



## EMPOWER MISSOURI | HUMAN RIGHTS TASK FORCE

Agenda/Report for 1:30, Thursday, March 23, 2017

712-432-1500

Passcode: 167856#

We expect to be talking about the Fourth Amendment Affirmation Act (strengthening the 2000 racial profiling law), transgender rights, and current Missouri legislation.

Please enter other agenda items here, report on your activities, or pose questions.

Or email us at [HumanRights@EmpowerMissouri.org](mailto:HumanRights@EmpowerMissouri.org)

### 1. **Bias-free Policing**

Sara Baker, ACLU, continues to push the bills at the Capitol. The senate bill has a good chance of moving out of committee. Sara is still working on committee assignment in the house. We are gratified by small successes.

Mustafa Abdullah, ACLU, is working on phone banking and Know Your Rights events in St Louis

Sara had a preliminary meeting with the AG's staff and is optimistic that they will initiate improvements to the VSR on their own.

Sara and Don have been working on support from (or at least dialogue with) Missouri Police Chiefs Association.

Columbia is moving forward with its community engagement process. We have been asked to respond to a survey. Chief Burton agreed with Traci Wilson-Kleekamp to have coffee with advocates and talk about policy.

Chief Burton told me (while we were having beer at Flat Branch) that he has had his data analyst, Jerry East, look at disproportions in their internal data, and that he has discovered some useful things about why disproportions exist--things that can lead to improvements.

### 2. **Sexual Orientation and Gender Identity:**

3. **Gun Violence:** a couple Empower Missouri board members suggested working up a position on controlling gun violence. It probably wouldn't be a main issue for us, but it would be good for us to have valid points to make on sensible policies.

### 4. **Voter suppression:**

**5. HIV Decriminalization:**

contact Ashley: Ashley@empowermissouri.org or 417.425.6251 @MOHIVJustice on FB & Twitter

**6. Universal Design.** See report from Rebecca Bax, Missouri Developmental Disabilities Council, below.

**7. Legalization of Marijuana:**

**8. Women's Health Issues:**

**9. Separation of Church and State:**

a. Under this category, we put a broad range of concerns involving the balance between individual rights (for instance, the freedom to practice religion) and a social context in which we live with mutual respect and trust.

Has anyone read Daniel Webster's 1830 speech defending the idea that the Union exists to further the well-being of all and that the US is not just a collection of sovereign states looking out for their own interests?

**10. Legislation:**

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**11. Human Rights Roundtable:**

**12. Communications:** Share things on the HRTF facebook page:

[HRTF Facebook](#)

Is there a better type of facebook page to use? Things seem to just be lost here. And it may be difficult for people to post on.

**13. Next meeting:** 1:30 pm, Thursday, **April 27**. If you can't make it send a briefing on what you are doing and what you have been up to.

**14. What are you working on?**

Rebecca Bas, Missouri DD Council, sends this information on bills she is following:

I would like to add the following: HB 270, the below information is from William Mobley with Legal Services of Eastern Missouri

Here are my thoughts after reviewing the proposed changes to the law (I'm working off of the "committee" version from the MOLeg website):

As far as I know there are two types of people who fit under the category "persons who lack capacity to enter into a marriage contract": minors and persons adjudged incapacitated by a court, i.e. people who have guardians. I think you're right that the real purpose of the bill is to prevent kids from getting married. However, the way I read the bill, it would foreclose any possibility that any person who has been adjudged incapacitated could ever get married (unless they go to court and get the guardianship terminated). The provision the bill proposes to strike, "unless the court having jurisdiction over such persons approves the marriage," reads to me as a way for a person who has been adjudged incapacitated to get married with their guardian's permission. I imagine (but have no experience to back this up) the way that it operates now is that if a person with a guardian wants to get married, the official who issues licenses will deny it, but that person's guardian could go to court on that person's behalf, explain that even though the ward has been adjudged incapacitated, the guardian

believes that the marriage is in the ward's best interests. If the court agrees, license issued, and the person with a disability can get married.

To get to the heart of your question, I think this would prevent persons with disabilities from getting married insofar as they have been adjudged incapacitated by a court. The law is badly written, in that it leaves the first clause of that sentence, "It shall be presumed," in the law, which leaves wiggle room, but it removes the entity that could rebut the presumption, namely the court. So now we have a law that says people who have been adjudged incapacitated are presumed to not be entitled to a marriage license, but there is no mechanism for determining whether that presumption can be rebutted. I think this effectively means that no marriage licenses will ever be issued to a person who has been adjudged incapacitated, even if that person's guardian is on board.

The only solution I see for an incapacitated person if this law passes is to go back to the probate court and obtain letters of a *limited* guardianship, which explicitly allows the ward to enter into marriage contracts.

I hope this was helpful. I express no opinion on the wisdom of the law, but I hope I helped explain how it could affect persons with disabilities. Thanks for reaching out, and please let me know if there's any other way I can be of assistance.

-pat

And...

HB 1052 **Employment First** – the Missouri Developmental Disabilities Council supports this bill.  
<http://house.mo.gov/Bill.aspx?bill=HB626&year=2017&code=R>

Talking points: <http://www.apse.org/wp-content/uploads/2014/01/APSE-Employment-First-Statement.pdf>

HCR 28/SCR 20/SR 305 – **Re-affirms Missouri's commitment to Sheltered Workshops** – the Missouri Developmental Disabilities Council opposes this position.

<http://house.mo.gov/Bill.aspx?bill=HB626&year=2017&code=R>

[http://www.senate.mo.gov/17info/BTS\\_Web/Bill.aspx?SessionType=R&BillID=61273495](http://www.senate.mo.gov/17info/BTS_Web/Bill.aspx?SessionType=R&BillID=61273495)

[http://www.senate.mo.gov/17info/BTS\\_Web/Bill.aspx?SessionType=R&BillID=60541565](http://www.senate.mo.gov/17info/BTS_Web/Bill.aspx?SessionType=R&BillID=60541565)

Talking points: <http://www.apse.org/wp-content/uploads/2014/01/APSE-Subminimum-Wage-Policy-Statement-10.091.pdf>

## **Overview Summarizing**

### **HB 626 & SB 465 Revisions to Missouri Guardianship Law, Chapter 475, RSMO**

#### **Why Change the Current Law?**

- Current law was enacted in 1983, things have changed
- Various alternatives to guardianship and conservatorship that aren't recognized by the law (i.e. Durable Power of Attorney, Health Care Directives, Special Needs Trusts, Estate Planning Devices, Division of Assets Provisions, Supported Decision-Making etc.)
- Overuse of Public Administrators
- Little guidance for guardians

- Little “person-centered” planning required; greater emphasis on managing property and money and little focus on the person themselves

### **What Will the New Legislation do?**

- Follows recommendations of the Missouri Working Interdisciplinary Network of Guardianship Stakeholders (MO-WINGS) and national standard-setting groups
- Emphasizes least restrictive alternatives
- Clarifies when and whom appointments are made for guardians and conservators
- Combines person-centered standards of “best interest” and “substituted judgment” for guardians to make decisions
- Adds rights for the ward/protectee (person overseen by guardian or conservator)
- Sets new person-centered standards for conservator decisions
- Establishes methods for terminating guardianship or conservatorship and restoring full or partial rights to the ward/protectee
- Facilitates processes for setting new policies and training judges, lawyers, Public Administrators, guardians, conservators, and consumers on best practices under the new provisions.