

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 530,  
2 Page 1, in the Title, Line 3, by deleting the phrase "termination of parental rights" and inserting in  
3 lieu thereof the phrase "abused, neglected, and foster children"; and  
4

5 Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the  
6 following:  
7

8 "21.771. 1. There is established a joint committee of the general assembly to be known as the  
9 "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the senate and  
10 seven members of the house of representatives. The senate members of the joint committee shall be  
11 appointed by the president pro tem and minority floor leader of the senate and the house members  
12 shall be appointed by the speaker and minority floor leader of the house of representatives. The  
13 appointment of each member shall continue during the member's term of office as a member of the  
14 general assembly or until a successor has been appointed to fill the member's place. No party shall be  
15 represented by more than four members from the house of representatives nor more than four  
16 members from the senate. A majority of the committee shall constitute a quorum, but the  
17 concurrence of a majority of the members shall be required for the determination of any matter  
18 within the committee's duties.

19 2. The joint committee shall:

20 (1) Make a continuing study and analysis of the state child abuse and neglect reporting and  
21 investigation system;

22 (2) Devise a plan for improving the structured decision making regarding the removal of a  
23 child from a home;

24 (3) Determine the additional personnel and resources necessary to adequately protect the  
25 children of this state and improve their welfare and the welfare of families;

26 (4) Address the need for additional foster care homes and to improve the quality of care  
27 provided to abused and neglected children in the custody of the state;

28 (5) Determine from its study and analysis the need for changes in statutory law; [and]

29 (6) Make any other recommendation to the general assembly necessary to provide adequate  
30 protections for the children of our state; and

31 (7) Make recommendations on how to improve abuse and neglect proceedings including  
32 examining the role of the judge, division of family services, the juvenile officer, the guardian ad  
33 litem, and the foster parents.

34 3. The joint committee shall meet within thirty days after its creation and organize by  
35 selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the  
36 other a member of the house of representatives. The chairperson shall alternate between members of

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1 the house and senate every two years after the committee's organization.

2 4. The committee shall meet at least quarterly. The committee may meet at locations other  
3 than Jefferson City when the committee deems it necessary.

4 5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the  
5 committee in the performance of its duties.

6 6. The members of the committee shall serve without compensation but shall be entitled to  
7 reimbursement for actual and necessary expenses incurred in the performance of their official duties.

8 7. It shall be the duty of the committee to compile a full report of its activities for submission  
9 to the general assembly. The report shall be submitted not later than the fifteenth of January of each  
10 year in which the general assembly convenes in regular session and shall include any  
11 recommendations which the committee may have for legislative action as well as any  
12 recommendations for administrative or procedural changes in the internal management or  
13 organization of state or local government agencies and departments. Copies of the report containing  
14 such recommendations shall be sent to the appropriate directors of state or local government  
15 agencies or departments included in the report.

16 8. The provisions of this section shall expire on January 15, 2018.

17 210.160. 1. In every case involving an abused or neglected child which results in a judicial  
18 proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

19 (1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165 except  
20 proceedings under section 210.152.6, sections 210.700 to 210.760, sections 211.442 to 211.487, or  
21 sections 453.005 to 453.170, or proceedings to determine custody or visitation rights under sections  
22 452.375 to 452.410; or

23 (2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent, and whose  
24 child is the subject of proceedings under sections 210.110 to 210.165, sections 210.700 to 210.760,  
25 sections 211.442 to 211.487, or sections 453.005 to 453.170.

26 2. The judge, either sua sponte or upon motion of a party, may appoint a guardian ad litem to  
27 appear for and represent an abused or neglected child involved in proceedings arising under section  
28 210.152.6

29 [2.] 3. The guardian ad litem shall be provided with all reports relevant to the case made to  
30 or by any agency or person, shall have access to all records of such agencies or persons relating to  
31 the child or such child's family members or placements of the child, and upon appointment by the  
32 court to a case, shall be informed of and have the right to attend any and all family support team  
33 meetings involving the child. Employees of the division, officers of the court, and employees of any  
34 agency involved shall fully inform the guardian ad litem of all aspects of the case of which they have  
35 knowledge or belief.

36 [3.] 4. The appointing judge shall require the guardian ad litem to faithfully discharge such  
37 guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and  
38 appoint another. The appointing judge shall have the authority to examine the general and criminal  
39 background of persons appointed as guardians ad litem, including utilization of the family care  
40 safety registry and access line pursuant to sections 210.900 to 210.937\*, to ensure the safety and  
41 welfare of the children such persons are appointed to represent. The judge in making appointments  
42 pursuant to this section shall give preference to persons who served as guardian ad litem for the child  
43 in the earlier proceeding, unless there is a reason on the record for not giving such preference.

44 [4.] 5. The guardian ad litem may be awarded a reasonable fee for such services to be set by  
45 the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to  
46 the proceedings or from public funds. However, no fees as a judgment shall be taxed against a party  
47 or parties who have not been found to have abused or neglected a child or children. Such an award of  
48 guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment

1 shall be enforceable against the parties in accordance with chapter 513.

2 [5.] 6. The court may designate volunteer advocates, who may or may not be attorneys  
3 licensed to practice law, to assist in the performance of the guardian ad litem duties for the court.  
4 Nonattorney volunteer advocates shall not provide legal representation. The court shall have the  
5 authority to examine the general and criminal background of persons designated as volunteer  
6 advocates, including utilization of the family care safety registry and access line pursuant to sections  
7 210.900 to 210.937\*, to ensure the safety and welfare of the children such persons are designated to  
8 represent. The volunteer advocate shall be provided with all reports relevant to the case made to or  
9 by any agency or person, shall have access to all records of such agencies or persons relating to the  
10 child or such child's family members or placements of the child, and upon designation by the court to  
11 a case, shall be informed of and have the right to attend any and all family support team meetings  
12 involving the child. Any such designated person shall receive no compensation from public funds.  
13 This shall not preclude reimbursement for reasonable expenses.

14 [6.] 7. Any person appointed to perform guardian ad litem duties shall have completed a  
15 training program in permanency planning and shall advocate for timely court hearings whenever  
16 possible to attain permanency for a child as expeditiously as possible to reduce the effects that  
17 prolonged foster care may have on a child. A nonattorney volunteer advocate shall have access to a  
18 court appointed attorney guardian ad litem should the circumstances of the particular case so  
19 require."; and

20  
21 Further amend said bill, Page 6, Section 211.447, Line 186, by inserting after all of said section and  
22 line the following:

23  
24 "Section 1. A foster parent shall have standing to participate in all court hearings pertaining to a child  
25 in their care."; and

26  
27 Further amend said bill by amending the title, enacting clause, and intersectional references  
28 accordingly.