

SECOND REGULAR SESSION

SENATE BILL NO. 805

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

Pre-filed December 15, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5431S.011

AN ACT

To repeal section 431.056, RSMo, and to enact in lieu thereof one new section relating to the ability of minors to contract for certain purposes.

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

Section A. Section 431.056, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 431.056, to read as follows:

431.056. 1. A minor shall be qualified and competent to contract for
2 housing, employment, purchase of an automobile, receipt of a student loan,
3 admission to high school or postsecondary school, obtaining medical care,
4 establishing a bank account, admission to a shelter for victims of domestic
5 violence, as defined in section [455.200] **455.010**, or a homeless shelter, and
6 receipt of services as a victim of domestic violence or sexual abuse, including but
7 not limited to counseling, court advocacy, financial assistance, and other advocacy
8 services, if:

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

10 (2) The minor is homeless, as defined in subsection 1 of section 167.020,
11 or a victim of domestic violence, as defined in section [455.200] **455.010**, unless
12 the child is under the supervision of the children's division or the jurisdiction of
13 the juvenile court; and

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

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

19 (a) Expressed consent is any verbal or written statement made by the

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

20 parents or guardian of the minor displaying approval or agreement that the
21 minor may live independently of the parent's or guardian's control;

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

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

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

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

31 2. A minor who is sixteen years of age or older and who is in the legal
32 custody of the children's division pursuant to an order of a court of competent
33 jurisdiction shall be qualified and competent to contract for the purchase of
34 automobile insurance with the consent of the children's division or the juvenile
35 court. The minor shall be responsible for paying the costs of the insurance
36 premiums and shall be liable for damages caused by his or her negligent
37 operation of a motor vehicle. No state department, foster parent, or entity
38 providing case management of children on behalf of a department shall be
39 responsible for paying any insurance premiums nor liable for any damages of any
40 kind as a result of the operation of a motor vehicle by the minor.

41 **3. A minor who is sixteen years of age or older and who is in the**
42 **legal custody of the children's division pursuant to an order of a court**
43 **of competent jurisdiction shall be qualified and competent to contract**
44 **for the opening of a checking or savings bank account with the consent**
45 **of the children's division. The minor shall be responsible for paying all**
46 **banking related costs associated with the checking or savings account**
47 **and shall be liable for any and all penalties should he or she violate a**
48 **banking agreement. No state department, foster parent, or entity**
49 **providing case management of children on behalf of a department shall**
50 **be responsible for paying any bank fees nor liable for any and all**
51 **penalties related to violation of a banking agreement.**

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