

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 351, Page 7, Section 211.151, Line 92, by
2 inserting immediately after all of said section and line the following:

3
4 "211.171. 1. The procedure to be followed at the hearing shall be determined by the
5 juvenile court judge and may be as formal or informal as he or she considers desirable, consistent
6 with constitutional and statutory requirements. The judge may take testimony and inquire into the
7 habits, surroundings, conditions and tendencies of the child and the family to enable the court to
8 render such order or judgment as will best promote the welfare of the child and carry out the
9 objectives of this chapter.

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

12 3. The current foster parents of a child, or any preadoptive parent or relative currently
13 providing care for the child, shall be provided with notice of, and an opportunity to be heard in, any
14 hearing to be held with respect to the child, and a foster parent shall have standing to participate in
15 all court hearings pertaining to a child in their care. A foster parent of a child in a juvenile court
16 case under subdivision (1) or (2) of subsection 1 of section 211.031 shall have the right to intervene
17 as a party upon motion. Nothing in this section shall be construed to authorize the court to join a
18 foster parent as a party to the case without the foster parent's consent.

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

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

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

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

32 8. The court shall allow the victim of any offense to submit a written statement to the court.
33 The court shall allow the victim to appear before the court personally or by counsel for the purpose
34 of making a statement, unless the court finds that the presence of the victim would not serve justice.
35 The statement shall relate solely to the facts of the case and any personal injuries or financial loss
36 incurred by the victim. A member of the immediate family of the victim may appear personally or

Action Taken _____ Date _____

- 1 by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of
- 2 the offense committed by the child."; and
- 3
- 4 Further amend said bill by amending the title, enacting clause, and intersectional references
- 5 accordingly.