

FIRST REGULAR SESSION

HOUSE BILL NO. 1035

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE QUADE.

1876H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 431.056, RSMo, and to enact in lieu thereof one new section relating to a minor's ability to contract for certain purposes.

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

Section A. Section 431.056, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 431.056, to read as follows:

431.056. 1. A minor shall be qualified and competent to contract for housing, employment, purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school, obtaining medical **and mental health** care, establishing a bank account, admission to a shelter for victims of domestic violence, as that phrase is used in sections 455.200 to 455.220, a rape crisis center, as defined in section 455.003, or a homeless shelter, and receipt of services as a victim of domestic violence or sexual assault, as such terms are defined in section 455.010, including but not limited to counseling, court advocacy, financial assistance, and other advocacy services, if:

- 9 (1) The minor is [~~sixteen or~~ **fifteen to** seventeen years of age; and
- 10 (2) The minor is homeless, as defined in subsection 1 of section 167.020, or a victim of
11 domestic violence, as defined in section 455.010, unless the child is under the supervision of the
12 children's division or the jurisdiction of the juvenile court; and
- 13 (3) The minor is self-supporting, such that the minor is without the physical or financial
14 support of a parent or legal guardian; and
- 15 (4) The minor's parent or legal guardian has consented to the minor living independent
16 of the parents' or guardians' control. Consent may be expressed or implied, such that:

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.

17 (a) Expressed consent is any verbal or written statement made by the parents or guardian
18 of the minor displaying approval or agreement that the minor may live independently of the
19 parent's or guardian's control;

20 (b) **a.** Implied consent is any action made by the parent or guardian of the minor that
21 indicates the parent or guardian is unwilling or unable to adequately care for the minor. Such
22 actions may include, but are not limited to:

23 ~~[a-]~~ (i) Barring the minor from the home or otherwise indicating that the minor is not
24 welcome to stay;

25 ~~[b-]~~ (ii) Refusing to provide any or all financial support for the minor; or

26 ~~[c-]~~ (iii) Abusing or neglecting the minor, as defined in section 210.110 or committing
27 an act or acts of domestic violence against the minor, as defined in section 455.010.

28 **b. Implied consent, in addition to the actions described in subparagraph a. of this**
29 **paragraph, may also be demonstrated by a letter signed by the following persons verifying**
30 **that the minor is an unaccompanied youth as defined in 42 U.S.C Section 11434a(6):**

31 (i) **A director or designee of a governmental or nonprofit agency that receives**
32 **public or private funding to provide services to homeless persons;**

33 (ii) **A local education agency liaison for homeless children and youth designated**
34 **under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or**

35 (iii) **A licensed attorney representing the minor in any legal matter.**

36 2. A minor who is sixteen years of age or older and who is in the legal custody of the
37 children's division pursuant to an order of a court of competent jurisdiction shall be qualified and
38 competent to contract for the purchase of automobile insurance with the consent of the children's
39 division or the juvenile court. The minor shall be responsible for paying the costs of the
40 insurance premiums and shall be liable for damages caused by his or her negligent operation of
41 a motor vehicle. No state department, foster parent, or entity providing case management of
42 children on behalf of a department shall be responsible for paying any insurance premiums nor
43 liable for any damages of any kind as a result of the operation of a motor vehicle by the minor.

44 3. A minor who is sixteen years of age or older and who is in the legal custody of the
45 children's division pursuant to an order of a court of competent jurisdiction shall be qualified and
46 competent to contract for the opening of a checking or savings bank account with the consent
47 of the children's division or the juvenile court. The minor shall be responsible for paying all
48 banking-related costs associated with the checking or savings account and shall be liable for any
49 and all penalties should he or she violate a banking agreement. No state department, foster
50 parent, or entity providing case management of children on behalf of a department shall be
51 responsible for paying any bank fees nor liable for any and all penalties related to violation of
52 a banking agreement.

53 **4. Any legally-constituted entity or licensed provider who contracts with a minor**
54 **under subsection 1 of this section shall be immune from any civil or criminal liability based**
55 **on the entity's or provider's determination to contract with the minor; provided that, if an**
56 **entity's or provider's determination of compliance with subsection 1 of this section, or**
57 **conduct in contracting with the minor, is the result of the entity's or provider's gross**
58 **negligence or willful or wanton acts or omissions, the entity or provider may be held liable**
59 **for their gross negligence or willful or wanton acts or omissions. Consent given under this**
60 **section shall not be subject to later disaffirmance by reason of the minor's age.**

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