

HCS SS SB 869 -- CHILDREN

This bill changes the laws regarding children. In its main provisions, the bill:

(1) Adds to the duties of the Joint Committee on Child Abuse and Neglect the task of making recommendations on how to improve abuse and neglect proceedings including examining the role of the judge, the Children's Division within the Department of Social Services, the juvenile officer, the guardian ad litem, and the foster parents (Section 21.771, RSMo);

(2) Authorizes the Office of Child Advocate within the Office of Administration to file any pleadings necessary to intervene on behalf of a child at the appropriate judicial level using the resources of the Office of the Attorney General (Section 37.710);

(3) Allows a foster parent who is employed by the state or a political subdivision to take leave time to arrange for the foster child's placement or care as an adopted parent is allowed and authorizes the state and political subdivisions to provide a leave sharing program for employees arranging for a foster or adopted child's placement or care. Donated annual leave, overtime, or compensatory leave time may be transferable between employees across departments, agencies, and political subdivisions with the agreement of the chief administrative officers of the departments, agencies, or political subdivisions (Section 105.271);

(4) Specifies that when the parent or guardian of a child enrolled in the State Children's Health Insurance Program (SCHIP) fails to meet the co-payment or premium requirements and has an income of more than 250% of the federal poverty level, the child must not be eligible for SCHIP coverage for 90 days after the department provides notice to the parent or guardian of the failure. Currently, the child is not eligible for six months after the notification (Section 208.646);

(5) Changes the laws regarding the rules and requirements of the Department of Social Services for child care providers who receive state or federal funds for providing fee assistance for child care services in their home (Section 210.027);

(6) Changes the laws regarding a child abuse or neglect investigation by the Children's Division within the department by:

(a) Increasing, from within 30 days to within 45 days, the time period in which the division must complete an investigation unless good cause for the failure is specifically documented in the information system. Good cause includes the necessity to obtain

relevant reports of medical professionals, law enforcement agencies, and third parties which have not been completed and provided to the division; there is specified written documentation that there is a pending criminal investigation of the incident and the issuing of a decision by the division will adversely impact the progress of the investigation; or the child victim, the subject of the investigation, or another witness with information relevant to the investigation is unable or temporarily unwilling to provide complete information within the specified time frames;

(b) Specifying that if a child fatality or near-fatality is involved, the investigation must remain open until the division's investigation surrounding the death or near-fatal injury is completed; and

(c) Specifying that if an investigation cannot be completed within 45 days, the information system must be updated at regular intervals and upon the completion of the investigation. The investigation must be completed no later than 90 days after receipt of a report of abuse or neglect, no later than 120 days after receipt of a report involving sexual abuse, or when the division's investigation is complete in a case involving a child fatality or near-fatality (Sections 210.145, 210.152, and 210.183);

(7) Allows a judge to appoint a guardian ad litem to appear for and represent an abused or neglected child involved in proceedings arising when an alleged perpetrator is aggrieved by the decision of the Child Abuse and Neglect Review Board (Section 210.160);

(8) Specifies that children who are related to the member responsible for the daily operation of an in-home licensed child care facility organized as a business entity in this state and who meet the requirements of the child care provider must qualify for the exemption for related children. If more than one member of the business entity is responsible for the daily operation of the facility, the exemption can only be granted for children who are related to one of the members. The bill requires each in-home child care facility to disclose its licensure status and provide a written explanation of the facility's disciplinary philosophy and policies to the parents or guardians enrolling children in the facility (Section 210.211);

(9) Specifies that a foster parent must have standing to participate in all court hearings pertaining to a child in his or her care (Section 211.171);

(10) Requires the Department of Public Safety to establish rules and make payments to SAFE CARE providers who provide forensic examinations of persons under 18 years old who are alleged victims

of physical abuse out of appropriations made for that purpose (Section 334.950); and

(11) Requires, beginning January 1, 2015, an adoption subsidy agreement to include a provision allowing for the suspension or redirection of subsidy payments in the event that the child has been adjudicated dependent and made a ward of the court and removed from the physical or legal custody of the parent or parents by a court of competent jurisdiction (Sections 453.073 and 453.074).

The provisions of the bill regarding child care providers who receive state or federal funds for providing fee assistance for child care services in their home will become effective upon the Department of Health and Senior Services providing notice to the Revisor of Statutes that the implementation of federal regulations mandating the provisions has occurred.