

HCS SS SB 623 -- PROTECTION OF CHILDREN

SPONSOR: Libla

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Children and Families by a vote of 9 to 1.

The following is a summary of the House Committee Substitute for SB 623.

CHILDREN'S DIVISION AND COURT PROCEDURES

This bill requires the Children's Division within the Department of Social Services to complete a standard risk assessment within 72 hours of a report of abuse or neglect as part of its structured decision-making protocols. The division and the Office of the State Court Administrator shall develop a joint safety assessment tool before December 31, 2020 to replace the current risk assessment. The safety assessment tool must be implemented before January 1, 2022.

The bill also prohibits the division from requiring foster parents to conduct or be present for supervised visits with a child in their care and states that the court shall only require a child to appear in court if necessary for making a decision and after considering all of the information provided by the division and family support team and the appropriateness of the courtroom environment and the hardship to the child and current guardians.

Additionally, guardians ad litem (GALs) in a case involving an abused or neglected child are required to establish a relationship with the child and meet face-to-face in a private setting to observe the child and ascertain the child's wishes and needs. An initial interview shall take place within 7 business days following appointment and receipt of information pertaining to the custody and location of the child. The time period may be modified as specified but the GAL shall continue to maintain contact with the child for the duration of the appointment. The child's legal custodian shall cooperate with all requirements and the GAL shall attend, as appropriate and necessary, any and all family support team meetings involving the child (Sections 210.145, 210.160, and 210.566, and Section 211.135).

GRANDPARENT RIGHTS

This bill clarifies the conditions that allow a court to grant visitation rights to grandparents. It allows grandparents in cases where there is a paternity action and the parents are not married to request a court to order visitation and it allows the court to

determine the amount of time granted when it determines visitation is in the best interest of the child (Section 452.402).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that GALs are the most consistent voice and advocate for the child and this is a good bill to support that voice.

Testifying for the bill were Senator Libla; Craig Stevenson, Kids Win Missouri.

OPPONENTS: Those who oppose the bill say that there are not enough GALs, they are paid too little, and their caseloads are too large for the provisions of this bill to be possible. While it is a good standard and most GALs in most circumstances agree that it is probably best practice, there are too many other factors that complicate individual cases to put these hard requirements in statute. They also feel it may muddy their obligation to represent the child's best interests, not their "wishes".

Testifying against the bill were Melissa Buckman Young; William P. Ellis; Larry Swall; Mary Epping, 13th Judicial Circuit.