

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1433**  
**98TH GENERAL ASSEMBLY**

4450H.03C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To amend chapters 210 and 475, RSMo, by adding thereto four new sections relating to guardianships.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapters 210 and 475, RSMo, are amended by adding thereto four new sections, to be known as sections 210.1109, 475.600, 475.602, and 475.604, to read as follows:

**210.1109. During any child protective investigation that does not result in an out-of-home placement, a child protective investigator shall provide information to the parent or guardian about community service programs that provide respite care, voluntary guardianship, or other support services for families in crisis. The children's division is authorized to exercise its discretion in selecting community service programs provided to a parent or guardian under this section.**

**475.600. Sections 210.1109, 475.600, 475.602, and 475.604 shall be known and may be cited as the "Supporting and Strengthening Families Act".**

**475.602. 1. A parent or legal custodian of a child may, by a properly executed power of attorney as provided under section 475.604, delegate to an attorney-in-fact for a period not to exceed one year, except as provided under subsection 6 of this section, any of the powers regarding the care and custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. A delegation of powers under this section shall not be construed to change or modify any parental or legal rights, obligations, or authority established by an existing court order or deprive the parent or legal custodian of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of the child.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11           **2. The parent or legal custodian of the child shall have the authority to revoke or**  
12 **withdraw the power of attorney authorized in subsection 1 of this section at any time.**  
13 **Except as provided in subsection 6 of this section, if the delegation of authority lasts longer**  
14 **than one year, the parent or legal custodian of the child shall execute a new power of**  
15 **attorney for each additional year that the delegation exists. If a parent withdraws or**  
16 **revokes the power of attorney, the child shall be returned to the custody of the parents as**  
17 **soon as reasonably possible.**

18           **3. Unless the authority is revoked or withdrawn by the parent, the attorney-in-fact**  
19 **shall exercise parental or legal authority on a continuous basis without compensation for**  
20 **the duration of the power of attorney authorized by subsection 1 of this section and shall**  
21 **not be subject to any statutes dealing with the licensing or regulation of foster care homes.**

22           **4. Except as otherwise provided by law, the execution of a power of attorney by a**  
23 **parent or legal custodian as authorized in subsection 1 of this section shall not constitute**  
24 **abandonment, abuse, or neglect as defined in law unless the parent or legal guardian fails**  
25 **to take custody of the child or execute a new power of attorney after the one-year time limit**  
26 **has elapsed.**

27           **5. Under a delegation of powers as authorized by subsection 1 of this section, the**  
28 **child or children subject to the power of attorney shall not be considered placed in foster**  
29 **care as otherwise defined in law and the parties shall not be subject to any of the**  
30 **requirements or licensing regulations for foster care or other regulations relating to**  
31 **community care for children.**

32           **6. A parent or legal custodian who is a member of the Armed Forces of the United**  
33 **States including any reserve component thereof, the commissioned corps of the National**  
34 **Oceanic and Atmospheric Administration, the Public Health Service of the United States**  
35 **Department of Health and Human Services detailed by proper authority for duty with the**  
36 **Armed Forces of the United States, or who is required to enter or serve in the active**  
37 **military service of the United States under a call or order of the President of the United**  
38 **States or to serve on state active duty may delegate the powers designated in subsection 1**  
39 **of this section for a period longer than one year if on active duty service. The term of**  
40 **delegation shall not exceed the term of active duty service plus thirty days.**

41           **7. As soon as reasonably possible upon execution of a power of attorney for the**  
42 **temporary care of a child as authorized under this section, the child's school shall be**  
43 **notified of the existence of the power of attorney and be provided a copy of the power of**  
44 **attorney as well as the contact information for the attorney-in-fact. While the power of**  
45 **attorney is in force, the school shall communicate with both the attorney-in-fact and any**  
46 **parent or legal custodian with parental or legal rights, obligations, or authority regarding**

47 the custody, visitation, or support of the child. The school shall also be notified of the  
48 expiration, termination, or revocation of the power of attorney as soon as reasonably  
49 possible following such expiration, termination, or revocation and shall no longer  
50 communicate with the attorney-in-fact regarding the child upon the receipt of such notice.

**475.604.** Any form for the delegation of powers authorized under section 475.602  
2 shall be witnessed by a notary public and contain the following information:

3 (1) The full name of any child for whom parental and legal authority is being  
4 delegated;

5 (2) The date of birth of any child for whom parental and legal authority is being  
6 delegated;

7 (3) The full name and signature of the attorney-in-fact;

8 (4) The address and telephone number of the attorney-in-fact;

9 (5) The full name and signature of the parent or legal guardian;

10 (6) One of the following statements:

11 (a) "I delegate to the attorney-in-fact all of my power and authority regarding the  
12 care, custody, and property of each minor child named above including, but not limited to,  
13 the right to enroll the child in school, inspect and obtain copies of education and other  
14 records concerning the child, the right to give or withhold any consent or waiver with  
15 respect to school activities, medical and dental treatment, and any other activity, function,  
16 or treatment that may concern the child. This delegation shall not include the power or  
17 authority to consent to marriage or adoption of the child, the performance or inducement  
18 of an abortion on or for the child, or the termination of parental rights to the child."; or

19 (b) "I delegate to the attorney-in-fact the following specific powers and  
20 responsibilities (insert list). This delegation shall not include the power or authority to  
21 consent to marriage or adoption of the child, the performance or inducement of an  
22 abortion on or for the child, or the termination of parental rights to the child."; and

23 (7) A description of the time for which the delegation is being made and an  
24 acknowledgment that the delegation may be revoked at any time.

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