

HB 673 -- PRESERVATION OF THE FAMILY

SPONSOR: Coleman (97)

This bill modifies many sections of current statute relating to child protection, foster care and adoption, and treatment of caretakers.

SAFETY REPORTING (Section 37.717, RSMo)

This bill requires the Office of Child Advocate to create a safety reporting system for Department of Social Services employees to be able to report information regarding the safety of those served by the office and the safety of the employees. The bill specifies how the identity of the person making the report will be protected.

Any criminal act reported to the reporting system will be disclosed to the Department and to the appropriate law enforcement agency, and any investigation conducted as a result of the report must be conducted by an unbiased and disinterested investigator.

ADOPTION (Sections 135.325, 135.326, 135.327, and 135.335, 135.800, 191.975 and 453.030, 453.040, and 453.080)

The bill eliminates the "special needs" requirement in the Adoption Tax Credit and makes it available to any family in Missouri adopting any child after January 1, 2022.

It also eliminates the requirement for adoptive parents to pay the legal fees of the birth parents.

This bill lists the factors under which a court may find, for the purposes of authorizing the adoption of the child without the consent of the parent, that a child three years of age or older has been abandoned; including having left the child without any provision for parental support and without making arrangements to visit or communicate with the child for a period of 60 days. Under this bill the court must also consider whether an adoption is in the best interest of the child in the hearing to determine whether an adoption shall be finalized.

SCHOOL REPORTING POLICIES (Section 160.261)

The bill repeals language related to the Children's Division's jurisdiction over or ability to investigate reports of alleged child abuse by personnel of a school district, a teacher, or other school employee. It also repeals language related to how a school and school district are to handle reports of alleged child abuse.

#### PHYSICIAN-PATIENT PRIVILEGE (Section 191.737)

Currently, if a physician or health care provider finds that a child is born affected by substance abuse, withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder such physician or health care provider is required to refer the family to the Children's Division. However, this bill specifies that a physician or health care provider shall not be required to make a referral to the Division if an infant is born to a woman who is undergoing medication-assisted treatment under the supervision of a health care provider.

#### MO HEALTHNET (Section 208.151)

Currently, a person in foster care under the responsibility of Missouri on the date the person turns 18 or at any time during the 30-day period before the person's 18th birthday, or a person who received foster care for at least 6 months in another state, and who is residing in Missouri is eligible to receive MO HealthNet benefits under certain circumstances. Under this bill, any person who was in foster care for at least 6 months at any time after such person was 13 years old, regardless of the state, and who is now residing in Missouri, and is at least 18 years old is eligible for MO HealthNet benefits if such person is not eligible for insurance coverage under another mandatory coverage group and does not have access to any other private insurance will have access to the benefits.

#### CHILD PROTECTION SYSTEM GOALS AND PRIORITIES (Sections 210.001 and 210.109)

These sections refine the goals and priorities of the Department of Social Services. The bill states that the Department shall, when prioritizing positive outcomes for children, monitor and measure its successes by preventing harm to children and limiting out-of-community placements, preserving and restoring families of origin, using foster care when appropriate, and helping children be adopted into new families when appropriate; however, at all times, the safety of the child shall be the priority.

#### CHILD PROTECTION REPORTING AND CASE MANAGEMENT (Sections 210.110, 210.113, 210.145, and 210.1589)

Currently, the Division is responsible for maintaining an information system capable of receiving and maintaining reports of child abuse or neglect. This bill clarifies that the reports should include the following information, if possible:

- (1) The names and addresses of the child and his or her parents or

persons responsible for his or her care;

(2) The child's age, sex, and race;

(3) The nature and extent of the child's injuries, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect to the child or his or her siblings;

(4) The name, age, and address of the person responsible for the injuries, abuse, or neglect and the family composition;

(5) Specified information regarding the person making the report; and

(6) The actions taken by the reporting source.

The bill also specifies that the state attorney general shall have concurrent original jurisdiction regarding any case involving child abuse or neglect.

#### CENTRAL REGISTRY (Section 210.118)

This section revises the list of offenses for which a person will be listed as a perpetrator of child abuse or neglect in the Central Registry.

#### COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM (Section 210.119)

This section requires the Department of Social Services to create a Comprehensive Child Welfare Information System that will serve as the statewide information system for documenting and reporting child welfare information. The bill specifies how the system will function and who will have access.

#### VITAL STATISTICS (Sections 193.075, 210.150, and 210.156)

Currently, parents provide their Social Security numbers to the State Registrar of Vital Statistics when their child is born. The numbers are not recorded on the child's birth certificate but are provided to the Family Support Division within the Department of Social Services for the establishment and enforcement of child support obligations. This bill states that the social security numbers should also be provided to the Children's Division for the purpose of providing access to social services or verifying the identity of a parent.

This bill adds the State Registrar of Vital Statistics to those authorized to view investigation records contained in the central registry. The information made available shall be limited to

identifying information only for the purposes of providing birth record information under Section 210.156.

The bill also states that the Division shall make available to the Registrar the identifying information of specified individuals of whom the Division has knowledge. In turn the Registrar shall then provide to the Division the birth record information of children born to individuals whose identifying information has been provided to the Registrar. Once the Division has verified that the parent of the child is the same individual whose identifying information was provided, the Division shall initiate contact with the family to determine if there is a need for services.

#### BIRTH MATCH PROGRAM (Section 210.157)

Creates a data sharing system between the Department of Social Services (DSS), the courts, and the Department of Health and Senior Services (DHSS) to compare birth reports with reports of parents who have been convicted of certain crimes or have a termination of parental rights. Under the bill, DSS shall provide DHSS with information regarding individuals who have had their parental rights terminated. The courts shall provide DHSS with information identifying individuals who have been convicted for specified offenses. Then DHSS will provide DSS with birth record information for any child born to an individual who has been identified as having his or her parental rights terminated or having been convicted of such crimes. DSS shall then offer services to such families.

#### GUARDIAN AD LITEMS (Section 210.160)

The bill provides that a guardian ad litem may conduct well-child checks in emergency situations under a court order. Employees of the Division, officers of the court, law enforcement personnel, and employees of any agency involved shall fully inform the guardian ad litem of all aspects of the case of which they have knowledge or belief within 48 hours of an inquiry by a guardian ad litem. If a guardian ad litem files a petition for termination of parental rights as permitted under 211.447, costs shall be charged to the Division.

#### REPORTING REQUIREMENTS OF DEPARTMENT (Section 210.188)

Modifies the reporting requirements that the Department of Social Services provides to the Governor and General Assembly regarding information related to children who have been abused or neglected. The bill requires the Division to compile individual-level anonymized data for the prior calendar year that allows researchers to track children through the child protection system and allows

analysis of outcomes and comparison. The specific data to be released is outlined in the bill. Beginning March 1, 2022, and each year thereafter, the Department is required to provide the data to any Missouri research institution that agrees to provide the Division access to any research conducted by such institution utilizing such data.

#### ELECTRONIC SHARING (Section 210.652)

Requires the Department in conjunction with the Office of Administration to implement a computerized method to allow for the electronic exchange of data and documents required by the Interstate Compact on the Placement of Children to place children across state lines.

#### CHILD ABANDONMENT (Sections 210.950 and 211.447)

This bill adds a newborn safety incubator, as defined in the bill, as a place a parent of a child up to 45 days old may voluntarily deliver the child with the intent not to return, without being prosecuted. It also lowers the time limit to be considered willful abandonment of a child to 60 days for a child under the age of three.

#### COURT PRACTICES (Sections 211.032, 211.038, 211.072, 211.183, 211.261, 211.444, 211.447)

The bill updates crimes to be considered when placing or removing children from homes, the role of the guardian ad litem, conditions required for abandonment of an infant or young child, and when the court shall consider filing a petition for termination of parental rights.

Under this bill, if a child comes under the court's jurisdiction due to allegations of child abuse or neglect and all children in the home are under three years of age the court must conduct monthly hearings on the status of the case, support frequent visitation with the child's parents and with the concurrent permanency resource parent if it is in the best interest of the child, and at the hearing on disposition and at each permanency hearing thereafter, enter an order requiring that the parties exercise reasonable efforts to finalize a primary and concurrent permanency plan for each child. The bill requires the Office of the State Courts Administrator to develop a plan to be approved by the Joint Committee on Child Abuse and Neglect by July 1, 2022, for implementation by July 1, 2023.

The bill also requires that a juvenile under 18 years of age who has been certified to stand trial as an adult for specified

offenses and who is in a juvenile detention facility stay in that facility until the judgment dismissing the juvenile petition to allow for prosecution under the general laws is final. The bill further clarifies under what circumstances such a juvenile shall be held at a juvenile detention facility or be moved to a jail or other adult detention facility. Beginning December 21, 2021, all previously certified pretrial juveniles under 18 must be transferred from any jail or other adult detention facility to a juvenile detention facility unless a hearing is held and the court finds that it would be in the best interest of justice to keep the juvenile in the jail or other adult detention facility.

#### SAFE BABY COURT (Section 211.505)

This section requires safe baby courts be implemented in every court of this state within 2 years of the effective date of the bill. The Division shall recommend a safe baby court for cases involving children under 3 years old and their families. The Department shall also complete a risk assessment for each such case and be responsible for recording and tracking movement of the child in the system and legal changes in the case.

#### COMMUNITY-BASED SENTENCING (Section 217.779)

Requires courts to consider alternatives to incarceration for convictions of non-violent offenses for primary caretakers of dependent persons. Prior to sentencing, either party, or the court on its own motion, may request that the court determine whether an offender is eligible for a community-based sentence. To be eligible for a community based sentence, the offender must be the primary caretaker of a dependent person and cannot have committed an offense against such dependent person. The bill also prohibits an offender from qualifying for a community-based sentence if such offender was convicted of specified offenses. If the court determines that the offender meets the qualifications outlined in the bill, the court may impose an individually assessed, community-based sentence in lieu of incarceration, with the goal of rehabilitation and family unity and support. However, the court may modify or revoke the community-based sentence or the conditions of the sentence as specified in the bill.

#### CHILD PASSENGER RESTRAINT SYSTEM (Section 307.179)

This section requires children under the age of one and under 20 pounds to be secured in a rear-facing passenger restraint system, if the restraint system has a higher weight limit it is recommended the child remain rear-facing until the child reaches such weight limit.

EMERGENCY CLAUSE

Section 210.950 of this bill has an emergency clause.

This bill is similar to HB 2216 and HB 1613 (2020).