

SECOND REGULAR SESSION

SENATE BILL NO. 973

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time February 27, 2014, and ordered printed.

6272S.01I

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 37.710, RSMo, and to enact in lieu thereof one new section relating to the duties of the office of the 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Section A. Section 37.710, RSMo, is repealed and one new section enacted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.

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;
20 (4) To file any findings or reports of the child advocate regarding the

21 parent or child with the court, and issue recommendations regarding the
22 disposition of an investigation, which may be provided to the court and to the
23 investigating agency;

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

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

30 (7) To take whatever steps are appropriate to see that persons are made
31 aware of the services of the child advocate's office, its purpose, and how it can be
32 contacted;

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

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

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

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