

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 1563, Page 3, Section 210.305, Line 47, by inserting after all of said
2 section and line the following:

3
4 "210.560. 1. As used in this section, the following terms shall mean:

5 (1) "Child", any child placed in the legal custody of the division under chapter 211;

6 (2) "Division", the children's division of the department of social services of the state of
7 Missouri;

8 (3) "Money", any legal tender, note, draft, certificate of deposit, stocks, bond or check;

9 (4) "Vested right", a legal right that is more than a mere expectancy and may be reduced to a
10 present monetary value.

11 2. ~~[The child, the child's parents, any fiduciary or any representative payee holding or~~
12 ~~receiving money that are vested rights solely for or on behalf of a child are jointly and severally~~
13 ~~liable for funds expended by the division to or on behalf of the child. The liability of any person,~~
14 ~~except a parent of the child, shall be limited to the money received in his or her fiduciary or~~
15 ~~representative capacity. The Missouri state government shall not require a trustee or a financial~~
16 ~~institution acting as a trustee to exercise any discretionary powers in the operation of a trust.~~

17 ~~_____3.]~~ The division may accept an appointment to serve as representative payee or fiduciary, or
18 in a similar capacity for payments to a child under any public or private benefit arrangement.
19 Money so received shall be governed by this section to the extent that laws and regulations
20 governing payment of such benefits provide otherwise.

21 [4.] 3. Any money received by the division on behalf of a child shall be accounted for in the
22 name of the child. Any money in the account of a child may be expended by the division for care or
23 services for the child. The division shall by rule adopted under chapter 536 establish procedures for
24 the accounting of the money and the protection of the money against theft, loss or misappropriation.

25 [5.] 4. The division shall deposit money with a financial institution. Any earnings
26 attributable to the money in the account of a child shall be credited to that child's account. The
27 division shall receive bids from banking corporations, associations or trust companies which desire
28 to be selected as depositories of children's moneys for the division.

29 [6.] 5. The division may accept funds which a parent, guardian or other person wishes to
30 provide for the use or benefit of the child. The use and deposit of such funds shall be governed by
31 this section and any additional directions given by the provider of the funds.

32 [7.] 6. Each child for whose benefit funds have been received by the division and the
33 guardian ad litem of such child shall be furnished annually with a statement listing all transactions
34 involving the funds which have been deposited on the child's behalf, to include each receipt and
35 disbursement.

36 [8.] 7. The division shall use all proper diligence to dispose of the balance of money

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1 accumulated in the child's account when the child is released from the care and custody of the
2 division or the child dies. When the child is deceased the balance shall be disposed of as provided
3 by law for descent and distribution. If, after the division has diligently used such methods and
4 means as considered reasonable to refund such funds, there shall remain any money, the owner of
5 which is unknown to the division, or if known, cannot be located by the division, in each and every
6 such instance such money shall escheat and vest in the state of Missouri, and the director and
7 officials of the division shall pay the same to the state director of the department of revenue, taking
8 a receipt therefor, who shall deposit the money in the state treasury to be credited to a fund to be
9 designated as "escheat".

10 ~~[9.]~~ 8. Within five years after money has been paid into the state treasury, any person who
11 appears and claims the money may file a petition in the circuit court of Cole County, Missouri,
12 stating the nature of the claim and praying that such money be paid to him. A copy of the petition
13 shall be served upon the director of the department of revenue who shall file an answer to the same.
14 The court shall proceed to examine the claim and the allegations and proof, and if it finds that such
15 person is entitled to any money so paid into the state treasury, it shall order the commissioner of
16 administration to issue a warrant on the state treasurer for the amount of such claim, but without
17 interest or costs. A certified copy of the order shall be sufficient voucher for issuing a warrant;
18 provided, that either party may appeal from the decision of the court in the same manner as provided
19 by law in other civil actions.

20 ~~[10.]~~ 9. All moneys paid into the state treasury under the provisions of this section after
21 remaining there unclaimed for five years shall escheat and vest absolutely in the state and be
22 credited to the state treasury, and all persons shall be forever barred and precluded from setting up
23 title or claim to any such funds.

24 ~~[11.]~~ 10. Nothing in this section shall be deemed to apply to funds regularly due the state of
25 Missouri for the support and maintenance of children in the care and custody of the division or
26 collected by the state of Missouri as reimbursement for state funds expended on behalf of the
27 child."; and

28
29 Further amend said bill by amending the title, enacting clause, and intersectional references
30 accordingly.