

SECOND REGULAR SESSION

HOUSE BILL NO. 2330

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANZ.

5123L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 37.710 and 37.715, RSMo, and to enact in lieu thereof two new sections relating to the duties of the office of the child advocate.

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

Section A. Sections 37.710 and 37.715, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 37.710 and 37.715, to read as follows:

37.710. 1. The office **of the child advocate** 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, **child care providers, health care providers, educational institutions**, 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.

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

20 (3) To work in conjunction with juvenile officers and guardians ad litem. **Upon making**
21 **an appearance in any court on the case of a child in the protective custody of the state, the**
22 **office of the child advocate shall be joined by the court as a party to all proceedings and**
23 **shall prepare independent recommendations to the court after consultation with the**
24 **juvenile office and guardians ad litem and the court appointed special advocate if one has**
25 **been appointed;**

26 (4) To file amicus curiae briefs on behalf of the interests of the parent or child, **or to file**
27 **such pleadings necessary to intervene on behalf of the child at the appropriate judicial level**
28 **utilizing the resources of the office of the attorney general;**

29 (5) To [initiate] **convene** meetings with the department of social services, the department
30 of mental health, the juvenile court, and juvenile officers **and make recommendations to them**
31 **for necessary action;**

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

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

39 (8) Subject to appropriation, to establish as needed local panels on a regional or county
40 basis to adequately and efficiently carry out the functions and duties of the office, and address
41 complaints in a timely manner.

42 3. For any information obtained from a state agency or entity under sections 37.700 to
43 37.730, the office of child advocate shall be subject to the same disclosure restrictions and
44 confidentiality requirements that apply to the state agency or entity providing such information
45 to the office of child advocate. For information obtained directly by the office of child advocate
46 under sections 37.700 to 37.730, the office of child advocate shall be subject to the same
47 disclosure restrictions and confidentiality requirements that apply to the children's division
48 regarding information obtained during a child abuse and neglect investigation resulting in an
49 unsubstantiated report **with the exception that any findings and recommendations resulting**
50 **from such investigation may be released upon request with names and other such**
51 **identifying information redacted.**

37.715. 1. The office shall establish and implement procedures for receiving,
2 processing, responding to, and resolving complaints made by or on behalf of children who are

3 recipients of the services of the departments of social services and mental health, and the juvenile
4 court. Such procedures shall address complaints relating to the actions, inactions, or decisions
5 of providers or their representatives, public or private child welfare agencies, social service
6 agencies, or the courts which may adversely affect the health, safety, welfare, or rights of such
7 recipient.

8 2. The office shall establish and implement procedures for the handling and[, whenever
9 possible,] the resolution of complaints.

10 3. The office shall have the authority to make the necessary inquiries and review relevant
11 information and records as the office deems necessary.

12 4. The office may recommend to any state or local agency changes in the rules adopted
13 or proposed by such state or local agency which adversely affect or may adversely affect the
14 health, safety, welfare, or civil or human rights of any recipient. The office shall make
15 recommendations on changes to any current policies and procedures. The office shall analyze
16 and monitor the development and implementation of federal, state and local laws, regulations
17 and policies with respect to services in the state and shall recommend to the department, courts,
18 general assembly, and governor changes in such laws, regulations and policies deemed by the
19 office to be appropriate.

20 **5. The office shall, at its discretion, seek to be joined as a party to the case of a child**
21 **or children in the state's custody, when the office feels that such action is necessary to**
22 **ensure the health, safety, welfare, or human rights of the child. Such requests shall be**
23 **honored by the court with the jurisdiction in the case.**

24 6. The office shall inform recipients, their guardians or their families of their rights
25 and entitlements under state and federal laws and regulations through the distribution of
26 educational materials.

27 [6.] 7. The office shall annually submit to the governor, the general assembly, and the
28 Missouri supreme court a detailed report on the work of the office of the child advocate for
29 children's protection and services. Such report shall include, but not be limited to, the number
30 of complaints received by the office, the disposition of such complaints **including the number**
31 **of complaints in which the office needed to take legal action to protect children**, the number
32 of recipients involved in complaints, the state entities named in complaints and whether such
33 complaints were found to be substantiated, and any recommendations for improving the delivery
34 of services to reduce complaints or improving the function of the office of the child advocate for
35 children's protection and services.

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