

HCS HB 2040 -- CHILD ABUSE INVESTIGATIONS

SPONSOR: Kelly (141)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee to Improve the Care and Well-Being of Young People by a vote of 12 to 0.

This bill states that the Children's Division, juvenile officer, or prosecuting attorney may petition the court for an order directing a parent, guardian, or other person with care, custody, and control of a child who is the subject of an investigation of child abuse or neglect to present the child to a Children's Division worker for an assessment of the child's health, safety, and well-being. The court will enter the order if there is reasonable suspicion to suspect the child has been abused or neglected and the assessment is necessary to complete the investigation and doing so is in the best interest of the child. The petition and order may be made on an ex parte basis if it is reasonable to believe that providing notice may place the child at risk for further abuse or neglect, or that the child may be removed from the state, or that the evidence will be unavailable.

Any person served with a subpoena, petition, or order specified in this bill is not required to file an answer, but may file a motion for a protective order. The court shall expedite a hearing on the motion and issue a decision no later than one business day after the motion is filed. Any information that may reveal the identity of a hotline reporter must not be disclosed.

The bill outlines the proper court to file a subpoena or order; the court must expedite all proceedings under this bill.

If a person knowingly violates any requirements under this bill, he or she will be guilty of a class A misdemeanor.

The time frame of the Children's Division to complete an investigation under certain circumstances is tolled from the date the division files a subpoena until the information is produced, the subpoena is withdrawn, or a court quashes the subpoena.

PROPONENTS: Supporters say that right now Children's Division does not have any authority to complete an investigation if the parent does not produce the child and that creating a mechanism to require a parent to allow Children's Division to view the child will help keep more kids safe.

Testifying for the bill were Representative Kelly; Fosteradopt Connect; Missouri Kids First; and the Missouri Department of Social

Services.

OPPONENTS: Those who oppose the bill say that allowing Children's Division to subpoena witnesses and administer oaths would grant too much authority and an ex parte order would subvert the parent's due process.

Testifying against the bill was the CNS Corporation .

OTHERS: Others testifying on the bill say this bill could be improved with changes to the procedure for producing a child and what kind of exam the child needs once produced.

Testifying on the bill was the Office of Child Advocate.