

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

M E M O R A N D U M

TO: CHILDREN'S DIVISION AND CONTRACTED STAFF

FROM: REGINALD E. MCELHANNON, INTERIM DIRECTOR

SUBJECT: 2019 LEGISLATION AFFECTING CHILDRENS DIVISION

DISCUSSION:

The purpose of this memo is to inform staff of several legislative actions that went into effect on August 28, 2019. They are summarized below. Policy changes will be detailed in separate memos, depending on the type of change needed.

HB 138

Establishes "Simon's Law," which changes the laws regarding life-sustaining or non-beneficial treatment policies of health care facilities.

Prohibits health care facilities, nursing homes, physicians, nurses, or medical staff from instituting a do-not resuscitate (DNR) order for a child under the juvenile or family court jurisdiction under section 211.031. A court may issue a DNR order, or any other medical decision order, or may appoint a guardian for the child to make those decisions. The guardian appointed cannot be the Children's Division. If a child under the jurisdiction of the juvenile or family court pursuant to section 211.031 is returned to the custody of the parent or legal guardian, the parent or legal guardian may revoke any previously ordered consent by the court, including a DNR.

HB 397

Modifies provisions regarding the protection of children

Requires CD to make diligent efforts to locate adult siblings, and parents of siblings, in addition to grandparents, of a child to determine whether they wish to be considered for foster placement of the child and begin the licensure process. An adult sibling is defined as a brother or sister who is at least 18 years old and of whole or half-blood relationship. This law further defines sibling as one of two or more individuals who have one or both parents in common through blood, marriage, or adoption, including siblings as defined by the child's tribal code or custom. This law inserts adult siblings or parents of siblings as next after grandparents in the placement hierarchy. This document has been updated on e-forms.

SB 514

Any physician or health care provider shall refer to the Children's Division families when infants are born and identified as affected by substance abuse, withdrawal symptoms resulting from prenatal drug exposure, or a fetal alcohol spectrum disorder.

A law was amended to allow persons who were in foster care under the responsibility of another state for at least six months, are currently residing in Missouri, are at least eighteen years of age, are not eligible for coverage under another mandatory coverage group, and were covered by Medicaid while they were in foster care to also be eligible to receive MO HealthNet benefits. MO HealthNet will cover health care benefits until age 26 for individuals who meet the above criteria.

SB 230

This act modifies several provisions relating to judicial proceedings, two of which may impact children in the custody of Children’s Division. Assets held in an ABLE account for a child or youth shall not be considered the property of a conservatorship estate, with the exception of accounts in the charge and custody of a public administrator. Venue, where a legal case should be filed, in guardianship and conservatorship proceedings was expanded to include the following: (1) the county where the minor or incapacitated or disabled person is domiciled, as long as placement by a court, fiduciary or agency in such county does not count as choice of domicile; or (2) if there is no domicile, then the county where the minor or incapacitated or disabled person has a significant connection, including where a juvenile court in a county of this state has previously or currently assumed jurisdiction under chapter 211, RSMo.

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:	
PDS CONTACT Jason Kearbey Jason.L.Kearbey@dss.mo.gov	MANAGER CONTACT Ivy Doxley Ivy.C.Doxley@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS N/A	
FORMS AND INSTRUCTIONS N/A	
REFERENCE DOCUMENTS AND RESOURCES N/A	
RELATED STATUTE See above	