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Dear Representative Smith and Committee:

Please accept this letter as my wholehearted support for the Preventing Child Welfare Entry Caused By Poverty Act. In a system designed to address child abuse and neglect, we find a child welfare system that is instead overrun by families who are in crisis as the result of poverty. This often results in extremely traumatic and harmful removal of children under circumstances where the family could have remained together with proper support. These removals frequently last for significant periods of time resulting in enormous expense to taxpayers and terrible heartache for children and families.

There are many stories of such tragedies in Missouri. One particularly relevant example arose in Missouri's 8<sup>th</sup> Congressional District. Though our staff have many stories, this particular case resulted in a reported court opinion, so the facts are well documented. The citation of the case is In Re D.L.P., 638 S.W.3d 82. The details of the situation are described at the beginning of the opinion. There you will find the following:

Mom and 4 kids were living in a shed without central heat, refrigeration, running water or beds. There was little food. Prior to that, they were often forced to find alternate housing because their electricity was regularly shut off. These children came into custody because of these issues and hygiene difficulties that would obviously accompany problems of this type. Shockingly, the court ordered mother to pay child support at the time of their removal even though her problems stemmed from a lack of money. Somehow, she complied.

Then, her children stayed in care for years because her financial circumstances never met with the approval of the agency or the court. At first, she was in a shelter with a dorm-like room, but that was not good enough for her children. Then she moved into a three-bedroom house with her boyfriend, but because of other children in the home, it was deemed too cramped. She obtained one bedroom and two-bedroom apartments with her boyfriend, but that was all considered inadequate. She obtained reliable transportation, but that car was considered too small. She continued to have financial need, particularly when laid off from her job at a nursing home.

Because of these facts, the court terminated her parental rights. The Court of Appeals reversed that decision. They noted that "A small car does not constitute a 'specific abuse' or affect Appellant's ability to 'care appropriately for the ongoing needs of the children'". The court continued, "Low income is not a basis for termination of parental rights. ... The trial court found that she needs help with housing and obtaining a better job. The state must attempt to provide her with that help before it can take her children away from her."

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Three years passed between the time the children were removed from their home and the finalization of the appeal. This case involves four children. Our Division of Finance estimates that it costs \$30,000 per year to have a child in foster care. As such, this case cost the taxpayers \$360,000. Application of a fraction of those funds at the front end of this case could have provided the mother and children with adequate housing, laundry and bathroom facilities, and assistance in obtaining and maintaining employment. In addition to saving a ton of money, it would have spared these children and their mother the trauma of separation that will have long-term negative impact on these kids.

As I stated at the beginning of the letter, this all occurred in the heart of Congressman Smith's district, specifically in Washington County, Missouri. On a personal note, I will tell you all that my family roots are in Washington County. Directly south of Jefferson County where I served as a judge, Washington County is where my father was raised and graduated from high school. My grandparents lived there, and I spent a good number of my childhood weekends in that community. The Missey family first came to that area in the late 1700s and have been there ever since. Many of us were extremely poor. But for the grace of God, these kids could have been us. Given the small population of the region, there is a decent chance that I am somehow related to them. As such, this case hits home for me. I spoke with the judge who wrote the opinion in this case, and he said to me, "Darrell, the main point here is that we can't take people's kids from them just because they are poor." But we do it every day. I hope we can find a better way.

I would assert that we *must* find a better way because this story is not isolated. There are anecdotes from around Missouri about the impact poverty has on people. In a story from the northeast region, a family was broken apart because they found themselves living in an RV for which they could not afford a pad or hook-ups. In the metropolitan areas, the removals stemming from poverty often have to do with homelessness following evictions, or lack of utilities. In both rural and urban settings, living conditions frequently result in the removal of children from their homes.

These poverty related difficulties are often accompanied by addiction or mental illness, conditions that could be addressed and properly treated if appropriate supports could be brought around a family. We know that addiction and mental illness occur in affluent communities just like they do in poorer neighborhoods, but rates of removal among the poor are astronomically higher. In a discussion about the relationship between poverty and removals for addiction and mental illness, another judge stated, "We have addicts and mentally ill people in Frontenac (an affluent community in St. Louis County), but none of them seem to lose their children." That observation is accurate. If the deprivations of poverty are addressed, people can often address these other problems and keep their families intact. We must do everything we can to make sure that poorer families have the same opportunity.

Again, I very much appreciate this effort and support any steps that can be taken to assist us in helping these struggling families remain together. Thank you very much for your consideration of this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Missey". The signature is fluid and cursive, with the first letter of the last name being a large, stylized "M".

Darrell Missey,  
Director, Children's Division