

HCS HB 402 -- FAMILY INTERVENTION ORDERS

SPONSOR: Shumake

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Children, Families, and Persons with Disabilities by a vote of 6 to 4.

This substitute establishes family intervention orders for the treatment of persons who abuse chemical substances. In its main provisions, the substitute:

- (1) Requires all reports of abuse or neglect of a child; abuse of a convalescent, nursing, or boarding home resident; or any report of an eligible adult that presents a likelihood of suffering serious physical harm and in need of protective services to include an inquiry of the reporter whether chemical substance abuse may be present. If the reporter is a family member of the alleged abuser he or she must be informed on how to obtain a family intervention order if chemical substance abuse may be a factor;
- (2) Requires a petition in a dissolution proceeding to state whether a family intervention order has been entered against either party and specifies the actions the court may take if an order has been entered;
- (3) Requires the court to consider if either or both parties to a custody proceeding have a family intervention order entered against them for chemical substance abuse. Temporary or permanent custody may be considered for any party that does not have a family intervention order entered against them for chemical substance abuse;
- (4) Requires the court to make specific findings of fact showing the custody or visitation schedule ordered by the court best protects the child and the parent or other family or household member if the court finds that a parent or other family or household member is a chemical substance abuser;
- (5) Specifies that a person who is alleged to have a chemical substance abuser as a member of his or her family or household may petition for a family intervention order. The petition must be filed in the county where the petitioner or respondent resides or where the respondent may be served;
- (6) Requires a hearing on a petition for a family intervention order to be held within 15 days of the filing of the petition unless the court determines upon good cause shown that a continuance should be granted. The court must order a full family intervention order if the petitioner proves the allegation of

chemical substance abuse by a preponderance of the evidence;

(7) Specifies that a family intervention order may be issued or renewed for a period of time the court determines is appropriate, but must be valid for at least 180 days and not more than one year. If found to be in the best interest of the parties, the court may include an automatic renewal provision in the order;

(8) Specifies the requirements for the service of the petition and full family intervention order on the respondent;

(9) Specifies the minimum requirements for any full family intervention order;

(10) Creates a presumption of chemical substance abuse by the respondent if the respondent fails to comply with the requirements of the family intervention order;

(11) Allows the court to recommend a petitioner, respondent, or other family or household member to participate in codependency treatments programs or Al-Anon;

(12) Requires the Department of Social Services to obtain any necessary waivers to utilize 1% of any Temporary Assistance for Needy Families funds to provide loans at 6% annual interest for individuals who enter chemical substance abuse treatment and who are uninsured or do not have available financial resources to pay for treatment. The loan must not exceed the cost of the chemical substance abuse treatment;

(13) Requires the department to file, beginning February 1, 2014, and by every February 1 thereafter, a report with the General Assembly that includes a summary detailing any loans provided under these provisions;

(14) Specifies the language that must be used on forms to be used for the issuance of family intervention orders;

(15) Requires the department, subject to appropriations, in consultation with the courts, to develop and make available literature regarding family intervention orders. The literature must be available at all state government offices, domestic violence courts, and law enforcement offices and provided on request to 12-step programs, practicing psychologists and psychiatrists, and other organizations;

(16) Requires the department, subject to appropriations, to implement a public awareness media campaign to inform the public on the availability of family intervention orders; and

(17) Requires the court to retain jurisdiction over the family intervention order for its entire duration.

PROPOSERS: Supporters say that the bill will help families get treatment for substance abuse.

Testifying for the bill were Representative Shumake; David Usher, Center for Marriage Policy; Angela Caraway, Mark Twain Behavioral Health; Samantha Caraway; Missouri Family Network; and Carol Metzenthin.

OPPOSERS: Those who oppose the bill say that the structure of the bill is problematic and could create a chilling effect on a family. The presumptions pertaining to child custody create an incentive for people to abuse these orders during custody proceedings.

Testifying against the bill were Missouri Coalition Against Domestic and Sexual Violence; and Catholic Charities Archdiocese of St. Louis.