

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 501, Page 7, Section 198.053, Line 9, by
2 inserting after said section and line the following:

3
4 "211.021. [1-] As used in this chapter, unless the context clearly requires otherwise:

5 (1) "Adult" means a person [seventeen] eighteen years of age or older [except for seventeen-
6 year-old children as defined in this section];

7 (2) "Child" means any person under [seventeen] eighteen years of age [and shall mean, in
8 addition, any person over seventeen but not yet eighteen years of age alleged to have committed a
9 status offense];

10 (3) "Juvenile court" means the juvenile division or divisions of the circuit court of the
11 county, or judges while hearing juvenile cases assigned to them;

12 (4) "Legal custody" means the right to the care, custody and control of a child and the duty
13 to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline of a
14 child. Legal custody may be taken from a parent only by court action and if the legal custody is
15 taken from a parent without termination of parental rights, the parent's duty to provide support
16 continues even though the person having legal custody may provide the necessities of daily living;

17 (5) "Parent" means either a natural parent or a parent by adoption and if the child is
18 illegitimate, "parent" means the mother;

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

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

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

25 (c) "Group home", a child care facility which approximates a family setting, provides access
26 to community activities and resources, and provides care to no more than twelve children;

27 (7) "Status offense", any offense as described in subdivision (2) of subsection 1 of section
28 211.031.

29 [2- The amendments to subsection 1 of this section, as provided for in this act, shall not take
30 effect until such time as appropriations by the general assembly for additional juvenile officer full-
31 time equivalents and deputy juvenile officer full-time equivalents shall exceed by one million nine
32 hundred thousand dollars the amount spent by the state for such officers in fiscal year 2007 and
33 appropriations by the general assembly to single first class counties for juvenile court personnel
34 costs shall exceed by one million nine hundred thousand dollars the amount spent by the state for
35 such juvenile court personnel costs in fiscal year 2007 and notice of such appropriations has been
36 given to the revisor of statutes].

Action Taken _____ Date _____

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have exclusive original jurisdiction in proceedings:

(1) Involving any child ~~[or person seventeen years of age]~~ who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child ~~[or person seventeen years of age]~~, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child ~~[or person seventeen years of age]~~ shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child ~~[or person seventeen years of age]~~ is otherwise without proper care, custody or support; or

(c) The child ~~[or person seventeen years of age]~~ was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130;

(d) The child ~~[or person seventeen years of age is a child]~~ is in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; or

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; or

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification; or

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of ~~[seventeen]~~ eighteen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, and except that the juvenile court shall have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent jurisdiction with the circuit court on any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child ~~[or person seventeen years of age]~~ to the guardianship of

1 the department of social services as provided by law; and

2 (6) Involving an order of protection pursuant to chapter 455 when the respondent is less
3 than ~~[seventeen]~~ eighteen years of age.

4 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child ~~[or person
5 seventeen years of age]~~ who resides in a county of this state shall be made as follows:

6 (1) Prior to the filing of a petition and upon request of any party or at the discretion of the
7 juvenile officer, the matter in the interest of a child ~~[or person seventeen years of age]~~ may be
8 transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving
9 court, to the county of the child's residence or the residence of the person ~~[seventeen]~~ eighteen years
10 of age for future action;

11 (2) Upon the motion of any party or on its own motion prior to final disposition on the
12 pending matter, the court in which a proceeding is commenced may transfer the proceeding of a
13 child ~~[or person seventeen years of age]~~ to the court located in the county of the child's residence ~~[or
14 the residence of the person seventeen years of age]~~, or the county in which the offense pursuant to
15 subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

16 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has been
17 taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a
18 child ~~[or person seventeen years of age]~~ to the court located in the county of the child's residence ~~[or
19 the residence of the person seventeen years of age]~~ for further action with the prior consent of the
20 receiving court;

21 (4) Upon motion of any party or upon its own motion at any time following a judgment of
22 disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may
23 place the child ~~[or person seventeen years of age]~~ under the supervision of another juvenile court
24 within or without the state pursuant to section 210.570 with the consent of the receiving court;

25 (5) Upon motion of any child ~~[or person seventeen years of age]~~ or his or her parent, the
26 court having jurisdiction shall grant one change of judge pursuant to Missouri supreme court rules;

27 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child ~~[or
28 person seventeen years of age]~~, certified copies of all legal and social documents and records
29 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the
30 transfer.

31 3. In any proceeding involving any child ~~[or person seventeen years of age]~~ taken into
32 custody in a county other than the county of the child's residence ~~[or the residence of a person
33 seventeen years of age]~~, the juvenile court of the county of the child's residence ~~[or the residence of
34 a person seventeen years of age]~~ shall be notified of such taking into custody within seventy-two
35 hours.

36 4. When an investigation by a juvenile officer pursuant to this section reveals that the only
37 basis for action involves an alleged violation of section 167.031 involving a child who alleges to be
38 home schooled, the juvenile officer shall contact a parent or parents of such child to verify that the
39 child is being home schooled and not in violation of section 167.031 before making a report of such
40 a violation. Any report of a violation of section 167.031 made by a juvenile officer regarding a
41 child who is being home schooled shall be made to the prosecuting attorney of the county where the
42 child legally resides.

43 5. The disability or disease of a parent shall not constitute a basis for a determination that a
44 child is a child in need of care or for the removal of custody of a child from the parent without a
45 specific showing that there is a causal relation between the disability or disease and harm to the
46 child.

47 211.032. 1. Except as otherwise provided in a circuit participating in a pilot project
48 established by the Missouri supreme court, when a child ~~[or person seventeen years of age]~~, alleged

1 to be in need of care and treatment pursuant to subdivision (1) of subsection 1 of section 211.031, is
 2 taken into custody, the juvenile or family court shall notify the parties of the right to have a
 3 protective custody hearing. Such notification shall be in writing.

4 2. Upon request from any party, the court shall hold a protective custody hearing. Such
 5 hearing shall be held within three days of the request for a hearing, excluding Saturdays, Sundays
 6 and legal holidays. For circuits participating in a pilot project established by the Missouri supreme
 7 court, the parties shall be notified at the status conference of their right to request a protective
 8 custody hearing.

9 3. No later than February 1, 2005, the Missouri supreme court shall require a mandatory
 10 court proceeding to be held within three days, excluding Saturdays, Sundays, and legal holidays, in
 11 all cases under subdivision (1) of subsection 1 of section 211.031. The Missouri supreme court
 12 shall promulgate rules for the implementation of such mandatory court proceedings and may
 13 consider recommendations from any pilot projects established by the Missouri supreme court
 14 regarding such proceedings. Nothing in this subsection shall prevent the Missouri supreme court
 15 from expanding pilot projects prior to the implementation of this subsection.

16 4. The court shall hold an adjudication hearing no later than sixty days after the child has
 17 been taken into custody. The court shall notify the parties in writing of the specific date, time, and
 18 place of such hearing. If at such hearing the court determines that sufficient cause exists for the
 19 child to remain in the custody of the state, the court shall conduct a dispositional hearing no later
 20 than ninety days after the child has been taken into custody and shall conduct review hearings
 21 regarding the reunification efforts made by the division every ninety to one hundred twenty days for
 22 the first year the child is in the custody of the division. After the first year, review hearings shall be
 23 held as necessary, but in no event less than once every six months for as long as the child is in the
 24 custody of the division.

25 5. At all hearings held pursuant to this section the court may receive testimony and other
 26 evidence relevant to the necessity of detaining the child out of the custody of the parents, guardian
 27 or custodian.

28 6. By January 1, 2005, the supreme court shall develop rules regarding the effect of
 29 untimely hearings.

30 7. If the placement of any child in the custody of the children's division will result in the
 31 child attending a school other than the school the child was attending when taken into custody:

32 (1) The child's records from such school shall automatically be forwarded to the school that
 33 the child is transferring to upon notification within two business days by the division; or

34 (2) Upon request of the foster family, the guardian ad litem, or the volunteer advocate and
 35 whenever possible, the child shall be permitted to continue to attend the same school that the child
 36 was enrolled in and attending at the time the child was taken into custody by the division. The
 37 division, in consultation with the department of elementary and secondary education, shall establish
 38 the necessary procedures to implement the provisions of this subsection.

39 211.033. 1. No person under the age of ~~[seventeen]~~ eighteen years, except those transferred
 40 to the court of general jurisdiction under the provisions of section 211.071 shall be detained in a jail
 41 or other adult detention facility as that term is defined in section 211.151. A traffic court judge may
 42 request the juvenile court to order the commitment of a person under the age of ~~[seventeen]~~ eighteen
 43 to a juvenile detention facility.

44 2. Nothing in this section shall be construed as creating any civil or criminal liability for any
 45 law enforcement officer, juvenile officer, school personnel, or court personnel for any action taken
 46 or failure to take any action involving a minor child who remains under the jurisdiction of the
 47 juvenile court under this section if such action or failure to take action is based on a good faith
 48 belief by such officer or personnel that the minor child is not under the jurisdiction of the juvenile

1 court.

2 ~~[3. The amendments to subsection 2 of this section, as provided for in this act, shall not take~~
3 ~~effect until such time as the provisions of section 211.021 shall take effect in accordance with~~
4 ~~subsection 2 of section 211.021.]~~

5 211.041. When jurisdiction over the person of a child has been acquired by the juvenile
6 court under the provisions of this chapter in proceedings coming within the applicable provisions of
7 section 211.031, the jurisdiction of the child may be retained for the purpose of this chapter until he
8 or she has attained the age of twenty-one years, except in cases where he or she is committed to and
9 received by the division of youth services, unless jurisdiction has been returned to the committing
10 court by provisions of chapter 219 through requests of the court to the division of youth services
11 and except in any case where he or she has not paid an assessment imposed in accordance with
12 section 211.181 or in cases where the judgment for restitution entered in accordance with section
13 211.185 has not been satisfied. Every child over whose person the juvenile court retains jurisdiction
14 shall be prosecuted under the general law for any violation of a state law or of a municipal
15 ordinance which he or she commits after he or she becomes ~~[seventeen]~~ eighteen years of age. The
16 juvenile court shall have no jurisdiction with respect to any such violation and, so long as it retains
17 jurisdiction of the child, shall not exercise its jurisdiction in such a manner as to conflict with any
18 other court's jurisdiction as to any such violation.

19 211.061. 1. When a child is taken into custody with or without warrant for an offense, the
20 child, together with any information concerning the child and the personal property found in the
21 child's possession, shall be taken immediately and directly before the juvenile court or delivered to
22 the juvenile officer or person acting for ~~[him]~~ the child.

23 2. If any person is taken before a circuit or associate circuit judge not assigned to juvenile
24 court or a municipal judge, and it is then, or at any time thereafter, ascertained that he or she was
25 under the age of ~~[seventeen]~~ eighteen years at the time he or she is alleged to have committed the
26 offense, or that he or she is subject to the jurisdiction of the juvenile court as provided by this
27 chapter, it is the duty of the judge forthwith to transfer the case or refer the matter to the juvenile
28 court, and direct the delivery of such person, together with information concerning him or her and
29 the personal property found in his or her possession, to the juvenile officer or person acting as such.

30 3. When the juvenile court is informed that a child is in detention it shall examine the
31 reasons therefor and shall immediately:

32 (1) Order the child released; or

33 (2) Order the child continued in detention until a detention hearing is held. An order to
34 continue the child in detention shall only be entered upon the filing of a petition or motion to
35 modify and a determination by the court that probable cause exists to believe that the child has
36 committed acts specified in the petition or motion that bring the child within the jurisdiction of the
37 court under subdivision (2) or (3) of subsection 1 of section 211.031.

38 4. A juvenile shall not remain in detention for a period greater than twenty-four hours
39 unless the court orders a detention hearing. If such hearing is not held within three days, excluding
40 Saturdays, Sundays and legal holidays, the juvenile shall be released from detention unless the court
41 for good cause orders the hearing continued. The detention hearing shall be held within the judicial
42 circuit at a date, time and place convenient to the court. Notice of the date, time and place of a
43 detention hearing, and of the right to counsel, shall be given to the juvenile and his or her custodian
44 in person, by telephone, or by such other expeditious method as is available.

45 211.071. 1. If a petition alleges that a child between the ages of twelve and ~~[seventeen]~~
46 eighteen has committed an offense which would be considered a felony if committed by an adult,
47 the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's
48 custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be

1 transferred to the court of general jurisdiction and prosecuted under the general law; except that if a
2 petition alleges that any child has committed an offense which would be considered first degree
3 murder under section 565.020, second degree murder under section 565.021, first degree assault
4 under section 565.050, forcible rape under section 566.030 as it existed prior to August 28, 2013,
5 rape in the first degree under section 566.030, forcible sodomy under section 566.060 as it existed
6 prior to August 28, 2013, sodomy in the first degree under section 566.060, first degree robbery
7 under section 569.020 as it existed prior to January 1, 2017, or first degree robbery under section
8 570.023, [or] distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or
9 the manufacturing of a controlled substance under section 579.055, or has committed two or more
10 prior unrelated offenses which would be felonies if committed by an adult, the court shall order a
11 hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general
12 jurisdiction for prosecution under the general law.

13 2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed
14 by any person between [~~seventeen~~] eighteen and twenty-one years of age over whom the juvenile
15 court has retained continuing jurisdiction shall automatically terminate and that offense shall be
16 dealt with in the court of general jurisdiction as provided in section 211.041.

17 3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any
18 action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during
19 the period of time in which a child misrepresents his or her age may be used against the child and
20 will be subject only to rules of evidence applicable in adult proceedings.

21 4. Written notification of a transfer hearing shall be given to the juvenile and his or her
22 custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing
23 may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is
24 to determine whether the child is a proper subject to be dealt with under the provisions of this
25 chapter, and that if the court finds that the child is not a proper subject to be dealt with under the
26 provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under
27 the general law.

28 5. The juvenile officer may consult with the office of prosecuting attorney concerning any
29 offense for which the child could be certified as an adult under this section. The prosecuting or
30 circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer,
31 statements of witnesses and all other records or reports relating to the offense alleged to have been
32 committed by the child. The prosecuting or circuit attorney shall have access to the disposition
33 records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1
34 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child
35 and the offense until the juvenile court at a judicial hearing has determined that the child is not a
36 proper subject to be dealt with under the provisions of this chapter.

37 6. A written report shall be prepared in accordance with this chapter developing fully all
38 available information relevant to the criteria which shall be considered by the court in determining
39 whether the child is a proper subject to be dealt with under the provisions of this chapter and
40 whether there are reasonable prospects of rehabilitation within the juvenile justice system. These
41 criteria shall include but not be limited to:

42 (1) The seriousness of the offense alleged and whether the protection of the community
43 requires transfer to the court of general jurisdiction;

44 (2) Whether the offense alleged involved viciousness, force and violence;

45 (3) Whether the offense alleged was against persons or property with greater weight being
46 given to the offense against persons, especially if personal injury resulted;

47 (4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates
48 that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;

(7) The age of the child;

(8) The program and facilities available to the juvenile court in considering disposition;

(9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and

(10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

(1) Findings showing that the court had jurisdiction of the cause and of the parties;

(2) Findings showing that the child was represented by counsel;

(3) Findings showing that the hearing was held in the presence of the child and his counsel; and

(4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the prosecution of the child results in a conviction, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.073. 1. The court shall, in a case when the offender is under ~~[seventeen]~~ eighteen years ~~[and six months]~~ of age and has been transferred to a court of general jurisdiction pursuant to section 211.071, and whose prosecution results in a conviction or a plea of guilty, consider dual jurisdiction of both the criminal and juvenile codes, as set forth in this section. The court is authorized to impose a juvenile disposition under this chapter and simultaneously impose an adult criminal sentence, the execution of which shall be suspended pursuant to the provisions of this section. Successful completion of the juvenile disposition ordered shall be a condition of the suspended adult criminal sentence. The court may order an offender into the custody of the division of youth services pursuant to this section:

(1) Upon agreement of the division of youth services; and

(2) If the division of youth services determines that there is space available in a facility designed to serve offenders sentenced under this section. If the division of youth services agrees to accept a youth and the court does not impose a juvenile disposition, the court shall make findings on the record as to why the division of youth services was not appropriate for the offender prior to imposing the adult criminal sentence.

2. If there is probable cause to believe that the offender has violated a condition of the suspended sentence or committed a new offense, the court shall conduct a hearing on the violation charged, unless the offender waives such hearing. If the violation is established and found the court may continue or revoke the juvenile disposition, impose the adult criminal sentence, or enter such other order as it may see fit.

3. When an offender has received a suspended sentence pursuant to this section and the division determines the child is beyond the scope of its treatment programs, the division of youth services may petition the court for a transfer of custody of the offender. The court shall hold a hearing and shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

4. When an offender who has received a suspended sentence reaches the age of ~~[seventeen]~~ eighteen, the court shall hold a hearing. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections;

(2) Direct that the offender be placed on probation; or

(3) Direct that the offender remain in the custody of the division of youth services if the division agrees to such placement.

5. The division of youth services shall petition the court for a hearing before it releases an offender who comes within subsection 1 of this section at any time before the offender reaches the age of twenty-one years. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

6. If the suspension of the adult criminal sentence is revoked, all time served by the offender under the juvenile disposition shall be credited toward the adult criminal sentence imposed.

211.081. 1. Whenever any person informs the court in person and in writing that a child appears to be within the purview of applicable provisions of section 211.031 ~~[or that a person seventeen years of age appears to be within the purview of the provisions of subdivision (1) of subsection 1 of section 211.031]~~, the court shall make or cause to be made a preliminary inquiry to determine the facts and to determine whether or not the interests of the public or of the child ~~[or person seventeen years of age]~~ require that further action be taken. On the basis of this inquiry, the juvenile court may make such informal adjustment as is practicable without a petition or may authorize the filing of a petition by the juvenile officer. Any other provision of this chapter to the contrary notwithstanding, the juvenile court shall not make any order for disposition of a child ~~[or person seventeen years of age]~~ which would place or commit the child ~~[or person seventeen years of age]~~ to any location outside the state of Missouri without first receiving the approval of the children's division.

2. Placement in any institutional setting shall represent the least restrictive appropriate placement for the child ~~[or person seventeen years of age]~~ and shall be recommended based upon a psychological or psychiatric evaluation or both. Prior to entering any order for disposition of a child ~~[or person seventeen years of age]~~ which would order residential treatment or other services inside the state of Missouri, the juvenile court shall enter findings which include the recommendation of the psychological or psychiatric evaluation or both; and certification from the division director or designee as to whether a provider or funds or both are available, including a projection of their future availability. If the children's division indicates that funding is not available, the division shall recommend and make available for placement by the court an alternative placement for the child ~~[or person seventeen years of age]~~. The division shall have the burden of demonstrating that they have exercised due diligence in utilizing all available services to carry out the recommendation of the evaluation team and serve the best interest of the child ~~[or person seventeen years of age]~~. The judge shall not order placement or an alternative placement with a specific provider but may reasonably designate the scope and type of the services which shall

1 be provided by the department to the child [~~or person seventeen years of age~~].

2 3. Obligations of the state incurred under the provisions of section 211.181 shall not exceed,
3 in any fiscal year, the amount appropriated for this purpose.

4 211.091. 1. The petition shall be entitled "In the interest of, a child under
5 [~~seventeen~~] eighteen years of age" [~~or "In the interest of, a child seventeen years of age" or~~
6 "~~In the interest of, a person seventeen years of age~~" as appropriate to the subsection of
7 section 211.031 that provides the basis for the filing of the petition].

8 2. The petition shall set forth plainly:

9 (1) The facts which bring the child [~~or person seventeen years of age~~] within the jurisdiction
10 of the court;

11 (2) The full name, birth date, and residence of the child [~~or person seventeen years of age~~];

12 (3) The names and residence of his or her parents, if living;

13 (4) The name and residence of his or her legal guardian if there be one, of the person having
14 custody of the child [~~or person seventeen years of age~~] or of the nearest known relative if no parent
15 or guardian can be found; and

16 (5) Any other pertinent data or information.

17 3. If any facts required in subsection 2 of this section are not known by the petitioner, the
18 petition shall so state.

19 4. Prior to the voluntary dismissal of a petition filed under this section, the juvenile officer
20 shall assess the impact of such dismissal on the best interests of the child, and shall take all actions
21 practicable to minimize any negative impact.

22 211.101. 1. After a petition has been filed, unless the parties appear voluntarily, the juvenile
23 court shall issue a summons in the name of the state of Missouri requiring the person who has
24 custody of the child [~~or person seventeen years of age~~] to appear personally and, unless the court
25 orders otherwise, to bring the child [~~or person seventeen years of age~~] before the court, at the time
26 and place stated.

27 2. If the person so summoned is other than a parent or guardian of the child [~~or person~~
28 ~~seventeen years of age~~], then the parent or guardian or both shall also be notified of the pendency of
29 the case and of the time and place appointed.

30 3. If it appears that the child [~~or person seventeen years of age~~] is in such condition or
31 surroundings that his or her welfare requires that his or her custody be immediately assumed by the
32 court, the judge may order, by endorsement upon the summons, the officer serving it to take the
33 child [~~or person seventeen years of age~~] into custody at once.

34 4. Subpoena may be issued requiring the appearance of any other person whose presence, in
35 the opinion of the judge, is necessary.

36 211.161. 1. The court may cause any child [~~or person seventeen years of age~~] within its
37 jurisdiction to be examined by a physician, psychiatrist or psychologist appointed by the court in
38 order that the condition of the child [~~or person seventeen years of age~~] may be given consideration
39 in the disposition of his case. The expenses of the examination when approved by the court shall be
40 paid by the county, except that the county shall not be liable for the costs of examinations conducted
41 by the department of mental health either directly or through contract.

42 2. The services of a state, county or municipally maintained hospital, institution, or
43 psychiatric or health clinic may be used for the purpose of this examination and treatment.

44 3. A county may establish medical, psychiatric and other facilities, upon request of the
45 juvenile court, to provide proper services for the court in the diagnosis and treatment of children [~~or~~
46 ~~persons seventeen years of age~~] coming before it and these facilities shall be under the
47 administration and control of the juvenile court. The juvenile court may appoint and fix the
48 compensation of such professional and other personnel as it deems necessary to provide the court

proper diagnostic, clinical and treatment services for children ~~[or persons seventeen years of age]~~ under its jurisdiction.

211.181. 1. When a child ~~[or person seventeen years of age]~~ is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child ~~[or person seventeen years of age]~~, and the court may, by order duly entered, proceed as follows:

(1) Place the child ~~[or person seventeen years of age]~~ under supervision in his own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child ~~[or person seventeen years of age]~~ to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child ~~[or person seventeen years of age]~~ may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child ~~[or person seventeen years of age]~~ in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child ~~[or person seventeen years of age]~~ in a family home;

(4) Cause the child ~~[or person seventeen years of age]~~ to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child ~~[or person seventeen years of age]~~ requires it, cause the child ~~[or person seventeen years of age]~~ to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child ~~[or person seventeen years of age]~~ whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child ~~[or person seventeen years of age]~~;

(6) The department of social services, in conjunction with the department of mental health, shall apply to the United States Department of Health and Human Services for such federal waivers as required to provide services for such children, including the acquisition of community-based services waivers.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to

1 be suitable and upon such conditions as the court may require;

2 (2) Commit the child to the custody of:

3 (a) A public agency or institution authorized by law to care for children or place them in
4 family homes; except that, a child may be committed to the department of social services, division
5 of youth services, only if he or she is presently under the court's supervision after an adjudication
6 under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

7 (b) Any other institution or agency which is authorized or licensed by law to care for
8 children or to place them in family homes;

9 (c) An association, school or institution willing to receive it in another state if the approval
10 of the agency in that state which administers the laws relating to importation of children into the
11 state has been secured; or

12 (d) The juvenile officer;

13 (3) Place the child in a family home;

14 (4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist
15 and when the health or condition of the child requires it, cause the child to be placed in a public or
16 private hospital, clinic or institution for treatment and care; except that, nothing contained herein
17 authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose
18 parents or guardian in good faith are providing other remedial treatment recognized or permitted
19 under the laws of this state;

20 (5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.
21 Execution of any order entered by the court pursuant to this subsection, including a commitment to
22 any state agency, may be suspended and the child placed on probation subject to such conditions as
23 the court deems reasonable. After a hearing, probation may be revoked and the suspended order
24 executed.

25 3. When a child is found by the court to come within the provisions of subdivision (3) of
26 subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it
27 exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as
28 follows:

29 (1) Place the child under supervision in his or her own home or in custody of a relative or
30 other suitable person after the court or a public agency or institution designated by the court
31 conducts an investigation of the home, relative or person and finds such home, relative or person to
32 be suitable and upon such conditions as the court may require; provided that, no child who has been
33 adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-related
34 offense which if committed by an adult would be considered a felony offense pursuant to chapter
35 566, RSMo, including but not limited to rape, forcible sodomy, child molestation, and sexual abuse,
36 and in which the victim was a child, shall be placed in any residence within one thousand feet of the
37 residence of the abused child of that offense until the abused child reaches the age of eighteen, and
38 provided further that the provisions of this subdivision regarding placement within one thousand
39 feet of the abused child shall not apply when the abusing child and the abused child are siblings or
40 children living in the same home;

41 (2) Commit the child to the custody of:

42 (a) A public agency or institution authorized by law to care for children or to place them in
43 family homes;

44 (b) Any other institution or agency which is authorized or licensed by law to care for
45 children or to place them in family homes;

46 (c) An association, school or institution willing to receive it in another state if the approval
47 of the agency in that state which administers the laws relating to importation of children into the
48 state has been secured; or

1 (d) The juvenile officer;

2 (3) Beginning January 1, 1996, the court may make further directions as to placement with
3 the division of youth services concerning the child's length of stay. The length of stay order may set
4 forth a minimum review date;

5 (4) Place the child in a family home;

6 (5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist
7 and when the health or condition of the child requires it, cause the child to be placed in a public or
8 private hospital, clinic or institution for treatment and care; except that, nothing contained herein
9 authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose
10 parents or guardian in good faith are providing other remedial treatment recognized or permitted
11 under the laws of this state;

12 (6) Suspend or revoke a state or local license or authority of a child to operate a motor
13 vehicle;

14 (7) Order the child to make restitution or reparation for the damage or loss caused by his or
15 her offense. In determining the amount or extent of the damage, the court may order the juvenile
16 officer to prepare a report and may receive other evidence necessary for such determination. The
17 child and his or her attorney shall have access to any reports which may be prepared, and shall have
18 the right to present evidence at any hearing held to ascertain the amount of damages. Any
19 restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or
20 to perform the reparation. The court may require the clerk of the circuit court to act as receiving
21 and disbursing agent for any payment ordered;

22 (8) Order the child to a term of community service under the supervision of the court or of
23 an organization selected by the court. Every person, organization, and agency, and each employee
24 thereof, charged with the supervision of a child under this subdivision, or who benefits from any
25 services performed as a result of an order issued under this subdivision, shall be immune from any
26 suit by the child ordered to perform services under this subdivision, or any person deriving a cause
27 of action from such child, if such cause of action arises from the supervision of the child's
28 performance of services under this subdivision and if such cause of action does not arise from an
29 intentional tort. A child ordered to perform services under this subdivision shall not be deemed an
30 employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such
31 child be deemed employment within the meaning of the provisions of chapter 288, RSMo.
32 Execution of any order entered by the court, including a commitment to any state agency, may be
33 suspended and the child placed on probation subject to such conditions as the court deems
34 reasonable. After a hearing, probation may be revoked and the suspended order executed;

35 (9) When a child has been adjudicated to have violated a municipal ordinance or to have
36 committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to
37 twenty-five dollars to be paid by the child to the clerk of the court; when a child has been
38 adjudicated to have committed an act that would be a felony if committed by an adult, assess an
39 amount of up to fifty dollars to be paid by the child to the clerk of the court.

40 4. Beginning January 1, 1996, the court may set forth in the order of commitment the
41 minimum period during which the child shall remain in the custody of the division of youth
42 services. No court order shall require a child to remain in the custody of the division of youth
43 services for a period which exceeds the child's eighteenth birth date except upon petition filed by the
44 division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any order of
45 commitment of a child to the custody of the division of youth services, the division shall determine
46 the appropriate program or placement pursuant to subsection 3 of section 219.021, RSMo.
47 Beginning January 1, 1996, the department shall not discharge a child from the custody of the
48 division of youth services before the child completes the length of stay determined by the court in

the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.

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

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

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

(a) To provide information to or discuss matters concerning the child, the violation of law or the case with the victim, witnesses, officials at the child's school, law enforcement officials, prosecuting attorneys, any person or agency having or proposed to have legal or actual care, custody or control of the child, or any person or agency providing or proposed to provide treatment of the child. Information received pursuant to this paragraph shall not be released to the general public, but shall be released only to the persons or agencies listed in this paragraph;

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

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

1 (3) As otherwise provided by statute;

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

3 3. Peace officers' records, if any are kept, of children shall be kept separate from the records
4 of persons [~~seventeen~~] eighteen years of age or over and shall not be open to inspection or their
5 contents disclosed, except by order of the court. This subsection does not apply to children who are
6 transferred to courts of general jurisdiction as provided by section 211.071 or to juveniles convicted
7 under the provisions of sections 578.421 to 578.437. This subsection does not apply to the
8 inspection or disclosure of the contents of the records of peace officers for the purpose of pursuing a
9 civil forfeiture action pursuant to the provisions of section 195.140.

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

13 5. The court may, either on its own motion or upon application by the child or his or her
14 representative, or upon application by the juvenile officer, enter an order to destroy all social
15 histories, records, and information, other than the official court file, and may enter an order to seal
16 the official court file, as well as all peace officers' records, at any time after the child has reached his
17 [~~seventeenth~~] or her eighteenth birthday if the court finds that it is in the best interest of the child
18 that such action or any part thereof be taken, unless the jurisdiction of the court is continued beyond
19 the child's [~~seventeenth~~] eighteenth birthday, in which event such action or any part thereof may be
20 taken by the court at any time after the closing of the child's case.

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

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

31 211.421. 1. After any child has come under the care or control of the juvenile court as
32 provided in this chapter, any person who thereafter encourages, aids, or causes the child to commit
33 any act or engage in any conduct which would be injurious to the child's morals or health or who
34 knowingly or negligently disobeys, violates or interferes with a lawful order of the court with
35 relation to the child, is guilty of contempt of court, and shall be proceeded against as now provided
36 by law and punished by imprisonment in the county jail for a term not exceeding six months or by a
37 fine not exceeding five hundred dollars or by both such fine and imprisonment.

38 2. If it appears at a juvenile court hearing that any person [~~seventeen~~] eighteen years of age
39 or over has violated section 568.045 or 568.050, RSMo, by endangering the welfare of a child, the
40 judge of the juvenile court shall refer the information to the prosecuting or circuit attorney, as the
41 case may be, for appropriate proceedings.

42 211.425. 1. Any person who has been adjudicated a delinquent by a juvenile court for
43 committing or attempting to commit a sex-related offense which if committed by an adult would be
44 considered a felony offense pursuant to chapter 566 including, but not limited to, rape, forcible
45 sodomy, child molestation and sexual abuse, shall be considered a juvenile sex offender and shall be
46 required to register as a juvenile sex offender by complying with the registration requirements
47 provided for in this section, unless such juvenile adjudicated as a delinquent is fourteen years of age
48 or older at the time of the offense and the offense adjudicated would be considered a felony under

chapter 566 if committed by an adult, which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, including any attempt or conspiracy to commit such offense, in which case, the juvenile shall be required to register as an adult sexual offender under sections 589.400 to 589.425. This requirement shall also apply to any person who is or has been adjudicated a juvenile delinquent in any other state or federal jurisdiction for committing, attempting to commit, or conspiring to commit offenses which would be proscribed herein.

2. Any state agency having supervision over a juvenile required to register as a juvenile sex offender or any court having jurisdiction over a juvenile required to register as a juvenile sex offender, or any person required to register as a juvenile sex offender, shall, within ten days of the juvenile offender moving into any county of this state, register with the juvenile office of the county. If such juvenile offender changes residence or address, the state agency, court or person shall inform the juvenile office within ten days of the new residence or address and shall also be required to register with the juvenile office of any new county of residence. Registration shall be accomplished by completing a registration form similar to the form provided for in section 589.407. Such form shall include, but is not limited to, the following:

(1) A statement in writing signed by the juvenile, giving the juvenile's name, address, Social Security number, phone number, school in which enrolled, place of employment, offense which requires registration, including the date, place, and a brief description of such offense, date and place of adjudication regarding such offense, and age and gender of the victim at the time of the offense; and

(2) The fingerprints and a photograph of the juvenile.

3. Juvenile offices shall maintain the registration forms of those juvenile offenders in their jurisdictions who register as required by this section. Information contained on the registration forms shall be kept confidential and may be released by juvenile offices to only those persons and agencies who are authorized to receive information from juvenile court records as provided by law, including, but not limited to, those specified in section 211.321. State agencies having custody of juveniles who fall within the registration requirements of this section shall notify the appropriate juvenile offices when such juvenile offenders are being transferred to a location falling within the jurisdiction of such juvenile offices.

4. Any juvenile who is required to register pursuant to this section but fails to do so or who provides false information on the registration form is subject to disposition pursuant to this chapter. Any person ~~[seventeen]~~ eighteen years of age or over who commits such violation is guilty of a class A misdemeanor as provided for in section 211.431.

5. Any juvenile to whom the registration requirement of this section applies shall be informed by the official in charge of the juvenile's custody, upon the juvenile's discharge or release from such custody, of the requirement to register pursuant to this section. Such official shall obtain the address where such juvenile expects to register upon being discharged or released and shall report the juvenile's name and address to the juvenile office where the juvenile ~~[will]~~ shall be required to register. This requirement to register upon discharge or release from custody does not apply in situations where the juvenile is temporarily released under guard or direct supervision from a detention facility or similar custodial facility.

6. The requirement to register as a juvenile sex offender shall terminate upon the juvenile offender reaching age twenty-one, unless such juvenile offender is required to register as an adult offender pursuant to section 589.400.

211.431. Any person ~~[seventeen]~~ eighteen years of age or over who willfully violates, neglects or refuses to obey or perform any lawful order of the court, or who violates any provision of this chapter is guilty of a class A misdemeanor.

221.044. No person under the age of ~~[seventeen]~~ eighteen years, except those transferred to

1 the court of general jurisdiction under the provisions of section 211.071, shall be detained in a jail or
2 other adult detention facility as that term is defined in section 211.151. A traffic court judge may
3 request the juvenile court to order the commitment of a person under the age of ~~[seventeen]~~ eighteen
4 to a juvenile detention facility."; and

5
6 Further amend said bill, Page 19, Section B, Line 6, by inserting immediately after said section and
7 line the following:

8
9 "Section C. The repeal and reenactment of sections 211.021, 211.031, 211.032, 211.033,
10 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321,
11 211.421, 211.425, 211.431, and 221.044 of this act shall become effective on January 1, 2020."; and

12
13 Further amend said bill by amending the title, enacting clause, and intersectional references
14 accordingly.