

HCS SS SCS SB 160 -- FOSTER CARE BILL OF RIGHTS

SPONSOR: Sater (Franklin)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Children and Families by a vote of 8 to 1. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 11 to 0.

This bill changes provisions relating to child protection.

JOINT COMMITTEE ON CHILD ABUSE AND NEGLECT

Currently, the Joint Committee on Child Abuse and Neglect expires January 15, 2018. This bill changes the expiration date to January 15, 2023 (Section 21.771, RSMo).

CHILD WELFARE

The bill includes victims of sex trafficking in the definitions of abuse and neglect and specifies that any person who takes control of a child by deception, force, or coercion is responsible for the care, custody, and control of the child.

The bill specifies that in instances where the division is unable to determine the identity of a perpetrator of child abuse or neglect, the investigative reports shall be retained by the Children's Division of the Department of Social Services, but the unknown perpetrator shall not be placed on the central registry. The child's parents and legal guardian must be notified that the division shall retain, utilize, and disclose all information and findings as provided in family assessment and services cases when the division is unable to determine the identity of the perpetrator. The bill also allows the division to reopen a case for review if new, specific, and credible evidence is obtained. The bill defines the word "relative" to include a person who is not related to the child but has a close relationship with the child or child's family when determining foster home placement of a child.

The bill also removes a trusted adult that has a preexisting relationship with the child from the order of preference for placement of a child (Sections 210.110, 210.152, and 210.565).

These provisions are the same as HB 260 (2017).

FOSTER CARE BILL OF RIGHTS

This bill establishes and enumerates the Foster Care Bill of Rights. The Children's Division shall provide every school-aged

foster child and his or her foster parent with an age-appropriate orientation and explanation of the bill of rights, as well as make them readily available and easily accessible online. Additionally, every Children's Division office, residential care facility, child placing agency, or other agency involved in the care and placement of foster children shall post the bill of rights in the office, facility, or agency (Section 210.564).

This provision is similar to SCS SB 1051 (2016).

JUVENILE COURTS

Currently, a child taken into custody by a juvenile officer or law enforcement official is required to be advised of certain rights. This bill specifies that the child must be advised orally and in writing. The bill also specifies that a juvenile officer shall ensure the child in custody is advised of the limited role of the juvenile officer during questioning by law enforcement and shall specifically advise the child that the juvenile officer is not legal counsel for the child nor an advocate for the child during questioning by law enforcement. Furthermore, the juvenile officer shall not participate in questioning by law enforcement, asking questions or soliciting any information from the child regarding the alleged offense or offenses.

Additionally, the bill provides that a child who is 17 years old and who is without proper care but is in need of care and treatment is entitled to be represented by a guardian ad litem in all juvenile or family court proceedings.

The presiding judge of the circuit shall ensure that any case in the family court or juvenile court divisions in which a juvenile officer is a participant is not heard by a judge who is the appointing authority for the juvenile officer or other necessary juvenile employees (Sections 211.059, 211.081, 211.211, 211.351, 211.361, 211.401, and 211.447).

These provisions are the same as HB 768 (2017).

This bill contains an emergency clause.

PROPOSERS: Supporters say that this bill supports the best interests of the child and helps reduce homelessness and toxic stress in foster children. It is important to keep foster children from moving from place to place, to support reunification with the child and his or her parents or legal guardian, and to keep siblings together.

Testifying for the bill were Senator Sater; Empower Missouri;

Office of Child Advocate; DeAnna Alenso, Central Missouri Foster Care; Missouri Coalition For Child Agencies; and Tammy Walden, MJJA.

OPPONENTS: There was no opposition voiced to the committee.