

SECOND REGULAR SESSION

SENATE BILL NO. 801

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 10, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5327S.011

AN ACT

To amend chapters 210 and 475, RSMo, by adding thereto four new sections relating to guardianships.

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

Section A. Chapters 210 and 475, RSMo, are amended by adding thereto
2 four new sections, to be known as sections 210.1109, 475.600, 475.602, and
3 475.604, to read as follows:

**210.1109. During any child protective investigation that does not
2 result in an out-of-home placement, a child protective investigator shall
3 provide information to the parent or guardian about community service
4 programs that provide respite care, voluntary guardianship, or other
5 support services for families in crisis. The children's division is
6 authorized to exercise its discretion in selecting community service
7 programs provided to a parent or guardian under this section.**

**475.600. Sections 210.1109, 475.600, 475.602, and 475.604 shall be
2 known and may be cited as the "Supporting and Strengthening Families
3 Act".**

**475.602. 1. A parent or legal custodian of a child may, by a
2 properly executed power of attorney as provided under section 475.604,
3 delegate to an attorney-in-fact for a period not to exceed one year,
4 except as provided under subsection 6 of this section, any of the powers
5 regarding the care and custody of the child, except the power to
6 consent to marriage or adoption of the child, the performance or
7 inducement of an abortion on or for the child, or the termination of
8 parental rights to the child. A delegation of powers under this section
9 shall not deprive the parent or legal custodian of any parental or legal
10 authority regarding the care and custody of the child.**

11 2. The parent or legal custodian of the child shall have the
12 authority to revoke or withdraw the power of attorney authorized in
13 subsection 1 of this section at any time. Except as provided in
14 subsection 6 of this section, if the delegation of authority lasts longer
15 than one year, the parent or legal custodian of the child shall execute
16 a new power of attorney for each additional year that the delegation
17 exists. If a parent withdraws or revokes the power of attorney, the
18 child shall be returned to the custody of the parents as soon as
19 reasonably possible.

20 3. Unless the authority is revoked or withdrawn by the parent,
21 the attorney-in-fact shall exercise parental or legal authority on a
22 continuous basis without compensation for the duration of the power
23 of attorney authorized by subsection 1 of this section and shall not be
24 subject to any statutes dealing with the licensing or regulation of foster
25 care homes.

26 4. Except as otherwise provided by law, the execution of a power
27 of attorney by a parent or legal custodian as authorized in subsection
28 1 of this section shall not constitute abandonment, abuse, or neglect as
29 defined in law unless the parent or legal guardian fails to take custody
30 of the child or execute a new power of attorney after the one-year time
31 limit has elapsed.

32 5. Under a delegation of powers as authorized by subsection 1 of
33 this section, the child or children subject to the power of attorney shall
34 not be considered placed in foster care as otherwise defined in law and
35 the parties shall not be subject to any of the requirements or licensing
36 regulations for foster care or other regulations relating to community
37 care for children.

38 6. A parent or legal custodian who is a member of the Armed
39 Forces of the United States including any reserve component thereof,
40 the commissioned corps of the National Oceanic and Atmospheric
41 Administration, the Public Health Service of the United States
42 Department of Health and Human Services detailed by proper authority
43 for duty with the Armed Forces of the United States, or who is required
44 to enter or serve in the active military service of the United States
45 under a call or order of the President of the United States or to serve
46 on state active duty may delegate the powers designated in subsection
47 1 of this section for a period longer than one year if on active duty

48 service. The term of delegation shall not exceed the term of active duty
49 service plus thirty days.

475.604. Any form for the delegation of powers authorized under
2 section 475.602 shall be witnessed by a notary public and contain the
3 following information:

4 (1) The full name of any child for whom parental and legal
5 authority is being delegated;

6 (2) The date of birth of any child for whom parental and legal
7 authority is being delegated;

8 (3) The full name and signature of the attorney-in-fact;

9 (4) The address and telephone number of the attorney-in-fact;

10 (5) The full name and signature of the parent or legal guardian;

11 (6) One of the following statements:

12 (a) "I delegate to the attorney-in-fact all of my power and
13 authority regarding the care, custody, and property of each minor child
14 named above including, but not limited to, the right to enroll the child
15 in school, inspect and obtain copies of education and other records
16 concerning the child, the right to give or withhold any consent or
17 waiver with respect to school activities, medical and dental treatment,
18 and any other activity, function, or treatment that may concern the
19 child. This delegation shall not include the power or authority to
20 consent to marriage or adoption of the child, the performance or
21 inducement of an abortion on or for the child, or the termination of
22 parental rights to the child."; or

23 (b) "I delegate to the attorney-in-fact the following specific
24 powers and responsibilities (insert list). This delegation shall not
25 include the power or authority to consent to marriage or adoption of
26 the child, the performance or inducement of an abortion on or for the
27 child, or the termination of parental rights to the child."; and

28 (7) A description of the time for which the delegation is being
29 made and an acknowledgment that the delegation may be revoked at
30 any time.

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