

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 819, Page 6, Section 210.112, Line 160, by inserting immediately after said section
2 and line the following:

3
4 "210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist,
5 podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care,
6 treatment or research of persons, and any other health practitioner, psychologist, mental health professional,
7 social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer,
8 jail or detention center personnel, teacher, principal or other school official, minister as provided by section
9 352.400, peace officer or law enforcement official, volunteer or personnel of a community service program
10 that offers support services for families in crisis to assist in the delegation of any powers regarding the care
11 and custody of a child by a properly executed power of attorney pursuant to sections 475.600 to 475.604, or
12 other person with responsibility for the care of children has reasonable cause to suspect that a child has been
13 or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances
14 which would reasonably result in abuse or neglect, that person shall immediately report to the division in
15 accordance with the provisions of sections 210.109 to 210.183. No internal investigation shall be initiated
16 until such a report has been made. As used in this section, the term "abuse" is not limited to abuse inflicted
17 by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also
18 include abuse inflicted by any other person.

19 2. If two or more members of a medical institution who are required to report jointly have
20 knowledge of a known or suspected instance of child abuse or neglect, a single report may be made by a
21 designated member of that medical team. Any member who has knowledge that the member designated to
22 report has failed to do so shall thereafter immediately make the report. Nothing in this section, however, is
23 meant to preclude any person from reporting abuse or neglect.

24 3. The reporting requirements under this section are individual, and no supervisor or administrator
25 may impede or inhibit any reporting under this section. No person making a report under this section shall
26 be subject to any sanction, including any adverse employment action, for making such report. Every
27 employer shall ensure that any employee required to report pursuant to subsection 1 of this section has
28 immediate and unrestricted access to communications technology necessary to make an immediate report and
29 is temporarily relieved of other work duties for such time as is required to make any report required under
30 subsection 1 of this section.

31 4. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not
32 receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's
33 parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an
34 abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall
35 not be entered into the central registry. However, the division may accept reports concerning such a child
36 and may subsequently investigate or conduct a family assessment as a result of that report. Such an
37 exception shall not limit the administrative or judicial authority of the state to ensure that medical services
38 are provided to the child when the child's health requires it.

39 5. In addition to those persons and officials required to report actual or suspected abuse or neglect,

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any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

6. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452 and shall report the findings to the child fatality review panel established pursuant to section 210.192.

7. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting to the division.

8. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri children's division, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the children's division."; and

Further amend said bill, Page 7, Section 210.487, Line 59, by inserting immediately after said section and line the following:

"475.600. Sections 475.600, 475.602, and 475.604 shall be known and may be cited as the "Supporting and Strengthening Families Act".

475.602. 1. A parent or legal custodian of a child may, by a properly executed power of attorney as provided under section 475.604, delegate to an attorney-in-fact for a period not to exceed one year, except as provided under subsection 7 of this section, any of the powers regarding the care and custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. A delegation of powers under this section shall not be construed to change or modify any parental or legal rights, obligations, or authority established by an existing court order or deprive the parent or legal custodian of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of the child.

2. The parent or legal custodian of the child shall have the authority to revoke or withdraw the power of attorney authorized in subsection 1 of this section at any time. Except as provided in subsection 7 of this section, if the delegation of authority lasts longer than one year, the parent or legal custodian of the child shall execute a new power of attorney for each additional year that the delegation exists. If a parent withdraws or revokes the power of attorney, the child shall be returned to the custody of the parents as soon as reasonably possible.

3. Unless the authority is revoked or withdrawn by the parent or legal custodian, the attorney-in-fact shall exercise parental or legal authority on a continuous basis without compensation for the duration of the power of attorney authorized by subsection 1 of this section and shall not be subject to any statutes dealing with the licensing or regulation of foster care homes.

4. Except as otherwise provided by law, if a parent or legal custodian uses a community service program that offers support services for families in crisis to assist in the delegation of any powers regarding the care and custody of a child by a properly executed power of attorney, then the execution of a power of attorney by such parent or legal custodian as authorized in subsection 1 of this section shall not constitute abandonment as provided in sections 568.030 and 568.032, or abuse or neglect as provided in sections 210.110 and 568.060, unless the parent or legal guardian fails to take custody of the child or execute a new power of attorney after the one-year time limit has elapsed. It shall be a violation of section 453.110 for any

1 parent or legal custodian to execute a power of attorney with the intention of permanently avoiding or
2 divesting himself or herself of parental or legal responsibility for the care of the child.

3 5. Under a delegation of powers as authorized by subsection 1 of this section, the child or children
4 subject to the power of attorney shall not be considered placed in foster care as otherwise defined in law and
5 the parties shall not be subject to any of the requirements or licensing regulations for foster care or other
6 regulations relating to community care for children.

7 6. If a parent or legal custodian uses a community service program that offers support services for
8 families in crisis to assist in the delegation of any powers regarding the care and custody of a child by a
9 properly executed power of attorney, then the community service program shall ensure that a background
10 check is completed for the attorney-in-fact and any adult members of his or her household prior to the
11 placement of the child. A community service program shall not place a child or children with an attorney-in-
12 fact when he or she or any adult member of his or her household is found to be on the sex offender registry as
13 established pursuant to sections 589.400 to 589.425, or the child abuse and neglect registry, as established
14 pursuant to section 210.109, or has pled guilty or nolo contendere to or is found guilty of a felony offense
15 under federal or state law. If a community service program has reasonable cause to suspect that a parent or
16 legal custodian is executing a power of attorney under this section with the intention of permanently avoiding
17 or divesting himself or herself of parental or legal responsibility for the care of the child, the community
18 service program shall notify the Missouri children's division within the department of social services, and the
19 division shall conduct an investigation of the parent or legal guardian to determine if there is a violation of
20 section 453.110. A background check performed under this section shall include:

21 (1) A national and state fingerprint-based criminal history check;

22 (2) A sex offender registry, as established pursuant to sections 589.400 to 589.425, check; and

23 (3) A child abuse and neglect registry, as established pursuant to section 210.109, check.

24 7. A parent or legal custodian who is a member of the Armed Forces of the United States including
25 any reserve component thereof, the commissioned corps of the National Oceanic and Atmospheric
26 Administration, the Public Health Service of the United States Department of Health and Human Services
27 detailed by proper authority for duty with the Armed Forces of the United States, or who is required to enter
28 or serve in the active military service of the United States under a call or order of the President of the United
29 States or to serve on state active duty may delegate the powers designated in subsection 1 of this section for a
30 period longer than one year if on active duty service. The term of delegation shall not exceed the term of
31 active duty service plus thirty days.

32 8. Nothing in this section shall conflict or set aside the preexisting residency requirements under
33 section 167.020. An attorney-in-fact to whom powers are delegated under a power of attorney authorized by
34 this section shall make arrangements to ensure that the child attends classes at an appropriate school. If
35 enrollment is at a public school, attendance shall be based upon residency or waiver of such residency
36 requirements by the school.

37 9. If enrolled at any school, as soon as reasonably possible upon execution of a power of attorney for
38 the temporary care of a child as authorized under this section, the child's school shall be notified of the
39 existence of the power of attorney and be provided a copy of the power of attorney as well as the contact
40 information for the attorney-in-fact. While the power of attorney is in force, the school shall communicate
41 with both the attorney-in-fact and any parent or legal custodian with parental or legal rights, obligations, or
42 authority regarding the custody, visitation, or support of the child. The school shall also be notified of the
43 expiration, termination, or revocation of the power of attorney as soon as reasonably possible following such
44 expiration, termination, or revocation and shall no longer communicate with the attorney-in-fact regarding
45 the child upon the receipt of such notice.

46 10. No delegation of powers under this section shall operate to modify a child's eligibility for
47 benefits the child is receiving at the time of the execution of the power of attorney including, but not limited
48 to, eligibility for free or reduced lunch, health care costs, or other social services, except as may be
49 inconsistent with federal or state law governing the relevant program or benefit.

50 475.604. Any form for the delegation of powers authorized under section 475.602 shall be witnessed
51 by a notary public and contain the following information:

52 (1) The full name of any child for whom parental and legal authority is being delegated;

53 (2) The date of birth of any child for whom parental and legal authority is being delegated;

1 (3) The full name and signature of the attorney-in-fact;

2 (4) The address and telephone number of the attorney-in-fact;

3 (5) The full name and signature of the parent or legal guardian;

4 (6) One of the following statements:

5 (a) "I delegate to the attorney-in-fact all of my power and authority regarding the care, custody, and
6 property of each minor child named above including, but not limited to, the right to enroll the child in
7 school, inspect and obtain copies of education and other records concerning the child, the right to give or
8 withhold any consent or waiver with respect to school activities, medical and dental treatment, and any other
9 activity, function, or treatment that may concern the child. This delegation shall not include the power or
10 authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or
11 for the child, or the termination of parental rights to the child."; or

12 (b) "I delegate to the attorney-in-fact the following specific powers and responsibilities (insert list).
13 This delegation shall not include the power or authority to consent to marriage or adoption of the child, the
14 performance or inducement of an abortion on or for the child, or the termination of parental rights to the
15 child."; and

16 (7) A description of the time for which the delegation is being made and an acknowledgment that
17 the delegation may be revoked at any time.

18 ~~[475.024. A parent of a minor, by a properly executed power of attorney, may delegate to~~
19 ~~another individual, for a period not exceeding one year, any of his or her powers regarding~~
20 ~~care or custody of the minor child, except his or her power to consent to marriage or~~
21 ~~adoption of the minor child.]"; and~~
22

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