

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 419, Page 1, Section A, Line 3, by
2 inserting after all of said section and line the following:

3
4 "1.670. 1. This section shall be known and may be cited as the "Missouri Declaration of the
5 Rights of the Child".

6 2. The Missouri declaration of the rights of the child shall be as follows:

7 (1) The family, as the fundamental group of society and the natural environment for the
8 growth and well-being of all its members and particularly children, shall be afforded the necessary
9 protection and assistance so that the family can fully assume the family's responsibilities within the
10 community;

11 (2) The child shall be fully prepared to live an individual life in society and brought up in
12 the spirit of peace, dignity, tolerance, freedom, equality, and solidarity;

13 (3) The state shall ensure that the institutions, services, or facilities responsible for the care
14 or protection of children shall conform with the standards established by competent authorities,
15 particularly safety and health standards, standards regarding the number and suitability of staff
16 within the institutions or facilities, and standards regarding competent supervision;

17 (4) In all actions concerning a child, whether undertaken by public or private social welfare
18 institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the
19 child shall be a primary consideration;

20 (5) It is the policy of the state to ensure that a child shall not be separated from the child's
21 parents against the child's will except if competent authorities subject to judicial review determine,
22 in accordance with applicable law and procedures, that the separation is necessary for the best
23 interests of the child. Such determination may be necessary in a case involving abuse or neglect of
24 the child by the parents or if the parents are living separately and a decision will be made as to the
25 child's place of residence;

26 (6) It is the policy of the state to combat the illicit transfer and nonreturn of a child;

27 (7) It is the policy of the state to assure to a child who is capable of forming his or her own
28 views the right to express those views freely in all matters affecting the child, with the views of the
29 child being given due weight in accordance with the age and maturity of the child;

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1 (8) It is the policy of the state that a child is provided an opportunity to be heard in any
2 judicial or administrative proceeding affecting the child, either directly or through a representative
3 or an appropriate body, in a manner consistent with procedural rules of law;

4 (9) It is the policy of the state that a child shall have the right to freedom of expression.
5 Such right shall include freedom to seek, receive, and impart information and ideas of all kinds
6 either orally, in writing, or in print; in the form of art; or through any other media chosen by the
7 child;

8 (10) The state recognizes the right of the child to freedom of thought, conscience, and
9 religion;

10 (11) The state recognizes the rights and duties of the parents, or legal guardians if
11 applicable, to provide direction to the child in the exercise of the child's rights in a manner
12 consistent with the evolving capacities of the child;

13 (12) The state recognizes the rights of the child to freedom of association and freedom of
14 peaceful assembly;

15 (13) It is the policy of the state that no child shall be subjected to arbitrary or unlawful
16 interference with his or her privacy, family, home, or correspondence;

17 (14) The state recognizes the important function performed by mass media and shall ensure
18 that the child has access to information and material from national and international sources,
19 particularly those aimed at the promotion of the child's social, spiritual, and moral well-being and
20 physical and mental health;

21 (15) The state recognizes that both parents have common responsibilities for the upbringing
22 and development of a child. Parents, or legal guardians if applicable, have the primary
23 responsibility for the upbringing and development of the child. The best interests of the child shall
24 be the parents', or legal guardians' if applicable, basic concern;

25 (16) It is the policy of the state to render appropriate assistance to parents, or legal guardians
26 if applicable, in the performance of their child-rearing responsibilities and to ensure the
27 development of institutions, facilities, and services for the care of the child;

28 (17) It is the policy of the state to ensure that children of working parents have the right to
29 benefit from child care services and facilities for which the children are eligible;

30 (18) The state shall take all appropriate legislative, administrative, social, and educational
31 measures to protect the child from all forms of physical or mental violence; injury; and abuse,
32 neglect or negligent treatment, maltreatment, or exploitation, including sexual abuse, while in the
33 care of the parents, the legal guardians, or any other person or entity;

34 (19) A child temporarily or permanently deprived of his or her family environment, or in
35 whose best interests cannot be allowed to remain in that environment, shall be entitled to special
36 protection and assistance provided by the state;

37 (20) (a) In an adoption of a child, the best interests of the child shall be the paramount
38 consideration.

1 (b) The adoption of a child may be authorized only by competent authorities that determine,
2 in accordance with applicable law and procedures and on the basis of all pertinent and reliable
3 information, that the adoption is permissible in view of the child's status concerning parents,
4 relatives, and legal guardians and that, if required, the persons concerned have given their informed
5 consent to the adoption on the basis of such counseling as may be necessary;

6 (21) (a) The state recognizes that a mentally or physically disabled child has a right to a full
7 and decent life, in conditions that ensure dignity, promote self-reliance, and facilitate the child's
8 active participation in the community.

9 (b) The state recognizes the right of the disabled child to special care. The state shall
10 encourage and ensure the extension of special care, subject to available resources, to the child and
11 those persons responsible for the child's care if an application is made for such care. Such care shall
12 be appropriate considering the child's conditions and the circumstances of the parents or others
13 caring for the child.

14 (c) Assistance to a disabled child shall be designed to ensure that the disabled child has
15 effective access to and receives education, training, health care services, rehabilitation services, and
16 preparation for employment and recreation opportunities in a manner conducive to the child
17 achieving the fullest possible social integration and individual development, including the child's
18 cultural and spiritual development;

19 (22) (a) The state shall take appropriate measures to:

20 a. Diminish infant and child mortality;

21 b. Ensure the provision of necessary medical assistance and health care to all children, with
22 emphasis on the development of primary health care;

23 c. Combat disease and malnutrition, including within the framework of primary health care,
24 through, among other things, the application of readily available technology and through the
25 provision of adequate nutritious foods and clean drinking water, considering the dangers and risks of
26 environmental pollution;

27 d. Ensure appropriate prenatal and postnatal health care for mothers;

28 e. Ensure that all segments of society, in particular parents and children, are informed of,
29 have access to education in, and are given support in matters regarding child health and nutrition,
30 the advantages of breast-feeding, hygiene and environmental sanitation, and the prevention of
31 accidents; and

32 f. Develop preventive health care, guidance for parents, and family planning education and
33 services.

34 (b) The state recognizes the right of every child to a standard of living adequate for the
35 child's physical, mental, spiritual, moral, and social development;

36 (23) The state shall take all appropriate measures to ensure that school discipline is
37 administered in a manner consistent with the child's human dignity;

1 (24) It is the policy of the state that a child has a right to the highest attainable standard of
2 health and to facilities for the treatment of illness and rehabilitation of health. The state shall ensure
3 that no child is deprived of his or her right of access to such health care services;

4 (25) The state recognizes the right of the child to education that shall be directed toward:

5 (a) The development of the child's personality, talents, and mental and physical abilities to
6 the child's fullest potential;

7 (b) The development of respect for human rights and fundamental freedoms;

8 (c) The development of respect for the child's parents and the child's cultural identity,
9 language, and values; for the national values of the country in which the child is living and the
10 country from which the child may originate; and for civilizations different from the child's
11 civilization;

12 (d) The preparation of the child for a responsible life in a free society in the spirit of:

13 a. Understanding;

14 b. Peace;

15 c. Tolerance;

16 d. Equality of sexes; and

17 e. Friendship among all:

18 (i) People;

19 (ii) Ethnic, national, and religious groups; and

20 (iii) Persons of indigenous origin; and

21 (e) The development of respect for the natural environment;

22 (26) The state recognizes the right of the child to rest and leisure, to engage in play and
23 recreational activities appropriate to the age of the child, and to participate freely in cultural life and
24 the arts;

25 (27) The state recognizes the right of the child to be protected from economic exploitation
26 and from performing any work that is likely to be hazardous or to interfere with the child's
27 education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social
28 development; and

29 (28) The state recognizes the right of a child to be free from sexual exploitation or abuse,
30 and the state shall take all appropriate measures to prevent:

31 (a) The inducement or coercion of a child to engage in any unlawful sexual activity;

32 (b) The exploitative use of children in prostitution or other unlawful sexual practices; and

33 (c) The exploitative use of children in pornographic performances and materials;

34 (29) The state shall take all appropriate measures to prevent the abduction of, the sale of, or
35 trafficking in children for any purpose or in any form;

36 (30) The state shall protect the child against all other forms of exploitation prejudicial to any
37 aspects of the child's welfare;

38 (31) The state shall ensure that:

1 (a) No child is subjected to torture or other cruel, inhuman, or degrading treatment or
2 punishment. Neither capital punishment nor life imprisonment without possibility of release shall
3 be imposed for offenses committed by a person under eighteen years of age;

4 (b) No child is unlawfully or arbitrarily deprived of his or her liberty. The arrest, detention,
5 or imprisonment of a child shall be in conformity with the law and shall be used only as a measure
6 of last resort and for the shortest appropriate period of time;

7 (c) Every child deprived of liberty is treated with humanity and respect for the inherent
8 dignity of the human person and in a manner that takes into account the needs of a person of his or
9 her age. Every child deprived of liberty shall be separated from adults unless it is considered in the
10 child's best interest not to do so and shall have the right to maintain contact with his or her family
11 through correspondence and visits; and

12 (d) Every child deprived of his or her liberty has the right to prompt access to legal and
13 other appropriate assistance; the right to challenge the legality of the deprivation of his or her liberty
14 before a court or other competent, independent, and impartial authority; and the right to a prompt
15 decision on any action under this paragraph."; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.