

SECOND REGULAR SESSION

SENATE BILL NO. 849

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHOEMYER.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3503S.011

AN ACT

To repeal section 37.710, RSMo, and to enact in lieu thereof one new section relating to the office of child advocate.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 37.710, RSMo, is repealed and one new section enacted
2 in lieu thereof, to be known as section 37.710, to read as follows:

37.710. 1. The office shall have access to the following information:

2 (1) The names and physical location of all children in protective services,
3 treatment, or other programs under the jurisdiction of the children's division, the
4 department of mental health, and the juvenile court;

5 (2) All written reports of child abuse and neglect; and

6 (3) All current records required to be maintained pursuant to chapters 210
7 and 211, RSMo.

8 2. The office shall have the authority:

9 (1) To communicate privately by any means possible with any child under
10 protective services and anyone working with the child, including the family,
11 relatives, courts, employees of the department of social services and the
12 department of mental health, and other persons or entities providing treatment
13 and services;

14 (2) To have access, including the right to inspect, copy and subpoena
15 records held by the clerk of the juvenile or family court, juvenile officers, law
16 enforcement agencies, institutions, public or private, and other agencies, or
17 persons with whom a particular child has been either voluntarily or otherwise
18 placed for care, or has received treatment within this state or in another state;

19 (3) To work in conjunction with juvenile officers and guardians ad litem;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 (4) **To file any findings or reports of the child advocate regarding**
21 **the parent or child with the court;**

22 (5) To file amicus curiae briefs on behalf of the interests of the parent or
23 child;

24 [(5)] (6) To initiate meetings with the department of social services, the
25 department of mental health, the juvenile court, and juvenile officers;

26 [(6)] (7) To take whatever steps are appropriate to see that persons are
27 made aware of the services of the child advocate's office, its purpose, and how it
28 can be contacted;

29 [(7)] (8) To apply for and accept grants, gifts, and bequests of funds from
30 other states, federal, and interstate agencies, and independent authorities,
31 private firms, individuals, and foundations to carry out his or her duties and
32 responsibilities. The funds shall be deposited in a dedicated account established
33 within the office to permit moneys to be expended in accordance with the
34 provisions of the grant or bequest; and

35 [(8)] (9) Subject to appropriation, to establish as needed local panels on
36 a regional or county basis to adequately and efficiently carry out the functions
37 and duties of the office, and address complaints in a timely manner.

38 3. For any information obtained from a state agency or entity under
39 sections 37.700 to 37.730, the office of child advocate shall be subject to the same
40 disclosure restrictions and confidentiality requirements that apply to the state
41 agency or entity providing such information to the office of child advocate. For
42 information obtained directly by the office of child advocate under sections 37.700
43 to 37.730, the office of child advocate shall be subject to the same disclosure
44 restrictions and confidentiality requirements that apply to the children's division
45 regarding information obtained during a child abuse and neglect investigation
46 resulting in an unsubstantiated report.

✓