

HB 1453: Office of the Child Advocate

Section 37.705.1 of HB 1453 Establishes the Office of Child Advocate for Children's Protection and Services, formerly the Office of the Child Welfare Ombudsman. Reports directly to the commissioner of the Office of Administration.

Section 37.710 of HB 1453 Allows the Office of Child Advocate to have access to specified information about children in protective custody, reports of child abuse and neglect, and records concerning protective services for children.

Current Policy:

- Executive Order 02-22 established Office the Child Welfare Ombudsman;
- Allow the Ombudsman or the Ombudsman's designee to communicate privately with any child in the custody of the department for the purposes of carrying out its duties under this order;
- Upon the Ombudsman's request, grant the Ombudsman or Ombudsman's designee the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the Ombudsman considers necessary in an investigation; and
- Grant the office of Child Welfare Ombudsman unrestricted access to the case management information system for the purpose of carrying out its duties under this order.
- Per agreement between the Department of Social Services/ Children's Division and the Office of Child Welfare Ombudsman, complaints to the Office of Child Welfare Ombudsman will be addressed when levels of grievances have been exhausted through Children's Division. The Constituent Response Unit within the Children's Division Central Office will provide information to the Office of Child Welfare Ombudsman.

New Policy:

- Office of the Child Welfare Ombudsman name changed to **Office of Child Advocate** with increased authority.
- Agreement between DSS/CD and Office of Child Advocate remains the same and shall include: a) access to names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the Children's Division, Dept. of Mental Health and the juvenile courts; b) all written reports of child abuse and neglect; and, c) all current records required to be maintained pursuant to chapters 210 and 211, RSMo.
- Private communication includes any child under protective services and anyone working with the child, including family, relatives, relatives, courts, employees of DSS and the Dept. of Mental Health, and other persons or entities providing treatment and services.
- Office of Child Advocate shall continue to have right to access, inspect, copy and subpoena records of the juvenile or family court, juvenile

officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or another state.

- Office of Child Advocate shall have the authority to file ***amicus curiae*** ***briefs*** (petition the court for permission to file a brief) on behalf of the interest of the parent or child.
- Office of Child Advocate may initiate meetings with the DSS, DMH, juvenile courts and JO.
- All reports and records will be shared with the Office of Child Advocate following circuit manager/designee review.

Policy Impact:

Office of Child Advocate authority has expanded to assist families to assure children receive adequate protection and care from services, programs offered by the DSS, DMH or the juvenile court.