

CCS HCS SB 84 -- CHILDREN

This bill changes the laws regarding children.

CRIMINAL BACKGROUND CHECKS

Currently, an entity making a request for criminal history record information that is based on a fingerprint search must pay a fee of not more than \$14 when the request is required by law and not more than \$20 when not required by law. Under the bill, an entity cannot be charged a fee of more than \$20 dollars for criminal history record information based on a fingerprint search, unless the request is required for a concealed carry endorsement or foster home, residential care facility, or child placing agency licensing where the fee will be \$14.

Currently, an entity making a request as required by law for criminal history record information that is not based on a fingerprint search must pay a fee of not more than \$5 and entities making requests not required by law no more than \$10. Under the bill, an entity cannot pay more than \$9 regardless of why it is requested. However, after January 1, 2010, the Superintendent of the State Highway Patrol may increase the fee by no more than \$1 per year, up to a \$15 maximum.

Family members who are caring for a child as a result of an emergency placement will be required to undergo a criminal background check within 15 calendar days. Currently, a check must be made within 15 business days, and there is an exception for conducting checks for family members who are within the second degree of consanguinity of the child. The Children's Division within the Department of Social Services and the Department of Health and Senior Services are allowed to waive the fingerprint background check requirement for a foster care applicant when recertifying the foster care home.

INTERSTATE COMPACT FOR JUVENILES

The bill changes the laws regarding the Interstate Compact for Juveniles. The compact is an existing agreement between the states regarding the supervision and transfer of juvenile delinquents who have escaped from supervision to another state. Adoption of the compact makes Missouri a member of the Interstate Commission for Juveniles and requires the state to select a compact administrator to manage the state's transfer of those juveniles subject to the compact. The compact establishes the powers and duties of the interstate commission and specifies the bylaws, corporate structure, rule-making authority, financing mechanism, process for dispute resolution, and enforcement provisions.

INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN

The bill changes the laws regarding the Interstate Compact for the Placement of Children. The compact is an existing agreement between the states regarding the interstate placement of children. The bill establishes a process and the operating procedures to place children subject to the compact in safe and suitable homes in a timely manner and facilitates the ongoing supervision of a placement, delivery of services, and communication between the states. Adoption of the revised compact makes Missouri a member of the Interstate Commission for the Placement of Children and requires the state to establish a central state compact office to be responsible for state compliance with the compact and the rules of the commission. The compact establishes the powers and duties of the commission and specifies the bylaws, corporate structure, rule-making authority, financing mechanism, process for dispute resolution, and enforcement provisions. The compact promotes coordination between the compact, the Interstate Compact for Juveniles, the Interstate Compact on Adoption and Medical Assistance, and other compacts affecting the placement of and services to children otherwise subject to this compact. The compact provides for a state's continuing legal jurisdiction and responsibility for the placement and care of a child that it would have had if the placement was intrastate and establishes guidelines, in collaboration with Indian tribes, for interstate cases involving Indian children.

AMBER ALERT SYSTEM AND MISSING PERSONS

The bill specifies that the Amber Alert System is to aid in the location of abducted children rather than adults and that an "abducted child" is an individual whose whereabouts are unknown, is younger than 18 years of age, and is reasonably believed to be a victim of kidnaping or younger than 18 years of age and at least 14 years of age who would be reasonably believed to be a victim of child kidnaping if the person was younger than 14 years of age.

An advisory system is established to aid in the identification and location of missing endangered persons and specifies that a "missing endangered person" is someone whose whereabouts are unknown and who is:

- (1) Physically or mentally disabled to the degree that the person is dependent upon an agency or another individual;
- (2) Missing under circumstances indicating that the missing person's safety may be in danger; or

(3) Missing under involuntary or unknown circumstances.

TERMINATION OF PARENTAL RIGHTS

A juvenile officer or the juvenile division of the circuit court must file a petition for the termination of parental rights within 60 days of the judicial determination. Filing a petition after 60 days will not prohibit the court's jurisdiction to adjudicate a petition for the termination of parental rights.

CHILDREN IN RESIDENTIAL CARE FACILITIES

The bill requires the Department of Elementary and Secondary Education in conjunction with the Department of Social Services to conduct a study to determine the means of ensuring that the educational needs of children in residential care facilities are met. A report must be given to the General Assembly and Governor by November 1, 2007, which includes, but is not limited to, recommendations for specific procedures and timetables to determine the appropriate amount of hours in a school day for a child; the appropriateness of the education for the children who do not have individualized education programs or who are without a pending referral for special education services; and the responsibility, financial or otherwise, of the local school district and the child placing agency on the proper and timely placement of children in an appropriate educational setting.

The interstate compacts become effective August 28, 2007, or upon legislative enactment of the compacts into law by no fewer than 35 states, whichever occurs later.