

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE BILL NO. 945 &
SENATE BILL NOS. 803 & 1257**
92ND GENERAL ASSEMBLY

Reported from the Committee on Education, April 22, 2004, with recommendation that the House Committee Substitute for House Bill No. 945 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

3365L.04C

AN ACT

To repeal sections 160.261, 210.145, and 211.031, RSMo, and to enact in lieu thereof four new sections relating to school-age children, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 160.261, 210.145, and 211.031, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 160.261, 170.037, 210.145, and
3 211.031, RSMo, to read as follows:

160.261. 1. The local board of education of each school district shall clearly establish
2 a written policy of discipline, including the district's determination on the use of corporal
3 punishment and the procedures in which punishment will be applied. A written copy of the
4 district's discipline policy and corporal punishment procedures, if applicable, shall be provided
5 to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning
6 of each school year and also made available in the office of the superintendent of such district,
7 during normal business hours, for public inspection. All employees of the district shall annually
8 receive instruction related to the specific contents of the policy of discipline and any
9 interpretations necessary to implement the provisions of the policy in the course of their duties,
10 including but not limited to approved methods of dealing with acts of school violence,

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.

11 disciplining students with disabilities and instruction in the necessity and requirements for
12 confidentiality.

13 2. The policy shall require school administrators to report acts of school violence to
14 teachers and other school district employees with a need to know. For the purposes of this
15 chapter or chapter 167, RSMo, "need to know" is defined as school personnel who are directly
16 responsible for the student's education or who otherwise interact with the student on a
17 professional basis while acting within the scope of their assigned duties. As used in this section,
18 the phrase "act of school violence" or "violent behavior" means the exertion of physical force by
19 a student with the intent to do serious physical injury as defined in subdivision (6) of section
20 565.002, RSMo, to another person while on school property, including a school bus in service
21 on behalf of the district, or while involved in school activities. The policy shall at a minimum
22 require school administrators to report, as soon as reasonably practical, to the appropriate law
23 enforcement agency any of the following felonies, or any act which if committed by an adult
24 would be one of the following felonies:

- 25 (1) First degree murder under section 565.020, RSMo;
- 26 (2) Second degree murder under section 565.021, RSMo;
- 27 (3) Kidnapping under section 565.110, RSMo;
- 28 (4) First degree assault under section 565.050, RSMo;
- 29 (5) Forcible rape under section 566.030, RSMo;
- 30 (6) Forcible sodomy under section 566.060, RSMo;
- 31 (7) Burglary in the first degree under section 569.160, RSMo;
- 32 (8) Burglary in the second degree under section 569.170, RSMo;
- 33 (9) Robbery in the first degree under section 569.020, RSMo;
- 34 (10) Distribution of drugs under section 195.211, RSMo;
- 35 (11) Distribution of drugs to a minor under section 195.212, RSMo;
- 36 (12) Arson in the first degree under section 569.040, RSMo;
- 37 (13) Voluntary manslaughter under section 565.023, RSMo;
- 38 (14) Involuntary manslaughter under section 565.024, RSMo;
- 39 (15) Second degree assault under section 565.060, RSMo;
- 40 (16) Sexual assault under section 566.040, RSMo;
- 41 (17) Felonious restraint under section 565.120, RSMo;
- 42 (18) Property damage in the first degree under section 569.100, RSMo;
- 43 (19) The possession of a weapon under chapter 571, RSMo;
- 44 (20) Child molestation in the first degree pursuant to section 566.067, RSMo;
- 45 (21) Deviate sexual assault pursuant to section 566.070, RSMo;
- 46 (22) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or

47 (23) Sexual abuse pursuant to section 566.100, RSMo;
48 committed on school property, including but not limited to actions on any school bus in service
49 on behalf of the district or while involved in school activities. The policy shall require that any
50 portion of a student's individualized education program that is related to demonstrated or
51 potentially violent behavior shall be provided to any teacher and other school district employees
52 who are directly responsible for the student's education or who otherwise interact with the
53 student on an educational basis while acting within the scope of their assigned duties. The policy
54 shall also contain the consequences of failure to obey standards of conduct set by the local board
55 of education, and the importance of the standards to the maintenance of an atmosphere where
56 orderly learning is possible and encouraged.

57 3. The policy shall provide for a suspension for a period of not less than one year, or
58 expulsion, for a student who is determined to have brought a weapon to school, including but
59 not limited to the school playground or the school parking lot, brought a weapon on a school bus
60 or brought a weapon to a school activity whether on or off of the school property in violation of
61 district policy, except that:

62 (1) The superintendent, or in a school district with no high school, the principal of the
63 school which such child attends may modify such suspension on a case-by-case basis; and

64 (2) This section shall not prevent the school district from providing educational services
65 in an alternative setting to a student suspended under the provisions of this section.

66 4. For the purpose of this section, the term "weapon" shall mean a firearm as defined
67 under 18 U.S.C. 921 and the following items, as defined in section 571.010, RSMo: a blackjack,
68 a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife,
69 knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade
70 knife; except that this section shall not be construed to prohibit a school board from adopting a
71 policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for
72 educational purposes so long as the firearm is unloaded. The local board of education shall
73 define weapon in the discipline policy. Such definition shall include the weapons defined in this
74 subsection but may also include other weapons.

75 5. All school district personnel responsible for the care and supervision of students are
76 authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any
77 property of the school, on any school bus going to or returning from school, during
78 school-sponsored activities, or during intermission or recess periods.

79 6. Teachers and other authorized district personnel in public schools responsible for the
80 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable
81 care by the school district, shall not be civilly liable when acting in conformity with the
82 established policy of discipline developed by each board under this section, or when reporting

83 to his or her supervisor or other person as mandated by state law, acts of school violence or
84 threatened acts of school violence, within the course and scope of the duties of the teacher,
85 authorized district personnel or volunteer, when such individual is acting in conformity with the
86 established policies developed by the board. Nothing in this section shall be construed to create
87 a new cause of action against such school district, or to relieve the school district from liability
88 for the negligent acts of such persons.

89 7. Each school board shall define in its discipline policy acts of violence and any other
90 acts that constitute a serious violation of that policy. Acts of violence as defined by school
91 boards shall include but not be limited to exertion of physical force by a student with the intent
92 to do serious bodily harm to another person while on school property, including a school bus in
93 service on behalf of the district, or while involved in school activities. School districts shall for
94 each student enrolled in the school district compile and maintain records of any serious violation
95 of the district's discipline policy. Such records shall be made available to teachers and other
96 school district employees with a need to know while acting within the scope of their assigned
97 duties, and shall be provided as required in section 167.020, RSMo, to any school district in
98 which the student subsequently attempts to enroll.

99 8. Spanking, when administered by certificated personnel of a school district in a
100 reasonable manner in accordance with the local board of education's written policy of discipline,
101 is not abuse within the meaning of chapter 210, RSMo. The provisions of sections 210.110 to
102 210.165, RSMo, notwithstanding, the division of family services shall not have jurisdiction over
103 or investigate any report of alleged child abuse arising out of or related to any spanking
104 administered in a reasonable manner by any certificated school personnel pursuant to a written
105 policy of discipline established by the board of education of the school district. Upon receipt of
106 any reports of child abuse by the division of family services pursuant to sections 210.110 to
107 210.165, RSMo, which allegedly involves personnel of a school district, the division of family
108 services shall notify the superintendent of schools of the district or, if the person named in the
109 alleged incident is the superintendent of schools, the president of the school board of the school
110 district where the alleged incident occurred. If, after an initial investigation, the superintendent
111 of schools or the president of the school board finds that the report involves an alleged incident
112 of child abuse other than the administration of a spanking by certificated school personnel
113 pursuant to a written policy of discipline or a report made for the sole purpose of harassing a
114 public school employee, the superintendent of schools or the president of the school board shall
115 immediately refer the matter back to the division of family services and take no further action.
116 In all matters referred back to the division of family services, the division of family services shall
117 treat the report in the same manner as other reports of alleged child abuse received by the
118 division. If the report pertains to an alleged incident which arose out of or is related to a

spanking administered by certificated personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the juvenile officer of the county in which the alleged incident occurred. The report shall be jointly investigated by the juvenile officer or a law enforcement officer designated by the juvenile officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by the juvenile officer or a law enforcement officer designated by the juvenile officer and the president of the school board or such president's designee. The investigation shall begin no later than forty-eight hours after notification from the division of family services is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the division of family services. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated. The school board shall consider the separate reports and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school board personnel agree that the evidence shows that no abuse occurred;

(2) The report of the alleged child abuse is substantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel agree that the evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

9. The findings and conclusions of the school board shall be sent to the division of family services. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the division of family services' central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the

155 division of family services shall report the incident to the prosecuting attorney of the appropriate
156 county along with the findings and conclusions of the school district and shall include the
157 information in the division's central registry. If the findings and conclusions of the school board
158 are that the issue involved in the alleged incident of child abuse is unresolved, the division of
159 family services shall report the incident to the prosecuting attorney of the appropriate county
160 along with the findings and conclusions of the school board, however, the incident and the names
161 of the parties allegedly involved shall not be entered into the central registry of the division of
162 family services unless and until the alleged child abuse is substantiated by a court of competent
163 jurisdiction.

164 10. Any superintendent of schools, president of a school board or such person's designee
165 or juvenile officer who knowingly falsifies any report of any matter pursuant to this section or
166 who knowingly withholds any information relative to any investigation or report pursuant to this
167 section is guilty of a class A misdemeanor.

168 **11. In order to ensure the safety of all students, should a student be expelled for**
169 **bringing a weapon to school, violent behavior, or for an act of school violence, that student**
170 **shall not, for the purposes of the accreditation process of the Missouri school improvement**
171 **plan, be considered a dropout or be included in the calculation of that district's educational**
172 **persistence ratio.**

170.037. 1. The state board of education shall encourage the adoption of service-
2 learning programs and projects among school districts. As used in this section, the term
3 "service-learning programs and projects" means a student-centered, research-based
4 method of teaching and learning which engages students of all ages in solving problems
5 and addressing issues in their school or greater community as part of the academic
6 curriculum. As a result, service-learning fosters academic achievement, civic engagement,
7 and character development.

8 2. Upon request of any school district that elects to implement service-learning
9 programs or projects, the state board of education shall provide any assistance needed to
10 districts in locating, leveraging, and utilizing alternative financial resources that will assist
11 teachers desiring to receive training in developing and administering service-learning
12 programs or projects.

13 3. Any local board of education that maintains a high school may include service-
14 learning as part of any course contributing to the satisfaction of credits necessary for high
15 school graduation and provide support for the use of service-learning as an instructional
16 strategy at any grade level to address appropriate areas of current state educational
17 standards for student knowledge and performance.

210.145. 1. The division shall establish and maintain an information system operating

2 at all times, capable of receiving and maintaining reports. This information system shall have
3 the ability to receive reports over a single, statewide toll-free number. Such information system
4 shall maintain the results of all investigations, family assessments and services, and other
5 relevant information.

6 2. Upon receipt of a report, the division shall immediately communicate such report to
7 its appropriate local office and any relevant information as may be contained in the information
8 system. The local division staff shall determine, through the use of protocols developed by the
9 division, whether an investigation or the family assessment and services approach should be used
10 to respond to the allegation. The protocols developed by the division shall give priority to
11 ensuring the well-being and safety of the child.

12 3. The local office shall contact the appropriate law enforcement agency immediately
13 upon receipt of a report which division personnel determine merits an investigation, or, which,
14 if true, would constitute a suspected violation of any of the following: section 565.020, 565.021,
15 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age,
16 section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or
17 other crime under chapter 566, RSMo, if the victim is a child less than eighteen years of age and
18 the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a
19 child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060,
20 568.080, or 568.090, RSMo, section 573.025, 573.037 or 573.045, RSMo, or an attempt to
21 commit any such crimes. The local office shall provide such agency with a detailed description
22 of the report received. In such cases the local division office shall request the assistance of the
23 local law enforcement agency in all aspects of the investigation of the complaint. The
24 appropriate law enforcement agency shall either assist the division in the investigation or provide
25 the division, within twenty-four hours, an explanation in writing detailing the reasons why it is
26 unable to assist.

27 4. The local office of the division shall cause an investigation or family assessment and
28 services approach to be initiated immediately or no later than within twenty-four hours of receipt
29 of the report from the division, except in cases where the sole basis for the report is educational
30 neglect. If the report indicates that educational neglect is the only complaint and there is no
31 suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours
32 of receipt of the report. If the report indicates the child is in danger of serious physical harm or
33 threat to life, an investigation shall include direct observation of the subject child within
34 twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary
35 steps to facilitate such direct observation. If the parents of the child are not the alleged abusers,
36 a parent of the child must be notified prior to the child being interviewed by the division. The
37 division shall not meet with the child [at the child's school or child-care facility] **in any school**

38 **building or child care facility building where abuse of such child is alleged to have**
39 **occurred.** When the child is reported absent from the residence, the location and the well-being
40 of the child shall be verified.

41 5. The director of the division shall name at least one chief investigator for each local
42 division office, who shall direct the division response on any case involving a second or
43 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
44 investigator shall include verification of direct observation of the subject child by the division
45 and shall ensure information regarding the status of an investigation is provided to the public
46 school district liaison. The public school district liaison shall develop protocol in conjunction
47 with the chief investigator to ensure information regarding an investigation is shared with
48 appropriate school personnel. The superintendent of each school district shall designate a
49 specific person or persons to act as the public school district liaison. Should the subject child
50 attend a nonpublic school the chief investigator shall notify the school principal of the
51 investigation. Upon notification of an investigation, all information received by the public
52 school district liaison or the school shall be subject to the provisions of the federal Family
53 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34
54 C.F.R., Part 99.

55 6. The investigation shall include but not be limited to the nature, extent, and cause of
56 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the
57 names and conditions of other children in the home, if any; the home environment and the
58 relationship of the subject child to the parents or other persons responsible for the child's care;
59 any indication of incidents of physical violence against any other household or family member;
60 and other pertinent data.

61 7. When a report has been made by a person required to report under section 210.115,
62 the division shall contact the person who made such report within forty-eight hours of the receipt
63 of the report in order to ensure that full information has been received and to obtain any
64 additional information or medical records, or both, that may be pertinent.

65 8. Upon completion of the investigation, if the division suspects that the report was made
66 maliciously or for the purpose of harassment, the division shall refer the report and any evidence
67 of malice or harassment to the local prosecuting or circuit attorney.

68 9. Multidisciplinary teams shall be used whenever conducting the investigation as
69 determined by the division in conjunction with local law enforcement. Multidisciplinary teams
70 shall be used in providing protective or preventive social services, including the services of law
71 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and
72 other agencies, both public and private.

73 10. If the appropriate local division personnel determine after an investigation has begun

74 that completing an investigation is not appropriate, the division shall conduct a family
75 assessment and services approach. The division shall provide written notification to local law
76 enforcement prior to terminating any investigative process. The reason for the termination of
77 the investigative process shall be documented in the record of the division and the written
78 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
79 any investigation by law enforcement.

80 11. If the appropriate local division personnel determines to use a family assessment and
81 services approach, the division shall:

82 (1) Assess any service needs of the family. The assessment of risk and service needs
83 shall be based on information gathered from the family and other sources;

84 (2) Provide services which are voluntary and time-limited unless it is determined by the
85 division based on the assessment of risk that there will be a high risk of abuse or neglect if the
86 family refuses to accept the services. The division shall identify services for families where it
87 is determined that the child is at high risk of future abuse or neglect. The division shall
88 thoroughly document in the record its attempt to provide voluntary services and the reasons these
89 services are important to reduce the risk of future abuse or neglect to the child. If the family
90 continues to refuse voluntary services or the child needs to be protected, the division may
91 commence an investigation;

92 (3) Commence an immediate investigation if at any time during the family assessment
93 and services approach the division determines that an investigation, as delineated in sections
94 210.109 to 210.183, is required. The division staff who have conducted the assessment may
95 remain involved in the provision of services to the child and family;

96 (4) Document at the time the case is closed, the outcome of the family assessment and
97 services approach, any service provided and the removal of risk to the child, if it existed.

98 12. Within thirty days of an oral report of abuse or neglect, the local office shall update
99 the information in the information system. The information system shall contain, at a minimum,
100 the determination made by the division as a result of the investigation, identifying information
101 on the subjects of the report, those responsible for the care of the subject child and other relevant
102 dispositional information. The division shall complete all investigations within thirty days,
103 unless good cause for the failure to complete the investigation is documented in the information
104 system. If the investigation is not completed within thirty days, the information system shall be
105 updated at regular intervals and upon the completion of the investigation. The information in
106 the information system shall be updated to reflect any subsequent findings, including any
107 changes to the findings based on an administrative or judicial hearing on the matter.

108 13. A person required to report under section 210.115 to the division shall be informed
109 by the division of his right to obtain information concerning the disposition of his or her report.

110 Such person shall receive, from the local office, if requested, information on the general
111 disposition of his or her report. A person required to report to the division pursuant to section
112 210.115 may receive, if requested, findings and information concerning the case. Such release
113 of information shall be at the discretion of the director based upon a review of the mandated
114 reporter's ability to assist in protecting the child or the potential harm to the child or other
115 children within the family. The local office shall respond to the request within forty-five days.
116 The findings shall be made available to the mandated reporter within five days of the outcome
117 of the investigation.

118 14. In any judicial proceeding involving the custody of a child the fact that a report may
119 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However,
120 nothing in this subsection shall prohibit the introduction of evidence from independent sources
121 to support the allegations that may have caused a report to have been made.

122 15. In any judicial proceeding involving the custody of a child where the court
123 determines that the child is in need of services pursuant to subdivision (d) of subsection 1 of
124 section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or custodian shall
125 not be entered into the registry.

126 16. The division of family services is hereby granted the authority to promulgate rules
127 and regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo,
128 to carry out the provisions of sections 210.109 to 210.183.

129 17. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
130 is created under the authority delegated in this section shall become effective only if it complies
131 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
132 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
133 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
134 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
135 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
136 invalid and void.

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, custody
13 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 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 is
43 alleged to have violated a state or municipal ordinance or regulation prohibiting possession or
44 use of any tobacco product, **and except that the juvenile court shall have concurrent**
45 **jurisdiction with the municipal court over any child who is alleged to have violated a**

46 **municipal curfew ordinance;**

47 (4) For the adoption of a person;

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

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

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

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

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

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

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

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

Section B. Because immediate action is necessary to protect the children of this state,

2 the repeal and reenactment of section 210.145 of section A of this act is deemed necessary for
3 the immediate preservation of the public health, welfare, peace and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and the repeal and reenactment
5 of section 210.145 of section A of this act shall be in full force and effect upon its passage and
6 approval.