

CCS SS HCS HBs 737 & 486 -- PROTECTION OF CHILDREN

This bill modifies several provisions relating to the protection of children.

YOUTH OPPORTUNITIES AND VIOLENCE PREVENTION TAX CREDIT (Section 135.460)

Current law authorizes a tax credit in the amount of 50% of contributions made to certain youth programs. This bill increases such tax credit to 70% of the amount of such contributions made.

CHILDREN'S DIVISION SERVICE PROVIDER CONTRACTS (Section 210.112)

Under this bill, provisions in service provider contracts with the Children's Division in which the State is indemnified, held harmless, or insured for damages, claims, losses, or expenses arising from any injury caused by or resulting from the State's negligence, in whole or in part, will be void as against public policy and unenforceable.

SERVICES FOR YOUTH (Section 210.119)

Under this bill, the Department of Social Services will establish a program to provide a comprehensive system of service delivery, education, and residential care for youth with severe behavioral challenges. In order to be eligible for the program, a youth must be under 21 years of age, in the custody of the Children's Division, and a team in the Department must have decided that the needs of the youth cannot be met with existing programs.

The Department must have the authority to contract with qualified services providers to provide services to the youth under this bill. Such service providers will be certified, licensed, or accredited in their respective fields of service, based in Missouri, and entities with proven experience in the areas for which they will provide services.

A qualified service provider providing services under this bill will have immunity, as specified in the bill.

The Department will be authorized to enter into memoranda of understanding with any facility or campus under state ownership that is appropriate for the program and youth being served.

CHILD ABUSE INVESTIGATIONS (Section 210.145)

Under this bill, the person responding to an investigation of abuse or neglect must first ensure the safety of the child through direct

observation and communication, and if the parent or alleged perpetrator is present during an investigation by the Children's Division, the case worker must identify themselves and their role in the investigation. When responding to an assessment of abuse or neglect, the person responding must provide the child's parent or guardian with written materials informing him or her of rights regarding the visit, including that they have the right to contact an attorney. The parent or guardian must be given reasonable time to read or have the material read to them.

#### 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 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, if that child 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. The Division must annually review cases of children in the division's custody to determine whether a child could've become eligible for benefits after the division's initial assessment. 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 which are detailed in the bill. However, this bill provides that the Division can 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.

CHILD'S COUNSEL (Sections 210.145, 210.160, 210.560, 210.565, 210.762, 211.032, 211.211, 211.261, 211.462, 477.700, 477.705, 477.710, and 477.715)

Beginning January 1, 2028, unless operating under a pilot project established by the Missouri Supreme Court and subject to necessary appropriations, a judge will appoint a child's counsel instead of a guardian ad litem (GAL) for children in certain proceedings who are

at least 14 years but less than 18 years of age. If the child has a GAL at the time of his or her 14th birthday, that GAL will automatically become the child's counsel, unless the judge determines that it is necessary to continue the GAL appointment, as specified in the bill. The same attorney can serve as a GAL and child's counsel for a sibling group of varying ages, unless the attorney or judge finds a conflict of interest. For proceedings or cases in which child's counsel is appointed, the court must set a reasonable fee for those services and will award such fees as a judgment to be paid by the State from funds appropriated by the legislature to the judicial branch for that purpose.

This bill creates the "Child and Family Legal Representation Coordinating Commission" within the judicial branch, with the requirement of nine members appointed by the Chief Justice of the Supreme Court with duties as described in the bill, including working cooperatively with the various judicial circuits, judicial personnel, attorneys, and other State departments and agencies to ensure uniform, high-quality legal representation for children or families involved in legal proceedings, and make recommendations to the Missouri Supreme Court concerning the establishment or modification of minimum training requirements and practice standards for attorneys serving as guardians ad litem, children's counsel, or parent's counsel.

The Coordinating Commission can also develop, coordinate, and evaluate pilot projects relating to guardians ad litem, children's counsel, or parent's counsel and outcomes relating to the various models of representation, as well as implementation of the children's counsel appointment provisions of this bill.

This bill creates the "Child and Family Legal Representation Fund" in the State Treasury, to be distributed by the Coordinating Commission to the judicial circuits for the purpose of improving or providing legal representation for children or families, including the payment of reasonable fees approved by the court for the appointment of guardians ad litem, children's counsel, or parent's counsel.

Under this bill, a circuit can participate in a pilot project established by the Missouri Supreme Court relating to guardians ad litem, children's counsel, or parent's counsel, in which case a judge can appoint a child's counsel instead of a guardian ad litem.

This provision will expire on January 1, 2028.

AMBER ALERT SYSTEM (Section 210.1012)

Under current law, a Statewide program called the "Amber Alert System" was established in order to aid in the identification and location of an abducted child.

This bill includes abducted or missing African American youth in the system and adds that it will be unlawful to discriminate against any person because of a protected classification when the Department of Public Safety coordinates with local law enforcement agencies and media outlets to identify an abducted child.

#### 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.

#### AGE OF MARRIAGE (Sections 451.040, 451.080, and 451.090)

Currently, no marriage license will be issued in Missouri for individuals under 16 years of age or issued when one party to the marriage is under 18 years of age and the other party over 21 years of age. Additionally, no marriage license will be issued if any party to the marriage is under 18 years of age without parental consent.

This bill repeals those provisions and no marriage license will be issued in Missouri for individuals under 18 years of age.

#### CIVIL ACTIONS FOR CHILDHOOD SEXUAL ABUSE (Section 537.046)

This bill modifies the offenses included in the definition of "childhood sexual abuse" for civil actions to recover damages from injury or illness caused by childhood sexual abuse. The bill will apply to any action arising on or after August 28, 2025.

This bill also provides that a nondisclosure agreement by any party to a childhood sexual abuse action must not be judicially enforceable in a dispute involving childhood sexual abuse allegations or claims and will be void.

ENDANGERING THE WELFARE OF A CHILD IN THE FIRST DEGREE (Section 568.045)

Currently, a person commits the offense of endangering the welfare of a child in the first degree if he or she knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody of the child. This bill changes the age of the child from under seventeen to under eighteen.

ABUSE OR NEGLECT OF A CHILD (Sections 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.