

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 873,  
2 Page 5, Section 210.027, Line 58, by deleting the words "section 167.216" and inserting in lieu  
3 thereof the words "section 161.216"; and  
4

5 Further amend said bill, Page 24, Section 211.038, Line 49, by inserting after all of said section and  
6 line the following:

7 "211.171. 1. The procedure to be followed at the hearing shall be determined by the juvenile  
8 court judge and may be as formal or informal as he or she considers desirable, consistent with  
9 constitutional and statutory requirements. The judge may take testimony and inquire into the habits,  
10 surroundings, conditions and tendencies of the child and the family to enable the court to render such  
11 order or judgment as will best promote the welfare of the child and carry out the objectives of this  
12 chapter.

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

15 3. The current foster parents of a child, or any preadoptive parent or relative currently  
16 providing care for the child, shall be provided with notice of, and an opportunity to be heard in, any  
17 hearing to be held with respect to the child, and a foster parent shall have standing to participate in  
18 all court hearings pertaining to a child in their care. [This subsection shall not be construed to  
19 require that any such foster parent, preadoptive parent or relative providing care for a child be made  
20 a party to the case solely on the basis of such notice and opportunity to be heard.]

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

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

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

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

34 8. The court shall allow the victim of any offense to submit a written statement to the court.  
35 The court shall allow the victim to appear before the court personally or by counsel for the purpose  
36 of making a statement, unless the court finds that the presence of the victim would not serve justice.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 The statement shall relate solely to the facts of the case and any personal injuries or financial loss  
2 incurred by the victim. A member of the immediate family of the victim may appear personally or  
3 by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of  
4 the offense committed by the child."; and

5

6 Further amend said bill by amending the title, enacting clause, and intersectional references  
7 accordingly.

8