

HB 945 -- PROTECTION OF CHILDREN

SPONSOR: Gragg

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Children and Families by a vote of 15 to 0.

This bill modifies provisions relating to the protection of children.

The bill changes the statutory reference from "Foster Care Bill of Rights" to "Foster Youth Bill of Rights", and requires the Children's Division within the Department of Social Services to make information on the procedures of filing a grievance and pursuing equitable relief in court readily available to school-age foster children and their foster parents.

The bill specifies that, in order to ensure proper care and protection of a child in the child welfare system, the following rights are afforded to the child, with additional provisions for certain rights that are described in the bill:

- (1) The right to live in a safe, comfortable place;
- (2) The right to communicate and visit with family, including siblings who are not placed with the child or who are in state custody;
- (3) The right to as few disruptions and placements as practicable;
- (4) The right to have and maintain belongings;
- (5) The right to educational stability;
- (6) The right to be notified of all hearings held, if age or developmentally appropriate;
- (7) The right to attend all court hearings, either in-person or virtually, if age or developmentally appropriate;
- (8) The right to address the court regarding any proposed placement or placement change, if age or developmentally appropriate;
- (9) The right to have a client-directed attorney who contacts the child regularly and, if a conflict of interest exists, the right to have a new attorney who will represent the position of the child;

(10) The right to privacy, including the ability to send and receive unopened mail and to make and receive phone calls;

(11) The right to regular and private contact with and access to case managers, attorneys, and advocates;

(12) The right to access information that is accurate and necessary for the child's wellbeing from case managers, guardians, and other individuals who, by law, are liable to maintain, care for, or support the child;

(13) The right to have as few case managers as practicable, to be notified if a case manager changes, to have the current case manager's contact information, and to contact the case manager as necessary;

(14) The right to contact a case manager's supervisor if there is a conflict that cannot be resolved between the child and his or her case manager;

(15) The right to report a violation of the provisions of this bill without any fear of punishment, interference, coercion, or retaliation; and

(16) The right to a timely permanency plan, case plan, and transitional plan, when applicable, as provided in the bill.

The Children's Division is required to work with each child in state custody to develop both a permanency plan and a case plan, which must be developed within one year of the child's entrance into state custody and must include immediate and long-term placement goals, in addition to the child's specific medical and emotional needs.

The bill additionally specifies the parameters of participation for the child upon his or her transition out of the child welfare system.

The bill modifies the Foster Parents' Bill of Rights to include references to kinship foster parents, defined as grandparents or other persons related to the child by blood or affinity, or persons who are not related but have a close relationship with the child or the child's family. The bill also specifies that the Children's Division and its contractors must not discriminate against foster parents or kinship foster parents.

The rights under the provisions of this bill, both for the Foster Youth Bill of Rights and Foster Parents' Bill of Rights, can be enforced through equitable relief as part of the corresponding case

under Chapter 210, RSMo. Failure to file a grievance with the Children's Division or their contractors will not preempt or prevent the foster parents, or the kinship foster parents from contemporaneously pursuing equitable relief as part of the corresponding case under Chapter 210.

This bill is the same as HB 1950 (2024).

PROPONENTS: Supporters say that this aims to reduce psychological distress and trauma, which will allow foster children the opportunity to do better long-term. This bill gives these children a sense of agency and control, as well as the preservation of their identities and familial relations through the kinship placement provisions.

Testifying in person for the bill were Representative Gragg; Alexa Dudley; and Arnie Dienoff.

OPPONENTS: Those who oppose the bill say that the statutory language changes being made can be weaponized against good parents due to the open-ended quality of the replacement language.

Testifying in person against the bill was Armorvine.

OTHERS: Others testifying on the bill say that there are some clarifying questions around the provisions of equitable relief and client-directed counsel.

Testifying in person on the bill was Missouri Juvenile Justice Association.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.