

SENATE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILLS NOS. 737 & 486
AN ACT

To repeal sections 135.460, 210.110, 210.112, 210.145, 210.160, 210.560, 210.565, 210.762, 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-five new sections relating to the protection of children, with penalty provisions.

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,
2 210.160, 210.560, 210.565, 210.762, 211.032, 211.211, 211.221,
3 211.261, 211.462, 451.040, 451.080, 451.090, 537.046, 568.045,
4 568.060, and 578.421, RSMo, are repealed and twenty-five new
5 sections enacted in lieu thereof, to be known as sections
6 135.460, 210.110, 210.112, 210.119, 210.145, 210.160, 210.560,
7 210.565, 210.762, 211.032, 211.211, 211.221, 211.261, 211.462,
8 451.040, 451.080, 451.090, 477.700, 477.705, 477.710, 477.715,
9 537.046, 568.045, 568.060, and 578.421, to read as follows:

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

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

9 tax imposed under chapter 143, and individuals, individual
10 proprietorships and partnerships.

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27 June 27, 1997, is of no force and effect and repealed;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

40 4. The tax credits allowed by this section shall be
41 claimed by the taxpayer to offset the taxes that become due

42 in the taxpayer's tax period in which the contribution was
43 made. Any tax credit not used in such tax period may be
44 carried over the next five succeeding tax periods.

45 5. The tax credit allowed by this section may only be
46 claimed for monetary or property contributions to public or
47 private programs authorized to participate pursuant to this
48 section by the department of economic development and may be
49 claimed for the development, establishment, implementation,
50 operation, and expansion of the following activities and
51 programs:

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

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

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

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

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

71 (6) Mentor and role model programs;

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

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

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

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

85 (11) Youth outreach and counseling programs.

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

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

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

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

- 106 (1) The shareholders of the corporation described in
107 section 143.471;
- 108 (2) The partners of the partnership;
- 109 (3) The members of the limited liability company; and
- 110 (4) Individual members of the cooperative or marketing
111 enterprise.

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

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

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

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

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

26 (b) Developmental, behavioral, and emotional screening
27 in addition to early periodic screening, diagnosis, and
28 treatment services, including a core set of standardized and
29 recognized instruments as well as interviews with the child
30 and appropriate caregivers. The screening battery may be
31 performed by a licensed mental health professional familiar
32 with the effects of abuse and neglect on young children, who
33 will then serve as the liaison between all service providers
34 in ensuring that needed services are provided. Such
35 treatment services may include in-home services, out-of-home
36 placement, intensive twenty-four-hour treatment services,
37 family counseling, parenting training and other best
38 practices.

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

43 (3) "Central registry", a registry of persons where
44 the division has found probable cause to believe prior to
45 August 28, 2004, or by a preponderance of the evidence after
46 August 28, 2004, or a court has substantiated through court
47 adjudication that the individual has committed child abuse
48 or neglect or the person has pled guilty or has been found
49 guilty of a crime pursuant to section 565.020, 565.021,
50 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if
51 the victim is a child less than eighteen years of age, or
52 any other crime pursuant to chapter 566 if the victim is a
53 child less than eighteen years of age and the perpetrator is
54 twenty-one years of age or older, a crime under section
55 568.020, 568.030, 568.045, 568.050, 568.060, 568.080,

56 568.090, 573.023, 573.025, 573.035, 573.037, 573.040,
57 573.200, or 573.205, or an attempt to commit any such
58 crimes. Any persons placed on the registry prior to August
59 28, 2004, shall remain on the registry for the duration of
60 time required by section 210.152;

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

63 (5) "Children's services providers and agencies", any
64 public, quasi-public, or private entity with the appropriate
65 and relevant training and expertise in delivering services
66 to children and their families as determined by the
67 children's division, and capable of providing direct
68 services and other family services for children in the
69 custody of the children's division or any such entities or
70 agencies that are receiving state moneys for such services;

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

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

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

83 (9) "Family support team meeting" or "team meeting", a
84 meeting convened by the division or children's services
85 provider in behalf of the family and/or child for the
86 purpose of determining service and treatment needs,
87 determining the need for placement and developing a plan for
88 reunification or other permanency options, determining the

89 appropriate placement of the child, evaluating case
90 progress, and establishing and revising the case plan;

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

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

99 (12) "Neglect", failure to provide, by those
100 responsible for the care, custody, and control of the child,
101 the proper or necessary support, education as required by
102 law, nutrition or medical, surgical, or any other care
103 necessary for the child's well-being, except that neglect
104 shall not be found by virtue of the sole fact that a person
105 allows a child to engage in independent activities without
106 adult supervision including, but not limited to, traveling
107 to or from school or nearby locations by bicycle or on foot,
108 playing outdoors, or remaining at home for a reasonable
109 period of time, provided such activities are appropriate
110 based on the child's age, maturity, and physical and mental
111 abilities, and the lack of adult supervision does not
112 constitute conduct that is so grossly negligent as to
113 endanger the health or safety of the child. Victims of
114 neglect shall also include any victims of sex trafficking or
115 severe forms of trafficking as those terms are defined in
116 [22 U.S.C. 78 Section 7102(9)-(10)] 22 U.S.C. Section 7102,
117 as amended;

118 (13) "Preponderance of the evidence", that degree of
119 evidence that is of greater weight or more convincing than
120 the evidence which is offered in opposition to it or

121 evidence which as a whole shows the fact to be proved to be
122 more probable than not;

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

126 (15) "Report", the communication of an allegation of
127 child abuse or neglect to the division pursuant to section
128 210.115;

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

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

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

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

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

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

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

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

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

8 (2) All providers of direct services to children and
9 their families will be evaluated in a uniform, transparent,

10 objective, and consistent basis based on an evaluation tool
11 established in this section;

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

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

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

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

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

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

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

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

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

63 3. The division shall create a response and evaluation
64 team. Membership of the team shall be composed of five
65 staff members from the division with experience in foster
66 care appointed by the director of the division; five
67 representatives, one from each contract region for foster
68 care case management contracts under this section, who shall
69 be annually rotated among contractors in each region, which
70 shall appoint the agency; two experts working in either
71 research or higher education on issues relating to child
72 welfare and foster care appointed by the director of the
73 division and who shall be actively working for either an
74 academic institution or policy foundation; one juvenile
75 officer or a Missouri juvenile justice director to be

76 appointed by the Missouri Juvenile Justice Association; and
77 one juvenile or family court judge appointed by the supreme
78 court. The division shall provide the necessary staffing
79 for the team's operations. All members shall be appointed
80 and the team shall meet for the first time before January 1,
81 2021. The team shall:

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

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

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

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

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

105 (3) Develop a system for reviewing and working with
106 providers identified under subdivision (2) of this
107 subsection or providers who request such assistance from the
108 division who show signs of performance weakness to ensure

109 technical assistance and other services are offered to
110 assist the providers in achieving successful outcomes for
111 their cases.

112 4. The children's division and any other state agency
113 deemed necessary by the division shall, in consultation with
114 service providers and other relevant parties, enter into and
115 implement contracts with qualified children's services
116 providers and agencies to provide a comprehensive and
117 deliberate system of service delivery for children and their
118 families. Contracts shall be awarded through a competitive
119 process and provided by qualified public and private not-for-
120 profit or limited liability corporations owned exclusively
121 by not-for-profit corporations children's services providers
122 and agencies which have:

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

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

135 No contracts under this section shall be issued for services
136 related to the child abuse and neglect hotline,
137 investigations of alleged abuse and neglect, and initial
138 family assessments. Any contracts entered into by the
139 division shall be in accordance with all federal laws and
140 regulations, and shall seek to maximize federal funding.
141 Children's services providers and agencies under contract

142 with the division shall be subject to all federal, state,
143 and local laws and regulations relating to the provision of
144 such services, and shall be subject to oversight and
145 inspection by appropriate state agencies to assure
146 compliance with standards which shall be consistent with the
147 federal standards.

148 5. The division shall accept as prima facie evidence
149 of completion of the requirements for licensure under
150 sections 210.481 to 210.511 proof that an agency is
151 accredited by any of the following nationally recognized
152 bodies: the Council on Accreditation of Services, Children
153 and Families, Inc.; the Joint Commission on Accreditation of
154 Hospitals; or the Commission on Accreditation of
155 Rehabilitation Facilities.

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

171 7. The division shall consider immediate actions that
172 are in the best interests of the children served including,
173 but not limited to, placing the agency on a corrective plan,
174 halting new referrals, transferring cases to other

175 performing providers, or terminating the provider's
176 contract. The division shall take steps necessary to
177 evaluate the nature of the issue and act accordingly in the
178 most timely fashion possible.

179 8. By July 1, 2021, the children's division shall
180 promulgate and have in effect rules to implement the
181 provisions of this section and, pursuant to this section,
182 shall define implementation plans and dates. Any rule or
183 portion of a rule, as that term is defined in section
184 536.010, that is created under the authority delegated in
185 this section shall become effective only if it complies with
186 and is subject to all of the provisions of chapter 536 and,
187 if applicable, section 536.028. This section and chapter
188 536 are nonseverable and if any of the powers vested with
189 the general assembly pursuant to chapter 536 to review, to
190 delay the effective date, or to disapprove and annul a rule
191 are subsequently held unconstitutional, then the grant of
192 rulemaking authority and any rule proposed or adopted after
193 August 28, 2004, shall be invalid and void.

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

210.119. 1. The department of social services shall
2 establish a program to provide a comprehensive system of
3 service delivery, education, and residential care for youth

4 with severe behavioral challenges. In order to be eligible
5 for services under this program, youth shall:

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

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

8 (3) Be determined by a team within the department to
9 have needs that cannot be met by existing state programs.

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

12 2. The department shall be authorized to enter into
13 any contracts necessary to implement this program, including
14 contracts for program operations with a qualified service
15 provider or consortium of qualified service providers.

16 Qualified service providers shall be certified, licensed, or
17 accredited in their respective fields of service, based in
18 this state, and entities with proven experience in the areas
19 for which they shall provide services, as well as meet any
20 additional requirements set by the department designed to
21 meet the best interests of the children they serve.

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

26 4. No qualified service provider, or any employees or
27 contractors of such qualified service provider, shall be
28 liable in damages for any services and duties provided under
29 a contract entered into under subsection 2 of this section,
30 provided that such services and duties are performed in good
31 faith and without gross negligence. In no case shall a
32 qualified service provider be immune for abuse or neglect of
33 a child, as such terms are defined in section 210.110. The
34 provisions of this subsection shall be void if the state
35 creates a fund or entity that indemnifies or provides
36 coverage in an amount of not less than one million dollars,

37 which shall be increased or decreased on an annual basis
38 effective January first of each year in accordance with the
39 Implicit Price Deflator for Personal Consumption
40 Expenditures as published by the Bureau of Economic Analysis
41 of the U.S. Department of Commerce, for damages due to a
42 cause of action against a qualified service provider, or an
43 employee or contractor of such qualified service provider,
44 under this section for personal injury.

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

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

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

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

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

9 (4) Maintaining an information system operating at all
10 times, capable of receiving and maintaining reports. This
11 information system shall have the ability to receive reports

12 over a single, statewide toll-free number. Such information
13 system shall maintain the results of all investigations,
14 family assessments and services, and other relevant
15 information.

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

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

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

45 years of age or older, section 567.050 if the victim is a
46 child less than eighteen years of age, section 568.020,
47 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205,
48 section 573.025, 573.035, 573.037, or 573.040, or an attempt
49 to commit any such crimes. The division shall immediately
50 communicate all reports that merit investigation to its
51 appropriate local office and any relevant information as may
52 be contained in the information system. The local division
53 staff shall determine, through the use of protocols
54 developed by the division, whether an investigation or the
55 family assessment and services approach should be used to
56 respond to the allegation. The protocols developed by the
57 division shall give priority to ensuring the well-being and
58 safety of the child.

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

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

71 6. When the child abuse and neglect hotline receives
72 three or more calls, within a seventy-two hour period, from
73 one or more individuals concerning the same child, the
74 division shall conduct a review to determine whether the
75 calls meet the criteria and statutory definition for a child
76 abuse and neglect report to be accepted. In conducting the
77 review, the division shall contact the hotline caller or

78 callers in order to collect information to determine whether
79 the calls meet the criteria for harassment.

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

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

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

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

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

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

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

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

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

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

173 9. The director of the division shall name at least
174 one chief investigator for each local division office, who
175 shall direct the division response on any case involving a
176 second or subsequent incident regarding the same subject

177 child or perpetrator. The duties of a chief investigator
178 shall include verification of direct observation of the
179 subject child by the division and shall ensure information
180 regarding the status of an investigation is provided to the
181 public school district liaison. The public school district
182 liaison shall develop protocol in conjunction with the chief
183 investigator to ensure information regarding an
184 investigation is shared with appropriate school personnel.
185 The superintendent of each school district shall designate a
186 specific person or persons to act as the public school
187 district liaison. Should the subject child attend a
188 nonpublic school the chief investigator shall notify the
189 school principal of the investigation. Upon notification of
190 an investigation, all information received by the public
191 school district liaison or the school shall be subject to
192 the provisions of the federal Family Educational Rights and
193 Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal
194 rule 34 C.F.R. Part 99.

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

204 11. When a report has been made by a person required
205 to report under section 210.115, the division shall contact
206 the person who made such report within forty-eight hours of
207 the receipt of the report in order to ensure that full
208 information has been received and to obtain any additional

209 information or medical records, or both, that may be
210 pertinent.

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

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

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

242 involving the child. Families may determine whether
243 individuals invited at their discretion shall continue to be
244 invited.

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

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

- 259 (1) Assess any service needs of the family. The
260 assessment of risk and service needs shall be based on
261 information gathered from the family and other sources;
- 262 (2) Provide services which are voluntary and time-
263 limited unless it is determined by the division based on the
264 assessment of risk that there will be a high risk of abuse
265 or neglect if the family refuses to accept the services.
266 The division shall identify services for families where it
267 is determined that the child is at high risk of future abuse
268 or neglect. The division shall thoroughly document in the
269 record its attempt to provide voluntary services and the
270 reasons these services are important to reduce the risk of
271 future abuse or neglect to the child. If the family
272 continues to refuse voluntary services or the child needs to
273 be protected, the division may commence an investigation;

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

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

284 17. (1) Within forty-five days of an oral report of
285 abuse or neglect, the local office shall update the
286 information in the information system. The information
287 system shall contain, at a minimum, the determination made
288 by the division as a result of the investigation,
289 identifying information on the subjects of the report, those
290 responsible for the care of the subject child and other
291 relevant dispositional information. The division shall
292 complete all investigations within forty-five days, unless
293 good cause for the failure to complete the investigation is
294 specifically documented in the information system. Good
295 cause for failure to complete an investigation shall
296 include, but not be limited to:

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

302 (b) The attorney general or the prosecuting or circuit
303 attorney of the city or county in which a criminal
304 investigation is pending certifies in writing to the
305 division that there is a pending criminal investigation of
306 the incident under investigation by the division and the

307 issuing of a decision by the division will adversely impact
308 the progress of the investigation; or

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

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

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

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

333 18. A person required to report under section 210.115
334 to the division and any person making a report of child
335 abuse or neglect made to the division which is not made
336 anonymously shall be informed by the division of his or her
337 right to obtain information concerning the disposition of
338 his or her report. Such person shall receive, from the
339 local office, if requested, information on the general

340 disposition of his or her report. Such person may receive,
341 if requested, findings and information concerning the case.
342 Such release of information shall be at the discretion of
343 the director based upon a review of the reporter's ability
344 to assist in protecting the child or the potential harm to
345 the child or other children within the family. The local
346 office shall respond to the request within forty-five days.
347 The findings shall be made available to the reporter within
348 five days of the outcome of the investigation. If the
349 report is determined to be unsubstantiated, the reporter may
350 request that the report be referred by the division to the
351 office of child advocate for children's protection and
352 services established in sections 37.700 to 37.730. Upon
353 request by a reporter under this subsection, the division
354 shall refer an unsubstantiated report of child abuse or
355 neglect to the office of child advocate for children's
356 protection and services.

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

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

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

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

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

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

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

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

395 24. Any rule or portion of a rule, as that term is
396 defined in section 536.010, that is created under the
397 authority delegated in this section shall become effective
398 only if it complies with and is subject to all of the
399 provisions of chapter 536 and, if applicable, section
400 536.028. This section and chapter 536 are nonseverable and
401 if any of the powers vested with the general assembly
402 pursuant to chapter 536 to review, to delay the effective
403 date or to disapprove and annul a rule are subsequently held
404 unconstitutional, then the grant of rulemaking authority and

405 any rule proposed or adopted after August 28, 2000, shall be
406 invalid and void.

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

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

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

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

21 3. (1) Beginning January 1, 2028, and subject to
22 necessary appropriations made for that purpose, the judge
23 shall appoint counsel for a child who is at least fourteen
24 but less than eighteen years of age and who is the subject
25 of proceedings under sections 210.110 to 210.165 except
26 proceedings under subsection 6 of section 210.152, sections
27 210.700 to 210.760, or sections 211.442 to 211.487. A judge
28 may implement the provisions of this subsection at any time
29 before January 1, 2028, pursuant to a pilot project
30 implemented under section 477.715, and, if doing so, shall
31 not be required to appoint a guardian ad litem and child's

32 counsel concurrently unless the judge finds it necessary in
33 accordance with subdivision (3) of this subsection.

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

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

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

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

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

65 the motion and the counsel shall notify the parties of the
66 change in appointment.

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

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

85 **[4.]** 5. The appointing judge shall require the
86 guardian ad litem or the child's counsel to faithfully
87 discharge such guardian ad litem's or the counsel's duties,
88 and upon failure to do so shall discharge such guardian ad
89 litem or counsel and appoint another. The appointing judge
90 shall have the authority to examine the general and criminal
91 background of persons appointed as guardians ad litem and
92 children's counsel, including utilization of the family care
93 safety registry and access line pursuant to sections 210.900
94 to 210.937, to ensure the safety and welfare of the children
95 such persons are appointed to represent. The judge in
96 making appointments pursuant to this section shall give
97 preference to persons who served as guardian ad litem or

98 child's counsel for the child in the earlier proceeding,
99 unless there is a reason on the record for not giving such
100 preference.

101 [5.] 6. The guardian ad litem may be awarded a
102 reasonable fee for such services to be set by the court.
103 The court, in its discretion, may award such fees as a
104 judgment to be paid by any party to the proceedings or from
105 public funds. However, no fees as a judgment shall be taxed
106 against a party or parties who have not been found to have
107 abused or neglected a child or children. Such an award of
108 guardian fees shall constitute a final judgment in favor of
109 the guardian ad litem. Such final judgment shall be
110 enforceable against the parties in accordance with chapter
111 513.

112 [6.] 7. The court may designate volunteer advocates,
113 who may or may not be attorneys licensed to practice law, to
114 assist in the performance of the guardian ad litem duties
115 for the court. Nonattorney volunteer advocates shall not
116 provide legal representation. The court shall have the
117 authority to examine the general and criminal background of
118 persons designated as volunteer advocates, including
119 utilization of the family care safety registry and access
120 line pursuant to sections 210.900 to 210.937, to ensure the
121 safety and welfare of the children such persons are
122 designated to represent. The volunteer advocate shall be
123 provided with all reports relevant to the case made to or by
124 any agency or person, shall have access to all records of
125 such agencies or persons relating to the child or such
126 child's family members or placements of the child, and upon
127 designation by the court to a case, shall be informed of and
128 have the right to attend any and all family support team
129 meetings involving the child. Any such designated person

130 shall receive no compensation from public funds. This shall
131 not preclude reimbursement for reasonable expenses.

132 [7.] 8. Any person appointed to perform guardian ad
133 litem or children's counsel duties shall have completed a
134 training program in permanency planning and shall advocate
135 for timely court hearings whenever possible to attain
136 permanency for a child as expeditiously as possible to
137 reduce the effects that prolonged foster care may have on a
138 child. A nonattorney volunteer advocate shall have access
139 to a court appointed attorney guardian ad litem or child's
140 counsel should the circumstances of the particular case so
141 require.

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

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

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

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

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

12 (a) Tuition, tutoring, and training, including
13 application fees, books, equipment, and testing;

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

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

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

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

25 (6) "Youth", any child under the legal custody of the
26 division where jurisdiction has been granted under section
27 211.041.

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

39 3. (1) The division may accept an appointment to
40 serve as representative payee or fiduciary, or in a similar
41 capacity for payments to a child under any public or private
42 benefit arrangement. Money so received shall be governed by
43 this section to the extent that laws and regulations
44 governing payment of such benefits provide otherwise.

45 (2) In the case of benefits administered by the U.S.
46 Railroad Retirement Board, the Social Security
47 Administration, or the Veterans Administration, the division
48 shall determine whether the child is receiving or otherwise
49 eligible to receive such benefits within sixty days after
50 the child is placed in the division's custody. If the
51 division determines that the child is eligible or may be
52 eligible for the benefits, the division shall apply for the
53 benefits on behalf of the child. If the child is already
54 receiving the benefits before being placed in the division's

55 custody or if the division applies for the benefits on
56 behalf of the child, the division shall identify, in
57 consultation with the child and the child's guardian ad
58 litem, a representative payee in accordance with 20 CFR
59 404.2021 and 20 CFR 416.621 and shall apply to become the
60 representative payee only if no other suitable candidate is
61 available. The division shall annually review if someone
62 other than the division is available, if in the best
63 interests of the child, to apply to assume the role of
64 representative payee.

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

69 4. Any money received by the division on behalf of a
70 child shall be accounted for in the name of the child. Any
71 money in the account of a child [may] shall not be expended
72 by the division for care or services for the child
73 including, but not limited to, foster care maintenance
74 payments, as defined in 42 U.S.C. Section 675(4)(A), and any
75 special allowances or expenses established by the division
76 for the care of children in the division's custody for a
77 child of a similar age; provided, however, that the division
78 may use the benefits administered by the U.S. Railroad
79 Retirement Board, the Social Security Administration, or the
80 Veterans Administration for the child's unmet needs beyond
81 what the division is obligated, required, or agrees to pay.
82 The division shall by rule adopted under chapter 536
83 establish procedures for the accounting of the money and the
84 protection of the money against theft, loss or
85 misappropriation.

86 5. The division shall deposit money with a financial
87 institution. Any earnings attributable to the money in the

88 account of a child shall be credited to that child's
89 account. The division shall receive bids from banking
90 corporations, associations or trust companies which desire
91 to be selected as depositories of children's moneys for the
92 division. The child's account shall be established in a
93 manner consistent with federal and state asset and resource
94 limits and may include a special needs trust, a pooled
95 special needs trust, an ABLE account as defined in section
96 209.600, or any other trust account determined not to
97 interfere with asset limitations for any state or federal
98 benefit program for which the child may be eligible.

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

104 7. Each child for whose benefit funds have been
105 received by the division [and], the guardian ad litem of
106 such child, and the child's counsel shall be furnished
107 annually with a statement listing all transactions involving
108 the funds which have been deposited on the child's behalf,
109 to include each receipt and disbursement.

110 8. The division shall use all proper diligence to
111 dispose of the balance of money accumulated in the child's
112 account when the child is released from the care and custody
113 of the division or the child dies. When the child is
114 deceased the balance shall be disposed of as provided by law
115 for descent and distribution. If, after the division has
116 diligently used such methods and means as considered
117 reasonable to refund such funds, there shall remain any
118 money, the owner of which is unknown to the division, or if
119 known, cannot be located by the division, in each and every
120 such instance such money shall escheat and vest in the state

121 of Missouri, and the director and officials of the division
122 shall pay the same to the state director of the department
123 of revenue, taking a receipt therefor, who shall deposit the
124 money in the state treasury to be credited to a fund to be
125 designated as "escheat".

126 9. Within five years after money has been paid into
127 the state treasury, any person who appears and claims the
128 money may file a petition in the circuit court of Cole
129 County, Missouri, stating the nature of the claim and
130 praying that such money be paid to him. A copy of the
131 petition shall be served upon the director of the department
132 of revenue who shall file an answer to the same. The court
133 shall proceed to examine the claim and the allegations and
134 proof, and if it finds that such person is entitled to any
135 money so paid into the state treasury, it shall order the
136 commissioner of administration to issue a warrant on the
137 state treasurer for the amount of such claim, but without
138 interest or costs. A certified copy of the order shall be
139 sufficient voucher for issuing a warrant; provided, that
140 either party may appeal from the decision of the court in
141 the same manner as provided by law in other civil actions.

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

148 11. Nothing in this section shall be deemed to apply
149 to funds regularly due the state of Missouri for the support
150 and maintenance of children in the care and custody of the
151 division or collected by the state of Missouri as
152 reimbursement for state funds expended on behalf of the
153 child.

154 12. (1) Subject to appropriation, the department of
155 social services shall have the authority to enter into
156 contracts with private individuals, law firms, not-for-
157 profit corporations, or partnerships to apply for benefits
158 on behalf of a child in its custody or under its court-
159 ordered supervision pursuant to chapter 211 for the benefits
160 administered by the U.S. Railroad Retirement Board, the
161 Social Security Administration, or the Veterans
162 Administration, and to establish accounts as set forth in
163 subsection 5 of this section.

164 (2) The department may promulgate all necessary rules
165 and regulations for the administration of this subsection.
166 Any rule or portion of a rule, as that term is defined in
167 section 536.010, that is created under the authority
168 delegated in this section shall become effective only if it
169 complies with and is subject to all of the provisions of
170 chapter 536 and, if applicable, section 536.028. This
171 section and chapter 536 are nonseverable and if any of the
172 powers vested with the general assembly pursuant to chapter
173 536 to review, to delay the effective date, or to disapprove
174 and annul a rule are subsequently held unconstitutional,
175 then the grant of rulemaking authority and any rule proposed
176 or adopted after August 28, 2025, shall be invalid and void.

210.565. 1. Whenever a child is placed in a foster
2 home and the court has determined pursuant to subsection 4
3 of this section that foster home placement with relatives is
4 not contrary to the best interest of the child, the
5 children's division shall give foster home placement to
6 relatives of the child. Notwithstanding any rule of the
7 division to the contrary and under section 210.305, the
8 children's division shall complete a diligent search to
9 locate and notify the grandparents, adult siblings, parents
10 of siblings of the child, and all other relatives and

11 determine whether they wish to be considered for placement
12 of the child. Grandparents who request consideration shall
13 be given preference and first consideration for foster home
14 placement of the child. If more than one grandparent
15 requests consideration, the family support team shall make
16 recommendations to the juvenile or family court about which
17 grandparent should be considered for placement.

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

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

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

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

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

37 (1) Grandparents;

38 (2) Adult siblings or parents of siblings;

39 (3) Relatives; and

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

42 4. The preference for placement and first
43 consideration for grandparents or preference for placement

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

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

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

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

75 8. A grandparent or other relative may, on a case-by-
76 case basis, have standards for licensure not related to

77 safety waived for specific children in care that would
78 otherwise impede licensing of the grandparent's or
79 relative's home. In addition, any person receiving a
80 preference may be licensed in an expedited manner if a child
81 is placed under such person's care.

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

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

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

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

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

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

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

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

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

42 than once every six months for as long as the child is in
43 the custody of the division.

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

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

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

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

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

211.211. 1. A child is entitled to be represented by
2 counsel in all proceedings under subdivision (2) or (3) of
3 subsection 1 of section 211.031 and by a guardian ad litem
4 in all proceedings under subdivision (1) of subsection 1 of
5 section 211.031, except as otherwise provided in subsection
6 3 of section 210.160 when the child shall be represented by
7 counsel and the provisions of section 210.160 shall apply to

8 the appointment of such counsel. Counsel appointed under
9 subsection 3 of section 210.160 shall not be waived.

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

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

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

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

38 (1) That the custodian is indigent; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

211.261. 1. An appeal shall be allowed to the child
2 from any final judgment, order or decree made under the
3 provisions of this chapter and may be taken on the part of
4 the child by its parent, guardian, legal custodian, spouse,
5 relative or next friend. An appeal shall be allowed to a
6 parent from any final judgment, order or decree made under
7 the provisions of this chapter which adversely affects him.
8 An appeal shall be allowed to the juvenile officer from any

9 final judgment, order or decree made under this chapter,
10 except that no such appeal shall be allowed concerning a
11 final determination pursuant to subdivision (3) of
12 subsection 1 of section 211.031. Notice of appeal shall be
13 filed within thirty days after the final judgment, order or
14 decree has been entered but neither the notice of appeal nor
15 any motion filed subsequent to the final judgment acts as a
16 supersedeas unless the court so orders.

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

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

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

25 3. The appeal provided for in subsection 2 of this
26 section shall be an interlocutory appeal, filed in the
27 appropriate district of the Missouri court of appeals.
28 Notice of such interlocutory appeal shall be filed within
29 three days of the entry of the order of trial court; the
30 time limits applicable to such appeal shall be the same as
31 in interlocutory appeals allowed to the state in criminal
32 cases.

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

6 2. The parent or guardian of the person of the child
7 shall be notified of the right to have counsel, and if they
8 request counsel and are financially unable to employ
9 counsel, counsel shall be appointed by the court. Notice of

10 this provision shall be contained in the summons. When the
11 parent is a minor or incompetent the court shall appoint a
12 guardian ad litem to represent such parent.

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

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

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

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

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

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

7 2. Before applicants for a marriage license shall
8 receive a license, and before the recorder of deeds shall be

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

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

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

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

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

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

32 (e) An attestation signed by the incarcerated or
33 military applicant stating in substantial part that the
34 applicant is unable to appear in the presence of the
35 recorder of deeds as a result of the applicant's
36 incarceration or because the applicant has been called or
37 ordered to active military duty out of the state or country,
38 which will be verified by the professional or official who
39 directs the operation of the jail or prison or the military
40 applicant's military officer, or such professional's or
41 official's designee, and acknowledged by a notary public

42 commissioned by the state of Missouri at the time of
43 verification. However, in the case of an applicant who is
44 called or ordered to active military duty outside Missouri,
45 acknowledgment may be obtained by a notary public who is
46 duly commissioned by a state other than Missouri or by
47 notarial services of a military officer in accordance with
48 the Uniform Code of Military Justice at the time of
49 verification;

50 (2) The completed marriage license application of the
51 incarcerated or military applicant is submitted which
52 includes the applicant's Social Security number; except
53 that, in the event the applicant does not have a Social
54 Security number, a sworn statement by the applicant to that
55 effect; and

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

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

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

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

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

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

451.080. 1. The recorders of the several counties of
2 this state, and the recorder of the city of St. Louis,
3 shall, when applied to by any person legally entitled to a

4 marriage license, issue the same which may be in the
5 following form:

6 State of Missouri)
7)
8 ss.
9)
10 County of _____)

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

20 2. [If the man is under eighteen or the woman under
21 eighteen, add the following:

22 The custodial parent or guardian, as the case may
23 be, of the said A B or C D (A B or C D, as the
24 case may require), has given his or her assent to
25 the said marriage.

26 Witness my hand as recorder, with the seal of
27 office hereto affixed, at my office, in _____,
28 the _____ day of _____, 20_____, recorder.

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

33 State of Missouri)
34)
35 ss.

36
37
38
39
40
41

)
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
2 authorizing the marriage of any male or female under
3 [sixteen] eighteen years of age [nor shall a license be
4 issued authorizing the marriage of any male or female twenty-
5 one years of age or older to a male or female under eighteen
6 years of age].

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

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

477.700. 1. There is hereby created the "Child and
2 Family Legal Representation Coordinating Commission" within

3 the judicial branch, which shall be composed of nine members
4 appointed by the chief justice of the Missouri supreme
5 court. At least three members of the coordinating
6 commission shall be attorneys licensed to practice law in
7 this state, who have a minimum of five years of experience
8 representing children as counsel or guardians ad litem. At
9 least one member shall be a former foster youth with direct
10 experience navigating the foster care system in this state.
11 At least one member shall be a resident of this state who
12 has no direct professional affiliation with the legal or
13 child welfare system, but who has demonstrated commitment to
14 child advocacy and protection. The chief justice shall
15 designate one member to serve as chair and one member as
16 vice chair. The vice chair shall preside in the absence of
17 the chair.

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

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

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

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

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

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

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

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

(5) To seek to enhance existing funding sources and to study the availability or development of new funding sources

34 for the provision of uniform, high-quality legal
35 representation for children or families involved in legal
36 proceedings in this state;

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

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

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

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

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

19 appointment of a guardian ad litem, children's counsel, or
20 parent's counsel.

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

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

14 2. The provisions of this section shall expire on
15 January 1, 2028.

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

3 (1) "Childhood sexual abuse", any act committed by the
4 defendant against the plaintiff which act occurred when the
5 plaintiff was under the age of eighteen years and which act
6 would have been a violation of section 566.030, [566.040,
7 566.050] 566.031, 566.032, 566.034, 566.060, [566.070,
8 566.080, 566.090] 566.061, 566.062, 566.064, 566.067,
9 566.068, 566.069, 566.071, 566.083, 566.086, 566.093,
10 566.095, 566.100, [566.110, or 566.120] 566.101, 566.209,
11 566.210, 566.211, or [section] 568.020;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (2) "Abusive head trauma", a serious physical injury
12 to the head or brain caused by any means, including but not

13 limited to shaking, jerking, pushing, pulling, slamming,
14 hitting, or kicking;

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

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

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

31 (6) "Serious emotional injury", an injury that creates
32 a substantial risk of temporary or permanent medical or
33 psychological damage, manifested by impairment of a
34 behavioral, cognitive, or physical condition. Serious
35 emotional injury shall be established by testimony of
36 qualified experts upon the reasonable expectation of
37 probable harm to a reasonable degree of medical or
38 psychological certainty;

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

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

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

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

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

55 4. A person does not commit the offense of abuse or
56 neglect of a child by virtue of the sole fact that the
57 person delivers or allows the delivery of a child to a
58 provider of emergency services.

59 5. (1) A person does not commit the offense of abuse
60 or neglect of a child by virtue of the sole fact that the
61 person allows the child to engage in independent activities
62 without adult supervision and the person is a parent to the
63 child or is responsible for the child's care, provided that
64 the:

65 (a) Independent activities are appropriate based on
66 the child's age, maturity, and physical and mental
67 abilities; and

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

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

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

77 (1) A class D felony, without eligibility for
78 probation, parole, or conditional release until the

79 defendant has served no less than one year of such sentence,
80 unless the person has previously been found guilty of a
81 violation of this section or of a violation of the law of
82 any other jurisdiction that prohibits the same or similar
83 conduct or the injury inflicted on the child is a serious
84 emotional injury or a serious physical injury, in which case
85 abuse or neglect of a child is a class B felony, without
86 eligibility for probation or parole until the defendant has
87 served not less than five years of such sentence; or

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

91 **[6.]** 7. Notwithstanding subsection **[5]** 6 of this
92 section to the contrary, the offense of abuse or neglect of
93 a child is a class A felony, without eligibility for
94 probation, parole, or conditional release until the
95 defendant has served not less than fifteen years of such
96 sentence, if:

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

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

100 (3) The injury is the result of sexual abuse or sexual
101 abuse in the first degree as defined under section 566.100
102 or sexual exploitation of a minor as defined under section
103 573.023.

104 **[7.]** 8. The circuit or prosecuting attorney may refer
105 a person who is suspected of abuse or neglect of a child to
106 an appropriate public or private agency for treatment or
107 counseling so long as the agency has consented to taking
108 such referrals. Nothing in this subsection shall limit the
109 discretion of the circuit or prosecuting attorney to
110 prosecute a person who has been referred for treatment or
111 counseling pursuant to this subsection.

112 [8.] 9. Nothing in this section shall be construed to
113 alter the requirement that every element of any crime
114 referred to herein must be proven beyond a reasonable doubt.

115 [9.] 10. Discipline, including spanking administered
116 in a reasonable manner, shall not be construed to be abuse
117 under this section.

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

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

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

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

20 (a) Assault with a deadly weapon or by means of force
21 likely to cause serious physical injury, as provided in
22 sections 565.050 and 565.052;

23 (b) Robbery, arson and those offenses under chapter
24 569 which are related to robbery and arson;

25 (c) Murder or manslaughter, as provided in sections
26 565.020 to 565.024;

27 (d) Any violation of the provisions of chapter 579
28 which involves the distribution, delivery or manufacture of
29 a substance prohibited by chapter 579;

30 (e) Unlawful use of a weapon which is a felony
31 pursuant to section 571.030;

32 (f) Tampering with witnesses and victims, as provided
33 in section 575.270;

34 (g) Promoting online sexual solicitation, as provided
35 in section 566.103;

36 (h) Sexual trafficking of a child in the first degree,
37 as provided in section 566.210;

38 (i) Sexual trafficking of a child in the second
39 degree, as provided in section 566.211;

40 (j) Patronizing prostitution, as provided in
41 subsection 4 of section 567.030;

42 (k) Promoting prostitution in the first degree, as
43 provided in section 567.050;

44 (l) Promoting prostitution in the second degree, as
45 provided in section 567.060;

46 (m) Abuse or neglect of a child, as provided in
47 subsection [6] 7 of section 568.060;

48 (n) Sexual exploitation of a minor, as provided in
49 section 573.023;

50 (o) Child used in sexual performance, as provided in
51 section 573.200;

52 (p) Promoting sexual performance by a child, as
53 provided in section 573.205; or

54 (q) Any dangerous felony, as defined in section
55 556.061.