

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 43, Page 6, Section
2 135.460, Line 78, by inserting after said section and line the following:

3
4 "135.621. 1. As used in this section, the following terms mean:

5 (1) "Contribution", a donation of cash, stock, bonds, other marketable securities, or real
6 property;

7 (2) "Department", the department of social services;

8 (3) "Diaper bank", a national diaper bank or a nonprofit entity located in this state
9 established and operating primarily for the purpose of collecting or purchasing disposable diapers or
10 other hygiene products for infants, children, or incontinent adults and that regularly distributes such
11 diapers or other hygiene products through two or more schools, health care facilities, governmental
12 agencies, or other nonprofit entities for eventual distribution to individuals free of charge;

13 (4) "National diaper bank", a nonprofit entity located in this state that meets the following
14 criteria:

15 (a) Collects, purchases, warehouses, and manages a community inventory of disposable
16 diapers or other hygiene products for infants, children, or incontinent adults;

17 (b) Regularly distributes a consistent and reliable supply of such diapers or other hygiene
18 products through two or more schools, health care facilities, governmental agencies, or other
19 nonprofit entities for eventual distribution to individuals free of charge, with the intention of
20 reducing diaper need; and

21 (c) Is a member of a national network organization serving all fifty states through which
22 certification demonstrates nonprofit best practices, data-driven program design, and equitable
23 distribution focused on best serving infants, children, and incontinent adults;

24 (5) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding
25 withholding tax imposed under sections 143.191 to 143.265, or otherwise due under chapter 148 or
26 153;

27 [(5)] (6) "Taxpayer", a person, firm, partner in a firm, corporation, or shareholder in an S
28 corporation doing business in the state of Missouri and subject to the state income tax imposed
29 under chapter 143; an insurance company paying an annual tax on its gross premium receipts in this
30 state; any other financial institution paying taxes to the state of Missouri or any political subdivision

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1 of this state under chapter 148; an express company that pays an annual tax on its gross receipts in
2 this state under chapter 153; an individual subject to the state income tax under chapter 143; or any
3 charitable organization that is exempt from federal income tax and whose Missouri unrelated
4 business taxable income, if any, would be subject to the state income tax imposed under chapter
5 143.

6 2. For all fiscal years beginning on or after July 1, 2019, a taxpayer shall be allowed to
7 claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the
8 amount of such taxpayer's contributions to a diaper bank.

9 3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state
10 tax liability for the tax year for which the credit is claimed, and such taxpayer shall not be allowed
11 to claim a tax credit in excess of fifty thousand dollars per tax year. However, any tax credit that
12 cannot be claimed in the tax year the contribution was made may be carried over only to the next
13 subsequent tax year. No tax credit issued under this section shall be assigned, transferred, or sold.

14 4. Except for any excess credit that is carried over under subsection 3 of this section, no
15 taxpayer shall be allowed to claim a tax credit unless the taxpayer contributes at least one hundred
16 dollars to one or more diaper banks during the tax year for which the credit is claimed.

17 5. The department shall determine, at least annually, which entities in this state qualify as
18 diaper banks. The department may require of an entity seeking to be classified as a diaper bank any
19 information which is reasonably necessary to make such a determination. The department shall
20 classify an entity as a diaper bank if such entity satisfies the definition under subsection 1 of this
21 section.

22 6. The department shall establish a procedure by which a taxpayer can determine if an entity
23 has been classified as a diaper bank.

24 7. Diaper banks may decline a contribution from a taxpayer.

25 8. The cumulative amount of tax credits that may be claimed by all the taxpayers
26 contributing to diaper banks in any one fiscal year shall not exceed five hundred thousand dollars.
27 Tax credits shall be issued in the order contributions are received. If the amount of tax credits
28 redeemed in a tax year is less than five hundred thousand dollars, the difference shall be added to
29 the cumulative limit created under this subsection for the next fiscal year and carried over to
30 subsequent fiscal years until claimed.

31 9. The department shall establish a procedure by which, from the beginning of the fiscal
32 year until some point in time later in the fiscal year to be determined by the department, the
33 cumulative amount of tax credits are equally apportioned among all entities classified as diaper
34 banks. If a diaper bank fails to use all, or some percentage to be determined by the department, of
35 its apportioned tax credits during this predetermined period of time, the department may reapportion
36 such unused tax credits to diaper banks that have used all, or some percentage to be determined by
37 the department, of their apportioned tax credits during this predetermined period of time. The
38 department may establish multiple periods each fiscal year and reapportion accordingly. To the
39 maximum extent possible, the department shall establish the procedure described under this

subsection in such a manner as to ensure that taxpayers can claim as many of the tax credits as possible, up to the cumulative limit created under subsection 8 of this section.

10. Each diaper bank shall provide information to the department concerning the identity of each taxpayer making a contribution and the amount of the contribution. The department shall provide the information to the department of revenue. The department shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

11. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under this section shall automatically sunset on December thirty-first six years after August 28, ~~[2018]~~ 2025, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of the reauthorization of this section;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits."; and

Further amend said bill, Pages 6-10, Section 160.775, Lines 1-153, by deleting said section and lines from the bill; and

Further amend said bill, Pages 15-22, Section 210.145, Lines 1-258, by deleting said lines and inserting in lieu thereof the following:

"210.145. 1. The division shall develop protocols which give priority to:

(1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;

(2) Promoting the preservation and reunification of children and families consistent with state and federal law;

(3) Providing due process for those accused of child abuse or neglect; and

(4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. (1) The division shall utilize structured decision-making protocols, including a standard risk assessment that shall be completed within seventy-two hours of the report of abuse or neglect, for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the

1 reported risk and injury to the child. The division shall promulgate rules regarding the structured
2 decision-making protocols to be utilized for all child abuse and neglect reports.

3 (2) The director of the division and the office of state courts administrator shall develop a
4 joint safety assessment tool before December 31, 2020, and such tool shall be implemented before
5 January 1, 2022. The safety assessment tool shall replace the standard risk assessment required
6 under subdivision (1) of this subsection and shall also be completed within seventy-two hours of the
7 report of abuse or neglect.

8 3. Upon receipt of a report, the division shall determine if the report merits investigation,
9 including reports which if true would constitute a suspected violation of any of the following:
10 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen
11 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or
12 other crimes under chapter 566 if the victim is a child less than eighteen years of age and the
13 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than
14 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205,
15 section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The
16 division shall immediately communicate all reports that merit investigation to its appropriate local
17 office and any relevant information as may be contained in the information system. The local
18 division staff shall determine, through the use of protocols developed by the division, whether an
19 investigation or the family assessment and services approach should be used to respond to the
20 allegation. The protocols developed by the division shall give priority to ensuring the well-being
21 and safety of the child.

22 4. The division may accept a report for investigation or family assessment if either the child
23 or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident occurred in
24 Missouri.

25 5. If the division receives a report in which neither the child nor the alleged perpetrator
26 resides in Missouri or may be found in Missouri and the incident did not occur in Missouri, the
27 division shall document the report and communicate it to the appropriate agency or agencies in the
28 state where the child is believed to be located, along with any relevant information or records as
29 may be contained in the division's information system.

30 6. When the child abuse and neglect hotline receives three or more calls, within a seventy-
31 two hour period, from one or more individuals concerning the same child, the division shall conduct
32 a review to determine whether the calls meet the criteria and statutory definition for a child abuse
33 and neglect report to be accepted. In conducting the review, the division shall contact the hotline
34 caller or callers in order to collect information to determine whether the calls meet the criteria for
35 harassment.

36 7. The local office shall contact the appropriate law enforcement agency immediately upon
37 receipt of a report which division personnel determine merits an investigation and provide such
38 agency with a detailed description of the report received. In such cases the local division office
39 shall request the assistance of the local law enforcement agency in all aspects of the investigation of

the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

8. (1) The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger. If the parents of the child are not the alleged perpetrators, a parent of the child must be notified prior to the child being interviewed by the division. No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

~~[(1)]~~ (a) a. No person is present in the home at the time of the home visit; and

~~[(b)]~~ b. The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;

~~[(2)]~~ (b) The alleged perpetrator will be alerted regarding the attempted visit; or

~~[(3)]~~ (c) The family has a history of domestic violence or fleeing the community.

(2) If the division is responding to an investigation of abuse or neglect, the person responding shall first ensure safety of the child through direct observation and communication with the child. If the parent or alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall present identification and verbally identify himself or herself and his or her role in the investigation and shall provide written material to the parent or alleged perpetrator informing him or her of his or her rights regarding such visit, including but not limited to the right to contact an attorney. The parent or alleged perpetrator shall be given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to read such material shall not apply in cases where the child faces an immediate threat or danger, or the person responding to or investigating the report is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or child care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-

1 being of the child shall be verified. For purposes of this subsection, "child care facility" shall have
2 the same meaning as such term is defined in section 210.201.

3 (3) If the division is responding to an assessment of abuse or neglect, the person responding
4 shall present identification and verbally identify himself or herself and his or her role in the
5 investigation and provide a parent of the child with notification prior to the child being interviewed
6 by the person responding and shall provide written material to the parent informing him or her of his
7 or her rights regarding such visit, including, but not limited to, the right to contact an attorney. The
8 parent shall be given a reasonable amount of time to read such written material or have such
9 material read to him or her by the case worker before the visit commences, but in no event shall
10 such time exceed five minutes; except that, such requirement to provide written material and
11 reasonable time to read such material shall not apply in cases where the child faces immediate threat
12 or danger, the person responding to or investigating the report is or feels threatened or in danger of
13 physical harm, or any of the exceptions in subdivision (1) of this subsection would apply.

14 9. The director of the division shall name at least one chief investigator for each local
15 division office, who shall direct the division response on any case involving a second or subsequent
16 incident regarding the same subject child or perpetrator. The duties of a chief investigator shall
17 include verification of direct observation of the subject child by the division and shall ensure
18 information regarding the status of an investigation is provided to the public school district liaison.
19 The public school district liaison shall develop protocol in conjunction with the chief investigator to
20 ensure information regarding an investigation is shared with appropriate school personnel. The
21 superintendent of each school district shall designate a specific person or persons to act as the public
22 school district liaison. Should the subject child attend a nonpublic school the chief investigator shall
23 notify the school principal of the investigation. Upon notification of an investigation, all
24 information received by the public school district liaison or the school shall be subject to the
25 provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section
26 1232g, and federal rule 34 C.F.R. Part 99.

27 10. The investigation shall include but not be limited to the nature, extent, and cause of the
28 abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names
29 and conditions of other children in the home, if any; the home environment and the relationship of
30 the subject child to the parents or other persons responsible for the child's care; any indication of
31 incidents of physical violence against any other household or family member; and other pertinent
32 data.

33 11. When a report has been made by a person required to report under section 210.115, the
34 division shall contact the person who made such report within forty-eight hours of the receipt of the
35 report in order to ensure that full information has been received and to obtain any additional
36 information or medical records, or both, that may be pertinent.

37 12. Upon completion of the investigation, if the division suspects that the report was made
38 maliciously or for the purpose of harassment, the division shall refer the report and any evidence of
39 malice or harassment to the local prosecuting or circuit attorney.

13. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

14. For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, the child's counsel, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

15. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

16. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

1 (4) Document at the time the case is closed, the outcome of the family assessment and
2 services approach, any service provided and the removal of risk to the child, if it existed.

3 17. (1) Within forty-five days of an oral report of abuse or neglect, the local office shall
4 update the information in the information system. The information system shall contain, at a
5 minimum, the determination made by the division as a result of the investigation, identifying
6 information on the subjects of the report, those responsible for the care of the subject child and other
7 relevant dispositional information. The division shall complete all investigations within forty-five
8 days, unless good cause for the failure to complete the investigation is specifically documented in
9 the information system. Good cause for failure to complete an investigation shall include, but not
10 be limited to:

11 (a) The necessity to obtain relevant reports of medical providers, medical examiners,
12 psychological testing, law enforcement agencies, forensic testing, and analysis of relevant evidence
13 by third parties which has not been completed and provided to the division;

14 (b) The attorney general or the prosecuting or circuit attorney of the city or county in which
15 a criminal investigation is pending certifies in writing to the division that there is a pending criminal
16 investigation of the incident under investigation by the division and the issuing of a decision by the
17 division will adversely impact the progress of the investigation; or

18 (c) The child victim, the subject of the investigation or another witness with information
19 relevant to the investigation is unable or temporarily unwilling to provide complete information
20 within the specified time frames due to illness, injury, unavailability, mental capacity, age,
21 developmental disability, or other cause.

22
23 The division shall document any such reasons for failure to complete the investigation.

24 (2) If a child fatality or near-fatality is involved in a report of abuse or neglect, the
25 investigation shall remain open until the division's investigation surrounding such death or near-fatal
26 injury is completed.

27 (3) If the investigation is not completed within forty-five days, the information system shall
28 be updated at regular intervals and upon the completion of the investigation, which shall be
29 completed no later than ninety days after receipt of a report of abuse or neglect, or one hundred
30 twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until the
31 division's investigation is complete in cases involving a child fatality or near-fatality. The
32 information in the information system shall be updated to reflect any subsequent findings, including
33 any changes to the findings based on an administrative or judicial hearing on the matter.

34 18. A person required to report under section 210.115 to the division and any person making
35 a report of child abuse or neglect made to the division which is not made anonymously shall be
36 informed by the division of his or her right to obtain information concerning the disposition of his or
37 her report. Such person shall receive, from the local office, if requested, information on the general
38 disposition of his or her report. Such person may receive, if requested, findings and information
39 concerning the case. Such release of information shall be at the discretion of the director based

1 upon a review of the reporter's ability to assist in protecting the child or the potential harm to the
2 child or other children within the family. The local office shall respond to the request within forty-
3 five days. The findings shall be made available to the reporter within five days of the outcome of
4 the investigation. If the report is determined to be unsubstantiated, the reporter may request that the
5 report be referred by the division to the office of child advocate for children's protection and
6 services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection,
7 the division shall refer an unsubstantiated report of child abuse or neglect to the office of child
8 advocate for children's protection and services.

9 19. The division shall provide to any individual who is not satisfied with the results of an
10 investigation information about the office of child advocate and the services it may provide under
11 sections 37.700 to 37.730.

12 20. In any judicial proceeding involving the custody of a child the fact that a report may
13 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

14 (1) Nothing in this subsection shall prohibit the introduction of evidence from independent
15 sources to support the allegations that may have caused a report to have been made; and

16 (2) The court may on its own motion, or shall if requested by a party to the proceeding,
17 make an inquiry not on the record with the children's division to determine if such a report has been
18 made.

19
20 If a report has been made, the court may stay the custody proceeding until the children's division
21 completes its investigation.

22 21. Nothing in this chapter shall be construed to prohibit the children's division from
23 coinvestigating a report of child abuse or neglect or sharing records and information with child
24 welfare, law enforcement, or judicial officers of another state, territory, or nation if the children's
25 division determines it is appropriate to do so under the standard set forth in subsection 4 of section
26 210.150 and if such receiving agency is exercising its authority under the law.

27 22. In any judicial proceeding involving the custody of a child where the court determines
28 that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section
29 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into
30 the registry.

31 23. The children's division is hereby granted the authority to promulgate rules and
32 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions
33 of sections 210.109 to 210.183.

34 24. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
35 under the authority delegated in this section shall become effective only if it complies with and is
36 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
37 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
38 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently

held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void."; and

Further amend said bill, Page 28, Section 210.762, Line 28, by inserting after said section and line the following:

"210.950. 1. This section shall be known and may be cited as the "Safe Place for Newborns Act of 2002". The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent, and to provide safe and secure alternatives to such abandonment.

2. As used in this section, the following terms mean:

(1) "Hospital", as defined in section 197.020;

(2) "Maternity home", the same meaning as such term is defined in section 135.600;

(3) "Newborn safety incubator", a medical device used to maintain an optimal environment for the care of a newborn infant;

(4) "Nonrelinquishing parent", the biological parent who does not leave a newborn infant in a newborn safety incubator or with any person listed in subsection 3 of this section in accordance with this section;

(5) "Pregnancy resource center", the same meaning as such term is defined in section 135.630;

(6) "Relinquishing parent", the biological parent or person acting on such parent's behalf who leaves a newborn infant in a newborn safety incubator or with any person listed in subsection 3 of this section in accordance with this section.

3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045 or 568.050 for actions related to the voluntary relinquishment of a child up to ~~[forty-five]~~ ninety days old pursuant to this section if:

(1) Expressing intent not to return for the child, the parent voluntarily delivered the child safely to a newborn safety incubator or to the physical custody of any of the following persons:

(a) An employee, agent, or member of the staff of any hospital, maternity home, or pregnancy resource center in a health care provider position or on duty in a nonmedical paid or volunteer position;

(b) A firefighter or emergency medical technician on duty in a paid position or on duty in a volunteer position; or

(c) A law enforcement officer;

(2) The child was no more than ~~[forty-five]~~ ninety days old when delivered by the parent to the newborn safety incubator or to any person listed in subdivision (1) of this subsection; and

(3) The child has not been abused or neglected by the parent prior to such voluntary delivery.

1 4. A parent voluntarily relinquishing a child under this section shall not be required to
2 provide any identifying information about the child or the parent. No person shall induce or coerce,
3 or attempt to induce or coerce, a parent into revealing his or her identity. No officer, employee, or
4 agent of this state or any political subdivision of this state shall attempt to locate or determine the
5 identity of such parent. In addition, any person who obtains information on the relinquishing parent
6 shall not disclose such information except to the following:

- 7 (1) A birth parent who has waived anonymity or the child's adoptive parent;
8 (2) The staff of the department of health and senior services, the department of social
9 services, or any county health or social services agency or licensed child welfare agency that
10 provides services to the child;
11 (3) A person performing juvenile court intake or dispositional services;
12 (4) The attending physician;
13 (5) The child's foster parent or any other person who has physical custody of the child;
14 (6) A juvenile court or other court of competent jurisdiction conducting proceedings relating
15 to the child;
16 (7) The attorney representing the interests of the public in proceedings relating to the child;
17 and
18 (8) The attorney representing the interests of the child.

19 5. A person listed in subdivision (1) of subsection 3 of this section shall, without a court
20 order, take physical custody of a child the person reasonably believes to be no more than ~~forty-five~~
21 ninety days old and is delivered in accordance with this section by a person purporting to be the
22 child's parent or is delivered in accordance with this section to a newborn safety incubator. If
23 delivery of a newborn is made pursuant to this section in any place other than a hospital, the person
24 taking physical custody of the child shall arrange for the immediate transportation of the child to the
25 nearest hospital licensed pursuant to chapter 197.

26 6. The hospital, its employees, agents and medical staff shall perform treatment in
27 accordance with the prevailing standard of care as necessary to protect the physical health or safety
28 of the child. The hospital shall notify the children's division and the local juvenile officer upon
29 receipt of a child pursuant to this section. The local juvenile officer shall immediately begin
30 protective custody proceedings and request the child be made a ward of the court during the child's
31 stay in the medical facility. Upon discharge of the child from the medical facility and pursuant to a
32 protective custody order ordering custody of the child to the division, the children's division shall
33 take physical custody of the child. The parent's voluntary delivery of the child in accordance with
34 this section shall constitute the parent's implied consent to any such act and a voluntary
35 relinquishment of such parent's parental rights.

36 7. In any termination of parental rights proceeding initiated after the relinquishment of a
37 child pursuant to this section, the juvenile officer shall make public notice that a child has been
38 relinquished, including the sex of the child, and the date and location of such relinquishment.
39 Within thirty days of such public notice, the parent wishing to establish parental rights shall identify

himself or herself to the court and state his or her intentions regarding the child. The court shall initiate proceedings to establish paternity, or if no person identifies himself as the father within thirty days, maternity. The juvenile officer shall make examination of the putative father registry established in section 192.016 to determine whether attempts have previously been made to preserve parental rights to the child. If such attempts have been made, the juvenile officer shall make reasonable efforts to provide notice of the abandonment of the child to such putative father.

8. (1) If a relinquishing parent of a child relinquishes custody of the child to a newborn safety incubator or to any person listed in subsection 3 of this section in accordance with this section and to preserve the parental rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps necessary to establish parentage within thirty days after the public notice or specific notice provided in subsection 7 of this section.

(2) If either parent fails to take steps to establish parentage within the thirty-day period specified in subdivision (1) of this subsection, either parent may have all of his or her rights terminated with respect to the child.

(3) When either parent inquires at a hospital regarding a child whose custody was relinquished pursuant to this section, such facility shall refer such parent to the children's division and the juvenile court exercising jurisdiction over the child.

9. The persons listed in subdivision (1) of subsection 3 of this section shall be immune from civil, criminal, and administrative liability for accepting physical custody of a child pursuant to this section if such persons accept custody in good faith. Such immunity shall not extend to any acts or omissions, including negligent or intentional acts or omissions, occurring after the acceptance of such child.

10. The children's division shall:

(1) Provide information and answer questions about the process established by this section on the statewide, toll-free telephone number maintained pursuant to section 210.145;

(2) Provide information to the public by way of pamphlets, brochures, or by other ways to deliver information about the process established by this section.

11. It shall be an affirmative defense to prosecution for a violation of sections 568.030, 568.032, 568.045, and 568.050 that a parent who is a defendant voluntarily relinquished a child no more than one year old under this section.

12. Nothing in this section shall be construed as conflicting with section 210.125.

13. (1) There is hereby created in the state treasury the "Safe Place for Newborns Fund", which shall consist of moneys appropriated by the general assembly from general revenue and any gifts, bequests, or donations. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be used solely for the installation of newborn safety incubators.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

1 (3) The state treasurer shall invest moneys in the fund in the same manner as other funds are
 2 invested. Any interest and moneys earned on such investments shall be credited to the fund.

3 14. The state of Missouri shall provide matching moneys from the general revenue fund for
 4 the installation of newborn safety incubators. The total amount available to the fund from state
 5 sources under such a match program shall be up to ten thousand dollars for each newborn safety
 6 incubator installed.

7 15. The director of the department of health and senior services may promulgate all
 8 necessary rules and regulations for the administration of this section, including rules governing the
 9 specifications, installation, maintenance, and oversight of newborn safety incubators. Any rule or
 10 portion of a rule, as that term is defined in section 536.010, that is created under the authority
 11 delegated in this section shall become effective only if it complies with and is subject to all of the
 12 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
 13 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to
 14 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
 15 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 16 August 28, 2021, shall be invalid and void."; and

17
 18 Further amend said bill, Page 29, Section 211.032, Line 44, by inserting after said section and line
 19 the following:

20
 21 "211.033. 1. No person under the age of eighteen years, except those transferred to the court
 22 of general jurisdiction under the provisions of section 211.071, shall be detained in a jail or other
 23 adult detention facility as that term is defined in section 211.151. ~~[A traffic court judge may request~~
 24 ~~the juvenile court to order the commitment of a person under the age of eighteen to a juvenile~~
 25 ~~detention facility.]~~

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

31 211.071. 1. If a petition or motion to modify alleges that a child between the ages of
 32 fourteen and eighteen has committed an offense ~~[which]~~ that would be considered a felony if
 33 committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer,
 34 the child, or the child's custodian, order a hearing and may, in its discretion, dismiss the petition or
 35 motion to modify and such child may be transferred to the court of general jurisdiction and
 36 prosecuted under the general law; except that, if a petition alleges that a child between the ages of
 37 twelve and eighteen has committed an offense ~~[which]~~ that would be considered first degree murder
 38 under section 565.020, second degree murder under section 565.021, first degree assault under
 39 section 565.050, forcible rape under section 566.030 as it existed prior to August 28, 2013, rape in
 40 the first degree under section 566.030, forcible sodomy under section 566.060 as it existed prior to

1 August 28, 2013, sodomy in the first degree under section 566.060, first degree robbery under
2 section 569.020 as it existed prior to January 1, 2017, ~~[or]~~ robbery in the first degree under section
3 570.023, distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or the
4 manufacturing of a controlled substance under section 579.055, if committed by an adult, or a
5 dangerous felony as defined in section 556.061, or any felony involving the use, assistance, or aid of
6 a deadly weapon, or has committed two or more prior unrelated offenses ~~[which]~~ that would be
7 felonies if committed by an adult, the court shall order a hearing, and may, in its discretion, dismiss
8 the petition or motion to modify and transfer the child to a court of general jurisdiction for
9 prosecution under the general law.

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

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

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

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

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

- 1 (1) The seriousness of the offense alleged and whether the protection of the community
- 2 requires transfer to the court of general jurisdiction;
- 3 (2) Whether the offense alleged involved viciousness, force and violence;
- 4 (3) Whether the offense alleged was against persons or property with greater weight being
- 5 given to the offense against persons, especially if personal injury resulted;
- 6 (4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates
- 7 that the child may be beyond rehabilitation under the juvenile code;
- 8 (5) The record and history of the child, including experience with the juvenile justice
- 9 system, other courts, supervision, commitments to juvenile institutions and other placements;
- 10 (6) The sophistication and maturity of the child as determined by consideration of his or her
- 11 home and environmental situation, emotional condition and pattern of living;
- 12 (7) The age of the child;
- 13 (8) The program and facilities available to the juvenile court in considering disposition;
- 14 (9) Whether or not the child can benefit from the treatment or rehabilitative programs
- 15 available to the juvenile court; and
- 16 (10) Racial disparity in certification.
- 17 7. If the court dismisses the petition to permit the child to be prosecuted under the general
- 18 law, the court shall enter a dismissal order containing:
- 19 (1) Findings showing that the court had jurisdiction of the cause and of the parties;
- 20 (2) Findings showing that the child was represented by counsel;
- 21 (3) Findings showing that the hearing was held in the presence of the child and his or her
- 22 counsel; and
- 23 (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.
- 24 8. A copy of the petition or motion to modify and order of the dismissal shall be sent to the
- 25 prosecuting attorney.
- 26 9. When a petition or motion to modify has been dismissed thereby permitting a child to be
- 27 prosecuted under the general law and the prosecution of the child results in a conviction, the
- 28 jurisdiction of the juvenile court over that child is forever terminated, except as provided in
- 29 subsection 10 of this section, for an act that would be a violation of a state law or municipal
- 30 ordinance.
- 31 10. If a petition or motion to modify has been dismissed thereby permitting a child to be
- 32 prosecuted under the general law and the child is found not guilty by a court of general jurisdiction,
- 33 the juvenile court shall have jurisdiction over any later offense committed by that child which would
- 34 be considered a misdemeanor or felony if committed by an adult, subject to the certification
- 35 provisions of this section.
- 36 11. If the court does not dismiss the petition or motion to modify to permit the child to be
- 37 prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in
- 38 section 211.171.

1 211.072. 1. A juvenile under eighteen years of age who has been certified to stand trial as
2 an adult for offenses pursuant to section 211.071, if currently placed in a secure juvenile detention
3 facility, shall remain in a secure juvenile detention facility pending finalization of the judgment and
4 completion of appeal, if any, of the judgment dismissing the juvenile petition to allow for
5 prosecution under the general law unless otherwise ordered by the juvenile court. Upon the
6 judgment dismissing the petition to allow prosecution under the general laws becoming final and
7 adult charges being filed, if the juvenile is currently in a secure juvenile detention facility, the
8 juvenile shall remain in such facility unless the juvenile posts bond or the juvenile is transferred to
9 an adult jail. If the juvenile officer does not believe juvenile detention would be the appropriate
10 placement or would continue to serve as the appropriate placement, the juvenile officer may file a
11 motion in the adult criminal case requesting that the juvenile be transferred from a secure juvenile
12 detention facility to an adult jail. The court shall hear evidence relating to the appropriateness of the
13 juvenile remaining in a secure juvenile detention facility or being transferred to an adult jail. At
14 such hearing, the following shall have the right to be present and have the opportunity to present
15 evidence and recommendations at such hearing: the juvenile; the juvenile's parents; the juvenile's
16 counsel; the prosecuting attorney; the juvenile officer or his or her designee for the circuit in which
17 the juvenile was certified; the juvenile officer or his or her designee for the circuit in which the
18 pretrial-certified juvenile is proposed to be held, if different from the circuit in which the juvenile
19 was certified; counsel for the juvenile officer; and representatives of the county proposed to have
20 custody of the pretrial-certified juvenile.

21 2. Following the hearing, the court shall order that the juvenile continue to be held in a
22 secure juvenile detention facility subject to all Missouri juvenile detention standards, or the court
23 shall order that the pretrial-certified juvenile be held in an adult jail but only after the court has
24 made findings that it would be in the best interest of justice to move the pretrial-certified juvenile to
25 an adult jail. The court shall weigh the following factors when deciding whether to detain a
26 certified juvenile in an adult facility:

- 27 (1) The certified juvenile's age;
- 28 (2) The certified juvenile's physical and mental maturity;
- 29 (3) The certified juvenile's present mental state, including whether he or she presents an
30 imminent risk of self-harm;
- 31 (4) The nature and circumstances of the charges;
- 32 (5) The certified juvenile's history of delinquency;
- 33 (6) The relative ability of the available adult and juvenile facilities to both meet the needs of
34 the certified juvenile and to protect the public and other youth in their custody;
- 35 (7) The opinion of the juvenile officer in the circuit of the proposed placement as to the
36 ability of that juvenile detention facility to provide for appropriate care, custody, and control of the
37 pretrial-certified juvenile; and
- 38 (8) Any other relevant factor.

1 3. In the event the court finds that it is in the best interest of justice to require the certified
2 juvenile to be held in an adult jail, the court shall hold a hearing once every thirty days to determine
3 whether the placement of the certified juvenile in an adult jail is still in the best interests of justice.
4 If a pretrial-certified juvenile under eighteen years of age is ordered released on the juvenile's adult
5 criminal case from an adult jail following a transfer order under subsection 2 of this section and the
6 juvenile is detained on violation of the conditions of release or bond, the juvenile shall return to the
7 custody of the adult jail pending further court order.

8 4. A certified juvenile cannot be held in an adult jail for more than one hundred eighty days
9 unless the court finds, for good cause, that an extension is necessary or the juvenile, through
10 counsel, waives the one hundred eighty day maximum period. If no extension is granted under this
11 subsection, the certified juvenile shall be transferred from the adult jail to a secure juvenile
12 detention facility. If an extension is granted under this subsection, the court shall hold a hearing
13 once every thirty days to determine whether the placement of the certified juvenile in an adult jail is
14 still in the best interests of justice.

15 5. Effective December 31, 2021, all previously pretrial-certified juveniles under eighteen
16 years of age who had been certified prior to August 28, 2021, shall be transferred from adult jail to a
17 secure juvenile detention facility, unless a hearing is held and the court finds, based upon the factors
18 in subsection 2 of this section, that it would be in the best interest of justice to keep the juvenile in
19 the adult jail.

20 6. All pretrial-certified juveniles under eighteen years of age who are held in adult jails
21 pursuant to the best interest of justice exception shall continue to be subject to the protections of the
22 Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.

23 7. If the certified juvenile remains in juvenile detention, the juvenile officer may file a
24 motion to reconsider placement. The court shall consider the factors set out in subsection 2 of this
25 section and the individuals set forth in subsection 1 of this section shall have a right to be present
26 and present evidence. The court may amend its earlier order in light of the evidence and arguments
27 presented at the hearing if the court finds that it would not be in the best interest of justice for the
28 juvenile to remain in a secure juvenile detention facility.

29 8. Issues related to the setting of, and posting of, bond along with any bond forfeiture
30 proceedings shall be held in the pretrial-certified juvenile's adult criminal case.

31 9. Upon attaining eighteen years of age or upon a plea of guilty or conviction on the adult
32 charges, the juvenile shall be transferred from juvenile detention to the appropriate adult facility.

33 10. Any responsibility for transportation of and contracted service for the certified juvenile
34 who remains in a secure juvenile detention facility shall be handled by county jail staff in the same
35 manner as in all other adult criminal cases where the defendant is in custody.

36 11. The county jail staff shall designate a liaison assigned to each pretrial-certified juvenile
37 while housed in a juvenile detention facility, who shall assist in communication with the juvenile
38 detention facility on the needs of the juvenile including, but not limited to, visitation, legal case
39 status, medical and mental health needs, and phone contact.

1 12. The per diem provisions as set forth in section 211.156 shall apply to certified juveniles
2 who are being held in a secure juvenile detention facility."; and

3
4 Further amend said bill, Page 33, Section 211.462, Line 24, by inserting after said section and line
5 the following:

6
7 "219.021. 1. Except as provided in subsections 2 and 3 of this section, any child may be
8 committed to the custody of the division when the juvenile court determines a suitable community-
9 based treatment service does not exist, or has proven ineffective; and when the child is adjudicated
10 pursuant to the provisions of subdivision (3) of subsection 1 of section 211.031 or when the child is
11 adjudicated pursuant to subdivision (2) of subsection 1 of section 211.031 and is currently under
12 court supervision for adjudication under subdivision (2) or (3) of subsection 1 of section 211.031.
13 The division shall not keep any youth beyond his ~~[eighteenth birth date]~~ or her nineteenth birthday,
14 except upon petition and a showing of just cause in which case the division may maintain custody
15 until the youth's twenty-first birth date. Notwithstanding any other provision of law to the contrary,
16 the committing court shall review the treatment plan to be provided by the division. The division
17 shall notify the court of original jurisdiction from which the child was committed at least three
18 weeks prior to the child's release to aftercare supervision. The notification shall include a summary
19 of the treatment plan and progress of the child that has resulted in the planned release. The court
20 may formally object to the director of the division in writing, stating its reasons in opposition to the
21 release. The director shall review the court's objection in consideration of its final approval for
22 release. The court's written objection shall be made within a one-week period after it receives
23 notification of the division's planned release; otherwise the division may assume court agreement
24 with the release. The division director's written response to the court shall occur within five
25 working days of service of the court's objection and preferably prior to the release of the child. The
26 division shall not place a child directly into a precare setting immediately upon commitment from
27 the court until it advises the court of such placement.

28 2. No child who has been diagnosed as having a mental disease or a communicable or
29 contagious disease shall be committed to the division; except the division may, by regulation, when
30 services for the proper care and treatment of persons having such diseases are available at any of the
31 facilities under its control, authorize the commitment of children having such diseases to it for
32 treatment in such institution. Notice of any such regulation shall be promptly mailed to the judges
33 and juvenile officers of all courts having jurisdiction of cases involving children.

34 3. When a child has been committed to the division, the division shall forthwith examine the
35 individual and investigate all pertinent circumstances of his background for the purpose of
36 facilitating the placement and treatment of the child in the most appropriate program or residential
37 facility to assure the public safety and the rehabilitation of the child; except that, no child committed
38 under the provisions of subdivision (2) of subsection 1 of section 211.031 may be placed in the

1 residential facilities designated by the division as a maximum security facility, unless the juvenile is
2 subsequently adjudicated under subdivision (3) of subsection 1 of section 211.031.

3 4. The division may transfer any child under its jurisdiction to any other institution for
4 children if, after careful study of the child's needs, it is the judgment of the division that the transfer
5 should be effected. If the division determines that the child requires treatment by another state
6 agency, it may transfer the physical custody of the child to that agency, and that agency shall accept
7 the child if the services are available by that agency.

8 5. The division shall make periodic reexaminations of all children committed to its custody
9 for the purpose of determining whether existing dispositions should be modified or continued.
10 Reexamination shall include a study of all current circumstances of such child's personal and family
11 situation and an evaluation of the progress made by such child since the previous study.
12 Reexamination shall be conducted as frequently as the division deems necessary, but in any event,
13 with respect to each such child, at intervals not to exceed six months. Reports of the results of such
14 examinations shall be sent to the child's committing court and to his parents or guardian.

15 6. Failure of the division to examine a child committed to it or to reexamine him within six
16 months of a previous examination shall not of itself entitle the child to be discharged from the
17 custody of the division but shall entitle the child, his parent, guardian, or agency to which the child
18 may be placed by the division to petition for review as provided in section 219.051.

19 7. The division is hereby authorized to establish, build, repair, maintain, and operate, from
20 funds appropriated or approved by the legislature for these purposes, facilities and programs
21 necessary to implement the provisions of this chapter. Such facilities or programs may include, but
22 not be limited to, the establishment and operation of training schools, maximum security facilities,
23 moderate care facilities, group homes, day treatment programs, family foster homes, aftercare,
24 counseling services, educational services, and such other services as may be required to meet the
25 needs of children committed to it. The division may terminate any facility or program no longer
26 needed to meet the needs of children.

27 8. The division may institute day release programs for children committed to it. The
28 division may arrange with local schools, public or private agencies, or persons approved by the
29 division for the release of children committed to the division on a daily basis to the custody of such
30 schools, agencies, or persons for participation in programs.

31 9. The division shall make all reasonable efforts to ensure that any outstanding judgment
32 entered in accordance with section 211.185 or any outstanding assessments ordered in accordance
33 with section 211.181 be paid while a child is in the care, custody or control of the division.

34 221.044. No person under the age of eighteen years, except those transferred to the court of
35 general jurisdiction under the provisions of section 211.071, shall be detained in a jail or other adult
36 detention facility as that term is defined in section 211.151. ~~[A traffic court judge may request the~~
37 ~~juvenile court to order the commitment of a person under the age of eighteen to a juvenile detention~~
38 ~~facility.]~~ If a person is eighteen years of age or older or attains the age of eighteen while in
39 detention, upon a motion filed by the juvenile officer, the court may order that the person be

1 detained in a jail or other adult detention facility as that term is defined in section 211.151 until the
2 disposition of that person's juvenile court case."; and

3
4 Further amend said bill by amending the title, enacting clause, and intersectional references
5 accordingly.