

HCS SCS SB 758 -- CHILDREN

SPONSOR: Wasson (Black)

COMMITTEE ACTION: Voted "do pass" by the Committee on Children and Families by a vote of 12 to 0.

This substitute changes the laws regarding children.

JOINT COMMITTEE ON CHILD ABUSE AND NEGLECT

The substitute establishes the Joint Committee on Child Abuse and Neglect of the General Assembly composed of seven members of the House of Representatives appointed by the Speaker and Minority Floor Leader and seven members of the Senate appointed by the President Pro Tem and the Minority Floor Leader.

The joint committee is required to:

- (1) Make a continuing study and analysis of the state child abuse and neglect reporting and investigation system;
- (2) Devise a plan for improving the structured decisionmaking regarding the removal of a child from a home;
- (3) Determine the additional personnel and resources necessary to adequately protect children in this state and improve their welfare and the welfare of families;
- (4) Address the need for additional foster care homes and to improve the quality of care provided to abused and neglected children in the custody of the state;
- (5) Determine from its study and analysis the need for changes in statutory law;
- (6) Make any recommendation to the General Assembly necessary to provide adequate protections for the children of our state;
- (7) Meet within 30 days after its creation and select a chairperson and a vice chairperson and meet quarterly thereafter; and
- (8) Compile a full report of its activities for submission to the General Assembly by January 15 of each year that the General Assembly convenes in regular session.

These provisions expire January 15, 2018.

CHILDREN IN CRISIS TAX CREDIT

The substitute extends the provisions regarding the children in crisis tax credit from August 28, 2012, to December 31, 2016.

#### STUDENTS IN FOSTER CARE

The Department of Elementary and Secondary Education must ensure that specified criteria are implemented in every school district regarding the enrollment and educational success of foster care children.

If a foster care student transfers before or during the school year, the receiving school must initially honor placement of the student in educational courses and programs based on the student's previous enrollment or educational assessments from the sending school and provide comparable services to a foster care student with disabilities based on his or her current Individualized Education Program.

A school may waive specific course or program prerequisites and must waive specific courses required for graduation if similar course work has been satisfactorily completed at another school or provide reasonable justification for the denial. If a waiver is not granted, the receiving school must provide an alternative means of acquiring the required course work so that graduation may occur on time. If a foster care student who transfers at the beginning of or during his or her senior year is ineligible to graduate from the receiving school after all alternatives specified in the substitute have been considered, the sending and receiving schools must ensure the student receives a diploma from the sending school if the student meets the graduation requirements of the sending school.

#### HOTLINE CALLS AND INVESTIGATIONS

In a case involving the death or serious injury of a child after a report has been made, the Children's Division within the Department of Social Services must conduct a preliminary evaluation in order to determine whether a review of the ability of the circuit manager or case worker or workers to perform their duties competently is necessary. Any preliminary evaluation must be completed no later than three days after the child's death. If the division determines a review and assessment is necessary, it must be completed no later than three days after the child's death.

The division must review a case when three or more calls regarding the same child are made to the hotline within a 72-hour period to determine if the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. The review must include contacting the hotline caller or callers

to collect information to determine if the calls meet the criteria for harassment. A hotline worker must instruct an individual making a hotline call to call 911 when a child may be in immediate danger.

A person responding to or investigating a child abuse and neglect report is prohibited from calling prior to a home visit or leaving a business card, pamphlet, or other similar identifying information at a residence if the worker has a reasonable basis to believe that no person is present at the time of home visit and the alleged perpetrator resides in the home or the child's safety may be compromised if the alleged perpetrator becomes aware of the attempted visit; the alleged perpetrator will be alerted regarding the attempted visit; or the family has a history of domestic violence or fleeing the community.

If the alleged perpetrator is present during the visit, a person responding to or investigating a child abuse and neglect report must provide written material to the alleged perpetrator informing the person of his or her rights regarding the visit, including the right to contact an attorney. The alleged perpetrator must be given a reasonable amount of time, not to exceed five minutes, to read the material or have the material read to him or her by the caseworker before the visit commences. This requirement does not apply in a case where the child faces an immediate threat or danger or if the person responding to investigate the report feels threatened or in danger of physical harm.

#### SAFE PLACE FOR NEWBORNS ACT

Currently, under the Safe Place for Newborns Act of 2002, a parent may voluntarily relinquish a newborn up to five days after the child's birth by safely delivering physical custody of the baby to certain persons without being prosecuted for child abandonment. The substitute increases that time period to up to 45 days after birth.

No parent voluntarily relinquishing a child will be required to release any identifying information about the child or parent. No officer, employee, or agent of this state or any political subdivision can attempt to locate or determine the identity of a parent or disclose identifying information except to specified individuals.

If a parent relinquishes a child, it must be considered a voluntary consent of his or her rights to a termination of parental rights.

#### JUVENILE COURT JURISDICTION

The substitute changes the age when the juvenile court will have jurisdiction over a child involving a state or local traffic violation from a child up to 15 1/2 years of age to a child up to 15 years of age.

#### FOSTER CARE RE-ENTRY

The age at which a child can be returned to the custody of the Children's Division is increased from under 18 years of age to under 21 years of age.

#### OPPORTUNITIES FOR FOSTER CHILDREN

Beginning July 1, 2013, children older than 15 years of age who are in the foster care system or the Division of Youth Services Program within the Department of Social Services must receive a visit to a state university or community or technical college in Missouri before being adopted or terminated by foster care or completing the division's custody or training. The visit must include an entry application process, financial support application and availability, career options with academic or technical training, a campus tour, and other information and experience desired.

**FISCAL NOTE:** Estimated Net Cost on General Revenue Fund of Unknown less than \$100,000 in FY 2013, \$0 to less than \$4,100,000 in FY 2014, and \$0 to less than \$4,100,000 in FY 2015. No impact on Other State Funds in FY 2013, FY 2014, and FY 2015.

**PROPOSERS:** Supporters say that the bill strengthens child abuse and neglect investigation requirements. An allegation of abuse and neglect needs to be investigated within a certain period of time, and the alleged abuser should not be receiving a phone call alerting him or her that an investigator will be coming to his or her home. Multiple calls to the hotline about the same child indicates there is a problem that merits investigation.

Testifying for the bill were Senator Wasson; and Representative Schoeller.

**OPPOSERS:** There was no opposition voiced to the committee.