

HCS HB 673 -- PROTECTION OF CHILDREN

SPONSOR: Coleman (97)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Children and Families by a vote of 6 to 3 with 1 present. Voted "Do Pass" by the Standing Committee on Rules-Legislative Oversight by a vote of 6 to 2 with 1 voting present.

The following is a summary of the House Committee Substitute for HB 673.

This bill modifies many sections of current statute relating to child protection, foster care and adoption, and treatment of caretakers.

CHILD ADVOCATE OFFICE (Sections 37.710 and 210.152, RSMo)

This bill allows the office of child advocate to release findings for members of a multidisciplinary team relating to their professional performance.

SAFETY REPORTING (Section 37.717)

This bill requires the Office of Child Advocate to create a safety reporting system for the Department of Social Services employees to be able to report information regarding the safety of those served by the office and the safety of the employees. The bill specifies how the identity of the person making the report will be protected.

Any criminal act reported to the reporting system will be disclosed to the Department and to the appropriate law enforcement agency, and any investigation conducted as a result of the report must be conducted by an unbiased and disinterested investigator.

SCHOOL REPORTING POLICIES (Section 160.261)

The bill repeals language related to the Children's Division's jurisdiction over or ability to investigate reports of alleged child abuse by personnel of a school district, a teacher, or other school employee. It also repeals language related to how a school and school district are to handle reports of alleged child abuse.

PHYSICIAN-PATIENT PRIVILEGE (Section 191.737)

Currently, if a physician or health care provider finds that a child is born affected by substance abuse, withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder such physician or health care provider is required to

refer the family to the Children's Division. However, this bill specifies that a physician or health care provider shall not be required to make a referral to the Division if an infant is born to a woman who is undergoing medication-assisted treatment under the supervision of a health care provider.

MO HEALTHNET (Section 208.151)

Currently, a person in foster care under the responsibility of Missouri on the date the person turns 18 or at any time during the 30-day period before the person's 18th birthday, or a person who received foster care for at least six months in another state, and who is residing in Missouri is eligible to receive MO HealthNet benefits under certain circumstances. Under this bill, any person who was in foster care for at least six months at any time after such person was 13 years old, regardless of the state, and who is now residing in Missouri, and is at least 18 years old is eligible for MO HealthNet benefits if such person is not eligible for insurance coverage under another mandatory coverage group and does not have access to any other private insurance will have access to the benefits.

CHILD PROTECTION SYSTEM GOALS AND PRIORITIES (Sections 210.001 and 210.109)

These sections refine the goals and priorities of the Department of Social Services. The bill states that the Department shall, when prioritizing positive outcomes for children, monitor and measure its successes by preventing harm to children and limiting out-of-community placements, preserving and restoring families of origin, using foster care when appropriate, and helping children be adopted into new families when appropriate; however, at all times, the safety of the child shall be the priority.

CHILD PROTECTION REPORTING AND CASE MANAGEMENT (Sections 210.110, 210.113, 210.145, and 210.1589)

Currently, the Division is responsible for maintaining an information system capable of receiving and maintaining reports of child abuse or neglect. This bill clarifies that the reports should include the following information, if possible:

- (1) The names and addresses of the child and his or her parents or persons responsible for his or her care;
- (2) The child's age, sex, and race;
- (3) The nature and extent of the child's injuries, abuse, or neglect, including any evidence of previous injuries, abuse, or

neglect to the child or his or her siblings;

(4) The name, age, and address of the person responsible for the injuries, abuse, or neglect and the family composition;

(5) Specified information regarding the person making the report; and

(6) The actions taken by the reporting source.

The bill also specifies that the state Attorney General shall have concurrent original jurisdiction regarding any case involving child abuse or neglect.

CENTRAL REGISTRY (Section 210.118)

This section revises the list of offenses for which a person will be listed as a perpetrator of child abuse or neglect in the Central Registry.

COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM (Section 210.119)

This section requires the Department of Social Services to create a Comprehensive Child Welfare Information System that will serve as the statewide information system for documenting and reporting child welfare information. The bill specifies how the system will function and who will have access.

FAMILY FIRST PREVENTION SERVICES (FFPSA) (Sections 210.135, 210.140, 210.147, 210.715, 210.762, and 211.081)

This bill adds language from the federal FFPSA language and clarifies sections of law governing the Children's Division Child Abuse and Neglect System, including Section 210.109 and will ensure that the immunity provided under Section 210.135 applies to the whole child protection system, not just parts of it.

The bill requires the Division to develop programs to promote family based foster care and allows qualified individuals to assess children in residential settings to evaluate mental and behavioral health, and develop a permanency plan assessment. Assessments will be provided to Children's Division and the Division will also provide to interested parties. Within 60 days of placement the court will assess the continued need of the child and the appropriateness of remaining in the residential setting. Procedures for hearings are outlined and the Division has emergency rule making authority related to the FFPSA.

The bill requires Children's Division children who are placed in

residential facilities to have family support teams (FST). State law currently requires an FST meeting to take place to discuss placement before any changes in placement. In emergencies the Children's Division can place, but must hold a FST meeting to discuss the placement within 72 hours after the placement. This bill clarifies that the FSTs will comply with the requirements of FFPSA, and applies more consistent direction within the Division.

GUARDIAN AD LITEMS (Section 210.160)

The bill provides that a guardian ad litem may conduct well-child checks in emergency situations under a court order. Employees of the Division, officers of the court, law enforcement personnel, and employees of any agency involved shall fully inform the guardian ad litem of all aspects of the case of which they have knowledge or belief within 48 hours of an inquiry by a guardian ad litem.

REPORTING REQUIREMENTS OF DEPARTMENT (Section 210.188)

Modifies the reporting requirements that the Department of Social Services provides to the Governor and General Assembly regarding information related to children who have been abused or neglected. The bill requires the Division to compile individual-level anonymized data for the prior calendar year that allows researchers to track children through the child protection system and allows analysis of outcomes and comparison. The specific data to be released is outlined in the bill. Beginning March 1, 2022, and each year thereafter, the Department is required to provide the data to any Missouri research institution that agrees to provide the Division access to any research conducted by such institution utilizing such data.

ELECTRONIC SHARING (Section 210.652)

Requires the Department in conjunction with the Office of Administration to implement a computerized method to allow for the electronic exchange of data and documents required by the Interstate Compact on the Placement of Children to place children across state lines.

CHILD ABANDONMENT (Sections 210.950 and 211.447)

This bill adds a newborn safety incubator, as defined in the bill, as a place a parent of a child up to 45 days old may voluntarily deliver the child with the intent not to return, without being prosecuted. It also lowers the time limit to be considered willful abandonment of a child to 60 days for a child under the age of three.

MEDICAL CARE AUTHORITY (Sections 210.1220 & 211.021)

The bill outlines when the Division may give consent to routine and nonroutine medical care for a child in the Division's custody. The bill limits resource providers may only consent to routine medical care unless a court designates otherwise and individuals 18 or older may consent to their own medical care unless restricted by the court. Decisions regarding extraordinary medical care will be determined by a juvenile court. Emergency medical care must be recommended by a physician, surgeon, or dentist. Court orders by a juvenile or family court for medical care shall be considered informed consent for specified treatments and procedures, and all hearings for authorization of extraordinary medical care shall be expedited.

COURT PRACTICES (Sections 211.032, 211.038, 211.072, 211.261, 211.444, 211.447, 217.777)

The bill updates crimes to be considered when placing or removing children from homes, the role of the guardian ad litem, conditions required for abandonment of an infant or young child, and when the court shall consider filing a petition for termination of parental rights.

As specified in this bill, if a child comes under the court's jurisdiction due to allegations of child abuse or neglect and all children in the home are under three years of age the court must conduct monthly hearings on the status of the case, support frequent visitation with the child's parents and with the concurrent permanency resource parent if it is in the best interest of the child, and at the hearing on disposition and at each permanency hearing thereafter, enter an order requiring that the parties exercise reasonable efforts to finalize a primary and concurrent permanency plan for each child. The bill requires the Office of the State Courts Administrator to develop a plan to be approved by the Joint Committee on Child Abuse and Neglect by July 1, 2022, for implementation by July 1, 2023.

The bill also requires that a juvenile under 18 years of age who has been certified to stand trial as an adult for specified offenses and who is in a juvenile detention facility stay in that facility until the judgment dismissing the juvenile petition to allow for prosecution under the general laws is final. The bill further clarifies under what circumstances such a juvenile shall be held at a juvenile detention facility or be moved to a jail or other adult detention facility. Beginning December 21, 2021, all previously certified pretrial juveniles under 18 must be transferred from any jail or other adult detention facility to a

juvenile detention facility unless a hearing is held and the court finds that it would be in the best interest of justice to keep the juvenile in the jail or other adult detention facility. The bill requires courts to consider alternatives to incarceration for convictions of non-violent offenses for primary caretakers of dependent persons.

SAFE BABY COURT (Section 211.505)

This Section requires safe baby courts be implemented in every court of this state within 2 years of the effective date of the bill. The Division shall recommend a safe baby court for cases involving children under 3 years old and their families. The Department shall also complete a risk assessment for each such case and be responsible for recording and tracking movement of the child in the system and legal changes in the case.

CHILD PASSENGER RESTRAINT SYSTEM (Section 307.179)

This Section requires children under the age of two to be secured in a rear-facing passenger restraint system.

ADOPTION LEGAL FEES AND CONSENT TO ADOPT (Sections 453.030, 453.040, and 453.080)

These Sections repeal payments for adoption legal fees by the prospective adoptive parents for a birth parent, and allow the court to determine if representation is needed for the birth parent in an adoption proceedings. Currently, consent to the adoption of a child is required by a parent unless the child is under the age of one and the parent, for at least six months, has neglected to provide the child with necessary care and protection. This bill changes the age from one to three and adds phrase "best interest of child" to the court language for adoptions.

EMERGENCY CLAUSE

Section 210.950 of this bill has an emergency clause.

This bill is similar to HB 2216 and HB 1613 (2020).

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 this bill contains several key pieces that will help ensure children's safety and welfare for Missouri. The bill is substantial but will help children in

crisis; the key components are the birthmatch program, healthcare for older foster kids, improvements to the data system that the Division uses, and the necessary alignment of statutes for school districts to ensure that the Children's Division has a process to follow. Additionally supporters point out that the "whistleblower" protection is important so that Division workers can feel secure in reporting bad actors in the system, and that the safe baby court provisions are very innovative.

Testifying for the bill were Representative Coleman; Missouri Catholic Conference; Fosteradopt Connect; Department of Social Services; Children's Trust Fund; Missouri Chapter, American Academy of Pediatrics; Kids Win Missouri; Missouri Kidsfirst; and the Missouri Coalition of Children's Agencies.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say it is very important to keep children safe in all settings and this bill provides several important components for that. Investing early in children is vital in the protection of children.

Testifying on the bill was the Office of Child Advocate.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.