

SECOND REGULAR SESSION

HOUSE BILL NO. 1078

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES STEVENSON (Sponsor), BAKER AND MYERS (Co-sponsors).

Read 1st time January 14, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2461L.011

AN ACT

To repeal sections 167.031, 167.051, 167.275, 178.300, 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.421, 211.425, 211.431, 294.027, and 294.030, RSMo, and to enact in lieu thereof twenty-four new sections relating to juveniles, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 167.031, 167.051, 167.275, 178.300, 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.421, 211.425, 211.431, 294.027, and 294.030, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 167.031, 167.051, 167.275, 178.300, 210.483, 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.421, 211.425, 211.431, 294.027, 294.030, and 565.151, to read as follows:

167.031. 1. Every parent, guardian or other person in this state having charge, control or custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools and between the ages of seven and sixteen years is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of this section. Any parent, guardian or other person who enrolls a child between the ages of five and seven years in a public school program of academic instruction shall cause such child to attend the academic program on a regular basis, according to this section. Nonattendance by such child shall cause such parent, guardian or other responsible person to be in violation of the provisions of section 167.061, except as provided by

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

10 this section. A parent, guardian or other person in this state having charge, control, or custody
11 of a child between the ages of seven and sixteen years of age shall cause the child to attend
12 regularly some public, private, parochial, parish, home school or a combination of such schools
13 not less than the entire school term of the school which the child attends; except that

14 (1) A child who, to the satisfaction of the superintendent of public schools of the district
15 in which he **or she** resides, or if there is no superintendent then the chief school officer, is
16 determined to be mentally or physically incapacitated may be excused from attendance at school
17 for the full time required, or any part thereof;

18 (2) A child between fourteen and sixteen years of age may be excused from attendance
19 at school for the full time required, or any part thereof, by the superintendent of public schools
20 of the district, or if there is none then by a court of competent jurisdiction, when legal
21 employment has been obtained by the child and found to be desirable, and after [the] **all**
22 **custodial** parents or [guardian] **guardians** of the child have been advised of the pending action
23 **and agreed in writing; [or]**

24 (3) A child between five and seven years of age shall be excused from attendance at
25 school if [a parent, guardian or other person] **all custodial parents, guardians, or other**
26 **persons** having charge, control or custody of the child [makes] **make** a written request that the
27 child be dropped from the school's rolls;

28 (4) **A child who successfully completes all elementary and secondary grade levels**
29 **prior to age sixteen or who has obtained a certificate by successfully completing the general**
30 **educational development test shall not be subject to the provisions of this section; or**

31 (5) **If a parent or guardian of a child required to be enrolled in school pursuant to**
32 **this section objects in writing to the child's school administrator against such required**
33 **school enrollment because of religious beliefs, the child shall not be subject to the**
34 **provisions of this section.**

35 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
36 incorporated or unincorporated, that:

37 (a) Has as its primary purpose the provision of private or religious-based instruction;

38 (b) Enrolls pupils between the ages of seven and sixteen years, of which no more than
39 four are unrelated by affinity or consanguinity in the third degree; and

40 (c) Does not charge or receive consideration in the form of tuition, fees, or other
41 remuneration in a genuine and fair exchange for provision of instruction;

42 (2) As evidence that a child is receiving regular instruction, the parent shall:

43 (a) Maintain the following records:

44 a. A plan book, diary, or other written record indicating subjects taught and activities
45 engaged in; and

46 b. A portfolio of samples of the child's academic work; and
47 c. A record of evaluations of the child's academic progress; or
48 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and
49 (b) Offer at least one thousand hours of instruction, at least six hundred hours of which
50 will be in reading, language arts, mathematics, social studies and science or academic courses
51 that are related to the aforementioned subject areas and consonant with the pupil's age and
52 ability. At least four hundred of the six hundred hours shall occur at the regular home school
53 location.

54 3. Nothing in this section shall require a private, parochial, parish or home school to
55 include in its curriculum any concept, topic, or practice in conflict with the school's religious
56 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the
57 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all
58 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,
59 regulation or other device any statewide curriculum for private, parochial, parish or home
60 schools.

61 4. A school year begins on the first day of July and ends on the thirtieth day of June
62 following.

63 5. The production by a parent of a daily log showing that a home school has a course of
64 instruction which satisfies the requirements of this section shall be a defense to any prosecution
65 under this section and to any charge or action for educational neglect brought pursuant to chapter
66 210, RSMo.

67 **6. Parents, guardians, and other persons having charge, control, or custody of a**
68 **child may submit a written request, signed by all such custodial parents, guardians,**
69 **juvenile officers, or other persons who have legal custody of that child, to their local**
70 **superintendent of public schools, or a court of competent jurisdiction, requesting that the**
71 **provisions of this section apply to said child up to his or her eighteenth birthday.**

167.051. [1.] If a school board establishes part-time schools or classes for children under
2 sixteen years of age, lawfully engaged in any regular employment, every parent, guardian or other
3 person having charge, control or custody of such a child shall cause the child to attend the school
4 not less than four hours a week [between the hours of eight o'clock in the morning and five
5 o'clock in the evening] during the school year of the part-time classes.

6 [2. All children who are under eighteen years of age, who have not completed the
7 elementary school course in the public schools of Missouri, or its equivalent, and who are not
8 attending regularly any day school shall be required to attend regularly the part-time classes not
9 less than four hours a week between the hours of eight o'clock in the morning and five o'clock
10 in the afternoon during the entire year of the part-time classes.]

167.275. Effective January 1, 1991, all public and nonpublic secondary schools shall
2 report to the state literacy hot line office in Jefferson City the name, mailing address and
3 telephone number of all students [sixteen] **eighteen** years of age or older who drop out of school
4 for any reason other than to attend another school, college or university, or enlist in the armed
5 services. Such reports shall be made either by using the telephone hot line number or on forms
6 developed by the department of elementary and secondary education. Upon such notification,
7 the state literacy hot line office shall contact the student who has been reported and refer that
8 student to the nearest location that provides adult basic education instruction leading to the
9 completion of a general educational development certificate.

178.300. Whenever in any school district in this state not less than twenty-five
2 employment certificates for children under [sixteen] **eighteen** years of age have been issued and
3 are in full force and effect, the school district shall establish and maintain part-time schools,
4 departments or classes for the employed children for not less than four hours per week and for
5 a term not less than that in which schools are regularly in session in the district.

**210.483. 1. If the emergency placement of a child in a private home is necessary,
2 the juvenile officer shall have the authority to initiate or cause to be initiated:**

3 **(1) A name-based criminal history record check to include full orders of protection
4 and outstanding warrants of each person seventeen years of age or older residing in the
5 home by using the Missouri uniform law enforcement system (MULES) and the National
6 Crime Information Center to access the Interstate Identification Index maintained by the
7 Federal Bureau of Investigation; and**

8 **(2) A request to the division to determine whether any person seventeen years of
9 age or older residing in the home is listed on the child abuse and neglect registry.**

10 **2. For the purposes of this section, "emergency placement" refers to those limited
11 instances when the juvenile court or children's division is placing a child in the home of
12 private individuals, including neighbors, friends, or relatives as a result of a sudden
13 unavailability of the child's primary caretaker.**

211.021. As used in this chapter, unless the context clearly requires otherwise:

2 (1) "Adult" means a person [seventeen] **eighteen** years of age or older;

3 (2) "Child" means a person under [seventeen] **eighteen** years of age;

4 (3) "Juvenile court" means the juvenile division or divisions of the circuit court of the
5 county, or judges while hearing juvenile cases assigned to them;

6 (4) "Legal custody" means the right to the care, custody and control of a child and the
7 duty to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline
8 of a child. Legal custody may be taken from a parent only by court action and if the legal
9 custody is taken from a parent without termination of parental rights, the parent's duty to provide

10 support continues even though the person having legal custody may provide the necessities of
11 daily living;

12 (5) "Parent" means either a natural parent or a parent by adoption and if the child is
13 illegitimate, "parent" means the mother;

14 (6) "Shelter care" means the temporary care of juveniles in physically unrestricting
15 facilities pending final court disposition. These facilities may include:

16 (a) "Foster home", the private home of foster parents providing twenty-four-hour care
17 to one to three children unrelated to the foster parents by blood, marriage or adoption;

18 (b) "Group foster home", the private home of foster parents providing twenty-four-hour
19 care to no more than six children unrelated to the foster parents by blood, marriage or adoption;

20 (c) "Group home", a child care facility which approximates a family setting, provides
21 access to community activities and resources, and provides care to no more than twelve children.

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family
2 court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall
3 have exclusive original jurisdiction in proceedings:

4 (1) Involving any child [or person seventeen years of age] who may be a resident of or
5 found within the county and who is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the child
7 [or person seventeen years of age], neglect or refuse to provide proper support, education which
8 is required by law, medical, surgical or other care necessary for his or her well-being; except that
9 reliance by a parent, guardian or custodian upon remedial treatment other than medical or
10 surgical treatment for a child [or person seventeen years of age] shall not be construed as neglect
11 when the treatment is recognized or permitted pursuant to the laws of this state;

12 (b) The child [or person seventeen years of age] is otherwise without proper care,
13 custody or support; or

14 (c) The child [or person seventeen years of age] was living in a room, building or other
15 structure at the time such dwelling was found by a court of competent jurisdiction to be a public
16 nuisance pursuant to section 195.130, RSMo;

17 (d) The child [or person seventeen years of age] is a child in need of mental health
18 services and the parent, guardian or custodian is unable to afford or access appropriate mental
19 health treatment or care for the child;

20 (2) Involving any child who may be a resident of or found within the county and who is
21 alleged to be in need of care and treatment because:

22 (a) The child while subject to compulsory school attendance is repeatedly and without
23 justification absent from school; or

24 (b) The child disobeys the reasonable and lawful directions of his or her parents or other

25 custodian and is beyond their control; or

26 (c) The child is habitually absent from his or her home without sufficient cause,
27 permission, or justification; or

28 (d) The behavior or associations of the child are otherwise injurious to his or her welfare
29 or to the welfare of others; or

30 (e) The child is charged with an offense not classified as criminal, or with an offense
31 applicable only to children; except that, the juvenile court shall not have jurisdiction over any
32 child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic
33 ordinance or regulation, the violation of which does not constitute a felony, or any child who is
34 alleged to have violated a state or municipal ordinance or regulation prohibiting possession or
35 use of any tobacco product;

36 (3) Involving any child who is alleged to have violated a state law or municipal
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior
38 to attaining the age of [seventeen] **eighteen** years, in which cases jurisdiction may be taken by
39 the court of the circuit in which the child or person resides or may be found or in which the
40 violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction
41 over any child fifteen and one-half years of age who is alleged to have violated a state or
42 municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or
43 any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting
44 possession or use of any tobacco product;

45 (4) For the adoption of a person;

46 (5) For the commitment of a child [or person seventeen years of age] to the guardianship
47 of the department of social services as provided by law.

48 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child [or person
49 seventeen years of age] who resides in a county of this state shall be made as follows:

50 (1) Prior to the filing of a petition and upon request of any party or at the discretion of
51 the juvenile officer, the matter in the interest of a child [or person seventeen years of age] may
52 be transferred by the juvenile officer, with the prior consent of the juvenile officer of the
53 receiving court, to the county of the child's residence [or the residence of the person seventeen
54 years of age] for future action;

55 (2) Upon the motion of any party or on its own motion prior to final disposition on the
56 pending matter, the court in which a proceeding is commenced may transfer the proceeding of
57 a child [or person seventeen years of age] to the court located in the county of the child's
58 residence [or the residence of the person seventeen years of age], or the county in which the
59 offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for
60 further action;

61 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has
62 been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction
63 of a child [or person seventeen years of age] to the court located in the county of the child's
64 residence [or the residence of the person seventeen years of age] for further action with the prior
65 consent of the receiving court;

66 (4) Upon motion of any party or upon its own motion at any time following a judgment
67 of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause
68 may place the child [or person seventeen years of age] under the supervision of another juvenile
69 court within or without the state pursuant to section 210.570, RSMo, with the consent of the
70 receiving court;

71 (5) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child [or
72 person seventeen years of age], certified copies of all legal and social documents and records
73 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the
74 transfer.

75 3. In any proceeding involving any child [or person seventeen years of age] taken into
76 custody in a county other than the county of the child's residence [or the residence of a person
77 seventeen years of age], the juvenile court of the county of the child's residence [or the residence
78 of a person seventeen years of age] shall be notified of such taking into custody within
79 seventy-two hours.

211.032. 1. When a child [or person seventeen years of age], alleged to be in need of
2 care and treatment pursuant to subdivision (1) of subsection 1 of section 211.031, is taken into
3 custody, the juvenile or family court shall notify the parties of the right to have a protective
4 custody hearing. Such notification shall be in writing.

5 2. Upon request from any party, the court shall hold a protective custody hearing. Such
6 hearing shall be held within three days of the request for a hearing, excluding Saturdays, Sundays
7 and legal holidays.

8 3. At the protective custody hearing the court may receive testimony and other evidence
9 relevant to the necessity of detaining the child out of the custody of the parents, guardian or
10 custodian.

211.033. No person under the age of [seventeen] **eighteen** years, except those transferred
2 to the court of general jurisdiction under the provisions of section 211.071 shall be detained in
3 a jail or other adult detention facility as that term is defined in section 211.151. A traffic court
4 judge may request the juvenile court to order the commitment of a person under the age of
5 [seventeen] **eighteen** to a juvenile detention facility.

211.041. When jurisdiction over the person of a child has been acquired by the juvenile
2 court under the provisions of this chapter in proceedings coming within the applicable provisions

3 of section 211.031, the jurisdiction of the child may be retained for the purpose of this chapter
4 until he **or she** has attained the age of twenty-one years, except in cases where he **or she** is
5 committed to and received by the division of youth services, unless jurisdiction has been returned
6 to the committing court by provisions of chapter 219, RSMo, through requests of the court to the
7 division of youth services and except in any case where he **or she** has not paid an assessment
8 imposed in accordance with section 211.181 or in cases where the judgment for restitution
9 entered in accordance with section 211.185 has not been satisfied. Every child over whose
10 person the juvenile court retains jurisdiction shall be prosecuted under the general law for any
11 violation of a state law or of a municipal ordinance which he **or she** commits after he **or she**
12 becomes [seventeen] **eighteen** years of age. The juvenile court shall have no jurisdiction with
13 respect to any such violation and, so long as it retains jurisdiction of the child, shall not exercise
14 its jurisdiction in such a manner as to conflict with any other court's jurisdiction as to any such
15 violation.

211.061. 1. When a child is taken into custody with or without warrant for an offense,
2 the child, together with any information concerning [him] **the child** and the personal property
3 found in [his] **the child's** possession, shall be taken immediately and directly before the juvenile
4 court or delivered to the juvenile officer or person acting for [him] **the child**.

5 2. If any person is taken before a circuit or associate circuit judge not assigned to
6 juvenile court or a municipal judge, and it is then, or at any time thereafter, ascertained that he
7 **or she** was under the age of [seventeen] **eighteen** years at the time he **or she** is alleged to have
8 committed the offense, or that he **or she** is subject to the jurisdiction of the juvenile court as
9 provided by this chapter, it is the duty of the judge forthwith to transfer the case or refer the
10 matter to the juvenile court, and direct the delivery of such person, together with information
11 concerning him **or her** and the personal property found in his **or her** possession, to the juvenile
12 officer or person acting as such.

13 3. When the juvenile court is informed that a child is in detention it shall examine the
14 reasons therefor and shall immediately:

15 (1) Order the child released; or

16 (2) Order the child continued in detention until a detention hearing is held. An order to
17 continue the child in detention shall only be entered upon the filing of a petition or motion to
18 modify and a determination by the court that probable cause exists to believe that the child has
19 committed acts specified in the petition or motion that bring the child within the jurisdiction of
20 the court under subdivision (2) or (3) of subsection 1 of section 211.031.

21 4. A juvenile shall not remain in detention for a period greater than twenty-four hours
22 unless the court orders a detention hearing. If such hearing is not held within three days,
23 excluding Saturdays, Sundays and legal holidays, the juvenile shall be released from detention

24 unless the court for good cause orders the hearing continued. The detention hearing shall be held
25 within the judicial circuit at a date, time and place convenient to the court. Notice of the date,
26 time and place of a detention hearing, and of the right to counsel, shall be given to the juvenile
27 and his **or her** custodian in person, by telephone, or by such other expeditious method as is
28 available.

211.071. 1. If a petition alleges that a child between the ages of twelve and [seventeen]
2 **eighteen** has committed an offense which would be considered a felony if committed by an
3 adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the
4 child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child
5 may be transferred to the court of general jurisdiction and prosecuted under the general law;
6 except that if a petition alleges that any child has committed an offense which would be
7 considered first degree murder under section 565.020, RSMo, second degree murder under
8 section 565.021, RSMo, first degree assault under section 565.050, RSMo, forcible rape under
9 section 566.030, RSMo, forcible sodomy under section 566.060, RSMo, first degree robbery
10 under section 569.020, RSMo, or distribution of drugs under section 195.211, RSMo, or has
11 committed two or more prior unrelated offenses which would be felonies if committed by an
12 adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer
13 the child to a court of general jurisdiction for prosecution under the general law.

14 2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly
15 committed by any person between [seventeen] **eighteen** and twenty-one years of age over whom
16 the juvenile court has retained continuing jurisdiction shall automatically terminate and that
17 offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

18 3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any
19 action or proceeding which occurs based upon the misrepresentation. Any evidence obtained
20 during the period of time in which a child misrepresents his **or her** age may be used against the
21 child and will be subject only to rules of evidence applicable in adult proceedings.

22 4. Written notification of a transfer hearing shall be given to the juvenile and his **or her**
23 custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the
24 hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the
25 hearing is to determine whether the child is a proper subject to be dealt with under the provisions
26 of this chapter, and that if the court finds that the child is not a proper subject to be dealt with
27 under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the
28 child under the general law.

29 5. The juvenile officer may consult with the office of prosecuting attorney concerning
30 any offense for which the child could be certified as an adult under this section. The prosecuting
31 or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile

32 officer, statements of witnesses and all other records or reports relating to the offense alleged to
33 have been committed by the child. The prosecuting or circuit attorney shall have access to the
34 disposition records of the child when the child has been adjudicated pursuant to subdivision (3)
35 of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information
36 regarding the child and the offense until the juvenile court at a judicial hearing has determined
37 that the child is not a proper subject to be dealt with under the provisions of this chapter.

38 6. A written report shall be prepared in accordance with this chapter developing fully all
39 available information relevant to the criteria which shall be considered by the court in
40 determining whether the child is a proper subject to be dealt with under the provisions of this
41 chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice
42 system. These criteria shall include but not be limited to:

43 (1) The seriousness of the offense alleged and whether the protection of the community
44 requires transfer to the court of general jurisdiction;

45 (2) Whether the offense alleged involved viciousness, force and violence;

46 (3) Whether the offense alleged was against persons or property with greater weight
47 being given to the offense against persons, especially if personal injury resulted;

48 (4) Whether the offense alleged is a part of a repetitive pattern of offenses which
49 indicates that the child may be beyond rehabilitation under the juvenile code;

50 (5) The record and history of the child, including experience with the juvenile justice
51 system, other courts, supervision, commitments to juvenile institutions and other placements;

52 (6) The sophistication and maturity of the child as determined by consideration of his
53 home and environmental situation, emotional condition and pattern of living;

54 (7) The age of the child;

55 (8) The program and facilities available to the juvenile court in considering disposition;

56 (9) Whether or not the child can benefit from the treatment or rehabilitative programs
57 available to the juvenile court; and

58 (10) Racial disparity in certification.

59 7. If the court dismisses the petition to permit the child to be prosecuted under the
60 general law, the court shall enter a dismissal order containing:

61 (1) Findings showing that the court had jurisdiction of the cause and of the parties;

62 (2) Findings showing that the child was represented by counsel;

63 (3) Findings showing that the hearing was held in the presence of the child and his
64 counsel; and

65 (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

66 8. A copy of the petition and order of the dismissal shall be sent to the prosecuting
67 attorney.

68 9. When a petition has been dismissed thereby permitting a child to be prosecuted under
69 the general law, the jurisdiction of the juvenile court over that child is forever terminated, except
70 as provided in subsection 10 of this section, for an act that would be a violation of a state law or
71 municipal ordinance.

72 10. If a petition has been dismissed thereby permitting a child to be prosecuted under the
73 general law and the child is found not guilty by a court of general jurisdiction, the juvenile court
74 shall have jurisdiction over any later offense committed by that child which would be considered
75 a misdemeanor or felony if committed by an adult, subject to the certification provisions of this
76 section.

77 11. If the court does not dismiss the petition to permit the child to be prosecuted under
78 the general law, it shall set a date for the hearing upon the petition as provided in section
79 211.171.

 211.073. 1. The court may, in a case when the offender is under [seventeen] **eighteen**
2 years of age and has been transferred to a court of general jurisdiction pursuant to section
3 211.071, and whose prosecution results in a conviction or a plea of guilty, invoke dual
4 jurisdiction of both the criminal and juvenile codes, as set forth in this section. The court is
5 authorized to impose a juvenile disposition under this chapter and simultaneously impose an
6 adult criminal sentence, the execution of which shall be suspended pursuant to the provisions of
7 this section. Successful completion of the juvenile disposition ordered shall be a condition of
8 the suspended adult criminal sentence. The court may order an offender into the custody of the
9 division of youth services pursuant to this section if:

10 (1) A facility is designed and built by the division of youth services specifically for
11 offenders sentenced pursuant to this section and if the division determines that there is space
12 available, based on design capacity, in the facility; and

13 (2) Upon agreement of the division.

14 2. If there is probable cause to believe that the offender has violated a condition of the
15 suspended sentence or committed a new offense, the court shall conduct a hearing on the
16 violation charged, unless the offender waives such hearing. If the violation is established and
17 found the court may continue or revoke the juvenile disposition, impose the adult criminal
18 sentence, or enter such other order as it may see fit.

19 3. When an offender has received a suspended sentence pursuant to this section and the
20 division determines the child is beyond the scope of its treatment programs, the division of youth
21 services may petition the court for a transfer of custody of the offender. The court shall hold a
22 hearing and shall:

23 (1) Revoke the suspension and direct that the offender be taken into immediate custody
24 of the department of corrections; or

25 (2) Direct that the offender be placed on probation.

26 4. When an offender who has received a suspended sentence reaches the age of
27 [seventeen] **eighteen**, the court shall hold a hearing. The court shall:

28 (1) Revoke the suspension and direct that the offender be taken into immediate custody
29 of the department of corrections;

30 (2) Direct that the offender be placed on probation; or

31 (3) Direct that the offender remain in the custody of the division of youth services if the
32 division agrees to such placement.

33 5. The division of youth services shall petition the court for a hearing before it releases
34 an offender who comes within subsection 1 of this section at any time before the offender
35 reaches the age of twenty-one years. The court shall:

36 (1) Revoke the suspension and direct that the offender be taken into immediate custody
37 of the department of corrections; or

38 (2) Direct that the offender be placed on probation.

39 6. If the suspension of the adult criminal sentence is revoked, all time served by the
40 offender under the juvenile disposition shall be credited toward the adult criminal sentence
41 imposed.

211.081. 1. Whenever any person informs the court in person and in writing that a child
2 appears to be within the purview of applicable provisions of section 211.031 [or that a person
3 seventeen years of age appears to be within the purview of the provisions of subdivision (1) of
4 subsection 1 of section 211.031], the court shall make or cause to be made a preliminary inquiry
5 to determine the facts and to determine whether or not the interests of the public or of the child
6 [or person seventeen years of age] require that further action be taken. On the basis of this
7 inquiry, the juvenile court may make such informal adjustment as is practicable without a
8 petition or may authorize the filing of a petition by the juvenile officer. Any other provision of
9 this chapter to the contrary notwithstanding, the juvenile court shall not make any order for
10 disposition of a child [or person seventeen years of age] which would place or commit the child
11 [or person seventeen years of age] to any location outside the state of Missouri without first
12 receiving the approval of the division of family services.

13 2. Placement in any institutional setting shall represent the least restrictive appropriate
14 placement for the child [or person seventeen years of age] and shall be recommended based upon
15 a psychological or psychiatric evaluation or both. Prior to entering any order for disposition of
16 a child [or person seventeen years of age] which would order residential treatment or other
17 services inside the state of Missouri, the juvenile court shall enter findings which include the
18 recommendation of the psychological or psychiatric evaluation or both; and certification from
19 the division director or designee as to whether a provider or funds or both are available,

20 including a projection of their future availability. If the division of family services indicates that
21 funding is not available, the division shall recommend and make available for placement by the
22 court an alternative placement for the child [or person seventeen years of age]. The division shall
23 have the burden of demonstrating that they have exercised due diligence in utilizing all available
24 services to carry out the recommendation of the evaluation team and serve the best interest of the
25 child [or person seventeen years of age]. The judge shall not order placement or an alternative
26 placement with a specific provider but may reasonably designate the scope and type of the
27 services which shall be provided by the department to the child [or person seventeen years of
28 age].

29 3. Obligations of the state incurred under the provisions of section 211.181 shall not
30 exceed, in any fiscal year, the amount appropriated for this purpose.

211.091. 1. The petition shall be entitled "In the interest of, a child under
2 [seventeen] **eighteen** years of age". If a petition is filed pursuant to the provisions of subdivision
3 (1) of subsection 1 of section 211.031, the petition shall be entitled "In the interest of, a
4 child under [seventeen] **eighteen** years of age" [or "In the interest of, a person
5 seventeen years of age"].

6 2. The petition shall set forth plainly:

7 (1) The facts which bring the child [or person seventeen years of age] within the
8 jurisdiction of the court;

9 (2) The full name, birth date, and residence of the child [or person seventeen years of
10 age];

11 (3) The names and residence of his **or her** parents, if living;

12 (4) The name and residence of his **or her** legal guardian if there be one, of the person
13 having custody of the child [or person seventeen years of age] or of the nearest known relative
14 if no parent or guardian can be found; and

15 (5) Any other pertinent data or information.

16 3. If any facts required in subsection 2 of this section are not known by the petitioner,
17 the petition shall so state.

18 4. Prior to the voluntary dismissal of a petition filed under this section, the juvenile
19 officer shall assess the impact of such dismissal on the best interests of the child, and shall take
20 all actions practicable to minimize any negative impact.

211.101. 1. After a petition has been filed, unless the parties appear voluntarily, the
2 juvenile court shall issue a summons in the name of the state of Missouri requiring the person
3 who has custody of the child [or person seventeen years of age] to appear personally and, unless
4 the court orders otherwise, to bring the child [or person seventeen years of age] before the court,
5 at the time and place stated.

6 2. If the person so summoned is other than a parent or guardian of the child [or person
7 seventeen years of age], then the parent or guardian or both shall also be notified of the pendency
8 of the case and of the time and place appointed.

9 3. If it appears that the child [or person seventeen years of age] is in such condition or
10 surroundings that his **or her** welfare requires that his **or her** custody be immediately assumed
11 by the court, the judge may order, by endorsement upon the summons, the officer serving it to
12 take the child [or person seventeen years of age] into custody at once.

13 4. Subpoena may be issued requiring the appearance of any other person whose presence,
14 in the opinion of the judge, is necessary.

 211.161. 1. The court may cause any child [or person seventeen years of age] within its
2 jurisdiction to be examined by a physician, psychiatrist or psychologist appointed by the court
3 in order that the condition of the child [or person seventeen years of age] may be given
4 consideration in the disposition of his case. The expenses of the examination when approved
5 by the court shall be paid by the county, except that the county shall not be liable for the costs
6 of examinations conducted by the department of mental health either directly or through contract.

7 2. The services of a state, county or municipally maintained hospital, institution, or
8 psychiatric or health clinic may be used for the purpose of this examination and treatment.

9 3. A county may establish medical, psychiatric and other facilities, upon request of the
10 juvenile court, to provide proper services for the court in the diagnosis and treatment of children
11 [or persons seventeen years of age] coming before it and these facilities shall be under the
12 administration and control of the juvenile court. The juvenile court may appoint and fix the
13 compensation of such professional and other personnel as it deems necessary to provide the court
14 proper diagnostic, clinical and treatment services for children [or persons seventeen years of age]
15 under its jurisdiction.

 211.181. 1. When a child [or person seventeen years of age] is found by the court to
2 come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the
3 court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the
4 child [or person seventeen years of age], and the court may, by order duly entered, proceed as
5 follows:

6 (1) Place the child [or person seventeen years of age] under supervision in his **or her**
7 own home or in the custody of a relative or other suitable person after the court or a public
8 agency or institution designated by the court conducts an investigation of the home, relative or
9 person and finds such home, relative or person to be suitable and upon such conditions as the
10 court may require;

11 (2) Commit the child [or person seventeen years of age] to the custody of:

12 (a) A public agency or institution authorized by law to care for children or to place them

13 in family homes; except that, such child [or person seventeen years of age] may not be
14 committed to the department of social services, division of youth services;

15 (b) Any other institution or agency which is authorized or licensed by law to care for
16 children or to place them in family homes;

17 (c) An association, school or institution willing to receive the child [or person seventeen
18 years of age] in another state if the approval of the agency in that state which administers the
19 laws relating to importation of children into the state has been secured; or

20 (d) The juvenile officer;

21 (3) Place the child [or person seventeen years of age] in a family home;

22 (4) Cause the child [or person seventeen years of age] to be examined and treated by a
23 physician, psychiatrist or psychologist and when the health or condition of the child [or person
24 seventeen years of age] requires it, cause the child [or person seventeen years of age] to be placed
25 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
26 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
27 of a child [or person seventeen years of age] whose parents or guardian in good faith are
28 providing other remedial treatment recognized or permitted under the laws of this state;

29 (5) The court may order, pursuant to subsection 2 of section 211.081, that the child
30 receive the necessary services in the least restrictive appropriate environment including home
31 and community-based services, treatment and support, based on a coordinated, individualized
32 treatment plan. The individualized treatment plan shall be approved by the court and developed
33 by the applicable state agencies responsible for providing or paying for any and all appropriate
34 and necessary services, subject to appropriation, and shall include which agencies are going to
35 pay for and provide such services. Such plan must be submitted to the court within thirty days
36 and the child's family shall actively participate in designing the service plan for the child [or
37 person seventeen years of age].

38 2. When a child is found by the court to come within the provisions of subdivision (2)
39 of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact
40 upon which it exercises its jurisdiction over the child, the court may, by order duly entered,
41 proceed as follows:

42 (1) Place the child under supervision in his **or her** own home or in custody of a relative
43 or other suitable person after the court or a public agency or institution designated by the court
44 conducts an investigation of the home, relative or person and finds such home, relative or person
45 to be suitable and upon such conditions as the court may require;

46 (2) Commit the child to the custody of:

47 (a) A public agency or institution authorized by law to care for children or place them
48 in family homes; except that, a child may be committed to the department of social services,

49 division of youth services, only if he **or she** is presently under the court's supervision after an
50 adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

51 (b) Any other institution or agency which is authorized or licensed by law to care for
52 children or to place them in family homes;

53 (c) An association, school or institution willing to receive it in another state if the
54 approval of the agency in that state which administers the laws relating to importation of children
55 into the state has been secured; or

56 (d) The juvenile officer;

57 (3) Place the child in a family home;

58 (4) Cause the child to be examined and treated by a physician, psychiatrist or
59 psychologist and when the health or condition of the child requires it, cause the child to be placed
60 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
61 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
62 of a child whose parents or guardian in good faith are providing other remedial treatment
63 recognized or permitted under the laws of this state;

64 (5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.
65 Execution of any order entered by the court pursuant to this subsection, including a commitment
66 to any state agency, may be suspended and the child placed on probation subject to such
67 conditions as the court deems reasonable. After a hearing, probation may be revoked and the
68 suspended order executed.

69 3. When a child is found by the court to come within the provisions of subdivision (3)
70 of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon
71 which it exercises its jurisdiction over the child, and the court may, by order duly entered,
72 proceed as follows:

73 (1) Place the child under supervision in his **or her** own home or in custody of a relative
74 or other suitable person after the court or a public agency or institution designated by the court
75 conducts an investigation of the home, relative or person and finds such home, relative or person
76 to be suitable and upon such conditions as the court may require;

77 (2) Commit the child to the custody of:

78 (a) A public agency or institution authorized by law to care for children or to place them
79 in family homes;

80 (b) Any other institution or agency which is authorized or licensed by law to care for
81 children or to place them in family homes;

82 (c) An association, school or institution willing to receive it in another state if the
83 approval of the agency in that state which administers the laws relating to importation of children
84 into the state has been secured; or

85 (d) The juvenile officer;

86 (3) Beginning January 1, 1996, the court may make further directions as to placement
87 with the division of youth services concerning the child's length of stay. The length of stay order
88 may set forth a minimum review date;

89 (4) Place the child in a family home;

90 (5) Cause the child to be examined and treated by a physician, psychiatrist or
91 psychologist and when the health or condition of the child requires it, cause the child to be placed
92 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
93 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
94 of a child whose parents or guardian in good faith are providing other remedial treatment
95 recognized or permitted under the laws of this state;

96 (6) Suspend or revoke a state or local license or authority of a child to operate a motor
97 vehicle;

98 (7) Order the child to make restitution or reparation for the damage or loss caused by his
99 offense. In determining the amount or extent of the damage, the court may order the juvenile
100 officer to prepare a report and may receive other evidence necessary for such determination. The
101 child and his **or her** attorney shall have access to any reports which may be prepared, and shall
102 have the right to present evidence at any hearing held to ascertain the amount of damages. Any
103 restitution or reparation ordered shall be reasonable in view of the child's ability to make
104 payment or to perform the reparation. The court may require the clerk of the circuit court to act
105 as receiving and disbursing agent for any payment ordered;

106 (8) Order the child to a term of community service under the supervision of the court or
107 of an organization selected by the court. Every person, organization, and agency, and each
108 employee thereof, charged with the supervision of a child under this subdivision, or who benefits
109 from any services performed as a result of an order issued under this subdivision, shall be
110 immune from any suit by the child ordered to perform services under this subdivision, or any
111 person deriving a cause of action from such child, if such cause of action arises from the
112 supervision of the child's performance of services under this subdivision and if such cause of
113 action does not arise from an intentional tort. A child ordered to perform services under this
114 subdivision shall not be deemed an employee within the meaning of the provisions of chapter
115 287, RSMo, nor shall the services of such child be deemed employment within the meaning of
116 the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a
117 commitment to any state agency, may be suspended and the child placed on probation subject
118 to such conditions as the court deems reasonable. After a hearing, probation may be revoked and
119 the suspended order executed;

120 (9) When a child has been adjudicated to have violated a municipal ordinance or to have

121 committed an act that would be a misdemeanor if committed by an adult, assess an amount of
122 up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been
123 adjudicated to have committed an act that would be a felony if committed by an adult, assess an
124 amount of up to fifty dollars to be paid by the child to the clerk of the court.

125 4. Beginning January 1, 1996, the court may set forth in the order of commitment the
126 minimum period during which the child shall remain in the custody of the division of youth
127 services. No court order shall require a child to remain in the custody of the division of youth
128 services for a period which exceeds the child's eighteenth birth date except upon petition filed
129 by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any
130 order of commitment of a child to the custody of the division of youth services, the division shall
131 determine the appropriate program or placement pursuant to subsection 3 of section 219.021,
132 RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody
133 of the division of youth services before the child completes the length of stay determined by the
134 court in the commitment order unless the committing court orders otherwise. The director of the
135 division of youth services may at any time petition the court for a review of a child's length of
136 stay commitment order, and the court may, upon a showing of good cause, order the early
137 discharge of the child from the custody of the division of youth services. The division may
138 discharge the child from the division of youth services without a further court order after the
139 child completes the length of stay determined by the court or may retain the child for any period
140 after the completion of the length of stay in accordance with the law.

141 5. When an assessment has been imposed under the provisions of subsection 2 or 3 of
142 this section, the assessment shall be paid to the clerk of the court in the circuit where the
143 assessment is imposed by court order, to be deposited in a fund established for the sole purpose
144 of payment of judgments entered against children in accordance with section 211.185.

211.421. 1. After any child has come under the care or control of the juvenile court as
2 provided in this chapter, any person who thereafter encourages, aids, or causes the child to
3 commit any act or engage in any conduct which would be injurious to the child's morals or health
4 or who knowingly or negligently disobeys, violates or interferes with a lawful order of the court
5 with relation to the child, is guilty of contempt of court, and shall be proceeded against as now
6 provided by law and punished by imprisonment in the county jail for a term not exceeding six
7 months or by a fine not exceeding five hundred dollars or by both such fine and imprisonment.

8 2. If it appears at a juvenile court hearing that any person [seventeen] **eighteen** years of
9 age or over has violated section 568.045 or 568.050, RSMo, by endangering the welfare of a
10 child, the judge of the juvenile court shall refer the information to the prosecuting or circuit
11 attorney, as the case may be, for appropriate proceedings.

211.425. 1. Any person who has been adjudicated a delinquent by a juvenile court for

2 committing or attempting to commit a sex-related offense which if committed by an adult would
3 be considered a felony offense pursuant to chapter 566, RSMo, including, but not limited to,
4 rape, forcible sodomy, child molestation and sexual abuse, shall be considered a juvenile sex
5 offender and shall be required to register as a juvenile sex offender by complying with the
6 registration requirements provided for in this section. This requirement shall also apply to any
7 person who is or has been adjudicated a juvenile delinquent in any other state or federal
8 jurisdiction for committing or attempting to commit offenses which would be proscribed herein.

9 2. Any state agency having supervision over a juvenile required to register as a juvenile
10 sex offender or any court having jurisdiction over a juvenile required to register as a juvenile sex
11 offender, or any person required to register as a juvenile sex offender, shall, within ten days of
12 the juvenile offender moving into any county of this state, register with the juvenile office of the
13 county. If such juvenile offender changes residence or address, the state agency, court or person
14 shall inform the juvenile office within ten days of the new residence or address and shall also be
15 required to register with the juvenile office of any new county of residence. Registration shall
16 be accomplished by completing a registration form similar to the form provided for in section
17 589.407, RSMo. Such form shall include, but is not limited to, the following:

18 (1) A statement in writing signed by the juvenile, giving the juvenile's name, address,
19 Social Security number, phone number, school in which enrolled, place of employment, offense
20 which requires registration, including the date, place, and a brief description of such offense, date
21 and place of adjudication regarding such offense, and age and gender of the victim at the time
22 of the offense; and

23 (2) The fingerprints and a photograph of the juvenile.

24 3. Juvenile offices shall maintain the registration forms of those juvenile offenders in
25 their jurisdictions who register as required by this section. Information contained on the
26 registration forms shall be kept confidential and may be released by juvenile offices to only those
27 persons and agencies who are authorized to receive information from juvenile court records as
28 provided by law, including, but not limited to, those specified in section 211.321. State agencies
29 having custody of juveniles who fall within the registration requirements of this section shall
30 notify the appropriate juvenile offices when such juvenile offenders are being transferred to a
31 location falling within the jurisdiction of such juvenile offices.

32 4. Any juvenile who is required to register pursuant to this section but fails to do so or
33 who provides false information on the registration form is subject to disposition pursuant to this
34 chapter. Any person [seventeen] **eighteen** years of age or over who commits such violation is
35 guilty of a class A misdemeanor as provided for in section 211.431.

36 5. Any juvenile to whom the registration requirement of this section applies shall be
37 informed by the official in charge of the juvenile's custody, upon the juvenile's discharge or

38 release from such custody, of the requirement to register pursuant to this section. Such official
39 shall obtain the address where such juvenile expects to register upon being discharged or released
40 and shall report the juvenile's name and address to the juvenile office where the juvenile will be
41 required to register. This requirement to register upon discharge or release from custody does
42 not apply in situations where the juvenile is temporarily released under guard or direct
43 supervision from a detention facility or similar custodial facility.

44 6. The requirement to register as a juvenile sex offender shall terminate upon the juvenile
45 offender reaching age twenty-one, unless such juvenile offender is required to register as an adult
46 offender pursuant to section 589.400, RSMo.

211.431. Any person [seventeen] **eighteen** years of age or over who willfully violates,
2 neglects or refuses to obey or perform any lawful order of the court, or who violates any
3 provision of this chapter is guilty of a class A misdemeanor.

294.027. Work certificates shall permit

2 (1) The employment of children between fourteen and [sixteen] **eighteen** years of age
3 during nonschool hours during the school term; or

4 (2) The employment of children between fourteen and [sixteen] **eighteen** years of age
5 who are excused from attendance at school by the provisions of chapter 167, RSMo.

294.030. 1. A child **under eighteen years of age** shall not be employed, permitted or
2 suffered to work at any gainful employment for more than three hours per day in any school day,
3 more than eight hours in any nonschool day, more than six days or forty hours in any week.
4 Normal work hours shall not begin before seven o'clock in the morning nor extend to after 9:00
5 p.m., except as provided in subsection 2 of this section. The provisions of this subsection may
6 be waived by the director, in full or in part, depending upon the nature of the employment. Such
7 waiver shall be provided in writing to the employer by the director. The waiver shall only
8 exempt employment described in section 294.022.

9 2. On all evenings from Labor Day to June first, a child shall not be employed, permitted
10 or suffered to work at any gainful employment after 7:00 p.m. nor after 9:00 p.m. from June first
11 to Labor Day; except that a child who has passed his or her fourteenth birthday but is under
12 sixteen years of age may be employed at a regional fair from June first to Labor Day, if such
13 child does not work after 10:30 p.m., is supervised by an adult, parental consent is given and the
14 provisions of this subsection are complied with. The regional fair exception shall not apply to
15 those entities covered by the Fair Labor Standards Act. The provisions of this subsection do not
16 apply to children who have been permanently excused from school pursuant to the provisions
17 of chapter 167, RSMo. The provisions of this subsection may be waived by the director, in full
18 or in part, depending upon the nature of the employment. Such waiver shall be provided in
19 writing to the employer by the director. The waiver shall only exempt employment described

20 in section 294.022.

**565.151. 1. A person commits the crime of unlawful interference with visitation if
2 such person violates the provisions of a court order relating to child custody by detaining
3 or concealing a child with the intent to deprive another person of his or her right to
4 visitation with the child who is the subject of the order.**

**5 2. Unlawful interference with visitation is an infraction. Any second or subsequent
6 violation is a class C misdemeanor.**

**7 3. Any law enforcement officer who has probable cause to believe that a person is
8 committing or has committed an act in violation of this section shall issue a notice to appear
9 to such person. The notice shall:**

10 (1) Be in writing;

11 (2) State the name of the person;

12 (3) State the address of such person, if known;

13 (4) Set forth the nature of the offense;

14 (5) Be signed by the officer issuing the notice; and

15 (6) Request the person to appear before a court at a certain time and place.

**16 4. Upon failure of the person to appear, a summons or warrant of arrest may be
17 issued.**

18 5. It is an affirmative defense to unlawful interference with visitation that:

**19 (1) A person or lawful custodian committed the act to protect the child from
20 imminent physical harm; provided that the defendant's belief that physical harm was
21 imminent was reasonable and the defendant's conduct in withholding visitation rights was
22 a reasonable response to the harm believed imminent;**

**23 (2) The act was committed with the mutual consent of all parties having a right to
24 custody and visitation of the child; or**

25 (3) The act was otherwise authorized by law.

**26 6. A person who pleads guilty or nolo contendere or is found guilty of unlawful
27 interference with visitation shall not be subject to civil contempt for the same conduct for
28 violating a visitation provision of a court order issued under section 452.375, RSMo.**

**29 7. The provisions of this section shall not apply when a child is in the custody of the
30 state.**