

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
**SENATE BILL NO. 43**

103RD GENERAL ASSEMBLY  
2025

1205H.06T

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**AN ACT**

To repeal sections 135.341, 135.460, 135.621, 210.112, 210.145, 210.160, 210.560, 210.565, 210.762, 210.950, 211.032, 211.033, 211.071, 211.072, 211.211, 211.261, 211.462, 219.021, 221.044, 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-seven new sections relating to the protection of vulnerable persons, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 135.341, 135.460, 135.621, 210.112,  
2 210.145, 210.160, 210.560, 210.565, 210.762, 210.950, 211.032,  
3 211.033, 211.071, 211.072, 211.211, 211.261, 211.462, 219.021,  
4 221.044, 451.040, 451.080, 451.090, 491.075, 492.304, 537.046,  
5 566.151, 567.030, 568.045, 578.365, and 595.045, RSMo, are  
6 repealed and thirty-seven new sections enacted in lieu thereof,  
7 to be known as sections 135.341, 135.460, 135.621, 210.112,  
8 210.119, 210.145, 210.160, 210.560, 210.565, 210.762, 210.950,  
9 211.032, 211.033, 211.071, 211.072, 211.211, 211.261, 211.436,  
10 211.462, 219.021, 221.044, 451.040, 451.080, 451.090, 477.700,  
11 477.705, 477.710, 477.715, 491.075, 492.304, 537.046, 566.151,  
12 567.030, 568.045, 578.365, 589.700, and 595.045, to read as  
13 follows:

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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

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

9 (2) "Child advocacy centers", the regional child  
10 assessment centers listed in subsection 2 of section  
11 210.001, including an association based in this state,  
12 affiliated with a national association, and organized to  
13 provide support to entities listed in subsection 2 of  
14 section 210.001;

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

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

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

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

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

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

32           2. For all tax years beginning on or after January 1,  
33 2013, **and ending on or before December 31, 2024**, a tax  
34 credit may be claimed in an amount equal to up to fifty  
35 percent of a verified contribution to a qualified agency and  
36 shall be named the champion for children tax credit. **For**  
37 **all tax years beginning on or after January 1, 2025, a tax**  
38 **credit may be claimed in an amount not to exceed seventy**  
39 **percent of a verified contribution to a qualified agency.**

40 The minimum amount of any tax credit issued shall not be  
41 less than fifty dollars and shall be applied to taxes due  
42 under chapter 143, excluding sections 143.191 to 143.265.  
43 **For all tax years beginning on or after January 1, 2025, a**  
44 **taxpayer shall not be allowed to claim a tax credit under**  
45 **this section in excess of fifty thousand dollars in any tax**  
46 **year.** A contribution verification shall be issued to the  
47 taxpayer by the agency receiving the contribution. Such  
48 contribution verification shall include the taxpayer's name,  
49 Social Security number, amount of tax credit, amount of  
50 contribution, the name and address of the agency receiving  
51 the credit, and the date the contribution was made. The tax  
52 credit provided under this subsection shall be initially  
53 filed for the year in which the verified contribution is  
54 made.

55           3. The cumulative amount of the tax credits redeemed  
56 shall not exceed one million dollars for all fiscal years  
57 ending on or before June 30, 2019[, and]; one million five  
58 hundred thousand dollars for all fiscal years beginning on  
59 or after July 1, 2019, **and ending on or before June 30,**  
60 **2025; and two million five hundred thousand dollars for all**  
61 **fiscal years beginning on or after July 1, 2025.** The amount  
62 available shall be equally divided among the three qualified  
63 agencies: CASA, child advocacy centers, or crisis care

64 centers, to be used towards tax credits issued. In the  
65 event tax credits claimed under one agency do not total the  
66 allocated amount for that agency, the unused portion for  
67 that agency will be made available to the remaining agencies  
68 equally. In the event the total amount of tax credits  
69 claimed for any one agency exceeds the amount available for  
70 that agency, the amount redeemed shall and will be  
71 apportioned equally to all eligible taxpayers claiming the  
72 credit under that agency.

73 4. Prior to December thirty-first of each year, each  
74 qualified agency shall apply to the department of social  
75 services in order to verify their qualified agency status.  
76 Upon a determination that the agency is eligible to be a  
77 qualified agency, the department of social services shall  
78 provide a letter of eligibility to such agency. No later  
79 than February first of each year, the department of social  
80 services shall provide a list of qualified agencies to the  
81 department of revenue. All tax credit applications to claim  
82 the champion for children tax credit shall be filed between  
83 July first and April fifteenth of each fiscal year. A  
84 taxpayer shall apply for the champion for children tax  
85 credit by attaching a copy of the contribution verification  
86 provided by a qualified agency to such taxpayer's income tax  
87 return.

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

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

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

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

8. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. 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 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

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

(1) The program authorized under this section shall be reauthorized as of [December 31, 2019] **August 28, 2025,** and

127 shall expire on December 31, [2025] **2031**, unless  
128 reauthorized by the general assembly; and

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

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

138 10. Beginning on March 29, 2013, any verified  
139 contribution to a qualified agency made on or after January  
140 1, 2013, shall be eligible for tax credits as provided by  
141 this section.

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

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

11 3. A taxpayer shall be allowed a tax credit against  
12 the tax otherwise due pursuant to chapter 143, excluding  
13 withholding tax imposed by sections 143.191 to 143.265,  
14 chapter 147, chapter 148, or chapter 153 in an amount equal  
15 to thirty percent for property contributions and [fifty]  
16 **seventy** percent for monetary contributions of the amount  
17 such taxpayer contributed to the programs described in

subsection 5 of this section, not to exceed two hundred thousand dollars per taxable year, per taxpayer; except as otherwise provided in subdivision (5) of subsection 5 of this section. The department of economic development shall prescribe the method for claiming the tax credits allowed in this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

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

5. The tax credit allowed by this section may only be claimed for monetary or property contributions to public or private programs authorized to participate pursuant to this section by the department of economic development and may be claimed for the development, establishment, implementation,

50 operation, and expansion of the following activities and  
51 programs:

52 (1) An adopt-a-school program. Components of the  
53 adopt-a-school program shall include donations for school  
54 activities, seminars, and functions; school-business  
55 employment programs; and the donation of property and  
56 equipment of the corporation to the school;

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

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

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

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

71 (6) Mentor and role model programs;

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

74 (8) Donation of property or equipment of the taxpayer  
75 to schools, including schools which primarily educate  
76 children who have been expelled from other schools, or  
77 donation of the same to municipalities, or not-for-profit  
78 corporations or other not-for-profit organizations which  
79 offer programs dedicated to youth violence prevention as  
80 authorized by the department;



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

83           (10) Nonviolent conflict resolution and mediation  
84 programs;

85           (11) Youth outreach and counseling programs.

86           6. Any program authorized in subsection 5 of this  
87 section shall, at least annually, submit a report to the  
88 department of economic development outlining the purpose and  
89 objectives of such program, the number of youth served, the  
90 specific activities provided pursuant to such program, the  
91 duration of such program and recorded youth attendance where  
92 applicable.

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

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

100           9. For the purposes of the credits described in this  
101 section, in the case of a corporation described in section  
102 143.471, partnership, limited liability company described in  
103 section 347.015, cooperative, marketing enterprise, or  
104 partnership, in computing Missouri's tax liability, such  
105 credits shall be allowed to the following:

106           (1) The shareholders of the corporation described in  
107 section 143.471;

108           (2) The partners of the partnership;

109           (3) The members of the limited liability company; and

110           (4) Individual members of the cooperative or marketing  
111 enterprise.

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

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

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

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

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

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

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

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

26 (c) **Is a member of a national network organization**  
27 **serving all fifty states through which certification**  
28 **demonstrates nonprofit best practices, data-driven program**

29 **design, and equitable distribution focused on best serving**  
30 **infants, children, and incontinent adults;**

31 (5) "Tax credit", a credit against the tax otherwise  
32 due under chapter 143, excluding withholding tax imposed  
33 under sections 143.191 to 143.265, or otherwise due under  
34 chapter 148 or 153;

35 [(5)] (6) "Taxpayer", a person, firm, partner in a  
36 firm, corporation, or shareholder in an S corporation doing  
37 business in the state of Missouri and subject to the state  
38 income tax imposed under chapter 143; an insurance company  
39 paying an annual tax on its gross premium receipts in this  
40 state; any other financial institution paying taxes to the  
41 state of Missouri or any political subdivision of this state  
42 under chapter 148; an express company that pays an annual  
43 tax on its gross receipts in this state under chapter 153;  
44 an individual subject to the state income tax under chapter  
45 143; or any charitable organization that is exempt from  
46 federal income tax and whose Missouri unrelated business  
47 taxable income, if any, would be subject to the state income  
48 tax imposed under chapter 143.

49 2. For all fiscal years beginning on or after July 1,  
50 2019, a taxpayer shall be allowed to claim a tax credit  
51 against the taxpayer's state tax liability in an amount  
52 equal to fifty percent of the amount of such taxpayer's  
53 contributions to a diaper bank.

54 3. The amount of the tax credit claimed shall not  
55 exceed the amount of the taxpayer's state tax liability for  
56 the tax year for which the credit is claimed, and such  
57 taxpayer shall not be allowed to claim a tax credit in  
58 excess of fifty thousand dollars per tax year. However, any  
59 tax credit that cannot be claimed in the tax year the  
60 contribution was made may be carried over only to the next

61 subsequent tax year. No tax credit issued under this  
62 section shall be assigned, transferred, or sold.

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

69 5. The department shall determine, at least annually,  
70 which entities in this state qualify as diaper banks. The  
71 department may require of an entity seeking to be classified  
72 as a diaper bank any information which is reasonably  
73 necessary to make such a determination. The department  
74 shall classify an entity as a diaper bank if such entity  
75 satisfies the definition under subsection 1 of this section.

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

79 7. Diaper banks may decline a contribution from a  
80 taxpayer.

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

90 9. The department shall establish a procedure by  
91 which, from the beginning of the fiscal year until some  
92 point in time later in the fiscal year to be determined by

the department, the cumulative amount of tax credits are equally apportioned among all entities classified as diaper banks. If a diaper bank fails to use all, or some percentage to be determined by the department, of its apportioned tax credits during this predetermined period of time, the department may reapportion such unused tax credits to diaper banks that have used all, or some percentage to be determined by the department, of their apportioned tax credits during this predetermined period of time. The department may establish multiple periods each fiscal year and reapportion accordingly. To the maximum extent possible, the department shall establish the procedure described under this subsection in such a manner as to ensure that taxpayers can claim as many of the tax credits as possible, up to the cumulative limit created under subsection 8 of this section.

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

11. Under section 23.253 of the Missouri sunset act:

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

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

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

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

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

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

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

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

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

21           (5) Resources and efforts shall be committed to pursue  
22 the best possible opportunity for a successful outcome for  
23 each child. Successful outcomes may include preparing youth

24 for a productive and successful life as an adult outside the  
25 foster care system, such as independent living. For those  
26 providers that work with children requiring intensive twenty-  
27 four-hour treatment services, successful outcomes shall be  
28 based on the least restrictive alternative possible based on  
29 the child's needs as well as the quality of care received;  
30 and

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

34 2. (1) In conjunction with the response and  
35 evaluation team established under subsection 3 of this  
36 section, as well as other individuals the division deems  
37 appropriate, the division shall establish an evaluation tool  
38 that complies with state and federal guidelines.

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

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

49 (4) Data regarding all evaluation metrics shall be  
50 collected by the division on a monthly basis, and the  
51 division shall issue a quarterly report regarding the  
52 evaluation data for each provider, both public and private,  
53 by county. The response and evaluation team shall determine  
54 how to aggregate cases for the division and large  
55 contractors so that performance and outcomes may be compared

56 effectively while also protecting confidentiality. Such  
57 reports shall be made public and shall include information  
58 by county.

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

63 3. The division shall create a response and evaluation  
64 team. Membership of the team shall be composed of five  
65 staff members from the division with experience in foster  
66 care appointed by the director of the division; five  
67 representatives, one from each contract region for foster  
68 care case management contracts under this section, who shall  
69 be annually rotated among contractors in each region, which  
70 shall appoint the agency; two experts working in either  
71 research or higher education on issues relating to child  
72 welfare and foster care appointed by the director of the  
73 division and who shall be actively working for either an  
74 academic institution or policy foundation; one juvenile  
75 officer or a Missouri juvenile justice director to be  
76 appointed by the Missouri Juvenile Justice Association; and  
77 one juvenile or family court judge appointed by the supreme  
78 court. The division shall provide the necessary staffing  
79 for the team's operations. All members shall be appointed  
80 and the team shall meet for the first time before January 1,  
81 2021. The team shall:

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



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

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

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

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

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

112           4. The children's division and any other state agency  
113 deemed necessary by the division shall, in consultation with  
114 service providers and other relevant parties, enter into and  
115 implement contracts with qualified children's services  
116 providers and agencies to provide a comprehensive and  
117 deliberate system of service delivery for children and their  
118 families. Contracts shall be awarded through a competitive

process and provided by qualified public and private not-for-profit or limited liability corporations owned exclusively by not-for-profit corporations children's services providers and agencies which have:

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

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

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

5. The division shall accept as prima facie evidence of completion of the requirements for licensure under

sections 210.481 to 210.511 proof that an agency is accredited by any of the following nationally recognized bodies: the Council on Accreditation of Services, Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities.

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

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

8. By July 1, 2021, the children's division shall promulgate and have in effect rules to implement the provisions of this section and, pursuant to this section,

shall define implementation plans and dates. 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 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

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

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

- (1) Be in the custody of the children's division;**
- (2) Be under twenty-one years of age; and**
- (3) Be determined by a team within the department to have needs that cannot be met by existing state programs.**

10 Such determination shall include any assessment necessary to  
11 maximize resources for the youth.

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

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

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

42 cause of action against a qualified service provider, or an  
43 employee or contractor of such qualified service provider,  
44 under this section for personal injury.

45 5. The department may promulgate such rules and  
46 regulations as are necessary to implement the provisions of  
47 this section. Any rule or portion of a rule, as that term  
48 is defined in section 536.010, that is created under the  
49 authority delegated in this section shall become effective  
50 only if it complies with and is subject to all of the  
51 provisions of chapter 536 and, if applicable, section  
52 536.028. This section and chapter 536 are nonseverable and  
53 if any of the powers vested with the general assembly  
54 pursuant to chapter 536 to review, to delay the effective  
55 date, or to disapprove and annul a rule are subsequently  
56 held unconstitutional, then the grant of rulemaking  
57 authority and any rule proposed or adopted after August 28,  
58 2025, shall be invalid and void.

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

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

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

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

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

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

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

36           3.   Upon receipt of a report, the division shall  
37 determine if the report merits investigation, including  
38 reports which if true would constitute a suspected violation  
39 of any of the following: section 565.020, 565.021, 565.023,  
40 565.024, or 565.050 if the victim is a child less than  
41 eighteen years of age, section 566.030 or 566.060 if the  
42 victim is a child less than eighteen years of age, or other  
43 crimes under chapter 566 if the victim is a child less than  
44 eighteen years of age and the perpetrator is twenty-one  
45 years of age or older, section 567.050 if the victim is a  
46 child less than eighteen years of age, section 568.020,  
47 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205,

section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

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

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

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



80           7. The local office shall contact the appropriate law  
81 enforcement agency immediately upon receipt of a report  
82 which division personnel determine merits an investigation  
83 and provide such agency with a detailed description of the  
84 report received. In such cases the local division office  
85 shall request the assistance of the local law enforcement  
86 agency in all aspects of the investigation of the  
87 complaint. The appropriate law enforcement agency shall  
88 either assist the division in the investigation or provide  
89 the division, within twenty-four hours, an explanation in  
90 writing detailing the reasons why it is unable to assist.

91           8. **(1)** The local office of the division shall cause  
92 an investigation or family assessment and services approach  
93 to be initiated in accordance with the protocols established  
94 in subsection 2 of this section, except in cases where the  
95 sole basis for the report is educational neglect. If the  
96 report indicates that educational neglect is the only  
97 complaint and there is no suspicion of other neglect or  
98 abuse, the investigation shall be initiated within seventy-  
99 two hours of receipt of the report. If the report indicates  
100 the child is in danger of serious physical harm or threat to  
101 life, an investigation shall include direct observation of  
102 the subject child within twenty-four hours of the receipt of  
103 the report. Local law enforcement shall take all necessary  
104 steps to facilitate such direct observation. Callers to the  
105 child abuse and neglect hotline shall be instructed by the  
106 division's hotline to call 911 in instances where the child  
107 may be in immediate danger. If the parents of the child are  
108 not the alleged perpetrators, a parent of the child must be  
109 notified prior to the child being interviewed by the  
110 division. No person responding to or investigating a child  
111 abuse and neglect report shall call prior to a home visit or

112 leave any documentation of any attempted visit, such as  
113 business cards, pamphlets, or other similar identifying  
114 information if he or she has a reasonable basis to believe  
115 the following factors are present:

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

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

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

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

125 (2) If the division is responding to an investigation  
126 of abuse or neglect, the person responding shall first  
127 ensure safety of the child through direct observation and  
128 communication with the child. If the parent or alleged  
129 perpetrator is present during a visit by the person  
130 responding to or investigating the report, such person shall  
131 present identification and verbally identify himself or  
132 herself and his or her role in the investigation and shall  
133 provide written material to the parent or alleged  
134 perpetrator informing him or her of his or her rights  
135 regarding such visit, including but not limited to the right  
136 to contact an attorney. The parent or alleged perpetrator  
137 shall be given a reasonable amount of time to read such  
138 written material or have such material read to him or her by  
139 the case worker before the visit commences, but in no event  
140 shall such time exceed five minutes; except that, such  
141 requirement to provide written material and reasonable time  
142 to read such material shall not apply in cases where the  
143 child faces an immediate threat or danger, or the person

144 responding to or investigating the report is or feels  
145 threatened or in danger of physical harm. If the abuse is  
146 alleged to have occurred in a school or child care facility  
147 the division shall not meet with the child in any school  
148 building or child-care facility building where abuse of such  
149 child is alleged to have occurred. When the child is  
150 reported absent from the residence, the location and the  
151 well-being of the child shall be verified. For purposes of  
152 this subsection, "child care facility" shall have the same  
153 meaning as such term is defined in section 210.201.

154       **(3) If the division is responding to an assessment of**  
155 **abuse or neglect, the person responding shall present**  
156 **identification and verbally identify himself or herself and**  
157 **his or her role in the investigation and provide a parent of**  
158 **the child with notification prior to the child being**  
159 **interviewed by the person responding and shall provide**  
160 **written material to the parent informing him or her of his**  
161 **or her rights regarding such visit, including, but not**  
162 **limited to, the right to contact an attorney. The parent**  
163 **shall be given a reasonable amount of time to read such**  
164 **written material or have such material read to him or her by**  
165 **the case worker before the visit commences, but in no event**  
166 **shall such time exceed five minutes; except that, such**  
167 **requirement to provide written material and reasonable time**  
168 **to read such material shall not apply in cases where the**  
169 **child faces immediate threat or danger, the person**  
170 **responding to or investigating the report is or feels**  
171 **threatened or in danger of physical harm, or any of the**  
172 **exceptions in subdivision (1) of this subsection would apply.**

173       9. The director of the division shall name at least  
174 one chief investigator for each local division office, who  
175 shall direct the division response on any case involving a

second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal rule 34 C.F.R. Part 99.

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

11. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full

208 information has been received and to obtain any additional  
209 information or medical records, or both, that may be  
210 pertinent.

211 12. Upon completion of the investigation, if the  
212 division suspects that the report was made maliciously or  
213 for the purpose of harassment, the division shall refer the  
214 report and any evidence of malice or harassment to the local  
215 prosecuting or circuit attorney.

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

224 14. For all family support team meetings involving an  
225 alleged victim of child abuse or neglect, the parents, legal  
226 counsel for the parents, foster parents, the legal guardian  
227 or custodian of the child, the guardian ad litem for the  
228 child, **the child's counsel**, and the volunteer advocate for  
229 the child shall be provided notice and be permitted to  
230 attend all such meetings. Family members, other than  
231 alleged perpetrators, or other community informal or formal  
232 service providers that provide significant support to the  
233 child and other individuals may also be invited at the  
234 discretion of the parents of the child. In addition, the  
235 parents, the legal counsel for the parents, the legal  
236 guardian or custodian and the foster parents may request  
237 that other individuals, other than alleged perpetrators, be  
238 permitted to attend such team meetings. Once a person is  
239 provided notice of or attends such team meetings, the

division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

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

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

- (1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;
- (2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family

continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

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

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

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

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

(b) The attorney general or the prosecuting or circuit attorney of the city or county in which a criminal

investigation is pending certifies in writing to the division that there is a pending criminal investigation of the incident under investigation by the division and the issuing of a decision by the division will adversely impact the progress of the investigation; or

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

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

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

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

18. A person required to report under section 210.115 to the division and any person making a report of child



abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children 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. 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. 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

367 the allegations that may have caused a report to have been  
368 made; and

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

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

376 21. Nothing in this chapter shall be construed to  
377 prohibit the children's division from coinvestigating a  
378 report of child abuse or neglect or sharing records and  
379 information with child welfare, law enforcement, or judicial  
380 officers of another state, territory, or nation if the  
381 children's division determines it is appropriate to do so  
382 under the standard set forth in subsection 4 of section  
383 210.150 and if such receiving agency is exercising its  
384 authority under the law.

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

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

395 24. Any rule or portion of a rule, as that term is  
396 defined in section 536.010, that is created under the  
397 authority delegated in this section shall become effective

398 only if it complies with and is subject to all of the  
399 provisions of chapter 536 and, if applicable, section  
400 536.028. This section and chapter 536 are nonseverable and  
401 if any of the powers vested with the general assembly  
402 pursuant to chapter 536 to review, to delay the effective  
403 date or to disapprove and annul a rule are subsequently held  
404 unconstitutional, then the grant of rulemaking authority and  
405 any rule proposed or adopted after August 28, 2000, shall be  
406 invalid and void.

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

6 (1) A child who is the subject of proceedings pursuant  
7 to sections 210.110 to 210.165 except proceedings under  
8 subsection 6 of section 210.152, sections 210.700 to  
9 210.760, sections 211.442 to 211.487, or sections 453.005 to  
10 453.170, or proceedings to determine custody or visitation  
11 rights under sections 452.375 to 452.410; or

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

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

21 3. (1) **Beginning January 1, 2028, and subject to**  
22 **necessary appropriations made for that purpose, the judge**  
23 **shall appoint counsel for a child who is at least fourteen**

24 but less than eighteen years of age and who is the subject  
25 of proceedings under sections 210.110 to 210.165 except  
26 proceedings under subsection 6 of section 210.152, sections  
27 210.700 to 210.760, or sections 211.442 to 211.487. A judge  
28 may implement the provisions of this subsection at any time  
29 before January 1, 2028, pursuant to a pilot project  
30 implemented under section 477.715, and, if doing so, shall  
31 not be required to appoint a guardian ad litem and child's  
32 counsel concurrently unless the judge finds it necessary in  
33 accordance with subdivision (3) of this subsection.

34 (2) Counsel shall represent the child at all stages of  
35 the proceeding, including appeal. The child and the child's  
36 parent or guardian shall not be represented by the same  
37 counsel.

38 (3) A guardian ad litem appointed for a child under  
39 this section shall transition to serving as the child's  
40 counsel upon the child's fourteenth birthday, provided that  
41 the proceeding for which the guardian ad litem was appointed  
42 is ongoing. The transition shall occur unless the judge  
43 finds it necessary to continue the guardian ad litem  
44 appointment if it is determined that the child is at risk  
45 for substantial physical, financial, or other harm and  
46 cannot adequately act in his or her own interests or if  
47 those responsible for the care, custody, and control of the  
48 child have been and still are under the jurisdiction of the  
49 department of corrections; provided, however, a judge may  
50 appoint the child counsel in addition to a guardian ad litem.

51 (4) The judge may appoint the same attorney to serve  
52 as guardian ad litem for children in a sibling group who are  
53 under fourteen years of age as the attorney serving as  
54 child's counsel for any sibling at least fourteen but less  
55 than eighteen years of age; provided that the attorney or

56 judge does not find a conflict of interest in such  
57 appointment.

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

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

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

73 4. The guardian ad litem **and child's counsel** shall be  
74 provided with all reports relevant to the case made to or by  
75 any agency or person, shall have access to all records of  
76 such agencies or persons relating to the child or such  
77 child's family members or placements of the child, and upon  
78 appointment by the court to a case, shall be informed of and  
79 have the right to attend any and all family support team  
80 meetings involving the child. Employees of the division,  
81 officers of the court, and employees of any agency involved  
82 shall fully inform the guardian ad litem **and child's counsel**  
83 of all aspects of the case of which they have knowledge or  
84 belief.

85 [4.] 5. The appointing judge shall require the  
86 guardian ad litem **or the child's counsel** to faithfully  
87 discharge such guardian ad litem's **or the counsel's** duties,

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

[5.] 6. The guardian ad litem may be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. However, no fees as a judgment shall be taxed against a party or parties who have not been found to have abused or neglected a child or children. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513.

[6.] 7. The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties for the court. Nonattorney volunteer advocates shall not provide legal representation. The court shall have the authority to examine the general and criminal background of persons designated as volunteer advocates, including utilization of the family care safety registry and access

line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are designated to represent. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child's family members or placements of the child, and upon designation by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.

[7.] 8. Any person appointed to perform guardian ad litem **or children's counsel** duties shall have completed a training program in permanency planning and shall advocate for timely court hearings whenever possible to attain permanency for a child as expeditiously as possible to reduce the effects that prolonged foster care may have on a child. A nonattorney volunteer advocate shall have access to a court appointed attorney guardian ad 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:

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

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

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

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

12           2. The child, the child's parents, any fiduciary or  
13 any representative payee holding or receiving money that are  
14 vested rights solely for or on behalf of a child are jointly  
15 and severally liable for funds expended by the division to  
16 or on behalf of the child. The liability of any person,  
17 except a parent of the child, shall be limited to the money  
18 received in his or her fiduciary or representative  
19 capacity. The Missouri state government shall not require a  
20 trustee or a financial institution acting as a trustee to  
21 exercise any discretionary powers in the operation of a  
22 trust.

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

29           4. Any money received by the division on behalf of a  
30 child shall be accounted for in the name of the child. Any  
31 money in the account of a child may be expended by the  
32 division for care or services for the child. The division  
33 shall by rule adopted under chapter 536 establish procedures  
34 for the accounting of the money and the protection of the  
35 money against theft, loss or misappropriation.

36           5. The division shall deposit money with a financial  
37 institution. Any earnings attributable to the money in the  
38 account of a child shall be credited to that child's  
39 account. The division shall receive bids from banking  
40 corporations, associations or trust companies which desire



41 to be selected as depositories of children's moneys for the  
42 division.

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

48 7. Each child for whose benefit funds have been  
49 received by the division [and], the guardian ad litem of  
50 such child, **and the child's counsel** shall be furnished  
51 annually with a statement listing all transactions involving  
52 the funds which have been deposited on the child's behalf,  
53 to include each receipt and disbursement.

54 8. The division shall use all proper diligence to  
55 dispose of the balance of money accumulated in the child's  
56 account when the child is released from the care and custody  
57 of the division or the child dies. When the child is  
58 deceased the balance shall be disposed of as provided by law  
59 for descent and distribution. If, after the division has  
60 diligently used such methods and means as considered  
61 reasonable to refund such funds, there shall remain any  
62 money, the owner of which is unknown to the division, or if  
63 known, cannot be located by the division, in each and every  
64 such instance such money shall escheat and vest in the state  
65 of Missouri, and the director and officials of the division  
66 shall pay the same to the state director of the department  
67 of revenue, taking a receipt therefor, who shall deposit the  
68 money in the state treasury to be credited to a fund to be  
69 designated as "escheat".

70 9. Within five years after money has been paid into  
71 the state treasury, any person who appears and claims the  
72 money may file a petition in the circuit court of Cole

73 County, Missouri, stating the nature of the claim and  
74 praying that such money be paid to him. A copy of the  
75 petition shall be served upon the director of the department  
76 of revenue who shall file an answer to the same. The court  
77 shall proceed to examine the claim and the allegations and  
78 proof, and if it finds that such person is entitled to any  
79 money so paid into the state treasury, it shall order the  
80 commissioner of administration to issue a warrant on the  
81 state treasurer for the amount of such claim, but without  
82 interest or costs. A certified copy of the order shall be  
83 sufficient voucher for issuing a warrant; provided, that  
84 either party may appeal from the decision of the court in  
85 the same manner as provided by law in other civil actions.

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

92 11. Nothing in this section shall be deemed to apply  
93 to funds regularly due the state of Missouri for the support  
94 and maintenance of children in the care and custody of the  
95 division or collected by the state of Missouri as  
96 reimbursement for state funds expended on behalf of the  
97 child.

210.565. 1. Whenever a child is placed in a foster  
2 home and the court has determined pursuant to subsection 4  
3 of this section that foster home placement with relatives is  
4 not contrary to the best interest of the child, the  
5 children's division shall give foster home placement to  
6 relatives of the child. Notwithstanding any rule of the  
7 division to the contrary and under section 210.305, the

8 children's division shall complete a diligent search to  
9 locate and notify the grandparents, adult siblings, parents  
10 of siblings of the child, and all other relatives and  
11 determine whether they wish to be considered for placement  
12 of the child. Grandparents who request consideration shall  
13 be given preference and first consideration for foster home  
14 placement of the child. If more than one grandparent  
15 requests consideration, the family support team shall make  
16 recommendations to the juvenile or family court about which  
17 grandparent should be considered for placement.

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

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

22 (2) "Relative", a grandparent or any other person  
23 related to another by blood or affinity or a person who is  
24 not so related to the child but has a close relationship  
25 with the child or the child's family. A foster parent or  
26 kinship caregiver with whom a child has resided for nine  
27 months or more is a person who has a close relationship with  
28 the child. The status of a grandparent shall not be  
29 affected by the death or the dissolution of the marriage of  
30 a son or daughter;

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

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

37 (1) Grandparents;

38 (2) Adult siblings or parents of siblings;

39 (3) Relatives; and

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

42           4. The preference for placement and first  
43 consideration for grandparents or preference for placement  
44 with other relatives created by this section shall only  
45 apply where the court finds that placement with such  
46 grandparents or other relatives is not contrary to the best  
47 interest of the child considering all circumstances. If the  
48 court finds that it is contrary to the best interest of a  
49 child to be placed with grandparents or other relatives, the  
50 court shall make specific findings on the record detailing  
51 the reasons why the best interests of the child necessitate  
52 placement of the child with persons other than grandparents  
53 or other relatives. Absent evidence to the contrary, the  
54 court may presume that continuation of the child's placement  
55 with his or her current caregivers is in the child's best  
56 interests.

57           5. Recognizing the critical nature of sibling bonds  
58 for children, the children's division shall make reasonable  
59 efforts to place siblings in the same foster care, kinship,  
60 guardianship, or adoptive placement, unless doing so would  
61 be contrary to the safety or well-being of any of the  
62 siblings. If siblings are not placed together, the  
63 children's division shall make reasonable efforts to provide  
64 frequent visitation or other ongoing interaction between the  
65 siblings, unless this interaction would be contrary to a  
66 sibling's safety or well-being.

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

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

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

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

210.762. 1. When a child is taken into custody by a  
2 juvenile officer or law enforcement official under  
3 subdivision (1) of subsection 1 of section 211.031 and  
4 initially placed with the division, the division may make a  
5 temporary placement and shall arrange for a family support  
6 team meeting prior to or within twenty-four hours following  
7 the protective custody hearing held under section 211.032.  
8 After a child is in the division's custody and a temporary  
9 placement has been made, the division shall arrange an  
10 additional family support team meeting prior to taking any  
11 action relating to the placement of such child; except that,  
12 when the welfare of a child in the custody of the division  
13 requires an immediate or emergency change of placement, the  
14 division may make a temporary placement and shall schedule a

15 family support team meeting within seventy-two hours. The  
16 requirement for a family support team meeting shall not  
17 apply when the parent has consented in writing to the  
18 termination of his or her parental rights in conjunction  
19 with a placement in a licensed child-placing agency under  
20 subsection 6 of section 453.010.

21 2. The parents, the legal counsel for the parents, the  
22 foster parents, the legal guardian or custodian of the  
23 child, the guardian ad litem for the child, **the child's**  
24 **counsel**, and the volunteer advocate, and any designee of the  
25 parent that has written authorization shall be notified and  
26 invited to participate in all family support team meetings.  
27 The family support team meeting may include such other  
28 persons whose attendance at the meeting may assist the team  
29 in making appropriate decisions in the best interests of the  
30 child. If the division finds that it is not in the best  
31 interest of a child to be placed with relatives, the  
32 division shall make specific findings in the division's  
33 report detailing the reasons why the best interests of the  
34 child necessitate placement of the child with persons other  
35 than relatives.

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

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

210.950. 1. This section shall be known and may be  
2 cited as the "Safe Place for Newborns Act of 2002". The

3 purpose of this section is to protect newborn children from  
4 injury and death caused by abandonment by a parent, and to  
5 provide safe and secure alternatives to such abandonment.

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

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

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

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

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

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

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

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

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

32 (a) An employee, agent, or member of the staff of any  
33 hospital, maternity home, or pregnancy resource center in a

34 health care provider position or on duty in a nonmedical  
35 paid or volunteer position;

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

39 (c) A law enforcement officer;

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

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

46 4. A parent voluntarily relinquishing a child under  
47 this section shall not be required to provide any  
48 identifying information about the child or the parent. No  
49 person shall induce or coerce, or attempt to induce or  
50 coerce, a parent into revealing his or her identity. No  
51 officer, employee, or agent of this state or any political  
52 subdivision of this state shall attempt to locate or  
53 determine the identity of such parent. In addition, any  
54 person who obtains information on the relinquishing parent  
55 shall not disclose such information except to the following:

56 (1) A birth parent who has waived anonymity or the  
57 child's adoptive parent;

58 (2) The staff of the department of health and senior  
59 services, the department of social services, or any county  
60 health or social services agency or licensed child welfare  
61 agency that provides services to the child;

62 (3) A person performing juvenile court intake or  
63 dispositional services;

64 (4) The attending physician;



65           (5) The child's foster parent or any other person who  
66 has physical custody of the child;

67           (6) A juvenile court or other court of competent  
68 jurisdiction conducting proceedings relating to the child;

69           (7) The attorney representing the interests of the  
70 public in proceedings relating to the child; and

71           (8) The attorney representing the interests of the  
72 child.

73           5. A person listed in subdivision (1) of subsection 3  
74 of this section shall, without a court order, take physical  
75 custody of a child the person reasonably believes to be no  
76 more than **[forty-five] ninety** days old and is delivered in  
77 accordance with this section by a person purporting to be  
78 the child's parent or is delivered in accordance with this  
79 section to a newborn safety incubator. If delivery of a  
80 newborn is made pursuant to this section in any place other  
81 than a hospital, the person taking physical custody of the  
82 child shall arrange for the immediate transportation of the  
83 child to the nearest hospital licensed pursuant to chapter  
84 197.

85           6. The hospital, its employees, agents and medical  
86 staff shall perform treatment in accordance with the  
87 prevailing standard of care as necessary to protect the  
88 physical health or safety of the child. The hospital shall  
89 notify the children's division and the local juvenile  
90 officer upon receipt of a child pursuant to this section.  
91 The local juvenile officer shall immediately begin  
92 protective custody proceedings and request the child be made  
93 a ward of the court during the child's stay in the medical  
94 facility. Upon discharge of the child from the medical  
95 facility and pursuant to a protective custody order ordering  
96 custody of the child to the division, the children's

97 division shall take physical custody of the child. The  
98 parent's voluntary delivery of the child in accordance with  
99 this section shall constitute the parent's implied consent  
100 to any such act and a voluntary relinquishment of such  
101 parent's parental rights.

102 7. In any termination of parental rights proceeding  
103 initiated after the relinquishment of a child pursuant to  
104 this section, the juvenile officer shall make public notice  
105 that a child has been relinquished, including the sex of the  
106 child, and the date and location of such relinquishment.  
107 Within thirty days of such public notice, the parent wishing  
108 to establish parental rights shall identify himself or  
109 herself to the court and state his or her intentions  
110 regarding the child. The court shall initiate proceedings  
111 to establish paternity, or if no person identifies himself  
112 as the father within thirty days, maternity. The juvenile  
113 officer shall make examination of the putative father  
114 registry established in section 192.016 to determine whether  
115 attempts have previously been made to preserve parental  
116 rights to the child. If such attempts have been made, the  
117 juvenile officer shall make reasonable efforts to provide  
118 notice of the abandonment of the child to such putative  
119 father.

120 8. (1) If a relinquishing parent of a child  
121 relinquishes custody of the child to a newborn safety  
122 incubator or to any person listed in subsection 3 of this  
123 section in accordance with this section and to preserve the  
124 parental rights of the nonrelinquishing parent, the  
125 nonrelinquishing parent shall take such steps necessary to  
126 establish parentage within thirty days after the public  
127 notice or specific notice provided in subsection 7 of this  
128 section.

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

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

139           9. The persons listed in subdivision (1) of subsection  
140 3 of this section shall be immune from civil, criminal, and  
141 administrative liability for accepting physical custody of a  
142 child pursuant to this section if such persons accept  
143 custody in good faith. Such immunity shall not extend to  
144 any acts or omissions, including negligent or intentional  
145 acts or omissions, occurring after the acceptance of such  
146 child.

147           10. The children's division shall:

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

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

154           11. It shall be an affirmative defense to prosecution  
155 for a violation of sections 568.030, 568.032, 568.045, and  
156 568.050 that a parent who is a defendant voluntarily  
157 relinquished a child no more than one year old under this  
158 section.

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

161           13. (1) There is hereby created in the state treasury  
162 the "Safe Place for Newborns Fund", which shall consist of  
163 moneys appropriated by the general assembly from general  
164 revenue and any gifts, bequests, or donations. The state  
165 treasurer shall be custodian of the fund. In accordance  
166 with sections 30.170 and 30.180, the state treasurer may  
167 approve disbursements. The fund shall be a dedicated fund  
168 and, upon appropriation, moneys in this fund shall be used  
169 solely for the installation of newborn safety incubators.

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

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

178           14. The state of Missouri shall provide matching  
179 moneys from the general revenue fund for the installation of  
180 newborn safety incubators. The total amount available to  
181 the fund from state sources under such a match program shall  
182 be up to ten thousand dollars for each newborn safety  
183 incubator installed.

184           15. The director of the department of health and  
185 senior services may promulgate all necessary rules and  
186 regulations for the administration of this section,  
187 including rules governing the specifications, installation,  
188 maintenance, and oversight of newborn safety incubators.  
189 Any rule or portion of a rule, as that term is defined in  
190 section 536.010, that is created under the authority  
191 delegated in this section shall become effective only if it  
192 complies with and is subject to all of the provisions of

chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

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

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

subsection shall prevent the Missouri supreme court from expanding pilot projects prior to the implementation of this subsection.

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

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

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

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

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

58           (2) Upon request of the foster family, the guardian ad  
59       litem, **the child's counsel**, or the volunteer advocate and  
60       whenever possible, the child shall be permitted to continue  
61       to attend the same school that the child was enrolled in and  
62       attending at the time the child was taken into custody by  
63       the division. The division, in consultation with the  
64       department of elementary and secondary education, shall  
65       establish the necessary procedures to implement the  
66       provisions of this subsection.

          211.033. 1. No person under the age of eighteen  
2       years, except those transferred to the court of general  
3       jurisdiction under the provisions of section 211.071, shall  
4       be detained in a jail or other adult detention facility as  
5       that term is defined in section 211.151. [A traffic court  
6       judge may request the juvenile court to order the commitment  
7       of a person under the age of eighteen to a juvenile  
8       detention facility.]

9           2. Nothing in this section shall be construed as  
10       creating any civil or criminal liability for any law  
11       enforcement officer, juvenile officer, school personnel, or  
12       court personnel for any action taken or failure to take any  
13       action involving a minor child who remains under the  
14       jurisdiction of the juvenile court under this section if  
15       such action or failure to take action is based on a good  
16       faith belief by such officer or personnel that the minor  
17       child is not under the jurisdiction of the juvenile court.

          211.071. 1. If a petition **or motion to modify** alleges  
2       that a child between the ages of fourteen and eighteen has  
3       committed an offense [which] **that** would be considered a  
4       felony if committed by an adult, the court may, upon its own  
5       motion or upon motion by the juvenile officer, the child, or  
6       the child's custodian, order a hearing and may, in its

7 discretion, dismiss the petition **or motion to modify** and  
8 such child may be transferred to the court of general  
9 jurisdiction and prosecuted under the general law; except  
10 that, if a petition alleges that a child between the ages of  
11 twelve and eighteen has committed an offense **[which] that**  
12 would be considered first degree murder under section  
13 565.020, second degree murder under section 565.021, first  
14 degree assault under section 565.050, forcible rape under  
15 section 566.030 as it existed prior to August 28, 2013, rape  
16 in the first degree under section 566.030, forcible sodomy  
17 under section 566.060 as it existed prior to August 28,  
18 2013, sodomy in the first degree under section 566.060,  
19 first degree robbery under section 569.020 as it existed  
20 prior to January 1, 2017, **[or]** robbery in the first degree  
21 under section 570.023, distribution of drugs under section  
22 195.211 as it existed prior to January 1, 2017, or the  
23 manufacturing of a controlled substance under section  
24 579.055, **if committed by an adult, or** a dangerous felony as  
25 defined in section 556.061, **or** any felony involving the use,  
26 assistance, or aid of a deadly weapon, or has committed two  
27 or more prior unrelated offenses **[which] that** would be  
28 felonies if committed by an adult, the court shall order a  
29 hearing, and may, in its discretion, dismiss the petition **or**  
30 **motion to modify** and transfer the child to a court of  
31 general jurisdiction for prosecution under the general law.

32 2. Upon apprehension and arrest, jurisdiction over the  
33 criminal offense allegedly committed by any person between  
34 eighteen and twenty-one years of age over whom the juvenile  
35 court has retained continuing jurisdiction shall  
36 automatically terminate and that offense shall be dealt with  
37 in the court of general jurisdiction as provided in section  
38 211.041.



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

46           4. Written notification of a transfer hearing shall be  
47 given to the juvenile and his or her custodian in the same  
48 manner as provided in sections 211.101 and 211.111. Notice  
49 of the hearing may be waived by the custodian. Notice shall  
50 contain a statement that the purpose of the hearing is to  
51 determine whether the child is a proper subject to be dealt  
52 with under the provisions of this chapter, and that if the  
53 court finds that the child is not a proper subject to be  
54 dealt with under the provisions of this chapter, the  
55 petition **or motion to modify** will be dismissed to allow for  
56 prosecution of the child under the general law.

57           5. The juvenile officer may consult with the office of  
58 prosecuting attorney concerning any offense for which the  
59 child could be certified as an adult under this section.  
60 The prosecuting or circuit attorney shall have access to  
61 police reports, reports of the juvenile or deputy juvenile  
62 officer, statements of witnesses and all other records or  
63 reports relating to the offense alleged to have been  
64 committed by the child. The prosecuting or circuit attorney  
65 shall have access to the disposition records of the child  
66 when the child has been adjudicated pursuant to subdivision  
67 (3) of subsection 1 of section 211.031. The prosecuting  
68 attorney shall not divulge any information regarding the  
69 child and the offense until the juvenile court at a judicial  
70 hearing has determined that the child is not a proper

71 subject to be dealt with under the provisions of this  
72 chapter.

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

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

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

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

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

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

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

100          (7) The age of the child;

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

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

(10) Racial disparity in certification.

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

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

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

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

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

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

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

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

134 committed by an adult, subject to the certification  
135 provisions of this section.

136 11. If the court does not dismiss the petition **or**  
137 **motion to modify** to permit the child to be prosecuted under  
138 the general law, it shall set a date for the hearing upon  
139 the petition as provided in section 211.171.

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

juvenile's parents; the juvenile's counsel; the prosecuting attorney; the juvenile officer or his or her designee for the circuit in which the juvenile was certified; the juvenile officer or his or her designee for the circuit in which the pretrial-certified juvenile is proposed to be held, if different from the circuit in which the juvenile was certified; counsel for the juvenile officer; and representatives of the county proposed to have custody of the pretrial-certified juvenile.

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

- (1) The certified juvenile's age;
- (2) The certified juvenile's physical and mental maturity;
- (3) The certified juvenile's present mental state, including whether he or she presents an imminent risk of self-harm;
- (4) The nature and circumstances of the charges;
- (5) The certified juvenile's history of delinquency;
- (6) The relative ability of the available adult and juvenile facilities to both meet the needs of the certified juvenile and to protect the public and other youth in their custody;

58           (7) The opinion of the juvenile officer in the circuit  
59 of the proposed placement as to the ability of that juvenile  
60 detention facility to provide for appropriate care, custody,  
61 and control of the pretrial-certified juvenile; and

62           (8) Any other relevant factor.

63           3. In the event the court finds that it is in the best  
64 interest of justice to require the certified juvenile to be  
65 held in an adult jail, the court shall hold a hearing once  
66 every thirty days to determine whether the placement of the  
67 certified juvenile in an adult jail is still in the best  
68 interests of justice. **If a pretrial-certified juvenile**  
69 **under eighteen years of age is ordered released on the**  
70 **juvenile's adult criminal case from an adult jail following**  
71 **a transfer order under subsection 2 of this section and the**  
72 **juvenile is detained on violation of the conditions of**  
73 **release or bond, the juvenile shall return to the custody of**  
74 **the adult jail pending further court order.**

75           4. A certified juvenile cannot be held in an adult  
76 jail for more than one hundred eighty days unless the court  
77 finds, for good cause, that an extension is necessary or the  
78 juvenile, through counsel, waives the one hundred eighty day  
79 maximum period. If no extension is granted under this  
80 subsection, the certified juvenile shall be transferred from  
81 the adult jail to a secure juvenile detention facility. **If**  
82 **an extension is granted under this subsection, the court**  
83 **shall hold a hearing once every thirty days to determine**  
84 **whether the placement of the certified juvenile in an adult**  
85 **jail is still in the best interests of justice.**

86           5. Effective December 31, 2021, all previously  
87 pretrial-certified juveniles under eighteen years of age who  
88 had been certified prior to August 28, 2021, shall be  
89 transferred from adult jail to a secure juvenile detention

90 facility, unless a hearing is held and the court finds,  
91 based upon the factors in subsection 2 of this section, that  
92 it would be in the best interest of justice to keep the  
93 juvenile in the adult jail.

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

100 7. If the certified juvenile remains in juvenile  
101 detention, the juvenile officer may file a motion to  
102 reconsider placement. The court shall consider the factors  
103 set out in subsection 2 of this section and the individuals  
104 set forth in subsection 1 of this section shall have a right  
105 to be present and present evidence. The court may amend its  
106 earlier order in light of the evidence and arguments  
107 presented at the hearing if the court finds that it would  
108 not be in the best interest of justice for the juvenile to  
109 remain in a secure juvenile detention facility.

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

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

118 10. Any responsibility for transportation of and  
119 contracted service for the certified juvenile who remains in  
120 a secure juvenile detention facility shall be handled **by**

121 **county jail staff** in the same manner as in all other adult  
122 criminal cases where the defendant is in custody.

123 11. **The county jail staff shall designate a liaison**  
124 **assigned to each pretrial-certified juvenile while housed in**  
125 **a juvenile detention facility, who shall assist in**  
126 **communication with the juvenile detention facility on the**  
127 **needs of the juvenile including, but not limited to,**  
128 **visitation, legal case status, medical and mental health**  
129 **needs, and phone contact.**

130 12. The per diem provisions as set forth in section  
131 211.156 shall apply to certified juveniles who are being  
132 held in a secure juvenile detention facility.

211.211. 1. A child is entitled to be represented by  
2 counsel in all proceedings under subdivision (2) or (3) of  
3 subsection 1 of section 211.031 and by a guardian ad litem  
4 in all proceedings under subdivision (1) of subsection 1 of  
5 section 211.031, **except as otherwise provided in subsection**  
6 **3 of section 210.160 when the child shall be represented by**  
7 **counsel and the provisions of section 210.160 shall apply to**  
8 **the appointment of such counsel. Counsel appointed under**  
9 **subsection 3 of section 210.160 shall not be waived.**

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

15 3. (1) When a petition has been filed under  
16 subdivision (2) or (3) of subsection 1 of section 211.031,  
17 the court may appoint counsel for the child except if  
18 private counsel has entered his or her appearance on behalf  
19 of the child or if counsel has been waived in accordance  
20 with law; except that, counsel shall not be waived for any



21 proceeding specified under subsection 10 of this section  
22 unless the child has had the opportunity to meaningfully  
23 consult with counsel and the court has conducted a hearing  
24 on the record.

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

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

38 (1) That the custodian is indigent; and

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

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

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

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

50 7. The child and his custodian may be represented by  
51 the same counsel except where a conflict of interest  
52 exists. Where it appears to the court that a conflict

53 exists, it shall order that the child and his custodian be  
54 represented by separate counsel, and it shall appoint  
55 counsel if required by subsection 3 or 4 of this section.

56 8. When a petition has been filed, a child may waive  
57 his or her right to counsel only with the approval of the  
58 court and if such waiver is not prohibited under subsection  
59 10 of this section. If a child waives his or her right to  
60 counsel for any proceeding except proceedings under  
61 subsection 10 of this section, the waiver shall only apply  
62 to that proceeding. In any subsequent proceeding, the child  
63 shall be informed of his or her right to counsel.

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

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

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

74 (2) At a certification hearing under section 211.071  
75 or a dismissal hearing under Missouri supreme court rule  
76 129.04;

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

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

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

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

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

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

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

25           3. The appeal provided for in subsection 2 of this  
26 section shall be an interlocutory appeal, filed in the  
27 appropriate district of the Missouri court of appeals.  
28 Notice of such interlocutory appeal shall be filed within  
29 three days of the entry of the order of trial court; the

30 time limits applicable to such appeal shall be the same as  
31 in interlocutory appeals allowed to the state in criminal  
32 cases.

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

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

8 (a) Instruments of restraint are necessary to prevent  
9 physical harm to the child or another person;

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

15 (c) There is evidence that the child presents a  
16 substantial risk of flight from the courtroom; and

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

22 2. If the juvenile officer believes that there is an  
23 immediate safety or flight risk, as provided under  
24 subsection 1 of this section, the juvenile officer shall  
25 advise the attorney for the child and make a request in  
26 writing prior to the commencement of the proceeding for the  
27 child to remain restrained during the court proceeding while  
28 in the presence of the parties to the proceeding.

29           3. If a request for restraints is made by the juvenile  
30 officer, the court shall order a hearing and provide the  
31 child's attorney an opportunity to be heard before the court  
32 orders the use of restraints. If restraints are ordered,  
33 the court shall make findings of fact in support of the  
34 order.

35           4. If restraints are used, the restraints shall allow  
36 the child limited movement of the hands to read and handle  
37 documents and writings necessary to the proceeding. Under  
38 no circumstances shall a child be restrained using  
39 restraints fixed to a wall, floor, furniture, or other  
40 stationary object.

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

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

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

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

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

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

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

219.021. 1. Except as provided in subsections 2 and 3  
2 of this section, any child may be committed to the custody  
3 of the division when the juvenile court determines a  
4 suitable community-based treatment service does not exist,  
5 or has proven ineffective; and when the child is adjudicated  
6 pursuant to the provisions of subdivision (3) of subsection  
7 1 of section 211.031 or when the child is adjudicated  
8 pursuant to subdivision (2) of subsection 1 of section  
9 211.031 and is currently under court supervision for  
10 adjudication under subdivision (2) or (3) of subsection 1 of  
11 section 211.031. The division shall not keep any youth  
12 beyond his [eighteenth birth date] or her nineteenth  
13 birthday, except upon petition and a showing of just cause  
14 in which case the division may maintain custody until the  
15 youth's twenty-first birth date. Notwithstanding any other  
16 provision of law to the contrary, the committing court shall  
17 review the treatment plan to be provided by the division.

18 The division shall notify the court of original jurisdiction  
19 from which the child was committed at least three weeks  
20 prior to the child's release to aftercare supervision. The  
21 notification shall include a summary of the treatment plan  
22 and progress of the child that has resulted in the planned  
23 release. The court may formally object to the director of  
24 the division in writing, stating its reasons in opposition  
25 to the release. The director shall review the court's  
26 objection in consideration of its final approval for  
27 release. The court's written objection shall be made within  
28 a one-week period after it receives notification of the  
29 division's planned release; otherwise the division may  
30 assume court agreement with the release. The division  
31 director's written response to the court shall occur within  
32 five working days of service of the court's objection and  
33 preferably prior to the release of the child. The division  
34 shall not place a child directly into a precare setting  
35 immediately upon commitment from the court until it advises  
36 the court of such placement.

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

47 3. When a child has been committed to the division,  
48 the division shall forthwith examine the individual and  
49 investigate all pertinent circumstances of his background

50 for the purpose of facilitating the placement and treatment  
51 of the child in the most appropriate program or residential  
52 facility to assure the public safety and the rehabilitation  
53 of the child; except that, no child committed under the  
54 provisions of subdivision (2) of subsection 1 of section  
55 211.031 may be placed in the residential facilities  
56 designated by the division as a maximum security facility,  
57 unless the juvenile is subsequently adjudicated under  
58 subdivision (3) of subsection 1 of section 211.031.

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

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

79 6. Failure of the division to examine a child  
80 committed to it or to reexamine him within six months of a  
81 previous examination shall not of itself entitle the child



82 to be discharged from the custody of the division but shall  
83 entitle the child, his parent, guardian, or agency to which  
84 the child may be placed by the division to petition for  
85 review as provided in section 219.051.

86 7. The division is hereby authorized to establish,  
87 build, repair, maintain, and operate, from funds  
88 appropriated or approved by the legislature for these  
89 purposes, facilities and programs necessary to implement the  
90 provisions of this chapter. Such facilities or programs may  
91 include, but not be limited to, the establishment and  
92 operation of training schools, maximum security facilities,  
93 moderate care facilities, group homes, day treatment  
94 programs, family foster homes, aftercare, counseling  
95 services, educational services, and such other services as  
96 may be required to meet the needs of children committed to  
97 it. The division may terminate any facility or program no  
98 longer needed to meet the needs of children.

99 8. The division may institute day release programs for  
100 children committed to it. The division may arrange with  
101 local schools, public or private agencies, or persons  
102 approved by the division for the release of children  
103 committed to the division on a daily basis to the custody of  
104 such schools, agencies, or persons for participation in  
105 programs.

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

221.044. No person under the age of eighteen years,  
2 except those transferred to the court of general  
3 jurisdiction under the provisions of section 211.071, shall

4 be detained in a jail or other adult detention facility as  
5 that term is defined in section 211.151. [A traffic court  
6 judge may request the juvenile court to order the commitment  
7 of a person under the age of eighteen to a juvenile  
8 detention facility.] **If a person is eighteen years of age or  
9 older or attains the age of eighteen while in detention,  
10 upon a motion filed by the juvenile officer, the court may  
11 order that the person be detained in a jail or other adult  
12 detention facility as that term is defined in section  
13 211.151 until the disposition of that person's juvenile  
14 court case.**

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

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

18 (1) An affidavit or sworn statement is submitted by  
19 the incarcerated or military applicant on a form furnished  
20 by the recorder of deeds which includes the necessary  
21 information for the recorder of deeds to issue a marriage

license under this section. The form shall include, but not be limited to, the following:

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

(b) The date of birth of the incarcerated or military applicant;

(c) An attestation by the incarcerated or military applicant that both applicants are not related;

(d) The date the marriage ended if the incarcerated or military applicant was previously married;

(e) An attestation signed by the incarcerated or military applicant stating in substantial part that the applicant is unable to appear in the presence of the recorder of deeds as a result of the applicant's incarceration or because the applicant has been called or ordered to active military duty out of the state or country, which will be verified by the professional or official who directs the operation of the jail or prison or the military applicant's military officer, or such professional's or official's designee, and acknowledged by a notary public commissioned by the state of Missouri at the time of verification. However, in the case of an applicant who is called or ordered to active military duty outside Missouri, acknowledgment may be obtained by a notary public who is duly commissioned by a state other than Missouri or by notarial services of a military officer in accordance with the Uniform Code of Military Justice at the time of verification;

(2) The completed marriage license application of the incarcerated or military applicant is submitted which includes the applicant's Social Security number; except that, in the event the applicant does not have a Social

54 Security number, a sworn statement by the applicant to that  
55 effect; and

56 (3) A copy of a government-issued identification for  
57 the incarcerated or military applicant which contains the  
58 applicant's photograph. However, in such case the  
59 incarcerated applicant does not have such an identification  
60 because the jail or prison to which he or she is confined  
61 does not issue an identification with a photo his or her  
62 notarized application shall satisfy this requirement.

63 3. Each application for a license shall contain the  
64 Social Security number of the applicant, provided that the  
65 applicant in fact has a Social Security number, or the  
66 applicant shall sign a statement provided by the recorder  
67 that the applicant does not have a Social Security number.  
68 The Social Security number contained in an application for a  
69 marriage license shall be exempt from examination and  
70 copying pursuant to section 610.024. After the receipt of  
71 the application the recorder of deeds shall issue the  
72 license, unless one of the parties withdraws the  
73 application. The license shall be void after thirty days  
74 from the date of issuance.

75 4. Any person violating the provisions of this section  
76 shall be deemed guilty of a misdemeanor.

77 5. Common-law marriages shall be null and void.

78 6. Provided, however, that no marriage shall be deemed  
79 or adjudged invalid, nor shall the validity be in any way  
80 affected for want of authority in any person so solemnizing  
81 the marriage pursuant to section 451.100, if consummated  
82 with the full belief on the part of the persons, so married,  
83 or either of them, that they were lawfully joined in  
84 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 city of St. Louis, shall, when applied to by any person legally entitled to a marriage license, issue the same which may be in the following form:

State of Missouri )

)

ss.

)

County of \_\_\_\_\_ )

This license authorizes any judge, associate circuit judge, licensed or ordained preacher of the

gospel, or other person authorized under the laws of this state, to solemnize marriage between A B of \_\_\_\_\_, county of \_\_\_\_\_ and state of \_\_\_\_\_, who is \_\_\_\_\_ the age of eighteen years, and C D of \_\_\_\_\_, in the county of \_\_\_\_\_, state of \_\_\_\_\_, who is \_\_\_\_\_ the age 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.

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

State of Missouri )

)

ss.

)

County of \_\_\_\_\_ )

This is to certify that the undersigned \_\_\_\_\_ did at \_\_\_\_\_, in said county, on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_\_, unite in marriage the above-named persons.

451.090. 1. No recorder shall issue a license authorizing the marriage of any male or female under [sixteen] **eighteen** years of age [nor shall a license be

4 issued authorizing the marriage of any male or female twenty-  
5 one years of age or older to a male or female under eighteen  
6 years of age].

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

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

477.700. 1. There is hereby created the "Child and  
2 Family Legal Representation Coordinating Commission" within  
3 the judicial branch, which shall be composed of nine members  
4 appointed by the chief justice of the Missouri supreme  
5 court. At least three members of the coordinating  
6 commission shall be attorneys licensed to practice law in  
7 this state, who have a minimum of five years of experience  
8 representing children as counsel or guardians ad litem. At  
9 least one member shall be a former foster youth with direct  
10 experience navigating the foster care system in this state.

11 At least one member shall be a resident of this state who  
12 has no direct professional affiliation with the legal or  
13 child welfare system, but who has demonstrated commitment to  
14 child advocacy and protection. The chief justice shall  
15 designate one member to serve as chair and one member as  
16 vice chair. The vice chair shall preside in the absence of  
17 the chair.

18 2. The members of the coordinating commission shall  
19 serve for terms of four years and until their successors are  
20 appointed and qualified; except that, of the initial members  
21 appointed, three shall serve terms of one year, three shall  
22 serve terms of two years, and three shall serve terms of  
23 four years, as designated by the chief justice. If a  
24 vacancy occurs, the chief justice shall appoint a  
25 replacement, who shall serve the unexpired portion of the  
26 term. Members of the coordinating commission may succeed  
27 themselves.

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

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

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

5 (1) To work cooperatively with the various judicial  
6 circuits, judicial personnel, attorneys, and other state  
7 departments or agencies and form partnerships to ensure



8 uniform, high-quality legal representation for children or  
9 families involved in legal proceedings in this state;

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

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

23 (4) To develop, coordinate, and evaluate any pilot  
24 project established by the Missouri supreme court relating  
25 to guardians ad litem, children's counsel, or parent's  
26 counsel, including the development of measures to assess and  
27 document the various models of representation and the  
28 outcomes achieved by each, including collaborative models  
29 with local court-appointed special advocate programs, as  
30 well as the implementation of the child's counsel provisions  
31 of section 210.160;

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

37 (6) To apply for and accept any funds that may be  
38 offered or that may become available from gifts,  
39 contributions, grants, bequests, or other aid received from

40 federal, private, or other sources, which moneys shall be  
41 deposited in the child and family legal representation fund  
42 established in section 477.710; and

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

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

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

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

21 4. Notwithstanding the provisions of section 33.080 to  
22 the contrary, any moneys remaining in the fund at the end of  
23 the biennium shall not revert to the credit of the general  
24 revenue fund.

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

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 vulnerable person, relating to an offense under chapter 565, 566, 568 or 573, performed by another, not otherwise admissible by statute or court rule, is admissible in evidence in criminal proceedings in the courts of this state as substantive evidence to prove the truth of the matter asserted if:

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

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

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

(c) The child or vulnerable person is otherwise physically available as a witness but the court finds that

18 the significant emotional or psychological trauma which  
19 would result from testifying in the personal presence of the  
20 defendant makes the child or vulnerable person unavailable  
21 as a witness at the time of the criminal proceeding.

22 2. Notwithstanding subsection 1 of this section or any  
23 provision of law or rule of evidence requiring corroboration  
24 of statements, admissions or confessions of the defendant,  
25 and notwithstanding any prohibition of hearsay evidence, a  
26 statement by a child when under the age of **[fourteen]**  
27 **eighteen**, or a vulnerable person, who is alleged to be  
28 victim of an offense under chapter 565, 566, 568 or 573 is  
29 sufficient corroboration of a statement, admission or  
30 confession regardless of whether or not the child or  
31 vulnerable person is available to testify regarding the  
32 offense.

33 3. A statement may not be admitted under this section  
34 unless the prosecuting attorney makes known to the accused  
35 or the accused's counsel his or her intention to offer the  
36 statement and the particulars of the statement sufficiently  
37 in advance of the proceedings to provide the accused or the  
38 accused's counsel with a fair opportunity to prepare to meet  
39 the statement.

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

43 5. For the purposes of this section, "vulnerable  
44 person" shall mean a person who, as a result of an  
45 inadequately developed or impaired intelligence or a  
46 psychiatric disorder that materially affects ability to  
47 function, lacks the mental capacity to consent, or whose  
48 developmental level does not exceed that of an ordinary  
49 child of **[fourteen]** **seventeen** years of age.

492.304. 1. In addition to the admissibility of a statement under the provisions of section 492.303, the visual and aural recording of a verbal or nonverbal statement of a child when under the age of [fourteen who is alleged to be a victim of] **eighteen or a vulnerable person, relating to** an offense under the provisions of chapter 565, 566 [or], 568, **or 573, if performed by another,** is admissible into evidence if:

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

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

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

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

(5) Every voice on the recording is identified;

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

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

35 2. If the child **or vulnerable person** does not testify  
36 at the proceeding, the visual and aural recording of a  
37 verbal or nonverbal statement of the child **or vulnerable**  
38 **person** shall not be admissible under this section unless the  
39 recording qualifies for admission under section 491.075.

40 3. If the visual and aural recording of a verbal or  
41 nonverbal statement of a child **or vulnerable person** is  
42 admissible under this section and the child **or vulnerable**  
43 **person** testifies at the proceeding, it shall be admissible  
44 in addition to the testimony of the child **or vulnerable**  
45 **person** at the proceeding whether or not it repeats or  
46 duplicates the child's **or vulnerable person's** testimony.

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

52 5. For the purposes of this section, "**vulnerable**  
53 **person**" shall mean a person who, as a result of an  
54 **inadequately developed or impaired intelligence or a**  
55 **psychiatric disorder that materially affects the ability to**  
56 **function, lacks the mental capacity to consent, or whose**  
57 **developmental level does not exceed that of an ordinary**  
58 **child of seventeen years of age.**

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

3 (1) "Childhood sexual abuse", any act committed by the  
4 defendant against the plaintiff which act occurred when the  
5 plaintiff was under the age of eighteen years and which act

would have been a violation of section 566.030, [566.040, 566.050] **566.031, 566.032, 566.034**, 566.060, [566.070, 566.080, 566.090] **566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.093, 566.095**, 566.100, [566.110, or 566.120] **566.101, 566.209, 566.210, 566.211**, [or section] 568.020, **or 573.200**;

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

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

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

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

566.151. 1. A person twenty-one years of age or older commits the offense of enticement of a child if he or she persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the internet or any electronic communication, any person who is less than

6    **[fifteen] seventeen** years of age for the purpose of engaging  
7    in sexual conduct.

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

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

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

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

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

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

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

16           3. The offense of patronizing prostitution is a class  
17   B misdemeanor, unless the individual who the person  
18   patronizes is less than eighteen years of age but older than  
19   **[fourteen] fifteen** years of age, in which case patronizing  
20   prostitution is a class E felony.



21           4. The offense of patronizing prostitution is a class  
22 **[D] B** felony if the individual who the person patronizes is  
23 **[fourteen] fifteen** years of age or younger. Nothing in this  
24 section shall preclude the prosecution of an individual for  
25 the offenses of:

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

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

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

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

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

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

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

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

14           (4) In the presence of a child less than seventeen  
15 years of age or in a residence where a child less than  
16 seventeen years of age resides, unlawfully manufactures or  
17 attempts to manufacture compounds, possesses, produces,  
18 prepares, sells, transports, tests or analyzes amphetamine  
19 or methamphetamine or any of its analogues.

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

22           (1) Is committed as part of an act or series of acts  
23 performed by two or more persons as part of an established  
24 or prescribed pattern of activity, or where physical injury  
25 to the child results, or the offense is a second or  
26 subsequent offense under this section, in which case the  
27 offense is a class C felony;

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

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

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

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

18           (1) Any activity which recklessly endangers the  
19 physical health or safety of the student or prospective  
20 member, **current member, or former member,** including but not

21 limited to physical brutality, whipping, beating, branding,  
22 exposure to the elements, forced consumption of any food,  
23 liquor, drug or other substance, or forced smoking or  
24 chewing of tobacco products;

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

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

35 [2.] 3. Public or private colleges or universities in  
36 this state shall adopt a written policy prohibiting hazing  
37 by any organization operating under the sanction of the  
38 institution.

39 [3.] 4. Nothing in this section shall be interpreted  
40 as creating a new private cause of action against any  
41 educational institution.

42 [4.] 5. Consent is not a defense to hazing. Section  
43 565.010 does not apply to hazing cases or to homicide cases  
44 arising out of hazing activity.

45 [5.] 6. The offense of hazing is a class A  
46 misdemeanor, unless the act creates a substantial risk to  
47 the life of the student [or], prospective member, **current**  
48 **member, or former member,** in which case it is a class D  
49 felony.

50 7. A person shall not be guilty of the offense of  
51 hazing if the person establishes all of the following:

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

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

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

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

65           8. Notwithstanding subsection 7 of this section to the  
66 contrary, a person shall be immune from prosecution under  
67 this section if the person establishes that the person  
68 rendered aid to the hazing victim before medical assistance,  
69 law enforcement, or campus security arrived on the scene of  
70 the hazing event. For purposes of this subsection, the term  
71 "aid" includes, but is not limited to, rendering  
72 cardiopulmonary resuscitation to the victim, clearing an  
73 airway for the victim to breathe, using a defibrillator to  
74 assist the victim, or rendering any other assistance to the  
75 victim that the person intended in good faith to stabilize  
76 or improve the victim's condition while waiting for medical  
77 assistance, law enforcement, or campus security to arrive.

78           9. For purposes of this section, the term "former  
79 member" means a person who is no longer affiliated with the  
80 chapter of the organization operating under the sanction of  
81 the public or private college or university, but who may be  
82 affiliated with the national chapter of the organization.

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

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

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

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

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

33 receipt of moneys from the fund, a county shall allocate the  
34 disbursement as follows:

35 (1) For any violation under section 566.203, 566.206,  
36 566.209, 566.210, 566.211, or 566.215, ten thousand dollars  
37 for each identified victim of the offense or offenses that  
38 occurred in the county toward local rehabilitation services  
39 for victims of human trafficking including, but not limited  
40 to, mental health and substance abuse counseling; general  
41 education, including parenting skills; housing relief;  
42 vocational training; and employment counseling;

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

51 (3) Two thousand five hundred dollars toward local  
52 efforts to prevent human trafficking including, but not  
53 limited to, education programs for persons convicted of  
54 human trafficking offenses and increasing the number of  
55 local law enforcement members charged with enforcing human  
56 trafficking laws.

57 3. Notwithstanding the provisions of section 33.080 to  
58 the contrary, any moneys remaining in the fund at the end of  
59 the biennium shall not revert to the credit of the general  
60 revenue fund.

61 4. The state treasurer shall invest moneys in the fund  
62 in the same manner as other funds are invested. Any  
63 interest and moneys earned on such investments shall be  
64 credited to the fund.

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

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

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health and senior services. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this

33 state making analysis of a controlled substance or analysis  
34 of blood, breath or urine in relation to a court proceeding.

35 4. The remaining funds collected under subsection 1 of  
36 this section shall be denoted to the payment of an annual  
37 appropriation for the administrative and operational costs  
38 of the office for victims of crime and, if a statewide  
39 automated crime victim notification system is established  
40 pursuant to section 650.310, to the monthly payment of  
41 expenditures actually incurred in the operation of such  
42 system. Additional remaining funds shall be subject to the  
43 following provisions:

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

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

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

61 6. The moneys collected by clerks of municipal courts  
62 pursuant to subsection 1 of this section shall be collected  
63 and disbursed as provided by sections 488.010 to 488.020.  
64 Five percent of such moneys shall be payable to the city



treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

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

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

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

8. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C [or], D, or E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri law except for those in chapter 252 relating to fish and game, chapter 302 relating to drivers' and commercial drivers' license, chapter 303

relating to motor vehicle financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

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

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

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

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

13. When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such

defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

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

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

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

Section B. The repeal and reenactment of sections 491.075 and 492.304 of this act shall go into effect August 28, 2026.

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