

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 735, Page 1, Section A, Line 5, by
2 inserting after all of said section and line the following:

3
4 "210.565. 1. Whenever a child is placed in a foster home and the court has determined
5 pursuant to subsection 4 of this section that foster home placement with relatives is not contrary to
6 the best interest of the child, the children's division shall give foster home placement to relatives of
7 the child. Notwithstanding any rule of the division to the contrary, the children's division shall
8 make diligent efforts to locate the grandparents of the child and determine whether they wish to be
9 considered for placement of the child. Grandparents who request consideration shall be given
10 preference and first consideration for foster home placement of the child. If more than one
11 grandparent requests consideration, the family support team shall make recommendations to the
12 juvenile or family court about which grandparent should be considered for placement.

13 2. As used in this section, the [term] following terms shall mean:

14 (1) "Kin" or "kinship", a person who is related to the child by blood or affinity beyond the
15 third degree, or a person who is not so related to the child but has a close relationship with the child
16 or the child's family, including but not limited to godparents, neighbors, teachers, or close family
17 friends; and

18 (2) "Relative" [means], a grandparent or any other person related to another by blood or
19 affinity within the third degree. The status of a grandparent shall not be affected by the death or the
20 dissolution of the marriage of a son or daughter.

21 3. The following shall be the order or preference for placement of a child under this section:

22 (1) Grandparents and relatives;

23 (2) [A trusted adult that has a preexisting relationship with the child, such as a godparent,
24 teacher, neighbor, or fellow parishioner] Kin, who voluntarily [agrees] agree to care for the child;
25 and

26 (3) Any foster parent who is currently licensed and capable of accepting placement of the
27 child.

28 4. The preference for placement and first consideration for grandparents or preference for
29 placement with other relatives created by this section shall only apply where the court finds that
30 placement with such grandparents or other relatives is not contrary to the best interest of the child
31 considering all circumstances. If the court finds that it is contrary to the best interest of a child to be
32 placed with grandparents or other relatives, the court shall make specific findings on the record
33 detailing the reasons why the best interests of the child necessitate placement of the child with
34 persons other than grandparents or other relatives.

35 5. Recognizing the critical nature of sibling bonds for children, the children's division shall
36 make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive

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1 placement, unless doing so would be contrary to the safety or well-being of any of the siblings. If
 2 siblings are not placed together, the children's division shall make reasonable efforts to provide
 3 frequent visitation or other ongoing interaction between the siblings, unless this interaction would
 4 be contrary to a sibling's safety or well-being.

5 6. The age of the child's grandparent or other relative shall not be the only factor that the
 6 children's division takes into consideration when it makes placement decisions and
 7 recommendations to the court about placing the child with such grandparent or other relative.

8 7. For any Native American child placed in protective custody, the children's division shall
 9 comply with the placement requirements set forth in 25 U.S.C. Section 1915.

10 8. A grandparent [or], other relative, or kin may, on a case-by-case basis, have standards for
 11 licensure not related to safety waived for specific children in care that would otherwise impede
 12 licensing of the [grandparent's or relative's] home of the grandparent, relative, or kin. In addition,
 13 any person receiving a preference may be licensed in an expedited manner if a child is placed under
 14 such person's care.

15 9. When placed in the home of a grandparent, other relative, or kin, foster children of the
 16 opposite sex who are siblings shall be permitted to sleep in the same room if doing so would be in
 17 the children's best interests and presents no safety concerns.

18 10. The guardian ad litem shall ascertain the child's wishes and feelings about his or her
 19 placement by conducting an interview or interviews with the child, if appropriate based on the
 20 child's age and maturity level, which shall be considered as a factor in placement decisions and
 21 recommendations, but shall not supersede the preference for relative placement created by this
 22 section or be contrary to the child's best interests.

23 211.093. 1. Any order or judgment entered by the court under authority of this chapter or
 24 chapter 210 shall, so long as [such order or judgment remains in effect] the juvenile court exercises
 25 continuing jurisdiction, take precedence over any order or judgment concerning the status or
 26 custody of a child under the age of twenty-one entered by a court under authority of chapter 452,
 27 453, 454 or 455, and orders of guardianship under chapter 475, but only to the extent inconsistent
 28 therewith.

29 2. In addition to all other powers conveyed upon the court by this chapter and chapter 210,
 30 any court exercising jurisdiction over a juvenile pursuant to subdivision (1) of subsection 1 of
 31 section 211.031 shall have authority to enter an order placing that juvenile into the legal and
 32 physical custody of any parent of the juvenile, enter a child support order, and establish rights of
 33 visitation for the parents of the juvenile, and the court shall have authority to enter an order
 34 establishing the paternity of the juvenile's biological father under the uniform paternity act, sections
 35 210.817 to 210.852.

36 3. Any custody, support, or visitation order entered by the court pursuant to subsection 2 of
 37 this section shall remain in full force and effect after the termination of juvenile court proceeding if
 38 the court's order expressly states that the order shall be continuing. Any such custody, child support,
 39 or visitation order shall take precedence over, and shall automatically stay, any prior orders
 40 concerning custody, child support, guardianship, or visitation. Such orders shall remain in full force
 41 and effect until a subsequent order with respect to custody, child support, guardianship, or visitation
 42 of the juvenile is entered by a court under authority of chapters 452, 453, 454, 455, or orders of
 43 guardianship under chapter 475.

44 4. If the juvenile court terminates jurisdiction without entering a continuing custody,
 45 support, or visitation order pursuant to subsections 2 and 3 of this section, then legal and physical
 46 custody of the juvenile shall be returned to the custodian or legal guardian who exercised custody
 47 prior to the juvenile court assuming jurisdiction pursuant to subdivision (1) of subsection 1 of
 48 section 211.031, and any custody or visitation orders in effect at the time the juvenile court assumed

1 jurisdiction shall be restored.

2 5. The juvenile court shall not have the authority to hear modification motions or other
3 actions to rehear any orders entered under this section after the juvenile court terminates jurisdiction
4 on the underlying case. Any future actions shall be conducted under chapters 452, 453, 454, 455, or
5 475, as appropriate.

6 6. Any child support order entered under this section shall be established and enforced
7 under the procedures set forth in chapter 454. The circuit clerk shall, upon the entry of a child
8 support order, send a certified copy to the family support division for enforcement as provided for
9 by law.

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

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

18 3. The current foster parents of a child, or any preadoptive parent or relative currently
19 providing care for the child, shall be provided with notice of, and an opportunity to be heard in, any
20 hearing to be held with respect to the child, and a foster parent shall have standing to participate in
21 all court hearings pertaining to a child in their care. In a juvenile court case proceeding under
22 subdivisions (1) or (2) of subsection 1 of section 211.031, a foster parent, relative, or kin as defined
23 in section 210.565 with whom a child has been placed for at least three months shall have the right
24 to intervene as a party. The court may dismiss the intervening foster parent, relative, or kin from
25 the case if he or she no longer has the child in their care. The court shall not dismiss an intervening
26 foster parent, relative, or kin for the sole purpose of terminating the foster parent, relative, or kin
27 relationship. Nothing in this section shall be construed to authorize the court to join a foster parent
28 as a party to the case without the foster parent's consent. No state or local agency or other
29 governmental body shall be liable for the legal fees or associated costs incurred by the foster parent,
30 relative, or kin intervening under this subsection.

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

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

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

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

44 [8.] 7. The court shall allow the victim of any offense to submit a written statement to the
45 court. The court shall allow the victim to appear before the court personally or by counsel for the
46 purpose of making a statement, unless the court finds that the presence of the victim would not
47 serve justice. The statement shall relate solely to the facts of the case and any personal injuries or
48 financial loss incurred by the victim. A member of the immediate family of the victim may appear

1 personally or by counsel to make a statement if the victim has died or is otherwise unable to appear
2 as a result of the offense committed by the child.

3 211.464. [1. Where a child has been placed with a foster parent, with relatives or with
4 other persons who are able and willing to permanently integrate the child into the family by
5 adoption, the court shall provide the opportunity for such foster parent, relative or other person to
6 present evidence for the consideration of the court.

7 2.] Current foster parents or other legal custodians who are not seeking to adopt the child
8 shall be given an opportunity to testify at all hearings regarding the child. Upon the filing of a
9 petition concerning a minor child who is in the care of foster parents or other legal custodians, the
10 court shall give notice to such foster parents or legal custodians of the filing, any future hearings
11 held on such petition and their opportunity to testify at any subsequent hearings held in relation to
12 such petition, unless such notice and opportunity is waived by such foster or custodial parent.

13 302.440. In addition to any other provisions of law, a court may require that any person
14 who is found guilty of a first intoxication-related traffic offense, as defined in section 577.001, and a
15 court shall require that any person who is found guilty of a second or subsequent intoxication-
16 related traffic offense, as defined in section 577.001, shall not operate any motor vehicle unless that
17 vehicle is equipped with a functioning, certified ignition interlock device for a period of not less
18 than six months from the date of reinstatement of the person's driver's license. In addition, any
19 court authorized to grant a limited driving privilege under section 302.309 to any person who is
20 found guilty of a second or subsequent intoxication-related traffic offense shall require the use of an
21 ignition interlock device on all vehicles operated by the person as a required condition of the limited
22 driving privilege, except as provided in section 302.441, and the court may order the person to
23 submit to continuous alcohol monitoring as defined in section 577.023, and beginning January 1,
24 2017, section 577.001, or random alcohol monitoring. These requirements shall be in addition to
25 any other provisions of this chapter or chapter 577 requiring installation and maintenance of an
26 ignition interlock device. Any person required to use an ignition interlock device shall comply with
27 such requirement subject to the penalties provided by section 577.599.

28 302.441. 1. If a person is required to have an ignition interlock device installed on such
29 person's vehicle, he or she may apply to the court for an employment exemption variance to allow
30 him or her to drive an employer-owned vehicle not equipped with an ignition interlock device for
31 employment purposes only. Such exemption shall not be granted to a person who is self-employed
32 or who wholly or partially owns an entity that owns an employer-owned vehicle, except as provided
33 in section 302.441, and the court may order the person to submit to continuous alcohol monitoring
34 as defined in section 577.023, and beginning January 1, 2017, section 577.001, or random alcohol
35 monitoring.

36 2. A person who is granted an employment exemption variance under subsection 1 of this
37 section shall not drive, operate, or be in physical control of an employer-owned vehicle used for
38 transporting children under eighteen years of age or vulnerable persons, as defined in section
39 630.005, or an employer-owned vehicle for personal use, except as provided in section 302.441, and
40 the court may order the person to submit to continuous alcohol monitoring as defined in section
41 577.023, and beginning January 1, 2017, section 577.001, or random alcohol monitoring."; and

42 302.535. 1. Any person aggrieved by a decision of the department may file a petition for
43 trial de novo by the circuit court. The burden of proof shall be on the state to adduce the evidence.
44 Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not as an appeal
45 of an administrative decision pursuant to chapter 536. The petition shall be filed in the circuit court
46 of the county where the arrest occurred. The case shall be decided by the judge sitting without a
47 jury. Until January 1, 2002, the presiding judge of the circuit court may assign a traffic judge,
48 pursuant to section 479.500, RSMo 1994, a circuit judge or an associate circuit judge to hear such

petition. After January 1, 2002, pursuant to local court rule pursuant to article V, section 15 of the Missouri Constitution, the case may be assigned to a circuit judge or an associate circuit judge, or to a traffic judge pursuant to section 479.500.

2. The filing of a petition for trial de novo shall [not] result in a stay of the suspension or revocation order and the department shall issue a temporary driving permit which shall be valid until a final order is issued following the date of the disposition of the petition for a trial de novo. [A restricted driving privilege as defined in section 302.010 shall be issued in accordance with subsection 2 of section 302.525, if the person's driving record shows no prior alcohol-related enforcement contact during the immediately preceding five years. Such restricted driving privilege shall terminate on the date of the disposition of the petition for trial de novo.

3. In addition to the restricted driving privilege as permitted in subsection 2 of this section, the department may upon the filing of a petition for trial de novo issue a restricted driving privilege as defined in section 302.010. In determining whether to issue such a restrictive driving privilege, the department shall consider the number and the seriousness of prior convictions and the entire driving record of the driver.

4. Such time of restricted driving privilege pending disposition of trial de novo shall be counted toward any time of restricted driving privilege imposed pursuant to section 302.525. Nothing in this subsection shall be construed to prevent a person from maintaining his restricted driving privilege for an additional sixty days in order to meet the conditions imposed by section 302.540 for reinstating a person's driver's license.]

311.328. 1. A valid and unexpired operator's or chauffeur's license issued under the provisions of section 302.177, or a valid and unexpired operator's or chauffeur's license issued under the laws of any state or territory of the United States to residents of those states or territories, or a valid and unexpired identification card or nondriver's license as provided for under section 302.181, or a valid and unexpired nondriver's license issued under the laws of any state or territory of the United States to residents of those states or territories, or a valid and unexpired identification card issued by any uniformed service of the United States, or a valid and unexpired passport shall be presented by the holder thereof upon request of any agent of the division of alcohol and tobacco control or any licensee or the servant, agent or employee thereof for the purpose of aiding the licensee or the servant, agent or employee to determine whether or not the person is at least twenty-one years of age when such person desires to purchase or consume alcoholic beverages procured from a licensee. Upon such presentation the licensee or the servant, agent or employee thereof shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

2. Upon proof by the licensee of full compliance with the provisions of this section, no penalty shall be imposed if the supervisor of the division of alcohol and tobacco control or the courts are satisfied that the licensee acted in good faith.

3. Any person who shall, without authorization from the department of revenue, reproduce, alter, modify, or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars, and confinement for not more than one year, or by both such fine and imprisonment."; and

Further amend said bill, Page 8, Section 600.101, Line 8, by inserting after all of said section and line the following:

"Section B. The repeal and reenactment of section 302.535 of this act shall become effective

1 on March 1, 2017."; and
2
3 Further amend said bill by amending the title, enacting clause, and intersectional references
4 accordingly.