

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

August 28, 2018

M E M O R A N D U M

TO: CHILDREN'S DIVISION AND CONTRACTED STAFF

FROM: JULIE LESTER, INTERIM DIRECTOR

SUBJECT: 2018 LEGISLATIVE CHANGES

The purpose of this memo is to inform staff of several pieces of legislation that will affect the work the Division does with families. These changes go into effect August 28, 2018. Any changes to policy will come at a later date and be contained in a separate communication.

[SB 819](#) - the General Assembly passed Senate Bill 819 which includes numerous provisions that will enhance the Children's Division's ability to protect and care for vulnerable children within the state of Missouri.

Provisions of the legislation which impact children in foster care include:

- No fee required for a foster child's birth certificate. No fee required for a death or marriage certificate for parents of child in foster care. The process for requesting certificates will not change.
- Allows 30 days for a foster child's immunization records to be provided for enrollment in child care.
- Changes the periodicity schedule for Healthy Children and Youth exams to be consistent with the American Academy of Pediatrics. Policy in the Child Welfare Manual will be updated and a communication will be sent to all staff.
- Allows foster children age 16 and older to open a bank account without having an adult co-signer.
- Allows contracted case managers 30 days to develop a case plan which is consistent with the Children's Division's requirement for state agency case managers.
- Requires the Missouri State Highway Patrol to provide ongoing electronic updates to criminal history background checks of foster parents. See memo [CD18-27](#) for further information.
- Closes foster home licensing records except under specific circumstances. See memo [CD18-25](#) for further information.

- Added language in Section 211.447, RSMo., to include felony violations of chapters 566 and 573 as mandatory filing of a TPR petition, unless a statutory exception exists.

Provisions related to child abuse and neglect reports and investigations include:

- Changes the reporting of drug-exposed children by doctors from reporting to the Department of Health and Senior Services to the Children’s Division.
- Changes the retention of reports concluded as unable to locate the child from one year to 18 years from the date of the report. Changes the retention of unsubstantiated reports by a mandated reporter changing from 5 to 10 years and unsubstantiated reports by a permissive reporter changing from 2 to 5 years.

Provisions related to adoption include:

- Clarifies consents to TPR/adoption and who may be witnesses to the consent.
- Opens up language around what an adoptive parent or child can share about their own adoption.
- Allows for out of state adoptive petitioners to appear by their attorney or by telephone or video conference rather than in person.
- Allows for post adoption contract agreements. For example, courts can now enter visitation orders that remain in effect after jurisdiction has ended. The agreements must be voluntary and signed by the parties it affects.

Other provisions include:

- Elimination of the Children’s Service Commission.
- Creates the “Supporting and Strengthening Families Act” which allows a parent to place their child with an individual through a power of attorney, not to exceed one year (with some exceptions). The act specifies that using this action with the help of a community service program shall not constitute abandonment, abuse, or neglect. Individuals who are chosen for the power of attorney must pass a background check if the process is completed with the help of a community service agency.
- Creates the Trauma-Informed Care for Child and Families task force.
- Removes the statute of limitations for prosecution of sexual offenses against children.

[SB 800](#) – This bill contains several provisions that also affect the work of the Division.

- This legislation impacts children in foster care and allows juvenile courts to enter an order regarding custody of a child, establish a child support order, and establish rights of visitation for the parents of the child. These orders remain in effect after the court terminates its own jurisdiction.
- In addition, this legislation includes language that establishes a 60 day requirement for the Division to make all reasonable efforts to establish paternity for children in CD custody.
- Under current law, children who are 17 years of age are prosecuted for criminal offenses in courts of general jurisdiction. This act provides that, unless the child is certified as an adult or is being prosecuted for a traffic or curfew violation,

children who are under 18 years of age remain in the juvenile court system. This redefines the definition of a child and expands the jurisdiction of the Juvenile Court for status offense and acts of delinquency to all children under the age of 18. No person under the age of 18 may be detained in an adult jail unless the person has been certified as an adult.

- Under this act, a court may terminate the parental rights of a biological father if he is an alleged perpetrator of forcible rape or rape in the first degree that resulted in the conception and birth of the child. In any action to terminate the parental rights of a father under this act, the court may order, with the mother's consent, that the mother and child are entitled to obtain from the father payment for the reasonable expenses of pregnancy, childbirth or early child care; child support; inheritance rights under the probate code; the designation of the child as beneficiary of the father's life insurance; or any other reasonable payments. The father shall not be entitled to any custody, guardianship, visitation, or other parent-child relationship. No state agency shall require the mother to seek child support if the mother declines to do so under this act and such refusal shall not render the mother or child ineligible to receive public assistance benefits.

NECESSARY ACTION	
<ol style="list-style-type: none"> 1. Review this memorandum with all Children’s Division staff. 2. All questions should be cleared through normal supervisory channels and directed to: 	
PDS CONTACT Jason Kearbey Jason.L.Kearbey@dss.mo.gov 417-895-6414	MANAGER CONTACT Ivy Doxley Ivy.Doxley@dss.mo.gov 573-526-1422
CHILD WELFARE MANUAL REVISIONS	
N/A	
FORMS AND INSTRUCTIONS	
N/A	
REFERENCE DOCUMENTS AND RESOURCES	
SB819 summary SB800 summary	
RELATED STATUTE	
N/A	