

HB 429 -- RELATING TO CHILD PLACEMENT

ADOPTION TAX CREDIT (Sections 135.325-135.335, 135.800 & 191.975 RSMo)

This bill renames and alters the current "Special Needs Adoption Tax Credit Act" to the "Adoption Tax Credit Act".

Currently, any person residing in this state who proceeds in good faith with the adoption of a special needs child who is a resident or ward of a resident of this state is eligible for a \$10,000 nonrefundable tax credit for nonrecurring adoption expenses for each child. Additionally, any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child is eligible to receive a tax credit of up to \$10,000 for nonrecurring adoption expenses for each child, except that only one \$10,000 credit is available for each special needs child that is adopted. This tax credit is capped at \$6 million for a tax year.

Beginning January 1, 2022, this bill removes the special needs and residency requirements for adoptions to be eligible for the tax credit. Priority will be given to applications to claim the tax credit for special needs children who are residents or wards of residents of this state at the time the adoption is initiated. The House Committee Substitute changes the bill's definition of "handicap" to "disability" and modifies the definition of "special needs child". The bill defines a "child" as any individual under 18 years old or over 18 but is physically or mentally incapable of caring for themselves.

FOSTER CARE EXPENSE TAX DEDUCTION (Section 143.1170)

Beginning on January 1, 2022, a taxpayer will be allowed a tax deduction for expenses incurred directly by the taxpayer in providing care as a foster parent to one or more children in this state. The amount of the deduction will be equal to the amount of expenses directly incurred by the taxpayer in providing such care; provided that:

(1) If the taxpayer provides care as a foster parent for at least six months during the tax year, the total amount of the deduction claimed under this bill will not exceed \$5,000 per taxpayer, or \$2,500 per individual if married and filing separately; and

(2) If the taxpayer provides care as a foster parent for less than six months during the tax year, the maximum deduction limits described will still apply, but the limits will be reduced on a pro rata basis.

The Department of Revenue will collaborate with the Children's Division of the Department of Social Services in order to establish and implement a procedure to verify that a taxpayer claiming the deduction is a foster parent.

Each taxpayer claiming the deduction must file an affidavit with their income tax return. The affidavit will affirm that they are a foster parent and that they are entitled to the deduction in the amount claimed on their tax return.

BIRTH MATCH PROGRAM - (Sections 193.075, 210.150 & 210.156)

This language establishes the "Birth Match Program" which requires data sharing between the Children's Division of the Departments of Social Services and the State Registrar's office to compare birth reports with reports of parents who have been convicted of certain crimes or have a termination of parental rights in order to ensure the safety of the child and provide services, if needed. The State Registrar shall provide to the Division the birth record information of children born to such individuals. The Division shall verify the identity of the parent and if that identity is verified, the Division shall provide the appropriate local office with information regarding the birth of the child. Appropriate local Division personnel shall initiate contact with the family, or make a good faith effort to do so, to determine if the parent or family has a need for services and provide such voluntary and time-limited services as appropriate.

The Division shall document the results of such contact and services provided, if any, in the Division's information system. Identifying information and records created and exchanged under this bill shall be closed records and shall only be used as specified in the bill.

CHILD PLACEMENT (Sections 211.447, 453.014, 453.030, 453.040 & 453.070)

The bill changes the age threshold for abandoned infant or abandoned child from one year or under to under three years old and sets a time frame of six months prior to a petition of termination of parental rights to be considered for willful, substantial, and continual neglect by the parent clarifying current language. This adds felonies, to the current felony chapters for which a parent, if guilty and the victim is a child, shall lose parental rights, along with if the child has been in foster care for 15 months out of the previous 22 months.

Currently, persons who are granted with the authority to place

minor children for adoption are required to comply with rules and regulations promulgated by the Department of Social Services and the Department of Health and Senior Services for placement. This language specifies that such persons are required to comply with the rules and regulations promulgated by the Children's Division within the Department of Social Services. Currently, the Department of Social Services promulgates rules and regulations related to assessments of petitioners for adoption. This changes that to the Children's Division within the Department of Social Services

The language repeals payment for adoption legal fees by the prospective adoptive parents for a birth parent and allows the court to determine if representation is needed for the birth parent in an adoption proceedings

Currently, consent to the adoption of a child is required by a parent unless the child is under the age of one and the parent, for at least six months, has neglected to provide the child with necessary care and protection. This changes the age from over one year old to three years of age or older

CHILD CUSTODY (Section 452.375)

This language directs the court to award custody to a person related by consanguinity to the child when both parents are deemed unfit and the court is determining third party custody priority.