

SECOND REGULAR SESSION

HOUSE BILL NO. 3159

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE THOMAS.

6744H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 660, RSMo, by adding thereto one new section relating to legal services for undocumented minors.

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

Section A. Chapter 660, RSMo, is amended by adding thereto one new section, to be
2 known as section 660.760, to read as follows:

**660.760. 1. This section shall be known and may be cited as the "Children's Due
2 Process Protection Act".**

**3 2. Subject to appropriation, the department of social services shall provide legal
4 counsel to every immigrant child under the age of eighteen residing in the state of
5 Missouri.**

6 3. Children shall be appointed counsel as follows:

**7 (1) Access to counsel shall begin at the time an immigrant child is designated as
8 unaccompanied by a federal or state agency or identified as such by an immigration
9 attorney;**

**10 (2) Access to counsel may apply in state court proceedings or to submitting an
11 affirmative filing for purposes of obtaining any order necessary for or relevant to
12 immigration remedies, federal immigration proceedings, any related appearances or
13 matters, and any appeals arising from those proceedings before the United States
14 Department of Homeland Security, the United States Department of Justice, or in
15 federal court;**

**16 (3) Access to counsel shall not be provided if the immigrant child has
17 independent counsel; and**

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) Access to counsel shall apply to any child designated as an immigrant child at**
19 **any time throughout the pendency of any of the proceedings in subdivisions (1) and (2)**
20 **of this subsection. If the immigrant child reaches eighteen years of age, he or she shall**
21 **remain eligible for access to counsel during the pendency of the proceedings initiated**
22 **before the immigrant child reached eighteen years of age.**

23 **4. Contracts under this section shall follow the procedures for state contracting**
24 **in chapter 34. The department shall contract to provide the legal counsel required**
25 **under this subsection with the following entities:**

26 **(1) Nonprofit legal services organizations that have at least three years handling**
27 **asylum, T-Visa, U-Visa, or special immigrant status cases and have represented at least**
28 **twenty-five individuals in these matters; and**

29 **(2) The office of the public defender, if the office has an immigration attorney**
30 **with at least three years of experience handling asylum, T-Visa, U-Visa, or special**
31 **immigrant juvenile status cases and has represented at least twenty minors in these**
32 **matters.**

33 **5. For the purposes of this section, an "immigrant child" is defined as either:**

34 **(1) An undocumented minor as described in 6 U.S.C. Section 279; or**

35 **(2) A person under eighteen years of age, with no lawful immigration status, and**
36 **who arrived in the United States without a parent or legal guardian or who has no**
37 **parent or legal guardian available and able to assist in the child's immigration**
38 **proceedings.**

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