

HCS HBs 737 & 486 -- PROTECTION OF CHILDREN (Schmidt)

COMMITTEE OF ORIGIN: Standing Committee on Children and Families

MONEYS HELD BY CHILDREN'S DIVISION FOR A CHILD OR YOUTH (Section 210.560)

This bill specifies that in the case of benefits administered by the Railroad Retirement Board, the Social Security Administration, or the Veterans Administration, the Children's Division is required to determine whether a child or youth in custody of the Division is receiving or otherwise eligible to receive such benefits within 60 days after placement into custody.

The Division is to apply for benefits on behalf of the child or youth, if such child or youth is deemed to be eligible. If benefits are already being received before placement into the Division's custody or the Division applies for benefits on behalf of the child, the Division is responsible for identifying a representative payee and must apply to become such if no other suitable candidate is available.

Any moneys received by the Division and in the account of a child or youth are prohibited from being expended by the Division for certain services or care. However, this bill provides that the Division may use the benefits administered by the Railroad Retirement Board, the Social Security Administration, or the Veterans Administration for the child's or youth's unmet needs, as are defined in the bill, beyond what the Division is required or agrees to pay.

The bill additionally grants the Department of Social Services the ability to enter into contracts to apply for benefits on behalf of a child or youth and to establish accounts on behalf of the child or youth.

PLACEMENT OF A CHILD (Section 211.221)

Currently, when placing a child in the custody of an individual or a private agency or institution, the court must, whenever practicable, select either a person, or an agency or institution governed by persons of the same religious faith as that of the parents of the child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child or if the religious faith of the child is not ascertainable, then of the faith of either of the parents. This bill requires the Children's Division, within the Department of Social Services, or any child-placing agency contracting with the State to provide foster care services to follow the same procedure.

ABUSE OR NEGLECT OF A CHILD (Section 210.110, 568.060, and 578.421)

As specified in this bill, a person does not commit the offense of abuse or neglect of a child by virtue of the sole fact that the person allows the child to engage in independent activities without adult supervision, and that the person is a parent or guardian to the child, provided that:

- (1) Independent activities are appropriate based on the child's age, maturity, and physical and mental abilities; and
- (2) The lack of adult supervision does not constitute conduct that is so grossly negligent as to endanger the child's health or safety.

As defined in the bill, "independent activities" include traveling to or from school or nearby locations, either by bicycle or on foot; playing outdoors; or remaining at home for a reasonable period of time without adult supervision.

This bill also modifies the term "neglect" to provide that it is not neglectful for a person to allow a child to engage in independent activities without adult supervision, provided that such activities are appropriate, based on the child's age, maturity, and physical and mental capabilities, and that the lack of adult supervision does not constitute negligent conduct.