

HB 2410 -- RIGHT TO COUNSEL FOR PROCEEDINGS INVOLVING CHILDREN

SPONSOR: Hausman

This bill requires the appointment by a court of a client-directed counsel to appear for and represent a child in certain judicial proceedings. The counsel shall be appointed prior to the first protective custody hearing, and shall represent the child through all stages of the proceeding through permanency, including appeal.

The bill specifies the counsel's access to certain reports, records, and family support meetings involving the child, and further specifies that a child and his or her parents shall not be represented by the same counsel, though siblings may be represented as long as no conflict of interest exists.

This bill also modifies provisions relating to guardians ad litem. The existing conditions for the appointment of a guardian ad litem are repealed and modified so that guardians ad litem may be appointed by a judge to investigate cases involving child abuse or neglect, make recommendations, and advocate for the best interests of the child in certain judicial proceedings. For proceedings relating to delinquency, child abuse or neglect, or the termination of parental rights, the bill provides that a client-direct counsel shall be appointed by the board prior to the first hearing.

The bill adds a provision for circumstances in which the court is required to appoint counsel for the custodian of a child. Currently, counsel shall be appointed if the custodian is indigent, desires the appointment of counsel, and the court finds that a full and fair hearing requires the appointment of counsel. The bill adds this required appointment of counsel when the custodian of the child is a minor, or mentally ill or otherwise incompetent, and the child is the subject of certain judicial proceedings, which are specified in the bill.

This bill requires the Missouri Supreme Court to establish standards of practice and quality representation training requirements for counsel appointed under the provisions of this bill within six months of August 28, 2024. The bill also requires an annual report to be furnished by the Office of State Courts Administrator and submitted to the General Assembly relating to the number of children who have been appointed counsel under the provisions of this bill.

The bill also provides that a guardian ad litem may be appointed to investigate a case and make recommendations as to the best interests of a child or a parent who is a minor or who is incompetent, provided that the guardian ad litem shall not serve as

counsel to the child or parent who is a minor or who is incompetent.