

SECOND REGULAR SESSION

# HOUSE BILL NO. 1103

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LIPKE (Sponsor), GOODMAN AND BAKER (Co-sponsors).

Read 1<sup>st</sup> time January 15, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3741L.011

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### AN ACT

To repeal section 211.031, RSMo, and to enact in lieu thereof one new section relating to juvenile court jurisdiction.

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

Section A. Section 211.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.031, to read as follows:

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

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

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

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

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

**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.**

17 (d) The child or person seventeen years of age is a child in need of mental health services  
18 and the parent, guardian or custodian is unable to afford or access appropriate mental health  
19 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 years, in which cases jurisdiction may be taken by the court of  
39 the circuit in which the child or person resides or may be found or in which the violation is  
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child  
41 fifteen and one-half years of age who is alleged to have violated a state or municipal traffic  
42 ordinance or regulation, the violation of which does not constitute a felony[, or any child who  
43 is alleged to have violated a state or municipal ordinance or regulation prohibiting possession  
44 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 be  
52 transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving

53 court, to the county of the child's residence or the residence of the person seventeen years of age  
54 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 residence  
58 or the residence of the person seventeen years of age, or the county in which the offense pursuant  
59 to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

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

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

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

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