

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1839
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Family Services April 2, 2008 with recommendation that House Committee Substitute for House Bill No. 1839 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3825L.04C

AN ACT

To repeal sections 193.125, 210.135, 210.150, 210.152, 210.817, 211.021, 211.031, 211.038, 211.321, 211.393, 211.442, 211.447, 302.060, 302.177, 302.181, 452.340, 454.530, 454.557, 488.2300, 589.400, and 589.417, RSMo, and to enact in lieu thereof twenty-six new sections relating to protecting families and individuals, with penalty provisions.

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

Section A. Sections 193.125, 210.135, 210.150, 210.152, 210.817, 211.021, 211.031, 211.038, 211.321, 211.393, 211.442, 211.447, 302.060, 302.177, 302.181, 452.340, 454.530, 454.557, 488.2300, 589.400, and 589.417, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 191.220, 193.125, 210.135, 210.150, 210.152, 210.817, 211.021, 211.031, 211.038, 211.321, 211.393, 211.442, 211.447, 302.060, 302.177, 302.181, 452.340, 452.435, 452.436, 452.437, 452.438, 454.530, 454.557, 488.2300, 589.400, and 589.417, to read as follows:

- 191.220. 1. This section shall be known and may be cited as "Christy's Law".**
- 2. The department of health and senior services shall require that appropriate medical providers involved in the forensic examination or medical treatment, as defined in section 191.225, of victims of sexual offenses inform such victims of their right to request a drug test for the presence of specific drugs used to facilitate a rape or sexual assault. After informing the victim of a sexual offense of his or her right to request such a drug test, the appropriate medical provider shall:**

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

8 **(1) Provide the victim with a release form to sign stating that the victim has been**
9 **informed of the victim's right to request such a drug test; and**

10 **(2) If such a drug test is requested, to administer the test and include any results**
11 **from the test with all other evidence and test results collected during the forensic**
12 **examination and shall be treated in the same manner as other evidence and test results so**
13 **collected. The cost of such test or tests shall be considered as part of the forensic**
14 **examination for which reimbursement may be sought under section 191.225.**

15 **3. As used in this section, "rape drug" means any drug described in Section 7(c)**
16 **of the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000, P.L.**
17 **106-172, including but not limited to GHB (gamma-hydroxybutyrate), rohypnol, ketamine,**
18 **and ecstasy.**

19 **4. The department may promulgate rules to implement the provisions of this**
20 **section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
21 **that is created under the authority delegated in this section shall become effective only if**
22 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
23 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
24 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
25 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
26 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
27 **adopted after August 28, 2008, shall be invalid and void.**

 193.125. 1. **This section shall be known and may be cited as the "Debbi Daniel**
2 **Law".**

3 **2. Except as otherwise provided in subsection 2 of this section, for each adoption**
4 **decreed by a court of competent jurisdiction in this state, the court shall require the preparation**
5 **of a certificate of decree of adoption on a form as prescribed or approved by the state registrar.**
6 **The certificate of decree of adoption shall include such facts as are necessary to locate and**
7 **identify the certificate of birth of the person adopted, and shall provide information necessary**
8 **to establish a new certificate of birth of the person adopted and shall identify the court and**
9 **county of the adoption and be certified by the clerk of the court. The state registrar shall file the**
10 **original certificate of birth with the certificate of decree of adoption and such file may be opened**
11 **by the state registrar only upon receipt of a certified copy of an order as decreed by the court of**
12 **adoption.**

13 **[2.] 3. No new certificate of birth shall be established following an adoption if so**
14 **requested by any of the following:**

15 **(1) The court decreeing the adoption;**

16 **(2) The adoptive parents; or**

17 **(3) The adopted individual.**

18 **4.** Information necessary to prepare the report of adoption shall be furnished by each
19 petitioner for adoption or the petitioner's attorney. The social welfare agency or any person
20 having knowledge of the facts shall supply the court with such additional information as may be
21 necessary to complete the report. The provision of such information shall be prerequisite to the
22 issuance of a final decree in the matter by the court.

23 **[3.] 5.** Whenever an adoption decree is amended or annulled, the clerk of the court shall
24 prepare a report thereof, which shall include such facts as are necessary to identify the original
25 adoption report and the facts amended in the adoption decree as shall be necessary to properly
26 amend the birth record.

27 **[4.] 6.** Not later than the fifteenth day of each calendar month or more frequently as
28 directed by the state registrar the clerk of the court shall forward to the state registrar reports of
29 decrees of adoption, annulment of adoption and amendments of decrees of adoption which were
30 entered in the preceding month, together with such related reports as the state registrar shall
31 require.

32 **[5.] 7.** When the state registrar shall receive a report of adoption, annulment of adoption,
33 or amendment of a decree of adoption for a person born outside this state, he or she shall forward
34 such report to the state registrar in the state of birth.

35 **[6.] 8.** In a case of adoption in this state of a person not born in any state, territory or
36 possession of the United States or country not covered by interchange agreements, the state
37 registrar shall upon receipt of the certificate of decree of adoption prepare a birth certificate in
38 the name of the adopted person, as decreed by the court. The state registrar shall file the
39 certificate of the decree of adoption, and such documents may be opened by the state registrar
40 only by an order of court. The birth certificate prepared under this subsection shall have the
41 same legal weight as evidence as a delayed or altered birth certificate as provided in section
42 193.235.

43 **[7.] 9.** The department, upon receipt of proof that a person has been adopted by a
44 Missouri resident pursuant to laws of countries other than the United States, shall prepare a birth
45 certificate in the name of the adopted person as decreed by the court of such country. If such
46 proof contains the surname of either adoptive parent, the department of health and senior services
47 shall prepare a birth certificate as requested by the adoptive parents. Any subsequent change of
48 the name of the adopted person shall be made by a court of competent jurisdiction. The proof
49 of adoption required by the department shall include a copy of the original birth certificate and
50 adoption decree, an English translation of such birth certificate and adoption decree, and a copy
51 of the approval of the immigration of the adopted person by the Immigration and Naturalization
52 Service of the United States government which shows the child lawfully entered the United

53 States. The authenticity of the translation of the birth certificate and adoption decree required
54 by this subsection shall be sworn to by the translator in a notarized document. The state registrar
55 shall file such documents received by the department relating to such adoption and such
56 documents may be opened by the state registrar only by an order of a court. A birth certificate
57 pursuant to this subsection shall be issued upon request of one of the adoptive parents of such
58 adopted person or upon request of the adopted person if of legal age. The birth certificate
59 prepared pursuant to the provisions of this subsection shall have the same legal weight as
60 evidence as a delayed or altered birth certificate as provided in sections 193.005 to 193.325.

61 [8.] 10. If no certificate of birth is on file for the person under twelve years of age who
62 has been adopted, a belated certificate of birth shall be filed with the state registrar as provided
63 in sections 193.005 to 193.325 before a new birth record is to be established as result of
64 adoption. A new certificate is to be established on the basis of the adoption under this section
65 and shall be prepared on a certificate of live birth form.

66 [9.] 11. If no certificate of birth has been filed for a person twelve years of age or older
67 who has been adopted, a new birth certificate is to be established under this section upon receipt
68 of proof of adoption as required by the department. A new certificate shall be prepared in the
69 name of the adopted person as decreed by the court, registering adopted parents' names. The new
70 certificate shall be prepared on a delayed birth certificate form. The adoption decree is placed
71 in a sealed file and shall not be subject to inspection except upon an order of the court.

210.135. Any person, official, or institution complying with the provisions of sections
2 210.110 to 210.165 in the making of a report, the taking of color photographs, or the making of
3 radiologic examinations pursuant to sections 210.110 to 210.165, or both such taking of color
4 photographs and making of radiologic examinations, or the removal or retaining a child pursuant
5 to sections 210.110 to 210.165, or in cooperating with the division, or any other law enforcement
6 agency, juvenile office, court, or child-protective service agency of this or any other state, in any
7 of the activities pursuant to sections 210.110 to 210.165, or any other allegation of child abuse,
8 neglect or assault, pursuant to sections 568.045 to 568.060, RSMo, **or any person who notifies**
9 **a person in charge or designated agent of a medical institution, school facility, or public or**
10 **private agency of suspected abuse** shall have immunity from any liability, civil or criminal, that
11 otherwise might result by reason of such actions, **including any civil or criminal liability for**
12 **a third party that otherwise may result for any action taken by an institution, facility, or**
13 **agency as a result of notification of suspected abuse by such third party.** Provided, however,
14 any person, official or institution intentionally filing a false report, acting in bad faith, or with
15 ill intent, shall not have immunity from any liability, civil or criminal. Any such person, official,
16 or institution shall have the same immunity with respect to participation in any judicial
17 proceeding resulting from the report.

210.150. 1. The children's division shall ensure the confidentiality of all reports and records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, the central registry, and other appropriate persons, officials, and institutions pursuant to sections 210.109 to 210.183. To protect the rights of the family and the child named in the report as a victim, the children's division shall establish guidelines which will ensure that any disclosure of information concerning the abuse and neglect involving that child is made only to persons or agencies that have a right to such information. The division may require persons to make written requests for access to records maintained by the division. The division shall only release information to persons who have a right to such information. The division shall notify persons receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for which the information is released and of the penalties for unauthorized dissemination of information. Such information shall be used only for the purpose for which the information is released.

2. Only the following persons shall have access to investigation records contained in the central registry:

(1) Appropriate federal, state or local criminal justice agency personnel, or any agent of such entity, with a need for such information under the law to protect children from abuse or neglect;

(2) A physician or a designated agent who reasonably believes that the child being examined may be abused or neglected;

(3) Appropriate staff of the division and of its local offices, including interdisciplinary teams which are formed to assist the division in investigation, evaluation and treatment of child abuse and neglect cases or a multidisciplinary provider of professional treatment services for a child referred to the provider;

(4) Any child named in the report as a victim, or a legal representative, or the parent, if not the alleged perpetrator, or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide a method for confirming or certifying that a designee is acting on behalf of a subject;

(5) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be

37 in danger, the identifying information shall not be released[. However, the investigation reports
38 will not be released to any alleged perpetrator with pending criminal charges arising out of the
39 facts and circumstances named in the investigation records until an indictment is returned or an
40 information filed];

41 (6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved
42 in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or
43 neglect or child protective proceedings or child custody proceedings, and other federal, state and
44 local government entities, or any agent of such entity, with a need for such information in order
45 to carry out its responsibilities under the law to protect children from abuse or neglect;

46 (7) Any person engaged in a bona fide research purpose, with the permission of the
47 director; provided, however, that no information identifying the child named in the report as a
48 victim or the reporters shall be made available to the researcher, unless the identifying
49 information is essential to the research or evaluation and the child named in the report as a victim
50 or, if the child is less than eighteen years of age, through the child's parent, or guardian provides
51 written permission;

52 (8) Any child-care facility; child-placing agency; residential-care facility, including
53 group homes; juvenile courts; public or private elementary schools; public or private secondary
54 schools; or any other public or private agency exercising temporary supervision over a child or
55 providing or having care or custody of a child who may request an examination of the central
56 registry from the division for all employees and volunteers or prospective employees and
57 volunteers, who do or will provide services or care to children. Any agency or business
58 recognized by the division or business which provides training and places or recommends people
59 for employment or for volunteers in positions where they will provide services or care to children
60 may request the division to provide an examination of the central registry. Such agency or
61 business shall provide verification of its status as a recognized agency. Requests for
62 examinations shall be made to the division director or the director's designee in writing by the
63 chief administrative officer of the above homes, centers, public and private elementary schools,
64 public and private secondary schools, agencies, or courts. The division shall respond in writing
65 to that officer. The response shall include information pertaining to the nature and disposition
66 of any report or reports of abuse or neglect revealed by the examination of the central registry.
67 This response shall not include any identifying information regarding any person other than the
68 alleged perpetrator of the abuse or neglect;

69 (9) Any parent or legal guardian who inquires about a child abuse or neglect report
70 involving a specific person or child-care facility who does or may provide services or care to a
71 child of the person requesting the information. Request for examinations shall be made to the
72 division director or the director's designee, in writing, by the parent or legal guardian of the child

73 and shall be accompanied with a signed and notarized release form from the person who does
74 or may provide care or services to the child. The notarized release form shall include the full
75 name, date of birth and Social Security number of the person who does or may provide care or
76 services to a child. The response shall include information pertaining to the nature and
77 disposition of any report or reports of abuse or neglect revealed by the examination of the central
78 registry. This response shall not include any identifying information regarding any person other
79 than the alleged perpetrator of the abuse or neglect. The response shall be given within ten
80 working days of the time it was received by the division;

81 (10) Any person who inquires about a child abuse or neglect report involving a specific
82 child-care facility, child-placing agency, residential-care facility, public and private elementary
83 schools, public and private secondary schools, juvenile court or other state agency. The
84 information available to these persons is limited to the nature and disposition of any report
85 contained in the central registry and shall not include any identifying information pertaining to
86 any person mentioned in the report;

87 (11) Any state agency acting pursuant to statutes regarding a license of any person,
88 institution, or agency which provides care for or services to children;

89 (12) Any child fatality review panel established pursuant to section 210.192 or any state
90 child fatality review panel established pursuant to section 210.195;

91 (13) Any person who is a tenure-track or full-time research faculty member at an
92 accredited institution of higher education engaged in scholarly research, with the permission of
93 the director. Prior to the release of any identifying information, the director shall require the
94 researcher to present a plan for maintaining the confidentiality of the identifying information.
95 The researcher shall be prohibited from releasing the identifying information of individual cases.

96 3. Only the following persons shall have access to records maintained by the division
97 pursuant to section 210.152 for which the division has received a report of child abuse and
98 neglect and which the division has determined that there is insufficient evidence or in which the
99 division proceeded with the family assessment and services approach:

100 (1) Appropriate staff of the division;

101 (2) Any child named in the report as a victim, or a legal representative, or the parent or
102 guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent.
103 The names or other identifying information of reporters shall not be furnished to persons in this
104 category. Prior to the release of any identifying information, the division shall determine if the
105 release of such identifying information may place a person's life or safety in danger. If the
106 division makes the determination that a person's life or safety may be in danger, the identifying
107 information shall not be released. The division shall provide for a method for confirming or
108 certifying that a designee is acting on behalf of a subject;

(3) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released[. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed];

(4) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(5) Appropriate criminal justice agency personnel or juvenile officer;

(6) Multidisciplinary agency or individual including a physician or physician's designee who is providing services to the child or family, with the consent of the parent or guardian of the child or legal representative of the child;

(7) Any person engaged in bona fide research purpose, with the permission of the director; provided, however, that no information identifying the subjects of the reports or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the subject, or if a child, through the child's parent or guardian, provides written permission.

4. Any person who knowingly violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the information system or the central registry and in reports and records made pursuant to sections 210.109 to 210.183, shall be guilty of a class A misdemeanor.

5. Nothing in this section shall preclude the release of findings or information about cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of the director of the department of social services, based upon a review of the potential harm to other children within the immediate family.

210.152. 1. All identifying information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division and removed from the records of the division as follows:

(1) For investigation reports contained in the central registry, identifying information shall be retained by the division;

(2) (a) For investigation reports initiated against a person required to report pursuant to section 210.115, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment or in retaliation for the filing of a report by a person required to report,

10 identifying information shall be expunged by the division within forty-five days from the
11 conclusion of the investigation;

12 (b) For investigation reports, where insufficient evidence of abuse or neglect is found
13 by the division and where the division determines the allegation of abuse or neglect was made
14 maliciously, for purposes of harassment or in retaliation for the filing of a report, identifying
15 information shall be expunged by the division within forty-five days from the conclusion of the
16 investigation;

17 (c) For investigation reports initiated by a person required to report under section
18 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying
19 information shall be retained for five years from the conclusion of the investigation. For all other
20 investigation reports where insufficient evidence of abuse or neglect is found by the division,
21 identifying information shall be retained for two years from the conclusion of the investigation.

22
23 Such reports shall include any exculpatory evidence known by the division, including
24 exculpatory evidence obtained after the closing of the case. At the end of such time period, the
25 identifying information shall be removed from the records of the division and destroyed;

26 (3) For reports where the division uses the family assessment and services approach,
27 identifying information shall be retained by the division;

28 (4) For reports in which the division is unable to locate the child alleged to have been
29 abused or neglected, identifying information shall be retained for ten years from the date of the
30 report and then shall be removed from the records of the division.

31 2. Within ninety days after receipt of a report of abuse or neglect that is investigated, the
32 alleged perpetrator named in the report and the parents of the child named in the report, if the
33 alleged perpetrator is not a parent, shall be notified in writing of any determination made by the
34 division based on the investigation. The notice shall advise either:

35 (1) That the division has determined by a probable cause finding prior to August 28,
36 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists
37 and that the division shall retain all identifying information regarding the abuse or neglect; that
38 such information shall remain confidential and will not be released except to law enforcement
39 agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged
40 perpetrator has ~~[sixty]~~ **thirty** days from the date of receipt of the notice to seek reversal of the
41 division's determination through a review by the child abuse and neglect review board as
42 provided in subsection 3 of this section; or

43 (2) That the division has not made a probable cause finding or determined by a
44 preponderance of the evidence that abuse or neglect exists.

45 3. Any person named in an investigation as a perpetrator who is aggrieved by a
46 determination of abuse or neglect by the division as provided in this section may seek an
47 administrative review by the child abuse and neglect review board pursuant to the provisions of
48 section 210.153. Such request for review shall be made within ~~[sixty]~~ **thirty** days of notification
49 of the division's decision under this section. [In those cases where criminal charges arising out
50 of facts of the investigation are pending, the request for review shall be made within sixty days
51 from the court's final disposition or dismissal of the charges.]

52 4. In any such action for administrative review, the child abuse and neglect review board
53 shall sustain the division's determination if such determination was supported by evidence of
54 probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after
55 August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect
56 review board hearing shall be closed to all persons except the parties, their attorneys and those
57 persons providing testimony on behalf of the parties.

58 5. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect
59 review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the
60 county in which the alleged perpetrator resides and in circuits with split venue, in the venue in
61 which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a
62 resident of the state, proper venue shall be in Cole County. The case may be assigned to the
63 family court division where such a division has been established. The request for a judicial
64 review shall be made within ~~[sixty]~~ **thirty** days of notification of the decision of the child abuse
65 and neglect review board decision. In reviewing such decisions, the circuit court shall provide
66 the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator
67 may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court
68 shall have the discretion to allow the parties to submit the case upon a stipulated record.

69 6. In any such action for administrative review, the child abuse and neglect review board
70 shall notify the child or the parent, guardian or legal representative of the child that a review has
71 been requested.

210.817. As used in sections 210.817 to 210.852, the following terms mean:

2 (1) "Blood tests", any medically recognized analysis which uses blood or other body
3 tissue or fluid to isolate and identify genetic or other characteristics in order to determine the
4 probability of paternity or the probability of exclusion of paternity. The term specifically
5 includes, without being limited to, tests employing red cell antigens, white cell antigens,
6 including the human leukocyte antigen (HLA) test, DNA methodology, and serum proteins and
7 enzymes;

8 (2) "Bureau", the bureau of vital records of the department of health and senior services;

9 (3) "Parent", [either a natural or an adoptive parent] **a birth parent or parents of a**
10 **child, including a putative father of the child, as well as the husband of a birth mother at**
11 **the time the child was conceived, or a parent or parents of a child by adoption;**

12 (4) "Parent and child relationship", the legal relationship existing between a child and
13 his natural or adoptive parents incident to which the law confers or imposes rights, privileges,
14 duties, and obligations. It includes the mother and child relationship and the father and child
15 relationship.

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

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

3 (2) "Child" means a person under seventeen 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] **a birth parent or parents of a child, including a**
14 **putative father of the child, as well as the husband of a birth mother at the time the child**
15 **was conceived, or a parent or parents of a child by adoption. The putative father of the**
16 **child shall have no legal relationship unless he has acknowledged the child on his own by**
17 **affirmatively asserting his paternity;**

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

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

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

24 (c) "Group home", a child care facility which approximates a family setting, provides
25 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, 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, and except that the
43 juvenile court shall have concurrent jurisdiction with the municipal court over any child who is
44 alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall
45 have concurrent jurisdiction with the circuit court on any child who is alleged to have violated
46 a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

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 motion of any child or person seventeen years of age or his or her parent, the
73 court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court
74 Rules;

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

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

84 4. When an investigation by a juvenile officer pursuant to this section reveals that the
85 only basis for action involves an alleged violation of section 167.031, RSMo, involving a child
86 who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such
87 child to verify that the child is being home schooled and not in violation of section 167.031,
88 RSMo, before making a report of such a violation. Any report of a violation of section 167.031,
89 RSMo, made by a juvenile officer regarding a child who is being home schooled shall be made
90 to the prosecuting attorney of the county where the child legally resides.

211.038. 1. A child under the jurisdiction of the juvenile court shall not be reunited with
2 a parent or placed in a home in which the parent or any person residing in the home has been
3 found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

4 (1) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
5 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
6 566.209, 566.212, or 566.215, RSMo;

7 (2) A violation of section 568.020, RSMo;

8 (3) A violation of subdivision (2) of subsection 1 of section 568.060, RSMo;

9 (4) A violation of section 568.065, RSMo;

10 (5) A violation of section 568.080, RSMo;

11 (6) A violation of section 568.090, RSMo; [or]

12 (7) A violation of section 568.175, RSMo; **or**

13 **(8) Any offense committed in another state which would constitute a violation**
14 **under subdivisions (1) to (7) of this subsection.**

15 2. For all other violations of offenses in chapters 566 and 568, RSMo, not specifically
16 listed in subsection 1 of this section or for a violation of an offense committed in another state
17 **which would not constitute a violation under subdivisions (1) to (7) of subsection 1 of this**
18 **section** when a child is the victim that would be a violation of chapter 566 or 568, RSMo, if
19 committed in Missouri, the juvenile court may exercise its discretion regarding the placement

20 of a child under the jurisdiction of the juvenile court in a home in which a parent or any person
21 residing in the home has been found guilty of, or pled guilty to, any such offense.

22 3. If the juvenile court determines that a child has abused another child, such abusing
23 child shall be prohibited from returning to or residing in any residence located within one
24 thousand feet of the residence of the abused child, or any child care facility or school that the
25 abused child attends, until the abused child reaches eighteen years of age. The prohibitions of
26 this subsection shall not apply where the alleged abuse occurred between siblings or children
27 living in the same home.

211.321. 1. Records of juvenile court proceedings as well as all information obtained
2 and social records prepared in the discharge of official duty for the court shall not be open to
3 inspection or their contents disclosed, except by order of the court to persons having a legitimate
4 interest therein, unless a petition or motion to modify is sustained which charges the child with
5 an offense which, if committed by an adult, would be a class A felony under the criminal code
6 of Missouri, or capital murder, first degree murder, or second degree murder or except as
7 provided in subsection 2 of this section. In addition, whenever a report is required under section
8 557.026, RSMo, there shall also be included a complete list of certain violations of the juvenile
9 code for which the defendant had been adjudicated a delinquent while a juvenile. This list shall
10 be made available to the probation officer and shall be included in the presentence report. The
11 violations to be included in the report are limited to the following: rape, sodomy, murder,
12 kidnapping, robbery, arson, burglary or any acts involving the rendering or threat of serious
13 bodily harm. The supreme court may promulgate rules to be followed by the juvenile courts in
14 separating the records.

15 2. In all proceedings under subdivision (2) of subsection 1 of section 211.031, the
16 records of the juvenile court as well as all information obtained and social records prepared in
17 the discharge of official duty for the court shall be kept confidential and shall be open to
18 inspection only by order of the judge of the juvenile court or as otherwise provided by statute.
19 In all proceedings under subdivision (3) of subsection 1 of section 211.031 the records of the
20 juvenile court as well as all information obtained and social records prepared in the discharge
21 of official duty for the court shall be kept confidential and may be open to inspection without
22 court order only as follows:

23 (1) The juvenile officer is authorized at any time:

24 (a) To provide information to or discuss matters concerning the child, the violation of
25 law or the case with the victim, witnesses, officials at the child's school, law enforcement
26 officials, prosecuting attorneys, any person or agency having or proposed to have legal or actual
27 care, custody or control of the child, or any person or agency providing or proposed to provide

28 treatment of the child. Information received pursuant to this paragraph shall not be released to
29 the general public, but shall be released only to the persons or agencies listed in this paragraph;

30 (b) To make public information concerning the offense, the substance of the petition, the
31 status of proceedings in the juvenile court and any other information which does not specifically
32 identify the child or the child's family;

33 (2) After a child has been adjudicated delinquent pursuant to subdivision (3) of
34 subsection 1 of section 211.031, for an offense which would be a felony if committed by an
35 adult, the records of the dispositional hearing and proceedings related thereto shall be open to
36 the public to the same extent that records of criminal proceedings are open to the public.
37 However, the social summaries, investigations or updates in the nature of presentence
38 investigations, and status reports submitted to the court by any treating agency or individual after
39 the dispositional order is entered shall be kept confidential and shall be opened to inspection only
40 by order of the judge of the juvenile court;

41 (3) As otherwise provided by statute;

42 (4) In all other instances, only by order of the judge of the juvenile court.

43 3. Peace officers' records, if any are kept, of children shall be kept separate from the
44 records of persons seventeen years of age or over and shall not be open to inspection or their
45 contents disclosed, except by order of the court. This subsection does not apply to children who
46 are transferred to courts of general jurisdiction as provided by section 211.071 or to juveniles
47 convicted under the provisions of sections 578.421 to 578.437, RSMo. **This subsection does**
48 **not prohibit a peace officer of this state, upon written request by another peace officer of**
49 **this state or any other state, the federal government, or a prosecuting attorney of this state**
50 **or any other state, from disclosing or permitting inspection of records, information, or**
51 **reports concerning a person less than seventeen years of age for purposes of investigation**
52 **of a matter within his or her jurisdiction.** This subsection does not apply to the inspection or
53 disclosure of the contents of the records of peace officers for the purpose of pursuing a civil
54 forfeiture action pursuant to the provisions of section 195.140, RSMo.

55 4. Nothing in this section shall be construed to prevent the release of information and
56 data to persons or organizations authorized by law to compile statistics relating to juveniles. The
57 court shall adopt procedures to protect the confidentiality of children's names and identities.

58 5. The court may, either on its own motion or upon application by the child or his
59 representative, or upon application by the juvenile officer, enter an order to destroy all social
60 histories, records, and information, other than the official court file, and may enter an order to
61 seal the official court file, as well as all peace officers' records, at any time after the child has
62 reached his seventeenth birthday if the court finds that it is in the best interest of the child that
63 such action or any part thereof be taken, unless the jurisdiction of the court is continued beyond

64 the child's seventeenth birthday, in which event such action or any part thereof may be taken by
65 the court at any time after the closing of the child's case.

66 6. Nothing in this section shall be construed to prevent the release of general information
67 regarding the informal adjustment or formal adjudication of the disposition of a child's case to
68 a victim or a member of the immediate family of a victim of any offense committed by the child.
69 Such general information shall not be specific as to location and duration of treatment or
70 detention or as to any terms of supervision.

71 7. Records of juvenile court proceedings as well as all information obtained and social
72 records prepared in the discharge of official duty for the court shall be disclosed to the child
73 fatality review panel reviewing the child's death pursuant to section 210.192, RSMo, unless the
74 juvenile court on its own motion, or upon application by the juvenile officer, enters an order to
75 seal the records of the victim child.

211.393. 1. For purposes of this section, the following words and phrases mean:

2 (1) "County retirement plan", any public employees' defined benefit retirement plan
3 established by law that provides retirement benefits to county or city employees, but not to
4 include the county employees' retirement system as provided in sections 50.1000 to 50.1200,
5 RSMo;

6 (2) "Juvenile court employee", any person who is employed by a juvenile court in a
7 position normally requiring one thousand hours or more of service per year;

8 (3) "Juvenile officer", any juvenile officer appointed pursuant to section 211.351;

9 (4) "Multicounty circuit", all other judicial circuits not included in the definition of a
10 single county circuit;

11 (5) "Single county circuit", a judicial circuit composed of a single county of the first
12 classification, including the circuit for the city of St. Louis;

13 (6) "State retirement plan", the public employees' retirement plan administered by the
14 Missouri state employees' retirement system pursuant to chapter 104, RSMo.

15 2. Juvenile court employees employed in a single county circuit shall be subject to the
16 following provisions:

17 (1) The juvenile officer employed in such circuits on and prior to July 1, 1999, shall:

18 (a) Be state employees on that portion of their salary received from the state pursuant to
19 section 211.381, and in addition be county employees on that portion of their salary provided by
20 the county at a rate determined pursuant to section 50.640, RSMo;

21 (b) Receive state-provided benefits, including retirement benefits from the state
22 retirement plan, on that portion of their salary paid by the state and may participate as members
23 in a county retirement plan on that portion of their salary provided by the county except any
24 juvenile officer whose service as a juvenile court officer is being credited based on all salary

25 received from any source in a county retirement plan on June 30, 1999, shall not be eligible to
26 receive state-provided benefits, including retirement benefits, or any creditable prior service as
27 described in this section but shall continue to participate in such county retirement plan;

28 (c) Receive creditable prior service in the state retirement plan for service rendered as
29 a juvenile court employee prior to July 1, 1999, to the extent they have not already received
30 credit for such service in a county retirement plan on salary paid to them for such service, if such
31 service was rendered in a single county circuit or a multicounty circuit; except that if the juvenile
32 officer forfeited such credit in such county retirement plan prior to being eligible to receive
33 creditable prior service under this paragraph, they may receive service under this paragraph;

34 (d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even
35 though they already have received credit for such creditable service in a county retirement plan
36 if they elect to forfeit their creditable service from such plan in which case such plan shall
37 transfer to the state retirement plan an amount equal to the actuarial accrued liability for the
38 forfeited creditable service, determined as if the person were going to continue to be an active
39 member of the county retirement plan, less the amount of any refunds of member contributions;

40 (e) Receive creditable prior service for service rendered as a juvenile court employee in
41 a multicounty circuit in a position that was financed in whole or in part by a public or private
42 grant, pursuant to the provisions of paragraph (e) of subdivision (1) of subsection 3 of this
43 section;

44 (2) Juvenile officers who begin employment for the first time as a juvenile officer in a
45 single county circuit on or after July 1, 1999, shall:

46 (a) Be county employees and receive salary from the county at a rate determined
47 pursuant to section 50.640, RSMo, subject to reimbursement by the state as provided in section
48 211.381; and

49 (b) Participate as members in the applicable county retirement plan subject to
50 reimbursement by the state for the retirement contribution due on that portion of salary
51 reimbursed by the state;

52 (3) All other juvenile court employees who are employed in a single county circuit on
53 or after July 1, 1999:

54 (a) Shall be county employees and receive a salary from the county at a rate determined
55 pursuant to section 50.640, RSMo; and

56 (b) Shall, in accordance with their status as county employees, receive other
57 county-provided benefits including retirement benefits from the applicable county retirement
58 plan if such employees otherwise meet the eligibility requirements for such benefits;

59 (4) (a) The state shall reimburse each county comprised of a single county circuit for an
60 amount equal to the greater of:

61 a. Twenty-five percent of such circuit's total juvenile court personnel budget, excluding
62 the salary for a juvenile officer, for calendar year 1997, and excluding all costs of retirement,
63 health and other fringe benefits; or

64 b. The sum of the salaries of one chief deputy juvenile officer and one deputy juvenile
65 officer class I, as provided in section 211.381;

66 (b) The state may reimburse a single county circuit up to fifty percent of such circuit's
67 total calendar year 1997 juvenile court personnel budget, subject to appropriations. The state
68 may reimburse, subject to appropriations, the following percentages of such circuits' total
69 juvenile court personnel budget, expended for calendar year 1997, excluding the salary for a
70 juvenile officer, and excluding all costs of retirement, health and other fringe benefits: thirty
71 percent beginning July 1, 2000, until June 30, 2001; forty percent beginning July 1, 2001, until
72 June 30, 2002; fifty percent beginning July 1, 2002; however, no county shall receive any
73 reimbursement from the state in an amount less than the greater of:

74 a. Twenty-five percent of the total juvenile court personnel budget of the single county
75 circuit expended for calendar year 1997, excluding fringe benefits; or

76 b. The sum of the salaries of one chief deputy juvenile officer and one deputy juvenile
77 officer class I, as provided in section 211.381;

78 (5) Each single county circuit shall file a copy of its initial 1997 and each succeeding
79 year's budget with the office of the state courts administrator after January first each year and
80 prior to reimbursement. The office of the state courts administrator shall make payment for the
81 reimbursement from appropriations made for that purpose on or before July fifteenth of each year
82 following the calendar year in which the expenses were made. The office of the state courts
83 administrator shall submit the information from the budgets relating to full-time juvenile court
84 personnel from each county to the general assembly;

85 (6) Any single county circuit may apply to the office of the state courts administrator to
86 become subject to subsection 3 of this section, and such application shall be approved subject
87 to appropriation of funds for that purpose;

88 (7) The state auditor may audit any single county circuit to verify compliance with the
89 requirements of this section, including an audit of the 1997 budget.

90 3. Juvenile court employees in multicounty circuits shall be subject to the following
91 provisions:

92 (1) Juvenile court employees including detention personnel hired in 1998 in those
93 multicounty circuits who began actual construction on detention facilities in 1996, employed in
94 a multicounty circuit on or after July 1, 1999, shall:

95 (a) Not be state employees unless they receive all salary from the state, which shall
96 include any salary as provided in section 211.381 in addition to any salary provided by the

97 applicable county or counties during calendar year 1997 and any general salary increase approved
98 by the state of Missouri for fiscal year 1999 and fiscal year 2000;

99 (b) Participate in the state retirement plan;

100 (c) Receive creditable prior service in the state retirement plan for service rendered as
101 a juvenile court employee prior to July 1, 1999, to the extent they have not already received
102 credit for such service in a county retirement plan on salary paid to them for such service if such
103 service was rendered in a single county circuit or a multicounty circuit, except that if they
104 forfeited such credit in such county retirement plan prior to being eligible to receive creditable
105 prior service under this paragraph, they may receive creditable service under this paragraph;

106 (d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even
107 though they already have received credit for such creditable service in a county retirement plan
108 if they elect within six months from the date they become participants in the state retirement plan
109 pursuant to this section to forfeit their service from such plan in which case such plan shall
110 transfer to the state retirement plan an amount equal to the actuarial accrued liability for the
111 forfeited creditable service, determined as if the person was going to continue to be an active
112 member of the county retirement plan, less the amount of any refunds of member contributions;

113 (e) Receive creditable prior service for service rendered as a juvenile court employee in
114 a multicounty circuit in a position that was financed in whole or in part by a public or private
115 grant to the extent they have not already received credit for such service in a county retirement
116 plan on salary paid to them for such service except that if they:

117 a. Forfeited such credit in such county retirement plan prior to being eligible to receive
118 creditable service under this paragraph, they may receive creditable service under paragraph (e)
119 of this subdivision;

120 b. Received credit for such creditable service in a county retirement plan, they may not
121 receive creditable prior service pursuant to paragraph (e) of this subdivision unless they elect to
122 forfeit their service from such plan, in which case such plan shall transfer to the state retirement
123 plan an amount equal to the actuarial liability for the forfeited creditable service, determined as
124 if the person was going to continue to be an active member of the county retirement plan, less
125 the amount of any refunds of member contributions;

126 c. Terminated employment prior to August 28, 2007, and apply to the board of trustees
127 of the state retirement plan to be made and employed as a special consultant and be available to
128 give opinions regarding retirement they may receive creditable service under paragraph (e) of this
129 subdivision;

130 d. Retired prior to August 28, 2007, and apply to the board of trustees of the state
131 retirement plan to be made and employed as a special consultant and be available to give
132 opinions regarding retirement, they shall have their retirement benefits adjusted so they receive

133 retirement benefits equal to the amount they would have received had their retirement benefit
134 been initially calculated to include such creditable prior service; or

135 e. Purchased creditable prior service pursuant to section 104.344, RSMo, or section
136 105.691, RSMo, based on service as a juvenile court employee in a position that was financed
137 in whole or in part by a public or private grant, they shall receive a refund based on the amount
138 paid for such purchased service;

139 (2) Juvenile court employee positions added after December 31, 1997, shall be
140 terminated and not subject to the provisions of subdivision (1) of this subsection, unless the
141 office of the state courts administrator requests and receives an appropriation specifically for
142 such positions;

143 (3) The salary of any juvenile court employee who becomes a state employee, effective
144 July 1, 1999, shall be limited to the salary provided by the state of Missouri, which shall be set
145 in accordance with guidelines established by the state pursuant to a salary survey conducted by
146 the office of the state courts administrator, but such salary shall in no event be less than the
147 amount specified in paragraph (a) of subdivision (1) of this subsection. Notwithstanding any
148 provision to the contrary in subsection 1 of section 211.394, such employees shall not be entitled
149 to additional compensation paid by a county as a public officer or employee. Such employees
150 shall be considered employees of the judicial branch of state government for all purposes;

151 (4) All other employees of a multicounty circuit who are not juvenile court employees
152 as defined in subsection 1 of this section shall be county employees subject to the county's own
153 terms and conditions of employment.

154 4. The receipt of creditable prior service as described in paragraph (c) of subdivision (1)
155 of subsection 2 of this section and paragraph (c) of subdivision (1) of subsection 3 of this section
156 is contingent upon the office of the state courts administrator providing the state retirement plan
157 information, in a form subject to verification and acceptable to the state retirement plan,
158 indicating the dates of service and amount of monthly salary paid to each juvenile court
159 employee for such creditable prior service.

160 5. No juvenile court employee employed by any single or multicounty circuit shall be
161 eligible to participate in the county employees' retirement system fund pursuant to sections
162 50.1000 to 50.1200, RSMo.

163 6. Each county in every circuit in which a juvenile court employee becomes a state
164 employee shall maintain each year in the local juvenile court budget an amount, defined as
165 "maintenance of effort funding", not less than the total amount budgeted for all employees of the
166 juvenile court including any juvenile officer, deputy juvenile officer, or other juvenile court
167 employees in calendar year 1997, minus the state reimbursements as described in this section
168 received for the calendar year 1997 personnel costs for the salaries of all such juvenile court

169 employees who become state employees. The juvenile court shall provide a proposed budget to
170 the county commission each year. The budget shall contain a separate section specifying all
171 funds to be expended in the juvenile court. Such funding may be used for contractual costs for
172 detention services, guardians ad litem, transportation costs for those circuits without detention
173 facilities to transport children to and from detention and hearings, short-term residential services,
174 indebtedness for juvenile facilities, expanding existing detention facilities or services,
175 continuation of services funded by public grants or subsidy, and enhancing the court's ability to
176 provide prevention, probation, counseling and treatment services. The county commission may
177 review such budget and may appeal the proposed budget to the judicial finance commission
178 pursuant to section 50.640, RSMo.

179 7. Any person who is employed on or after July 1, 1999, in a position covered by the
180 state retirement plan or the [transportation] **Missouri** department **of transportation** and highway
181 patrol **employees'** retirement system and who has rendered service as a juvenile court employee
182 in a judicial circuit that was not a single county of the first classification shall be eligible to
183 receive creditable prior service in such plan or system as provided in subsections 2 and 3 of this
184 section. For purposes of this subsection, the provisions of paragraphs (c) and (d) of subdivision
185 (1) of subsection 2 of this section and paragraphs (c) and (d) of subdivision (1) of subsection 3
186 of this section that apply to the state retirement plan shall also apply to the transportation
187 department and highway patrol retirement system.

188 8. (1) Any juvenile officer who is employed as a state employee in a multicounty circuit
189 on or after July 1, 1999, shall not be eligible to participate in the state retirement plan as provided
190 by this section unless such juvenile officer elects to:

191 (a) Receive retirement benefits from the state retirement plan based on all years of
192 service as a juvenile officer and a final average salary which shall include salary paid by the
193 county and the state; and

194 (b) Forfeit any county retirement benefits from any county retirement plan based on
195 service rendered as a juvenile officer.

196 (2) Upon making the election described in this subsection, the county retirement plan
197 shall transfer to the state retirement plan an amount equal to the actuarial accrued liability for the
198 forfeited creditable service determined as if the person was going to continue to be an active
199 member of the county retirement plan, less the amount of any refunds of member contributions.

200 9. The elections described in this section shall be made on forms developed and made
201 available by the state retirement plan.

211.442. As used in sections 211.442 to 211.487, unless the context clearly indicates
2 otherwise, the following terms mean:

3 (1) "Child", an individual under eighteen years of age;

4 (2) "Minor", any person who has not attained the age of eighteen years;

5 (3) "Parent", a [biological] **birth** parent or parents of a child, **including a putative**
6 **father of the child**, as well as, the husband of a [natural] **birth** mother at the time the child was
7 conceived, or a parent or parents of a child by adoption[, including both the mother and the
8 putative father of a child]. The putative father of a child shall have no legal relationship unless
9 he[, prior to the entry of a decree under sections 211.442 to 211.487,] has acknowledged the
10 child as his own by affirmatively asserting his paternity.

211.447. 1. Any information that could justify the filing of a petition to terminate
2 parental rights may be referred to the juvenile officer by any person. The juvenile officer shall
3 make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should
4 be filed, such officer shall so notify the informant in writing within thirty days of the referral.
5 Such notification shall include the reasons that the petition will not be filed. Thereupon, the
6 informant may bring the matter directly to the attention of the judge of the juvenile court by
7 presenting the information in writing, and if it appears to the judge that the information could
8 justify the filing of a petition, the judge may order the juvenile officer to take further action,
9 including making a further preliminary inquiry or filing a petition.

10 2. Except as provided for in subsection 4 of this section, a petition to terminate the
11 parental rights of the child's parent or parents shall be filed by the juvenile officer or the division,
12 or if such a petition has been filed by another party, the juvenile officer or the division shall seek
13 to be joined as a party to the petition, when **one or more of the following grounds for**
14 **termination exist:**

15 (1) Information available to the juvenile officer or the division establishes that the child
16 has been in foster care for at least fifteen of the most recent twenty-two months; or

17 (2) A court of competent jurisdiction has determined the child to be an abandoned infant.
18 For purposes of this subdivision, an "infant" means any child one year of age or under at the time
19 of filing of the petition. The court may find that an infant has been abandoned if:

20 (a) The parent has left the child under circumstances that the identity of the child was
21 unknown and could not be ascertained, despite diligent searching, and the parent has not come
22 forward to claim the child; or

23 (b) The parent has, without good cause, left the child without any provision for parental
24 support and without making arrangements to visit or communicate with the child, although able
25 to do so; or

26 (3) A court of competent jurisdiction has determined that the parent has:

27 (a) Committed murder of another child of the parent; or

28 (b) Committed voluntary manslaughter of another child of the parent; or

29 (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or
30 voluntary manslaughter; [or]

31 (d) Committed a felony assault that resulted in serious bodily injury to the child or to
32 another child of the parent; or

33 **(e) The parent has been found guilty or pled guilty to a felony violation of chapter**
34 **566, RSMo, when the child or any child in the family was a victim, or a violation of section**
35 **568.020, RSMo, when the child or any child in the family was a victim. As used in this**
36 **paragraph, "child" means any person less than eighteen years of age at the time of the**
37 **crime and who resided with such parent or was related within the third degree of**
38 **consanguinity or affinity to such parent; or**

39 **(4) A court of competent jurisdiction has determined that a child shall not be**
40 **reunited with a parent or placed in a home of a parent under section 211.038.**

41 3. A termination of parental rights petition shall be filed by the juvenile officer or the
42 division, or if such a petition has been filed by another party, the juvenile officer or the division
43 shall seek to be joined as a party to the petition, within sixty days of the judicial determinations
44 required in subsection 2 of this section, except as provided in subsection 4 of this section.
45 Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate
46 a petition for termination of parental rights which is filed outside of sixty days.

47 4. If grounds exist for termination of parental rights pursuant to subsection 2 of this
48 section, the juvenile officer or the division may, but is not required to, file a petition to terminate
49 the parental rights of the child's parent or parents if:

50 (1) The child is being cared for by a relative; or

51 (2) There exists a compelling reason for determining that filing such a petition would
52 not be in the best interest of the child, as documented in the permanency plan which shall be
53 made available for court review; or

54 (3) The family of the child has not been provided such services as provided for in section
55 211.183.

56 5. The juvenile officer or the division may file a petition to terminate the parental rights
57 of the child's parent when it appears that one or more of the following grounds for termination
58 exist:

59 (1) The child has been abandoned. For purposes of this subdivision a "child" means any
60 child over one year of age at the time of filing of the petition. The court shall find that the child
61 has been abandoned if, for a period of six months or longer:

62 (a) The parent has left the child under such circumstances that the identity of the child
63 was unknown and could not be ascertained, despite diligent searching, and the parent has not
64 come forward to claim the child; or

65 (b) The parent has, without good cause, left the child without any provision for parental
66 support and without making arrangements to visit or communicate with the child, although able
67 to do so;

68 (2) The child has been abused or neglected. In determining whether to terminate parental
69 rights pursuant to this subdivision, the court shall consider and make findings on the following
70 conditions or acts of the parent:

71 (a) A mental condition which is shown by competent evidence either to be permanent
72 or such that there is no reasonable likelihood that the condition can be reversed and which
73 renders the parent unable to knowingly provide the child the necessary care, custody and control;

74 (b) Chemical dependency which prevents the parent from consistently providing the
75 necessary care, custody and control of the child and which cannot be treated so as to enable the
76 parent to consistently provide such care, custody and control;

77 (c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child
78 or any child in the family by the parent, including an act of incest, or by another under
79 circumstances that indicate that the parent knew or should have known that such acts were being
80 committed toward the child or any child in the family; or

81 (d) Repeated or continuous failure by the parent, although physically or financially able,
82 to provide the child with adequate food, clothing, shelter, or education as defined by law, or other
83 care and control necessary for the child's physical, mental, or emotional health and development;

84 (3) The child has been under the jurisdiction of the juvenile court for a period of one
85 year, and the court finds that the conditions which led to the assumption of jurisdiction still
86 persist, or conditions of a potentially harmful nature continue to exist, that there is little
87 likelihood that those conditions will be remedied at an early date so that the child can be returned
88 to the parent in the near future, or the continuation of the parent-child relationship greatly
89 diminishes the child's prospects for early integration into a stable and permanent home. In
90 determining whether to terminate parental rights under this subdivision, the court shall consider
91 and make findings on the following:

92 (a) The terms of a social service plan entered into by the parent and the division and the
93 extent to which the parties have made progress in complying with those terms;

94 (b) The success or failure of the efforts of the juvenile officer, the division or other
95 agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to
96 provide a proper home for the child;

97 (c) A mental condition which is shown by competent evidence either to be permanent
98 or such that there is no reasonable likelihood that the condition can be reversed and which
99 renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) [The parent has been found guilty or pled guilty to a felony violation of chapter 566, RSMo, when the child or any child in the family was a victim, or a violation of section 568.020, RSMo, when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5)] The child was conceived and born as a result of an act of forcible rape. When the biological father has pled guilty to, or is convicted of, the forcible rape of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

[(6)] (5) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to, abuses as defined in section 455.010, RSMo, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or [subdivisions] **subdivision** (1), (2), **or** (3) [or (4)] of **this** subsection [5 of this section] or similar laws of other states.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), **or** (3) [or (4)] of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

136 (3) The extent of payment by the parent for the cost of care and maintenance of the child
137 when financially able to do so including the time that the child is in the custody of the division
138 or other child-placing agency;

139 (4) Whether additional services would be likely to bring about lasting parental
140 adjustment enabling a return of the child to the parent within an ascertainable period of time;

141 (5) The parent's disinterest in or lack of commitment to the child;

142 (6) The conviction of the parent of a felony offense that the court finds is of such a
143 nature that the child will be deprived of a stable home for a period of years; provided, however,
144 that incarceration in and of itself shall not be grounds for termination of parental rights;

145 (7) Deliberate acts of the parent or acts of another of which the parent knew or should
146 have known that subjects the child to a substantial risk of physical or mental harm.

147 8. The court may attach little or no weight to infrequent visitations, communications, or
148 contributions. It is irrelevant in a termination proceeding that the maintenance of the
149 parent-child relationship may serve as an inducement for the parent's rehabilitation.

150 9. In actions for adoption pursuant to chapter 453, RSMo, the court may hear and
151 determine the issues raised in a petition for adoption containing a prayer for termination of
152 parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or
153 5 of this section.

302.060. The director shall not issue any license and shall immediately deny any driving
2 privilege:

3 (1) To any person who is under the age of eighteen years, if such person operates a motor
4 vehicle in the transportation of persons or property as classified in section 302.015;

5 (2) To any person who is under the age of sixteen years, except as hereinafter provided;

6 (3) To any person whose license has been suspended, during such suspension, or to any
7 person whose license has been revoked, until the expiration of one year after such license was
8 revoked;

9 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

10 (5) To any person who has previously been adjudged to be incapacitated and who at the
11 time of application has not been restored to partial capacity;

12 (6) To any person who, when required by this law to take an examination, has failed to
13 pass such examination;

14 (7) To any person who has an unsatisfied judgment against such person, as defined in
15 chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such
16 person, as defined in section 303.120, RSMo, has been established;

17 (8) To any person whose application shows that the person has been convicted within
18 one year prior to such application of violating the laws of this state relating to failure to stop after

19 an accident and to disclose the person's identity or driving a motor vehicle without the owner's
20 consent;

21 (9) To any person who has been convicted more than twice of violating state law, or a
22 county or municipal ordinance where the defendant was represented by or waived the right to an
23 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten
24 years from the date of conviction of the last offense of violating such law or ordinance relating
25 to driving while intoxicated, a person who was so convicted may petition the circuit court of the
26 county in which such last conviction was rendered and the court shall review the person's habits
27 and conduct since such conviction. If the court finds that the petitioner has not been convicted
28 of any offense related to alcohol, controlled substances or drugs during the preceding ten years
29 and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the
30 public safety of this state, the court may order the director to issue a license to the petitioner if
31 the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540.
32 No person may obtain a license pursuant to the provisions of this subdivision through court
33 action more than one time;

34 (10) To any person who has been convicted twice within a five-year period of violating
35 state law, or a county or municipal ordinance where the defendant was represented by or waived
36 the right to an attorney in writing, of driving while intoxicated, or who has been convicted of the
37 crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition.
38 The director shall not issue a license to such person for five years from the date such person was
39 convicted for involuntary manslaughter while operating a motor vehicle in an intoxicated
40 condition or for driving while intoxicated for the second time. Any person who has been denied
41 a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the
42 person's license issued, upon application, unless the two convictions occurred within a five-year
43 period, in which case, no license shall be issued to the person for five years from the date of the
44 second conviction;

45 (11) To any person who is otherwise disqualified pursuant to the provisions of sections
46 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;

47 (12) To any person who is under the age of eighteen years, if such person's parents or
48 legal guardians file a certified document with the department of revenue stating that the director
49 shall not issue such person a driver's license. Each document filed by the person's parents or
50 legal guardians shall be made upon a form furnished by the director and shall include identifying
51 information of the person for whom the parents or legal guardians are denying the driver's
52 license. The document shall also contain identifying information of the person's parents or legal
53 guardians. The document shall be certified by the parents or legal guardians to be true and
54 correct. This provision shall not apply to any person who is legally emancipated. The parents

55 or legal guardians may later file an additional document with the department of revenue which
56 reinstates the person's ability to receive a driver's license;

57 **(13) To any person who is required to register under section 589.400, RSMo, who**
58 **fails to comply with such requirement.**

302.177. 1. To all applicants for a license or renewal to transport persons or property
2 classified in section 302.015 who are at least twenty- one years of age and under the age of
3 seventy, and who submit a satisfactory application and meet the requirements of sections
4 302.010 to 302.605, the director shall issue or renew such license; except that no license shall
5 be issued if an applicant's license is currently suspended, canceled, revoked, disqualified, or
6 deposited in lieu of bail. Such license shall expire on the applicant's birthday in the sixth year
7 of issuance, unless the license must be issued for a shorter period due to other requirements of
8 law or for transition or staggering of work as determined by the director. The license must be
9 renewed on or before the date of expiration, which date shall be shown on the license.

10 2. To all applicants for a license or renewal to transport persons or property classified
11 in section 302.015 who are less than twenty-one years of age or greater than sixty-nine years of
12 age, and who submit a satisfactory application and meet the requirements of sections 302.010
13 to 302.605, the director shall issue or renew such license; except that no license shall be issued
14 if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in
15 lieu of bail. Such license shall expire on the applicant's birthday in the third year of issuance,
16 unless the license must be issued for a shorter period due to other requirements of law or for
17 transition or staggering of work as determined by the director. The license must be renewed on
18 or before the date of expiration, which date shall be shown on the license. A license issued under
19 this section to an applicant who is over the age of sixty-nine and contains a school bus
20 endorsement shall not be issued for a period that exceeds one year.

21 3. To all other applicants for a license or renewal of a license who are at least twenty-one
22 years of age and under the age of seventy, and who submit a satisfactory application and meet
23 the requirements of sections 302.010 to 302.605, the director shall issue or renew such license;
24 except that no license shall be issued if an applicant's license is currently suspended, canceled,
25 revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's
26 birthday in the sixth year of issuance, unless the license must be issued for a shorter period due
27 to other requirements of law or for transition or staggering of work as determined by the director.
28 The license must be renewed on or before the date of expiration, which date shall be shown on
29 the license.

30 4. To all other applicants for a license or renewal of a license who are less than
31 twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory
32 application and meet the requirements of sections 302.010 to 302.605, the director shall issue

33 or renew such license; except that no license shall be issued if an applicant's license is currently
34 suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire
35 on the applicant's birthday in the third year of issuance, unless the license must be issued for a
36 shorter period due to other requirements of law or for transition or staggering of work as
37 determined by the director. The license must be renewed on or before the date of expiration,
38 which date shall be shown on the license.

39 **5. Notwithstanding the provisions of this section to the contrary, the license or**
40 **nondriver's license of a person registered as a sex offender under section 589.400, RSMo,**
41 **shall expire after a one-year duration, unless the license must be issued for a shorter period**
42 **due to other requirements of law.**

43 **6.** The fee for a license issued for a period which exceeds three years under subsection
44 1 of this section shall be thirty dollars.

45 **[6.] 7.** The fee for a license issued for a period of three years or less under subsection 2
46 of this section shall be fifteen dollars, except that the fee for a license issued for one year or less
47 which contains a school bus endorsement shall be five dollars.

48 **[7.] 8.** The fee for a license issued for a period which exceeds three years under
49 subsection 3 of this section shall be fifteen dollars.

50 **[8.] 9.** The fee for a license issued for a period of three years or less under subsection 4
51 of this section shall be seven dollars and fifty cents.

52 **10. The fee for a license issued for a period of one year under subsection 5 of this**
53 **section shall be seven dollars and fifty cents.**

54 **[9.] 11.** Beginning July 1, 2005, the director shall not issue a driver's license for a period
55 that exceeds an applicant's lawful presence in the United States. The director may establish
56 procedures to verify the lawful presence of the applicant and establish the duration of any driver's
57 license issued under this section.

58 **[10.] 12.** The director of revenue may adopt any rules and regulations necessary to carry
59 out the provisions of this section. No rule or portion of a rule promulgated pursuant to the
60 authority of this section shall become effective unless it has been promulgated pursuant to the
61 provisions of chapter 536, RSMo.

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340
2 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic
3 or other comparable material. All licenses shall be manufactured of materials and processes that
4 will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge, or duplicate
5 any license without ready detection. All licenses shall bear the licensee's Social Security number,
6 if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that
7 the licensee does not possess a Social Security number, or, if applicable, a certified statement

8 must be submitted as provided in subsection 4 of this section. The license shall also bear the
9 expiration date of the license, the classification of the license, the name, date of birth, residence
10 address including the county of residence or a code number corresponding to such county
11 established by the department, and brief description and colored photograph or digitized image
12 of the licensee, and a facsimile of the signature of the licensee. **The license shall also contain**
13 **a unique code or identifier prominently displayed on the license if the licensee is a**
14 **registered sex offender under section 589.400, RSMo, whose name appears on the sex**
15 **offender list supplied to the department of revenue by the Missouri state highway patrol**
16 **under section 589.410, RSMo.** The director shall provide by administrative rule **the details of**
17 **how such unique code or identifier will appear on the face of a license issued to a registered**
18 **sex offender and** the procedure and format for a licensee to indicate on the back of the license
19 together with the designation for an anatomical gift as provided in section 194.240, RSMo, the
20 name and address of the person designated pursuant to sections 404.800 to 404.865, RSMo, as
21 the licensee's attorney in fact for the purposes of a durable power of attorney for health care
22 decisions. No license shall be valid until it has been so signed by the licensee. If any portion of
23 the license is prepared by a private firm, any contract with such firm shall be made in accordance
24 with the competitive purchasing procedures as established by the state director of the division
25 of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social
26 Security number shall serve as the applicant's license number. Where the licensee has no Social
27 Security number, or where the licensee is issued a license without a Social Security number in
28 accordance with subsection 4 of this section, the director shall issue a license number for the
29 licensee and such number shall also include an indicator showing that the number is not a Social
30 Security number.

31 2. All film involved in the production of photographs for licenses shall become the
32 property of the department of revenue.

33 3. The license issued shall be carried at all times by the holder thereof while driving a
34 motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any
35 police officer or peace officer, or any other duly authorized person, for inspection when demand
36 is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any
37 duly authorized officer shall be presumptive evidence that such person is not a duly licensed
38 operator.

39 4. The director of revenue shall issue a commercial or noncommercial driver's license
40 without a Social Security number to an applicant therefor, who is otherwise qualified to be
41 licensed, upon presentation to the director of a certified statement that the applicant objects to
42 the display of the Social Security number on the license. The director shall assign an

43 identification number, that is not based on a Social Security number, to the applicant which shall
44 be displayed on the license in lieu of the Social Security number.

45 5. The director of revenue shall not issue a license without a facial photograph or digital
46 image of the license applicant, except as provided pursuant to subsection 8 of this section. A
47 photograph or digital image of the applicant's full facial features shall be taken in a manner
48 prescribed by the director. No photograph or digital image will be taken wearing anything which
49 cloaks the facial features of the individual.

50 6. The department of revenue may issue a temporary license or a full license without the
51 photograph or with the last photograph or digital image in the department's records to members
52 of the armed forces, except that where such temporary license is issued it shall be valid only until
53 the applicant shall have had time to appear and have his or her picture taken and a license with
54 his or her photograph issued.

55 7. The department of revenue shall issue upon request a nondriver's license card
56 containing essentially the same information and photograph or digital image, except as provided
57 pursuant to subsection 8 of this section, as the driver's license upon payment of six dollars. All
58 nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A
59 person who has passed his or her seventieth birthday shall upon application be issued a
60 nonexpiring nondriver's license card. The nondriver's license card shall be used for identification
61 purposes only and shall not be valid as a license.

62 8. If otherwise eligible, an applicant may receive a driver's license or nondriver's license
63 without a photograph or digital image of the applicant's full facial features except that such
64 applicant's photograph or digital image shall be taken and maintained by the director and not
65 printed on such license. In order to qualify for a license without a photograph or digital image
66 pursuant to this section the applicant must:

67 (1) Present a form provided by the department of revenue requesting the applicant's
68 photograph be omitted from the license or nondriver's license due to religious affiliations. The
69 form shall be signed by the applicant and another member of the religious tenant verifying the
70 photograph or digital image exemption on the license or nondriver's license is required as part
71 of their religious affiliation. The required signatures on the prescribed form shall be properly
72 notarized;

73 (2) Provide satisfactory proof to the director that the applicant has been a U.S. citizen
74 for at least five years and a resident of this state for at least one year, except that an applicant
75 moving to this state possessing a valid driver's license from another state without a photograph,
76 shall be exempt from the one-year state residency requirement. The director may establish rules
77 necessary to determine satisfactory proof of citizenship and residency pursuant to this section;

78 (3) Applications for a driver's license or nondriver's license without a photograph or
79 digital image must be made in person at a license office determined by the director. The director
80 is authorized to limit the number of offices that may issue a driver's or nondriver's license
81 without a photograph or digital image pursuant to this section.

82 9. The department of revenue shall make available, at one or more locations within the
83 state, an opportunity for individuals to have their full facial photograph taken by an employee
84 of the department of revenue, or their designee, who is of the same sex as the individual being
85 photographed, in a segregated location.

86 10. Beginning July 1, 2005, the director shall not issue a driver's license or a nondriver's
87 license for a period that exceeds an applicant's lawful presence in the United States. The director
88 may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and
89 establish the duration of any driver's license or nondriver's license issued under this section.

90 11. No rule or portion of a rule promulgated pursuant to the authority of this chapter
91 shall become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo.

452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support,
2 the court may order either or both parents owing a duty of support to a child of the marriage to
3 pay an amount reasonable or necessary for the support of the child, including an award
4 retroactive to the date of filing the petition, without regard to marital misconduct, after
5 considering all relevant factors including:

- 6 (1) The financial needs and resources of the child;
- 7 (2) The financial resources and needs of the parents;
- 8 (3) The standard of living the child would have enjoyed had the marriage not been
9 dissolved;
- 10 (4) The physical and emotional condition of the child, and the child's educational needs;
- 11 (5) The child's physical and legal custody arrangements, including the amount of time
12 the child spends with each parent and the reasonable expenses associated with the custody or
13 visitation arrangements; and
- 14 (6) The reasonable work-related child care expenses of each parent.

15 2. The obligation of the parent ordered to make support payments shall abate, in whole
16 or in part, for such periods of time in excess of thirty consecutive days that the other parent has
17 voluntarily relinquished physical custody of a child to the parent ordered to pay child support,
18 notwithstanding any periods of visitation or temporary physical and legal or physical or legal
19 custody pursuant to a judgment of dissolution or legal separation or any modification thereof.
20 In a IV-D case, the family support division may determine the amount of the abatement pursuant
21 to this subsection for any child support order and shall record the amount of abatement in the
22 automated child support system record established pursuant to chapter 454, RSMo. If the case

23 is not a IV-D case and upon court order, the circuit clerk shall record the amount of abatement
24 in the automated child support system record established in chapter 454, RSMo.

25 3. Unless the circumstances of the child manifestly dictate otherwise and the court
26 specifically so provides, the obligation of a parent to make child support payments shall
27 terminate when the child:

28 (1) Dies;

29 (2) Marries;

30 (3) Enters active duty in the military;

31 (4) Becomes self-supporting, provided that the custodial parent has relinquished the child
32 from parental control by express or implied consent;

33 (5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply;
34 or

35 (6) Reaches age twenty-one, unless the provisions of the child support order specifically
36 extend the parental support order past the child's twenty-first birthday for reasons provided by
37 subsection 4 of this section.

38 4. If the child is physically or mentally incapacitated from supporting himself and
39 insolvent and unmarried, the court may extend the parental support obligation past the child's
40 eighteenth birthday.

41 5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary
42 school program of instruction, the parental support obligation shall continue, if the child
43 continues to attend and progresses toward completion of said program, until the child completes
44 such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an
45 institution of vocational or higher education not later than October first following graduation
46 from a secondary school or completion of a graduation equivalence degree program and so long
47 as the child enrolls for and completes at least twelve hours of credit each semester, not including
48 the summer semester, at an institution of vocational or higher education and achieves grades
49 sufficient to reenroll at such institution, the parental support obligation shall continue until the
50 child completes his or her education, or until the child reaches the age of twenty-one, whichever
51 first occurs. To remain eligible for such continued parental support, at the beginning of each
52 semester the child shall submit to each parent a transcript or similar official document provided
53 by the institution of vocational or higher education which includes the courses the child is
54 enrolled in and has completed for each term, the grades and credits received for each such
55 course, and an official document from the institution listing the courses which the child is
56 enrolled in for the upcoming term and the number of credits for each such course. When
57 enrolled in at least twelve credit hours, if the child receives failing grades in half or more of his
58 or her courseload in any one semester, payment of child support may be terminated and shall not

59 be eligible for reinstatement. Upon request for notification of the child's grades by the
60 noncustodial parent, the child shall produce the required documents to the noncustodial parent
61 within thirty days of receipt of grades from the education institution. If the child fails to produce
62 the required documents, payment of child support may terminate without the accrual of any child
63 support arrearage and shall not be eligible for reinstatement. If the circumstances of the child
64 manifestly dictate, the court may waive the October first deadline for enrollment required by this
65 subsection. If the child is enrolled in such an institution, the child or parent obligated to pay
66 support may petition the court to amend the order to direct the obligated parent to make the
67 payments directly to the child. As used in this section, an "institution of vocational education"
68 means any postsecondary training or schooling for which the student is assessed a fee and attends
69 classes regularly. "Higher education" means any junior college, community college, college, or
70 university at which the child attends classes regularly. A child who has been diagnosed with a
71 developmental disability, as defined in section 630.005, RSMo, or whose physical disability or
72 diagnosed health problem limits the child's ability to carry the number of credit hours prescribed
73 in this subsection, shall remain eligible for child support so long as such child is enrolled in and
74 attending an institution of vocational or higher education, and the child continues to meet the
75 other requirements of this subsection. A child who is employed at least fifteen hours per week
76 during the semester may take as few as nine credit hours per semester and remain eligible for
77 child support so long as all other requirements of this subsection are complied with.

78 6. The court shall consider ordering a parent to waive the right to claim the tax
79 dependency exemption for a child enrolled in an institution of vocational or higher education in
80 favor of the other parent if the application of state and federal tax laws and eligibility for
81 financial aid will make an award of the exemption to the other parent appropriate.

82 7. The general assembly finds and declares that it is the public policy of this state that
83 frequent, continuing and meaningful contact with both parents after the parents have separated
84 or dissolved their marriage is in the best interest of the child except for cases where the court
85 specifically finds that such contact is not in the best interest of the child. In order to effectuate
86 this public policy, a court with jurisdiction shall enforce visitation, custody and child support
87 orders in the same manner. A court with jurisdiction may abate, in whole or in part, any past or
88 future obligation of support and may transfer the physical and legal or physical or legal custody
89 of one or more children if it finds that a parent has, without good cause, failed to provide
90 visitation or physical and legal or physical or legal custody to the other parent pursuant to the
91 terms of a judgment of dissolution, legal separation or modifications thereof. The court shall
92 also award, if requested and for good cause shown, reasonable expenses, attorney's fees and court
93 costs incurred by the prevailing party.

8. The Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. The guidelines shall address how the amount of child support shall be calculated when an award of joint physical custody results in the child or children spending substantially equal time with both parents. The Missouri supreme court shall publish child support guidelines and specifically list and explain the relevant factors and assumptions that were used to calculate the child support guidelines. Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every four years to ensure that its application results in the determination of appropriate child support award amounts.

9. There shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection 8 of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record in a judicial or administrative proceeding that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, is required if requested by a party and shall be sufficient to rebut the presumption in the case. The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.

10. Pursuant to this or any other chapter, when a court determines the amount owed by a parent for support provided to a child by another person, other than a parent, prior to the date of filing of a petition requesting support, or when the director of the family support division establishes the amount of state debt due pursuant to subdivision (2) of subsection 1 of section 454.465, RSMo, the court or director shall use the guidelines established pursuant to subsection 8 of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable presumption that the amount resulting from application of the guidelines under subsection 8 of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state debt is being established. In applying the guidelines to determine a retroactive support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after

130 consideration of all relevant factors, including the factors set out in subsection 1 of this section,
131 that there is sufficient cause to rebut the presumed amount.

132 11. The obligation of a parent to make child support payments may be terminated as
133 follows:

134 (1) Provided that the **state case registry** or child support order contains the child's date
135 of birth, the obligation shall be deemed terminated without further judicial or administrative
136 process when the child reaches age twenty-one if the child support order does not specifically
137 require payment of child support beyond age twenty-one for reasons provided by subsection 4
138 of this section;

139 (2) The obligation shall be deemed terminated without further judicial or administrative
140 process when the parent receiving child support furnishes a sworn statement or affidavit
141 notifying the obligor parent of the child's emancipation in accordance with the requirements of
142 subsection 4 of section 452.370, and a copy of such sworn statement or affidavit is filed with the
143 court which entered the order establishing the child support obligation, or the **family support**
144 **division [of child support enforcement] for an order entered under section 454.470, RSMo;**

145 (3) The obligation shall be deemed terminated without further judicial or administrative
146 process when the parent paying child support files a sworn statement or affidavit with the court
147 which entered the order establishing the child support obligation, or the family support division
148 **for an order entered under section 454.470, RSMo**, stating that the child is emancipated and
149 reciting the factual basis for such statement; which statement or affidavit is served by the court
150 or division, **as applicable**, on the child support obligee; and which is either acknowledged and
151 affirmed by the child support obligee in writing, or which is not responded to in writing within
152 thirty days of receipt by the child support obligee;

153 (4) The obligation shall be terminated as provided by this subdivision by the court which
154 entered the order establishing the child support obligation, or the family support division **for an**
155 **order entered under section 454.470, RSMo**, when the parent paying child support files a
156 sworn statement or affidavit with the court which entered the order establishing the child support
157 obligation, or the family support division, **as applicable**, stating that the child is emancipated
158 and reciting the factual basis for such statement; and which statement or affidavit is served by
159 the court or division, **as applicable**, on the child support obligee. If the obligee denies the
160 statement or affidavit, the court or division shall thereupon treat the sworn statement or affidavit
161 as a [motion to modify the support obligation pursuant to section 452.370 or section 454.496,
162 RSMo] **request for hearing**, and shall proceed to hear and adjudicate such [motion] **request for**
163 **hearing** as provided by law; provided that the court may require the payment of a deposit as
164 security for court costs and any accrued court costs, as provided by law, in relation to such

165 [motion to modify] **request for hearing. When the division receives a request for hearing,**
166 **the hearing shall be held in the manner provided by section 454.475, RSMo.**

167 12. The court may enter a judgment terminating child support pursuant to subdivisions
168 (1) to (3) of subsection 11 of this section without necessity of a court appearance by either party.
169 The clerk of the court shall mail a copy of a judgment terminating child support entered pursuant
170 to subsection 11 of this section on both the obligor and obligee parents. The supreme court may
171 promulgate uniform forms for sworn statements and affidavits to terminate orders of child
172 support obligations for use pursuant to subsection 11 of this section and subsection 4 of section
173 452.370.

452.435. As used in sections 452.435 to 452.438, the following terms shall mean:

2 (1) **"High-conflict case", any action for dissolution of marriage, legal separation,**
3 **paternity, guardianship, or modification where minor children are involved and the parties**
4 **demonstrate a pattern of ongoing:**

5 (a) **Litigation;**

6 (b) **Inability to comply with parenting agreements and orders;**

7 (c) **Difficulty in communicating about and cooperating in the care of their children;**

8 **or**

9 (d) **Other conditions that in the discretion of the court warrant the appointment of**
10 **a parenting coordinator;**

11 (2) **"Parenting coordination", a child-focused dispute resolution process in which**
12 **a qualified parenting coordinator assists parents or persons exercising parental authority**
13 **to implement a parenting plan by facilitating a resolution of their disputes in a timely**
14 **manner and by reducing the child-related conflict so that the children may be protected**
15 **from the impact of such conflict;**

16 (3) **"Parenting coordinator", an impartial third party qualified under subsection**
17 **2 of section 452.436 appointed by the court to assist parties in promoting the best interests**
18 **of the children by resolving issues and deciding disputed issues under sections 452.435 to**
19 **452.438 relating to parenting and other family issues in any action for dissolution of**
20 **marriage, legal separation, paternity, guardianship, or modification where minor children**
21 **are involved.**

452.436. 1. Any time after the entry of an order concerning parental
2 **responsibilities and upon notice to the parties, the court may, on its own motion, a motion**
3 **by either party, or an agreement between the parties, appoint a parenting coordinator as**
4 **a neutral third party to assist in the resolution of disputes between the parties concerning**
5 **parental responsibilities, including but not limited to implementation of the court-ordered**

6 parenting plan. The parenting coordinator shall be an individual with appropriate
7 training and qualifications acceptable to the court.

8 2. (1) The court shall not appoint a parenting coordinator if any party objects,
9 unless the court makes specific findings that the case is a high-conflict case, the
10 appointment of a parenting coordinator is in the best interest of the child, and that there
11 is no history of domestic violence.

12 (2) In addition to such specific findings, prior to appointing a parenting
13 coordinator, the court shall consider the effect of any evidence of domestic violence on the
14 appropriateness of parenting coordination for the parties and the minor children. If there
15 is a judgment or order regarding the confidentiality of address or telephone information
16 of a party, the parenting coordinator shall maintain such confidentiality.

17 3. A parenting coordinator shall assist the parties in implementing the terms of the
18 parenting plan. The parenting coordinator's duties shall include, but are not limited to:

19 (1) Assisting the parties in creating an agreed-upon structured guideline for
20 implementation of the parenting plan;

21 (2) Developing guidelines for communication between the parties and suggesting
22 appropriate resources to assist the parties in learning appropriate communication skills;

23 (3) Informing the parties about appropriate resources to assist them in developing
24 improved parenting skills;

25 (4) Assisting the parties in realistically identifying the sources and causes of conflict
26 between them, including but not limited to identifying each party's contribution to the
27 conflict, when appropriate; and

28 (5) Assisting the parties in developing parenting strategies to minimize conflict.

29 4. (1) The court shall grant to the parenting coordinator authority to resolve
30 disputes between the parties as to implementation or clarification of existing orders
31 concerning the parties' minor or dependent children, including but not limited to disputes
32 concerning parenting time and specific dispute parental decisions. A parenting
33 coordinator shall have the authority to make determinations to implement or clarify the
34 provisions of a preexisting court order in a manner that is consistent with the substantive
35 intent of the court order. The parenting coordinator's authority is subject to a party's
36 right to file an objection under subsection 3 of section 452.437.

37 (2) The parenting coordinator shall not make any modification to any order,
38 judgment, or decree; however, the parenting coordinator may make minor temporary
39 departures from a parenting plan. The appointment order may specify the matters which
40 the parenting coordinator is authorized to determine. However, the appointment of a
41 parenting coordinator shall not divest the court of its exclusive jurisdiction to determine

42 fundamental issues of custody, visitation, and support, and the authority to exercise
43 management and control of the case.

44 5. A parenting coordinator shall not have served in any capacity with the parties
45 other than as a mediator, and once appointed as a parenting coordinator, shall not later
46 serve in any capacity other than as a mediator, without the agreement of the parties, in
47 order to address matters outside of the scope of his or her authority as a parenting
48 coordinator.

49 6. A court order appointing a parenting coordinator shall be for a specified term;
50 except that, the court order shall not appoint a parenting coordinator for a period of longer
51 than two years. If an order fails to specify the length of the court-ordered appointment,
52 it shall be construed to be two years from the date of appointment. Upon agreement of the
53 parties, the court may extend, modify, or terminate the appointment, including extending
54 the appointment beyond two years from the date of the original appointment. The court
55 may terminate the appointment of the parenting coordinator at any time for good cause.
56 The court shall allow the parenting coordinator to withdraw at any time.

57 7. (1) No parenting coordinator shall be appointed unless the court finds that the
58 parties have the means to pay the fees of the parenting coordinator.

59 (2) The state of Missouri shall not assume financial responsibility for payment of
60 fees to the parenting coordinator; except that, the court, if feasible may:

61 (a) Appoint a parenting coordinator to serve on a volunteer basis;

62 (b) Subsidize the fees of a parenting coordinator from other authorized court fees,
63 grants, or other similar funds received by the court.

64 (3) The court shall allocate fees for parenting coordination between the parties,
65 taking into consideration the relevant factors, including but not limited to the relative post-
66 judgment incomes of the parties.

67 (4) The court may allocate the fees between the parties differently upon a finding
68 of good cause by the court or good cause set forth in the parenting coordinator's report.

69 8. In any judicial proceeding, administrative proceeding, or any other similar
70 proceeding between the parties to the action, a parenting coordinator shall not be
71 competent to testify about the parenting coordination process and shall not be required to
72 produce records as to any statement, conduct, or decision that occurred during the
73 parenting coordinator's appointment. Nothing in this subsection shall be construed to
74 prohibit a parenting coordinator from testifying or producing records to the extent
75 testimony or production of records by the parenting coordinator is necessary in an action
76 by the parenting coordinator to collect fees from a party to the action.

77 **9. (1) A parenting coordinator shall be immune from civil or criminal liability in**
78 **any claim for injury that arises out of an act or omission of the parenting coordinator**
79 **occurring during the performance of his or her duties, or during the performance of an act**
80 **that the parenting coordinator reasonably believed was within the scope of his or her**
81 **duties unless the act or omission causing such injury was willful and wanton.**

82 **(2) Nothing in this subsection shall be construed to bar a party from asserting a**
83 **claim related to the reasonableness or accuracy of any fee charged or time billed by a**
84 **parenting coordinator.**

452.437. 1. A written report of the decisions and recommendations made by the
2 **parenting coordinator shall be provided to the parties or their counsel within twenty days**
3 **of a decision or recommendation being made. There shall be no ex parte communication**
4 **with the court.**

5 **2. Any decisions made by the parenting coordinator authorized by the court order**
6 **and issued under sections 452.435 to 452.438 shall be binding on the parties until further**
7 **order of the court.**

8 **3. Any party may file an objection to any report, decision, or recommendation**
9 **made by the parenting coordinator with the court within fifteen days after the parenting**
10 **coordinator provides the report to the parties, with notice being provided to both the**
11 **parenting coordinator and all parties. Any objection shall be accompanied by any written**
12 **report, decision, or recommendation made by the parenting coordinator. Responses to the**
13 **objections shall be filed with the court and served on the parenting coordinator and all**
14 **other parties within fifteen days after the objection is served. The court may expand the**
15 **time allowed to file any objection or response of any party.**

16 **4. The court shall review any objections to any report of a parenting coordinator**
17 **and any responses submitted to such objections to the report and shall set the matter for**
18 **a hearing de novo or enter other appropriate orders.**

452.438. 1. Each judicial circuit in this state may adopt local rules and guidelines
2 **governing the appointment, qualifications, and training of parenting coordinators. In the**
3 **absence of a supreme court rule, required training shall consist of a minimum of sixteen**
4 **hours in parenting coordination, including a domestic violence component.**

5 **2. A parenting coordinator shall be a licensed mental health professional or a**
6 **licensed attorney. The parenting coordinator shall also be qualified under Missouri**
7 **supreme court rules governing family mediation.**

8 **3. Parenting coordinators who are not licensed attorneys shall not be considered**
9 **as engaging in the unauthorized practice of law while performing actions within the scope**
10 **of his or her duties as a parenting coordinator.**

454.530. 1. On or before October 1, 1999, the division of child support enforcement shall establish and operate a state disbursement unit to be known as the "Family Support Payment Center" for the receipt and disbursement of payments pursuant to support orders for:

(1) All cases enforced by the division pursuant to section 454.400; and

(2) Any case required by federal law to be collected or disbursed by the payment center including, but not limited to, cases in which a support order is initially issued on or after January 1, 1994, in which the income of the obligor is subject to withholding; and

(3) Beginning July 1, 2001:

(a) Any other case with a support order in which payments are ordered or directed by a court or the division to be made to the payment center or in which the income of the obligor is subject to withholding; and

(b) Any case prior to July 1, 2001, in which support payments are ordered paid to the clerk of the court as trustee pursuant to section 452.345, RSMo.

2. The family support payment center shall be operated by the division, in conjunction with other state agencies pursuant to a cooperative agreement, or by a contractor responsible directly to the division. Notwithstanding any other provision of law to the contrary, after notice by the division or the court that issued the support order to the obligor that all future payments shall be made to the payment center, the payment center shall become trustee for payments made by parents, employers, states and other entities, and all future payments shall be made to the payment center. The payment center shall disburse payments to custodial parents and other obligees, the state or agencies of other states. If the payment center is operated by a contractor and the contractor receives and disburses the payments, the contractor shall have an annual audit conducted by an independent certified public accountant. The audit will determine whether funds received are disbursed or otherwise accounted for, and make recommendations as to the procedures and changes that the contractor should take to protect the funds received from misappropriation and theft. A copy of the audit shall be delivered to the division, the office of administration and the office of the state courts administrator.

3. Except as otherwise provided in sections 454.530 to 454.560, the payment center shall disburse support payments within two business days after receipt from the employer or other source of periodic income, if sufficient information identifying the payee is provided. As used in sections 454.530 to 454.560, "business day" means a day state government offices are open for regular business. Disbursement of payments made toward arrearages may be delayed until the resolution of any timely appeal with respect to such arrearage or upon order of a court.

4. The family support payment center shall establish an electronic funds transfer system for the transfer of child support payments. Obligees who want electronic transfer of support payments to a designated account shall complete an application for direct deposit and submit it

37 to the family support payment center. The family support payment center may issue an electronic
38 access card for the purpose of disbursing support payments to any obligee not using automated
39 deposit to a designated account. **Employers with twenty-five or more employees shall remit**
40 **payments to the payment center by electronic funds transfer or through electronic or**
41 **Internet access made available by the payment center.** Any person or employer **with fewer**
42 **than twenty-five employees** may, without penalty, choose to disburse payments to the payment
43 center by check or draft instead of by electronic transfer.

454.557. 1. A current support obligation shall not be recorded in the records maintained
2 in the automated child support system in the following cases:

3 (1) In a IV-D case with a support order pursuant to section 454.465 or 454.470 when the
4 division determines that payments for current support are no longer due and should no longer be
5 made to the payment center. The division shall notify by first class mail the obligor and obligee
6 under the support orders that payments shall no longer be made to the payment center, and any
7 withholding of income shall be terminated unless it is subsequently determined by the division
8 or court having jurisdiction that payments will continue. The division's determination shall
9 terminate the division's support order, but shall not terminate any obligation of support
10 established by court order. The obligor and obligee may contest the decision of the division to
11 terminate the division's support order by requesting a hearing within thirty days of the mailing
12 of the notice provided pursuant to this section. The hearing shall comply with the provisions of
13 section 454.475;

14 (2) In [a IV-D case] **all cases** with a support order entered by a court when the court that
15 issued the support order terminates such order [and notifies the division]. The division shall also
16 cease enforcing the order if no past support is due; or

17 (3) In all cases when the [child is twenty-two years of age, unless a court orders support
18 to continue. The obligor or obligee may contest the decision of the division to terminate
19 accruing support orders by requesting a hearing within thirty days of the mailing of notice by the
20 division. The hearing shall comply with the provisions of section 454.475. The issue at the
21 hearing, if any, shall be limited to a mistake of fact as to the age of the child or the existence of
22 a court order requiring support after the age of twenty-two] **obligation of a parent to make**
23 **child support payments is deemed terminated under subdivisions (1) to (4) of subsection**
24 **11 of section 452.340, RSMo.**

25 2. Nothing in this section shall affect or terminate the amount due for unpaid past
26 support.

488.2300. 1. A "Family Services and Justice Fund" is hereby established in each county
2 or circuit with a family court, for the purpose of aiding with the operation of the family court
3 divisions and services provided by those divisions. In circuits or counties having a family court,

4 the circuit clerk shall charge and collect a surcharge of thirty dollars in all proceedings falling
5 within the jurisdiction of the family court. The surcharge shall not be charged when no court
6 costs are otherwise required, shall not be charged against the petitioner for actions filed pursuant
7 to the provisions of chapter 455, RSMo, but may be charged to the respondent in such actions,
8 shall not be charged to a government agency and shall not be charged in any proceeding when
9 costs are waived or are to be paid by the state, county or municipality.

10 2. In juvenile proceedings under chapter 211, RSMo, a judgment of up to thirty dollars
11 may be assessed against the child, parent or custodian of the child, in addition to other amounts
12 authorized by law, in informal adjustments made under the provisions of sections 211.081 and
13 211.083, RSMo, and in an order of disposition or treatment under the provisions of section
14 211.181, RSMo. The judgment may be ordered paid to the clerk of the circuit where the
15 assessment is imposed.

16 3. All sums collected pursuant to this section and section 487.140, RSMo, shall be
17 payable to the various county family services and justice funds.

18 4. Any moneys in the family services and justice fund not expended for salaries of
19 commissioners, family court administrators and family court staff shall be used toward funding
20 the enhanced services provided as a result of the establishment of a family court; however, it
21 shall not replace or reduce the current and ongoing responsibilities of the counties to provide
22 funding for the courts as required by law. Moneys collected for the family services and justice
23 fund shall be expended for the benefit of litigants and recipients of services in the family court,
24 with priority given to services such as **guardian ad litem**, mediation, counseling, home studies,
25 psychological evaluation and other forms of alternative dispute-resolution services.
26 Expenditures shall be made at the discretion of the presiding judge or family court administrative
27 judge, as designated by the circuit and associate circuit judges en banc, for the implementation
28 of the family court system as set forth in this section. No moneys from the family services and
29 justice fund may be used to pay for mediation in any cause of action in which domestic violence
30 is alleged.

31 5. From the funds collected pursuant to this section and retained in the family services
32 and justice fund, each circuit or county in which a family court commissioner in addition to those
33 commissioners existing as juvenile court commissioners on August 28, 1993, have been
34 appointed pursuant to sections 487.020 to 487.040, RSMo, shall pay to and reimburse the state
35 for the actual costs of that portion of the salaries of family court commissioners appointed
36 pursuant to the provisions of sections 487.020 to 487.040, RSMo.

37 6. No moneys deposited in the family services and justice fund may be expended for
38 capital improvements.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

2 (1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
3 guilty of, or pled guilty or nolo contendere to committing, or attempting to commit, a felony
4 offense of chapter 566, RSMo, including sexual trafficking of a child and sexual trafficking of
5 a child under the age of twelve, or any offense of chapter 566, RSMo, where the victim is a
6 minor; or

7 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
8 guilty of, or pled guilty or nolo contendere to committing, or attempting to commit one or more
9 of the following offenses: kidnapping when the victim was a child and the defendant was not a
10 parent or guardian of the child; felonious restraint when the victim was a child and the defendant
11 is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a
12 nursing home, under section 565.200, RSMo; endangering the welfare of a child under section
13 568.045, RSMo, when the endangerment is sexual in nature; genital mutilation of a female child,
14 under section 568.065, RSMo; promoting prostitution in the first degree; promoting prostitution
15 in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor;
16 promoting child pornography in the first degree; promoting child pornography in the second
17 degree; possession of child pornography; furnishing pornographic material to minors; public
18 display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity
19 in the first degree; promoting pornography for minors or obscenity in the second degree; incest;
20 use of a child in a sexual performance; or promoting sexual performance by a child; and
21 committed or attempted to commit the offense against a victim who is a minor, defined for the
22 purposes of sections 589.400 to 589.425 as a person under eighteen years of age; or

23 (3) Any person who, since July 1, 1979, has been committed to the department of mental
24 health as a criminal sexual psychopath; or

25 (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental
26 disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

27 (5) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter
28 convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, foreign
29 country, or under federal or military jurisdiction to committing, or attempting to commit, an
30 offense which, if committed in this state, would be a violation of chapter 566, RSMo, or a felony
31 violation of any offense listed in subdivision (2) of this subsection or has been or is required to
32 register in another state or has been or is required to register under federal or military law; or

33 (6) Any person who has been or is required to register in another state or has been or is
34 required to register under federal or military law and who works or attends school or training on
35 a full-time or on a part-time basis or has a temporary residence in Missouri. "Part-time" in this
36 subdivision means for more than fourteen days in any twelve-month period.

37 2. Any person to whom sections 589.400 to 589.425 apply shall, within ten days of
38 conviction, release from incarceration, or placement upon probation, register with the chief law
39 enforcement official of the county or city not within a county in which such person resides unless
40 such person has already registered in that county for the same offense. Any person to whom
41 sections 589.400 to 589.425 apply if not currently registered in their county of residence shall
42 register with the chief law enforcement official of such county or city not within a county within
43 ten days of August 28, 2003. The chief law enforcement official shall forward a copy of the
44 registration form required by section 589.407 to a city, town, village, or campus law enforcement
45 agency located within the county of the chief law enforcement official, if so requested. Such
46 request may ask the chief law enforcement official to forward copies of all registration forms
47 filed with such official. The chief law enforcement official may forward a copy of such
48 registration form to any city, town, village, or campus law enforcement agency, if so requested.

49 3. The registration requirements of sections 589.400 through 589.425 are lifetime
50 registration requirements unless:

- 51 (1) All offenses requiring registration are reversed, vacated or set aside;
- 52 (2) The registrant is pardoned of the offenses requiring registration;
- 53 (3) The registrant is no longer required to register and his or her name shall be removed
54 from the registry under the provisions of subsection 6 of this section; or
- 55 (4) The registrant may petition the court for removal from the registry under subsection
56 7 or 8 of this section and the court orders the removal of such person from the registry.

57 4. For processing an initial sex offender registration the chief law enforcement officer
58 of the county or city not within a county may charge the offender registering a fee of up to ten
59 dollars.

60 5. For processing any change in registration required pursuant to section 589.414 the
61 chief law enforcement official of the county or city not within a county may charge the person
62 changing their registration a fee of five dollars for each change made after the initial registration.

63 6. Effective August 28, 2006, any person currently on the sexual offender registry for
64 being convicted of, found guilty of, or pleading guilty or nolo contendere to committing
65 felonious restraint when the victim was a child and he or she was the parent or guardian of the
66 child, nonsexual child abuse that was committed under section 568.060, RSMo, or kidnapping
67 when the victim was a child and he or she was the parent or guardian of the child shall be
68 removed from the registry. However, such person shall remain on the sexual offender registry
69 for any other offense for which he or she is required to register under sections 589.400 to
70 589.425.

71 7. Effective August 28, 2006, any person currently on the sexual offender registry for
72 having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to

73 promoting prostitution in the second degree, promoting prostitution in the third degree, public
74 display of explicit sexual material, statutory rape in the second degree, and no physical force or
75 threat of physical force was used in the commission of the crime, may file a petition in the civil
76 division of the circuit court in the county in which the offender was convicted or found guilty
77 of or pled guilty or nolo contendere to the offense or offenses for the removal of his or her name
78 from the sexual offender registry after ten years have passed from the date he or she was required
79 to register.

80 8. Effective August 28, 2006, any person on the sexual offender registry for having been
81 convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included
82 under subsection 1 of this section may file a petition after two years have passed from the date
83 the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or
84 offenses in the civil division of the circuit court in the county in which the offender was
85 convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for
86 removal of his or her name from the registry if such person was nineteen years of age or younger
87 and the victim was thirteen years of age or older at the time of the offense and no physical force
88 or threat of physical force was used in the commission of the offense.

89 9. (1) The court may grant such relief under subsection 7 or 8 of this section if such
90 person demonstrates to the court that he or she has complied with the provisions of this section
91 and is not a current or potential threat to public safety. The prosecuting attorney in the circuit
92 court in which the petition is filed must be given notice, by the person seeking removal from the
93 registry, of the petition to present evidence in opposition to the requested relief or may otherwise
94 demonstrate the reasons why the petition should be denied. Failure of the person seeking
95 removal from the registry to notify the prosecuting attorney of the petition shall result in an
96 automatic denial of such person's petition. If the prosecuting attorney is notified of the petition
97 he or she shall make reasonable efforts to notify the victim of the crime for which the person was
98 required to register of the petition and the dates and times of any hearings or other proceedings
99 in connection with that petition.

100 (2) If the petition is denied, such person shall wait at least twelve months before
101 petitioning the court again. If the court finds that the petitioner is entitled to relief, which
102 removes such person's name from the registry, a certified copy of the written findings or order
103 shall be forwarded by the court to the chief law enforcement official having jurisdiction over the
104 offender and to the Missouri state highway patrol in order to have such person's name removed
105 from the registry.

106 10. Any nonresident worker or nonresident student shall register for the duration of such
107 person's employment or attendance at any school of higher education and is not entitled to relief
108 under the provisions of subsection 9 of this section. Any registered offender from another state

109 who has a temporary residence in this state and resides more than fourteen days in a
110 twelve-month period shall register for the duration of such person's temporary residency and is
111 not entitled to the provisions of subsection 9 of this section.

112 11. Any person whose name is removed from the sexual offender registry under
113 subsection 7 or 8 of this section shall no longer be required to fulfill the registration requirements
114 of sections 589.400 to 589.425, unless such person is required to register for committing another
115 offense after being removed from the registry.

116 12. **Any individual who is required to be registered under this section and who**
117 **possesses a driver's license or nondriver's license issued under chapter 302, RSMo, shall,**
118 **as a condition of probation or parole obtain such driver's license or nondriver's license**
119 **with a unique code or identifier as required in section 302.181, RSMo.**

589.417. 1. Except for the specific information listed in subsection 2 of this section, the
2 complete statements, photographs and fingerprints required by sections 589.400 to 589.425 shall
3 not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in
4 section 610.010, RSMo, and shall be available only to courts, prosecutors and law enforcement
5 agencies.

6 2. Notwithstanding any provision of law to the contrary, the chief law enforcement
7 official of the county shall maintain, for all offenders registered in such county, a complete list
8 of the names, addresses and crimes for which such offenders are registered. Any person may
9 request such list from the chief law enforcement official of the county.

10 3. **Notwithstanding any other provision of law, the Missouri state highway patrol**
11 **shall provide a list which includes the full name, address, and Social Security number of**
12 **the registered sex offenders to the department of revenue.**

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