

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute for Senate Bill No. 890, Page 1, Section A, Line 3, by inserting after all
2 of said section and line the following:

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4 "210.560. 1. As used in this section, the following terms shall mean:

5 (1) "Child", any child placed in the legal custody of the division under chapter 211;

6 (2) "Division", the children's division of the department of social services of the state of
7 Missouri;

8 (3) "Money", any legal tender, note, draft, certificate of deposit, stocks, bond or check;

9 (4) "Unmet needs", needs for which the division is not required by law to provide financial
10 support, such as:

11 (a) Tuition, tutoring, and training, including application fees, books, equipment, and testing;

12 (b) Transportation to work, training, education, or to maintain family connections;

13 (c) Housing expenses if the child is preparing to leave the custody of the division for
14 reasons relating to the child's age; and

15 (d) Technology, special clothing needs, instruments, books, and other equipment relating to
16 the child's hobbies and interests;

17 (5) "Vested right", a legal right that is more than a mere expectancy and may be reduced to a
18 present monetary value.

19 2. The child, the child's parents, any fiduciary or any representative payee holding or
20 receiving money that are vested rights solely for or on behalf of a child are jointly and severally
21 liable for funds expended by the division to or on behalf of the child. The liability of any person,
22 except a parent of the child, shall be limited to the money received in his or her fiduciary or
23 representative capacity. The Missouri state government shall not require a trustee or a financial
24 institution acting as a trustee to exercise any discretionary powers in the operation of a trust.

25 3. (1) The division may accept an appointment to serve as representative payee or fiduciary,
26 or in a similar capacity for payments to a child under any public or private benefit arrangement.
27 Money so received shall be governed by this section to the extent that laws and regulations
28 governing payment of such benefits provide otherwise.

29 (2) In the case of benefits administered by the Railroad Retirement Board, the Social
30 Security Administration, or the Veterans Administration, the division shall determine whether the

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1 child is receiving or otherwise eligible to receive such benefits within sixty days after the child is
2 placed in the division's custody. If the division determines that the child is eligible or may be
3 eligible for the benefits, the division shall apply for the benefits on behalf of the child. If the child is
4 already receiving the benefits before being placed in the division's custody or if the division applies
5 for the benefits on behalf of the child, the division shall identify, in consultation with the child and
6 the child's legal representative, a representative payee in accordance with 20 CFR 404.2021 and 20
7 CFR 416.621 and shall apply to become the representative payee only if no other suitable candidate
8 is available. The division shall annually review if someone other than the division is available, if in
9 the best interests of the child, to apply to assume the role of representative payee.

10 (3) The division shall annually review cases of children in the division's custody to
11 determine whether a child may have become eligible for benefits after the division's initial
12 assessment.

13 4. Any money received by the division on behalf of a child shall be accounted for in the
14 name of the child. Any money in the account of a child [~~may~~] shall not be expended by the division
15 for care or services for the child including, but not limited to, foster care maintenance expenses, as
16 defined in 42 U.S.C. Section 675(4)(A), and any special allowances or expenses established by the
17 division for the care of children in the division's custody, for a child of a similar age; provided,
18 however, that the division may use the benefits administered by the Railroad Retirement Board, the
19 Social Security Administration, or the Veterans Administration for the child's unmet needs beyond
20 what the division is obligated, required, or agrees to pay. The division shall by rule adopted under
21 chapter 536 establish procedures for the accounting of the money and the protection of the money
22 against theft, loss or misappropriation.

23 5. The division shall deposit money with a financial institution. Any earnings attributable to
24 the money in the account of a child shall be credited to that child's account. The division shall
25 receive bids from banking corporations, associations or trust companies which desire to be selected
26 as depositories of children's moneys for the division. The child's account shall be established in a
27 manner consistent with federal and state asset and resource limits and may include a special-needs
28 trust, a pooled special-needs trust, an ABLE account as defined in section 209.600, or any other trust
29 account determined not to interfere with asset limitations for any state or federal benefit program for
30 which the child may be eligible.

31 6. The division may accept funds which a parent, guardian or other person wishes to provide
32 for the use or benefit of the child. The use and deposit of such funds shall be governed by this
33 section and any additional directions given by the provider of the funds.

34 7. Each child for whose benefit funds have been received by the division and the guardian
35 ad litem of such child shall be furnished annually with a statement listing all transactions involving
36 the funds which have been deposited on the child's behalf, to include each receipt and disbursement.

37 8. The division shall use all proper diligence to dispose of the balance of money
38 accumulated in the child's account when the child is released from the care and custody of the
39 division or the child dies. When the child is deceased the balance shall be disposed of as provided

1 by law for descent and distribution. If, after the division has diligently used such methods and
2 means as considered reasonable to refund such funds, there shall remain any money, the owner of
3 which is unknown to the division, or if known, cannot be located by the division, in each and every
4 such instance such money shall escheat and vest in the state of Missouri, and the director and
5 officials of the division shall pay the same to the state director of the department of revenue, taking
6 a receipt therefor, who shall deposit the money in the state treasury to be credited to a fund to be
7 designated as "escheat".

8 9. Within five years after money has been paid into the state treasury, any person who
9 appears and claims the money may file a petition in the circuit court of Cole County, Missouri,
10 stating the nature of the claim and praying that such money be paid to him. A copy of the petition
11 shall be served upon the director of the department of revenue who shall file an answer to the same.
12 The court shall proceed to examine the claim and the allegations and proof, and if it finds that such
13 person is entitled to any money so paid into the state treasury, it shall order the commissioner of
14 administration to issue a warrant on the state treasurer for the amount of such claim, but without
15 interest or costs. A certified copy of the order shall be sufficient voucher for issuing a warrant;
16 provided, that either party may appeal from the decision of the court in the same manner as provided
17 by law in other civil actions.

18 10. All moneys paid into the state treasury under the provisions of this section after
19 remaining there unclaimed for five years shall escheat and vest absolutely in the state and be
20 credited to the state treasury, and all persons shall be forever barred and precluded from setting up
21 title or claim to any such funds.

22 11. Nothing in this section shall be deemed to apply to funds regularly due the state of
23 Missouri for the support and maintenance of children in the care and custody of the division or
24 collected by the state of Missouri as reimbursement for state funds expended on behalf of the
25 child."; and

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27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.