

SECOND REGULAR SESSION

# HOUSE BILL NO. 2809

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KELLY (141).

5570H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 37.710, RSMo, and to enact in lieu thereof one new section relating to investigations by the office of child advocate.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 37.710, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 37.710, to read as follows:

37.710. 1. The office shall have access to the following information:

(1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children's division, the department of mental health, and the juvenile court;

(2) All written reports of child abuse and neglect; and

(3) All current records required to be maintained pursuant to chapters 210 and 211.

2. The office shall have the authority:

(1) To communicate privately by any means possible with any child under protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, and other persons or entities providing treatment and services;

(2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state;

(3) To work in conjunction with juvenile officers and guardians ad litem;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (4) To file any findings or reports of the child advocate regarding the parent or child  
19 with the court, and issue recommendations regarding the disposition of an investigation,  
20 which may be provided to the court and to the investigating agency;

21 (5) To file amicus curiae briefs on behalf of the interests of the parent or child, or to  
22 file such pleadings necessary to intervene on behalf of the child at the appropriate judicial  
23 level using the resources of the office of the attorney general;

24 (6) To initiate meetings with the department of social services, the department of  
25 mental health, the juvenile court, and juvenile officers;

26 (7) To take whatever steps are appropriate to see that persons are made aware of the  
27 services of the child advocate's office, its purpose, and how it can be contacted;

28 (8) To apply for and accept grants, gifts, and bequests of funds from other states,  
29 federal, and interstate agencies, and independent authorities, private firms, individuals, and  
30 foundations to carry out his or her duties and responsibilities. The funds shall be deposited in  
31 a dedicated account established within the office to permit moneys to be expended in  
32 accordance with the provisions of the grant or bequest;

33 (9) Subject to appropriation, to establish as needed local panels on a regional or  
34 county basis to adequately and efficiently carry out the functions and duties of the office, and  
35 address complaints in a timely manner; and

36 (10) To mediate between alleged victims of sexual misconduct and school districts or  
37 charter schools as provided in subsection 1 of section 160.262.

38 3. For any information obtained from a state agency or entity under sections 37.700 to  
39 37.730, the office of child advocate shall be subject to the same disclosure restrictions and  
40 confidentiality requirements that apply to the state agency or entity providing such  
41 information to the office of child advocate. For information obtained directly by the office of  
42 child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to  
43 the same disclosure restrictions and confidentiality requirements that apply to the children's  
44 division regarding information obtained during a child abuse and neglect investigation  
45 resulting in an unsubstantiated report.

46 **4. On any disposition of investigations by the office of child advocate under**  
47 **subdivision (4) of subsection 2 of this section that contain recommendations relating to a**  
48 **state agency, the agency shall provide responses to any recommendations contained in**  
49 **the disposition letter to the child advocate within thirty days after the receipt of the**  
50 **disposition letter.**

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