

SECOND REGULAR SESSION

HOUSE BILL NO. 2334

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUNNINGHAM (86).

Read 1st time March 3, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5426L.01I

AN ACT

To repeal section 37.710, RSMo, and to enact in lieu thereof one new section relating to the office of child advocate.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 37.710, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 37.710, to read as follows:

37.710. 1. The office shall have access to the following information:

(1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children's division, the department of mental health, and the juvenile court;

(2) All written reports of child abuse and neglect; and

(3) All current records required to be maintained pursuant to chapters 210 and 211, RSMo.

2. The office shall have the authority:

(1) To communicate privately by any means possible with any child under protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, and other persons or entities providing treatment and services;

(2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 voluntarily or otherwise placed for care, or has received treatment within this state or in another
17 state;

18 (3) To work in conjunction with juvenile officers and guardians ad litem;

19 (4) **To file any findings or reports of the child advocate regarding the parent or**
20 **child with the court;**

21 (5) To file amicus curiae briefs on behalf of the interests of the parent or child;

22 [(5)] (6) To initiate meetings with the department of social services, the department of
23 mental health, the juvenile court, and juvenile officers;

24 [(6)] (7) To take whatever steps are appropriate to see that persons are made aware of
25 the services of the child advocate's office, its purpose, and how it can be contacted;

26 [(7)] (8) To apply for and accept grants, gifts, and bequests of funds from other states,
27 federal, and interstate agencies, and independent authorities, private firms, individuals, and
28 foundations to carry out his or her duties and responsibilities. The funds shall be deposited in
29 a dedicated account established within the office to permit moneys to be expended in accordance
30 with the provisions of the grant or bequest; and

31 [(8)] (9) Subject to appropriation, to establish as needed local panels on a regional or
32 county basis to adequately and efficiently carry out the functions and duties of the office, and
33 address complaints in a timely manner.

34 3. For any information obtained from a state agency or entity under sections 37.700 to
35 37.730, the office of child advocate shall be subject to the same disclosure restrictions and
36 confidentiality requirements that apply to the state agency or entity providing such information
37 to the office of child advocate. For information obtained directly by the office of child advocate
38 under sections 37.700 to 37.730, the office of child advocate shall be subject to the same
39 disclosure restrictions and confidentiality requirements that apply to the children's division
40 regarding information obtained during a child abuse and neglect investigation resulting in an
41 unsubstantiated report.

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