

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

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 63, Page 2, Section  
2 167.012, Lines 37 to 39, by deleting all of the said lines and inserting in lieu thereof the following:

3  
4 "educational neglect brought under chapter 210.

5 5. Home school education enforcement and records pursuant to this section, and sections  
6 210.167 and 211.031, shall be subject to review only by the local prosecuting attorney and such  
7 review shall be based only upon probable cause."; and  
8

9 Further amend said bill, Page 3, Section 167.013, Lines 38 to 40 by deleting all of the said lines and  
10 inserting in lieu thereof the following:

11  
12 "educational neglect brought under chapter 210.

13 5. FPE school education enforcement and records pursuant to this section, and sections  
14 210.167 and 211.031, shall be subject to review only by the local prosecuting attorney and such  
15 review shall be based only upon probable cause."; and  
16

17 Further amend said bill, Page 9, Section 167.850, Line 105, by inserting after all of the said section  
18 and line the following:

19  
20 "210.167. If an investigation conducted by the children's division under section 210.145  
21 reveals that the only basis for action involves a question of an alleged violation of section 167.031,  
22 then the local office of the division shall send the report to the school district in which the child  
23 resides. The school district shall immediately refer all private, parochial, parish, home school, or  
24 FPE school matters to the prosecuting attorney of the county wherein the child legally resides. The  
25 school district may refer public school violations of section 167.031 to the prosecuting attorney.  
26 Any investigation for a violation of section 167.031 involving a child who is being home schooled  
27 or who is enrolled in an FPE school shall be subject to review only by the local prosecuting attorney  
28 and shall be based only upon probable cause.

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

1           211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family  
2 court in circuits that have a family court as provided in chapter 487 shall have exclusive original  
3 jurisdiction in proceedings:

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

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

11           (b) The child is otherwise without proper care, custody or support;

12           (c) The child was living in a room, building or other structure at the time such dwelling was  
13 found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130; or

14           (d) The child is in need of mental health services and the parent, guardian or custodian is  
15 unable to afford or access appropriate mental health treatment or care for the child;

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

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

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

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

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

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

32           (3) Involving any child who is alleged to have violated a state law or municipal ordinance,  
33 or any person who is alleged to have violated a state law or municipal ordinance prior to attaining  
34 the age of eighteen years, in which cases jurisdiction may be taken by the court of the circuit in  
35 which the violation is alleged to have occurred, except as provided in subsection 2 of this section;  
36 except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is  
37 alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which  
38 does not constitute a felony, and except that the juvenile court shall have concurrent jurisdiction  
39 with the municipal court over any child who is alleged to have violated a municipal curfew

1 ordinance, and except that the juvenile court shall have concurrent jurisdiction with the circuit court  
2 on any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting  
3 possession or use of any tobacco product;

4 (4) For the adoption of a person;

5 (5) For the commitment of a child to the guardianship of the department of social services as  
6 provided by law;

7 (6) Involving an order of protection pursuant to chapter 455 when the respondent is less than  
8 eighteen years of age; and

9 (7) Involving a child who has been a victim of sex trafficking or sexual exploitation.

10 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child who resides in a  
11 county of this state shall be made as follows:

12 (1) Prior to the filing of a petition and upon request of any party or at the discretion of the  
13 juvenile officer, the matter in the interest of a child may be transferred by the juvenile officer, with  
14 the prior consent of the juvenile officer of the receiving court, to the county of the child's residence  
15 or the residence of the person eighteen years of age for future action;

16 (2) Upon the motion of any party or on its own motion prior to final disposition on the  
17 pending matter, the court in which a proceeding is commenced may transfer the proceeding of a  
18 child to the court located in the county of the child's residence, or the county in which the offense  
19 pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further  
20 action;

21 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has been  
22 taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a  
23 child to the court located in the county of the child's residence for further action with the prior  
24 consent of the receiving court;

25 (4) Upon motion of any party or upon its own motion at any time following a judgment of  
26 disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may  
27 place the child under the supervision of another juvenile court within or without the state pursuant to  
28 section 210.570 with the consent of the receiving court;

29 (5) Upon motion of any child or his or her parent, the court having jurisdiction shall grant  
30 one change of judge pursuant to Missouri supreme court rules;

31 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child,  
32 certified copies of all legal and social documents and records pertaining to the case on file with the  
33 clerk of the transferring juvenile court shall accompany the transfer.

34 3. In any proceeding involving any child taken into custody in a county other than the  
35 county of the child's residence, the juvenile court of the county of the child's residence shall be  
36 notified of such taking into custody within seventy-two hours.

37 4. When an investigation by a juvenile officer pursuant to this section reveals that the only  
38 basis for action involves an alleged violation of section 167.031 involving a child who alleges to be  
39 receiving instruction at a home school or an FPE school, the juvenile officer shall contact a parent or

1 parents of such child to verify that the child is receiving instruction at such school and not in  
2 violation of section 167.031 before making a report of such a violation. Any report of a violation of  
3 section 167.031 made by a juvenile officer regarding a child who is receiving instruction at a home  
4 school or an FPE school shall be made only to the prosecuting attorney of the county where the  
5 child legally resides and shall be based only upon probable cause.

6 5. The disability or disease of a parent shall not constitute a basis for a determination that a  
7 child is a child in need of care or for the removal of custody of a child from the parent without a  
8 specific showing that there is a causal relation between the disability or disease and harm to the  
9 child."; and

10  
11 Further amend said bill by amending the title, enacting clause, and intersectional references  
12 accordingly.