

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 623

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LIBLA.

Offered February 18, 2020.

Senate Substitute adopted February 18, 2020.

Taken up for Perfection February 18, 2020. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

3325S.02P

AN ACT

To repeal section 210.160, RSMo, and to enact in lieu thereof one new section relating to guardians ad litem.

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

Section A. Section 210.160, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 210.160, to read as follows:

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

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

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

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

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

16 3. **The guardian ad litem shall establish a relationship with the**
17 **child and shall meet face-to-face with the child in a private setting at**
18 **a time and place that allows the guardian ad litem to observe the child**
19 **and ascertain the child's wishes, safety and placement needs, and the**
20 **need for further meetings and investigation. Such initial interview**
21 **shall take place within seven business days following the receipt of**
22 **notification of the appointment by the guardian ad litem and receipt of**
23 **information pertaining to the custody and location of the child. The**
24 **time during which the initial interview shall occur may be extended or**
25 **waived in its entirety, by leave of the court, or may be shortened by the**
26 **court sua sponte, if doing so would be in the best interests of the child**
27 **when considering the child's age, maturity, and other compelling**
28 **circumstances. The child's current placement or legal custodian shall**
29 **cooperate with the guardian ad litem to schedule the initial meeting**
30 **and take all steps necessary to effectuate the meeting. The guardian ad**
31 **litem shall continue to maintain contact with the child for the duration**
32 **of the appointment.**

33 4. The guardian ad litem shall be provided with all reports relevant to the
34 case made to or by any agency or person, shall have access to all records of such
35 agencies or persons relating to the child or such child's family members or
36 placements of the child[,] and, upon appointment by the court to a case, shall be
37 informed of [and], have the right to attend, **and shall attend, as appropriate**
38 **and necessary**, any and all family support team meetings involving the
39 child. Employees of the division, officers of the court, and employees of any
40 agency involved shall fully inform the guardian ad litem of all aspects of the case
41 of which they have knowledge or belief.

42 [4.] 5. The appointing judge shall require the guardian ad litem to
43 faithfully discharge such guardian ad litem's duties, and upon failure to do so
44 shall discharge such guardian ad litem and appoint another. The appointing
45 judge shall have the authority to examine the general and criminal background
46 of persons appointed as guardians ad litem, including utilization of the family
47 care safety registry and access line pursuant to sections 210.900 to 210.937, to
48 ensure the safety and welfare of the children such persons are appointed to
49 represent. The judge in making appointments pursuant to this section shall give
50 preference to persons who served as guardian ad litem for the child in the earlier
51 proceeding, unless there is a reason on the record for not giving such preference.

52 [5.] 6. The guardian ad litem may be awarded a reasonable fee for such
53 services to be set by the court. The court, in its discretion, may award such fees
54 as a judgment to be paid by any party to the proceedings or from public
55 funds. However, no fees as a judgment shall be taxed against a party or parties
56 who have not been found to have abused or neglected a child or children. Such
57 an award of guardian fees shall constitute a final judgment in favor of the
58 guardian ad litem. Such final judgment shall be enforceable against the parties
59 in accordance with chapter 513.

60 [6.] 7. The court may designate volunteer advocates, who may or may not
61 be attorneys licensed to practice law, to assist in the performance of the guardian
62 ad litem duties for the court. Nonattorney volunteer advocates shall not provide
63 legal representation. The court shall have the authority to examine the general
64 and criminal background of persons designated as volunteer advocates, including
65 utilization of the family care safety registry and access line pursuant to sections
66 210.900 to 210.937, to ensure the safety and welfare of the children such persons
67 are designated to represent. The volunteer advocate shall be provided with all
68 reports relevant to the case made to or by any agency or person, shall have access
69 to all records of such agencies or persons relating to the child or such child's
70 family members or placements of the child, and upon designation by the court to
71 a case, shall be informed of and have the right to attend any and all family
72 support team meetings involving the child. Any such designated person shall
73 receive no compensation from public funds. This shall not preclude
74 reimbursement for reasonable expenses.

75 [7.] 8. Any person appointed to perform guardian ad litem duties shall
76 have completed a training program in permanency planning and shall advocate
77 for timely court hearings whenever possible to attain permanency for a child as
78 expeditiously as possible to reduce the effects that prolonged foster care may have
79 on a child. A nonattorney volunteer advocate shall have access to a court
80 appointed attorney guardian ad litem should the circumstances of the particular
81 case so require.

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