

SECOND REGULAR SESSION

HOUSE BILL NO. 2391

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor) AND DARROUGH (Co-sponsor).

Read 1st time March 10, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5359L.01I

AN ACT

To repeal section 211.171, RSMo, and to enact in lieu thereof one new section relating to notification to the public of the date, time, and location of certain juvenile hearings.

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

Section A. Section 211.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.171, to read as follows:

211.171. 1. The procedure to be followed at the hearing shall be determined by the juvenile court judge and may be as formal or informal as he or she considers desirable, consistent with constitutional and statutory requirements. The judge may take testimony and inquire into the habits, surroundings, conditions and tendencies of the child and the family to enable the court to render such order or judgment as will best promote the welfare of the child and carry out the objectives of this chapter.

2. The hearing may, in the discretion of the court, proceed in the absence of the child and may be adjourned from time to time.

3. The current foster parents of a child, or any preadoptive parent or relative currently providing care for the child, shall be provided with notice of, and an opportunity to be heard in, any hearing to be held with respect to the child. This subsection shall not be construed to require that any such foster parent, preadoptive parent or relative providing care for a child be made a party to the case solely on the basis of such notice and opportunity to be heard.

4. All cases of children shall be heard separately from the trial of cases against adults.

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.

16 5. Stenographic notes or an authorized recording of the hearing shall be required if the
17 court so orders or, if requested by any party interested in the proceeding.

18 6. The general public shall be excluded and only such persons admitted as have a direct
19 interest in the case or in the work of the court except in cases where the child is accused of
20 conduct which, if committed by an adult, would be considered a class A or B felony; or for
21 conduct which would be considered a class C felony, if the child has previously been formally
22 adjudicated for the commission of two or more unrelated acts which would have been class A,
23 B or C felonies, if committed by an adult.

24 7. **The juvenile court shall publish the time, date, and location of juvenile**
25 **proceedings in cases where the child is accused of conduct which, if committed by an adult,**
26 **would be considered a class A or B felony; or for conduct which would be considered a**
27 **class C felony, if the child has previously been formally adjudicated for the commission of**
28 **two or more unrelated acts which would have been class A, B, or C felonies, if committed**
29 **by an adult in a court docket and shall post such court docket in a location in the**
30 **courthouse which shall make it both conspicuous and readily available to the public.**

31 8. The practice and procedure customary in proceedings in equity shall govern all
32 proceedings in the juvenile court; except that, the court shall not grant a continuance in such
33 proceedings absent compelling extenuating circumstances, and in such cases, the court shall
34 make written findings on the record detailing the specific reasons for granting a continuance.

35 [8.] 9. The court shall allow the victim of any offense to submit a written statement to
36 the court. The court shall allow the victim to appear before the court personally or by counsel
37 for the purpose of making a statement, unless the court finds that the presence of the victim
38 would not serve justice. The statement shall relate solely to the facts of the case and any personal
39 injuries or financial loss incurred by the victim. A member of the immediate family of the victim
40 may appear personally or by counsel to make a statement if the victim has died or is otherwise
41 unable to appear as a result of the offense committed by the child.

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