

SECOND REGULAR SESSION

HOUSE BILL NO. 1775

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE AMATO.

3906H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 211.455 and 211.459, RSMo, and to enact in lieu thereof two new sections relating to termination of parental rights proceedings.

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

Section A. Sections 211.455 and 211.459, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 211.455 and 211.459, to read as follows:

211.455. 1. Within ~~[thirty]~~ **sixty** days after the filing of the petition, the ~~[juvenile
2 officer]~~ **petitioner** shall meet with the court in order to determine that all parties have been
3 served with summons and to request that the court order the investigation and social study.

4 2. If, at that time, all parties required to be served with summons have not been
5 served, the court, in its discretion, may extend the time for service if the court finds that
6 service may be forthcoming and that the best interests of the child would be served thereby.

7 3. The court shall order an investigation and social study except in cases filed under
8 section 211.444. The investigation and social study shall be made by the juvenile officer, the
9 state children's division or a public or private agency authorized or licensed to care for
10 children or any other competent person, as directed by the court, and a written report shall be
11 made to the court to aid the court in determining whether the termination is in the best
12 interests of the child. It shall include such matters as the parental background, the fitness and
13 capacity of the parent to discharge parental responsibilities, the child's home, present
14 adjustment, physical, emotional and mental condition, and such other facts as are pertinent to
15 the determination. Parties and attorneys or guardians ad litem or volunteer advocates
16 representing them before the court shall have access to the written report. All ordered
17 evaluations and reports shall be made available to the parties and attorneys or guardians ad

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

18 litem or volunteer advocates representing them before the court at least fifteen days prior to
19 any dispositional hearing.

211.459. 1. Within thirty days after the ~~[juvenile officer]~~ **petitioner** and the court
2 have met pursuant to section 211.455, the court shall hold the dispositional hearing where the
3 juvenile officer and any person on whom summons and the petition were served shall have
4 the right and power to subpoena witnesses and present evidence. The court may require any
5 and all investigating division personnel connected with the particular case to testify without
6 privilege and subject to the rules of cross-examination. Such witnesses shall receive as
7 compensation the witness fee and mileage provided in civil cases.

8 2. Stenographic notes or an authorized recording of the hearing shall be required as in
9 civil actions in the circuit court.

10 3. Any person, official or institution participating in good faith in the making of a
11 report, the taking of photographs or the making of radiological examinations pursuant to
12 sections 210.110 to 210.165, or the removal or retention of a child pursuant to sections
13 210.110 to 210.165 shall have immunity from all civil liability which might arise by reason of
14 such actions. All such persons, officials and institutions shall have the same immunity with
15 respect to participation in any judicial proceeding resulting from a report made pursuant to
16 sections 210.110 to 210.165.

17 4. No legally recognized privileged communication, except that between priest,
18 minister, or rabbi and parishioner, and attorney client, shall constitute grounds for excluding
19 evidence at any proceeding for the termination of parental rights.

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