

DEPARTMENT OF SOCIAL SERVICES  
 CHILDREN'S DIVISION  
 P. O. BOX 88  
 JEFFERSON CITY, MISSOURI

<p><b><u>What's Inside:</u></b>          2016 Legislative          Session Update</p>
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August 3, 2016

M E M O R A N D U M

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND CHILDREN'S DIVISION STAFF

FROM: TIM DECKER, DIRECTOR

SUBJECT: 2016 LEGISLATIVE UPDATE

The purpose of this memorandum is to provide staff with an overview of legislation passed in the 2016 legislative session. These changes will go into effect August 28<sup>th</sup>, 2016. This memorandum includes bills and provisions which impact the Division directly or may be of interest to staff however any new or revised policy or procedure resulting from this legislation will be introduced in separate memorandums. If policy revision is required it is noted at the end of each summary.

**[HB 1599](#) – Missouri Adoptee Rights Act**

The passage of this bill, cited as the Missouri Adoptee Rights Act, modifies provisions related to the rights of adult adoptees. It includes the following:

- This bill allows an adopted individual or his/her attorney to apply for an original copy of his/her birth certificate if the applicant is at least 18 years of age, was born in this state, and can provide appropriate proof of identification.
- Upon receipt of the written application and proof of identity the state registrar shall issue an uncertified copy of the unaltered original certificate of birth to the applicant with the statement: "For genealogical purposes only - not to be used for establishing identity" printed on it.
- This bill allows the state registrar to impose a waiting period and fee which are identical to the waiting period/fee for non-adopted birth certificates.
- This law requires the development of a contact preference form and a medical history form to be completed by a birth parent.
- The contact preference form shall include the following options:
  - "I would like to be contacted";
  - "I prefer to be contacted by an intermediary"; and
  - "I prefer not to be contacted"
- The medical history form shall include the following options:
  - "I am not aware of any medical history of any significance";
  - "I prefer not to provide any medical information at this time"; and
  - "I wish to give the following medical information".

- These forms will be attached to the original birth certificate of the adopted person. The form shall be made available by the court and sent to the state registrar.
- If both birth parents indicate they would prefer not to be contacted, the original birth certificate shall not be released. If only one birth parent prefers not to be contacted, his/her identifying information shall be redacted.

Beginning August 28, 2016, there will be a public notification period to allow time for birth parents to file a contact preference form. Beginning January 1, 2018, birth certificates will be issued using this process. Beginning August 28, 2016, adopted persons born prior to 1941 shall be given his/her original birth certificate. (Sections 193.125, 193.128, and 453.080 RSMo.)

*(No Child Welfare Manual Revisions required)*

## **HB 1877 – Modifies Provisions Relating to the Children’s Division**

### **Central Registry** (Sections 210.110 and 210.118, RSMo)

- This bill requires that when the court finds preponderance of the evidence in any action for the child abuse or neglect of a child, the clerk shall send a certified copy of the judgment or order to Children’s Division and the prosecuting attorney. Upon the receipt of the judgement or order, the Children’s Division shall list the perpetrator of child abuse or neglect in the central registry.
- This bill requires the court in every case in which a person has pled guilty or been found guilty of certain crimes to enter an order directing the Children’s Division to list an individual as a perpetrator of child abuse or neglect in the central registry and the circuit clerk to send a copy of the order to the Division.

*(See CD Memorandum which will include Child Welfare Manual revisions)*

### **Re-entry into Foster Care** (Sections 211.031 and 211.036 RSMo.)

This bill provides clean up language for legislation passed in 2015, which allowed former foster youth to return to Division custody. This bill includes the following provisions:

- This bill specifies a petition for re-entry into foster care can be filed:
  - In the court that previously exercised jurisdiction,
  - In the county where the youth resides, or
  - An adjacent county.
- This bill specifies the court shall consider the following factors when determining if it is in the best interest of the youth to return to the custody of the Children’s Division:
  - The circumstances of the youth;
  - Whether CD has services or programs in place that will benefit the youth to transition to self-sufficiency; and
  - Whether the youth has the commitment to fully cooperate with CD in developing and implementing a case plan.
- This bill prohibits the court from returning a youth to the custody of CD who:
  - Has been committed to the custody of another agency;
  - Is under a legal guardianship; or
  - Who has pled guilty to or been found guilty of a felony criminal offense.
- This bill requires the youth to cooperate with the case plan developed for the youth by CD in consultation with the youth.

- This bill allows the court, upon motion of the Children’s Division or the youth, to terminate care and supervision before the youth’s 21st birthday if the court finds:
  - CD does not have services available for the youth,
  - The youth no longer needs services, or
  - The youth declines to cooperate with the case plan.
- This bill allows the youth to request a GAL and requires the court to hold review hearings at a minimum of every six months.

*(No Child Welfare Manual Revisions required)*

**Preventing Sex Trafficking and Strengthening Families Act Compliance** (Sections 210.660-210.680 RSMo.)

This legislation brings Missouri into compliance with federal legislation, H.R. 4980 (113th): Preventing Sex Trafficking and Strengthening Families Act.

- This bill provides when a child is in care under chapter 211, the designated caregiver has authority to make reasonable decisions involving the child's participation in extracurricular, enrichment, cultural, and social activities, using the *reasonable and prudent parent standard*.

**"Reasonable and prudent parent standard"** is defined as the standard used when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, and social activities. This standard should be characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while encouraging the emotional and developmental growth of the child."

- This bill requires CD or contracted agencies to designate at least one onsite caregiver with the authority to apply the reasonable and prudent parent standard,
- This bill requires caregivers to attend training on the reasonable and prudent parent standard as required by CD.
- This bill requires children in foster care 14 years of age or older to be consulted in the development or revision of their case plan and allows children to choose a family support team member.
- This bill requires foster youth to be given a document describing their rights with respect to education, health, visitation, court participation, the right to documents and the right to stay safe and avoid exploitation. It requires a signed acknowledgment by the child that he or she has been provided the document, and that the child's rights have been explained to the child in an age and developmentally appropriate manner.
- This bill requires foster youth exiting care at 18 years of age or older to receive the following documents unless the child has been in foster care for less than 6 months or the child is ineligible to receive such documents:
  - an official or certified copy of his or her United States birth certificate,
  - a social security card,
  - health insurance information,
  - a copy of the child's medical records, and
  - a driver's license or identification card issued by the state.
- This bill prohibits children in foster care under the age of 16 from having a permanency plan of another planned permanent living arrangement (APPLA).

*(See CD Memorandum which will include Child Welfare Manual revisions)*

### **SAFE-CARE and Child Safety (ages 0 to 3)**

- This bill requires that upon receipt of a child abuse or neglect investigation concerning a child under the age of 4, the investigation shall include:
  - An evaluation of the child by a SAFE-CARE provider, or
  - A review of the child's case file and photographs of the child's injuries by a SAFE-CARE provider. (Section 210.146 RSMo.)
- This bill requires the Children's Division to submit a referral to the Juvenile Office when a SAFE-CARE provider makes a diagnosis that a child under the age of 4 has been subjected to physical abuse, including but not limited to symptoms indicative of abusive bruising, fractures, burns, abdominal injuries, or head trauma, and reports such diagnosis to CD. The referral shall include the Children's Division's recommendations regarding the care, safety, and placement of the child and the reasons for such recommendations. (Section 210.146 RSMo.)
- This bill requires Children's Division to annually provide at least 4 hours of medical forensics training relating to child abuse and neglect for all CA/N staff. (Section 210.180 RSMo.)

*(See CD Memorandum which will include Child Welfare Manual revisions)*

### **Missouri Task Force on the Prevention of Infant Abuse and Neglect**

This bill creates the Missouri Task Force on the Prevention of Infant Abuse and Neglect, within Department of Social Services (DSS), which is required to study and make recommendations to the governor and general assembly concerning the prevention of infant abuse and neglect. Members shall include two members of the Senate, two members of the House, DSS Director, Department of Health and Senior Services Director, a SAFE-CARE provider, a Child Advocacy Center (CAC) representative, and a hospital representative, will convene prior to October 1, 2016, and shall submit a written report by December 31, 2016. Recommendations shall include: sharing information between CD and hospitals, and training for CD employees and medical providers. (Section 210.154 RSMo.)

*(No Child Welfare Manual Revisions required)*

### **HB 2355 - Missouri State Juvenile Justice Advisory Board**

This bill establishes the Missouri State Juvenile Justice Advisory Board to provide consultation and recommendations regarding on-going best practices within the juvenile court system and juvenile officer standards. The Board consists of a judge, juvenile officer, parent attorney, GAL, CAC representative, prosecuting attorney, 2 law enforcement officers (sheriff/police), CD, Division of Youth Services (DYS), Missouri Juvenile Justice Association (MJJA), CASA, Office of Child Advocate (OCA), and Public Defender's Office and shall meet a minimum of four times a year and provide a written annual report to OSCA, OCA, and the Joint Committee on Child Abuse and Neglect. (Section 211.355)

*(No Child Welfare Manual Revisions required)*

### **SB 585 – Divides Judicial Circuit 38**

Effective January 1, 2017, this bill divides the 38<sup>th</sup> Judicial Circuit into the 38<sup>th</sup> Circuit (Christian County) and the 46<sup>th</sup> Circuit (Taney County).

*(No Child Welfare Manual Revisions required)*

### **HB 1562 – Expands the Crime of Sexual Trafficking**

- This bill prohibits a CAC or other multidisciplinary team member from releasing any visual or aural recordings or photographs of a minor who is alleged to be a victim of an offense unless ordered to do so by a court or required by Supreme Court rule 25.03; a defendant or his attorney may view but shall not copy or distribute to a third party any such materials.

This bill expands the crime of sexual trafficking of a child to include advertising a child participating in a commercial sexual act;

*(No Child Welfare Manual Revisions required)*

### **Other TAFP Bills of Interest:**

#### **SB 638 – Missouri Civics Education Initiative**

This bill creates the Missouri Civics Education Initiative (Section 170.011 RSMo.):

- This bill creates a task force on dyslexia and requires DESE to develop guidelines for screening students for dyslexia and related disorders. (Section 167.950 RSMo.)
- This bill requires each school district to implement a system for identifying students in 9<sup>th</sup> grade who are at risk of not being ready for college level work or entry level career positions and requires the development of a personal plan of study for 9<sup>th</sup> grade students. (Section 167.903 RSMo.)
- This bill requires high school students in public or charter schools to receive 30 minutes of CPR training prior to graduation. (Also passed in SB 711) (Section 170.310 RSMo.)
- This bill repeals the prohibition of a quality rating system for early childhood education. (Section 161.216 RSMo.)
- This bill establishes an early learning quality assurance report three year pilot program in collaboration with the MO Head Start Collaboration Office, DHSS, DMH, and DSS. The report may include information regarding staff qualifications, instructional quality, professional development, health and safety standards, parent engagement, and community engagement. (Section 161.217 RSMo.)
- This bill allows a qualifying student of a non-public school to be eligible for A+. (Section 160.545 RSMo.)
- This bill establishes the Trauma-Informed Schools Initiative, which requires DESE to share information and training on the trauma-informed approach to all school districts. (Section 161.1050 RSMo.)

This bill establishes the Trauma-Informed Schools Pilot Program involving five schools to receive intensive training. (Section 161.1055 RSMo.)

*(No Child Welfare Manual Revisions required)*

#### **HB 1565 – Raises the MO HealthNet Asset Limits for Disabled Persons**

This bill increases the MO HealthNet asset limits to \$2000 for an individual and \$4000 for a couple for permanent and total disabled claimants beginning in FY18. The resource limits increase annually by \$1000 and \$2000 respectively until the sum of resources reaches \$5000 and \$10000 respectively in FY21. (Section 208.010 RSMo.)

*(No Child Welfare Manual Revisions required)*

**HB 1583 – Changes the Laws Regarding Bullying in Schools**

This bill changes the laws regarding bullying in schools and establishes specific components that a school district must include in its anti-bullying policy; includes cyberbullying. (Section 160.775, RSMo)

*(No Child Welfare Manual Revisions required)*

**HB 2379 – Laws Relating to Dyslexia and Related Disorders**

This bill specifies that public schools shall screen students for dyslexia and related disorders; establishes a task force on dyslexia requires teachers to receive two hours of training each year on youth suicide awareness and prevention. (Sections 167.950, 170.047, 170.048, and 633.420 RSMo.)

*(No Child Welfare Manual Revisions required)*

**SB 608 – Modifies Provisions Relating to Health Care**

This bill, beginning October 2, 2016, requires any Medicaid recipient to pay an \$8 co-pay for using a hospital emergency room for treatment of a condition that is not an emergency (Section 208.142); permits fee-for-service Medicaid providers to charge a missed appointment fee to Medicaid recipients that must be paid before scheduling another appointment; no charge for the first missed appointment in a three year period, \$5 for the second, \$10 for the third, and \$20 for the fourth and each subsequent missed appointment in a three year period; Medicaid cannot be charged for the missed appointment fee. (Section 208.148 RSMo.)

*(No Child Welfare Manual Revisions required)*

**SB 607 – Modifies Provisions Relating to Public Assistance Programs**

- This bill requires Department of Social Services to contract with a private vendor by January 1, 2017, to verify that eligibility requirements are being met by recipients of public assistance, including SNAP, TANF, child care, and Medicaid. (Section 208.065 RSMo.)
- MoHealthnet providers of behavioral, social, and psychophysiological services, including psychologists, shall be reimbursed for the prevention, treatment, or management of physical health problems. (Section 208.152 RSMo.)

Creates the Joint Committee on Public Assistance to study and monitor the efficacy of public assistance programs in Missouri, determine level and adequacy of resources, and develop recommendations on programs and promoting independence from such programs. DSS, Department of Mental Health (DMH), and DHSS shall submit an annual written report regarding caseloads of employees involved in administration of public assistance programs. The committee can hire staff, including an executive director. (Section 208.952 RSMo.)

*(No Child Welfare Manual Revisions required)*

**NECESSARY ACTION**

1. Review this memorandum with all Children's Division staff.
2. All questions should be cleared through normal supervisory channels and directed to:

<b>PDS CONTACT</b> Randall McDermit 573-751-8932 <a href="mailto:Randall.D.McDermit@dss.mo.gov">Randall.D.McDermit@dss.mo.gov</a>	<b>QUALITY IMPROVEMENT UNIT MANAGER</b> Tiffany Moore 573-522-8024 <a href="mailto:Tiffany.moore@dss.mo.gov">Tiffany.moore@dss.mo.gov</a>
<b>CHILD WELFARE MANUAL REVISIONS : N/A</b>	
<b>FORMS AND INSTRUCTIONS - N/A</b>	
<b>REFERENCE DOCUMENTS AND RESOURCES – (Bills linked in body of memorandum)</b>	
<b>RELATED STATUTE: (Statutes cited in body of memorandum)</b>	
<b>ADMINISTRATIVE RULE - N/A</b>	
<b>COUNCIL ON ACCREDITATION (COA) STANDARDS - N/A</b>	
<b>CHILD AND FAMILY SERVICES REVIEW (CFSR) - N/A</b>	
<b>PROTECTIVE FACTORS - N/A</b> Parental Resilience Social Connections Knowledge of Parenting and Child Development Concrete Support in Times of Need Social and Emotional Competence of Children	
<b>FACES REQUIREMENTS - N/A</b>	