



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 1005		DATE: 3/22/2023	
COMMITTEE: Judiciary			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: DARCY OLSEN		PHONE NUMBER: 602-710-1135	
BUSINESS/ORGANIZATION NAME: CENTER FOR THE RIGHTS OF ABUSED CHILDREN		TITLE: CEO AND FOUNDER	
ADDRESS: 3900 E. CAMEBACK RD., STE. 300			
CITY: PHOENIX		STATE: AZ	ZIP: 85018
EMAIL: darcy@thecenterforchildren.org	ATTENDANCE: Written	SUBMIT DATE: 3/22/2023 7:36 PM	

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Support House Bill 1005 Modifies provisions relating to the placement of a child with a grandparent or other relative. Requires protocols for reporting and searching for children in the custody of Children’s Division whose whereabouts are unknown. Written Testimony Darcy Olsen, CEO and Founder Center for the Rights of Abused Children House Committee on the Judiciary Wednesday, March 22, 2023, at 4:30 p.m. CST Chair Evans, Vice Chair Veit, and Committee Members: Good afternoon, I am Darcy Olsen, and I serve as the CEO and Founder of the Center for the Rights of Abused Children. Our mission is to protect children, change laws, and inspire people — to ensure every abused child has a bright future. Foster care systems across the country fail to properly serve children who suffered abandonment, abuse, and neglect. One of the most crucial elements predicting the safety and well-being of these children is placement stability — that is, quickly settling them into a relative or foster home so they have few home changes on the path to permanency, whether reunification, guardianship, or adoption.¹ One of the hallmark reforms we promote at the Center for the Rights of Abused Children is expeditious family searches. Research and personal experience tells us that living with relatives and close nonrelated adults typically improves a child’s sense of care and overall outcomes. Also, we know finding a stable family the moment a child enters foster care and not moving the child around a lot improves their path to permanency. With this stability comes greater safety. When children are forced to move or who reside in non-family facilities, they are more likely to run away and disappear, which causes lifelong harms such as being unhoused, entering the criminal justice system, and even being trafficked.² Despite Missouri being responsible for their safety and care, frequently it fails to properly search for these children or even report them missing. State law does not mandate strict policies to prevent their disappearance or search until they are found, depriving these at-risk children of the protection they deserve.³ Too many Missouri children suffer from instability when they enter foster care — compounding the trauma they have already experienced from abuse and neglect. Consider this data: Missouri children languish in care, waiting for a permanent home. In 2021, children spent an average 24.5 months in foster care by the time they left care — with 40% of children in care longer than two years.⁴ This period lasts even longer for those seeking adoption. The over 2,500 children waiting to be adopted from foster care in 2020 had already spent an average of 34.7 months in care (above the 32.7-month national average).⁵ Most Missouri children in foster care suffer placement disruptions. The percentage of children experiencing multiple placements is above the national average. Specifically, two-thirds of Missouri children in care experience multiple placements and over one-quarter (27%) suffer four or more placements, above the national average (22%).⁶ Nearly 600 youth aged out of foster care, and an additional 855 were at risk of entering adulthood without a permanent family. ⁷ Missouri fails to meet federal benchmarks for stability and permanency. Missouri is not in substantial conformity with ensuring children have permanency and stability in their living situations, according to

federal review. This includes needing to improve efforts to place children with relatives.⁸ The rate of children achieving permanency within 12 months falls below the national standard,⁹ and more than 15% of children will reenter foster care.¹⁰ Children are less likely than the national average to be reunified with their parents within 12 months.¹¹ Missouri fails to properly report and recover children missing from care. Over a 2.5-year period, there were 1,780 instances of children missing from foster care. Put another way, 4% of children in care went missing.¹² A 2021 report from the U.S. Office of Inspector General found that Children's Division (the Division) failed to report children as missing in nearly half of the cases reviewed. The Division further rarely attempted to reduce children's risk of going missing, failed to protect children who went missing from foster care, and did not effectively use resources to assist in locating them.¹³ Research supports an association between running away from home and increased vulnerability for experiencing sexual exploitation and human trafficking. The National Center for Missing and Exploited Children (NCMEC) estimates that 19% of those who run away from foster care likely experience sex trafficking.¹⁴ State Law Lacks Best Practices for Accountability The current system fails Missouri children. State law is relatively silent on these issues or lacks best practices, diminishing accountability for ensuring children achieve stability and safety. Missouri's Relative Search System Missouri law prioritizes placing children with relatives or close nonrelated individuals. Specifically, Children's Division must conduct a due diligence search for grandparents and relatives for emergency placements (within three days) and then within 30 days after the emergency placement if the child remains in custody. The search will be ongoing until the Division locates the relatives of the child for placement or the court excuses further search.¹⁵ A diligent search is simply defined as "an exhaustive effort to identify and locate the grandparents or relatives whose identity or location is unknown." Further, the Division "shall use all sources of information, including any known parent or relative, to attempt to locate an appropriate relative as placement."¹⁶ State law does not detail what a notification shall entail, require timely responses, or detail what must be reported to the court beyond stating "progress" must be reported at each court hearing until the grandparents or relatives are either located or the court excuses further search.¹⁷ Notably within this system, child welfare agents and courts are enabled to take children from stable foster homes long after they have established bonds and trust with their foster family. Per state law, the Division gives foster home placement priority as follows: grandparents, relatives related by blood or affinity within the third degree, other relatives (which includes an unrelated person who has a close relationship with the child or family), and lastly any foster parent.¹⁸ Because of this ongoing search requirement and preferential treatment for certain types of relatives, a presumption of stability does not exist in state law, creating home disruptions for children when relatives are not found at the start of a case but may appear months or years down the line.¹⁹ Current System for Reporting and Finding Children Missing from Care The Preventing Sex Trafficking and Strengthening Families Act amended Title IV-E to require state agencies develop and implement specific protocols to immediately report and locate any children missing from foster care.²⁰ Such responses include notifying law enforcement and NCMEC — the national clearinghouse managing missing children's cases — within 24 hours of awareness. Protocols must also determine a child's experiences while missing from care, in instances when the child is located, including screening for human trafficking.²¹ Missouri state law does not explicitly address protocols for reporting or locating children missing from care.²² Rather, these processes are found in the Child Welfare Manual.²³ As highlighted above, audits suggest that even these protocols are not followed. A new 2023 report from the Office of Inspector General finds states continue violating federal mandates by not properly reporting children missing from foster care an estimated 69% of the time — undermining efforts to find these children in the crucial hours following their disappearance.²⁴ The Solution We support House Bill 1005 in establishing clear timelines and accountability mechanisms that require early, comprehensive searches for relatives, minimize later moves, and give children the stability needed to enhance their health, behavior, and overall life outcomes.²⁵ This bill includes the following reforms: Establish clear guidelines for conducting timely, thorough relative searches. In place of the current vague state law, the Division would be required to take commonsense steps key for efficient placement safety and relative communication, including conducting interviews with the child and family and searching all available databases. The Division would be mandated to better help relatives make informed, timely decisions by providing information (via certified mail when appropriate) about the process for becoming licensed and all available resources. Increase process accountability by outlining and mandating search documentation with the court. Specifically, the Division would submit a narrative of search efforts, including responses from relatives and efforts to abide by the interstate compact agreement, within 30 days of the child entering care and at each periodic review hearing. Front-load relative searches for improved placement stability. The Division would be instructed to complete ongoing searches within six months of a child entering care, unless the best interest of the child requires an extension. Relatives would have 30 days to acknowledge whether they have an interest in participating in caring for the child, helping promote timeliness of placements and case planning. Improve stability by treating long-term foster families akin to relatives.

When considering whether a child should be moved, the law would now recognize the importance of bonding with foster parents and minimizing instability by considering a long-term foster placement as preferentially equal to relatives. This policy would align with state law regarding pre-adoption placements, which accounts for bonding with foster parents and provides adoption preference to foster families with whom a child has lived continuously for nine months.²⁶ Require Division personnel to report children missing from care and develop appropriate search protocols. To increase accountability for reporting and finding children missing from care, the law would explicitly task the Division with the following: immediately reporting missing children to law enforcement and NCMEC, bringing into law some existing Division internal search policies, requiring an up-to-date photo of the child in their case file, and prohibiting closing a case until the child is found. The law would further promote preventative measures by requiring protocols for identifying children at risk of disappearing and assessing safety and future risk once they are found. Why Stability and Relative Care for Children is Needed A developing body of research shows that placement stability, immediate placement with relatives, and accountable missing children search policies are pivotal for child safety and well-being. These findings are notable. Placement stability predicts greater life satisfaction²⁷ and overall improved mental health and emotional regulation.²⁸ In contrast, a history of multiple foster care placements is associated with running from care, which decreases health, education, and justice system outcomes²⁹ and increases the risk of behavioral problems.³⁰ Children typically fare better when placed with relatives. A literature survey compiled by the American Bar Association finds children have better outcomes when placed with relative caregivers than their peers who are not. This includes less trauma and behavior problems and stronger ties to biological family.³¹ Children placed in nonrelative foster care are up to three times more likely to suffer a placement disruption,³² underscoring the importance of finding safe, willing relatives immediately when a child enters care. Multiple foster care placements increase the chances a child will disappear. Children and youth who are missing, or have run away from, foster care have a greater likelihood of experiencing adverse outcomes, including poor health, substance use, academic underperformance, and involvement with the juvenile justice system.³³ Timely reporting of a child missing from care, an immediately available photo, and targeted resources and attention to those most at risk of disappearing are the leading practices most likely to protect children. For instance, best practices recognize that children who have gone missing at least once were 92% more likely to going missing again when compared with children who had never gone missing.³⁴ These Reforms are Informed by Data and Experience It is important to remember that not only child welfare data informs our position, but practical experience. Four states have passed similar reforms since 2018, with more reforms pending including in my home state of Arizona.³⁵ Most importantly, however, are children's experiences and voices. Through the work of our pro bono legal clinic at the Center for the Rights of Abused Children, we know firsthand the harms children suffer when agencies and courts shuffle them from home to home in simple obedience to preferential lists — as opposed to the child's best interests always guiding decisions. Too often, agencies are not incentivized to find the best relative placement at the start of the case and opt to strip children from the only loving foster family they have ever known and send them to relatives they have never met. A child's needs must always be paramount. This means finding relatives quickly, and if this cannot be done, prioritizing stability and limiting trauma to the child through lasting and loving foster homes. These are the simple and needed policies to the foster care system that serves the most vulnerable children in Missouri. Thank you for your time and for your consideration. It is a privilege to address you on such an important topic, and I look forward to answering any questions you may have. ###



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: J. KENDALL SEAL		PHONE NUMBER: 602-710-1135	
BUSINESS/ORGANIZATION NAME: CENTER FOR THE RIGHTS OF ABUSED CHILDREN		TITLE: VP OF POLICY	
ADDRESS: 3900 E. CAMEBACK RD., STE. 300			
CITY: PHOENIX		STATE: AZ	ZIP: 85018
EMAIL: kendall@thecenterforchildren.org	ATTENDANCE: In-Person	SUBMIT DATE: 3/22/2023 7:47 PM	

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Support House Bill 1005 Modifies provisions relating to the placement of a child with a grandparent or other relative. Requires protocols for reporting and searching for children in the custody of Children’s Division whose whereabouts are unknown. In-Person Testimony Kendall Seal, VP of Policy Center for the Rights of Abused Children House Committee on the Judiciary Wednesday, March 22, 2023, at 4:30 p.m. CST Chair Evans, Vice Chair Veit, and Committee Members: Good afternoon, I am Kendall Seal, and I serve as the Vice President of the Center for the Rights of Abused Children. Our mission is to protect children, change laws, and inspire people — to ensure every abused child has a bright future. Frequently, our pro bono Law Clinic receives similar heartbreaking calls involving children who linger in foster care for years because the child welfare agency does not prioritize finding relatives immediately. Instead, these children bounce between homes. Placement stability is crucial for a child’s safety and well-being. Multiple home moves traumatize children who have already suffered. And this increases the changes of life-altering harm — like dropping out of school, homelessness, and being exploited by traffickers.i Children should be quickly settled into a relative or foster home on the path to permanency.ii Children who live with family right away fare particularly well.iii That’s why we support all efforts to find relatives first. Yet, most Missouri children in care will be placed in multiple homes. In fact, the rate of multiple placements exceeds the national average.iv?A federal review finds Missouri falls short of ensuring children have permanency and stability – and that the state must improve efforts to place children with relatives.v We also see the harm of this instability in the thousands of Missouri children who disappear from foster care.vi A federal audit found that in prior years the Children’s Division failed to properly search for these children or even report them missing — despite being responsible for their safety and care.vii Quickly placing these children with relatives, instead of forcing them to move from home to home, can help prevent such risks of disappearing. Clearly, the current system fails Missouri children. There is no law outlining best practices to incentivize completing early relative searches and minimizing moves. There is no law presuming the importance of placement stability. That is, the agency instead defers to checklists for placement preference. There is no state law that requires reporting and searching for children who go missing from care or preventing those most at-risk from disappearing. House Bill 1005 will help ensure children achieve stability and safety. Among other thing, the bill requires the state to do the following: Conduct a thorough family member search at the very start of the case; Provide relatives the necessary information to make an informed decision quickly; Work to place children with family members as soon as possible after a child enters foster care; Presume the importance of stability by treating long-term foster families akin to relatives; and Increase accountability by mandating comprehensive reports to the court of search processes. Require the Division to report children missing from care, continue searching until the child is found, and improve prevention. We know

these are difficult cases. And what is best may not always be clear. But the best interests of the child must guide decisions. This bill specifies best practices for conducting searches from the start of the case. And for those children facing the greatest safety risks — from running away to being trafficked — state law will prioritize accountability for keeping these children safe. These are the simple and needed policies to the foster care system that serves the most vulnerable children in Missouri. Thank you for your time and attention. I would be happy to answer any questions committee members may have for me. ###



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: KATHY RODGERS		PHONE NUMBER: 816-435-8028	
BUSINESS/ORGANIZATION NAME: OFFICE OF THE GUARDIAN AD LITEM, JACKSON COUNTY FAMILY COURT		TITLE: DIRECTOR OF GUARDIAN AD LITEM SERVICES	
ADDRESS: 625 W. 26TH STREET			
CITY: KANSAS CITY		STATE: MO	ZIP: 64113
EMAIL: kathy.rodgers@courts.mo.gov	ATTENDANCE: Written	SUBMIT DATE: 3/16/2023 1:37 PM	
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The Office of the Guardian ad Litem, Jackson County, Missouri, supports this bill. It would make it easier for the Missouri Children's Division to find relatives. It also establishes a time limit for the relative to express an interest in being a resource for the child.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: LAURIE V. SNELL		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: lsnell@planetkc.com		ATTENDANCE: Written	SUBMIT DATE: 3/17/2023 1:44 PM

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TO: House Judiciary Committee HB1005 – Amends §§ 210.305 and creates seven new sections/provisions
FROM: Laurie V. Snell, Attorney at Law
 As an attorney who has been working in the child protection system/juvenile court in Jackson County Missouri for more than 25 years, I completely support this bill. Those of us who work in the system advocating for families know that children and families do better when children are kept with / placed with family (or kin). This proposed legislation supports that concept and also defines “diligent search” and other areas where the prior statute was silent and ineffectual – which is much needed. The bill also provides education for families and accountability for the agency, as well. My only concern is in the final proposed addition (point 7.) which essentially cuts-off relatives if they do not act within six months of being given notice. Problem is, it does not give a clear exception for good cause (other than “may”). Sometimes families have hardships that make them unable to act promptly, situations that later get resolved. It would be better if the added language recognized that better than just saying “may excuse the Children’s Division”. This bill appropriately addresses and fills-in gaps that existed in the prior statute and provides corrections to the benefit of Missouri families. I urge the sponsor and committee to advance this legislation. Thank you for your attention to this written testimony.

/s/Laurie Vaskov Snell
 Missouri Bar Number
 P.O. Box
 Kansas

41978
 414087
 City, Mo. 64141
 (816) 221-3988
 (fax) 471-4686
 lsnell@planetkc.com



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: MELISSA BUCKMAN YOUNG		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: mby@buckmanyounqlaw.com	ATTENDANCE: In-Person		SUBMIT DATE: 3/14/2023 9:40 AM
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I am the G.A.L. for Audrain County, and also serve in Montgomery County. I am experienced in juvenile, family law, adoptions, and guardianships and have served both as a parent attorney and as a G.A.L. for well over a decade. I am also well experienced in representing foster parents in guardianships and adoptions. As a G.A.L. working with foster children, I always start the case with questions for the Children's Division about relative searches. We then continue to explore that throughout the case. As an attorney, I appreciate the clear language and requirements of HB 1005, including the deadline of the report to be filed with the Court within 30 days of a child coming into care. I understand the large amount of work the Children's Division has to complete in a short timeframe when a child enters care, but I also understand how vital towards reunification efforts placement with family can be. This is something our Circuit has tracked in the past, and children placed with relatives are much more likely to have increased visits with their parents as the placement is likely to help with supervision needs, and that seems to have a clear relationship with lessening the time a child is in foster care. I also support the requirements of this bill as proposed in section 6 to share information in a timely and clear manner to all possible relative placements. As a G.A.L. and attorney for foster parents in guardianship and adoptions, I also support proposed section 7 of this bill that gives the court the option of excusing Children's Division from changing placement to a relative who expresses the desire for placement at a time after six months, which may very well be after the child is bonded with a foster family and that family is seeking permanency for the child. I can provide explanation to the committee of the placement hierarchy within the Children's Division policies and how this bill may affect and interact with that hierarchy. I would like to make myself available to the Committee to answer any questions they have about procedural questions about juvenile court proceedings or placement of a child in foster care. Thank you in advance for the opportunity to speak with the committee.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: MELISSA BUCKMAN YOUNG		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: mby@buckmanyounlaw.com	ATTENDANCE: In-Person		SUBMIT DATE: 3/21/2023 7:45 PM
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: OLIVIA WILSON		PHONE NUMBER: 573-634-4876	
REPRESENTING: FOSTER & ADOPTIVE CARE COALITION		TITLE:	
ADDRESS: 213 E. CAPITOL AVE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/22/2023 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: TIMOTHY FABER		PHONE NUMBER: 573-480-2704	
REPRESENTING: MISSOURI BAPTIST CONVENTION		TITLE: DR.	
ADDRESS: 292 FAITH BLVD			
CITY: LAURIE		STATE: MO	ZIP: 65037
EMAIL: tfaber@mobaptist.org	ATTENDANCE: Written	SUBMIT DATE: 3/20/2023 11:09 AM	

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While the Department may still find that certain relatives are not eligible to care for a child, we believe it is almost always better for a child to be placed with an extended family member rather than with strangers. Remaining a part of their extended family will benefit the emotional and social well-being of the child, and will also most likely aid in re-unifying the family after the parents have taken necessary steps toward that goal.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: arniedienoff@yahoo.com		ATTENDANCE: Written	SUBMIT DATE: 3/22/2023 11:59 PM
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: KORTNIE HUDDLESTON		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:	STATE:	ZIP:
EMAIL: kortniehuddleston@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 3/20/2023 1:01 PM
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I believe this bill adds important details to the definition and requirements for "diligent search of relatives", however I cannot support it without additional language regarding its implications and adherence to the Indian Child Welfare Act (ICWA). The bill needs to include language addressing ICWA requirements and must include the language: "In any adoptive placement of an Indian child under State law, a preference shall be given, in the absence of good cause to the contrary, to a placement with (1) a member of the child's extended family; (2) other members of the Indian child's tribe; or (3) other Indian families." "Any child accepted for foster care or preadoptive placement shall be placed in the least restrictive setting which most approximates a family and in which his special needs, if any, may be met. The child shall also be placed within reasonable proximity to his or her home, taking into account any special needs of the child. In any foster care or preadoptive placement, a preference shall be given, in the absence of good cause to the contrary, to a placement with—(i) a member of the Indian child's extended family;(ii) a foster home licensed, approved, or specified by the Indian child's tribe;(iii) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or(iv) an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs."



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: MICHAEL DREYER		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:	STATE:	ZIP:
EMAIL: mdreyer93@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 3/20/2023 1:00 PM
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