

## HCS HB 1839 -- PROTECTIONS FOR CHILDREN AND ABUSE VICTIMS

SPONSOR: Franz

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Family Services by a vote of 9 to 0.

This substitute changes the laws regarding protections for children and abuse victims.

### DRUG TESTING FOR RAPE VICTIMS (Section 191.220, RSMo)

Christy's Law is established which requires all health care personnel involved in the forensic examination and medical treatment of a rape victim to inform the victim of his or her right to be tested for the presence of a date rape drug, including GHB, rohypnol, ketamine, and ecstasy. The drug test results will be included with all other evidence and results gathered during the examination.

### BIRTH CERTIFICATES (Section 193.121)

Currently, after a parent adopts a child, a court establishes a decree of adoption that may or may not state that the adopted child's birth certificate may be changed to replace a birth parent's name with the adoptive parent's name. The substitute establishes the Debbi Daniel Law which disallows a court-ordered adoption decree or the adoptive parents' or adoptee's request for a new birth certificate which changes the name of a birth parent following an adoption.

### CHILD ABUSE (Sections 210.135, 210.150, and 210.152)

The substitute gives immunity from any civil or criminal liability to any person who reports a case of suspected child abuse, neglect, or assault to the proper authorities including liability for any action taken by the proper institution, facility, or agency.

Investigation reports of child abuse or neglect in the Central Registry of the Children's Division within the Department of Social Services are allowed to be released to an alleged perpetrator with pending criminal charges arising out of the facts named in the investigation record prior to an indictment or filed information. The substitute reduces from 60 to 30 days from the receipt of the notice from the division of its findings that the alleged perpetrator has to seek a reversal and a review by the Child Abuse and Neglect Review Board. The amount of time that an alleged perpetrator who is aggrieved by a review board's decision has to request a judicial review is also reduced from 60

to 30 days.

#### DRIVER'S LICENSES OF REGISTERED SEXUAL OFFENDERS (Sections 302.060, 302.171, 302.181, 589.400, and 589.417)

The driver's or nondriver's license of a registered sexual offender will expire after one year unless the license is issued for a shorter period of time due to other requirements of law. A license will be revoked if the offender fails to register as required by law. A sexual offender's driver's or nondriver's license will prominently display a unique code or identifier. The fee for the one-year license will be \$7.50. The State Highway Patrol must provide a list which includes the full name, address, and Social Security number of registered sexual offenders to the Department of Revenue.

#### PARENTAL RIGHTS

The substitute:

- (1) Revises the definition of "parent" as it relates to parental rights to a birth parent or parents of the child, including a putative father of the child and the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by adoption (Section 210.817);
- (2) Specifies that a putative father of a child will have no legal relationship unless he has acknowledged the child on his own by affirmatively asserting his paternity (Section 211.021 and 211.442); and
- (3) Adds the conviction or a guilty plea for the same offenses committed in another state to the list of violations preventing the placement of a child. A juvenile officer must file a petition to terminate the parental rights of the child's parents for any of these offenses. Currently, a juvenile court cannot place any child with a parent if the parent or any person residing with the parent is found guilty of or pled guilty to child abuse or a felony sexual offense involving a child (Section 211.038).

#### JUVENILE COURT

The substitute:

- (1) Allows a peace officer of this state, upon the written request by another peace officer of this state or any other state, the federal government, or a prosecuting attorney of this state or any other state, to disclose records, information, or reports concerning a person younger than 17 years of age in an

investigation of a matter within his or her jurisdiction (Section 211.321);

(2) Adds the conviction or a guilty plea for the same offenses committed in another state to the list of violations preventing the placement of a child. A juvenile officer must file a petition to terminate the parental rights of the child's parents for any of these offenses. Currently, a juvenile court cannot place any child with a parent if the parent or any person residing with the parent is found guilty of or has pled guilty to child abuse or a felony sexual offense involving a child. (Section 211.447); and

(3) Lowers the age for which the juvenile court does not have jurisdiction over a child who is alleged to have violated a state or municipal traffic ordinance or regulation from 15 years and six months to 15 years of age (Section 211.031).

CHILD SUPPORT (Sections 452.340, 454.530, and 454.557)

The substitute:

(1) Requires employers with 25 or more employees to transfer any child support payments withheld from an employee's paycheck to the Family Support Payment Center by electronic transfer; and

(2) Changes the laws regarding the electronic storage of child support obligation records in the automated child support system. Support obligations will be deleted from the automated records in cases where the obligation of a parent to make child support payments terminates upon:

(a) The child reaching 21 years of age;

(b) The parent receiving child support furnishing a sworn statement notifying the obligor parent that the child has been emancipated;

(c) The parent paying child support filing a sworn statement stating that the child is emancipated and the factual basis for the statement with the acknowledgment or affirmation by the parent receiving child support; or

(d) The court adjudicating a child emancipated after a hearing on the contested emancipation statement filed by the parent paying child support.

APPOINTMENT OF PARENTING COORDINATORS (Sections 452.436 - 452.438)

A court is authorized to appoint a parenting coordinator as a neutral third party to assist in the resolution of disputes between parents regarding the implementation of court-ordered parenting plans. The parenting coordinator must abide by confidentiality judgements made by the court. Either party to a dissolution may object to the appointment of the parenting coordinator unless the court makes specific findings that the dissolution is a high-conflict case and the appointment is in the best interest of the child. The parenting coordinator will serve for a specified period of time, in a mediator capacity, but not more than two years and have authority to resolve disputes between the parents regarding the implementation or clarification of existing orders concerning the minor or dependent children including, but not limited to, disputes concerning parenting time and specific parental decisions.

Parents can file an objection pertaining to a judgment made by a parenting coordinator. Parenting coordinators are prohibited from making any modification to any order, judgment, or decree of the court. The court may order fees to be paid by the parties, but will not appoint a coordinator if it finds the parties do not have the means to pay the fees. Parenting coordinators will be immune from civil or criminal liability in any claim that arises out of an act or omission of the coordinator during the performance of his or her duties unless the act or omission causing injury was willful or wanton.

Parenting coordinators must provide a report with recommendations to each parent within 20 days of the recommendation being determined without ex parte communication with the court. Decisions made by the parenting coordinator in the report are binding unless changed by a court. A parent can file an objection to the report within 15 days of receiving the report. Responses to the objection must be filed with the court within 15 days after the objection is made by the parent. A court will resolve the objection.

Any parenting coordinator appointed by a court must be a licensed mental health professional or a licensed attorney and be qualified under the Missouri Supreme Court rules governing family mediation. In the absence of a supreme court rule, required training will consist of a minimum of sixteen hours in parenting coordination, including a domestic violence component.

#### GUARDIANS AD LITEM (Section 488.230)

The services of guardians ad litem are added to the priority list when a family court is determining how to spend moneys in the county family services and justice fund for families receiving dispute resolution services.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown in FY 2009, FY 2010, and FY 2011. Estimated Income on Other State Funds of Will not exceed \$596,100 in FY 2009, FY 2010, and FY 2011.

PROPONENTS: Supporters say that current law does not require a rape exam to include the testing for drugs commonly used to facilitate sexual offenses. The bill requires health care personnel to inform survivors of sexual assault that they may have been drugged and a test is available which will be admissible evidence in a court of law. The test will be a urine test to be included in the medical protocols already implemented by the Department of Health and Senior Services. Testing rape victims for drugs is recognized as a best practice, but it does need standing in law to ensure that it is done in a proper manner.

Testifying for the bill were Representative Low (39); and Missouri Coalition Against Domestic Violence.

OPPONENTS: There was no opposition voiced to the committee.