under the age of three (Sections 210.950, and 211.447, and 453.040).

## ALIGNMENT OF COURT PRACTICES

Revisions in court practices are necessary to effect the changes in Chapter 210. Specifically, the bill updates crimes to be considered when placing or removing children from homes, the role of the guardian ad litem, conditions required for abandonment of an infant or young child, and when the court shall consider filing a petition for termination of parental rights (Sections 211.038, 183, 444, 447).

## SAFE BABY COURT

This section requires the division to, in conjunction with completing a risk assessment, recommend a safe baby court, defined in the bill, for children under 3 years old and their families, but the division will be responsible for recording and tracking movement of the child in the system and legal changes in the case (Section 211.505).

## COMMUNITY-BASED SENTENCING

Requires courts to consider alternatives to incarceration for convictions of non-violent offenses for primary caretakers of dependent persons (Section 217.779).

## MINOR ACCESS TO MENTAL HEALTH CARE

This bill adds mental health care to the conditions under which a minor may engage in a contract for certain services. The bill provides that any entity engaging in a contract with a minor under this section is immune from any civil or criminal liability absent negligence or willful acts of omission. The bill also adds

verification by certain entities of a minor's status as an unaccompanied youth under 42 U.S.C. Section 11434a(6) as a demonstration of implied consent (Section 431.056).

#### VISITATION

This section adds stepparents and siblings to the persons to whom a court may grant visitation under certain circumstances (Sections 452.402 and 452.403).

#### ADOPTION

The bill revises a provision related to the conditions under which the consent to the adoption of a child is not required, as well as a provision a court must consider during an adoption hearing (Sections 453.040 and 453.080).

#### ADOPTION EXPENSE RELIEF AND ACCESS TO RECORDS

Eliminates the requirement for adoptive parents to pay the legal fees of the birth parents and opens all adoption records in cases of involuntary termination of parental rights (Sections 453.030 and 121).

#### EMERGENCY CLAUSE

Section 210.950 of this bill has an emergency clause.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

**PROPONENTS:** Supporters say that a bill was passed in 2004 to improve outcomes for at-risk children. We have learned a lot in the 15 years since that last bill was passed, and this legislation will address that. A lot of what constituents are saying is that there is a lack of transparency regarding what is expected from providers and others. Various members of the child advocacy community testified about the many parts of the bill that were necessary.

Testifying for the bill were Representative Coleman; Office of Child Advocate; Family Forward, Children's Trust Fund; Missouri Coalition of Children's Agencies; Missouri State Medical Association; Empower Missouri; Jewish Community Relations Council; Missouri Juvenile Justice Association; Katie Walker-Williams; Missouri Appleseed; Lori Ross, Foster Adopt Connect; Missouri Kids First; Missouri Department of Social Services; Mary Beck; and Cozad

Company, LLC.

OPPONENTS: There was no opposition voiced to the committee.