

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 43
103RD GENERAL ASSEMBLY

1205H.06C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 135.341, 135.460, 160.775, 210.112, 210.145, 210.160, 210.560, 210.565, 210.762, 211.032, 211.211, 211.261, 211.462, 451.040, 451.080, 451.090, 491.075, 492.304, 537.046, 566.151, 567.030, 568.045, 578.365, and 595.045, RSMo, and to enact in lieu thereof thirty-one new sections relating to child protection, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 135.341, 135.460, 160.775, 210.112, 210.145, 210.160, 210.560, 210.565, 210.762, 211.032, 211.211, 211.261, 211.462, 451.040, 451.080, 451.090, 491.075, 492.304, 537.046, 566.151, 567.030, 568.045, 578.365, and 595.045, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 135.341, 135.460, 160.775, 210.112, 210.119, 210.145, 210.160, 210.560, 210.565, 210.762, 211.032, 211.211, 211.261, 211.436, 211.462, 451.040, 451.080, 451.090, 477.700, 477.705, 477.710, 477.715, 491.075, 492.304, 537.046, 566.151, 567.030, 568.045, 578.365, 589.700, and 595.045, to read as follows:

135.341. 1. As used in this section, the following terms shall mean:

(1) "CASA", an entity which receives funding from the court-appointed special advocate fund established under section 476.777, including an association based in this state, affiliated with a national association, organized to provide support to entities receiving funding from the court-appointed special advocate fund;

(2) "Child advocacy centers", the regional child assessment centers listed in subsection 2 of section 210.001, including an association based in this state, affiliated with a

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 national association, and organized to provide support to entities listed in subsection 2 of
9 section 210.001;

10 (3) "Contribution", the amount of donation to a qualified agency;

11 (4) "Crisis care center", entities contracted with this state which provide temporary
12 care for children whose age ranges from birth through seventeen years of age whose parents
13 or guardian are experiencing an unexpected and unstable or serious condition that requires
14 immediate action resulting in short-term care, usually three to five continuous, uninterrupted
15 days, for children who may be at risk for child abuse, neglect, or in an emergency situation;

16 (5) "Department", the department of revenue;

17 (6) "Director", the director of the department of revenue;

18 (7) "Qualified agency", CASA, child advocacy centers, or a crisis care center;

19 (8) "Tax liability", the tax due under chapter 143 other than taxes withheld under
20 sections 143.191 to 143.265.

21 2. For all tax years beginning on or after January 1, 2013, **and ending on or before**
22 **December 31, 2024**, a tax credit may be claimed in an amount equal to up to fifty percent of a
23 verified contribution to a qualified agency and shall be named the champion for children tax
24 credit. **For all tax years beginning on or after January 1, 2025, a tax credit may be**
25 **claimed in an amount not to exceed seventy percent of a verified contribution to a**
26 **qualified agency.** The minimum amount of any tax credit issued shall not be less than fifty
27 dollars and shall be applied to taxes due under chapter 143, excluding sections 143.191 to
28 143.265. **For all tax years beginning on or after January 1, 2025, a taxpayer shall not be**
29 **allowed to claim a tax credit under this section in excess of fifty thousand dollars in any**
30 **tax year.** A contribution verification shall be issued to the taxpayer by the agency receiving
31 the contribution. Such contribution verification shall include the taxpayer's name, Social
32 Security number, amount of tax credit, amount of contribution, the name and address of the
33 agency receiving the credit, and the date the contribution was made. The tax credit provided
34 under this subsection shall be initially filed for the year in which the verified contribution is
35 made.

36 3. The cumulative amount of the tax credits redeemed shall not exceed one million
37 dollars for all fiscal years ending on or before June 30, 2019~~[-and]~~; one million five hundred
38 thousand dollars for all fiscal years beginning on or after July 1, 2019, **and ending on or**
39 **before June 30, 2025; and two million five hundred thousand dollars for all fiscal years**
40 **beginning on or after July 1, 2025.** The amount available shall be equally divided among
41 the three qualified agencies: CASA, child advocacy centers, or crisis care centers, to be used
42 towards tax credits issued. In the event tax credits claimed under one agency do not total the
43 allocated amount for that agency, the unused portion for that agency will be made available to
44 the remaining agencies equally. In the event the total amount of tax credits claimed for any

45 one agency exceeds the amount available for that agency, the amount redeemed shall and will
46 be apportioned equally to all eligible taxpayers claiming the credit under that agency.

47 4. Prior to December thirty-first of each year, each qualified agency shall apply to the
48 department of social services in order to verify their qualified agency status. Upon a
49 determination that the agency is eligible to be a qualified agency, the department of social
50 services shall provide a letter of eligibility to such agency. No later than February first of
51 each year, the department of social services shall provide a list of qualified agencies to the
52 department of revenue. All tax credit applications to claim the champion for children tax
53 credit shall be filed between July first and April fifteenth of each fiscal year. A taxpayer shall
54 apply for the champion for children tax credit by attaching a copy of the contribution
55 verification provided by a qualified agency to such taxpayer's income tax return.

56 5. Any amount of tax credit which exceeds the tax due or which is applied for and
57 otherwise eligible for issuance but not issued shall not be refunded but may be carried over to
58 any subsequent tax year, not to exceed a total of five years.

59 6. Tax credits may not be assigned, transferred or sold.

60 7. ~~[(1)]~~ In the event a **full or partial** credit denial, due to ~~[lack of available funds]~~ **the**
61 **cumulative maximum amount of credits being redeemed for the fiscal year**, causes ~~[a~~
62 ~~balance due notice]~~ **an income tax balance due** to be ~~[generated by the department of~~
63 ~~revenue, or any other redeeming agency]~~ **owed to the state by the taxpayer**, the taxpayer
64 ~~[will]~~ **shall** not be held liable for any **addition to tax**, penalty, or interest **on that income tax**
65 **balance due**, provided the balance is paid, or approved payment arrangements have been
66 made, within sixty days from the **issuance of the** notice of **credit** denial.

67 ~~[(2) In the event the balance is not paid within sixty days from the notice of denial,~~
68 ~~the remaining balance shall be due and payable under the provisions of chapter 143.]~~

69 8. The department may promulgate such rules or regulations as are necessary to
70 administer the provisions of this section. Any rule or portion of a rule, as that term is defined
71 in section 536.010, that is created under the authority delegated in this section shall become
72 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
73 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
74 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
75 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
76 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,
77 shall be invalid and void.

78 9. Pursuant to section 23.253, of the Missouri sunset act:

79 (1) The program authorized under this section shall be reauthorized as of ~~[December~~
80 ~~31, 2019]~~ **August 28, 2025**, and shall expire on December 31, ~~[2025]~~ **2031**, unless
81 reauthorized by the general assembly; and

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

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

87 10. Beginning on March 29, 2013, any verified contribution to a qualified agency
88 made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

135.460. 1. This section and sections 620.1100 and 620.1103 shall be known and
2 may be cited as the "Youth Opportunities and Violence Prevention Act".

3 2. As used in this section, the term "taxpayer" shall include corporations as defined in
4 section 143.441 or 143.471, any charitable organization which is exempt from federal income
5 tax and whose Missouri unrelated business taxable income, if any, would be subject to the
6 state income tax imposed under chapter 143, and individuals, individual proprietorships and
7 partnerships.

8 3. A taxpayer shall be allowed a tax credit against the tax otherwise due pursuant to
9 chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, chapter 147,
10 chapter 148, or chapter 153 in an amount equal to thirty percent for property contributions
11 and ~~[fifty]~~ **seventy** percent for monetary contributions of the amount such taxpayer
12 contributed to the programs described in subsection 5 of this section, not to exceed two
13 hundred thousand dollars per taxable year, per taxpayer; except as otherwise provided in
14 subdivision (5) of subsection 5 of this section. The department of economic development
15 shall prescribe the method for claiming the tax credits allowed in this section. No rule or
16 portion of a rule promulgated under the authority of this section shall become effective unless
17 it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority
18 delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in
19 this section shall be interpreted to repeal or affect the validity of any rule filed or adopted
20 prior to June 27, 1997, if such rule complied with the provisions of chapter 536. The
21 provisions of this section and chapter 536 are nonseverable and if any of the powers vested
22 with the general assembly pursuant to chapter 536, including the ability to review, to delay the
23 effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held
24 unconstitutional, then the purported grant of rulemaking authority and any rule so proposed
25 and contained in the order of rulemaking shall be invalid and void.

26 4. The tax credits allowed by this section shall be claimed by the taxpayer to offset
27 the taxes that become due in the taxpayer's tax period in which the contribution was made.
28 Any tax credit not used in such tax period may be carried over the next five succeeding tax
29 periods.

30 5. The tax credit allowed by this section may only be claimed for monetary or
31 property contributions to public or private programs authorized to participate pursuant to this
32 section by the department of economic development and may be claimed for the
33 development, establishment, implementation, operation, and expansion of the following
34 activities and programs:

35 (1) An adopt-a-school program. Components of the adopt-a-school program shall
36 include donations for school activities, seminars, and functions; school-business employment
37 programs; and the donation of property and equipment of the corporation to the school;

38 (2) Expansion of programs to encourage school dropouts to reenter and complete high
39 school or to complete a graduate equivalency degree program;

40 (3) Employment programs. Such programs shall initially, but not exclusively, target
41 unemployed youth living in poverty and youth living in areas with a high incidence of crime;

42 (4) New or existing youth clubs or associations;

43 (5) Employment/internship/apprenticeship programs in business or trades for persons
44 less than twenty years of age, in which case the tax credit claimed pursuant to this section
45 shall be equal to one-half of the amount paid to the intern or apprentice in that tax year, except
46 that such credit shall not exceed ten thousand dollars per person;

47 (6) Mentor and role model programs;

48 (7) Drug and alcohol abuse prevention training programs for youth;

49 (8) Donation of property or equipment of the taxpayer to schools, including schools
50 which primarily educate children who have been expelled from other schools, or donation of
51 the same to municipalities, or not-for-profit corporations or other not-for-profit organizations
52 which offer programs dedicated to youth violence prevention as authorized by the
53 department;

54 (9) Not-for-profit, private or public youth activity centers;

55 (10) Nonviolent conflict resolution and mediation programs;

56 (11) Youth outreach and counseling programs.

57 6. Any program authorized in subsection 5 of this section shall, at least annually,
58 submit a report to the department of economic development outlining the purpose and
59 objectives of such program, the number of youth served, the specific activities provided
60 pursuant to such program, the duration of such program and recorded youth attendance where
61 applicable.

62 7. The department of economic development shall, at least annually submit a report to
63 the Missouri general assembly listing the organizations participating, services offered and the
64 number of youth served as the result of the implementation of this section.

65 8. The tax credit allowed by this section shall apply to all taxable years beginning
66 after December 31, 1995.

67 9. For the purposes of the credits described in this section, in the case of a corporation
68 described in section 143.471, partnership, limited liability company described in section
69 347.015, cooperative, marketing enterprise, or partnership, in computing Missouri's tax
70 liability, such credits shall be allowed to the following:

- 71 (1) The shareholders of the corporation described in section 143.471;
72 (2) The partners of the partnership;
73 (3) The members of the limited liability company; and
74 (4) Individual members of the cooperative or marketing enterprise.

75

76 Such credits shall be apportioned to the entities described in subdivisions (1) and (2) of this
77 subsection in proportion to their share of ownership on the last day of the taxpayer's tax
78 period.

160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

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

3 (1) **"Act of school violence" or "violent behavior", the same meaning as in**
4 **section 160.261;**

5 (2) **"Bullying" [means],** intimidation, unwanted aggressive behavior, or harassment
6 that is repetitive or is substantially likely to be repeated and causes a reasonable student to
7 fear for his or her physical safety or property; substantially interferes with the educational
8 performance, opportunities, or benefits of any student without exception; or substantially
9 disrupts the orderly operation of the school. Bullying may consist of physical actions,
10 including gestures, or oral, cyberbullying, electronic, or written communication, and any
11 threat of retaliation for reporting of such acts. Bullying of students is prohibited on school
12 property, at any school function, or on a school bus[-];

13 (3) **"Crime", any of the crimes listed in section 160.261;**

14 (4) **"Cyberbullying" [means],** bullying as defined in this subsection through the
15 transmission of a communication including, but not limited to, a message, text, sound, or
16 image by means of an electronic device including, but not limited to, a telephone, wireless
17 telephone, or other wireless communication device, computer, or pager.

18 3. Each **school** district's **and charter school's** antibullying policy shall be founded on
19 the assumption that all students need a safe learning environment. Policies shall treat all
20 students equally and shall not contain specific lists of protected classes of students who are to
21 receive special treatment. Policies may include age-appropriate differences for schools based
22 on the grade levels at the school. Each such policy shall contain a statement of the
23 consequences of bullying.

24 4. Each **school** district's **and charter school's** antibullying policy shall be included in
25 the student handbook and shall require, at a minimum, the following components:

26 (1) A statement prohibiting bullying, defined no less inclusively than in subsection 2
27 of this section;

28 (2) A statement requiring **school district or charter school** employees to report any
29 instance of bullying of which the employee has firsthand knowledge. The policy shall require
30 a **school district or charter school** employee who witnesses an incident of bullying to report
31 the incident to the **school district's or charter school's** designated individual at the school
32 within ~~[two]~~ **one** school ~~[days]~~ **day** of the employee witnessing the incident;

33 (3) **A statement relating to pupils who engage in self-defense that the school**
34 **district or charter school administration, when determining disciplinary action for a**
35 **pupil who has committed an act of school violence or exhibited violent behavior, will**
36 **take into account if such act of school violence or violent behavior was committed in self-**
37 **defense as an immediate response to an act of school violence or violent behavior**
38 **committed against such pupil;**

39 (4) A procedure for reporting an act of bullying. The policy shall also include a
40 statement requiring that the **school district or charter school** designate an individual at each
41 school **building** in the district **and charter school** to receive reports of incidents of bullying.
42 Such individual shall be a **school district or charter school** employee who is teacher level
43 staff or above;

44 ~~[(4)]~~ (5) A procedure for prompt investigation of reports of violations and complaints,
45 identifying one or more employees responsible for the investigation including, at a minimum,
46 the following requirements:

47 (a) Within two school days of a report of an incident of bullying being received, the
48 school principal, or his or her designee, shall initiate an investigation of the incident **and**
49 **ensure that the report is reduced to writing;**

50 (b) The school principal may appoint other school staff to assist with the
51 investigation; ~~[and]~~

52 (c) The investigation shall be completed within ten school days from the date ~~[of the~~
53 ~~written report]~~ **the investigation is initiated under paragraph (a) of this subdivision** unless
54 good cause exists to extend the investigation; **and**

55 (d) **A written report shall be prepared that contains the results of the**
56 **investigation and any response including, but not limited to, a description of any**
57 **interventions, initiatives, techniques, or discipline provided to all involved individuals of**
58 **the incident. The school district or charter school may develop a standardized form to**
59 **use for such written report;**

60 ~~[(5)]~~ (6) A procedure for the response to any investigation that finds an act of
61 bullying occurred. The policy shall, at a minimum, require notification of the parents or
62 guardians of the bullied student and of the bullying student, and, if such bullying meets

63 **the elements of harassment in the second degree under section 565.091, referral to law**
64 **enforcement agencies or to the children's division rather than law enforcement if the**
65 **bullying student is under eleven years of age;**

66 (7) A statement that prohibits reprisal or retaliation against any person who reports an
67 act of bullying and the consequence and appropriate remedial action for a person who
68 engages in reprisal or retaliation;

69 ~~[(6)]~~ (8) A statement of how the policy is to be publicized; and

70 ~~[(7)]~~ (9) A process for discussing the district's antibullying policy with students and
71 training school employees and volunteers who have ~~[significant]~~ contact with students in the
72 requirements of the policy, including, at a minimum, the following statements:

73 (a) The school district **or charter school** shall provide information and appropriate
74 training to the school district **or charter school** staff who have ~~[significant]~~ contact with
75 students regarding the policy **including, but not limited to, training on the appropriate**
76 **interventions staff may take and the associated liability for action or inaction including,**
77 **but not limited to, failure to report incidents. Such training shall be provided as**
78 **established in section 168.331;**

79 (b) The school district **or charter school** shall give annual notice of the policy to
80 students, parents or guardians, and staff;

81 (c) The school district **or charter school** shall provide education and information to
82 students regarding bullying, including information regarding the school district **or charter**
83 **school** policy prohibiting bullying, the harmful effects of bullying, and other applicable
84 initiatives to address bullying, including student peer-to-peer initiatives to provide
85 accountability and policy enforcement for those found to have engaged in bullying,
86 reprisal, or retaliation against any person who reports an act of bullying;

87 (d) The administration of the school district **or charter school** shall instruct its school
88 counselors, school social workers, licensed social workers, mental health professionals, and
89 school psychologists to educate students who are victims of bullying **and students**
90 **committing acts of bullying** on techniques for students to overcome bullying's negative
91 effects. Such techniques shall include, but not be limited to, cultivating the student's self-
92 worth and self-esteem; teaching the student to defend himself or herself assertively and
93 effectively; helping the student develop social skills; or encouraging the student to develop an
94 internal locus of control. The provisions of this paragraph shall not be construed to contradict
95 or limit any other provision of this section; and

96 (e) The administration of the school district **or charter school** shall implement
97 programs and other initiatives to address bullying, to respond to such conduct in a manner
98 that does not stigmatize the victim, and to make resources or referrals available to victims of
99 bullying **and students committing acts of bullying.**

100 5. Notwithstanding any other provision of law to the contrary, any school district **or**
101 **charter school** shall have jurisdiction to prohibit cyberbullying that originates on a school's
102 campus or at a district activity if the electronic communication was made using the school's
103 technological resources, if there is a sufficient nexus to the educational environment, or if the
104 electronic communication was made on the school's campus or at a **school district or charter**
105 **school** activity using the student's own personal technological resources. The school district
106 **or charter school** may discipline any student for such cyberbullying to the greatest extent
107 allowed by law.

108 6. Each **school district and charter school** shall review its antibullying policy and
109 revise it as needed. The **school** district's school board **or charter school's governing board**
110 shall receive input from school personnel, students, and administrators when reviewing and
111 revising the policy.

112 7. (1) **The administration of each school district and charter school shall report**
113 **to the school board or governing board all acts of bullying, acts of school violence or**
114 **violent behavior, and crimes that occurred in between board meetings and the discipline**
115 **of any pupil who committed such acts. Such report shall be submitted monthly and**
116 **shall be formatted to clearly describe each such incident.**

117 (2) **The school board or governing board shall review such monthly report in a**
118 **closed meeting under chapter 610.**

119 8. (1) **A school district or charter school employee or volunteer may, in the**
120 **course of fulfilling duties or performing services for such school district or charter**
121 **school, intervene in an incident involving an act of bullying, act of school violence or**
122 **violent behavior, or crime committed against a pupil to protect such pupil.**

123 (2) **Such school district or charter school employee or volunteer shall be held**
124 **harmless and immune from any liability for actions described in subdivision (1) of this**
125 **subsection if:**

126 (a) **In the course of intervening in such incident, such employee or volunteer**
127 **follows a proper procedure for such interventions adopted by the school board of such**
128 **school district or the charter school's governing board; or**

129 (b) **Such employee or volunteer intervenes in good faith and in a manner that**
130 **such employee or volunteer reasonably believes is afforded the defense of justification**
131 **under chapter 563.**

132 9. (1) **A school district or charter school, or an employee of such district or**
133 **charter school, that in good faith imposes disciplinary action under this section upon a**
134 **bullying student shall not be civilly liable for such disciplinary action.**

135 (2) **If a school district or charter school, or an employee of such district or**
136 **charter school, prevails in an action brought against such school district, charter school,**

or employee described in subdivision (1) of this subsection, the court shall award court costs and attorney's fees to such prevailing school district, charter school, or employee.

10. (1) This section shall not be construed to provide immunity from liability for a school district's or charter school's denial, or the denial by an employee of such district or charter school, of any constitutionally protected right of a student.

(2) Subdivision (1) of this subsection shall not be construed to limit any immunities or defenses available under state or federal law to a school district, a charter school, or employees or volunteers of such school district or charter school.

11. (1) For the purposes of reporting requirements under section 210.115, incidents of bullying, acts of school violence or violent behavior, or crime may be considered abuse.

(2) No provision of this section shall be construed to preclude any person from reporting such abuse and such person shall be afforded the same protections provided under sections 210.135 and 210.145 for reports of abuse in compliance with section 210.115.

12. No charter school shall expel or transfer a student to a school district solely due to reports of bullying made against such student.

210.112. 1. It is the policy of this state and its agencies to implement a foster care and child protection and welfare system focused on providing the highest quality of services and outcomes for children and their families. The department of social services shall implement such system subject to the following principles:

(1) The safety and welfare of children is paramount;

(2) All providers of direct services to children and their families will be evaluated in a uniform, transparent, objective, and consistent basis based on an evaluation tool established in this section;

(3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes, and such services shall be tracked and routinely evaluated through a quality assurance program;

(4) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with federal and state standards;

(5) Resources and efforts shall be committed to pursue the best possible opportunity for a successful outcome for each child. Successful outcomes may include preparing youth for a productive and successful life as an adult outside the foster care system, such as independent living. For those providers that work with children requiring intensive twenty-four-hour treatment services, successful outcomes shall be based on the least restrictive alternative possible based on the child's needs as well as the quality of care received; and

21 (6) All service providers shall prioritize methods of reducing or eliminating a child's
22 need for residential treatment through community-based services and supports.

23 2. (1) In conjunction with the response and evaluation team established under
24 subsection 3 of this section, as well as other individuals the division deems appropriate, the
25 division shall establish an evaluation tool that complies with state and federal guidelines.

26 (2) The evaluation tool shall include metrics supporting best practices for case
27 management and service provision including, but not limited to, the frequency of face-to-face
28 visits with the child.

29 (3) There shall be a mechanism whereby providers may propose different evaluation
30 metrics on a case-by-case basis if such case may have circumstances far beyond those that
31 would be expected. Such cases shall be evaluated by the response and evaluation team under
32 subsection 3 of this section.

33 (4) Data regarding all evaluation metrics shall be collected by the division on a
34 monthly basis, and the division shall issue a quarterly report regarding the evaluation data for
35 each provider, both public and private, by county. The response and evaluation team shall
36 determine how to aggregate cases for the division and large contractors so that performance
37 and outcomes may be compared effectively while also protecting confidentiality. Such
38 reports shall be made public and shall include information by county.

39 (5) The standards and metrics developed through this evaluation tool shall be used to
40 evaluate competitive bids for future contracts established under subsection 4 of this section.

41 3. The division shall create a response and evaluation team. Membership of the team
42 shall be composed of five staff members from the division with experience in foster care
43 appointed by the director of the division; five representatives, one from each contract region
44 for foster care case management contracts under this section, who shall be annually rotated
45 among contractors in each region, which shall appoint the agency; two experts working in
46 either research or higher education on issues relating to child welfare and foster care
47 appointed by the director of the division and who shall be actively working for either an
48 academic institution or policy foundation; one juvenile officer or a Missouri juvenile justice
49 director to be appointed by the Missouri Juvenile Justice Association; and one juvenile or
50 family court judge appointed by the supreme court. The division shall provide the necessary
51 staffing for the team's operations. All members shall be appointed and the team shall meet for
52 the first time before January 1, 2021. The team shall:

53 (1) Review the evaluation tool and metrics set forth in subsection 2 of this section on
54 a semiannual basis to determine any adjustments needed or issues that could affect the quality
55 of such tools and approve or deny on a case-by-case basis:

56 (a) Cases that a provider feels are anomalous and should not be part of developing the
57 case management tool under subsection 2 of this section;

58 (b) Alternative evaluation metrics recommended by providers based on the best
59 interests of the child under subsections 2 and 5 of this section; or

60 (c) Review and recommend any structure for incentives or other reimbursement
61 strategies under subsection 6 of this section;

62 (2) Develop and execute periodic provider evaluations of cases managed by the
63 division and children service providers contracted with the state to provide foster care case
64 management services, in the field under the evaluation tool created under subsection 2 of this
65 section to ensure basic requirements of the program are met, which shall include, but are not
66 limited to, random file review to ensure documentation shows required visits and case
67 management plan notes; and

68 (3) Develop a system for reviewing and working with providers identified under
69 subdivision (2) of this subsection or providers who request such assistance from the division
70 who show signs of performance weakness to ensure technical assistance and other services
71 are offered to assist the providers in achieving successful outcomes for their cases.

72 4. The children's division and any other state agency deemed necessary by the
73 division shall, in consultation with service providers and other relevant parties, enter into and
74 implement contracts with qualified children's services providers and agencies to provide a
75 comprehensive and deliberate system of service delivery for children and their families.
76 Contracts shall be awarded through a competitive process and provided by qualified public
77 and private not-for-profit or limited liability corporations owned exclusively by not-for-profit
78 corporations children's services providers and agencies which have:

79 (1) A proven record of providing child welfare services within the state of Missouri
80 which shall be consistent with the federal standards, but not less than the standards and
81 policies used by the children's division as of January 1, 2004; and

82 (2) The ability to provide a range of child welfare services including, but not limited
83 to, case management services, family-centered services, foster and adoptive parent
84 recruitment and retention, residential care, in-home services, foster care services, adoption
85 services, relative care case management, planned permanent living services, and family
86 reunification services.

87

88 No contracts under this section shall be issued for services related to the child abuse and
89 neglect hotline, investigations of alleged abuse and neglect, and initial family assessments.
90 Any contracts entered into by the division shall be in accordance with all federal laws and
91 regulations, and shall seek to maximize federal funding. Children's services providers and
92 agencies under contract with the division shall be subject to all federal, state, and local laws
93 and regulations relating to the provision of such services, and shall be subject to oversight and

94 inspection by appropriate state agencies to assure compliance with standards which shall be
95 consistent with the federal standards.

96 5. The division shall accept as prima facie evidence of completion of the
97 requirements for licensure under sections 210.481 to 210.511 proof that an agency is
98 accredited by any of the following nationally recognized bodies: the Council on
99 Accreditation of Services, Children and Families, Inc.; the Joint Commission on
100 Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities.

101 6. Payment to the children's services providers and agencies shall be made based on
102 the reasonable costs of services, including responsibilities necessary to execute the contract.
103 Any reimbursement increases made through enhanced appropriations for services shall be
104 allocated to providers regardless of whether the provider is public or private. Such increases
105 shall be considered additive to the existing contracts. In addition to payments reflecting the
106 cost of services, contracts shall include incentives provided in recognition of performance
107 based on the evaluation tool created under subsection 2 of this section and the corresponding
108 savings for the state. The response and evaluation team under subsection 3 of this section
109 shall review a formula to distribute such payments, as recommended by the division.

110 7. The division shall consider immediate actions that are in the best interests of the
111 children served including, but not limited to, placing the agency on a corrective plan, halting
112 new referrals, transferring cases to other performing providers, or terminating the provider's
113 contract. The division shall take steps necessary to evaluate the nature of the issue and act
114 accordingly in the most timely fashion possible.

115 8. By July 1, 2021, the children's division shall promulgate and have in effect rules to
116 implement the provisions of this section and, pursuant to this section, shall define
117 implementation plans and dates. Any rule or portion of a rule, as that term is defined in
118 section 536.010, that is created under the authority delegated in this section shall become
119 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
120 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
121 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
122 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
123 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004,
124 shall be invalid and void.

125 **9. A provision in a service provider contract in which the state is indemnified,**
126 **held harmless, or insured for damages, claims, losses, or expenses arising from any**
127 **injury, including, but not limited to, bodily injury, mental anguish, property damage, or**
128 **economic or noneconomic damages or loss caused by or resulting from the state's**
129 **negligence, in whole or in part, shall be void as against public policy and unenforceable.**
130 **As used in this subsection, "service provider contract" means a contract, agreement, or**

131 understanding between a provider of services and the division regarding the provision
132 of services.

210.119. 1. The department of social services shall establish a program to
2 provide a comprehensive system of service delivery, education, and residential care for
3 youth with severe behavioral challenges. In order to be eligible for services under this
4 program, youth shall:

5 (1) Be in the custody of the children's division;

6 (2) Be under twenty-one years of age; and

7 (3) Be determined by a team within the department to have needs that cannot be
8 met by existing state programs. Such determination shall include any assessment
9 necessary to maximize resources for the youth.

10 2. The department shall be authorized to enter into any contracts necessary to
11 implement this program, including contracts for program operations with a qualified
12 service provider or consortium of qualified service providers. Qualified service
13 providers shall be certified, licensed, or accredited in their respective fields of service,
14 based in this state, and entities with proven experience in the areas for which they shall
15 provide services, as well as meet any additional requirements set by the department
16 designed to meet the best interests of the children they serve.

17 3. The department shall be authorized to enter into memoranda of
18 understanding with any facility or campus under state ownership that is appropriate
19 for the program and the youth being served.

20 4. No qualified service provider, or any employees or contractors of such
21 qualified service provider, shall be liable in damages for any services and duties
22 provided under a contract entered into under subsection 2 of this section, provided that
23 such services and duties are performed in good faith and without gross negligence. In
24 no case shall a qualified service provider be immune for abuse or neglect of a child, as
25 such terms are defined in section 210.110. The provisions of this subsection shall be void
26 if the state creates a fund or entity that indemnifies or provides coverage in an amount
27 of not less than one million dollars, which shall be increased or decreased on an annual
28 basis effective January first of each year in accordance with the Implicit Price Deflator
29 for Personal Consumption Expenditures as published by the Bureau of Economic
30 Analysis of the U.S. Department of Commerce, for damages due to a cause of action
31 against a qualified service provider, or an employee or contractor of such qualified
32 service provider, under this section for personal injury.

33 5. The department may promulgate such rules and regulations as are necessary
34 to implement the provisions of this section. Any rule or portion of a rule, as that term is
35 defined in section 536.010, that is created under the authority delegated in this section

36 **shall become effective only if it complies with and is subject to all of the provisions of**
37 **chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
38 **nonseverable and if any of the powers vested with the general assembly pursuant to**
39 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
40 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
41 **proposed or adopted after August 28, 2025, shall be invalid and void.**

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

- 2 (1) Ensuring the well-being and safety of the child in instances where child abuse or
3 neglect has been alleged;
- 4 (2) Promoting the preservation and reunification of children and families consistent
5 with state and federal law;
- 6 (3) Providing due process for those accused of child abuse or neglect; and
- 7 (4) Maintaining an information system operating at all times, capable of receiving and
8 maintaining reports. This information system shall have the ability to receive reports over a
9 single, statewide toll-free number. Such information system shall maintain the results of all
10 investigations, family assessments and services, and other relevant information.

11 2. (1) The division shall utilize structured decision-making protocols, including a
12 standard risk assessment that shall be completed within seventy-two hours of the report of
13 abuse or neglect, for classification purposes of all child abuse and neglect reports. The
14 protocols developed by the division shall give priority to ensuring the well-being and safety
15 of the child. All child abuse and neglect reports shall be initiated within twenty-four hours
16 and shall be classified based upon the reported risk and injury to the child. The division shall
17 promulgate rules regarding the structured decision-making protocols to be utilized for all
18 child abuse and neglect reports.

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

24 3. Upon receipt of a report, the division shall determine if the report merits
25 investigation, including reports which if true would constitute a suspected violation of any of
26 the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child
27 less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than
28 eighteen years of age, or other crimes under chapter 566 if the victim is a child less than
29 eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050
30 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045,
31 568.050, 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an

32 attempt to commit any such crimes. The division shall immediately communicate all reports
33 that merit investigation to its appropriate local office and any relevant information as may be
34 contained in the information system. The local division staff shall determine, through the use
35 of protocols developed by the division, whether an investigation or the family assessment and
36 services approach should be used to respond to the allegation. The protocols developed by
37 the division shall give priority to ensuring the well-being and safety of the child.

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

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

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

52 7. The local office shall contact the appropriate law enforcement agency immediately
53 upon receipt of a report which division personnel determine merits an investigation and
54 provide such agency with a detailed description of the report received. In such cases the local
55 division office shall request the assistance of the local law enforcement agency in all aspects
56 of the investigation of the complaint. The appropriate law enforcement agency shall either
57 assist the division in the investigation or provide the division, within twenty-four hours, an
58 explanation in writing detailing the reasons why it is unable to assist.

59 8. The local office of the division shall cause an investigation or family assessment
60 and services approach to be initiated in accordance with the protocols established in
61 subsection 2 of this section, except in cases where the sole basis for the report is educational
62 neglect. If the report indicates that educational neglect is the only complaint and there is no
63 suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two
64 hours of receipt of the report. If the report indicates the child is in danger of serious physical
65 harm or threat to life, an investigation shall include direct observation of the subject child
66 within twenty-four hours of the receipt of the report. Local law enforcement shall take all
67 necessary steps to facilitate such direct observation. Callers to the child abuse and neglect
68 hotline shall be instructed by the division's hotline to call 911 in instances where the child

69 may be in immediate danger. If the parents of the child are not the alleged perpetrators, a
70 parent of the child must be notified prior to the child being interviewed by the division. No
71 person responding to or investigating a child abuse and neglect report shall call prior to a
72 home visit or leave any documentation of any attempted visit, such as business cards,
73 pamphlets, or other similar identifying information if he or she has a reasonable basis to
74 believe the following factors are present:

- 75 (1) (a) No person is present in the home at the time of the home visit; and
- 76 (b) The alleged perpetrator resides in the home or the physical safety of the child may
77 be compromised if the alleged perpetrator becomes aware of the attempted visit;
- 78 (2) The alleged perpetrator will be alerted regarding the attempted visit; or
- 79 (3) The family has a history of domestic violence or fleeing the community.

80

81 If the alleged perpetrator is present during a visit by the person responding to or investigating
82 the report, such person shall **present identification and verbally identify himself or herself**
83 **and his or her role in the investigation and shall** provide written material to the alleged
84 perpetrator informing him or her of his or her rights regarding such visit, including but not
85 limited to the right to contact an attorney. The alleged perpetrator shall be given a reasonable
86 amount of time to read such written material or have such material read to him or her by the
87 case worker before the visit commences, but in no event shall such time exceed five minutes;
88 except that, such requirement to provide written material and reasonable time to read such
89 material shall not apply in cases where the child faces an immediate threat or danger, or the
90 person responding to or investigating the report is or feels threatened or in danger of physical
91 harm. If the abuse is alleged to have occurred in a school or child care facility the division
92 shall not meet with the child in any school building or child-care facility building where abuse
93 of such child is alleged to have occurred. When the child is reported absent from the
94 residence, the location and the well-being of the child shall be verified. For purposes of this
95 subsection, "child care facility" shall have the same meaning as such term is defined in
96 section 210.201.

97 9. **In all cases in which a case worker is investigating an instance of alleged child**
98 **abuse or neglect and visiting the home or location where the abused child is located or**
99 **where any child who may have been witness to another child's abuse is located, the case**
100 **worker shall first verbally identify himself or herself and his or her role in the**
101 **investigation and shall inform the child's parent or guardian that neither the child nor**
102 **parent or guardian is required to speak with the case worker, allow the case worker to**
103 **enter the home, or otherwise provide the case worker with access to the child, without a**
104 **warrant or court order and that the parent or guardian has the right to contact an**
105 **attorney.**

106 **10.** The director of the division shall name at least one chief investigator for each
107 local division office, who shall direct the division response on any case involving a second or
108 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
109 investigator shall include verification of direct observation of the subject child by the division
110 and shall ensure information regarding the status of an investigation is provided to the public
111 school district liaison. The public school district liaison shall develop protocol in conjunction
112 with the chief investigator to ensure information regarding an investigation is shared with
113 appropriate school personnel. The superintendent of each school district shall designate a
114 specific person or persons to act as the public school district liaison. Should the subject child
115 attend a nonpublic school the chief investigator shall notify the school principal of the
116 investigation. Upon notification of an investigation, all information received by the public
117 school district liaison or the school shall be subject to the provisions of the federal Family
118 Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal rule 34
119 C.F.R. Part 99.

120 ~~[10:]~~ **11.** The investigation shall include but not be limited to the nature, extent, and
121 cause of the abuse or neglect; the identity and age of the person responsible for the abuse or
122 neglect; the names and conditions of other children in the home, if any; the home
123 environment and the relationship of the subject child to the parents or other persons
124 responsible for the child's care; any indication of incidents of physical violence against any
125 other household or family member; and other pertinent data.

126 ~~[11:]~~ **12.** When a report has been made by a person required to report under section
127 210.115, the division shall contact the person who made such report within forty-eight hours
128 of the receipt of the report in order to ensure that full information has been received and to
129 obtain any additional information or medical records, or both, that may be pertinent.

130 ~~[12:]~~ **13.** Upon completion of the investigation, if the division suspects that the report
131 was made maliciously or for the purpose of harassment, the division shall refer the report and
132 any evidence of malice or harassment to the local prosecuting or circuit attorney.

133 ~~[13:]~~ **14.** Multidisciplinary teams shall be used whenever conducting the investigation
134 as determined by the division in conjunction with local law enforcement. Multidisciplinary
135 teams shall be used in providing protective or preventive social services, including the
136 services of law enforcement, a liaison of the local public school, the juvenile officer, the
137 juvenile court, and other agencies, both public and private.

138 ~~[14:]~~ **15.** For all family support team meetings involving an alleged victim of child
139 abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian
140 or custodian of the child, the guardian ad litem for the child, **the child's counsel**, and the
141 volunteer advocate for the child shall be provided notice and be permitted to attend all such
142 meetings. Family members, other than alleged perpetrators, or other community informal or

143 formal service providers that provide significant support to the child and other individuals
144 may also be invited at the discretion of the parents of the child. In addition, the parents, the
145 legal counsel for the parents, the legal guardian or custodian and the foster parents may
146 request that other individuals, other than alleged perpetrators, be permitted to attend such
147 team meetings. Once a person is provided notice of or attends such team meetings, the
148 division or the convenor of the meeting shall provide such persons with notice of all such
149 subsequent meetings involving the child. Families may determine whether individuals
150 invited at their discretion shall continue to be invited.

151 ~~[45.]~~ 16. If the appropriate local division personnel determine after an investigation
152 has begun that completing an investigation is not appropriate, the division shall conduct a
153 family assessment and services approach. The division shall provide written notification to
154 local law enforcement prior to terminating any investigative process. The reason for the
155 termination of the investigative process shall be documented in the record of the division and
156 the written notification submitted to local law enforcement. Such notification shall not
157 preclude nor prevent any investigation by law enforcement.

158 ~~[46.]~~ 17. If the appropriate local division personnel determines to use a family
159 assessment and services approach, the division shall:

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

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

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

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

176 ~~[47.]~~ 18. (1) Within forty-five days of an oral report of abuse or neglect, the local
177 office shall update the information in the information system. The information system shall
178 contain, at a minimum, the determination made by the division as a result of the investigation,
179 identifying information on the subjects of the report, those responsible for the care of the

180 subject child and other relevant dispositional information. The division shall complete all
181 investigations within forty-five days, unless good cause for the failure to complete the
182 investigation is specifically documented in the information system. Good cause for failure to
183 complete an investigation shall include, but not be limited to:

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

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

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

195

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

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

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

208 ~~[48:]~~ **19.** A person required to report under section 210.115 to the division and any
209 person making a report of child abuse or neglect made to the division which is not made
210 anonymously shall be informed by the division of his or her right to obtain information
211 concerning the disposition of his or her report. Such person shall receive, from the local
212 office, if requested, information on the general disposition of his or her report. Such person
213 may receive, if requested, findings and information concerning the case. Such release of
214 information shall be at the discretion of the director based upon a review of the reporter's
215 ability to assist in protecting the child or the potential harm to the child or other children
216 within the family. The local office shall respond to the request within forty-five days. The

findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

~~[19:]~~ **20.** The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

~~[20:]~~ **21.** In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

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

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

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

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

~~[22:]~~ **23.** In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

~~[23:]~~ **24.** The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

~~[24:]~~ **25.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section

254 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with
255 the general assembly pursuant to chapter 536 to review, to delay the effective date or to
256 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
257 rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid
258 and void.

210.160. 1. **Subject to the provisions of subsection 3 of this section**, in every case
2 involving an abused or neglected child which results in a judicial proceeding, the judge shall
3 appoint a guardian ad litem to appear for and represent:

4 (1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165
5 except proceedings under subsection 6 of section 210.152, sections 210.700 to 210.760,
6 sections 211.442 to 211.487, or sections 453.005 to 453.170, or proceedings to determine
7 custody or visitation rights under sections 452.375 to 452.410; or

8 (2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent,
9 and whose child is the subject of proceedings under sections 210.110 to 210.165, sections
10 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170.

11 2. The judge, either sua sponte or upon motion of a party, may appoint a guardian ad
12 litem to appear for and represent an abused or neglected child involved in proceedings arising
13 under subsection 6 of section 210.152.

14 3. (1) **Beginning January 1, 2028, and subject to necessary appropriations made**
15 **for that purpose, the judge shall appoint counsel for a child who is at least fourteen but**
16 **less than eighteen years of age and who is the subject of proceedings under sections**
17 **210.110 to 210.165 except proceedings under subsection 6 of section 210.152, sections**
18 **210.700 to 210.760, or sections 211.442 to 211.487. A judge may implement the**
19 **provisions of this subsection at any time before January 1, 2028, pursuant to a pilot**
20 **project implemented under section 477.715, and, if doing so, shall not be required to**
21 **appoint a guardian ad litem and child's counsel concurrently unless the judge finds it**
22 **necessary in accordance with subdivision (3) of this subsection.**

23 (2) **Counsel shall represent the child at all stages of the proceeding, including**
24 **appeal. The child and the child's parent or guardian shall not be represented by the**
25 **same counsel.**

26 (3) **A guardian ad litem appointed for a child under this section shall transition**
27 **to serving as the child's counsel upon the child's fourteenth birthday, provided that the**
28 **proceeding for which the guardian ad litem was appointed is ongoing. The transition**
29 **shall occur unless the judge finds it necessary to continue the guardian ad litem**
30 **appointment if it is determined that the child is at risk for substantial physical, financial,**
31 **or other harm and cannot adequately act in his or her own interests or if those**
32 **responsible for the care, custody, and control of the child have been and still are under**

33 the jurisdiction of the department of corrections; provided, however, a judge may
34 appoint the child counsel in addition to a guardian ad litem.

35 (4) The judge may appoint the same attorney to serve as guardian ad litem for
36 children in a sibling group who are under fourteen years of age as the attorney serving
37 as child's counsel for any sibling at least fourteen but less than eighteen years of age;
38 provided that the attorney or judge does not find a conflict of interest in such
39 appointment.

40 (5) In the event that a child's counsel is appointed under this subsection, the
41 court may appoint or continue the appointment of a volunteer advocate, who shall be
42 governed by the provisions of this section.

43 (6) Either sua sponte or upon the motion of a party, the judge shall issue an
44 order of appointment for the child's counsel no later than thirty days of the filing of the
45 motion and the counsel shall notify the parties of the change in appointment.

46 (7) In any court case or proceeding in which child's counsel is appointed by
47 court, the court shall set a reasonable fee for such services. The court shall award such
48 fees as a judgment to be paid by the state from funds appropriated by the legislature to
49 the judicial branch for such purpose.

50 4. The guardian ad litem **and child's counsel** shall be provided with all reports
51 relevant to the case made to or by any agency or person, shall have access to all records of
52 such agencies or persons relating to the child or such child's family members or placements of
53 the child, and upon appointment by the court to a case, shall be informed of and have the right
54 to attend any and all family support team meetings involving the child. Employees of the
55 division, officers of the court, and employees of any agency involved shall fully inform the
56 guardian ad litem **and child's counsel** of all aspects of the case of which they have
57 knowledge or belief.

58 [4-] 5. The appointing judge shall require the guardian ad litem **or the child's counsel**
59 to faithfully discharge such guardian ad litem's **or the counsel's** duties, and upon failure to do
60 so shall discharge such guardian ad litem **or counsel** and appoint another. The appointing
61 judge shall have the authority to examine the general and criminal background of persons
62 appointed as guardians ad litem **and children's counsel**, including utilization of the family
63 care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the
64 safety and welfare of the children such persons are appointed to represent. The judge in
65 making appointments pursuant to this section shall give preference to persons who served as
66 guardian ad litem **or child's counsel** for the child in the earlier proceeding, unless there is a
67 reason on the record for not giving such preference.

68 [5-] 6. The guardian ad litem may be awarded a reasonable fee for such services to be
69 set by the court. The court, in its discretion, may award such fees as a judgment to be paid by

70 any party to the proceedings or from public funds. However, no fees as a judgment shall be
71 taxed against a party or parties who have not been found to have abused or neglected a child
72 or children. Such an award of guardian fees shall constitute a final judgment in favor of the
73 guardian ad litem. Such final judgment shall be enforceable against the parties in accordance
74 with chapter 513.

75 ~~[6-]~~ 7. The court may designate volunteer advocates, who may or may not be
76 attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties
77 for the court. Nonattorney volunteer advocates shall not provide legal representation. The
78 court shall have the authority to examine the general and criminal background of persons
79 designated as volunteer advocates, including utilization of the family care safety registry and
80 access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the
81 children such persons are designated to represent. The volunteer advocate shall be provided
82 with all reports relevant to the case made to or by any agency or person, shall have access to
83 all records of such agencies or persons relating to the child or such child's family members or
84 placements of the child, and upon designation by the court to a case, shall be informed of and
85 have the right to attend any and all family support team meetings involving the child. Any
86 such designated person shall receive no compensation from public funds. This shall not
87 preclude reimbursement for reasonable expenses.

88 ~~[7-]~~ 8. Any person appointed to perform guardian ad litem **or children's counsel**
89 duties shall have completed a training program in permanency planning and shall advocate
90 for timely court hearings whenever possible to attain permanency for a child as expeditiously
91 as possible to reduce the effects that prolonged foster care may have on a child. A
92 nonattorney volunteer advocate shall have access to a court appointed attorney guardian ad
93 litem **or child's counsel** should the circumstances of the particular case so require.

210.560. 1. As used in this section, the following terms shall mean:

2 (1) "Child", any child placed in the legal custody of the division under chapter 211;

3 (2) "Division", the children's division of the department of social services of the state
4 of Missouri;

5 (3) "Money", any legal tender, note, draft, certificate of deposit, stocks, bond or
6 check;

7 (4) "Vested right", a legal right that is more than a mere expectancy and may be
8 reduced to a present monetary value.

9 2. The child, the child's parents, any fiduciary or any representative payee holding or
10 receiving money that are vested rights solely for or on behalf of a child are jointly and
11 severally liable for funds expended by the division to or on behalf of the child. The liability
12 of any person, except a parent of the child, shall be limited to the money received in his or her
13 fiduciary or representative capacity. The Missouri state government shall not require a trustee

14 or a financial institution acting as a trustee to exercise any discretionary powers in the
15 operation of a trust.

16 3. The division may accept an appointment to serve as representative payee or
17 fiduciary, or in a similar capacity for payments to a child under any public or private benefit
18 arrangement. Money so received shall be governed by this section to the extent that laws and
19 regulations governing payment of such benefits provide otherwise.

20 4. Any money received by the division on behalf of a child shall be accounted for in
21 the name of the child. Any money in the account of a child may be expended by the division
22 for care or services for the child. The division shall by rule adopted under chapter 536
23 establish procedures for the accounting of the money and the protection of the money against
24 theft, loss or misappropriation.

25 5. The division shall deposit money with a financial institution. Any earnings
26 attributable to the money in the account of a child shall be credited to that child's account.
27 The division shall receive bids from banking corporations, associations or trust companies
28 which desire to be selected as depositories of children's moneys for the division.

29 6. The division may accept funds which a parent, guardian or other person wishes to
30 provide for the use or benefit of the child. The use and deposit of such funds shall be
31 governed by this section and any additional directions given by the provider of the funds.

32 7. Each child for whose benefit funds have been received by the division ~~and~~, the
33 guardian ad litem of such child, **and the child's counsel** shall be furnished annually with a
34 statement listing all transactions involving the funds which have been deposited on the child's
35 behalf, to include each receipt and disbursement.

36 8. The division shall use all proper diligence to dispose of the balance of money
37 accumulated in the child's account when the child is released from the care and custody of the
38 division or the child dies. When the child is deceased the balance shall be disposed of as
39 provided by law for descent and distribution. If, after the division has diligently used such
40 methods and means as considered reasonable to refund such funds, there shall remain any
41 money, the owner of which is unknown to the division, or if known, cannot be located by the
42 division, in each and every such instance such money shall escheat and vest in the state of
43 Missouri, and the director and officials of the division shall pay the same to the state director
44 of the department of revenue, taking a receipt therefor, who shall deposit the money in the
45 state treasury to be credited to a fund to be designated as "escheat".

46 9. Within five years after money has been paid into the state treasury, any person who
47 appears and claims the money may file a petition in the circuit court of Cole County,
48 Missouri, stating the nature of the claim and praying that such money be paid to him. A copy
49 of the petition shall be served upon the director of the department of revenue who shall file an
50 answer to the same. The court shall proceed to examine the claim and the allegations and

51 proof, and if it finds that such person is entitled to any money so paid into the state treasury, it
52 shall order the commissioner of administration to issue a warrant on the state treasurer for the
53 amount of such claim, but without interest or costs. A certified copy of the order shall be
54 sufficient voucher for issuing a warrant; provided, that either party may appeal from the
55 decision of the court in the same manner as provided by law in other civil actions.

56 10. All moneys paid into the state treasury under the provisions of this section after
57 remaining there unclaimed for five years shall escheat and vest absolutely in the state and be
58 credited to the state treasury, and all persons shall be forever barred and precluded from
59 setting up title or claim to any such funds.

60 11. Nothing in this section shall be deemed to apply to funds regularly due the state of
61 Missouri for the support and maintenance of children in the care and custody of the division
62 or collected by the state of Missouri as reimbursement for state funds expended on behalf of
63 the child.

210.565. 1. Whenever a child is placed in a foster home and the court has determined
2 pursuant to subsection 4 of this section that foster home placement with relatives is not
3 contrary to the best interest of the child, the children's division shall give foster home
4 placement to relatives of the child. Notwithstanding any rule of the division to the contrary
5 and under section 210.305, the children's division shall complete a diligent search to locate
6 and notify the grandparents, adult siblings, parents of siblings of the child, and all other
7 relatives and determine whether they wish to be considered for placement of the child.
8 Grandparents who request consideration shall be given preference and first consideration for
9 foster home placement of the child. If more than one grandparent requests consideration, the
10 family support team shall make recommendations to the juvenile or family court about which
11 grandparent should be considered for placement.

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

13 (1) "Adult sibling", any brother or sister of whole or half-blood who is at least
14 eighteen years of age;

15 (2) "Relative", a grandparent or any other person related to another by blood or
16 affinity or a person who is not so related to the child but has a close relationship with the child
17 or the child's family. A foster parent or kinship caregiver with whom a child has resided for
18 nine months or more is a person who has a close relationship with the child. The status of a
19 grandparent shall not be affected by the death or the dissolution of the marriage of a son or
20 daughter;

21 (3) "Sibling", one of two or more individuals who have one or both parents in
22 common through blood, marriage, or adoption, including siblings as defined by the child's
23 tribal code or custom.

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

26 (1) Grandparents;

27 (2) Adult siblings or parents of siblings;

28 (3) Relatives; and

29 (4) Any foster parent who is currently licensed and capable of accepting placement of
30 the child.

31 4. The preference for placement and first consideration for grandparents or preference
32 for placement with other relatives created by this section shall only apply where the court
33 finds that placement with such grandparents or other relatives is not contrary to the best
34 interest of the child considering all circumstances. If the court finds that it is contrary to the
35 best interest of a child to be placed with grandparents or other relatives, the court shall make
36 specific findings on the record detailing the reasons why the best interests of the child
37 necessitate placement of the child with persons other than grandparents or other relatives.
38 Absent evidence to the contrary, the court may presume that continuation of the child's
39 placement with his or her current caregivers is in the child's best interests.

40 5. Recognizing the critical nature of sibling bonds for children, the children's division
41 shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship,
42 or adoptive placement, unless doing so would be contrary to the safety or well-being of any of
43 the siblings. If siblings are not placed together, the children's division shall make reasonable
44 efforts to provide frequent visitation or other ongoing interaction between the siblings, unless
45 this interaction would be contrary to a sibling's safety or well-being.

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

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

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

56 9. The guardian ad litem **or child's counsel** shall ascertain the child's wishes and
57 feelings about his or her placement by conducting an interview or interviews with the child, if
58 appropriate based on the child's age and maturity level, which shall be considered as a factor
59 in placement decisions and recommendations, but shall not supersede the preference for
60 relative placement created by this section or be contrary to the child's best interests.

210.762. 1. When a child is taken into custody by a juvenile officer or law enforcement official under subdivision (1) of subsection 1 of section 211.031 and initially placed with the division, the division may make a temporary placement and shall arrange for a family support team meeting prior to or within twenty-four hours following the protective custody hearing held under section 211.032. After a child is in the division's custody and a temporary placement has been made, the division shall arrange an additional family support team meeting prior to taking any action relating to the placement of such child; except that, when the welfare of a child in the custody of the division requires an immediate or emergency change of placement, the division may make a temporary placement and shall schedule a family support team meeting within seventy-two hours. The requirement for a family support team meeting shall not apply when the parent has consented in writing to the termination of his or her parental rights in conjunction with a placement in a licensed child-placing agency under subsection 6 of section 453.010.

2. The parents, the legal counsel for the parents, the 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, and any designee of the parent that has written authorization shall be notified and invited to participate in all family support team meetings. The family support team meeting may include such other persons whose attendance at the meeting may assist the team in making appropriate decisions in the best interests of the child. If the division finds that it is not in the best interest of a child to be placed with relatives, the division shall make specific findings in the division's report detailing the reasons why the best interests of the child necessitate placement of the child with persons other than relatives.

3. The division shall use the form created in subsection 2 of section 210.147 to be signed upon the conclusion of the meeting pursuant to subsection 1 of this section confirming that all involved parties are aware of the team's decision regarding the custody and placement of the child. Any dissenting views must be recorded and attested to on such form.

4. The case manager shall be responsible for including such form with the case records of the child.

211.032. 1. Except as otherwise provided in a circuit participating in a pilot project established by the Missouri supreme court, when a child, alleged to be in need of care and treatment pursuant to subdivision (1) of subsection 1 of section 211.031, is taken into custody, the juvenile or family court shall notify the parties of the right to have a protective custody hearing. Such notification shall be in writing.

2. Upon request from any party, the court shall hold a protective custody hearing. Such hearing shall be held within three days of the request for a hearing, excluding Saturdays, Sundays and legal holidays. For circuits participating in a pilot project established by the

9 Missouri supreme court, the parties shall be notified at the status conference of their right to
10 request a protective custody hearing.

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

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

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

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

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

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

39 (2) Upon request of the foster family, the guardian ad litem, **the child's counsel**, or
40 the volunteer advocate and whenever possible, the child shall be permitted to continue to
41 attend the same school that the child was enrolled in and attending at the time the child was
42 taken into custody by the division. The division, in consultation with the department of
43 elementary and secondary education, shall establish the necessary procedures to implement
44 the provisions of this subsection.

211.211. 1. A child is entitled to be represented by counsel in all proceedings under subdivision (2) or (3) of subsection 1 of section 211.031 and by a guardian ad litem in all proceedings under subdivision (1) of subsection 1 of section 211.031, **except as otherwise provided in subsection 3 of section 210.160 when the child shall be represented by counsel and the provisions of section 210.160 shall apply to the appointment of such counsel. Counsel appointed under subsection 3 of section 210.160 shall not be waived.**

2. The court shall appoint counsel for a child prior to the filing of a petition if a request is made therefor to the court and the court finds that the child is the subject of a juvenile court proceeding and that the child making the request is indigent.

3. (1) When a petition has been filed under subdivision (2) or (3) of subsection 1 of section 211.031, the court may appoint counsel for the child except if private counsel has entered his or her appearance on behalf of the child or if counsel has been waived in accordance with law; except that, counsel shall not be waived for any proceeding specified under subsection 10 of this section unless the child has had the opportunity to meaningfully consult with counsel and the court has conducted a hearing on the record.

(2) If a child waives his or her right to counsel, such waiver shall be made in open court and be recorded and in writing and shall be made knowingly, intelligently, and voluntarily. In determining whether a child has knowingly, intelligently, and voluntarily waived his or her right to counsel, the court shall look to the totality of the circumstances including, but not limited to, the child's age, intelligence, background, and experience generally and in the court system specifically; the child's emotional stability; and the complexity of the proceedings.

4. When a petition has been filed and the child's custodian appears before the court without counsel, the court shall appoint counsel for the custodian if it finds:

(1) That the custodian is indigent; and

(2) That the custodian desires the appointment of counsel; and

(3) That a full and fair hearing requires appointment of counsel for the custodian.

5. Counsel shall be allowed a reasonable time in which to prepare to represent his client.

6. Counsel shall serve for all stages of the proceedings, including appeal, unless relieved by the court for good cause shown. If no appeal is taken, services of counsel are terminated following the entry of an order of disposition.

7. The child and his custodian may be represented by the same counsel except where a conflict of interest exists. Where it appears to the court that a conflict exists, it shall order that the child and his custodian be represented by separate counsel, and it shall appoint counsel if required by subsection 3 or 4 of this section.

37 8. When a petition has been filed, a child may waive his or her right to counsel only
38 with the approval of the court and if such waiver is not prohibited under subsection 10 of this
39 section. If a child waives his or her right to counsel for any proceeding except proceedings
40 under subsection 10 of this section, the waiver shall only apply to that proceeding. In any
41 subsequent proceeding, the child shall be informed of his or her right to counsel.

42 9. Waiver of counsel by a child may be withdrawn at any stage of the proceeding, in
43 which event the court shall appoint counsel for the child if required by subsection 3 of this
44 section.

45 10. A child's right to be represented by counsel shall not be waived in any of the
46 following proceedings:

47 (1) At any contested detention hearing under Missouri supreme court rule 127.08
48 where the petitioner alleges that the child violated any law that, if committed by an adult,
49 would be a felony unless an agreement is otherwise reached;

50 (2) At a certification hearing under section 211.071 or a dismissal hearing under
51 Missouri supreme court rule 129.04;

52 (3) At an adjudication hearing under Missouri supreme court rule 128.02 for any
53 felony offense or at any detention hearing arising from a misdemeanor or felony motion to
54 modify or revoke, including the acceptance of an admission;

55 (4) At a dispositional hearing under Missouri supreme court rule 128.03; or

56 (5) At a hearing on a motion to modify or revoke supervision under subdivision (2) or
57 (3) of subsection 1 of section 211.031.

 211.261. 1. An appeal shall be allowed to the child from any final judgment, order or
2 decree made under the provisions of this chapter and may be taken on the part of the child by
3 its parent, guardian, legal custodian, spouse, relative or next friend. An appeal shall be
4 allowed to a parent from any final judgment, order or decree made under the provisions of
5 this chapter which adversely affects him. An appeal shall be allowed to the juvenile officer
6 from any final judgment, order or decree made under this chapter, except that no such appeal
7 shall be allowed concerning a final determination pursuant to subdivision (3) of subsection 1
8 of section 211.031. Notice of appeal shall be filed within thirty days after the final judgment,
9 order or decree has been entered but neither the notice of appeal nor any motion filed
10 subsequent to the final judgment acts as a supersedeas unless the court so orders.

11 2. Notwithstanding the provisions of subsection 1 of this section, an appeal shall be
12 allowed to the:

13 (1) Juvenile officer from any order suppressing evidence, a confession or an
14 admission, in proceedings under subdivision (3) of subsection 1 of section 211.031; or

15 (2) Parent, guardian ad litem, **child's counsel**, or juvenile officer from any order
16 changing or modifying the placement of a child.

17 3. The appeal provided for in subsection 2 of this section shall be an interlocutory
18 appeal, filed in the appropriate district of the Missouri court of appeals. Notice of such
19 interlocutory appeal shall be filed within three days of the entry of the order of trial court; the
20 time limits applicable to such appeal shall be the same as in interlocutory appeals allowed to
21 the state in criminal cases.

**211.436. 1. Instruments of restraint, including handcuffs, chains, irons, or
2 straitjackets, shall not be used on a child during a proceeding in a juvenile court and
3 shall be removed prior to the child's appearance before the court unless, after a hearing,
4 the court finds both that:**

5 **(1) The use of restraints is necessary due to one of the following factors:**

6 **(a) Instruments of restraint are necessary to prevent physical harm to the child
7 or another person;**

8 **(b) The child has a history of disruptive courtroom behavior that has placed
9 others in potentially harmful situations or presents a substantial risk of inflicting
10 physical harm on himself or herself or others as evidenced by recent behavior; or**

11 **(c) There is evidence that the child presents a substantial risk of flight from the
12 courtroom; and**

13 **(2) There are no less restrictive alternatives to restraints that will prevent flight
14 or physical harm to the child or another person including, but not limited to, the
15 presence of court personnel, law enforcement officers, or bailiffs.**

16 **2. If the juvenile officer believes that there is an immediate safety or flight risk,
17 as provided under subsection 1 of this section, the juvenile officer shall advise the
18 attorney for the child and make a request in writing prior to the commencement of the
19 proceeding for the child to remain restrained during the court proceeding while in the
20 presence of the parties to the proceeding.**

21 **3. If a request for restraints is made by the juvenile officer, the court shall order
22 a hearing and provide the child's attorney an opportunity to be heard before the court
23 orders the use of restraints. If restraints are ordered, the court shall make findings of
24 fact in support of the order.**

25 **4. If restraints are used, the restraints shall allow the child limited movement of
26 the hands to read and handle documents and writings necessary to the proceeding.
27 Under no circumstances shall a child be restrained using restraints fixed to a wall, floor,
28 furniture, or other stationary object.**

**211.462. 1. In all actions to terminate parental rights, if not previously appointed
2 pursuant to section 210.160, a guardian ad litem or child's counsel shall be appointed for the
3 child as soon as practicable after the filing of the petition.**

4 2. The parent or guardian of the person of the child shall be notified of the right to
5 have counsel, and if they request counsel and are financially unable to employ counsel,
6 counsel shall be appointed by the court. Notice of this provision shall be contained in the
7 summons. When the parent is a minor or incompetent the court shall appoint a guardian ad
8 litem to represent such parent.

9 3. The guardian ad litem **or child's counsel** shall, during all stages of the
10 proceedings:

11 (1) Be the legal representative of the child, and may examine, cross-examine,
12 subpoena witnesses and offer testimony. The guardian ad litem **or child's counsel** may also
13 initiate an appeal of any disposition that he determines to be adverse to the best interests of
14 the child;

15 (2) Be an advocate for the child during the dispositional hearing and aid in securing a
16 permanent placement plan for the child. To ascertain the child's wishes, feelings,
17 attachments, and attitudes, he shall conduct all necessary interviews with persons, other
18 than the parent, having contact with or knowledge of the child and, if appropriate, with the
19 child;

20 (3) Protect the rights, interest and welfare of a minor or incompetent parent by
21 exercising the powers and duties enumerated in subdivisions (1) and (2) of this subsection.

22 4. Court costs shall be paid by the county in which the proceeding is instituted, except
23 that the court may require the agency or person having or receiving legal or actual custody to
24 pay the costs.

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be
2 obtained from the officer authorized to issue the same, and no marriage contracted shall be
3 recognized as valid unless the license has been previously obtained, and unless the marriage
4 is solemnized by a person authorized by law to solemnize marriages.

5 2. Before applicants for a marriage license shall receive a license, and before the
6 recorder of deeds shall be authorized to issue a license, the parties to the marriage shall
7 present an application for the license, duly executed and signed in the presence of the recorder
8 of deeds or their deputy or electronically through an online process. If an applicant is unable
9 to sign the application in the presence of the recorder of deeds as a result of the applicant's
10 incarceration or because the applicant has been called or ordered to active military duty out of
11 the state or country, the recorder of deeds may issue a license if:

12 (1) An affidavit or sworn statement is submitted by the incarcerated or military
13 applicant on a form furnished by the recorder of deeds which includes the necessary
14 information for the recorder of deeds to issue a marriage license under this section. The form
15 shall include, but not be limited to, the following:

16 (a) The names of both applicants for the marriage license;

- 17 (b) The date of birth of the incarcerated or military applicant;
- 18 (c) An attestation by the incarcerated or military applicant that both applicants are not
19 related;
- 20 (d) The date the marriage ended if the incarcerated or military applicant was
21 previously married;
- 22 (e) An attestation signed by the incarcerated or military applicant stating in
23 substantial part that the applicant is unable to appear in the presence of the recorder of deeds
24 as a result of the applicant's incarceration or because the applicant has been called or ordered
25 to active military duty out of the state or country, which will be verified by the professional or
26 official who directs the operation of the jail or prison or the military applicant's military
27 officer, or such professional's or official's designee, and acknowledged by a notary public
28 commissioned by the state of Missouri at the time of verification. However, in the case of an
29 applicant who is called or ordered to active military duty outside Missouri, acknowledgment
30 may be obtained by a notary public who is duly commissioned by a state other than Missouri
31 or by notarial services of a military officer in accordance with the Uniform Code of Military
32 Justice at the time of verification;
- 33 (2) The completed marriage license application of the incarcerated or military
34 applicant is submitted which includes the applicant's Social Security number; except that, in
35 the event the applicant does not have a Social Security number, a sworn statement by the
36 applicant to that effect; and
- 37 (3) A copy of a government-issued identification for the incarcerated or military
38 applicant which contains the applicant's photograph. However, in such case the incarcerated
39 applicant does not have such an identification because the jail or prison to which he or she is
40 confined does not issue an identification with a photo his or her notarized application shall
41 satisfy this requirement.
- 42 3. Each application for a license shall contain the Social Security number of the
43 applicant, provided that the applicant in fact has a Social Security number, or the applicant
44 shall sign a statement provided by the recorder that the applicant does not have a Social
45 Security number. The Social Security number contained in an application for a marriage
46 license shall be exempt from examination and copying pursuant to section 610.024. After the
47 receipt of the application the recorder of deeds shall issue the license, unless one of the parties
48 withdraws the application. The license shall be void after thirty days from the date of
49 issuance.
- 50 4. Any person violating the provisions of this section shall be deemed guilty of a
51 misdemeanor.
- 52 5. Common-law marriages shall be null and void.

53 6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall
54 the validity be in any way affected for want of authority in any person so solemnizing the
55 marriage pursuant to section 451.100, if consummated with the full belief on the part of the
56 persons, so married, or either of them, that they were lawfully joined in marriage.

7. In the event a recorder of deeds utilizes an online process to accept applications for a marriage license or to issue a marriage license and the applicants' identity has not been verified in person, the recorder of deeds shall have a two-step identity verification process or a process that independently verifies the identity of such applicants. Such process shall be adopted as part of any electronic system for marriage licenses if the applicants do not present themselves to the recorder of deeds or his or her designee in person. It shall be the responsibility of the recorder of deeds to ensure any process adopted to allow electronic application or issuance of a marriage license verifies the identities of both applicants. The recorder of deeds shall not accept applications for or issue marriage licenses through the process provided in this subsection unless ~~[both applicants are at least eighteen years of age and]~~ at least one of the applicants is a resident of the county or city not within a county in which the application was submitted.

451.080. 1. The recorders of the several counties of this state, and the recorder of the
2 city of St. Louis, shall, when applied to by any person legally entitled to a marriage license,
3 issue the same which may be in the following form:

4 State of Missouri)
5)
6 ss.

7)
8 County of)

9 This license authorizes any judge, associate circuit judge, licensed or
10 ordained preacher of the gospel, or other person authorized under the laws
11 of this state, to solemnize marriage between A B of _____, county of _____
12 _____ and state of _____, who is _____ the age of eighteen years, and C D
13 of _____, in the county of _____, state of _____, who is _____ the age
14 of eighteen years.

2. ~~[If the man is under eighteen or the woman under eighteen, add the following:]~~
~~[The custodial parent or guardian, as the case may be, of the said A B or C~~
~~D (A B or C D, as the case may require), has given his or her assent to the~~
~~said marriage.]~~
~~[Witness my hand as recorder, with the seal of office hereto affixed, at my~~
~~office, in _____, the _____ day of _____, 20_____, recorder.]~~

21 [3-] On which such license the person solemnizing the marriage shall, within fifteen
22 days after the issuing thereof, make as near as may be the following return, and return such
23 license to the officer issuing the same:

24 State of Missouri)
25)
26 ss.
27)

28 County of _____)
29 This is to certify that the undersigned _____ did at _____, in said county,
30 on the _____ day of _____ A.D. 20_____, unite in marriage the above-
31 named persons.

451.090. 1. No recorder shall issue a license authorizing the marriage of any male or
2 female under ~~[sixteen]~~ **eighteen** years of age ~~[nor shall a license be issued authorizing the~~
3 ~~marriage of any male or female twenty one years of age or older to a male or female under~~
4 ~~eighteen years of age]~~.

~~2. [No recorder shall issue a license authorizing the marriage of any male or female under the age of eighteen years, except with the consent of his or her custodial parent or guardian, which consent shall be given at the time, in writing, stating the residence of the person giving such consent, signed and sworn to before an officer authorized to administer oaths.]~~

3.] The recorder shall state in every license whether the parties applying for same[; ~~one or either or both of them;~~] are of age[~~;~~ or whether the male is under the age of eighteen years or the female under the age of eighteen years, and if the male is under the age of eighteen years or the female is under the age of eighteen years, the name of the custodial parent or guardian consenting to such marriage]. Applicants shall provide proof of age to the recorder in the form of a certified copy of the applicant's birth certificate, passport, or other government-issued identification, which shall then be documented by the recorder.

477.700. 1. There is hereby created the "Child and Family Legal Representation
2 Coordinating Commission" within the judicial branch, which shall be composed of nine
3 members appointed by the chief justice of the Missouri supreme court. At least three
4 members of the coordinating commission shall be attorneys licensed to practice law in
5 this state, who have a minimum of five years of experience representing children as
6 counsel or guardians ad litem. At least one member shall be a former foster youth with
7 direct experience navigating the foster care system in this state. At least one member
8 shall be a resident of this state who has no direct professional affiliation with the legal or
9 child welfare system, but who has demonstrated commitment to child advocacy and

10 protection. The chief justice shall designate one member to serve as chair and one
11 member as vice chair. The vice chair shall preside in the absence of the chair.

12 2. The members of the coordinating commission shall serve for terms of four
13 years and until their successors are appointed and qualified; except that, of the initial
14 members appointed, three shall serve terms of one year, three shall serve terms of two
15 years, and three shall serve terms of four years, as designated by the chief justice. If a
16 vacancy occurs, the chief justice shall appoint a replacement, who shall serve the
17 unexpired portion of the term. Members of the coordinating commission may succeed
18 themselves.

19 3. Members of the coordinating commission shall serve without compensation,
20 but shall be reimbursed out of funds appropriated for this purpose for actual and
21 reasonable expenses incurred in the performance of their duties.

22 4. The Missouri supreme court may adopt such rules as it deems appropriate to
23 govern the procedures and operations of the coordinating commission.

 477.705. In addition to any duties or responsibilities assigned to it by the
2 Missouri supreme court, the coordinating commission established under section 477.700
3 shall have the following duties:

4 (1) To work cooperatively with the various judicial circuits, judicial personnel,
5 attorneys, and other state departments or agencies and form partnerships to ensure
6 uniform, high-quality legal representation for children or families involved in legal
7 proceedings in this state;

8 (2) To make recommendations to the Missouri supreme court concerning the
9 establishment or modification, by court rule, of minimum training requirements and
10 practice standards for attorneys seeking to serve as guardians ad litem, children's
11 counsel, or parent's counsel, including, but not limited to, appropriate maximum
12 caseloads, minimum responsibilities and duties, and practice guidelines;

13 (3) To make recommendations to the Missouri supreme court concerning high-
14 quality, accessible training throughout the state for persons seeking to serve as
15 guardians ad litem, children's counsel, or parent's counsel, as well as for judicial
16 personnel who regularly hear matters involving children and families;

17 (4) To develop, coordinate, and evaluate any pilot project established by the
18 Missouri supreme court relating to guardians ad litem, children's counsel, or parent's
19 counsel, including the development of measures to assess and document the various
20 models of representation and the outcomes achieved by each, including collaborative
21 models with local court-appointed special advocate programs, as well as the
22 implementation of the child's counsel provisions of section 210.160;

23 (5) To seek to enhance existing funding sources and to study the availability or
24 development of new funding sources for the provision of uniform, high-quality legal
25 representation for children or families involved in legal proceedings in this state;

26 (6) To apply for and accept any funds that may be offered or that may become
27 available from gifts, contributions, grants, bequests, or other aid received from federal,
28 private, or other sources, which moneys shall be deposited in the child and family legal
29 representation fund established in section 477.710; and

30 (7) To provide a report to the governor, the general assembly, and the supreme
31 court of Missouri with recommendations to improve legal representation for parents
32 and children subject to juvenile court jurisdiction under subdivision (1) of subsection 1
33 of section 211.031.

 477.710. 1. There is hereby established in the state treasury the "Child and
2 Family Legal Representation Fund". The state treasurer shall credit to and deposit in
3 the child and family legal representation fund all moneys that may be appropriated to it
4 by the general assembly and also any gifts, contributions, grants, bequests, or other aid
5 received from federal, private, or other sources.

6 2. The state treasurer shall invest moneys in the fund in the same manner as
7 surplus state funds are invested pursuant to section 30.260. Any interest and moneys
8 earned on such investments shall be credited to the fund.

9 3. The coordinating commission established under section 477.700 shall
10 administer and disburse moneys in the child and family representation fund to
11 judicial circuits for the purpose of improving or providing uniform, high-quality legal
12 representation for children or families involved in legal proceedings in this state,
13 including the payment of reasonable fees approved by a court for the appointment of a
14 guardian ad litem, children's counsel, or parent's counsel.

15 4. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
16 remaining in the fund at the end of the biennium shall not revert to the credit of the
17 general revenue fund.

 477.715. 1. Notwithstanding the provisions of section 210.160 or any other
2 provision of law to the contrary, in any circuit participating in a pilot project established
3 by the Missouri supreme court relating to guardians ad litem, children's counsel, or
4 parent's counsel, where the provisions of subdivision (1) of subsection 1 of section
5 210.160 require that the judge appoint a guardian ad litem for a child, the judge may
6 instead appoint a child's counsel to represent any child who is fourteen years of age or
7 older at all stages of the proceeding, including appeal, without the additional
8 appointment of a guardian ad litem. The child and the child's parent or guardian
9 shall not be represented by the same counsel.

10 **2. The provisions of this section shall expire on January 1, 2028.**

491.075. 1. A statement made by a child under the age of ~~[fourteen]~~ **eighteen**, or a
2 vulnerable person, relating to an offense under chapter 565, 566, 568 or 573, performed by
3 another, not otherwise admissible by statute or court rule, is admissible in evidence in
4 criminal proceedings in the courts of this state as substantive evidence to prove the truth of
5 the matter asserted if:

6 (1) The court finds, in a hearing conducted outside the presence of the jury that the
7 time, content and circumstances of the statement provide sufficient indicia of reliability; and

8 (2) (a) The child or vulnerable person testifies at the proceedings; or

9 (b) The child or vulnerable person is unavailable as a witness; or

10 (c) The child or vulnerable person is otherwise physically available as a witness but
11 the court finds that the significant emotional or psychological trauma which would result
12 from testifying in the personal presence of the defendant makes the child or vulnerable person
13 unavailable as a witness at the time of the criminal proceeding.

14 2. Notwithstanding subsection 1 of this section or any provision of law or rule of
15 evidence requiring corroboration of statements, admissions or confessions of the defendant,
16 and notwithstanding any prohibition of hearsay evidence, a statement by a child when under
17 the age of ~~[fourteen]~~ **eighteen**, or a vulnerable person, who is alleged to be victim of an
18 offense under chapter 565, 566, 568 or 573 is sufficient corroboration of a statement,
19 admission or confession regardless of whether or not the child or vulnerable person is
20 available to testify regarding the offense.

21 3. A statement may not be admitted under this section unless the prosecuting attorney
22 makes known to the accused or the accused's counsel his or her intention to offer the
23 statement and the particulars of the statement sufficiently in advance of the proceedings to
24 provide the accused or the accused's counsel with a fair opportunity to prepare to meet the
25 statement.

26 4. Nothing in this section shall be construed to limit the admissibility of statements,
27 admissions or confessions otherwise admissible by law.

28 5. For the purposes of this section, "vulnerable person" shall mean a person who, as a
29 result of an inadequately developed or impaired intelligence or a psychiatric disorder that
30 materially affects ability to function, lacks the mental capacity to consent, or whose
31 developmental level does not exceed that of an ordinary child of ~~[fourteen]~~ **seventeen** years
32 of age.

492.304. 1. In addition to the admissibility of a statement under the provisions of
2 section 492.303, the visual and aural recording of a verbal or nonverbal statement of a child
3 when under the age of ~~[fourteen who is alleged to be a victim of]~~ **eighteen or a vulnerable**

4 **person, relating to** an offense under the provisions of chapter 565, 566 ~~[or]~~, 568, **or 573, if**
5 **performed by another**, is admissible into evidence if:

6 (1) No attorney for either party was present when the statement was made; except
7 that, for any statement taken at a state-funded child assessment center as provided for in
8 subsection 2 of section 210.001, an attorney representing the state of Missouri in a criminal
9 investigation may, as a member of a multidisciplinary investigation team, observe the taking
10 of such statement, but such attorney shall not be present in the room where the interview is
11 being conducted;

12 (2) The recording is both visual and aural and is recorded on film or videotape or by
13 other electronic means;

14 (3) The recording equipment was capable of making an accurate recording, the
15 operator of the equipment was competent, and the recording is accurate and has not been
16 altered;

17 (4) The statement was not made in response to questioning calculated to lead the child
18 **or vulnerable person** to make a particular statement or to act in a particular way;

19 (5) Every voice on the recording is identified;

20 (6) The person conducting the interview of the child **or vulnerable person** in the
21 recording is present at the proceeding and available to testify or be cross-examined by either
22 party; and

23 (7) The defendant or the attorney for the defendant is afforded an opportunity to view
24 the recording before it is offered into evidence.

25 2. If the child **or vulnerable person** does not testify at the proceeding, the visual and
26 aural recording of a verbal or nonverbal statement of the child **or vulnerable person** shall not
27 be admissible under this section unless the recording qualifies for admission under section
28 491.075.

29 3. If the visual and aural recording of a verbal or nonverbal statement of a child **or**
30 **vulnerable person** is admissible under this section and the child **or vulnerable person**
31 testifies at the proceeding, it shall be admissible in addition to the testimony of the child **or**
32 **vulnerable person** at the proceeding whether or not it repeats or duplicates the child's **or**
33 **vulnerable person's** testimony.

34 4. As used in this section, a nonverbal statement shall be defined as any
35 demonstration of the child **or vulnerable person** by his or her actions, facial expressions,
36 demonstrations with a doll or other visual aid whether or not this demonstration is
37 accompanied by words.

38 5. For the purposes of this section, "vulnerable person" shall mean a person
39 **who, as a result of an inadequately developed or impaired intelligence or a psychiatric**
40 **disorder that materially affects the ability to function, lacks the mental capacity to**

41 **consent, or whose developmental level does not exceed that of an ordinary child of**
42 **seventeen years of age.**

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

2 (1) "Childhood sexual abuse", any act committed by the defendant against the
3 plaintiff which act occurred when the plaintiff was under the age of eighteen years and which
4 act would have been a violation of section 566.030, ~~[566.040, 566.050]~~ **566.031, 566.032,**
5 **566.034,** 566.060, ~~[566.070, 566.080, 566.090]~~ **566.061, 566.062, 566.064, 566.067,**
6 **566.068, 566.069, 566.071, 566.083, 566.086, 566.093, 566.095,** 566.100, ~~[566.110, or~~
7 ~~566.120]~~ **566.101, 566.209, 566.210, 566.211, [or section] 568.020, or 573.200;**

8 (2) "Injury" or "illness", either a physical injury or illness or a psychological injury or
9 illness. A psychological injury or illness need not be accompanied by physical injury or
10 illness.

11 2. Any action to recover damages from injury or illness caused by childhood sexual
12 abuse in an action brought pursuant to this section shall be commenced within ten years of the
13 plaintiff attaining the age of twenty-one or within three years of the date the plaintiff
14 discovers, or reasonably should have discovered, that the injury or illness was caused by
15 childhood sexual abuse, whichever later occurs.

16 3. This section shall apply to any action ~~[commenced]~~ **arising** on or after August 28,
17 ~~[2004, including any action which would have been barred by the application of the statute of~~
18 ~~limitation applicable prior to that date]~~ **2025.**

19 **4. Notwithstanding any other provision of law to the contrary, a nondisclosure**
20 **agreement by any party to a childhood sexual abuse action shall not be judicially**
21 **enforceable in a dispute involving childhood sexual abuse allegations or claims, and**
22 **shall be void.**

566.151. 1. A person twenty-one years of age or older commits the offense of
2 enticement of a child if he or she persuades, solicits, coaxes, entices, or lures whether by
3 words, actions or through communication via the internet or any electronic communication,
4 any person who is less than ~~[fifteen]~~ **seventeen** years of age for the purpose of engaging in
5 sexual conduct.

6 2. It is not a defense to a prosecution for a violation of this section that the other
7 person was a peace officer masquerading as a minor.

8 3. Enticement of a child or an attempt to commit enticement of a child is a felony for
9 which the authorized term of imprisonment shall be not less than five years and not more than
10 thirty years. No person convicted under this section shall be eligible for parole, probation,
11 conditional release, or suspended imposition or execution of sentence for a period of five
12 calendar years.

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

2 (1) Pursuant to a prior understanding, gives something of value to another person as
3 compensation for having engaged in sexual conduct with any person; or

4 (2) Gives or agrees to give something of value to another person with the
5 understanding that such person or another person will engage in sexual conduct with any
6 person; or

7 (3) Solicits or requests another person to engage in sexual conduct with any person in
8 return for something of value.

9 2. It shall not be a defense that the person believed that the individual he or she
10 patronized for prostitution was eighteen years of age or older.

11 3. The offense of patronizing prostitution is a class B misdemeanor, unless the
12 individual who the person patronizes is less than eighteen years of age but older than
13 ~~fourteen~~ **fifteen** years of age, in which case patronizing prostitution is a class E felony.

14 4. The offense of patronizing prostitution is a class ~~D~~ **B** felony if the individual who
15 the person patronizes is ~~fourteen~~ **fifteen** years of age or younger. Nothing in this section
16 shall preclude the prosecution of an individual for the offenses of:

17 (1) Statutory rape in the first degree pursuant to section 566.032;

18 (2) Statutory rape in the second degree pursuant to section 566.034;

19 (3) Statutory sodomy in the first degree pursuant to section 566.062; or

20 (4) Statutory sodomy in the second degree pursuant to section 566.064.

568.045. 1. A person commits the offense of endangering the welfare of a child in the
2 first degree if he or she:

3 (1) Knowingly acts in a manner that creates a substantial risk to the life, body, or
4 health of a child less than seventeen years of age; or

5 (2) Knowingly engages in sexual conduct with a person under the age of ~~seventeen~~
6 **eighteen** years over whom the person is a parent, guardian, or otherwise charged with the care
7 and custody;

8 (3) Knowingly encourages, aids or causes a child less than seventeen years of age to
9 engage in any conduct which violates the provisions of chapter 571 or 579;

10 (4) In the presence of a child less than seventeen years of age or in a residence where
11 a child less than seventeen years of age resides, unlawfully manufactures or attempts to
12 manufacture compounds, possesses, produces, prepares, sells, transports, tests or analyzes
13 amphetamine or methamphetamine or any of its analogues.

14 2. The offense of endangering the welfare of a child in the first degree is a class D
15 felony unless the offense:

16 (1) Is committed as part of an act or series of acts performed by two or more persons
17 as part of an established or prescribed pattern of activity, or where physical injury to the child

18 results, or the offense is a second or subsequent offense under this section, in which case the
19 offense is a class C felony;

20 (2) Results in serious physical injury to the child, in which case the offense is a class
21 B felony; or

22 (3) Results in the death of a child, in which case the offense is a class A felony.

578.365. 1. **This section shall be known and may be cited as "Danny's Law".**

2 **2.** A person commits the offense of hazing if he or she knowingly, **actively, and not**
3 **under duress** participates in, **solicits another person to participate in**, or causes **or plans** a
4 willful act, occurring on or off the campus of a public or private college or university, directed
5 against a student or a prospective member, **current member, or former member** of an
6 organization operating under the sanction of a public or private college or university, that
7 recklessly endangers the mental or physical health or safety of a student or prospective
8 member, **current member, or former member** for the purpose of initiation or admission into
9 or continued membership in any such organization to the extent that such person is knowingly
10 placed at probable risk of the loss of life or probable bodily or psychological harm. Acts of
11 hazing include:

12 (1) Any activity which recklessly endangers the physical health or safety of the
13 student or prospective member, **current member, or former member**, including but not
14 limited to physical brutality, whipping, beating, branding, exposure to the elements, forced
15 consumption of any food, liquor, drug or other substance, or forced smoking or chewing of
16 tobacco products;

17 (2) Any activity which recklessly endangers the mental health of the student or
18 prospective member, **current member, or former member**, including but not limited to
19 sleep deprivation, physical confinement, or other extreme stress-inducing activity; or

20 (3) Any activity that requires the student or prospective member, **current member,**
21 **or former member** to perform a duty or task which involves a violation of the criminal laws
22 of this state or any political subdivision in this state.

23 ~~[2-]~~ **3.** Public or private colleges or universities in this state shall adopt a written
24 policy prohibiting hazing by any organization operating under the sanction of the institution.

25 ~~[3-]~~ **4.** Nothing in this section shall be interpreted as creating a new private cause of
26 action against any educational institution.

27 ~~[4-]~~ **5.** Consent is not a defense to hazing. Section 565.010 does not apply to hazing
28 cases or to homicide cases arising out of hazing activity.

29 ~~[5-]~~ **6.** The offense of hazing is a class A misdemeanor, unless the act creates a
30 substantial risk to the life of the student ~~[or]~~, prospective member, **current member, or**
31 **former member**, in which case it is a class D felony.

32 **7. A person shall not be guilty of the offense of hazing if the person establishes all**
33 **of the following:**

34 **(1) That he was present at an event where, as a result of hazing, a person**
35 **appeared to be in need of immediate medical assistance;**

36 **(2) That he was the first person to call 911 or campus security to report the need**
37 **for immediate medical assistance;**

38 **(3) That he provided his own name, the address where immediate medical**
39 **assistance was needed, and a description of the medical issue to the 911 operator or**
40 **campus security at the time of the call; and**

41 **(4) That he remained at the scene with the person in need of immediate medical**
42 **assistance until medical assistance, law enforcement, or campus security arrived and**
43 **that he cooperated with such personnel on the scene.**

44 **8. Notwithstanding subsection 7 of this section to the contrary, a person shall be**
45 **immune from prosecution under this section if the person establishes that the person**
46 **rendered aid to the hazing victim before medical assistance, law enforcement, or campus**
47 **security arrived on the scene of the hazing event. For purposes of this subsection, the**
48 **term "aid" includes, but is not limited to, rendering cardiopulmonary resuscitation to**
49 **the victim, clearing an airway for the victim to breathe, using a defibrillator to assist the**
50 **victim, or rendering any other assistance to the victim that the person intended in good**
51 **faith to stabilize or improve the victim's condition while waiting for medical assistance,**
52 **law enforcement, or campus security to arrive.**

53 **9. For purposes of this section, the term "former member" means a person who**
54 **is no longer affiliated with the chapter of the organization operating under the sanction**
55 **of the public or private college or university, but who may be affiliated with the national**
56 **chapter of the organization.**

589.700. 1. In addition to any fine imposed for a violation of section 566.203,
2 **566.206, 566.209, 566.210, 566.211, 566.215, or 567.030, the court shall enter a judgment**
3 **of restitution in the amount specified in this subsection in favor of the state of Missouri,**
4 **payable to the human trafficking and sexual exploitation fund established under this**
5 **section, upon a plea of guilty or a finding of guilt for a violation of section 566.203,**
6 **566.206, 566.209, 566.210, 566.211, 566.215, or 567.030, excluding restitution ordered**
7 **under section 566.218. The judgment of restitution shall be in the amount of:**

8 **(1) Under section 566.203, 566.206, 566.209, 566.210, or 566.211, ten thousand**
9 **dollars for each identified victim of the offense or offenses for which restitution is**
10 **required under this subsection;**

11 **(2) Under section 567.030, two thousand five hundred dollars for each identified**
12 **victim of the offense or offenses for which restitution is required under this subsection;**
13 **and**

14 **(3) Two thousand five hundred dollars for each county in which such offense or**
15 **offenses occurred.**

16 **2. There is hereby created in the state treasury the "Human Trafficking and**
17 **Sexual Exploitation Fund", which shall consist of proceeds from the human trafficking**
18 **restitution collected for violations of sections 566.203, 566.206, 566.209, 566.210, 566.211,**
19 **566.215, and 567.030. The state treasurer shall be custodian of the fund. In accordance**
20 **with sections 30.170 and 30.180, the state treasurer may approve disbursements. The**
21 **fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be**
22 **distributed to the county or counties where the human trafficking offense or offenses**
23 **occurred. Upon receipt of moneys from the fund, a county shall allocate the**
24 **disbursement as follows:**

25 **(1) For any violation under section 566.203, 566.206, 566.209, 566.210, 566.211,**
26 **or 566.215, ten thousand dollars for each identified victim of the offense or offenses that**
27 **occurred in the county toward local rehabilitation services for victims of human**
28 **trafficking including, but not limited to, mental health and substance abuse counseling;**
29 **general education, including parenting skills; housing relief; vocational training; and**
30 **employment counseling;**

31 **(2) For any violation under section 567.030, two thousand five hundred dollars**
32 **for each identified victim of the offense or offenses that occurred in the county toward**
33 **local rehabilitation services for victims of human trafficking including, but not limited**
34 **to, mental health and substance abuse counseling; general education, including**
35 **parenting skills; housing relief; vocational training; and employment counseling; and**

36 **(3) Two thousand five hundred dollars toward local efforts to prevent human**
37 **trafficking including, but not limited to, education programs for persons convicted of**
38 **human trafficking offenses and increasing the number of local law enforcement**
39 **members charged with enforcing human trafficking laws.**

40 **3. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
41 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
42 **general revenue fund.**

43 **4. The state treasurer shall invest moneys in the fund in the same manner as**
44 **other funds are invested. Any interest and moneys earned on such investments shall be**
45 **credited to the fund.**

595.045. 1. There is established in the state treasury the "Crime Victims'
2 Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs

3 in each court proceeding filed in any court in the state in all criminal cases including
4 violations of any county ordinance or any violation of criminal or traffic laws of the state,
5 including an infraction and violation of a municipal ordinance; except that no such fee shall
6 be collected in any proceeding in any court when the proceeding or the defendant has been
7 dismissed by the court or when costs are to be paid by the state, county, or municipality. A
8 surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court
9 proceeding in which a child is found by the court to come within the applicable provisions of
10 subdivision (3) of subsection 1 of section 211.031.

11 2. Notwithstanding any other provision of law to the contrary, the moneys collected
12 by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be
13 collected and disbursed in accordance with sections 488.010 to 488.020 and shall be payable
14 to the director of the department of revenue.

15 3. The director of revenue shall deposit annually the amount of two hundred fifty
16 thousand dollars to the state forensic laboratory account administered by the department of
17 public safety to provide financial assistance to defray expenses of crime laboratories if such
18 analytical laboratories are registered with the federal Drug Enforcement Agency or the
19 Missouri department of health and senior services. Subject to appropriations made therefor,
20 such funds shall be distributed by the department of public safety to the crime laboratories
21 serving the courts of this state making analysis of a controlled substance or analysis of blood,
22 breath or urine in relation to a court proceeding.

23 4. The remaining funds collected under subsection 1 of this section shall be denoted
24 to the payment of an annual appropriation for the administrative and operational costs of the
25 office for victims of crime and, if a statewide automated crime victim notification system is
26 established pursuant to section 650.310, to the monthly payment of expenditures actually
27 incurred in the operation of such system. Additional remaining funds shall be subject to the
28 following provisions:

29 (1) On the first of every month, the director of revenue or the director's designee shall
30 determine the balance of the funds in the crime victims' compensation fund available to
31 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,
32 excluding sections 595.050 and 595.055;

33 (2) Beginning on September 1, 2004, and on the first of each month, the director of
34 revenue or the director's designee shall deposit fifty percent of the balance of funds available
35 to the credit of the crime victims' compensation fund and fifty percent to the services to
36 victims' fund established in section 595.100.

37 5. The director of revenue or such director's designee shall at least monthly report the
38 moneys paid pursuant to this section into the crime victims' compensation fund and the
39 services to victims fund to the department of public safety.

40 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this
41 section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five
42 percent of such moneys shall be payable to the city treasury of the city from which such funds
43 were collected. The remaining ninety-five percent of such moneys shall be payable to the
44 director of revenue. The funds received by the director of revenue pursuant to this subsection
45 shall be distributed as follows:

46 (1) On the first of every month, the director of revenue or the director's designee shall
47 determine the balance of the funds in the crime victims' compensation fund available to
48 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,
49 excluding sections 595.050 and 595.055;

50 (2) Beginning on September 1, 2004, and on the first of each month the director of
51 revenue or the director's designee shall deposit fifty percent of the balance of funds available
52 to the credit of the crime victims' compensation fund and fifty percent to the services to
53 victims' fund established in section 595.100.

54 7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such
55 audit shall include all records associated with crime victims' compensation funds collected,
56 held or disbursed by any state agency.

57 8. In addition to the moneys collected pursuant to subsection 1 of this section, the
58 court shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
59 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class
60 A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C ~~or~~, D,
61 or E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor
62 under Missouri law except for those in chapter 252 relating to fish and game, chapter 302
63 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle
64 financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to
65 watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations.
66 Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse
67 such crime victims' compensation judgments in the manner provided by sections 488.010 to
68 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the
69 crime victims' compensation fund.

70 9. The clerk of the court processing such funds shall maintain records of all
71 dispositions described in subsection 1 of this section and all dispositions where a judgment
72 has been entered against a defendant in favor of the state of Missouri in accordance with this
73 section; all payments made on judgments for alcohol-related traffic offenses; and any
74 judgment or portion of a judgment entered but not collected. These records shall be subject to
75 audit by the state auditor. The clerk of each court transmitting such funds shall report
76 separately the amount of dollars collected on judgments entered for alcohol-related traffic

77 offenses from other crime victims' compensation collections or services to victims
78 collections.

79 10. The department of revenue shall maintain records of funds transmitted to the
80 crime victims' compensation fund by each reporting court and collections pursuant to
81 subsection 16 of this section and shall maintain separate records of collection for alcohol-
82 related offenses.

83 11. The state courts administrator shall include in the annual report required by
84 section 476.350 the circuit court caseloads and the number of crime victims' compensation
85 judgments entered.

86 12. All awards made to injured victims under sections 595.010 to 595.105 and all
87 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
88 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
89 remaining in the crime victims' compensation fund at the end of each biennium shall not be
90 subject to the provision of section 33.080 requiring the transfer of such unexpended balance
91 to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation
92 fund. In the event that there are insufficient funds in the crime victims' compensation fund to
93 pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the
94 crime victims' compensation fund, then no claim shall be paid until funds have again
95 accumulated in the crime victims' compensation fund. When sufficient funds become
96 available from the fund, awards which have not been paid shall be paid in chronological order
97 with the oldest paid first. In the event an award was to be paid in installments and some
98 remaining installments have not been paid due to a lack of funds, then when funds do become
99 available that award shall be paid in full. All such awards on which installments remain due
100 shall be paid in full in chronological order before any other postdated award shall be paid.
101 Any award pursuant to this subsection is specifically not a claim against the state, if it cannot
102 be paid due to a lack of funds in the crime victims' compensation fund.

103 13. When judgment is entered against a defendant as provided in this section and such
104 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
105 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri
106 to such defendant an amount equal to the unpaid amount of such judgment. Such amount
107 shall be paid forthwith to the crime victims' compensation fund and satisfaction of such
108 judgment shall be entered on the court record. Under no circumstances shall the general
109 revenue fund be used to reimburse court costs or pay for such judgment. The director of the
110 department of corrections shall have the authority to pay into the crime victims' compensation
111 fund from an offender's compensation or account the amount owed by the offender to the
112 crime victims' compensation fund, provided that the offender has failed to pay the amount
113 owed to the fund prior to entering a correctional facility of the department of corrections.

114 14. All interest earned as a result of investing funds in the crime victims'
115 compensation fund shall be paid into the crime victims' compensation fund and not into the
116 general revenue of this state.

117 15. Any person who knowingly makes a fraudulent claim or false statement in
118 connection with any claim hereunder is guilty of a class A misdemeanor.

119 16. The department may receive gifts and contributions for the benefit of crime
120 victims. Such gifts and contributions shall be credited to the crime victims' compensation
121 fund as used solely for compensating victims under the provisions of sections 595.010 to
122 595.075.

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