MISSOURI

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HOW THE STATE CAN REMOVE CUSTODY

Statute: §§211.183(6)-(7); 211.447(2)-(7)

Grounds: Abandonment or extreme parental disinterest, abuse/neglect, mental illness or deficiency, alcohol or drug induced incapacity, felony conviction/incarceration, failure of reasonable efforts, sexual abuse, abuse/neglect or loss of rights of another child, failure to maintain contact, failure to provide support, child’s best interest, child in care 15 of 22 months (or less), felony assault of child or sibling, murder/manslaughter of sibling child, substantial risk of harm to the child, conception result of rape.

Exceptions: Agency or juvenile officer may, but are not required to, file a petition if: 1) child being cared for by relative; 2) there exists a compelling reason why TPR is not in best interest of child, as documented in permanency plan; 3) family has not been provided services.

WHAT THE LAW SAYS ABOUT SEPARATING A MOTHER FROM HER BABY

It appears pursuant to state law that upon the birth of her child, the foster teen possesses legal custody to the extent that she has the right to bring legal proceedings on her newborn’s behalf. Vernon’s Annotated Missouri Statutes Section 454.882 (Action by minor parent) thus sets forth that a minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child. Attorneys and judges can ensure that teen parents are not forced to sign a voluntary placement agreement. The agreement can have dire consequences for a young mom in care who wishes to keep her baby after emancipation. Some foster teen moms may need a chance to “catch their breath” after their baby's birth. The alternative of temporary foster care is available through the state and services that have the foster teen sign a voluntary agreement to hand over custody for a

1 National Center for State Courts' Knowledge and Information Services.
2 http://www.jrplaw.org/Documents/Teens%20Aging%20Out%20of%20Foster%20Care%20in%20Oregon.pdf

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limited time only. When the separation is over and the foster teen is ready to resume responsibility for child care, the infant is returned to her pursuant to the terms of the temporary foster care contract she signed. The foster teen should obtain legal counsel to assist and advise as to the temporary foster care alternative.

Part 24.7 of Missouri’s child Welfare Manual (Pregnancy of Child in Out-of-Home Care)\textsuperscript{3} states as follows: Should a child become pregnant while in foster care, all efforts should be made to ensure complete prenatal care is received. In addition, the court of jurisdiction should be notified of the youth's pregnancy. The Children’s Service Worker should refer the youth to appropriate persons for information and resources needed to explore her options, i.e., giving birth and caring for the child, giving birth and relinquishing parental rights for the purpose of adoption, etc. The child should make an informed decision without undue influence and/or coercion by the Division, placement provider or parents. If the youth elects to terminate the pregnancy, parental consent is required. If the parents fail to consent, the court must issue an order that the youth is making an informed decision. If the child elects to give birth and care for the infant, every effort must be made to keep the child and infant together. The Worker must refer the child and infant to the Eligibility Specialist, utilizing form CS-IV-E/FFP1. The Worker shall carefully document the child’s progress and any contact regarding the health of the child and infant in the case record.

If young parents are to assume daily responsibility for the care of their children after discharge, they must be allowed to practice that responsibility while in foster care.\textsuperscript{4} Ensuring that the young mother and her child are placed together is a primary responsibility of the ward’s attorney. Reports and anecdotal evidence suggest that local child welfare systems do not have enough mother/child placements to meet the population’s needs.\textsuperscript{5} The separation of mother and infant is damaging to both. The baby is left alone in the hospital for the entire night and portions of the day, precluding breast feeding and crucial bonding with the mother. The state, in turn, pays an enormous price to keep a healthy child in the hospital. Such separations are counterproductive and inhumane. They are also illegal. Attorneys for parenting wards can address this problem from several angles. First, in some cases, steps may be taken while the ward is pregnant to ensure that the relevant agency is making appropriate plans for the client's post-pregnancy

\textsuperscript{3} http://www.dss.mo.gov/cd/info/cwmanual/section4/ch24/sec4ch24sub7.htm
\textsuperscript{4} The Legal Status of Pregnant and Parenting Youth in Foster Care (See article @ http://64.233.167.104/search?q=cache:GDLcDv7_FaUJ:www.kidscounsel.org/Legal%2520Status%2520Preg-Parent%2520Youth%2520Foster%2520Care\_doc+%22TEEN+mother%22+%22joint+placement%22+%22Foster+CARE%22&hl=en&ct=clnk&cd=5&gl=us)
\textsuperscript{5} In Illinois, the lack of appropriate placements too often results in postnatal stays in temporary shelters. In California, the legislature has officially acknowledged that the dearth of placements results in temporary separations of parenting wards and their children. In New York, the scarcity of mother/child beds often results in the mother and infant remaining in the hospital long after they are medically ready for discharge. In other instances, the mother is discharged to her prior placement while her baby remains in the hospital nursery. In New York City, as in other locales, this is difficult at best because mother/child placements are awarded on a first-come, first-served basis. Additionally, due to the higher demand for beds and the high cost of leaving beds vacant, programs are unable to reserve beds for pregnant teens. Nevertheless, advocates can seek court orders directing the ward's agency to make appropriate plans for the teen's placement following delivery.
placement. Next, when a client is illegally separated from her child, attorneys have several options. In most states, the parent may file a writ of habeas corpus against the child welfare or foster care agency, demanding that the child be returned to the mother. In some circumstances, an attorney's threat to initiate such action will be sufficient to motivate the agency to reunite mother and child in an appropriate placement. Another option is to seek relief from a court with jurisdiction over the teen's foster care placement. The attorney should avail herself of state policies, such as those discussed above, to argue that the ward has a right to placement with her child.6 Finally, in negotiating with state or local bureaucrats, advocates should point out that as long as the parenting ward retains legal custody of the infant, failure to place the mother and child together will compromise the state's ability to receive federal reimbursement for the infant's care.

APPLICABLE STATE LAW

Juvenile court is without the authority to sever parental rights when there is insufficient evidence to clearly, cogently, and convincingly establish compliance with statutory standards for termination of parental rights. V.A.M.S. § 211.447, subd. 2 In Interest of M.H., 859 S.W.2d 888 (Mo.App.S.Dist. 1993) Court may reach issue of best interests of children only after one or more statutory grounds for parental rights termination have been determined to exist. V.A.M.S. § 211.447, subd. 2 In Interest of T.S. 925 S.W.2d 486 (Mo.App. E.D. 1996) In the first step of a proceeding to terminate parental rights, the court must consider whether the statutory termination grounds have been proven by clear, cogent, and convincing evidence V.A.M.S. § 211.447 In re S.J.H. 124 S.W.3d 63 (Mo.App. W.D. 2004) Order terminating parental rights was not supported by clear, cogent, and convincing evidence that conditions of potentially harmful nature continued to exist and that there was little likelihood that conditions would be remedied at early date so that children could be returned to her, despite evidence that mother did not complete all reunification service agreements; mother made significant progress in maintaining stable home and had refrained from engaging in criminal activity, she maintained substantial visitation with children and displayed loving relationship with children, she provided them with gifts for birthdays and Christmas, she was current on child support, she and was making effort to obtain GED in order to improve employment opportunities. V.A.M.S. § 211.447, subd. 4(3) Parental rights could not be terminated on the basis of abandonment where abandonment was not alleged in the petition nor included in the findings of the court In Interest of W.F.J. 648 S.W.2d 210 (Mo.App. W.D. 1983)

6 For example, attorneys in California can now argue that the court or the agency has failed to make diligent and active efforts to place “the minor parent and the child together in as family-like a setting as possible” as mandated by state statute. In all jurisdictions, the attorney should also argue that separating the ward from her child is clearly contrary to the ward's best interest

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The presumption of unfitness, which occurs when the parent's rights as to another child or other children have been involuntarily terminated, is rebuttable and can be overcome by evidence that the circumstances that led to the termination of the parent's parental rights in the other child no longer exist or that the parent is no longer unfit. V.A.M.S. § 211.447, subd. 4(6) In reviewing termination of parental rights, Court of Appeals considers evidence and all reasonable inferences that may be drawn from it in light most favorable to judgment, and gives due regard for opportunity of juvenile court to judge credibility of witnesses. V.A.M.S. § 211.447, subd. 2 Juvenile court may terminate parental rights only if it finds that termination is in best interests of child and when it finds by clear, cogent and convincing evidence one or more statutory grounds for termination; evidence is “clear, cogent and convincing” when it instantly tilts scales in affirmative when weighed against evidence in opposition and fact finder's mind is left with abiding conviction that evidence is true. V.A.M.S. § 211.447, subd. 2

RESOURCES

**Department of Social Services**
221 West High Street, P.O. Box 1527 Jefferson City, MO 65102  
573-751-4815  
http://www.dss.mo.gov/pr_cs.htm  
Division of Legal Services  
Broadway State Office Building P.O. Box 1527 Jefferson City, MO 65102  
573-751-3229  
www.dss.mo.gov/dls/

**Legal Services**

**Legal Services of Eastern Missouri Inc.**
4232 Forest Park Avenue St. Louis, MO 63108  
(800) 444-0514  
www.lsem.org

**Legal Services of Southern Missouri**
2872 South Meadowbrook Springfield, MO 65807  
(800) 444-4863

**Legal Aid of Western Missouri**
1125 Grand Avenue, 19th Floor Kansas City, MO 64106  
(816) 474-6750  
www.lawmo.org

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Mid-Missouri Legal Services Corporation
205 E Forest Ave Columbia, MO 65203-4302
General Phone: 573-442-0116
Fax: 573-875-0173
Intake Phone: 800-568-4931

The Teen Parents and the Law (TPAL) program is based on a national teen court curriculum and serves to teach teen parents life skills through the prism of civic education. The intensive program takes place over a number of weeks and covers topics such as landlord-tenant law, consumer protection, child custody, child abuse and neglect, domestic violence, voter registration, and state mandatory education requirements. The program is designed to teach teen parents the skills to be effective parents and self-advocates. In April 2005, the Administrative Office of the Courts held a 'train the trainers' program on the TPAL curriculum for Family Court staff members. Ten Family Courts were supplied curriculum materials and are either implementing the program or are in the planning stages of implementation.7

Transitional or Independent Living Programs

Missouri Division of Family Services
PO Box 88 Jefferson City, MO 65103-0088
Phone: (573) 526-3735
Fax: (573) 526-3971

MBCH Children and Family Ministries
11300 St. Charles Rock Rd., Bridgeton, Missouri
Phone: (314) 739-6811
Fax: (314) 739-6325
Web Site: www.mbch.org
Year Established: 2001

Boys Hope Girls Hope
12120 Bridgeton Square Drive Bridgeton, MO 63044-2607
http://www.boyshopegirlshope.org/contact.php


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Mother-baby Residential Facilities

Our Lady’s Inn
4223 S. Compton St. Louis, MO 63111
Phone: (314) 351-4590
cell@ourladysinn.org

Mother's Choice
3721 S. Delridge Rd. Independence, MO 64055
Phone: (816) 355-5052

Substance Abuse Health & Treatment Resources

Synergy Services
400 East Sixth Street Parkville, MO 64152-3703
Phone: (816) 587-4100

Grand Lake Mental Health Center
Ottawa County Clinic (918)540-1511 Afton Satellite Office (918)257-4244: Services to youth and children include: Crisis Stabilization, Case Management, Community Based Rehabilitation, Individual and Group Therapy, Psychiatric Services.

Scott Greening Center / An Alcohol and Drug Abuse Treatment Center for Missouri Adolescents
1315 East 20th Street, Joplin, MO
Phone: (417) 623-1990

Family Life Center
720 East 6th St. Galena, KS
Phone: (620)783-2900

Teen Challenge International USA
Phone: (417) 862-6969
www.teenchallenge.com

Elm Acres
Phone: (620) 231-6129

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Saint Luke’s Health System, Crittenton Children’s Center  
10918 Elm St. Kansas City, MO 64134  
Phone: (816) 765-6600

Childcare Assistance

Missouri Department of Social Services Division of Family Services Child Care Assistance Program  
Phone: (417)629-3050 or toll free (877)212-8720

School Plus After School Program / Joplin Family Y  
Phone: (417)623-4597.

The Boys and Girls Club of Southwest MO  
Phone: (417) 673-0771  
Phone: (417) 623-8072

Missouri Child Care Resource and Referral  
Phone: (800) 743-8497.

Missouri First Steps  
Phone: (866) 583-2392  
Phone: (417) 629-3020 for local information and service referral.

Parents as Teachers  
Joplin Parents as Teachers (417)625-5294  
Webb City Parents as Teachers 404 East Tracy Webb City, MO 64870  
Phone: (417) 673-6073  
Southeast Kansas Education Service Center / Parents as Teachers P.O. Box 189 Girard, KS 66743  
Phone (800) 554-3412

Head Start (half day)/Full Start (full day)  
North Joplin Head Start 1200 North Main Joplin, MO  
Phone: (417) 781-4497 or (417) 781-3150  
South Joplin Head Start 4302 Richard Joseph Blvd. West Joplin, MO  
Phone: (417) 781-5728  
Webb City Head Start 300 North College Webb City, MO

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Phone: (417) 673-5967  
Carthage Head Start 1810 Baker Blvd. Carthage, MO  
Phone: (417) 358-5598 or (417) 359-9168  
Granby Head Start 550 Fortune Teller Road Granby, MO  
Phone: (417) 472-7118  
Noel Head Start 628 Johnson Drive Noel, MO  
Phone: (417) 475-6450  
Anderson Head Start 712 South 59 Hwy. Anderson, MO  
Phone: (417)845-6644 or (417)845-8218

**Child Care and Development Fund (CCDF)**

The primary Federal program specifically devoted to child care services and quality. It enables low-income parents and parents receiving Temporary Assistance for Needy Families (TANF) to work or to participate in the educational or training programs they need in order to work. Funds may also be used to serve children in protective services. In addition, a portion of CCDF funds must be used to enhance child care quality and availability.

http://www.acf.hhs.gov/programs/ccb/ccdf/ccdf06_07desc.doc

**TANF (Temporary Aid to Needy Families) Funds**

Missouri’s TANF is called *Beyond Welfare*  
Missouri Department of Social Services  
PO Box 88  
Jefferson City, MO 65103  
Phone: (573) 751-3124  
FAX: (573) 526-4837

**TANF/AFS (Adult and Family Services) or other**

TANF is time-limited public assistance payments made to poor families, based on Title IV-A of the Social Security Act. The program provides parents with job preparation, work, and support services to help them become self-sufficient.

TANF legislation includes two rules specific to minor parents (parents under age 18). One rule requires that minor parents live in an approved arrangement, usually with their parents. The other rule requires that minor parents typically participate in education leading to a high school diploma or GED.
The living arrangement requirement to receive TANF says that a state is prohibited from spending federal TANF funds on assistance to an unmarried, minor, custodial parent unless she lives with a parent, legal guardian or other adult relative or is approved for an exception. The law recognizes limited exceptions to this rule including situations in which a parent, legal guardian, or other adult relative is not available or when such a placement could result in harm to the minor parent and/or her child. When residing with a parent, legal guardian or other adult relative is inappropriate, the state must "provide, or assist the individual in locating, a second chance home, maternity home, or other appropriate adult-supervised setting." Alternatively, the state may determine that a teen parent’s independent living arrangement is appropriate and that it is in the "best interest" of her child to make an exception to the general rule. 

8 http://www.spdp.org/reprexpl.htm#mla

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