

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend \_\_\_\_\_ SCS/House \_\_\_\_\_ Bill No. 1092, Page 1, Section Title, Line 3,

2 by striking "child abuse investigations" and inserting in lieu  
 3 thereof the following: "child protection"; and

4 Further amend said bill and page, section A, line 3, by  
 5 inserting immediately after said line the following:

6 "21.771. 1. There is established a joint committee of the  
 7 general assembly to be known as the "Joint Committee on Child  
 8 Abuse and Neglect" to be composed of seven members of the senate  
 9 and seven members of the house of representatives. The senate  
 10 members of the joint committee shall be appointed by the  
 11 president pro tem and minority floor leader of the senate and the  
 12 house members shall be appointed by the speaker and minority  
 13 floor leader of the house of representatives. The appointment of  
 14 each member shall continue during the member's term of office as  
 15 a member of the general assembly or until a successor has been  
 16 appointed to fill the member's place. No party shall be  
 17 represented by more than four members from the house of  
 18 representatives nor more than four members from the senate. A  
 19 majority of the committee shall constitute a quorum, but the  
 20 concurrence of a majority of the members shall be required for  
 21 the determination of any matter within the committee's duties.

22 2. The joint committee shall:

1           (1) Make a continuing study and analysis of the state child  
2 abuse and neglect reporting and investigation system;

3           (2) Devise a plan for improving the structured decision  
4 making regarding the removal of a child from a home;

5           (3) Determine the additional personnel and resources  
6 necessary to adequately protect the children of this state and  
7 improve their welfare and the welfare of families;

8           (4) Address the need for additional foster care homes and  
9 to improve the quality of care provided to abused and neglected  
10 children in the custody of the state;

11           (5) Determine from its study and analysis the need for  
12 changes in statutory law; [and]

13           (6) Make any other recommendation to the general assembly  
14 necessary to provide adequate protections for the children of our  
15 state; and

16           (7) Make recommendations on how to improve abuse and  
17 neglect proceedings including examining the role of the judge,  
18 children's division, the juvenile officer, the guardian ad litem,  
19 and the foster parents.

20           3. The joint committee shall meet within thirty days after  
21 its creation and organize by selecting a chairperson and a vice  
22 chairperson, one of whom shall be a member of the senate and the  
23 other a member of the house of representatives. The chairperson  
24 shall alternate between members of the house and senate every two  
25 years after the committee's organization.

26           4. The committee shall meet at least quarterly. The  
27 committee may meet at locations other than Jefferson City when  
28 the committee deems it necessary.

29           5. The committee shall be staffed by legislative personnel

1 as is deemed necessary to assist the committee in the performance  
2 of its duties.

3 6. The members of the committee shall serve without  
4 compensation but shall be entitled to reimbursement for actual  
5 and necessary expenses incurred in the performance of their  
6 official duties.

7 7. It shall be the duty of the committee to compile a full  
8 report of its activities for submission to the general assembly.  
9 The report shall be submitted not later than the fifteenth of  
10 January of each year in which the general assembly convenes in  
11 regular session and shall include any recommendations which the  
12 committee may have for legislative action as well as any  
13 recommendations for administrative or procedural changes in the  
14 internal management or organization of state or local government  
15 agencies and departments. Copies of the report containing such  
16 recommendations shall be sent to the appropriate directors of  
17 state or local government agencies or departments included in the  
18 report.

19 8. The provisions of this section shall expire on January  
20 15, 2018.

21 37.710. 1. The office shall have access to the following  
22 information:

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

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

28 (3) All current records required to be maintained pursuant  
29 to chapters 210 and 211.

1           2. The office shall have the authority:

2           (1) To communicate privately by any means possible with any  
3 child under protective services and anyone working with the  
4 child, including the family, relatives, courts, employees of the  
5 department of social services and the department of mental  
6 health, and other persons or entities providing treatment and  
7 services;

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

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

17           (4) To file any findings or reports of the child advocate  
18 regarding the parent or child with the court, and issue  
19 recommendations regarding the disposition of an investigation,  
20 which may be provided to the court and to the investigating  
21 agency;

22           (5) To file amicus curiae briefs on behalf of the interests  
23 of the parent or child, or to file such pleadings necessary to  
24 intervene on behalf of the child at the appropriate judicial  
25 level using the resources of the office of the attorney general;

26           (6) To initiate meetings with the department of social  
27 services, the department of mental health, the juvenile court,  
28 and juvenile officers;

29           (7) To take whatever steps are appropriate to see that

1 persons are made aware of the services of the child advocate's  
2 office, its purpose, and how it can be contacted;

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

10 (9) Subject to appropriation, to establish as needed local  
11 panels on a regional or county basis to adequately and  
12 efficiently carry out the functions and duties of the office, and  
13 address complaints in a timely manner; and

14 (10) To mediate between alleged victims of sexual  
15 misconduct and school districts or charter schools as provided in  
16 subsection 1 of section 160.262.

17 3. For any information obtained from a state agency or  
18 entity under sections 37.700 to 37.730, the office of child  
19 advocate shall be subject to the same disclosure restrictions and  
20 confidentiality requirements that apply to the state agency or  
21 entity providing such information to the office of child  
22 advocate. For information obtained directly by the office of  
23 child advocate under sections 37.700 to 37.730, the office of  
24 child advocate shall be subject to the same disclosure  
25 restrictions and confidentiality requirements that apply to the  
26 children's division regarding information obtained during a child  
27 abuse and neglect investigation resulting in an unsubstantiated  
28 report."; and

29 Further amend said bill, page 11, section 210.152, line 109,

1 by inserting immediately after said line the following:

2 "210.160. 1. In every case involving an abused or  
3 neglected child which results in a judicial proceeding, the judge  
4 shall appoint a guardian ad litem to appear for and represent:

5 (1) A child who is the subject of proceedings pursuant to  
6 sections 210.110 to 210.165 except proceedings under subsection 6  
7 of section 210.152, sections 210.700 to 210.760, sections 211.442  
8 to 211.487, or sections 453.005 to 453.170, or proceedings to  
9 determine custody or visitation rights under sections 452.375 to  
10 452.410; or

11 (2) A parent who is a minor, or who is a mentally ill  
12 person or otherwise incompetent, and whose child is the subject  
13 of proceedings under sections 210.110 to 210.165, sections  
14 210.700 to 210.760, sections 211.442 to 211.487, or sections  
15 453.005 to 453.170.

16 2. The judge, either sua sponte or upon motion of a party,  
17 may appoint a guardian ad litem to appear for and represent an  
18 abused or neglected child involved in proceedings arising under  
19 subsection 6 of section 210.152.

20 [2.] 3. The guardian ad litem shall be provided with all  
21 reports relevant to the case made to or by any agency or person,  
22 shall have access to all records of such agencies or persons  
23 relating to the child or such child's family members or  
24 placements of the child, and upon appointment by the court to a  
25 case, shall be informed of and have the right to attend any and  
26 all family support team meetings involving the child. Employees  
27 of the division, officers of the court, and employees of any  
28 agency involved shall fully inform the guardian ad litem of all  
29 aspects of the case of which they have knowledge or belief.

1           [3.] 4. The appointing judge shall require the guardian ad  
2 litem to faithfully discharge such guardian ad litem's duties,  
3 and upon failure to do so shall discharge such guardian ad litem  
4 and appoint another. The appointing judge shall have the  
5 authority to examine the general and criminal background of  
6 persons appointed as guardians ad litem, including utilization of  
7 the family care safety registry and access line pursuant to  
8 sections 210.900 to 210.937, to ensure the safety and welfare of  
9 the children such persons are appointed to represent. The judge  
10 in making appointments pursuant to this section shall give  
11 preference to persons who served as guardian ad litem for the  
12 child in the earlier proceeding, unless there is a reason on the  
13 record for not giving such preference.

14           [4.] 5. The guardian ad litem may be awarded a reasonable  
15 fee for such services to be set by the court. The court, in its  
16 discretion, may award such fees as a judgment to be paid by any  
17 party to the proceedings or from public funds. However, no fees  
18 as a judgment shall be taxed against a party or parties who have  
19 not been found to have abused or neglected a child or children.  
20 Such an award of guardian fees shall constitute a final judgment  
21 in favor of the guardian ad litem. Such final judgment shall be  
22 enforceable against the parties in accordance with chapter 513.

23           [5.] 6. The court may designate volunteer advocates, who  
24 may or may not be attorneys licensed to practice law, to assist  
25 in the performance of the guardian ad litem duties for the court.  
26 Nonattorney volunteer advocates shall not provide legal  
27 representation. The court shall have the authority to examine  
28 the general and criminal background of persons designated as  
29 volunteer advocates, including utilization of the family care

1 safety registry and access line pursuant to sections 210.900 to  
2 210.937, to ensure the safety and welfare of the children such  
3 persons are designated to represent. The volunteer advocate  
4 shall be provided with all reports relevant to the case made to  
5 or by any agency or person, shall have access to all records of  
6 such agencies or persons relating to the child or such child's  
7 family members or placements of the child, and upon designation  
8 by the court to a case, shall be informed of and have the right  
9 to attend any and all family support team meetings involving the  
10 child. Any such designated person shall receive no compensation  
11 from public funds. This shall not preclude reimbursement for  
12 reasonable expenses.

13 [6.] 7. Any person appointed to perform guardian ad litem  
14 duties shall have completed a training program in permanency  
15 planning and shall advocate for timely court hearings whenever  
16 possible to attain permanency for a child as expeditiously as  
17 possible to reduce the effects that prolonged foster care may  
18 have on a child. A nonattorney volunteer advocate shall have  
19 access to a court appointed attorney guardian ad litem should the  
20 circumstances of the particular case so require."; and

21 Further amend said bill, page 14, section 334.950, line 50,  
22 by inserting immediately after said line the following:

23 "431.056. 1. A minor shall be qualified and competent to  
24 contract for housing, employment, purchase of an automobile,  
25 receipt of a student loan, admission to high school or  
26 postsecondary school, obtaining medical care, establishing a bank  
27 account, admission to a shelter for victims of domestic violence,  
28 as defined in section 455.200, or a homeless shelter, and receipt  
29 of services as a victim of domestic [and] violence or sexual



1 [violence] abuse, including but not limited to counseling, court  
2 advocacy, financial assistance, and other advocacy services, if:

3 (1) The minor is sixteen or seventeen years of age; and

4 (2) The minor is homeless, as defined in subsection 1 of  
5 section 167.020, or a victim of domestic violence, as defined in  
6 section 455.200, unless the child is under the supervision of the  
7 children's division or the jurisdiction of the juvenile court;  
8 and

9 (3) The minor is self-supporting, such that the minor is  
10 without the physical or financial support of a parent or legal  
11 guardian; and

12 (4) The minor's parent or legal guardian has consented to  
13 the minor living independent of the parents' or guardians'  
14 control. Consent may be expressed or implied, such that:

15 (a) Expressed consent is any verbal or written statement  
16 made by the parents or guardian of the minor displaying approval  
17 or agreement that the minor may live independently of the  
18 parent's or guardian's control;

19 (b) Implied consent is any action made by the parent or  
20 guardian of the minor that indicates the parent or guardian is  
21 unwilling or unable to adequately care for the minor. Such  
22 actions may include, but are not limited to:

23 a. Barring the minor from the home or otherwise indicating  
24 that the minor is not welcome to stay;

25 b. Refusing to provide any or all financial support for the  
26 minor; or

27 c. Abusing or neglecting the minor, as defined in section  
28 210.110 or committing an act or acts of domestic violence against  
29 the minor, as defined in section 455.010.

1           2. A minor who is sixteen years of age or older and who is  
2 in the legal custody of the children's division pursuant to an  
3 order of a court of competent jurisdiction shall be qualified and  
4 competent to contract for the purchase of automobile insurance  
5 with the consent of the children's division or the juvenile  
6 court. The minor shall be responsible for paying the costs of  
7 the insurance premiums and shall be liable for damages caused by  
8 his or her negligent operation of a motor vehicle. No state  
9 department, foster parent, or entity providing case management of  
10 children on behalf of a department shall be responsible for  
11 paying any insurance premiums nor liable for any damages of any  
12 kind as a result of the operation of a motor vehicle by the  
13 minor.

14           Section 1. A foster parent shall have standing to  
15 participate in all court hearings pertaining to a child in their  
16 care."; and

17           Further amend the title and enacting clause accordingly.