

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 737 & 486**  
**103RD GENERAL ASSEMBLY**

1974H.08T

2025

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**AN ACT**

To repeal sections 135.460, 210.110, 210.112, 210.145, 210.160, 210.560, 210.565, 210.762, 210.1012, 211.032, 211.211, 211.221, 211.261, 211.462, 451.040, 451.080, 451.090, 537.046, 568.045, 568.060, and 578.421, RSMo, and to enact in lieu thereof twenty-six new sections relating to the protection of children, with penalty provisions.

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

Section A. Sections 135.460, 210.110, 210.112, 210.145, 210.160, 210.560, 210.565,  
2 210.762, 210.1012, 211.032, 211.211, 211.221, 211.261, 211.462, 451.040, 451.080, 451.090,  
3 537.046, 568.045, 568.060, and 578.421, RSMo, are repealed and twenty-six new sections  
4 enacted in lieu thereof, to be known as sections 135.460, 210.110, 210.112, 210.119, 210.145,  
5 210.160, 210.560, 210.565, 210.762, 210.1012, 211.032, 211.211, 211.221, 211.261, 211.462,  
6 451.040, 451.080, 451.090, 477.700, 477.705, 477.710, 477.715, 537.046, 568.045, 568.060,  
7 and 578.421, to read as follows:

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

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

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

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

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

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

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

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

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

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

43           (5) Employment/internship/apprenticeship programs in business or trades for persons  
44 less than twenty years of age, in which case the tax credit claimed pursuant to this section

45 shall be equal to one-half of the amount paid to the intern or apprentice in that tax year, except  
46 that such credit shall not exceed ten thousand dollars per person;

47 (6) Mentor and role model programs;

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

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

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

55 (10) Nonviolent conflict resolution and mediation programs;

56 (11) Youth outreach and counseling programs.

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

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

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

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

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

72 (2) The partners of the partnership;

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

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

75

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

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183,  
2 the following terms mean:

3 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child  
4 other than by accidental means by those responsible for the child's care, custody, and control,  
5 except that discipline including spanking, administered in a reasonable manner, shall not be  
6 construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or  
7 severe forms of trafficking as those terms are defined in ~~[22 U.S.C. 78 Section 7102(9)-(10)]~~  
8 **22 U.S.C. Section 7102, as amended;**

9 (2) "Assessment and treatment services for children", an approach to be developed by  
10 the children's division which will recognize and treat the specific needs of at-risk and abused  
11 or neglected children. The developmental and medical assessment may be a broad physical,  
12 developmental, and mental health screening to be completed within thirty days of a child's  
13 entry into custody and in accordance with the periodicity schedule set forth by the American  
14 Academy of Pediatrics thereafter as long as the child remains in care. Screenings may be  
15 offered at a centralized location and include, at a minimum, the following:

16 (a) Complete physical to be performed by a pediatrician familiar with the effects of  
17 abuse and neglect on young children;

18 (b) Developmental, behavioral, and emotional screening in addition to early periodic  
19 screening, diagnosis, and treatment services, including a core set of standardized and  
20 recognized instruments as well as interviews with the child and appropriate caregivers. The  
21 screening battery may be performed by a licensed mental health professional familiar with the  
22 effects of abuse and neglect on young children, who will then serve as the liaison between all  
23 service providers in ensuring that needed services are provided. Such treatment services may  
24 include in-home services, out-of-home placement, intensive twenty-four-hour treatment  
25 services, family counseling, parenting training and other best practices.

26

27 Children whose screenings indicate an area of concern may complete a comprehensive, in-  
28 depth health, psychodiagnostic, or developmental assessment within sixty days of entry into  
29 custody;

30 (3) "Central registry", a registry of persons where the division has found probable  
31 cause to believe prior to August 28, 2004, or by a preponderance of the evidence after August  
32 28, 2004, or a court has substantiated through court adjudication that the individual has  
33 committed child abuse or neglect or the person has pled guilty or has been found guilty of a  
34 crime pursuant to section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or  
35 567.050 if the victim is a child less than eighteen years of age, or any other crime pursuant to  
36 chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is  
37 twenty-one years of age or older, a crime under section 568.020, 568.030, 568.045, 568.050,  
38 568.060, 568.080, 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or  
39 573.205, or an attempt to commit any such crimes. Any persons placed on the registry prior

40 to August 28, 2004, shall remain on the registry for the duration of time required by section  
41 210.152;

42 (4) "Child", any person, regardless of physical or mental condition, under eighteen  
43 years of age;

44 (5) "Children's services providers and agencies", any public, quasi-public, or private  
45 entity with the appropriate and relevant training and expertise in delivering services to  
46 children and their families as determined by the children's division, and capable of providing  
47 direct services and other family services for children in the custody of the children's division  
48 or any such entities or agencies that are receiving state moneys for such services;

49 (6) "Director", the director of the Missouri children's division within the department  
50 of social services;

51 (7) "Division", the Missouri children's division within the department of social  
52 services;

53 (8) "Family assessment and services", an approach to be developed by the children's  
54 division which will provide for a prompt assessment of a child who has been reported to the  
55 division as a victim of abuse or neglect by a person responsible for that child's care, custody  
56 or control and of that child's family, including risk of abuse and neglect and, if necessary, the  
57 provision of community-based services to reduce the risk and support the family;

58 (9) "Family support team meeting" or "team meeting", a meeting convened by the  
59 division or children's services provider in behalf of the family and/or child for the purpose of  
60 determining service and treatment needs, determining the need for placement and developing  
61 a plan for reunification or other permanency options, determining the appropriate placement  
62 of the child, evaluating case progress, and establishing and revising the case plan;

63 (10) "Investigation", the collection of physical and verbal evidence to determine if a  
64 child has been abused or neglected;

65 (11) "Jail or detention center personnel", employees and volunteers working in any  
66 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is  
67 provided to persons who are being held under custody of the law;

68 (12) "Neglect", failure to provide, by those responsible for the care, custody, and  
69 control of the child, the proper or necessary support, education as required by law, nutrition or  
70 medical, surgical, or any other care necessary for the child's well-being, **except that neglect**  
71 **shall not be found by virtue of the sole fact that a person allows a child to engage in**  
72 **independent activities without adult supervision including, but not limited to, traveling**  
73 **to or from school or nearby locations by bicycle or on foot, playing outdoors, or**  
74 **remaining at home for a reasonable period of time, provided such activities are**  
75 **appropriate based on the child's age, maturity, and physical and mental abilities, and**  
76 **the lack of adult supervision does not constitute conduct that is so grossly negligent as to**

77 **endanger the health or safety of the child.** Victims of neglect shall also include any victims  
78 of sex trafficking or severe forms of trafficking as those terms are defined in ~~[22 U.S.C. 78~~  
79 ~~Section 7102(9)-(10)]~~ **22 U.S.C. Section 7102, as amended;**

80 (13) "Preponderance of the evidence", that degree of evidence that is of greater  
81 weight or more convincing than the evidence which is offered in opposition to it or evidence  
82 which as a whole shows the fact to be proved to be more probable than not;

83 (14) "Probable cause", available facts when viewed in the light of surrounding  
84 circumstances which would cause a reasonable person to believe a child was abused or  
85 neglected;

86 (15) "Report", the communication of an allegation of child abuse or neglect to the  
87 division pursuant to section 210.115;

88 (16) "Those responsible for the care, custody, and control of the child", includes, but  
89 is not limited to:

90 (a) The parents or legal guardians of a child;

91 (b) Other members of the child's household;

92 (c) Those exercising supervision over a child for any part of a twenty-four-hour day;

93 (d) Any adult person who has access to the child based on relationship to the parents  
94 of the child or members of the child's household or the family;

95 (e) Any person who takes control of the child by deception, force, or coercion; or

96 (f) School personnel, contractors, and volunteers, if the relationship with the child  
97 was established through the school or through school-related activities, even if the alleged  
98 abuse or neglect occurred outside of school hours or off school grounds.

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

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

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

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

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

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

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

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

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

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

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

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

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

51 staffing for the team's operations. All members shall be appointed and the team shall meet for  
52 the first time before January 1, 2021. The team shall:

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

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

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

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

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

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

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

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

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

87



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

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

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

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

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

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

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

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

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

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

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

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

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

30 **Analysis of the U.S. Department of Commerce, for damages due to a cause of action**  
31 **against a qualified service provider, or an employee or contractor of such qualified**  
32 **service provider, under this section for personal injury.**

33 **5. The department may promulgate such rules and regulations as are necessary**  
34 **to implement the provisions of this section. Any rule or portion of a rule, as that term is**  
35 **defined in section 536.010, that is created under the authority delegated in this section**  
36 **shall become effective only if it complies with and is subject to all of the provisions of**  
37 **chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**  
38 **nonseverable and if any of the powers vested with the general assembly pursuant to**  
39 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**  
40 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
41 **proposed or adopted after August 28, 2025, shall be invalid and void.**

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

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

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

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

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

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

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

24 3. Upon receipt of a report, the division shall determine if the report merits  
25 investigation, including reports which if true would constitute a suspected violation of any of

26 the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child  
27 less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than  
28 eighteen years of age, or other crimes under chapter 566 if the victim is a child less than  
29 eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050  
30 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045,  
31 568.050, 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an  
32 attempt to commit any such crimes. The division shall immediately communicate all reports  
33 that merit investigation to its appropriate local office and any relevant information as may be  
34 contained in the information system. The local division staff shall determine, through the use  
35 of protocols developed by the division, whether an investigation or the family assessment and  
36 services approach should be used to respond to the allegation. The protocols developed by  
37 the division shall give priority to ensuring the well-being and safety of the child.

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

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

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

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

59 8. **(1)** The local office of the division shall cause an investigation or family  
60 assessment and services approach to be initiated in accordance with the protocols established  
61 in subsection 2 of this section, except in cases where the sole basis for the report is  
62 educational neglect. If the report indicates that educational neglect is the only complaint and

63 there is no suspicion of other neglect or abuse, the investigation shall be initiated within  
64 seventy-two hours of receipt of the report. If the report indicates the child is in danger of  
65 serious physical harm or threat to life, an investigation shall include direct observation of the  
66 subject child within twenty-four hours of the receipt of the report. Local law enforcement  
67 shall take all necessary steps to facilitate such direct observation. Callers to the child abuse  
68 and neglect hotline shall be instructed by the division's hotline to call 911 in instances where  
69 the child may be in immediate danger. If the parents of the child are not the alleged  
70 perpetrators, a parent of the child must be notified prior to the child being interviewed by the  
71 division. No person responding to or investigating a child abuse and neglect report shall call  
72 prior to a home visit or leave any documentation of any attempted visit, such as business  
73 cards, pamphlets, or other similar identifying information if he or she has a reasonable basis  
74 to believe the following factors are present:

75 ~~[(1)]~~ (a) **a.** No person is present in the home at the time of the home visit; and  
76 ~~[(b)]~~ **b.** The alleged perpetrator resides in the home or the physical safety of the child  
77 may be compromised if the alleged perpetrator becomes aware of the attempted visit;

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

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

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

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

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

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

132           11. When a report has been made by a person required to report under section  
133 210.115, the division shall contact the person who made such report within forty-eight hours  
134 of the receipt of the report in order to ensure that full information has been received and to  
135 obtain any additional information or medical records, or both, that may be pertinent.

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

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

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

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

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

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

168 (2) Provide services which are voluntary and time-limited unless it is determined by  
169 the division based on the assessment of risk that there will be a high risk of abuse or neglect if  
170 the family refuses to accept the services. The division shall identify services for families  
171 where it is determined that the child is at high risk of future abuse or neglect. The division  
172 shall thoroughly document in the record its attempt to provide voluntary services and the

173 reasons these services are important to reduce the risk of future abuse or neglect to the child.  
174 If the family continues to refuse voluntary services or the child needs to be protected, the  
175 division may commence an investigation;

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

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

182 17. (1) Within forty-five days of an oral report of abuse or neglect, the local office  
183 shall update the information in the information system. The information system shall contain,  
184 at a minimum, the determination made by the division as a result of the investigation,  
185 identifying information on the subjects of the report, those responsible for the care of the  
186 subject child and other relevant dispositional information. The division shall complete all  
187 investigations within forty-five days, unless good cause for the failure to complete the  
188 investigation is specifically documented in the information system. Good cause for failure to  
189 complete an investigation shall include, but not be limited to:

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

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

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

201

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

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

206 (3) If the investigation is not completed within forty-five days, the information  
207 system shall be updated at regular intervals and upon the completion of the investigation,  
208 which shall be completed no later than ninety days after receipt of a report of abuse or  
209 neglect, or one hundred twenty days after receipt of a report of abuse or neglect involving



210 sexual abuse, or until the division's investigation is complete in cases involving a child  
211 fatality or near-fatality. The information in the information system shall be updated to reflect  
212 any subsequent findings, including any changes to the findings based on an administrative or  
213 judicial hearing on the matter.

214       18. A person required to report under section 210.115 to the division and any person  
215 making a report of child abuse or neglect made to the division which is not made  
216 anonymously shall be informed by the division of his or her right to obtain information  
217 concerning the disposition of his or her report. Such person shall receive, from the local  
218 office, if requested, information on the general disposition of his or her report. Such person  
219 may receive, if requested, findings and information concerning the case. Such release of  
220 information shall be at the discretion of the director based upon a review of the reporter's  
221 ability to assist in protecting the child or the potential harm to the child or other children  
222 within the family. The local office shall respond to the request within forty-five days. The  
223 findings shall be made available to the reporter within five days of the outcome of the  
224 investigation. If the report is determined to be unsubstantiated, the reporter may request that  
225 the report be referred by the division to the office of child advocate for children's protection  
226 and services established in sections 37.700 to 37.730. Upon request by a reporter under this  
227 subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the  
228 office of child advocate for children's protection and services.

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

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

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

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

241

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

244       21. Nothing in this chapter shall be construed to prohibit the children's division from  
245 coinvestigating a report of child abuse or neglect or sharing records and information with  
246 child welfare, law enforcement, or judicial officers of another state, territory, or nation if the

247 children's division determines it is appropriate to do so under the standard set forth in  
248 subsection 4 of section 210.150 and if such receiving agency is exercising its authority under  
249 the law.

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

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

257         24. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
258 created under the authority delegated in this section shall become effective only if it complies  
259 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
260 This section and chapter 536 are nonseverable and if any of the powers vested with the  
261 general assembly pursuant to chapter 536 to review, to delay the effective date or to  
262 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
263 rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid  
264 and void.

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

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

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

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

14         3. **(1) Beginning January 1, 2028, and subject to necessary appropriations made**  
15 **for that purpose, the judge shall appoint counsel for a child who is at least fourteen but**  
16 **less than eighteen years of age and who is the subject of proceedings under sections**  
17 **210.110 to 210.165 except proceedings under subsection 6 of section 210.152, sections**  
18 **210.700 to 210.760, or sections 211.442 to 211.487. A judge may implement the**  
19 **provisions of this subsection at any time before January 1, 2028, pursuant to a pilot**

20 project implemented under section 477.715, and, if doing so, shall not be required to  
21 appoint a guardian ad litem and child's counsel concurrently unless the judge finds it  
22 necessary in accordance with subdivision (3) of this subsection.

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

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

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

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

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

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

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

56 guardian ad litem **and child's counsel** of all aspects of the case of which they have  
57 knowledge or belief.

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

68 [5.] 6. The guardian ad litem may be awarded a reasonable fee for such services to be  
69 set by the court. The court, in its discretion, may award such fees as a judgment to be paid by  
70 any party to the proceedings or from public funds. However, no fees as a judgment shall be  
71 taxed against a party or parties who have not been found to have abused or neglected a child  
72 or children. Such an award of guardian fees shall constitute a final judgment in favor of the  
73 guardian ad litem. Such final judgment shall be enforceable against the parties in accordance  
74 with chapter 513.

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

88 [7.] 8. Any person appointed to perform guardian ad litem **or children's counsel**  
89 duties shall have completed a training program in permanency planning and shall advocate  
90 for timely court hearings whenever possible to attain permanency for a child as expeditiously  
91 as possible to reduce the effects that prolonged foster care may have on a child. A

92 nonattorney volunteer advocate shall have access to a court appointed attorney guardian ad  
93 litem **or child's counsel** should the circumstances of the particular case so require.

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

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

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

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

8 (4) "Unmet needs", needs for which the division is not required by law to  
9 provide financial support, including, but not limited to, the following:

10 (a) Tuition, tutoring, and training, including application fees, books, equipment,  
11 and testing;

12 (b) Transportation to and from work, training, education, or to maintain family  
13 connections;

14 (c) Housing expenses if the child is preparing to leave the custody of the division  
15 for reasons relating to the child's age; and

16 (d) Technology, special clothing needs, instruments, books, and other equipment  
17 relating to the child's hobbies and interests;

18 (5) "Vested right", a legal right that is more than a mere expectancy and may be  
19 reduced to a present monetary value;

20 (6) "Youth", any child under the legal custody of the division where jurisdiction  
21 has been granted under section 211.041.

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

29 3. (1) The division may accept an appointment to serve as representative payee or  
30 fiduciary, or in a similar capacity for payments to a child under any public or private benefit  
31 arrangement. Money so received shall be governed by this section to the extent that laws and  
32 regulations governing payment of such benefits provide otherwise.

33 (2) In the case of benefits administered by the U.S. Railroad Retirement Board,  
34 the Social Security Administration, or the Veterans Administration, the division shall  
35 determine whether the child is receiving or otherwise eligible to receive such benefits

36 within sixty days after the child is placed in the division's custody. If the division  
37 determines that the child is eligible or may be eligible for the benefits, the division shall  
38 apply for the benefits on behalf of the child. If the child is already receiving the benefits  
39 before being placed in the division's custody or if the division applies for the benefits on  
40 behalf of the child, the division shall identify, in consultation with the child and the  
41 child's guardian ad litem, a representative payee in accordance with 20 CFR 404.2021  
42 and 20 CFR 416.621 and shall apply to become the representative payee only if no other  
43 suitable candidate is available. The division shall annually review if someone other than  
44 the division is available, if in the best interests of the child, to apply to assume the role of  
45 representative payee.

46 (3) The division shall annually review cases of children in the division's custody  
47 to determine whether a child may have become eligible for benefits after the division's  
48 initial assessment.

49 4. Any money received by the division on behalf of a child shall be accounted for in  
50 the name of the child. Any money in the account of a child ~~may~~ **shall not** be expended by  
51 the division for care or services for the child **including, but not limited to, foster care**  
52 **maintenance payments, as defined in 42 U.S.C. Section 675(4)(A), and any special**  
53 **allowances or expenses established by the division for the care of children in the**  
54 **division's custody for a child of a similar age; provided, however, that the division may**  
55 **use the benefits administered by the U.S. Railroad Retirement Board, the Social**  
56 **Security Administration, or the Veterans Administration for the child's unmet needs**  
57 **beyond what the division is obligated, required, or agrees to pay.** The division shall by  
58 rule adopted under chapter 536 establish procedures for the accounting of the money and the  
59 protection of the money against theft, loss or misappropriation.

60 5. The division shall deposit money with a financial institution. Any earnings  
61 attributable to the money in the account of a child shall be credited to that child's account.  
62 The division shall receive bids from banking corporations, associations or trust companies  
63 which desire to be selected as depositories of children's moneys for the division. **The child's**  
64 **account shall be established in a manner consistent with federal and state asset and**  
65 **resource limits and may include a special needs trust, a pooled special needs trust, an**  
66 **ABLE account as defined in section 209.600, or any other trust account determined not**  
67 **to interfere with asset limitations for any state or federal benefit program for which the**  
68 **child may be eligible.**

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

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

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

86           9. Within five years after money has been paid into the state treasury, any person who  
87 appears and claims the money may file a petition in the circuit court of Cole County,  
88 Missouri, stating the nature of the claim and praying that such money be paid to him. A copy  
89 of the petition shall be served upon the director of the department of revenue who shall file an  
90 answer to the same. The court shall proceed to examine the claim and the allegations and  
91 proof, and if it finds that such person is entitled to any money so paid into the state treasury, it  
92 shall order the commissioner of administration to issue a warrant on the state treasurer for the  
93 amount of such claim, but without interest or costs. A certified copy of the order shall be  
94 sufficient voucher for issuing a warrant; provided, that either party may appeal from the  
95 decision of the court in the same manner as provided by law in other civil actions.

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

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

104           **12. (1) Subject to appropriation, the department of social services shall have the**  
105 **authority to enter into contracts with private individuals, law firms, not-for-profit**  
106 **corporations, or partnerships to apply for benefits on behalf of a child in its custody or**  
107 **under its court-ordered supervision pursuant to chapter 211 for the benefits**  
108 **administered by the U.S. Railroad Retirement Board, the Social Security**

109 **Administration, or the Veterans Administration, and to establish accounts as set forth in**  
110 **subsection 5 of this section.**

111 **(2) The department may promulgate all necessary rules and regulations for the**  
112 **administration of this subsection. Any rule or portion of a rule, as that term is defined**  
113 **in section 536.010, that is created under the authority delegated in this section shall**  
114 **become effective only if it complies with and is subject to all of the provisions of chapter**  
115 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**  
116 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**  
117 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
118 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
119 **adopted after August 28, 2025, shall be invalid and void.**

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

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

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

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

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

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

26 (1) Grandparents;



- 27           (2) Adult siblings or parents of siblings;  
28           (3) Relatives; and  
29           (4) Any foster parent who is currently licensed and capable of accepting placement of  
30 the child.

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

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

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

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

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

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

210.762. 1. When a child is taken into custody by a juvenile officer or law  
2 enforcement official under subdivision (1) of subsection 1 of section 211.031 and initially  
3 placed with the division, the division may make a temporary placement and shall arrange for

4 a family support team meeting prior to or within twenty-four hours following the protective  
5 custody hearing held under section 211.032. After a child is in the division's custody and a  
6 temporary placement has been made, the division shall arrange an additional family support  
7 team meeting prior to taking any action relating to the placement of such child; except that,  
8 when the welfare of a child in the custody of the division requires an immediate or emergency  
9 change of placement, the division may make a temporary placement and shall schedule a  
10 family support team meeting within seventy-two hours. The requirement for a family support  
11 team meeting shall not apply when the parent has consented in writing to the termination of  
12 his or her parental rights in conjunction with a placement in a licensed child-placing agency  
13 under subsection 6 of section 453.010.

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

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

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

210.1012. 1. There is hereby created a statewide program called the "Amber Alert  
2 System" referred to in this section as the "system" to aid in the identification and location of  
3 an abducted child **or abducted or missing African American youth**.

4 2. For the purposes of this section, "abducted child **or abducted or missing African**  
5 **American youth**" means a child **or youth** whose whereabouts are unknown and who is:

6 (1) Less than eighteen years of age and reasonably believed to be the victim of the  
7 crime of kidnapping or kidnapping in the first degree as defined by section 565.110 as  
8 determined by local law enforcement;

9 (2) Reasonably believed to be the victim of the crime of child kidnapping as defined  
10 by section 565.115 as determined by local law enforcement; ~~[or]~~

11 (3) Less than eighteen years of age and at least fourteen years of age and who, if  
12 under the age of fourteen, would otherwise be reasonably believed to be a victim of child  
13 kidnapping as defined by section 565.115 as determined by local law enforcement; or

14 **(4) Reasonably believed to be a victim of an offense of trafficking pursuant to**  
15 **section 566.206, 566.209, 566.210, or 566.211.**

16 3. The department of public safety shall develop regions to provide the system. The  
17 department of public safety shall coordinate local law enforcement agencies and public  
18 commercial television and radio broadcasters to provide an effective system. In the event that  
19 a local law enforcement agency opts not to set up a system and an abduction occurs within the  
20 jurisdiction, it shall notify the department of public safety who will notify local media in the  
21 region.

22 4. The Amber alert system shall include all state agencies capable of providing urgent  
23 and timely information to the public together with broadcasters and other private entities that  
24 volunteer to participate in the dissemination of urgent public information. At a minimum, the  
25 Amber alert system shall include the department of public safety, highway patrol, department  
26 of transportation, department of health and senior services, and Missouri lottery.

27 5. The department of public safety shall have the authority to notify other regions  
28 upon verification that the criteria established by the oversight committee has been met.

29 6. Participation in an Amber alert system is entirely at the option of local law  
30 enforcement agencies and federally licensed radio and television broadcasters.

31 7. Any person who knowingly makes a false report that triggers an alert pursuant to  
32 this section is guilty of a class A misdemeanor.

33 **8. The department of public safety shall not discriminate against any person**  
34 **because of race, color, religion, national origin, ancestry, sex, disability, or familial status**  
35 **when coordinating with local law enforcement agencies and public commercial**  
36 **television and radio broadcasters to provide an effective system.**

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

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

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

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

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

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

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

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

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

211.211. 1. A child is entitled to be represented by counsel in all proceedings under  
2 subdivision (2) or (3) of subsection 1 of section 211.031 and by a guardian ad litem in all  
3 proceedings under subdivision (1) of subsection 1 of section 211.031, **except as otherwise**

4 **provided in subsection 3 of section 210.160 when the child shall be represented by**  
5 **counsel and the provisions of section 210.160 shall apply to the appointment of such**  
6 **counsel. Counsel appointed under subsection 3 of section 210.160 shall not be waived.**

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

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

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

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

25       (1) That the custodian is indigent; and

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

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

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

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

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

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

40 under subsection 10 of this section, the waiver shall only apply to that proceeding. In any  
41 subsequent proceeding, the child shall be informed of his or her right to counsel.

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

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

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

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

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

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

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

211.221. In placing a child in or committing a child to the custody of an individual or  
2 of a private agency or institution the court, **children's division, or any child-placing agency**  
3 **contracting with the state to provide foster care services** shall whenever practicable select  
4 either a person, or an agency or institution governed by persons of the same religious faith as  
5 that of the parents of such child, or in case of a difference in the religious faith of the parents,  
6 then of the religious faith of the child or if the religious faith of the child is not ascertainable,  
7 then of the faith of either of the parents. **The department of social services may contract to**  
8 **implement the provisions of this section.**

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

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

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

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

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

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

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

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

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

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

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

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

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be  
2 obtained from the officer authorized to issue the same, and no marriage contracted shall be

3 recognized as valid unless the license has been previously obtained, and unless the marriage  
4 is solemnized by a person authorized by law to solemnize marriages.

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

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

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

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

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

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

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

33         (2) The completed marriage license application of the incarcerated or military  
34 applicant is submitted which includes the applicant's Social Security number; except that, in  
35 the event the applicant does not have a Social Security number, a sworn statement by the  
36 applicant to that effect; and

37         (3) A copy of a government-issued identification for the incarcerated or military  
38 applicant which contains the applicant's photograph. However, in such case the incarcerated  
39 applicant does not have such an identification because the jail or prison to which he or she is



40 confined does not issue an identification with a photo his or her notarized application shall  
41 satisfy this requirement.

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

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

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

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

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

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

4 State of Missouri )  
5 )  
6 ss.  
7 )  
8 County of )

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

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

~~3.]~~ The recorder shall state in every license whether the parties applying for same~~;~~ ~~one or either or both of them,]~~ are of age~~;~~ ~~or whether the male is under the age of eighteen years or the female under the age of eighteen years, and if the male is under the age of eighteen years or the female is under the age of eighteen years, the name of the custodial~~

14 ~~parent or guardian consenting to such marriage~~]. Applicants shall provide proof of age to the  
15 recorder in the form of a certified copy of the applicant's birth certificate, passport, or other  
16 government-issued identification, which shall then be documented by the recorder.

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

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

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

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

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

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

8 **(2) To make recommendations to the Missouri supreme court concerning the  
9 establishment or modification, by court rule, of minimum training requirements and  
10 practice standards for attorneys seeking to serve as guardians ad litem, children's**

11 counsel, or parent's counsel, including, but not limited to, appropriate maximum  
12 caseloads, minimum responsibilities and duties, and practice guidelines;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any  
3 person eighteen years of age or older. For purposes of this section, abuse shall not include  
4 injury inflicted on a child by accidental means by a person with care, custody, or control of  
5 the child, or discipline of a child by a person with care, custody, or control of the child,  
6 including spanking, in a reasonable manner;

7 (2) "Abusive head trauma", a serious physical injury to the head or brain caused by  
8 any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting,  
9 or kicking;

10 (3) "Mental injury", an injury to the intellectual or psychological capacity or the  
11 emotional condition of a child as evidenced by an observable and substantial impairment of  
12 the ability of the child to function within his or her normal range of performance or behavior;

13 (4) "Neglect", the failure to provide, by those responsible for the care, custody, and  
14 control of a child under the age of eighteen years, the care reasonable and necessary to  
15 maintain the physical and mental health of the child, when such failure presents a substantial  
16 probability that death or physical injury or sexual injury would result;

17 (5) "Physical injury", physical pain, illness, or any impairment of physical condition,  
18 including but not limited to bruising, lacerations, hematomas, welts, or permanent or  
19 temporary disfigurement and impairment of any bodily function or organ;

20 (6) "Serious emotional injury", an injury that creates a substantial risk of temporary or  
21 permanent medical or psychological damage, manifested by impairment of a behavioral,  
22 cognitive, or physical condition. Serious emotional injury shall be established by testimony  
23 of qualified experts upon the reasonable expectation of probable harm to a reasonable degree  
24 of medical or psychological certainty;

25 (7) "Serious physical injury", a physical injury that creates a substantial risk of death  
26 or that causes serious disfigurement or protracted loss or impairment of the function of any  
27 part of the body.

28 2. A person commits the offense of abuse or neglect of a child if such person  
29 knowingly causes a child who is less than eighteen years of age:

30 (1) To suffer physical or mental injury as a result of abuse or neglect; or

31 (2) To be placed in a situation in which the child may suffer physical or mental injury  
32 as the result of abuse or neglect.

33 3. A person commits the offense of abuse or neglect of a child if such person  
34 recklessly causes a child who is less than eighteen years of age to suffer from abusive head  
35 trauma.

36 4. A person does not commit the offense of abuse or neglect of a child by virtue of the  
37 sole fact that the person delivers or allows the delivery of a child to a provider of emergency  
38 services.

39 5. **(1) A person does not commit the offense of abuse or neglect of a child by**  
40 **virtue of the sole fact that the person allows the child to engage in independent activities**  
41 **without adult supervision and the person is a parent to the child or is responsible for the**  
42 **child's care, provided that the:**

43 **(a) Independent activities are appropriate based on the child's age, maturity,**  
44 **and physical and mental abilities; and**

45 **(b) Lack of adult supervision does not constitute conduct that is so grossly**  
46 **negligent as to endanger the health or safety of the child.**

47 **(2) As used in this subsection, "independent activities" shall include traveling to**  
48 **or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining**  
49 **at home for a reasonable period of time without adult supervision.**

50 6. The offense of abuse or neglect of a child is:

51 (1) A class D felony, without eligibility for probation, parole, or conditional release  
52 until the defendant has served no less than one year of such sentence, unless the person has  
53 previously been found guilty of a violation of this section or of a violation of the law of any

54 other jurisdiction that prohibits the same or similar conduct or the injury inflicted on the child  
55 is a serious emotional injury or a serious physical injury, in which case abuse or neglect of a  
56 child is a class B felony, without eligibility for probation or parole until the defendant has  
57 served not less than five years of such sentence; or

58 (2) A class A felony if the child dies as a result of injuries sustained from conduct  
59 chargeable under the provisions of this section.

60 ~~[6:]~~ 7. Notwithstanding subsection ~~[5]~~ 6 of this section to the contrary, the offense of  
61 abuse or neglect of a child is a class A felony, without eligibility for probation, parole, or  
62 conditional release until the defendant has served not less than fifteen years of such sentence,  
63 if:

64 (1) The injury is a serious emotional injury or a serious physical injury;

65 (2) The child is less than fourteen years of age; and

66 (3) The injury is the result of sexual abuse or sexual abuse in the first degree as  
67 defined under section 566.100 or sexual exploitation of a minor as defined under section  
68 573.023.

69 ~~[7:]~~ 8. The circuit or prosecuting attorney may refer a person who is suspected of  
70 abuse or neglect of a child to an appropriate public or private agency for treatment or  
71 counseling so long as the agency has consented to taking such referrals. Nothing in this  
72 subsection shall limit the discretion of the circuit or prosecuting attorney to prosecute a  
73 person who has been referred for treatment or counseling pursuant to this subsection.

74 ~~[8:]~~ 9. Nothing in this section shall be construed to alter the requirement that every  
75 element of any crime referred to herein must be proven beyond a reasonable doubt.

76 ~~[9:]~~ 10. Discipline, including spanking administered in a reasonable manner, shall not  
77 be construed to be abuse under this section.

578.421. 1. Sections 578.421 to 578.437 shall be known and may be cited as the  
2 "Missouri Criminal Street Gangs Prevention Act".

3 2. As used in sections 578.421 to 578.437, the following terms mean:

4 (1) "Criminal street gang", any ongoing organization, association, or group of three or  
5 more persons, whether formal or informal, having as one of its motivating activities the  
6 commission of one or more of the criminal acts enumerated in subdivision (2) of this  
7 subsection, whose members individually or collectively engage in or have engaged in a  
8 pattern of criminal gang activity;

9 (2) "Pattern of criminal street gang activity", the commission, attempted commission,  
10 or solicitation of two or more of the following offenses, provided at least one of those  
11 offenses occurred after August 28, 1993, and the last of those offenses occurred within three  
12 years after a prior offense, and the offenses are committed on separate occasions, or by two or  
13 more persons:



- 14 (a) Assault with a deadly weapon or by means of force likely to cause serious  
15 physical injury, as provided in sections 565.050 and 565.052;
- 16 (b) Robbery, arson and those offenses under chapter 569 which are related to robbery  
17 and arson;
- 18 (c) Murder or manslaughter, as provided in sections 565.020 to 565.024;
- 19 (d) Any violation of the provisions of chapter 579 which involves the distribution,  
20 delivery or manufacture of a substance prohibited by chapter 579;
- 21 (e) Unlawful use of a weapon which is a felony pursuant to section 571.030;
- 22 (f) Tampering with witnesses and victims, as provided in section 575.270;
- 23 (g) Promoting online sexual solicitation, as provided in section 566.103;
- 24 (h) Sexual trafficking of a child in the first degree, as provided in section 566.210;
- 25 (i) Sexual trafficking of a child in the second degree, as provided in section 566.211;
- 26 (j) Patronizing prostitution, as provided in subsection 4 of section 567.030;
- 27 (k) Promoting prostitution in the first degree, as provided in section 567.050;
- 28 (l) Promoting prostitution in the second degree, as provided in section 567.060;
- 29 (m) Abuse or neglect of a child, as provided in subsection [6] 7 of section 568.060;
- 30 (n) Sexual exploitation of a minor, as provided in section 573.023;
- 31 (o) Child used in sexual performance, as provided in section 573.200;
- 32 (p) Promoting sexual performance by a child, as provided in section 573.205; or
- 33 (q) Any dangerous felony, as defined in section 556.061.

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