Family Law Resource Guide

THE MISSOURI BAR

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- Juveniles and the Law
- Marriage
- Divorce
- Child Support in Missouri
- Adoption
- You Are Still Parents
- Assistance to Parents of Children with Disabilities

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JUVENILES AND THE LAW

When Are You a Juvenile and When Are You an Adult?

The answer to this question is complicated because, under Missouri law, when you are considered an adult and when you are considered a minor or juvenile varies with the circumstance.

- You must be age **22** to legally send, read, or write a text message or electronic message while driving.
- You must be age **21** to:
  - ✓ Get a carry and conceal permit for a weapon.
  - ✓ Possess, use or buy alcoholic beverages.
  - ✓ Serve on a jury.
  - ✓ Make wagers on Missouri's gambling boats.
- You must be age **18**:
  - ✓ To get married without your parents' permission. If you are under 15, you must receive permission from a judge to get married.
  - ✓ To register to vote.
  - ✓ To make a will, sign a contract and sign a lease.
  - ✓ To consent to your own medical treatment. Note: There are a few exceptions to this law. Some hospitals or clinics allow you, at any age, to consent to testing and treatment for pregnancy, sexually transmitted diseases, drug and alcohol abuse or AIDS. Others allow you to consent to your own treatment only if you have reached age 13. If you are younger than 18 but are married or in the military, you are considered emancipated, or on your own, and you may seek medical treatment without your parents' permission.
- At age **18**, if you are a male, you must register for military service.
- At age **17**, you will be tried as an adult for any crime that you commit and with which you are charged. If you commit an offense at age 16 or younger, the police will refer your case to the juvenile court. At any age, if you are alleged to have committed a serious offense such as murder, sale of drugs, robbery, rape or assault, or if you are a repeat offender, the juvenile court may certify you as an adult and transfer you to the adult criminal sys-

tem. At age 12, the juvenile court can also certify you as an adult for other serious crimes, such as stealing a car, drug possession and carrying a weapon.

- You must attend school until you are age **16**. Note: Some metropolitan school districts have raised the age to 17.
- Under Missouri's graduated driver's license law, at age **15**, you may get a driving permit. With this permit, you may drive only when a parent or legal guardian, grandparent or driving instructor is with you in the front passenger seat. At age **16**, you may apply for an intermediate license as long as you have had a driving permit for 182 days and have done at least 40 hours of driving, with 10 of them taking place at night. You cannot have had any alcohol-related convictions in the past 12 months and no traffic convictions within the past six months. The intermediate license allows you to drive alone except during a late night curfew (1:00 a.m. to 5:00 a.m.). You and your passengers must use seat belts, be free of alcohol and drugs, and obey the traffic laws. At age **18**, or within the 30 days immediately preceding your 18th birthday, you may apply for a full driver's license.

What Are Some Frequent Delinquencies?

- Arson — starting a fire or causing an explosion that damages property. This includes abandoned or vacant property.
- Assault — hitting or striking a person or saying you will do so.
- Burglary — breaking into and entering a house or building with the purpose of committing a crime.
- Driving While Intoxicated — operating any motor vehicle, including a motorcycle or motorized bike, under the influence of drugs or alcohol.
- Drug and Alcohol Offenses — possession of, use of and sale of illegal drugs or alcoholic beverages.
- False Identification — altering a driver's license or other form of identification in such a way that it contains false information or pretending that someone else's identification is yours.
- Harassment and Stalking – Missouri has enacted laws making it a crime to harass or stalk someone through Internet communications. If you threaten or consistently make fun of someone through e-mails, blogs, Facebook and other Internet communication tools, you could be charged with harassment or stalking.
- Rape — sex with another person of any age without that person's consent. Sex with a person less than 14 years of age is rape even if the person has consented to having sex.

- Receiving Stolen Property — accepting property that you know is stolen.
- Robbery — taking a purse, money or other property from a person by force or threat of injury.
- Sexual Abuse —forcing another person to have sexual contact with you.
- Stealing — taking something without the owner's permission. This includes shoplifting. Acting with, helping or assisting another person to steal even if you do not keep the stolen goods are still considered the crime of stealing.
- Tampering — driving or riding in a car or vehicle without the owner's permission; "joyriding."
- Traffic Laws — if you have a driver's license, you are expected to know and obey all traffic laws.
- Trespassing — going on property without the owner's permission or going on property where there is a fence or a "Keep Out" or "No Trespassing" sign.
- Truancy — skipping school.
- Vandalism — damaging another person's property, such as breaking windows, spray painting and letting the air out of tires.
- Violating Curfew — staying out beyond a certain hour that has been set as a time that all juveniles must be off the streets and in their homes.
- Weapons Violations — carrying guns, razors, knives or metal knuckles on your person or having such items readily available in your car, such as under your car seat, in the glove box or similar storage in your car.
- Bringing a gun to school is a serious weapons violation that could result in a one-year suspension from school or expulsion from school.

What Should You Do if Taken Into Custody?

If a law enforcement officer takes you to the police station or to the juvenile court and intends to keep you there for a period of time, you are "being taken into custody." If this happens to you, give your name, address and age and your parents' names and phone numbers.

What Are Your Rights if You Are Stopped by a Police Officer?

- If you are under 17 years of age and you break the law, you are taken into custody and turned over to the juvenile court. You have the same rights as does anyone else who is arrested – you do not have to say anything until you talk to a lawyer, other than identifying yourself by name, address and age.
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- The law enforcement officers will take your photograph and fingerprints if you have committed a serious crime. If you are taken into custody for a minor crime, then your fingerprints may be taken only if a judge orders it.

You may be held in detention. Detention is the act of keeping a person confined or imprisoned. You must be told of the reason for your detention, your right to a detention hearing (usually within three days) and your rights during detention.

How Long Can You Be Kept at a Detention Center?

You can be detained up to 24 hours without a court order. You can be detained longer by court order. Your parents must be notified as soon as practicable.

Who Decides How Your Case Will Be Handled?

The juvenile officer assigned to your case will decide how to handle your case. A juvenile court judge hears the evidence against you.

How Are Cases Handled?

Cases are handled by having a meeting at juvenile court with you and your parents or by filing a petition in juvenile court. If you are held more than 24 hours, a petition (a paper which states the charges against you) must be filed.

When is a Petition Usually Filed?

A petition is usually filed when you are charged with a serious crime, when you have been held more than 24 hours, or when you have been in trouble before.

Who Decides if You Can Be Tried as an Adult?

- A juvenile court judge will decide whether you will be tried as an adult after reading the charges brought against you, after looking at your record and after holding a hearing. The judge will consider the seriousness of the charges, whether your community needs to be protected from you, whether the crime involved force or violence, whether you hurt another person, whether you have a record of breaking the law, and your age.
- If you are tried as an adult and found guilty, there are several things that may happen to you. You may be sent immediately to an adult prison. You may spend some time at a juvenile detention center and then be sent later to an adult prison. You may be placed on probation

and given a second chance to stay out of trouble. If you are convicted of first degree murder and you were 16 years old at the time of the murder, you could receive the death penalty. If you are tried as an adult and found guilty of a crime, you will always be tried as an adult for any crime.

What Happens if You Are Not Tried as an Adult?

A hearing is held in juvenile court. You have the right to a lawyer paid by your parents. If your parents cannot pay a lawyer, the judge will appoint a lawyer for you. You have a right to plead "not guilty" and have a trial in front of the judge in juvenile court. If you say you are guilty or you are found guilty after the trial, the judge will decide what to do with you. The hearing and trial in the juvenile court will be open to the public if you are accused of committing a serious crime.

What Might the Court Decide to Do With You?

You might become a ward of the court. That means the court will supervise you. You might be returned home in the custody of your parents, with court-ordered visits with the juvenile officer. You might be sent to a foster home, a group home or other institution. You might be ordered to perform community service or pay restitution to the victim. If you cause damage to property or injure a person, your parents may also have to pay up to $4,000 for damages and injuries.

What Helps the Court Decide Placement For You?

- Your attitude.
- The number of times you have been in trouble.
- The seriousness of your offense.
- Your school record.
- What help your family will give.
- The kind of friends you have.

How Long Can the Court Keep You in Custody?

The court can keep you in custody until you are 21 years of age.

How Does Trouble With the Law Affect You?

- You can lose your driver's license or have it suspended.
- Your school can find out that you have been in trouble with the juvenile court and you could possibly be suspended from school for up to one year. If a court finds that you have committed a very serious felony, including sale of drugs, you will be expelled from school and may not be readmitted.

- Your juvenile court record can be seen by the juvenile court, county prosecutors and circuit court judges. If the juvenile court finds you to be a juvenile delinquent because you committed a serious crime, then your juvenile court record will be a public record.
- Your juvenile record can be used to show that you should not be believed as a witness in other court proceedings.
- Your juvenile record can follow you forever.
    - ✓ Your juvenile record makes it harder to get a job.
    - ✓ Your juvenile record makes it harder to get into military service.
    - ✓ You risk losing the respect and trust of other people.
    - ✓ Although you may ask the court to seal your juvenile court record at age 17, the court does not have to seal it.

For Legal Advice, See a Lawyer

The Missouri Bar offers a free Lawyer Search function, located at MissouriLawyersHelp.org. Those seeking representation can use the tool to locate lawyers by practice area, geographic location, and spoken language.

The Missouri Bar or the Office of Chief Disciplinary Counsel cannot provide legal advice or refer you to an attorney, but select local bar associations in Missouri offer assistance in finding representation. The Office of Chief Disciplinary Counsel does not screen the attorneys who are affiliated with these lawyer referral services, and OCDC does not have information on their credentials or abilities. If you would like a referral to an attorney in the St. Louis area, call (314) 621-6681. For a referral to an attorney in the Springfield or Greene County area, call (417) 831-2783.

Hiring a legal professional can be costly, but it is important to remember that you are paying for expertise. If you are unable to afford a lawyer, it might be possible to be represented at a lower rate or on a pro bono basis. In these situations, your quality of representation should not decrease, but your out-of-pocket costs will. The Missouri Bar does not match members of the public with pro bono lawyers, but it maintains a list of available discounted services, which is available at MissouriLawyersHelp.org.

Additionally, some matters, such as an uncontested divorce or traffic ticket, may not call for a lawyer at all. The Missouri Bar produces numerous brochures and blog posts – all available at MissouriLawyersHelp.org – that address general legal questions. While they are not a substitute for a hired lawyer, they are helpful for background information on matters and can help you decide if you need to seek representation.

For more information, go to MissouriLawyersHelp.org or call 573-635-4128.

MARRIAGE

What These Words Mean

Beneficiary — the person who receives the money from an insurance policy or a will

Spouse — husband or wife

Heir (air) — person who gets someone's property after that one dies

Will — a legal paper that describes what a person wishes be done with a person's property after he dies.

Prenuptial Agreement — a contractual agreement between persons who are going to be married. This is a practical means to deal with financial matters in the event of a death or divorce and to protect assets owned at the time of a marriage.

Antenuptial Agreement – a contractual agreement between persons that is executed after they are married.

Marriage brings new happiness, but it also brings new duties. This pamphlet will help you understand those legal duties. If you have any questions regarding the legal consequences of marriage and divorce, it is highly recommended that you consult a lawyer prior to your marriage.

Requirements for a Valid Marriage

A marriage causes many legal consequences that affect a couple's future life together, including: filing tax returns, employment-related benefit programs, the legal right to inherit assets if your spouse dies and, if there is a divorce, issues of support, maintenance (formerly called alimony), child custody and division of property.

When you decide to marry, both of you must go to the local county courthouse to obtain a marriage license well before the actual date of the ceremony. You should call the local county courthouse before going to obtain the marriage license to find out the fee (many counties require cash). You must take with you a form of identification, such as a driver's license. After applying for your license, there is a short waiting period before you can pick up your license at the courthouse. You must get married within 30 days of the date the license is issued. Missouri does not require blood tests.

The actual marriage may be solemnized by any clergyman, either active or retired, who is in good standing with any church or synagogue in the

state of Missouri or by a judge of a court of record other than a municipal or city judge.

There are laws in Missouri that place restrictions on certain marriages with regard to mental capacity, age and gender. Same-sex marriages are unconstitutional in Missouri and are not valid under Missouri law even if the parties were married in a state that does allow same-sex marriage.

In addition, if you married your spouse under any pretense of fraud or coercion, the marriage may not be valid and the law may treat the marriage as if it never existed. There are certain factual requirements that must be met prior to individuals entering into marriage, such as age and voluntary consent.

The minimum age one can enter into a valid marriage without parental consent is 18. Teenagers between the ages of 15 and 18 may marry, provided the teenager obtains consent of either a parent or guardian. The parent or guardian must consent to the marriage in person or in writing, stating the residence of the person giving such consent, and this writing must be signed and sworn to before an officer authorized to administer oaths. A person under age 15 must obtain a court order prior to getting married.

If you live with another person of the opposite gender for a certain amount of years, some states recognize that as a "common law marriage," but Missouri does not. However, if you have such a marriage recognized by another state, Missouri will recognize it as a valid marriage.

Support

Both parents have a legal duty to financially support their children. The husband and wife, generally speaking, have a financial duty to support one another, depending upon the circumstances of the marriage. In the event of a divorce, a court will determine the parties' obligations to support children or the other spouse. Parents do not have any legal obligation to support their children financially after their children marry.

Do You Need to Change Beneficiaries?

You may wish to designate your spouse as beneficiary of your life insurance and other assets for which you may designate a beneficiary. You should speak with your insurance agent or employer regarding any changes in beneficiaries. Designating your spouse as beneficiary of tax-deferred investments, such as 401(k)s, IRAs, Keoghs, tax-deferred annuities, etc., may allow your spouse to continue to defer the income tax on those accounts if they roll the proceeds over into an IRA account of their own in the event of your untimely death.

Property Ownership After Marriage

If you own property before your marriage, you may wish to consult a lawyer prior to your marriage about that property. If you add your new spouse's name to the property, it is likely that your spouse would be entitled to a portion of that property in the event of a divorce. You may even desire to discuss a prenuptial agreement with the lawyer to set forth how your property would be divided in the event of a divorce.

Any property that is purchased after the marriage, regardless of how it is titled, is presumed to be marital property. In the event of a divorce, courts look at the source of funds and other factors to determine how property is divided; however, the general rule to follow is that any income or assets that are generated during a marriage are marital property and subject to an approximate 50 percent net division at the time of divorce.

You Have a New Heir

When you marry, each of you becomes the heir of the other. As soon as you have children, they also become your heirs.

Having a will is a good idea, even if you don't have much property. If you have children, the only way you can leave all your property to your husband or wife is to have a will that states your wishes. If you don't have a will, you will have no say in how property is divided. If your will excludes your spouse and children, Missouri law provides that, despite this exclusion, your spouse and children have certain rights to your estate that may be enforced after your death. If you have children, your will can designate who should care for them if you and your spouse both die.

Changing Your Name

A bride may take her husband's last name, retain her own surname or hyphenate both her own surname and her husband's surname. Example: Mary Smith marries Jack Jones. She may wish to be known as Mary Jones, Mary Smith or Mary Smith-Jones. Likewise, a bride who wishes to take her husband's last name may retain her given middle name or use her own surname as a middle name.

If you take a new name, you should tell:

• The federal government for your Social Security records. You employer can help with this.

• Your employer and your spouse's employer. It will make a difference in your income tax.

• The city hall if you have moved and want to vote in the next election.

• The bride should notify the auto license office within 10 days after the wedding. They will make her a new license for a small charge.

If, at the time of your marriage, you do not take your spouse's name and later change your mind, you can file a petition for change of name with the court.

Buying on Time/Use of Credit

Marriage creates many new financial obligations. The Missouri Bar has a pamphlet entitled "Buying On Time" that will assist you in understanding the cost of buying cars, furniture, appliances or other household goods on credit.

Buying a Home

If you plan to buy a home, you may want a lawyer to help you:

- write your offer to buy
- check the title
- check the contract before you sign it.

The Missouri Bar has a free pamphlet entitled "Buying a Home," It may answer some questions you have about buying your own home.

Keeping Records

You need to keep in a safe place:

- your insurance policies
- your marriage certificate
- your birth certificate
- church certificates
- your contracts
- your children's birth certificates

If You Need Help Finding a Lawyer

The Missouri Bar offers a free Lawyer Search function, located at MissouriLawyersHelp.org. Those seeking representation can use the tool to locate lawyers by practice area, geographic location, and spoken language.

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DIVORCE

What These Words Mean

Client — the person for whom the lawyer works

Custody — care of children

Contest — to argue

Annul — to cancel

Spouse — a husband or a wife

Dissolution — another name for divorce

Arbitration — means of resolving disputes using a third party who hears both sides and decides

Mediation — where a third party facilitates resolving disputes with the goal of voluntary settlement

Collaborative Law — where before the filing of divorce petition, all parties, including attorneys, agree to work together outside of the courtroom and without judicial involvement

Petition — a paper asking for a divorce from the court

File — to give a paper to the court/court clerk

Summons — the order from the court that tells you to respond to the petition

Support — money paid to a wife, husband or for children

A divorce can take place if the marriage is irretrievably broken. The case is decided by a judge without a jury. In Missouri, either the husband or the wife must have lived in the state for 90 days before the divorce can be filed.

What Should You Think About Before Filing for Divorce?

- How much will it cost for the husband and wife to live apart?
- How much will it cost to support the children?
- How much will the divorce cost?
- The husband and wife must wait to go to court at least 30 days after filing a petition for divorce and service on the other spouse.
- It will take longer if the spouses can't agree on any part of the divorce.
- A lawyer may ask them to talk with a marriage counselor to see if they can work out their problems.
- The lawyer gets paid for trying to solve their problem, even if he doesn't succeed.

If the Problem Can't Be Solved

If there are children, the lawyer helps the client find a plan for their custody. The lawyer decides what witnesses to use. The lawyer helps the client decide what property and spousal support for which to ask. The lawyer helps the client decide whether to make temporary arrangements for custody or support of the children.

Custody of Children

The judge will be particularly concerned about what is best for the children, rather than the adults, while a divorce case is pending. Missouri law says that children cannot be taken out of the state or from the parent who has had the custody of them unless the parents agree or a judge gives permission.

The judge will think about:

- the best interests of the child
- the wishes of each parent
- the wishes of the children
- where the children will get along better

Usually, the parent who does not have custody the majority of the time is expected to support the children. Missouri has specific laws about whether a parent can move with the children after divorce. Check your divorce judgment for details.

What is Joint Custody?

It is a plan in which parents get court permission to share the decision-making responsibilities (joint legal custody) and share the physical custody of the children (joint physical custody). One parent will usually still have a duty to support the children.

Support/Maintenance

In deciding how much support is needed for either spouse, a judge thinks about: how long the husband and wife have been married; the ages of the husband, wife, and children; their health; their work and what they earn; what money or property they have; and their standard of living during the marriage. It was formerly known as alimony.

How is the Property Divided?

Property and debts acquired during the marriage (not by gift or inheri-

tance) will be divided in an equitable manner. Many times this results in close to an equal division, but relevant factors might change that decision in a specific case.

What is Dissolution?

It is another name for divorce. It is a legal ending of the marriage, so that both spouses become single again. The wife's lawyer may ask that her name be changed back to her maiden name.

What is Alternative Dispute Resolution?

There are alternatives to having a judge decide your case. The more common are mediation and collaborative law. However, any agreement reached by the parties must be approved by the court before it can become effective and enforceable.

What is a Legal Separation?

A legal separation is exactly the same as a divorce except the marriage is not irretrievably broken and the parties are still legally married when the case concludes.

Does Missouri Have a No-Fault Divorce Law?

Yes and no. Generally, one person doesn't have to prove that the other one is at fault to get a divorce. But the court can consider fault, called misconduct, in deciding child custody, support, or division of property.

What is Annulment?

An annulment is a decision by the court that the marriage was not legal from the beginning.

If Your Spouse Files for a Divorce

You will get a summons and a petition. If you do nothing, the judge will decide the case and you may not get your say in what happens. You or your lawyer should file an answer to the petition within 30 days after you receive the summons. You may contest the divorce, custody, child support or how the property is to be divided.

What Will a Lawyer Charge?

Usually, lawyers charge by how much time is spent working on your case. Ask the lawyer about fees the first time you meet. Ask about court costs in your county. You will have to pay your lawyer's fee regardless of the result.

For Legal Advice, See Your Lawyer

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CHILD SUPPORT IN MISSOURI

The purpose of this pamphlet is to answer some of the questions that parents and custodians frequently ask about obtaining and enforcing child support orders, and to give you an idea of the services available to assist you in your efforts.

ESTABLISHMENT OF A CHILD SUPPORT ORDER

What is Child Support?

Child support is money that either or both parents are ordered to pay on a regular basis toward the costs of raising their child(ren).

What is a Child Support Order?

Child support may be ordered by the courts or by the Missouri Family Support Division – Child Support Enforcement ("FSD"). The order specifies how often and how much a parent is to pay for child support. When minor children are involved, a child support order is included in a dissolution of marriage (divorce) or paternity judgment.

What Amount of Child Support Will I Receive?

The Supreme Court of Missouri establishes guidelines (also known as "Form 14") for the courts and FSD to use for the calculation of child support. Form 14 takes into account several factors, including the gross incomes of each parent, maintenance being paid to one of the parents, the number of children, the cost of work-related child care, the cost of health insurance for the children, and the amount of time the children spend overnight with each parent during the year.

The courts and FSD presume that the Form 14 calculated amount of child support is the correct amount to award; however, based on the evidence, they may choose to award a different amount.

Am I Entitled to a Child Support Order?

If you are a party to proceedings for dissolution of your marriage, legal separation or paternity, and the children are either fully or partially

in your custody, you may ask the court for an award of child support (including temporary child support while your case is pending). When the court issues its final judgment, you may be entitled to obtain an order for child support if you are awarded a period of physical custody of a minor child.

If a court has not entered a child support order, FSD may be able to issue a child support order on your behalf.

Who Can Modify a Child Support Order?

Only the court may modify court-ordered child support. Child support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms of the original order unreasonable.

A child support order entered by FSD may be modified by either FSD or the court.

How Do Visitation and Joint Custody Affect Child Support?

A parent may not deny court-ordered visitation/custody. If a parent denies visitation, the court may reduce child support if it finds that the parent receiving support has failed, without good cause, to provide visitation as ordered. The court's order may be based upon the parties' agreement.

Additionally, if the parent receiving support has voluntarily given up physical custody of the child to the parent paying support for more than 30 days, support for that period may abate. This is not triggered by periods of visitation or temporary custody. The amount of child support that the parent paying support need not pay must be calculated by FSD for a child support order originating there, or by the court.

In My Dissolution Judgment, the Court Did Not Order Child Support. Can I Now Apply?

Depending on the terms in your judgment, you may be able to seek child support through the courts through a modification of your judgment.

My Spouse and I are Separated, but Neither Has Filed for Divorce or Legal Separation. Our Children Live With Me. How Can I Get Child Support for My Kids?

FSD may be able to obtain a child support order for the custodial parent. Without filing for legal separation or dissolution of marriage, the court will not be able to order an award of child support.

Who Keeps Track of My Child Support Payments?

The court may order that support payments be made directly to the person entitled to receive the support or to the Missouri Family Support Payment Center in Jefferson City.

The Family Support Center maintains records in the Automated Child Support System, which lists the amount of payments, when they are made, and the names and addresses of parties affected by the order. If a party sends his or her payments directly to the other party, both should keep track of the payments made/received.

FAMILY SUPPORT DIVISION – CHILD SUPPORT ENFORCEMENT

What is the Family Support Division – Child Support Enforcement?

The State of Missouri established the Family Support Division – Child Support Enforcement ("FSD"), to assist parents and other persons in obtaining child support orders and in collecting child support.

How Can I Sign Up for FSD Services?

To apply, submit an application online or mail it to your nearest county office. Once you've submitted your application, FSD will open a case with the information you provided. FSD will send you a letter confirming the case opening and provide you with contact information and a case number.

Are There Any Financial Qualifications to Obtain FSD Services?

No, the services of FSD are available to all persons entitled to receive support, regardless of income level.

Can I Get Child Support If I Am Teceiving State Aid?

As a Temporary Assistance for Needy Families ("TANF") recipient, you have assigned your support rights to the state. The state may try to establish a support order if none exists, and will be a party to any attempt to modify the support order.

PATERNITY ISSUES

The Father of My Child and I Are Not Married. Can I Receive Child Support From Him?

Yes, even if you are not married, you may receive child support. Once paternity is established, you may be able to obtain a child support order. Child support in a paternity suit may be ordered by the court or FSD.

How Long Does it Take to Get an Order Establishing Paternity?

If the father of the child is unwilling to cooperate in establishing paternity, and it must be proven that he is the father, establishing paternity can be a long process. Every case is different, and the time span varies widely. If, on the other hand, the father admits his paternity, the case can proceed fairly quickly.

Will a Blood Test Be Done in My Paternity Case?

In cases where the father denies paternity, paternity tests will usually be performed on the mother, the child and the alleged father in order to determine the probability of paternity. These tests usually consist of swabbing the inside the mouths of all parties, instead of a blood test.

ENFORCEMENT OF A CHILD SUPPORT ORDER

The Other Parent Isn't Paying Per the Child Support Order. What Do I Do?

Once you have a child support order, if the support is not being paid, you will need to enforce the order. You may attempt to enforce the order privately with the parent paying support, through the court or through FSD.

How Can a Child Support Order Be Enforced?

Because a wage withholding can issue without notice to the party paying support, it is usually the quickest and most effective way to enforce a child support order. If the parent paying support becomes delinquent in an amount equal to one month's total support obligation, his or her income is subject to withholding without further notice. The withholding includes an additional 50 percent above the ordered support amount to pay the parent receiving support for the unpaid support.

A child support order may also be enforced through other methods, including real estate liens, personal property liens and attachments. However, these methods are usually more time-consuming and may involve large cash deposits by you.

What is a Civil Contempt of Court?

A civil contempt order is another means for the court to enforce a child support order. The court may order a parent sent to jail due to his or her failure to pay ordered child support.

OUT OF STATE ISSUES

What If the Parent Paying Support Does Not Reside in Missouri?

The fact that the parent paying support does not live in Missouri may make child support collection more difficult. However, all 50 states have passed laws intended to make collecting child support easier. You may want to speak with your attorney about registering your child support order in the state where the parent paying support resides.

FSD has the ability to cooperate with similar agencies in other states. Together, they may file a petition under the Uniform Reciprocal Enforcement of Support Act.

What Happens to the Child Support If I Move Out of Missouri?

In most cases, child support is not affected if you leave the state. If you experience problems collecting child support, contact the FSD agency near your new home.

Generally, after a judgment is issued with custody provisions in the judgment, you will either need the other parent's consent to move or a

court order allowing you to move. There are very specific actions you need to take if you want to move (with your children). Contact your attorney for that information.

TERMINATION OF CHILD SUPPORT

When Does Child Support Terminate?

Unless the child support order states otherwise, child support terminates when the child:

(1) Dies;
(2) Marries;
(3) Enters active duty in the military;
(4) Becomes self-supporting;
(5) Reaches 18, unless the child is physically or mentally incapacitated, or the child is attending a secondary school program; or
(6) Reaches 21, unless the order extends support past the child's 21st birthday due to physical or mental incapacity.

Who Can Terminate a Child Support Order?

Child support may be terminated by the court, FSD or the parties for any of the reasons stated above.

The parties may terminate support without court or FSD involvement if:

(1) The child reaches 21 and the order does not require support beyond 21;
(2) The parent receiving support provides a sworn statement notifying the parent paying support of the child's emancipation, and the statement is filed with the court or FSD (whichever entered the order);
(3) The parent paying support files a sworn statement with the court or FSD (whichever entered the order) stating why the child is emancipated, that statement is served on the party receiving support, and the party receiving support agrees or fails to respond within 30 days.

If the parent receiving support denies that the child is emancipated (per 3 above), the court or FSD shall hold a hearing to determine whether to terminate child support.

Other Issues

For questions about dissolution of marriage, child custody, visitation, spousal or child abuse, or mediation, please speak with an attorney. These issues are beyond the scope of this brochure, and are not part of the FSD-Child Support Enforcement mandate.

FOR LEGAL ADVICE

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ADOPTION

What is Adoption?

Adoption is a legal process that establishes a parent/child relationship between two people who are not otherwise related by blood. There are three sets of participants in an adoption: the petitioners (the adoptive parents, who are seeking to adopt the child); the child to be adopted; and the birth parents (the biological parents of the child to be adopted). Not only does the adoption create a new legal relationship between the adopted parents and the child, but it also severs or terminates any legal relationship existing between the child and his or her biological parents. It is, therefore, a significant legal, financial, social and emotional step for all parties involved.

While most adoptions involve children, occasionally petitioners may seek to adopt an adult (a person over the age of 18 years). The information in this pamphlet deals primarily with the adoption of children under the age of 18, but the basic procedures discussed apply to all types of adoptions. When the person to be adopted is 18 years or older, the consent of the biological parents is not required.

The decision to place a child for adoption may arise under a variety of circumstances. Occasionally, parents find it impossible to financially support their child or children. After considering other options, they may determine that placing their child for adoption is the most responsible course of action. More often, unwed parents find that they are unable to assume the responsibilities of parenthood and feel that adoption would be in the best interest of their child.

The most common type of adoption is that in which a stepparent seeks to adopt the child or children of their current spouse. For example, this may occur when the natural parent remarries after the death of their former spouse or after a divorce where the other natural parent is willing to consent (agree) to the adoption. A similar situation may arise when a child is born out of wedlock and the natural parent later marries, with the stepparent desiring to adopt the child. These are known as stepparent adoptions.

The Adoption Law

All adoptions filed in the state of Missouri are governed by the same

basic set of laws (called "statutes"). However, procedures in different counties may vary slightly, due to differences in local rules and practice. Persons interested in adoption should seek the advice of an attorney who practices in the county where the adoption is to be filed to ensure that local procedures are followed. Failure to conform to the local law and procedure may result in delays or, worse, in the court's outright refusal to allow the adoption.

Any person seeking to adopt must file a petition in the family or juvenile court. The petition may be filed in the county in which (1) the person seeking to adopt resides; (2) the child sought to be adopted was born; (3) the child is located at the time of filing of the petition; or (4) either birth parent resides.

It is generally the practice that married persons jointly seek permission to adopt, although it is possible for individuals (whether married or unmarried) to petition the court. Missouri law requires that those seeking to adopt (petitioners) must be of good moral character and must possess the ability to care for, maintain and educate the child. The primary goal of each adoption proceeding is to promote the best interest and welfare of the child to be adopted.

Missouri adoption law has a strong preference for protecting the privacy of the participants in the adoption process. Access to adoption records is carefully restricted by state law in an effort to remove the process from public curiosity. In many circumstances, the biological parents and the adoptive parents may know each other's identity. The law permits contact and communication between the biological parents and the adoptive parents. This contact and communication is at the discretion of both the biological and adoptive parents prior to the adoption and after the adoption only at the discretion of the adoptive parents. Your attorney or adoption agency will assist you in these procedures.

Even long after the adoption has been approved by the court, there are legal restrictions in Missouri on an adopted adult's ability to seek information regarding his or her biological parents. These procedures are another effort to protect the identity of biological parents who have placed their child for adoption and may not wish to be tracked down by the child at a later date.

Adult adoptees (age 21 and over) and biological parents or adult siblings may indicate their desire to be contacted by each other upon the voluntary registration of all parties with the adoption information registry. To obtain a copy of an adoption information registry form, contact the Foster

Adopt Hotline at (800) 554-2222 or online at dss.mo.gov/cd/adopt/adoir.

A child may be placed for adoption by the child's parents, the Children's Division (if the parental rights of the natural parents have been terminated by court order), by a licensed adoption agency, or by an attorney, physician or clergyman. It is important to note that no transfer of actual custody for the purpose of an adoption may take place without prior court approval. If such a transfer is accomplished without prior court approval, penalties may apply.

The Adoption Process

Each adoption is unique, but in Missouri most follow a similar process. A child may be placed for adoption by the child's parents, the Children's Division, a licensed adoption agency, or by an attorney, physician or clergyman. No transfer of actual custody can take place without prior court approval. Also, before a child can be placed with adoptive parents, state law requires the adoptive parents to undergo a home study by a licensed social worker. State law also requires the birth parents and child to undergo assessments, which will be provided to the prospective parents.

A birth parent may choose to relinquish parental rights, allowing the child to be adopted. If a birth parent chooses to consent to the adoption, Missouri law requires a child to be at least 48 hours old before a consent is considered valid. Once accepted by the court, the birth parent may not revoke the consent.

A birth parent may allow adoptive parents to pay certain expenses. There are strict regulations governing the types of expenses petitioners in an adoption proceeding can assume. Petitioners are only allowed to pay certain expenses authorized by law or approved by the court. These expenses may include: (1) medical expenses in connection with the birth or illness of the child; (2) counseling services for the biological parent or child; (3) cost for the suitability and placement studies; (4) legal expenses, court costs, travel expenses, and administrative expenses: (5) reasonable living expenses for the biological parents; (6) and any other services or items that the court finds reasonably necessary. Petitioners will be required to disclose any and all fees they have paid related to the adoption — called an "accounting." If the petitioners have paid any expenses not allowed by law or approved by the court, or if the fees paid are unreasonable, the court may not approve the adoption.

If a birth parent does not consent to the adoption, adoptive parents would have to prove the consent is not required because one of the fol-

lowing exists:

1. The birth parent's rights have previously been terminated;
2. The birth parent has previously consented to the future adoption of a child;
3. The birth parent's identity is unknown and cannot be ascertained;
4. A man who has not been established as the father denies paternity;
5. After proper service, the birth parent is in default;
6. The birth parent has a permanent and uncurable medical condition that renders the parent unable to provide care for the child; or
7. The birth parent has, for a period of six months, abandoned or neglected the child who is one year of age or older (this period is 60 days if a child is less than one year of age).

If the person to be adopted is 14 years of age or older, his or her written consent to the adoption is required.

The adoption process under Missouri law is a two-step proceeding. The first step involves the transfer of legal custody of the child to the adoptive parents, and the second step is the actual adoption six months later. Once the petition for transfer of custody and adoption is filed, the juvenile court appoints an attorney to act as guardian ad litem to represent the interest of the child who is to be adopted.

Before the court enters a final decree of adoption, the adoptive parents must have had lawful and actual custody of the child for a period of at least six months. At the conclusion of the six-month period, a final adoption hearing is held. At this hearing, the court determines whether it is fitting and proper that the adoption be allowed. Again, the social worker who conducted the home study will be required to make a recommendation to the court. When the court finds that all legal requirements have been met, a judgment of adoption is entered. At this point the court's involvement with the family is concluded. For the purposes of a stepparent adoption, lawful custody is deemed to begin with the marriage of the parents. The parents must be married for at least six months prior to the granting of the stepparent adoption.

Once the final decree of adoption is entered by the court, the court clerk sends to the Bureau of Vital Statistics of the Department of Health and Senior Services a Certificate of Decree of Adoption. Once the bureau receives the certificate, the child's original birth certificate is sealed and a new birth certificate is prepared, upon which the adoptive parents appear as the biological parents of the child.

Legal Implications

When a child is adopted, all relations and rights between a child and its biological parents are terminated, and the child is viewed legally as if it were the natural child of the adoptive parents. Specifically, the biological parents no longer have any rights to contact with or information about the child, although sometimes the adoptive parents will agree to maintain some contact. Further, the child has no right to inherit from his or her biological parents. In a stepparent adoption, the grandparent (the parent of the non-adopting biological parent) may continue to have visitation rights even after the adoption is granted.

For Legal Advice, See Your Lawyer

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YOU ARE STILL PARENTS

A divorce or break-up doesn't end your duty to be a good parent. You may feel hurt, and you may have many things to worry about, but you need to help your children cope with the uncertainty of a divorce or the ending of their parents' relationship together.

Turning your children against their other parent is **not** the solution. If that happens, everyone will suffer, and it may backfire on you. Try to be helpful to your children and work to make your own life — and theirs — happy and successful.

How can you make this happen? Here are a few tips.

Dealing With Your Child's Other Parent

Divorce or a custody battle is not a pleasant experience and, for any of a number of reasons, you may harbor a resentment of your ex-partner. However, it is important to remember that he or she — like you —is a parent. How you treat your former partner, and how he or she treats you, will have a dramatic effect on the well-being of the children you share.

With that in mind, here are 10 suggestions for dealing with disagreements you and your former spouse may encounter:

1. Don't fight. It's simple. Make a decision not to fight – and stick to it.

2. Don't try to be (or expect anyone else to be) a "mind reader." Speak up. In a non-argumentative manner, tell your former partner your thoughts and opinions. Ask for explanations if you need them. Often, e-mail is a useful tool.

3. Be a good listener. Really hear what the other person is saying and meaning. Ask questions that might clear up confusion.

4. Avoid "tit-for-tat" exchanges and yelling matches. You can't really win by being the loudest or batting the same old tired accusations back and forth.

5. Don't get personal. Stick to the issues and focus on the problem, not the people. Name-calling, sarcasm and insults only make matters worse.

6. Cool down before there's a meltdown. Anger leads to violence. Get control of your anger before you even try to address the problem.

7. Look at the problem from another point of view. Think about the other person's position. Try to imagine how he or she is feeling. You might get some idea why the other person is not responding in the way you'd

like. You may realize the other party has information you don't have and might have a better resolution.

8. Look for a new approach. Try to think and talk about the conflict in a different way. Find some common ground between you and your ex-partner.

9. Be reasonable. Don't make demands which can't possibly be met. Look for ways to compromise, so that each person "gives a little" in search of a solution.

10. Aim for solutions that make everyone feel like a winner. Instead of being determined to "win," be concerned with reaching a decision that is best *for your children*. If you find yourself taking a position for the principle of it, you should consider dropping the issue.

Shared Custody Tips

Sharing custody with the other parent is usually what is best for your children.

A court will decide an appropriate parenting plan if the parents cannot agree on one. This document will be your guide when you have disagreements with the other parent.

If the father has a new girlfriend, or the mother has a new boyfriend, it is better not to take the children to the friend's home. Remember, this is a time of adjustment not only for you but also for your children. Parenting time is meant to be a time for the parent and children to be together and enjoy each other. Visiting with the parent's friend may make the children feel that the parent does not have time for them.

If a parent can't come for the children on the day that was agreed upon, he or she should tell the other parent and the children as soon as possible. Not telling them may disappoint the children and hurt their feelings.

Some divorced parents think that custody with the other parent is not important. This is not true. Even if the parents can't get along, continued contact is important. The children need both parents if they are to grow up in a normal way.

Should you plan to take the children to an exciting place during your time? That is not as important as just being with the child.

As a parent, you shouldn't use contact with the child as a way to check on the other parent. Don't ask the children questions about the other parent. This can hurt them by forcing them to take sides.

The two parents should also agree on a common set of rules for their children. If they do not, it will be confusing to the children.

Finally, if the children have problems with the parenting schedule, both

parents should find ways to address the problems.

Some Things to Remember

• Give your children and yourself some time to get over the pain of the family break-up. Help your children to remember the good times the family had in the past. Help them understand that the break-up is not their fault; that it does not mean one or both of the parents don't love them anymore, but that the family has simply been restructured.

• If you feel angry with your former partner, do not show those feelings to your children. Don't say bad things about the other parent. Your children need to love and respect both parents. Don't force your children to choose sides.

• Try not to disrupt your children's lives any more than necessary, especially right after the break-up. For example, if your children can stay in the same school and play with the same children for a while, they will do better.

• Tell your children about any changes which do become necessary. Stick to the custody schedule, but be flexible in allowing necessary modifications. Contact with the other parent is more important than most childhood activities and must take priority over baseball/soccer.

• Let your children know that they can talk about the family changes. They will be hurt if they feel that they cannot talk about it or think about it. Seek counseling for them if needed.

• Realize that, as your children grow older, you may need to talk about the situation again in a different way. With your guidance, you may be able to help them learn how to make a better marriage.

• Remember that, no matter how hurt you may be, your children are also suffering. Be supportive and help them adjust to changing circumstances. Together, you will all survive the experience and help each other through this difficult time.

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ASSISTANCE TO PARENTS OF CHILDREN WITH DISABILITIES

Help is Available

As the parent or guardian of a child with a disability, you may have many questions about support and assistance available to you. This chapter is designed to provide information and resources to assist you in making decisions for your child and family.

Section One will describe the resources available to you free of charge from the Missouri Developmental Disabilities Resource Center, which provides information on disabilities, emotional support through a parent matching network, and leadership development opportunities that can help you become a more knowledgeable advocate.

Section Two offers information to consider when a child with a disability is turning 18, such as guardianship, conservatorship and alternative safeguards.

Section Three provides information on educational rights and laws for children with disabilities.

Section Four describes financial assistance and resources available in Missouri for children with disabilities.

SECTION ONE – RESOURCES

Missouri Developmental Disabilities Resource Center

The Missouri Developmental Disabilities Resource Center (MODDRC) provides a network of support options (including information, peer support, and leadership development opportunities). The MODDRC helps individuals with developmental disabilities and their families to be well informed, hopeful, connected within their communities, and know that they are not alone in their experience with disability. The MODDRC can help families in many ways:

Information on Specific Disabilities, Related Topics or Resources

• Receive information about specific types of disabilities or special health care needs.

• Learn about topics and best practices, such as therapies, interventions, planning for the future, legal issues, employment, inclusion, housing, microboards, assistive technology, and much more.

• Get help with identifying services and support in your community, as well as agencies that might be of assistance.

Peer Support Through the Sharing Our Strengths Support Network

• Be connected with another parent or self-advocate who can discuss specific topics or concerns with you (Quick Match).

• Be matched with another parent or self-advocate to talk and share experiences, and to help you feel less alone and more hopeful.

• Get help finding a support group in your area or for a specific disability type.

• Volunteer to become a trained mentor and help support others.

MODDRC Provides Leadership Development Opportunities

• Learn ways to volunteer in your local area or around the state

• Make a difference in your community

• Find opportunities to increase your knowledge and skill

• Connect to other advocates in the network

The MODDRC is a partnership of the UMKC Institute for Human Development, a University Center for Excellence in Developmental Disabilities; the Missouri Planning Council for Developmental Disabilities; and the Missouri Department of Mental Health, Division of MR/DD. Connect to this FREE service at 1-800-444-0821.

Contact MODDRC
Institute for Human Development, UCE
215 W. Pershing
Kansas City, MO 64108
816-235-1763 (Kansas City)
1-800-444-0821 (toll free)
www.moddrc.org

SECTION TWO – GUARDIANSHIP/ CONSERVATORSHIP/ALTERNATIVES

When a Child Becomes an Adult

Once your child reaches his 18th birthday, he becomes an "emancipated person," an individual free to make choices for himself, regardless of his mental or physical capabilities. Often, parents are encouraged by their school or service providers to seek guardianship of their child with a disability. However, there are many options available that can help parents protect their child and still provide them an appropriate level of independence.

The following are a list of questions that you should consider before your child with a disability reaches the age of 18:

- *What are my child's strengths, abilities and limitations?*
- *What decisions is my child able to make without assistance?*
- *With what decisions will my child need assistance?*
- *Who are the people in my child's life who will assist them in making decisions throughout their life?*
- *Will my child require "protection" from legal, financial or other contractual obligations?*

Planning for the Future

Decisions about guardianship or the other alternatives should not be considered based on your child's diagnostic label, but rather on the individual strengths and specific needs of your child. If your child only needs assistance with financial issues, then you should consider conservatorship. If your child does require guardianship, the least restrictive option should be considered first.

Person-centered planning is a great way to sort out your child's needs, identify their strengths, and make plans for their future. A group of people who know and care about the person, and especially the individual with a disability, should be involved in making the decisions about what kinds of safeguards should be implemented. This process allows for any decisions made to be reconsidered when needed and with the people who know and care about your child the most. For more information about person-centered planning, call the MODDRC at 1-800-444-0821.

Alternate Protective Assignments

Parents should first consider alternatives to guardianship or conservatorship that are less restrictive. Alternatives could include **advance directives** that address only those areas where your child needs support. Some advance directives include:

- Durable power of attorney for health care
- Durable power of attorney for property
- Power of attorney for case/care management.

Advance directives could also be used to assist the individual in decision-making in education, health care surrogacy, representative or substitute payee, trusts, or joint checking accounts.

You might also consider community services or advocacy systems to provide the support your child might need to live as independently as possible.

Guardianship and Conservatorship

If alternatives are not an option, parents should consider guardianship or conservatorship. Guardianship is the legal process of determining a person's capacity to make their own decisions regarding personal affairs (such as where he lives or the care he requires.) Conservatorship is similar to guardianship, but differs in that it deals only with the financial affairs of an individual.

The law provides for **limited** guardianship and conservatorship, as well as **total** guardianship and conservatorship. Court orders for limited guardianship should restrict only those liberties necessary to protect the well-being of the individual while encouraging the development of maximum self-reliance and independence.

Guardianship

The Missouri Guardianship Code is designed to tailor guardianship and/or conservatorship to meet the individual needs of a person, taking care of only those needs a person is not capable of meeting himself. The law recognizes that people who have a disability or are otherwise incapacitated have abilities in different areas. For example, one person might forget to take medication and need a limited guardian to help with this task, while another person may have trouble balancing his checkbook and need a conservator to help manage his money.

When a person has been deemed by a court (adjudicated) to be incapacitated (unable to make decisions affecting his personal affairs),

a guardian is appointed to make decisions for him. When a person is adjudicated to need a guardian, that person loses certain legal rights, which could include the right to vote, enter into contracts, get married, etc.

Guardianship is the most restrictive and limiting choice and should only be used as a last resort. Alternative arrangements may be more fitting for the person, depending upon his or her ability to make decisions and to communicate these decisions.

Conservatorship

A conservator is appointed by the court after it is found that an individual doesn't have the capacity to manage his finances, such as balancing his checkbook. A conservator has *no* authority to make decisions regarding the individual's personal affairs. Only a guardian has such power.

Persons thinking about obtaining guardianship, conservatorship or implementing other alternative safeguards might contact an attorney or Missouri Protection and Advocacy at 1-800-392-8667 for more information and advice.

SECTION THREE – SPECIAL EDUCATION

Individuals with Disabilities Education Act (IDEA)

A federal law called the Individuals with Disabilities Education Act (IDEA) requires that all children receive a free and appropriate education. IDEA requires individual evaluation, determination of eligibility, individual education planning, and individualized services for children with disabilities. Missouri law requires all public schools (including charter schools) to provide education and related services in the least restrictive environment for all children determined to have a disability.

If your child has been diagnosed with a disability, they may be eligible for special education and related services. Evaluation of children suspected of having a disability may happen several ways. The parent may request an evaluation from the school by making that request in writing to the child's teacher, the school's special education team, and/or the school principal. Once an evaluation is requested in writing, schools must test the child to see if a disability exists or explain, in writing, why the school won't test the child. School districts are required to provide

parents with a copy of Missouri's procedural safeguards as well as a copy of the Parents' Bill of Rights in the special education process.

If the child qualifies for special education services, an Individual Education Program (IEP) will be developed for the child. An IEP is developed by a team that consists of the parent, a regular education teacher, a special education teacher, a school representative, and an individual who can interpret the child's evaluation. The IEP will include individualized goals and describe specialized services, assessment accommodations, evaluation criteria, and procedures. The IEP will also include a statement describing the extent to which the child will participate in the general education program.

As part of the IEP, the team will decide the setting where the services will be implemented; children must be educated in the "least restrictive environment" (i.e., the environment where the child can be educated, to the maximum extent possible, with non-disabled students). The school must reevaluate the child every three years, but if you are dissatisfied with the evaluation you can request a free Independent Education Evaluation.

If you are dissatisfied with the evaluation, placement or implementation of the IEP or related services, you are entitled to file for due process with the Division of Elementary and Secondary Education. Due process is a legal proceeding in which a final decision on the child's eligibility, placement, or services being provided is decided.

For further information regarding special education in the state of Missouri, contact the Department of Elementary and Secondary Education, P.O. Box 480, Jefferson City, MO 65102, (573) 751-5739.

For a copy of Missouri state procedural safeguards, please visit: http://dese.mo.gov/divspeced/Compliance/Proc_Safe/index.html.

For a copy of Missouri's Parents' Bill of Rights, please visit: http://dese.mo.gov/divspeced/Compliance/parentbillofrights.html.

For a parent's guide to special education in Missouri, please visit: http://dese.mo.gov/divspeced/Compliance/documents/ParentGuide.pdf.

Section 504 of the Rehabilitation Act of 1973

Section 504 is an anti-discrimination law that protects disabled children from discrimination in public school programming (including extracurricular activities and field trips). Section 504 eligibility is determined by examining the child's disability and determining whether it impacts a "major life activity" (or a "major bodily function"), which

includes things such as walking, breathing, learning, thinking and reading. Similar to eligibility for special education services, eligibility for Section 504 is determined by a team (including the parent) with knowledge about the child, the child's suspected disability and available placement options. At the beginning of the process, you should receive from the school a copy of their procedural safeguards outlining your rights during the process.

If the child is determined to be eligible for protection under Section 504, a Section 504 plan should be written for the child. A Section 504 plan sets forth modifications and accommodations that will be provided to the child due to the disability. Should a child have a disability that requires the administration of medication at school, it is advisable that a medication plan be created for the child.

Should you be dissatisfied with evaluation, placement or implementation of the Section 504 plan, you are entitled to file a due process complaint with the school district (as outlined in the procedural safeguards you received). A due process hearing is a legal proceeding in which a final decision on the child's eligibility, placement, or services being provided is decided. Another option available to parents dissatisfied with Section 504 evaluation, placement or implementation is to file a complaint with the U.S. Department of Education's Office for Civil Rights in Kansas City.

For information on Section 504, please visit:
http://www2.ed.gov/about/offices/list/ocr/504faq.html#evaluation.

Missouri's OCR office is located in Kansas City:

Kansas City Office
Office for Civil Rights
U.S. Department of Education
8930 Ward Parkway, Suite 2037
Kansas City, MO 64114-3302
Telephone: 816-268-0550
Fax: 816-823-1404; TDD: 877-521-2172
Email: OCR.KansasCity@ed.gov

MPACT (Missouri Parents Act), 205 Jefferson St. 6, Jefferson City, MO 65101, www.ptimpact.org

Toll free 1-800-743-7634 (MPACT is a statewide parent training and information center)

Kansas City 1-800-743-7645
St. Louis 1-800-995-3160
Poplar Bluff 1-877-876-2831
St. Joseph 1-877-384-2839
Joplin 1-877-466-6236
Jefferson City 1-877-588-5644
Mexico 1-877-218-9973

SECTION FOUR – FINANCIAL ASSISTANCE AND SUPPORT RESOURCES

Supplemental Security Income

Social Security Administration
1-800-772-1213
Helpful websites: http://www.ssa.gov/pgm/ssi.htm *and* www.ssa.gov/locator/

The Supplemental Security Income (SSI) program provides cash benefits to needy individuals who are aged, blind or have a disability. There is no minimum age requirement for eligibility under SSI. However, applicants for SSI benefits must meet certain income and financial resources tests to qualify for the program's benefits. Your child under age 18 can qualify if he or she meets Social Security's definition of disability for children, and if his or her income and resources fall within the eligibility limits.

You are not limited on the number of applications you may make for these benefits. You may apply for benefits at your local Social Security office, and you may contact Social Security to schedule an appointment to file an application. If benefits are denied on the first application, that does not mean that benefits will be denied on the second application. Furthermore, if benefits are denied, reduced or terminated, you have a right to request reconsideration and, if necessary, a hearing before an administrative law judge.

Medicare

Helpful website: http://www.medicare.gov

Social Security Administration
1-800-772-1213

Medicare is a federal health insurance program for people 65 years of age or older, people of any age with permanent kidney failure or Lou Gehrig's disease, and people who have been entitled to Social Security disability benefits for 24 months. There are different forms of coverage under the Medicare program and this coverage is designated as a specific part. Part A is commonly known as hospital insurance. Part B is commonly called supplementary medical insurance (SMI). Part C is known as "Medicare Advantage." Part D provides prescription drug benefits.

Part A is aimed at meeting the costs of inpatient hospital services, post-hospital extended care services, and post-hospital home health services. Part B is designed to help meet the costs of medical attention, such as physician services, physical therapy, prescribed medicines that cannot be self-administered, and rental or purchase of durable medical equipment (including wheelchairs, hospital beds and oxygen tents). Part C (Medicare Advantage) is like a health maintenance organization (HMO) or preferred provider organization (PPO). Part D provides Medicare prescription drug coverage. Prescription drug coverage is run by an insurance company or other private company approved by Medicare.

If you disagree with the decision on your Medicare claim, you are entitled to ask for a review and then a formal hearing. For each part of the Medicare program, there is a specific appeals process.

Medicaid (MO HealthNet)

Helpful website: http://www.dss.mo.gov/fsd/msmed.htm

MO HealthNet (Medicaid) provides access to health care benefits for eligible low-income individuals. The Missouri Family Support Division determines eligibility for the MO HealthNet Program and the MO HealthNet Division (formerly the Division of Medical Services) is responsible for the financial administration of the program.

MO HealthNet benefits are available to individuals with disabilities, pregnant women, children and families, and there are specific MO HealthNet programs designed to serve each of these groups.

MO HealthNet for Kids (MHK) and MO HealthNet for Families (MHF) provide access to health care for children with family incomes up to 300 percent of the federal poverty limit and to parents with limited income. Pregnant women may also qualify for MO HealthNet benefits. MO HealthNet for the Elderly, Disabled and Blind (MHABD) assists the elderly and people with disabilities (may include disabled children) in meeting the costs of medical services. Benefits for many families and children are provided through managed care plans. Eligibility for MO HealthNet benefits is based on income and medical need. Some MO HealthNet programs also have asset (resources) limits. If MO HealthNet benefits are denied or terminated, you can request a hearing through the Missouri Family Support Division.

To apply for MO HealthNet benefits, contact your local county office of the Missouri Family Support Division (FSD). The telephone number is listed in the White Pages of your telephone directory. You may apply for some MO HealthNet programs online. Application forms for many programs administered by Missouri FSD are also available at the agency's website.

Temporary Assistance for Needy Families (TANF)

Helpful website: http://www.dss.mo.gov/fsd/tempa.htm

The Temporary Assistance program provides assistance to needy families with children so they can be cared for in their own home. The program also works at reducing dependency by promoting job preparation, work, and marriage. Funds may also be used to prevent non-marital pregnancies and encourage the formation and maintenance of two-parent families. Temporary assistance offers two types of services to families: cash assistance and case management. Recipients must meet financial and program eligibility guidelines. Recipients of Temporary Assistance are subject to a five-year lifetime limit for receiving cash assistance benefits unless they meet an exemption, exclusion or extension criteria.

To apply for TANF, contact your local county office of the Missouri Family Support Division. The telephone number is listed in the White Pages of your telephone directory.

Other Self-Sufficiency and Income Maintenance Programs Administered by the Family Support Division

Helpful websites: http://www.dss.mo.gov/fsd/pap.htm *and* http://www.dss.mo.gov/fsd/rsb

In addition to the MO HealthNet programs and Temporary Assistance, the Missouri Family Support Division (FSD) is the agency of state government responsible for the administration of other benefit programs such as the Food Stamp, Child Care Services and Rehabilitation Services for the Blind programs. To learn more about these programs, please visit the above-listed websites.

Additional Resources

Department of Health and Senior Services – Special Healthcare Needs
http://health.mo.gov/living/families/shcn
Telephone: 573-751-6246
(toll-free) 1-800-451-0669
PO Box 570, Jefferson City, MO 65102-0570

The Department of Health and Senior Services – Special Healthcare Needs (SCHN, formerly known as the Bureau of Special Healthcare Needs) provides diagnostic, preventive, and specialized medical care for eligible Missouri children. SCHN operates programs designed to offer support to families with children who have special health care needs:

- The Children and Youth with Special Health Care Needs Program provides assistance for children birth to age 21 who meet financial and medical eligibility guidelines.
- The Healthy Children and Youth (HCY) Administrative Case Management Program assists families in meeting their child's needs to function at an optimal level.

Governor's Council on Disability
http://www.disabilityinfo.mo.gov/
Governor's Council on Disability
Truman State Office Building
301 West High Street, Room 250-A
P.O. Box 1668
Jefferson City, MO 65102
1-800-877-8249 (V/TTY)
573-751-2600 (V/TTY)
573-526-4109 (Fax)

This committee provides a Directory of Organization Resources for people with disabilities (including a list of articles providing services).

Missouri Commission on Human Rights
http://www.labor.mo.gov/mohumanrights/
Jefferson City: 573-751-3325
St. Louis: 314-340-7590
Toll Free Complaint Hotline: 877-781-4236
Relay Missouri: 711
Relay Missouri: 1-800-735-2966 (TDD) 1-800-735-2466 (Voice)

This commission processes complaints on discrimination in housing, employment and public accommodations based on race, color, sex, national origin, ancestry, religion, disability, age (employment only), and familial status – families with children under the age of 18 (in housing only).

Missouri Department of Mental Health
http://dmh.mo.gov/
Kansas City Regional Office
821 East Admiral Blvd.
P.O. Box 412557
Kansas City, MO 64106
Phone: 816-889-3400
Toll Free: 1-800-454-2331

Sikeston Regional Office
112 Plaza Drive, PO Box 966
Sikeston, MO 63801
Phone: 573-472-5300
Toll Free: 1-800-497-4647

St. Louis County Regional Office
9900 Page, Suite 106
St. Louis, MO 63132
Phone: 314-877-2711
Toll Free: 1-800-374-6458

St. Louis Regional Tri-County Office
111 N. 7th Street, 6th Floor Wainwright Bldg
St. Louis, MO 63101
Phone: 314-244-8800
Toll Free: 1-800-358-7665

Springfield Regional Office
1515 East Pythian, PO Box 5030
Springfield, MO 65801-5030
Phone: 417-895-7400
Toll Free: 1-888-549-6635

Missouri Department of Mental Health, Division of Developmental Disabilities and Mental Retardation

The Department of Mental Health provides many diagnostic, treatment and support services to those with mental illness, mental retardation, or developmental disabilities, and those individuals who have substance abuse problems.

The Division of MRDD improves the lives of persons with developmental disabilities through programs and services to enable those persons to live independently, productively, safely, and in the most integrated living arrangements possible. The 11 regional centers serve as the entry point into the developmental disability service system. Those determined eligible are given a case manager who works with the person and or families/guardian to make appropriate community connections for support needed.

Regional centers assist individuals with disabilities in meeting needs while maintaining people in their homes and communities, if possible. In general, the regional centers have access to early childhood intervention services, vocational services, residential services, specific therapies (i.e., speech therapy, occupational therapy, physical therapy, and counseling services), in-home support, adaptive equipment, respite care, personal care attendant services, and crisis intervention services. There are so many services available that it would be difficult to list them all, but your regional center service coordinator will be knowledgeable about specific services in your area.

Missouri Planning Council for Developmental Disabilities
1716 Four Seasons Drive, Suite 103
Jefferson City, MO 65101
Phone: 573-751-8611
Toll free: 1-800-500-7878

The Missouri Planning Council for Developmental Disabilities is a federally-funded, 23-member consumer-driven council appointed by the governor. Its mandate is to plan, advocate for, and give advice

concerning programs and services for persons with developmental disabilities that will increase their opportunities for independence, productivity, and integration into communities.

Missouri Protection and Advocacy Services
http://www.moadvocacy.org
925 South Country Club Dr., Jefferson City MO 65109

Administration:
573-893-3333 / 1-866-777-7199 / Fax 573-893-4231

Application Unit:
573-659-0678 / 1-800-392-8667 / Fax 573-659-0677
MO Relay (TDD) 1-800-735-2966

This organization is a private, non-profit corporation charged with implementing portions of five separate federal laws designed to protect people with disabilities from neglect or abuse: (1) Developmental Disabilities Act; (2) Vocational Rehabilitation Act; (3) Protection and Advocacy for Mentally Ill Individuals Act; (4) Protection & Advocacy of Individual Rights; and (5) Protection & Advocacy for Assistive Technology.

University of Missouri – Kansas City Institute for Human Development, UCEDD
http://www.ihd.umkc.edu/?catid=85
UMKC Institute for Human Development
215 W. Pershing Road, 6th Floor
Kansas City, MO 64108
(816) 235-1770
1-800-452-1185 (TTY)

The Institute for Human Development is located within the University of Missouri - Kansas City and houses one of more than 60 University Centers for Excellence in Developmental Disabilities Education, Research, and Service (UCEDD) across the country. Working with local, state, and national organizations, the UCEDD supports persons with developmental disabilities by building programs and activities designed to promote opportunities to exercise self-determination and independence, be productive, and be integrated and included in all facets of community life.

Legal Services of Missouri
http://www.lsmo.org

Legal Services of Missouri's website provides self-help resources and general legal information as well as a way to locate your regional Legal Services office if you are in need of civil legal assistance.

Missouri 2-1-1
http://www.211helps.org/gethelp

The United Way operates a directory of 2-1-1 lines across the country that provides free information and referral information for health, human and community services. 2-1-1 provides information and referral on topics such as emergency food pantries, rental assistance, public health clinics, child care resources, support groups, legal aid, and a variety of non-profit and governmental agencies.

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and should not substitute for the advice of a
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