

HCS HB 1492 -- TERMINATION OF PARENTAL RIGHTS

SPONSOR: Lichtenegger

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Judiciary by a vote of 4 to 3.

This bill specifies that the Division of Family Services in the Department of Social Services is not required to make reasonable efforts to prevent or eliminate the need for removal of a child and make it possible for the child to return home if aggravating factors that in the totality of the circumstances affect the fitness of the parent including, but not limited to, alcohol, controlled substances, or prescription drug dependency of the parent, all of which prevents him or her from consistently providing the necessary care, custody, and control of the child and which in the totality of the circumstances appear to be not treatable such as to enable the parent to consistently provide the care, custody, and control. The bill specifies some of the factors that the juvenile court may consider when determining if a child should be removed from his or her parent, guardian, or custodian.

The bill changes the laws regarding the termination of parental rights under which a parent is presumed unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse by adding the following circumstances:

- (1) If, while a child is in utero or within eight hours after a child's birth, the child's birth mother has tested positive for alcohol, cocaine, heroin, or methamphetamine;
- (2) If, at the time of the child's birth or within eight hours after a child's birth, the child tested positive for alcohol, cocaine, heroin, or methamphetamine; or
- (3) If, within a three-year period immediately prior to termination adjudication, the parent has pled guilty to or has been convicted of a felony involving the possession, distribution, or manufacture of cocaine, heroin, or methamphetamine.

PROPOSERS: Supporters say that children are being abused in the worst ways and right now there is a backlog of at least 15 months from the time a petition to terminate parental rights is filed to the time there is a final determination. These kids need to be in a single, loving, permanent home where they are learning how to bond.

Testifying for the bill were Representative Lichtenegger; Mary Beck; Jed Schneider; and Mary Abraham.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say the reality is that it is hard to get treatment if you are addicted to drugs or alcohol. People are addicted, they are parents seeking help, and it is almost impossible to get help or treatment. There are currently 3,000 individuals on the waiting list. Most communities provide detox services only in the context of a psychiatric unit. Once the individual leaves that psychiatric unit, he or she is a dual diagnosis person and the available resources shrink even further.

Testifying on the bill was Missouri Coalition Against Domestic and Sexual Violence.