

SECOND REGULAR SESSION

# HOUSE BILL NO. 3124

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SELF.

5894H.011

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal sections 207.020, 210.145, 210.1271, 210.1500, 211.021, 211.031, 211.032, 211.033, 211.041, 211.059, 211.061, 211.063, 211.068, 211.071, 211.072, 211.073, 211.091, 211.093, 211.151, 211.181, 211.211, 211.261, 211.321, 211.421, 211.425, 211.431, 211.435, 219.021, 221.044, 488.315, 488.5026, 488.5339, 491.699, 558.003, 568.050, and 595.045, RSMo, and to enact in lieu thereof thirty-three new sections relating to juvenile court proceedings, with penalty provisions.

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

Section A. Sections 207.020, 210.145, 210.1271, 210.1500, 211.021, 211.031, 211.032, 211.033, 211.041, 211.059, 211.061, 211.063, 211.068, 211.071, 211.072, 211.073, 211.091, 211.093, 211.151, 211.181, 211.211, 211.261, 211.321, 211.421, 211.425, 211.431, 211.435, 219.021, 221.044, 488.315, 488.5026, 488.5339, 491.699, 558.003, 568.050, and 595.045, RSMo, are repealed and thirty-three new sections enacted in lieu thereof, to be known as sections 207.020, 210.145, 210.1271, 210.1500, 211.021, 211.031, 211.032, 211.033, 211.041, 211.059, 211.061, 211.063, 211.068, 211.071, 211.072, 211.073, 211.091, 211.093, 211.151, 211.181, 211.211, 211.261, 211.321, 211.421, 211.425, 211.431, 219.021, 221.044, 488.5026, 488.5339, 491.699, 568.050, and 595.045, to read as follows:

207.020. 1. In addition to the powers, duties and functions vested in the children's division by other provisions of this chapter or by other laws of this state, the division shall have the power:

(1) To sue and be sued;

(2) To make contracts and carry out the duties imposed upon it by this or any other law;

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.

7 (3) To administer, disburse, dispose of and account for funds, commodities,  
8 equipment, supplies or services, and any kind of property given, granted, loaned, advanced to  
9 or appropriated by the state of Missouri for any of the purposes herein;

10 (4) To administer oaths, issue subpoenas for witnesses, examine such witnesses under  
11 oath, and make and keep a record of same;

12 (5) To adopt, amend and repeal rules and regulations necessary or desirable to carry  
13 out the provisions of this chapter and which are not inconsistent with the constitution or laws  
14 of this state;

15 (6) To cooperate with the United States government in matters of mutual concern  
16 pertaining to any duties wherein the children's division is acting as a state agency, including  
17 the adoption of such methods of administration as are found by the United States government  
18 to be necessary for the efficient operation of state plans hereunder;

19 (7) To make such reports in such form and containing such information as the United  
20 States government may, from time to time, require, and comply with such provisions as the  
21 United States government may, from time to time, find necessary to assure the correctness  
22 and verification of such reports;

23 (8) To establish, extend and strengthen child welfare services for the protection and  
24 care of homeless, dependent and neglected children and children in danger of becoming  
25 delinquent;

26 (9) To expend child welfare service funds for payment of part of the cost of district,  
27 county or other local child welfare services;

28 (10) To administer state child welfare activities and develop state services for the  
29 encouragement and assistance of adequate methods of community child welfare  
30 organizations;

31 (11) To appoint, when and if it may deem necessary, advisory committees to provide  
32 professional or technical consultation in respect to welfare problems and welfare  
33 administration. The members of such advisory committees shall receive no compensation  
34 for their services other than expenses actually incurred in the performance of their official  
35 duties. The number of members of each such advisory committee shall be determined by the  
36 children's division, and such advisory committees shall consult with and advise the children's  
37 division in respect to problems and policies incident to the administration of the particular  
38 function germane to the respective field of competence;

39 (12) To initiate or cooperate with other agencies in developing measures for the  
40 prevention of dependency and the rehabilitation of children;

41 (13) To collect statistics, make special fact-finding studies and publish reports in  
42 reference to its duties;

43 (14) To establish or cooperate in research or demonstration projects relative to the  
44 welfare program, such as those relating to the prevention and reduction of dependency and  
45 economic distress, or which will aid in effecting coordination of planning between private and  
46 public welfare agencies, or which will help improve the administration and effectiveness of  
47 programs carried on or assisted under the federal Social Security Act and the programs related  
48 thereto;

49 (15) To provide appropriate public welfare services to promote, safeguard and protect  
50 the social well-being and general welfare of children and to help maintain and strengthen  
51 family life, and to provide such public welfare services to aid children and their families as  
52 may be authorized by law;

53 (16) Upon request, to cooperate with the juvenile court and furnish social studies and  
54 reports to the court with respect to children as to whom adoption, abuse, or neglect petitions  
55 have been filed;

56 (17) To accept for social services and care, homeless, dependent or neglected children  
57 in all counties where legal custody is vested in the children's division by the juvenile court  
58 where the juvenile court has acquired jurisdiction pursuant to subdivision (1) [~~or (2)~~] of  
59 subsection 1 of section 211.031; provided that prior to legal custody being vested in the  
60 children's division, the children's division shall conduct an evaluation of the child, examine  
61 the child and investigate all pertinent circumstances of his or her background for the purpose  
62 of determining appropriate services and a treatment plan for the child. This evaluation shall  
63 involve local division staff and consultation with the juvenile officer or such officer's  
64 designee, appropriate state agencies, including but not limited to the department of mental  
65 health and the department of elementary and secondary education, or private practitioners  
66 who are knowledgeable of the child or programs or services appropriate to the needs of the  
67 child and shall be completed within thirty days. Temporary custody may be placed with the  
68 children's division while the evaluation is being conducted. A report of such proceedings and  
69 findings shall be submitted in writing to the appropriate court:

70 (a) The children's division may, at any time, if it finds the child placed in its custody  
71 is in need of care or treatment other than that which it can provide, apply to the court which  
72 placed such child for an order relieving it of custody of such child. The court must make a  
73 determination within ten days and the court shall be vested with full power to make such  
74 disposition of the child as is authorized by law, including continued custody;

75 (b) However, no payments for care shall be made:

76 a. To facilities with which the children's division has no contract to provide such care,  
77 or to facilities in the state of Missouri which are not licensed by the state of Missouri unless  
78 exempt from such licensure;

79           b. To any facility outside the state of Missouri unless the children's division  
80 determines that there is no facility in the state of Missouri which can provide substantially  
81 equivalent care, except that this limitation shall not apply to any facility outside the state of  
82 Missouri if that facility is the closest available facility to the child's home or the children's  
83 division determines that such placement is in the child's best interest; nor

84           c. To any facility outside the state of Missouri which is not licensed or exempted from  
85 licensure by the state in which it is located, or which cannot document that it meets  
86 requirements which would be necessary for licensure in the state of Missouri. The term  
87 "care" shall include room, board, clothing, medical care, dental care, social services and  
88 incidentals;

89           (18) To accept gifts and grants of any property, real or personal, and to sell said  
90 property and expend such gifts or grants not inconsistent with the administration of this  
91 chapter and within the limitations imposed by the donor thereof;

92           (19) To make periodic surveys of cost-of-living factors in relation to the duties and  
93 responsibilities of the division, and establish standards or budgetary guides for determining  
94 minimum costs of meeting such requirements, and amend such standards from time to time as  
95 circumstances may require.

96           2. All powers and duties of the children's division shall, so far as applicable, apply to  
97 the administration of any other law or state law wherein duties are imposed upon the  
98 children's division acting as a state agency.

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

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

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

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

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

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

17 promulgate rules regarding the structured decision-making protocols to be utilized for all  
18 child abuse and neglect reports.

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

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

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

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

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

52 7. The local office shall contact the appropriate law enforcement agency immediately  
53 upon receipt of a report which division personnel determine merits an investigation and

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

59 8. (1) The local office of the division shall cause an investigation or family  
60 assessment and services approach to be initiated in accordance with the protocols established  
61 in subsection 2 of this section, except in cases where the sole basis for the report is  
62 educational neglect. If the report indicates that educational neglect is the only complaint and  
63 there is no suspicion of other neglect or abuse, the investigation shall be initiated within  
64 seventy-two hours of receipt of the report. If the report indicates the child is in danger of  
65 serious physical harm or threat to life, an investigation shall include direct observation of the  
66 subject child within twenty-four hours of the receipt of the report. Local law enforcement  
67 shall take all necessary steps to facilitate such direct observation. Callers to the child abuse  
68 and neglect hotline shall be instructed by the division's hotline to call 911 in instances where  
69 the child may be in immediate danger. If the parents of the child are not the alleged  
70 perpetrators, a parent of the child must be notified prior to the child being interviewed by the  
71 division. No person responding to or investigating a child abuse and neglect report shall call  
72 prior to a home visit or leave any documentation of any attempted visit, such as business  
73 cards, pamphlets, or other similar identifying information if he or she has a reasonable basis  
74 to believe the following factors are present:

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

80 (2) If the division is responding to an investigation of abuse or neglect, the person  
81 responding shall first ensure safety of the child through direct observation and  
82 communication with the child. If the parent or alleged perpetrator is present during a visit  
83 by the person responding to or investigating the report, such person shall present  
84 identification and verbally identify himself or herself and his or her role in the  
85 investigation and shall provide written material to the parent or alleged perpetrator  
86 informing him or her of his or her rights regarding such visit, including but not limited to the  
87 right to contact an attorney. The parent or alleged perpetrator shall be given a reasonable  
88 amount of time to read such written material or have such material read to him or her by the  
89 case worker before the visit commences, but in no event shall such time exceed five minutes;  
90 except that, such requirement to provide written material and reasonable time to read such

91 material shall not apply in cases where the child faces an immediate threat or danger, or the  
92 person responding to or investigating the report is or feels threatened or in danger of physical  
93 harm. If the abuse is alleged to have occurred in a school or child care facility the division  
94 shall not meet with the child in any school building or child care facility building where abuse  
95 of such child is alleged to have occurred. When the child is reported absent from the  
96 residence, the location and the well-being of the child shall be verified. For purposes of this  
97 subsection, child care facility shall have the same meaning as such term is defined in section  
98 210.201.

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

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

125 10. The investigation shall include but not be limited to the nature, extent, and cause  
126 of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect;  
127 the names and conditions of other children in the home, if any; the home environment and the

128 relationship of the subject child to the parents or other persons responsible for the child's care;  
129 any indication of incidents of physical violence against any other household or family  
130 member; and other pertinent data.

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

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

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

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

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

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

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

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

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

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

181 17. (1) Within forty-five days of an oral report of abuse or neglect, the local office  
182 shall update the information in the information system. The information system shall contain,  
183 at a minimum, the determination made by the division as a result of the investigation,  
184 identifying information on the subjects of the report, those responsible for the care of the  
185 subject child and other relevant dispositional information. The division shall complete all  
186 investigations within forty-five days, unless good cause for the failure to complete the  
187 investigation is specifically documented in the information system. Good cause for failure to  
188 complete an investigation shall include, but not be limited to:

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

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

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

200

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

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

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

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

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

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

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

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

240

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

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

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

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

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

210.1271. 1. Notwithstanding any other remedy, the department, the prosecuting or  
2 circuit attorney of the county where the facility is located, or the attorney general may seek  
3 injunctive relief to cease the operation of the residential care facility and provide for the  
4 appropriate removal of the children from the residential care facility and placement in the  
5 custody of the parent or legal guardian or any other appropriate individual or entity in the  
6 discretion of the court, refer the matter to the juvenile officer of the appropriate county for  
7 appropriate proceedings under chapter 211, or other orders as the court determines  
8 appropriate to ensure the health and safety of the children. Such action shall be brought in the  
9 circuit court of the county in which such residential care facility is located and shall be  
10 initiated only for the following violations:

11 (1) Providing supervision, care, lodging, or maintenance for any children in such  
12 facility without filing notification in accordance with sections 210.1250 to 210.1286;

13 (2) Failing to satisfactorily comply with all fire, safety, health, and sanitation  
14 inspections as may be required by state law or local ordinance and required under section  
15 210.252;

16 (3) Failing to comply with background checks as required by section 210.493; or

17 (4) An immediate health or safety concern for the children at the residential care  
18 facility.

19 2. In cases of an order granted ex parte under subsection 1 of this section requiring a  
20 residential care facility to cease operations, a hearing shall be held within three business days  
21 to determine whether the order shall remain in effect, with attempted notice to the facility and  
22 the parents or guardians and due process for all parties. In determining whether the order  
23 shall remain in effect, the court shall consider whether there exists reasonable cause to believe  
24 that the grounds for the original ex parte order continue to persist or if additional grounds  
25 exist to support the ex parte order as necessary to protect the health and safety of the children  
26 at the facility.

27 3. The department may notify the attorney general of any case in which the  
28 department makes a referral to a juvenile officer for removal of a child from a residential care  
29 facility. The notification shall include any violations under subsection 1 of this section.

30 4. If the court refers the matter to a juvenile officer, the court may also enter an order  
31 placing a child in the emergency, temporary protective custody of the children's division  
32 within the department, as provided under this section, for a period of time not to exceed five  
33 days. Such placement shall occur only if the children's division certifies to the court that the  
34 children's division has a suitable, temporary placement for the child and the court makes  
35 specific, written findings that:

36 (1) It is contrary to the welfare of the child to remain in the residential care facility;

37 (2) That the parent or legal guardian is unable or unwilling to take physical custody of  
38 the child within that time; and

39 (3) There is no other temporary, suitable placement for the child.

40

41 If the parent or legal guardian of the child does not make suitable arrangements for the  
42 custody and disposition of the child within five days of placement within the children's  
43 division, the child shall fall under the original and exclusive jurisdiction of the juvenile court  
44 under subdivision (1) [~~or (2)~~] of subsection 1 of section 211.031 and the juvenile officer shall  
45 file a petition with the juvenile court for further proceedings. Under no circumstances shall  
46 the children's division be required to retain care and custody of the child for more than five  
47 days without an order from the juvenile court.

48           5. The provisions of sections 452.700 to 452.930 shall apply and the court shall  
49 follow the procedures specified under section 452.755 for children who are placed at a  
50 residential care facility and who are from another state or country or are under the jurisdiction  
51 or authority of a court from another state.

210.1500. 1. When a child is located by a police officer or law enforcement official  
2 and there is reasonable cause to suspect the child may be a victim of sex trafficking or severe  
3 forms of trafficking as those terms are defined under 22 U.S.C. Section 7102, the police  
4 officer or law enforcement official shall immediately cause a report to be made to the  
5 children's division in accordance with section 210.115. Upon receipt of a report by the  
6 children's division and if the children's division determines that the report merits an  
7 investigation, the reporting official and the children's division shall ensure the immediate  
8 safety of the child and shall coinvestigate the complaint to its conclusion.

9           2. If the police officer or law enforcement official has reasonable cause to believe that  
10 the child is in imminent danger of suffering serious physical harm or a threat to life as a result  
11 of abuse or neglect due to sex trafficking or sexual exploitation and such officer or official has  
12 reasonable cause to believe the harm or threat to life may occur before a juvenile court is able  
13 to issue a temporary protective custody order or before a juvenile officer is able to take the  
14 child into protective custody, the police officer or law enforcement official may take or retain  
15 temporary protective custody of the child without the consent of the child's parent or parents,  
16 guardian, or any other person legally responsible for the child's care, as provided under  
17 section 210.125.

18           3. If the child is already under the jurisdiction of the court under ~~[paragraph (a) of]~~  
19 subdivision (1) of subsection 1 of section 211.031 and in the legal custody of the children's  
20 division, the police officer or law enforcement official, along with the children's division,  
21 shall secure placement for the child in the least restrictive setting in order to ensure the safety  
22 of the child from further sex trafficking or severe forms of trafficking.

23           4. The children's division and the reporting officer or official shall ensure a referral is  
24 made to the child advocacy center for a forensic interview and an evaluation, as necessary to  
25 ensure the medical safety of the child, by a SAFE CARE provider as defined under section  
26 334.950. The child shall be assessed utilizing a validated screening tool specific to sex  
27 trafficking to ensure the appropriate resources are secured for the treatment of the child.

28           5. For purposes of this section, multidisciplinary teams shall be used when  
29 conducting an investigation. Multidisciplinary teams shall be used in providing protective or  
30 preventive social services, including the services of law enforcement upon the request by the  
31 department of social services, a liaison of the local public school, the juvenile officer, the  
32 juvenile court, and other agencies, both public and private, to secure appropriate services to  
33 meet the needs of the child.

211.021. As used in this chapter, unless the context clearly requires otherwise:

- 2 (1) "Adult" means a person ~~[eighteen]~~ **seventeen** years of age or older;
- 3 (2) "Child" means any person under ~~[eighteen]~~ **seventeen** years of age;
- 4 (3) "Juvenile court" means the juvenile division or divisions of the circuit court of the
- 5 county, or judges while hearing juvenile cases assigned to them;
- 6 (4) "Legal custody" means the right to the care, custody and control of a child and the
- 7 duty to provide food, clothing, shelter, ordinary medical care, education, treatment and
- 8 discipline of a child. Legal custody may be taken from a parent only by court action and if
- 9 the legal custody is taken from a parent without termination of parental rights, the parent's
- 10 duty to provide support continues even though the person having legal custody may provide
- 11 the necessities of daily living;
- 12 (5) "Parent" means either a natural parent or a parent by adoption and if the child is
- 13 illegitimate, "parent" means the mother;
- 14 (6) "Shelter care" means the temporary care of juveniles in physically unrestricting
- 15 facilities pending final court disposition. These facilities may include:
- 16 (a) "Foster home", the private home of foster parents providing twenty-four-hour care
- 17 to one to three children unrelated to the foster parents by blood, marriage or adoption;
- 18 (b) "Group foster home", the private home of foster parents providing twenty-four-
- 19 hour care to no more than six children unrelated to the foster parents by blood, marriage or
- 20 adoption;
- 21 (c) "Group home", a child care facility which approximates a family setting, provides
- 22 access to community activities and resources, and provides care to no more than twelve
- 23 children.

211.031. 1. Except as otherwise provided in this chapter **or as otherwise provided**

2 **by law**, the juvenile court or the family court in circuits that have a family court as provided

3 in chapter 487 shall have exclusive original jurisdiction in proceedings:

- 4 (1) Involving any child who may be a resident of or found within the county and who
- 5 is alleged to be in need of care ~~[and treatment because:~~
- 6 ~~(a) The parents, or other persons legally responsible for the care and support of the~~
- 7 ~~child, neglect or refuse to provide proper support, education which is required by law,~~
- 8 ~~medical, surgical or other care necessary for his or her well-being; except that reliance by a~~
- 9 ~~parent, guardian or custodian upon remedial treatment other than medical or surgical~~
- 10 ~~treatment for a child shall not be construed as neglect when the treatment is recognized or~~
- 11 ~~permitted pursuant to the laws of this state;~~
- 12 ~~(b) The child is otherwise without proper care, custody or support;~~

13 ~~(c) The child was living in a room, building or other structure at the time such~~  
14 ~~dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to~~  
15 ~~section 195.130; or~~

16 ~~(d) The child is in need of mental health services and the parent, guardian or~~  
17 ~~custodian is unable to afford or access appropriate mental health treatment or care for the~~  
18 ~~child], **protection, or rehabilitation;**~~

19 ~~(2) [Involving any child who may be a resident of or found within the county and who~~  
20 ~~is alleged to be in need of care and treatment because:~~

21 ~~(a) The child while subject to compulsory school attendance is repeatedly and without~~  
22 ~~justification absent from school;~~

23 ~~(b) The child disobeys the reasonable and lawful directions of his or her parents or~~  
24 ~~other custodian and is beyond their control;~~

25 ~~(c) The child is habitually absent from his or her home without sufficient cause,~~  
26 ~~permission, or justification;~~

27 ~~(d) The behavior or associations of the child are otherwise injurious to his or her~~  
28 ~~welfare or to the welfare of others; or~~

29 ~~(e) The child is charged with an offense not classified as criminal, or with an offense~~  
30 ~~applicable only to children; except that, the juvenile court shall not have jurisdiction over any~~  
31 ~~child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance~~  
32 ~~or regulation, the violation of which does not constitute a felony, or any child who is alleged~~  
33 ~~to have violated a state or municipal ordinance or regulation prohibiting possession or use of~~  
34 ~~any tobacco product;~~

35 ~~(3) [Involving any child who is alleged to have violated a state law or municipal~~  
36 ~~ordinance]; or any person who is alleged to have violated a state law or municipal ordinance~~  
37 ~~prior to attaining the age of eighteen years, in which cases jurisdiction may be taken by the~~  
38 ~~court of the circuit in which the violation is alleged to have occurred, except as provided in~~  
39 ~~subsection 2 of this section; except that, the juvenile court shall not have jurisdiction over any~~  
40 ~~child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance~~  
41 ~~or regulation, the violation of which does not constitute a felony, and except that the juvenile~~  
42 ~~court shall have concurrent jurisdiction with the municipal court over any child who is alleged~~  
43 ~~to have violated a municipal curfew ordinance, and except that the juvenile court shall have~~  
44 ~~concurrent jurisdiction with the circuit court on any child who is alleged to have violated a~~  
45 ~~state or municipal ordinance or regulation prohibiting possession or use of any tobacco~~  
46 ~~product;~~

47 ~~(4) For the adoption of a person;~~

48 ~~(5) For the commitment of a child to the guardianship of the department of social~~  
49 ~~services as provided by law;~~

50 ~~(6) Involving an order of protection pursuant to chapter 455 when the respondent is~~  
51 ~~less than eighteen years of age; and~~

52 ~~(7) Involving a child who has been a victim of sex trafficking or sexual exploitation].~~

53 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child who resides  
54 in a county of this state shall be made as follows:

55 (1) Prior to the filing of a petition and upon request of any party or at the discretion of  
56 the juvenile officer, the matter in the interest of a child may be transferred by the juvenile  
57 officer, with the prior consent of the juvenile officer of the receiving court, to the county of  
58 the child's residence ~~[or the residence of the person eighteen years of age]~~ for future action;

59 (2) Upon the motion of any party or on its own motion prior to final disposition on the  
60 pending matter, the court in which a proceeding is commenced may transfer the proceeding of  
61 a child to the court located in the county of the child's residence, or the county in which the  
62 offense pursuant to subdivision ~~[(3)]~~ (2) of subsection 1 of this section is alleged to have  
63 occurred for further action;

64 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has  
65 been taken pursuant to subsection 1 of this section may at any time thereafter transfer  
66 jurisdiction of a child to the court located in the county of the child's residence for further  
67 action with the prior consent of the receiving court;

68 (4) Upon motion of any party or upon its own motion at any time following a  
69 judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction  
70 of the cause may place the child under the supervision of another juvenile court within or  
71 without the state pursuant to section 210.570 with the consent of the receiving court;

72 (5) Upon motion of any child or his or her parent, the court having jurisdiction shall  
73 grant one change of judge pursuant to Missouri supreme court rules;

74 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child,  
75 certified copies of all legal and social documents and records pertaining to the case on file  
76 with the clerk of the transferring juvenile court shall accompany the transfer.

77 3. In any proceeding involving any child taken into custody in a county other than the  
78 county of the child's residence, the juvenile court of the county of the child's residence shall  
79 be notified of such taking into custody within seventy-two hours.

80 4. When an investigation by a juvenile officer pursuant to this section reveals that the  
81 only basis for action involves an alleged violation of section 167.031 involving a child who  
82 alleges to be receiving instruction at a home school or an FPE school, the juvenile officer  
83 shall contact a parent or parents of such child to verify that the child is receiving instruction at  
84 such school and not in violation of section 167.031 before making a report of such a violation.  
85 Any report of a violation of section 167.031 made by a juvenile officer regarding a child who

86 is receiving instruction at a home school or an FPE school shall be made to the prosecuting  
87 attorney of the county where the child legally resides.

88           5. The disability or disease of a parent shall not constitute a basis for a determination  
89 that a child is a child in need of care or for the removal of custody of a child from the parent  
90 without a specific showing that there is a causal relation between the disability or disease and  
91 harm to the child.

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

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

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

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

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

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

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

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

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

          211.033. 1. No person under the age of ~~eighteen~~ **seventeen** years, except those  
2 transferred to the court of general jurisdiction under the provisions of section 211.071, shall  
3 be detained in a jail or other adult detention facility as that term is defined in section 211.151.

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

          211.041. When jurisdiction over the person of a child has been acquired by the  
2 juvenile court under the provisions of this chapter in proceedings coming within the  
3 applicable provisions of section 211.031, the jurisdiction of the child may be retained for the  
4 purpose of this chapter until he or she has attained the age of twenty-one years, except in  
5 cases where he or she is committed to and received by the division of youth services, unless  
6 jurisdiction has been returned to the committing court by provisions of chapter 219 through  
7 requests of the court to the division of youth services and except in any case where he or she  
8 has not paid an assessment imposed in accordance with section 211.181 or in cases where the  
9 judgment for restitution entered in accordance with section 211.185 has not been satisfied.  
10 Every child over whose person the juvenile court retains jurisdiction shall be prosecuted  
11 under the general law for any violation of a state law or of a municipal ordinance which he or  
12 she commits after he or she becomes ~~eighteen~~ **seventeen** years of age. The juvenile court  
13 shall have no jurisdiction with respect to any such violation and, so long as it retains

14 jurisdiction of the child, shall not exercise its jurisdiction in such a manner as to conflict with  
15 any other court's jurisdiction as to any such violation.

211.059. 1. When a child is taken into custody by a juvenile officer or law  
2 enforcement official, with or without a warrant for an offense in violation of the juvenile code  
3 or the general law which would place the child under the jurisdiction of the juvenile court  
4 pursuant to ~~[subdivision (2) or (3) of]~~ subsection 1 of section 211.031, the child shall be  
5 advised, orally and in writing, prior to questioning:

6 (1) That the child has the right to remain silent;

7 (2) That any statement the child does make to anyone can be and may be used against  
8 the child in subsequent juvenile court proceedings;

9 (3) That the child has a right to have a parent, guardian or custodian present during  
10 questioning;

11 (4) That the child has a right to consult with an attorney and that one will be  
12 appointed and paid for ~~him~~ **the child** if ~~he~~ **the child** cannot afford one;

13 (5) That the child has the right to stop talking at any time; and

14 (6) That any statement the child does make to law enforcement can be and may be  
15 used against the child if the child is transferred to a court of general jurisdiction to be  
16 prosecuted under the general law.

17 2. The juvenile officer shall halt or discontinue any questioning by law enforcement  
18 upon notice from the child that the child wishes to stop being questioned.

19 3. The juvenile officer shall ensure a child is advised of the limited role of the  
20 juvenile officer during questioning by law enforcement and specifically advise the child that  
21 the juvenile officer is not legal counsel for the child or an advocate for the child during  
22 questioning by law enforcement.

23 4. The juvenile officer shall not participate in the questioning by law enforcement by  
24 asking any questions or soliciting any information from the child regarding the alleged  
25 offense or offenses.

26 5. When a child is taken into custody by a juvenile officer or law enforcement official  
27 which places the child under the jurisdiction of the juvenile court under subdivision (1) of  
28 subsection 1 of section 211.031, including any interactions with the child by the children's  
29 division, the following shall apply:

30 (1) If the child indicates in any manner at any stage during questioning involving the  
31 alleged abuse and neglect that the child does not wish to be questioned any further on the  
32 allegations, or that the child wishes to have his or her parent, legal guardian, or custodian if  
33 such parent, guardian, or custodian is not the alleged perpetrator, or his or her attorney present  
34 during questioning as to the alleged abuse, the questioning of the child shall cease on the  
35 alleged abuse and neglect until such a time that the child does not object to talking about the

36 alleged abuse and neglect unless the interviewer has reason to believe that the parent, legal  
37 guardian, or custodian is acting to protect the alleged perpetrator. Nothing in this subdivision  
38 shall be construed to prevent the asking of any questions necessary for the care, treatment, or  
39 placement of a child; and

40 (2) Notwithstanding any prohibition of hearsay evidence, all video or audio  
41 recordings of any meetings, interviews, or interrogations of a child shall be presumed  
42 admissible as evidence in any court or administrative proceeding involving the child if the  
43 following conditions are met:

44 (a) Such meetings, interviews, or interrogations of the child are conducted by the state  
45 prior to or after the child is taken into the custody of the state; and

46 (b) Such video or audio recordings were made prior to the adjudication hearing in the  
47 case. Nothing in this paragraph shall be construed to prohibit the videotaping or audiotaping  
48 of any such meetings, interviews, or interrogations of a child after the adjudication hearing;  
49 and

50 (3) Only upon a showing by clear and convincing evidence that such a video or audio  
51 recording lacks sufficient indicia of reliability shall such recording be inadmissible.

52

53 The provisions of this subsection shall not apply to statements admissible under section  
54 491.075 or 492.304 in criminal proceedings.

211.061. 1. When a child is taken into custody with or without warrant for an  
2 offense, the child, together with any information concerning the child and the personal  
3 property found in the child's possession, shall be taken immediately and directly before the  
4 juvenile court or delivered to the juvenile officer or person acting for the child.

5 2. If any person is taken before a circuit or associate circuit judge not assigned to  
6 juvenile court or a municipal judge, and it is then, or at any time thereafter, ascertained that he  
7 or she was under the age of ~~eighteen~~ **seventeen** years at the time he or she is alleged to have  
8 committed the offense, or that he or she is subject to the jurisdiction of the juvenile court as  
9 provided by this chapter, it is the duty of the judge forthwith to transfer the case or refer the  
10 matter to the juvenile court, and direct the delivery of such person, together with information  
11 concerning him or her and the personal property found in his or her possession, to the juvenile  
12 officer or person acting as such.

13 3. When the juvenile court is informed that a child is in detention it shall examine the  
14 reasons therefor and shall immediately:

15 (1) Order the child released; or

16 (2) Order the child continued in detention until a detention hearing is held. An order  
17 to continue the child in detention shall only be entered upon the filing of a petition or motion  
18 to modify and a determination by the court that probable cause exists to believe that the child

19 has committed acts specified in the petition or motion that bring the child within the  
20 jurisdiction of the court under ~~[subdivision (2) or (3) of]~~ subsection 1 of section 211.031.

21 4. A juvenile shall not remain in detention for a period greater than twenty-four hours  
22 unless the court orders a detention hearing. If such hearing is not held within three days,  
23 excluding Saturdays, Sundays and legal holidays, the juvenile shall be released from  
24 detention unless the court for good cause orders the hearing continued. The detention hearing  
25 shall be held within the judicial circuit at a date, time and place convenient to the court.  
26 Notice of the date, time and place of a detention hearing, and of the right to counsel, shall be  
27 given to the juvenile and his or her custodian in person, by telephone, or by such other  
28 expeditious method as is available.

211.063. 1. A child accused of violating the provisions of subdivision ~~[(2)]~~ (1) of  
2 subsection 1 of section 211.031 shall not be held in a secure detention placement for a period  
3 greater than twenty-four hours, excluding Saturdays, Sundays and legal holidays, unless the  
4 court finds pursuant to a probable cause hearing held within that twenty-four-hour period, that  
5 the child has violated the conditions of a valid court order and that:

- 6 (1) The child has a record of willful failure to appear at juvenile court proceedings; or  
7 (2) The child has a record of violent conduct resulting in physical injury to self or  
8 others; or  
9 (3) The child has a record of leaving a court-ordered placement, other than secure  
10 detention, without permission.

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

- 12 (1) "Secure detention", any public or private residential facility used for the  
13 temporary placement of any child if such facility includes construction fixtures designed to  
14 physically restrict the movements and activities of children held in the lawful custody of such  
15 facility;  
16 (2) "Valid court order", an order issued by a court of competent jurisdiction regarding  
17 a child who has been brought before the court, which sets forth specific conditions of  
18 behavior for the child and consequences of violations of such conditions.

19 3. This section shall not apply:

- 20 (1) ~~[To a child who has been taken under the jurisdiction of the court pursuant to~~  
21 ~~subdivision (3) of subsection 1 of section 211.031; or~~  
22 ~~(2)]~~ To a child who was adjudicated pursuant to subdivision ~~[(3)]~~ (2) of subsection 1  
23 of section 211.031 after being taken under the jurisdiction of the court; or  
24 (3) To a child who is currently charged with a violation under subdivision ~~[(3)]~~ (2) of  
25 subsection 1 of section 211.031.

211.068. Upon the filing of a motion to dismiss the petition pursuant to section  
2 211.071 to allow prosecution under the general law, the juvenile officer shall provide the

3 prosecuting or circuit attorney who has jurisdiction with a copy of such motion. The  
4 prosecuting or circuit attorney shall have access to police reports, reports of the juvenile/  
5 deputy juvenile officer, statements of witnesses and all other records or reports relating to the  
6 offense alleged to have been committed by the child. The prosecuting or circuit attorney shall  
7 have access to the disposition records of the child when the child has been adjudicated  
8 pursuant to subdivision ~~(3)~~ (2) of subsection 1 of section 211.031. The prosecuting or  
9 circuit attorney shall have the right to be present at the hearing and testify as to the likelihood  
10 of prosecution under the general law in the event the court dismisses the petition thereby  
11 allowing prosecution under the general law. No testimony given by the prosecutor may be  
12 used as evidence in any subsequent stage of the juvenile or criminal case.

211.071. 1. If a petition or motion to modify alleges that a child between the ages of  
2 fourteen and ~~eighteen~~ **seventeen** has committed an offense that would be considered a  
3 felony if committed by an adult, the court may, upon its own motion or upon motion by the  
4 juvenile officer, the child, or the child's custodian, order a hearing and may, in its discretion,  
5 dismiss the petition or motion to modify and such child may be transferred to the court of  
6 general jurisdiction and prosecuted under the general law; except that, if a petition alleges that  
7 a child between the ages of twelve and ~~eighteen~~ **seventeen** has committed an offense that  
8 would be considered first degree murder under section 565.020, second degree murder under  
9 section 565.021, first degree assault under section 565.050, forcible rape under section  
10 566.030 as it existed prior to August 28, 2013, rape in the first degree under section 566.030,  
11 forcible sodomy under section 566.060 as it existed prior to August 28, 2013, sodomy in the  
12 first degree under section 566.060, first degree robbery under section 569.020 as it existed  
13 prior to January 1, 2017, robbery in the first degree under section 570.023, distribution of  
14 drugs under section 195.211 as it existed prior to January 1, 2017, or the manufacturing of a  
15 controlled substance under section 579.055, if committed by an adult, or a dangerous felony  
16 as defined in section 556.061, or any felony involving the use, assistance, or aid of a deadly  
17 weapon, or has committed two or more prior unrelated offenses that would be felonies if  
18 committed by an adult, the court shall order a hearing, and may, in its discretion, dismiss the  
19 petition or motion to modify and transfer the child to a court of general jurisdiction for  
20 prosecution under the general law.

21 2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly  
22 committed by any person between ~~eighteen~~ **seventeen** and twenty-one years of age over  
23 whom the juvenile court has retained continuing jurisdiction shall automatically terminate and  
24 that offense shall be dealt with in the court of general jurisdiction as provided in section  
25 211.041.

26 3. Knowing and willful age misrepresentation by a juvenile subject shall not affect  
27 any action or proceeding which occurs based upon the misrepresentation. Any evidence

28 obtained during the period of time in which a child misrepresents his or her age may be used  
29 against the child and will be subject only to rules of evidence applicable in adult proceedings.

30 4. Written notification of a transfer hearing shall be given to the juvenile and his or  
31 her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the  
32 hearing may be waived by the custodian. Notice shall contain a statement that the purpose of  
33 the hearing is to determine whether the child is a proper subject to be dealt with under the  
34 provisions of this chapter, and that if the court finds that the child is not a proper subject to be  
35 dealt with under the provisions of this chapter, the petition or motion to modify will be  
36 dismissed to allow for prosecution of the child under the general law.

37 5. The juvenile officer may consult with the office of prosecuting attorney concerning  
38 any offense for which the child could be certified as an adult under this section. The  
39 prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or  
40 deputy juvenile officer, statements of witnesses and all other records or reports relating to the  
41 offense alleged to have been committed by the child. The prosecuting or circuit attorney shall  
42 have access to the disposition records of the child when the child has been adjudicated  
43 pursuant to subdivision [~~3~~] (2) of subsection 1 of section 211.031. The prosecuting attorney  
44 shall not divulge any information regarding the child and the offense until the juvenile court  
45 at a judicial hearing has determined that the child is not a proper subject to be dealt with under  
46 the provisions of this chapter.

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

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

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

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

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

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

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

63 (7) The age of the child;

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

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

68 (10) Racial disparity in certification.

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

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

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

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

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

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

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

84 10. If a petition or motion to modify has been dismissed thereby permitting a child to  
85 be prosecuted under the general law and the child is found not guilty by a court of general  
86 jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that  
87 child which would be considered a misdemeanor or felony if committed by an adult, subject  
88 to the certification provisions of this section.

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

211.072. 1. A juvenile under ~~eighteen~~ **seventeen** years of age who has been  
2 certified to stand trial as an adult for offenses pursuant to section 211.071, if currently placed  
3 in a secure juvenile detention facility, shall remain in a secure juvenile detention facility  
4 pending finalization of the judgment and completion of appeal, if any, of the judgment  
5 dismissing the juvenile petition to allow for prosecution under the general law unless  
6 otherwise ordered by the juvenile court. Upon the judgment dismissing the petition to allow  
7 prosecution under the general laws becoming final and adult charges being filed, if the  
8 juvenile is currently in a secure juvenile detention facility, the juvenile shall remain in such  
9 facility unless the juvenile posts bond or the juvenile is transferred to an adult jail. If the

10 juvenile officer does not believe juvenile detention would be the appropriate placement or  
11 would continue to serve as the appropriate placement, the juvenile officer may file a motion  
12 in the adult criminal case requesting that the juvenile be transferred from a secure juvenile  
13 detention facility to an adult jail. The court shall hear evidence relating to the appropriateness  
14 of the juvenile remaining in a secure juvenile detention facility or being transferred to an adult  
15 jail. At such hearing, the following shall have the right to be present and have the opportunity  
16 to present evidence and recommendations at such hearing: the juvenile; the juvenile's  
17 parents; the juvenile's counsel; the prosecuting attorney; the juvenile officer or his or her  
18 designee for the circuit in which the juvenile was certified; the juvenile officer or his or her  
19 designee for the circuit in which the pretrial-certified juvenile is proposed to be held, if  
20 different from the circuit in which the juvenile was certified; counsel for the juvenile officer;  
21 and representatives of the county proposed to have custody of the pretrial-certified juvenile.

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

- 28       (1) The certified juvenile's age;
- 29       (2) The certified juvenile's physical and mental maturity;
- 30       (3) The certified juvenile's present mental state, including whether he or she presents  
31 an imminent risk of self-harm;
- 32       (4) The nature and circumstances of the charges;
- 33       (5) The certified juvenile's history of delinquency;
- 34       (6) The relative ability of the available adult and juvenile facilities to both meet the  
35 needs of the certified juvenile and to protect the public and other youth in their custody;
- 36       (7) The opinion of the juvenile officer in the circuit of the proposed placement as to  
37 the ability of that juvenile detention facility to provide for appropriate care, custody, and  
38 control of the pretrial-certified juvenile; and
- 39       (8) Any other relevant factor.

40       3. In the event the court finds that it is in the best interest of justice to require the  
41 certified juvenile to be held in an adult jail, the court shall hold a hearing once every thirty  
42 days to determine whether the placement of the certified juvenile in an adult jail is still in the  
43 best interests of justice. If a pretrial-certified juvenile under ~~[eighteen]~~ **seventeen** years of  
44 age is ordered released on the juvenile's adult criminal case from an adult jail following a  
45 transfer order under subsection 2 of this section and the juvenile is detained on violation of

46 the conditions of release or bond, the juvenile shall return to the custody of the adult jail  
47 pending further court order.

48 4. A certified juvenile cannot be held in an adult jail for more than one hundred eighty  
49 days unless the court finds, for good cause, that an extension is necessary or the juvenile,  
50 through counsel, waives the one hundred eighty day maximum period. If no extension is  
51 granted under this subsection, the certified juvenile shall be transferred from the adult jail to a  
52 secure juvenile detention facility. If an extension is granted under this subsection, the court  
53 shall hold a hearing once every thirty days to determine whether the placement of the certified  
54 juvenile in an adult jail is still in the best interests of justice.

55 5. Effective December 31, 2021, all previously pretrial-certified juveniles under  
56 eighteen years of age who had been certified prior to August 28, 2021, shall be transferred  
57 from adult jail to a secure juvenile detention facility, unless a hearing is held and the court  
58 finds, based upon the factors in subsection 2 of this section, that it would be in the best  
59 interest of justice to keep the juvenile in the adult jail.

60 6. All pretrial-certified juveniles under ~~eighteen~~ **seventeen** years of age who are  
61 held in adult jails pursuant to the best interest of justice exception shall continue to be subject  
62 to the protections of the Prison Rape Elimination Act (PREA) and shall be physically  
63 separated from adult inmates.

64 7. If the certified juvenile remains in juvenile detention, the juvenile officer may file a  
65 motion to reconsider placement. The court shall consider the factors set out in subsection 2 of  
66 this section and the individuals set forth in subsection 1 of this section shall have a right to be  
67 present and present evidence. The court may amend its earlier order in light of the evidence  
68 and arguments presented at the hearing if the court finds that it would not be in the best  
69 interest of justice for the juvenile to remain in a secure juvenile detention facility.

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

72 9. Upon attaining ~~eighteen~~ **seventeen** years of age or upon a plea of guilty or  
73 conviction on the adult charges, the juvenile shall be transferred from juvenile detention to the  
74 appropriate adult facility.

75 10. Any responsibility for transportation of and contracted service for the certified  
76 juvenile who remains in a secure juvenile detention facility shall be handled by county jail  
77 staff in the same manner as in all other adult criminal cases where the defendant is in custody.

78 11. The county jail staff shall designate a liaison assigned to each pretrial-certified  
79 juvenile while housed in a juvenile detention facility, who shall assist in communication with  
80 the juvenile detention facility on the needs of the juvenile including, but not limited to,  
81 visitation, legal case status, medical and mental health needs, and phone contact.

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

211.073. 1. The court shall, in a case when the offender is under [~~eighteen~~  
2 **seventeen years and six months** of age and has been transferred to a court of general  
3 jurisdiction pursuant to section 211.071, and whose prosecution results in a conviction or a  
4 plea of guilty, consider dual jurisdiction of both the criminal and juvenile codes, as set forth in  
5 this section. The court is authorized to impose a juvenile disposition under this chapter and  
6 simultaneously impose an adult criminal sentence, the execution of which shall be suspended  
7 pursuant to the provisions of this section. Successful completion of the juvenile disposition  
8 ordered shall be a condition of the suspended adult criminal sentence. The court may order an  
9 offender into the custody of the division of youth services pursuant to this section:

10 (1) Upon agreement of the division of youth services; and

11 (2) If the division of youth services determines that there is space available in a  
12 facility designed to serve offenders sentenced under this section.

13

14 If the division of youth services agrees to accept a youth and the court does not impose a  
15 juvenile disposition, the court shall make findings on the record as to why the division of  
16 youth services was not appropriate for the offender prior to imposing the adult criminal  
17 sentence.

18 2. If there is probable cause to believe that the offender has violated a condition of the  
19 suspended sentence or committed a new offense, the court shall conduct a hearing on the  
20 violation charged, unless the offender waives such hearing. If the violation is established and  
21 found the court may continue or revoke the juvenile disposition, impose the adult criminal  
22 sentence, or enter such other order as it may see fit.

23 3. When an offender has received a suspended sentence pursuant to this section and  
24 the division determines the child is beyond the scope of its treatment programs, the division  
25 of youth services may petition the court for a transfer of custody of the offender. The court  
26 shall hold a hearing and shall:

27 (1) Revoke the suspension and direct that the offender be taken into immediate  
28 custody of the department of corrections; or

29 (2) Direct that the offender be placed on probation.

30 4. When an offender who has received a suspended sentence reaches the age of  
31 [~~eighteen~~ **seventeen**, the court shall hold a hearing. The court shall:

32 (1) Revoke the suspension and direct that the offender be taken into immediate  
33 custody of the department of corrections;

34 (2) Direct that the offender be placed on probation; or

35 (3) Direct that the offender remain in the custody of the division of youth services if  
36 the division agrees to such placement.

37 5. The division of youth services shall petition the court for a hearing before it  
38 releases an offender who comes within subsection 1 of this section at any time before the  
39 offender reaches the age of twenty-one years. The court shall:

40 (1) Revoke the suspension and direct that the offender be taken into immediate  
41 custody of the department of corrections; or

42 (2) Direct that the offender be placed on probation.

43 6. If the suspension of the adult criminal sentence is revoked, all time served by the  
44 offender under the juvenile disposition shall be credited toward the adult criminal sentence  
45 imposed.

211.091. 1. The petition shall be entitled "In the interest of \_\_\_\_\_, a child under  
2 ~~eighteen~~ **seventeen** years of age".

3 2. The petition shall set forth plainly:

4 (1) The facts which bring the child within the jurisdiction of the court;

5 (2) The full name, birth date, and residence of the child;

6 (3) The names and residence of his or her parents, if living;

7 (4) The name and residence of his or her legal guardian if there be one, of the person  
8 having custody of the child or of the nearest known relative if no parent or guardian can be  
9 found; and

10 (5) Any other pertinent data or information.

11 3. If any facts required in subsection 2 of this section are not known by the petitioner,  
12 the petition shall so state.

13 4. Prior to the voluntary dismissal of a petition filed under this section, the juvenile  
14 officer shall assess the impact of such dismissal on the best interests of the child, and shall  
15 take all actions practicable to minimize any negative impact.

211.093. 1. Any order or judgment entered by the court under authority of this  
2 chapter or chapter 210 shall, so long as the juvenile court exercises continuing jurisdiction,  
3 take precedence over any order or judgment concerning the status or custody of a child under  
4 twenty-one years of age entered by a court under authority of chapter 452, 453, 454 or 455, or  
5 orders of guardianship under chapter 475, but only to the extent inconsistent therewith.

6 2. In addition to all other powers conveyed upon the court by this chapter and chapter  
7 210, any court exercising jurisdiction over a child under subdivision (1) of subsection 1 of  
8 section 211.031 shall have authority to enter an order regarding custody of the child under  
9 chapter 452, enter a child support order, and establish rights of visitation for the parents of the  
10 child. In every case in which the juvenile or family court exercises authority over a child  
11 under subdivision (1) ~~or (2)~~ of subsection 1 of section 211.031, the court shall have

12 concurrent authority and jurisdiction with the circuit court to enter a final order and judgment  
13 establishing the paternity of the child's biological father under the uniform parentage act  
14 under sections 210.817 to 210.852.

15 3. Any custody, support, or visitation order entered by the court under subsection 2 of  
16 this section shall remain in full force and effect after the termination of juvenile court  
17 proceedings unless the court's order specifically states otherwise. Any custody, child support,  
18 or visitation order shall take precedence over and shall automatically stay any prior orders  
19 concerning custody, child support, guardianship, or visitation. Such orders shall remain in  
20 full force and effect until a subsequent order with respect to custody, child support,  
21 guardianship, or visitation of the child is entered by a court under the authority of this chapter  
22 or chapter 210, 452, 453, 454, or 455, or orders of guardianship under chapter 475. Any final  
23 judgment and order establishing paternity under this section shall be a final and binding  
24 judgment of the circuit court as in other civil judgments entered under the uniform parentage  
25 act under sections 210.817 to 210.852, and the court may enter the final paternity judgment  
26 and order under a different, nonjuvenile case number.

27 4. If the juvenile court terminates jurisdiction without entering a continuing custody,  
28 support, or visitation order under subsections 2 and 3 of this section, legal and physical  
29 custody of the child shall be returned to the custodian, parent, or legal guardian who exercised  
30 custody prior to the juvenile court assuming jurisdiction under subdivision (1) of subsection 1  
31 of section 211.031, and any custody or visitation orders in effect at the time the juvenile court  
32 assumed jurisdiction shall be restored.

33 5. The juvenile court shall not have the authority to hear modification motions or  
34 other actions to rehear any orders entered under this section after the juvenile court terminates  
35 jurisdiction on the underlying case. Any future actions shall be conducted under sections  
36 210.817 to 210.852, this chapter, or chapter 452, 453, 454, 455, or 475, as appropriate.

37 6. Any child support order entered under this section shall be established and  
38 enforced pursuant to the procedures set forth by chapter 454. On entry of a child support  
39 order, the circuit clerk shall send a certified copy to the family support division for  
40 enforcement in the manner provided by law.

41 7. In all cases filed under [~~subdivisions (1) and (2)~~] **subdivision (1)** of subsection 1 of  
42 section 211.031, the children's division shall make all reasonable efforts, as defined by section  
43 211.183, to establish paternity within sixty days of the juvenile court obtaining jurisdiction  
44 over the child.

211.151. 1. Pending disposition of a case, the juvenile court may order in writing the  
2 detention of a child in one of the following places:

- 3 (1) A juvenile detention facility provided by the county;
- 4 (2) A shelter care facility, subject to the supervision of the court;

5 (3) A suitable place of detention maintained by an association having for one of its  
6 objects the care and protection of children;

7 (4) Such other suitable custody as the court may direct.

8 2. A child shall not be detained in a jail or other adult detention facility pending  
9 disposition of a case.

10 3. Law enforcement officers shall take fingerprints and photographs of a child taken  
11 into custody for offenses that would be considered felonies if committed by adults, without  
12 the approval of the juvenile judge. A child taken into custody as a victim of abuse or neglect  
13 or as a status offender pursuant to subdivision (1) [~~or (2)~~] of subsection 1 of section 211.031  
14 or for an offense that would be considered a misdemeanor if committed by an adult may be  
15 fingerprinted or photographed with the consent of the juvenile judge. Records of a child who  
16 has been fingerprinted and photographed after being taken into custody shall be closed  
17 records as provided under section 610.100 if a petition has not been filed within thirty days of  
18 the date that the child was taken into custody; and if a petition for the child has not been filed  
19 within one year of the date the child was taken into custody, any records relating to the child  
20 concerning the alleged offense may be expunged under the procedures in sections 610.122 to  
21 610.126.

22 4. (1) As used in this section, the term "jail or other adult detention facility" means  
23 any locked facility administered by state, county or local law enforcement and correctional  
24 agencies, a primary purpose of which is to detain adults charged with violating a criminal law  
25 pending trial, including facilities of a temporary nature which do not hold persons after they  
26 have been formally charged, or to confine adults convicted of an offense. The term "jail or  
27 other adult detention facility" does not include a juvenile detention facility.

28 (2) As used in this section, the term "juvenile detention facility" means a place,  
29 institution, building or part thereof, set of buildings or area, whether or not enclosing a  
30 building or set of buildings, which has been designated by the juvenile court as a place of  
31 detention for juveniles and which is operated, administered and staffed separately and  
32 independently of a jail or other detention facility for adults and used exclusively for the lawful  
33 custody and treatment of juveniles. The facility may be owned or operated by public or  
34 private agencies. A juvenile detention facility may be located in the same building or grounds  
35 as a jail or other adult detention facility if there is spatial separation between the facilities  
36 which prevents haphazard or accidental contact between juvenile and adult detainees; there is  
37 separation between juvenile and adult program activities; and there are separate juvenile and  
38 adult staff other than specialized support staff who have infrequent contact with detainees.

211.181. 1. When a child is found by the court to come within the applicable  
2 provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and

3 make a finding of fact upon which it exercises its jurisdiction over the child, and the court  
4 may, by order duly entered, proceed as follows:

5 (1) Place the child under supervision in his or her own home or in the custody of a  
6 relative or other suitable person after the court or a public agency or institution designated by  
7 the court conducts an investigation of the home, relative or person and finds such home,  
8 relative or person to be suitable and upon such conditions as the court may require;

9 (2) Commit the child to the custody of:

10 (a) A public agency or institution authorized by law to care for children or to place  
11 them in family homes; except that, such child may not be committed to the department of  
12 social services, division of youth services;

13 (b) Any other institution or agency which is authorized or licensed by law to care for  
14 children or to place them in family homes;

15 (c) An association, school or institution willing to receive the child in another state if  
16 the approval of the agency in that state which administers the laws relating to importation of  
17 children into the state has been secured; or

18 (d) The juvenile officer;

19 (3) Place the child in a family home;

20 (4) Cause the child to be examined and treated by a physician, psychiatrist or  
21 psychologist and when the health or condition of the child requires it, cause the child to be  
22 placed in a public or private hospital, clinic or institution for treatment and care; except that,  
23 nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric  
24 treatment of a child whose parents or guardian in good faith are providing other remedial  
25 treatment recognized or permitted under the laws of this state;

26 (5) The court may order, pursuant to subsection 2 of section 211.081, that the child  
27 receive the necessary services in the least restrictive appropriate environment including home  
28 and community-based services, treatment and support, based on a coordinated, individualized  
29 treatment plan. The individualized treatment plan shall be approved by the court and  
30 developed by the applicable state agencies responsible for providing or paying for any and all  
31 appropriate and necessary services, subject to appropriation, and shall include which agencies  
32 are going to pay for and provide such services. Such plan must be submitted to the court  
33 within thirty days and the child's family shall actively participate in designing the service plan  
34 for the child;

35 (6) The department of social services, in conjunction with the department of mental  
36 health, shall apply to the United States Department of Health and Human Services for such  
37 federal waivers as required to provide services for such children, including the acquisition of  
38 community-based services waivers.

39           2. When a child is found by the court to come within the provisions of subdivision  
40 ~~[(2)]~~ (1) of subsection 1 of section 211.031, the court shall so decree and upon making a  
41 finding of fact upon which it exercises its jurisdiction over the child, the court may, by order  
42 duly entered, proceed as follows:

43           (1) Place the child under supervision in his or her own home or in custody of a  
44 relative or other suitable person after the court or a public agency or institution designated by  
45 the court conducts an investigation of the home, relative or person and finds such home,  
46 relative or person to be suitable and upon such conditions as the court may require;

47           (2) Commit the child to the custody of:

48           (a) A public agency or institution authorized by law to care for children or place them  
49 in family homes; except that, a child may be committed to the department of social services,  
50 division of youth services, only if he or she is presently under the court's supervision after an  
51 adjudication under the provisions of ~~[subdivision (2) or (3) of]~~ subsection 1 of section  
52 211.031;

53           (b) Any other institution or agency which is authorized or licensed by law to care for  
54 children or to place them in family homes;

55           (c) An association, school or institution willing to receive it in another state if the  
56 approval of the agency in that state which administers the laws relating to importation of  
57 children into the state has been secured; or

58           (d) The juvenile officer;

59           (3) Place the child in a family home;

60           (4) Cause the child to be examined and treated by a physician, psychiatrist or  
61 psychologist and when the health or condition of the child requires it, cause the child to be  
62 placed in a public or private hospital, clinic or institution for treatment and care; except that,  
63 nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric  
64 treatment of a child whose parents or guardian in good faith are providing other remedial  
65 treatment recognized or permitted under the laws of this state;

66           (5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the  
67 court.

68

69 Execution of any order entered by the court pursuant to this subsection, including a  
70 commitment to any state agency, may be suspended and the child placed on probation subject  
71 to such conditions as the court deems reasonable. After a hearing, probation may be revoked  
72 and the suspended order executed.

73           3. When a child is found by the court to come within the provisions of subdivision  
74 ~~[(3)]~~ (2) of subsection 1 of section 211.031, the court shall so decree and make a finding of

75 fact upon which it exercises its jurisdiction over the child, and the court may, by order duly  
76 entered, proceed as follows:

77 (1) Place the child under supervision in his or her own home or in custody of a  
78 relative or other suitable person after the court or a public agency or institution designated by  
79 the court conducts an investigation of the home, relative or person and finds such home,  
80 relative or person to be suitable and upon such conditions as the court may require; provided  
81 that, no child who has been adjudicated a delinquent by a juvenile court for committing or  
82 attempting to commit a sex-related offense which if committed by an adult would be  
83 considered a felony offense pursuant to chapter 566, including but not limited to rape, forcible  
84 sodomy, child molestation, and sexual abuse, and in which the victim was a child, shall be  
85 placed in any residence within one thousand feet of the residence of the abused child of that  
86 offense until the abused child reaches the age of eighteen, and provided further that the  
87 provisions of this subdivision regarding placement within one thousand feet of the abused  
88 child shall not apply when the abusing child and the abused child are siblings or children  
89 living in the same home;

90 (2) Commit the child to the custody of:

91 (a) A public agency or institution authorized by law to care for children or to place  
92 them in family homes;

93 (b) Any other institution or agency which is authorized or licensed by law to care for  
94 children or to place them in family homes;

95 (c) An association, school or institution willing to receive it in another state if the  
96 approval of the agency in that state which administers the laws relating to importation of  
97 children into the state has been secured; or

98 (d) The juvenile officer;

99 (3) Beginning January 1, 1996, the court may make further directions as to placement  
100 with the division of youth services concerning the child's length of stay. The length of stay  
101 order may set forth a minimum review date;

102 (4) Place the child in a family home;

103 (5) Cause the child to be examined and treated by a physician, psychiatrist or  
104 psychologist and when the health or condition of the child requires it, cause the child to be  
105 placed in a public or private hospital, clinic or institution for treatment and care; except that,  
106 nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric  
107 treatment of a child whose parents or guardian in good faith are providing other remedial  
108 treatment recognized or permitted under the laws of this state;

109 (6) Suspend or revoke a state or local license or authority of a child to operate a motor  
110 vehicle;

111 (7) Order the child to make restitution or reparation for the damage or loss caused by  
112 his or her offense. In determining the amount or extent of the damage, the court may order  
113 the juvenile officer to prepare a report and may receive other evidence necessary for such  
114 determination. The child and his or her attorney shall have access to any reports which may  
115 be prepared, and shall have the right to present evidence at any hearing held to ascertain the  
116 amount of damages. Any restitution or reparation ordered shall be reasonable in view of the  
117 child's ability to make payment or to perform the reparation. The court may require the clerk  
118 of the circuit court to act as receiving and disbursing agent for any payment ordered;

119 (8) Order the child to a term of community service under the supervision of the court  
120 or of an organization selected by the court. Every person, organization, and agency, and each  
121 employee thereof, charged with the supervision of a child under this subdivision, or who  
122 benefits from any services performed as a result of an order issued under this subdivision,  
123 shall be immune from any suit by the child ordered to perform services under this  
124 subdivision, or any person deriving a cause of action from such child, if such cause of action  
125 arises from the supervision of the child's performance of services under this subdivision and if  
126 such cause of action does not arise from an intentional tort. A child ordered to perform  
127 services under this subdivision shall not be deemed an employee within the meaning of the  
128 provisions of chapter 287, nor shall the services of such child be deemed employment within  
129 the meaning of the provisions of chapter 288. Execution of any order entered by the court,  
130 including a commitment to any state agency, may be suspended and the child placed on  
131 probation subject to such conditions as the court deems reasonable. After a hearing,  
132 probation may be revoked and the suspended order executed;

133 (9) When a child has been adjudicated to have violated a municipal ordinance or to  
134 have committed an act that would be a misdemeanor if committed by an adult, assess an  
135 amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a  
136 child has been adjudicated to have committed an act that would be a felony if committed by  
137 an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the  
138 court.

139 4. Beginning January 1, 1996, the court may set forth in the order of commitment the  
140 minimum period during which the child shall remain in the custody of the division of youth  
141 services. No court order shall require a child to remain in the custody of the division of youth  
142 services for a period which exceeds the child's ~~nineteenth birth date~~ **eighteenth birthday**  
143 except upon petition filed by the division of youth services pursuant to subsection 1 of section  
144 219.021. In any order of commitment of a child to the custody of the division of youth  
145 services, the division shall determine the appropriate program or placement pursuant to  
146 subsection 3 of section 219.021. Beginning January 1, 1996, the department shall not  
147 discharge a child from the custody of the division of youth services before the child completes

148 the length of stay determined by the court in the commitment order unless the committing  
149 court orders otherwise. The director of the division of youth services may at any time petition  
150 the court for a review of a child's length of stay commitment order, and the court may, upon a  
151 showing of good cause, order the early discharge of the child from the custody of the division  
152 of youth services. The division may discharge the child from the division of youth services  
153 without a further court order after the child completes the length of stay determined by the  
154 court or may retain the child for any period after the completion of the length of stay in  
155 accordance with the law.

156 5. When an assessment has been imposed under the provisions of subsection 2 or 3 of  
157 this section, the assessment shall be paid to the clerk of the court in the circuit where the  
158 assessment is imposed by court order, to be deposited in a fund established for the sole  
159 purpose of payment of judgments entered against children in accordance with section  
160 211.185.

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

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

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

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

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

26 (1) That the custodian is indigent; and

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

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

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

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

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

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

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

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

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

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

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

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

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

211.261. 1. An appeal shall be allowed to the child from any final judgment, order or  
2 decree made under the provisions of this chapter and may be taken on the part of the child by

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

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

13 (1) Juvenile officer from any order suppressing evidence, a confession or an  
14 admission, in proceedings under subdivision [~~(3)~~] **(2)** of subsection 1 of section 211.031; or

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

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

211.321. 1. Records of juvenile court proceedings as well as all information obtained  
2 and social records prepared in the discharge of official duty for the court shall not be open to  
3 inspection or their contents disclosed, except by order of the court to persons having a  
4 legitimate interest therein, unless a petition or motion to modify is sustained which charges  
5 the child with an offense which, if committed by an adult, would be a class A felony under the  
6 criminal code of Missouri, or capital murder, first degree murder, or second degree murder or  
7 except as provided in subsection 2 of this section. In addition, whenever a report is required  
8 under section 557.026, there shall also be included a complete list of certain violations of the  
9 juvenile code for which the defendant had been adjudicated a delinquent while a juvenile.  
10 This list shall be made available to the probation officer and shall be included in the  
11 presentence report. The violations to be included in the report are limited to the following:  
12 rape, sodomy, murder, kidnapping, robbery, arson, burglary or any acts involving the  
13 rendering or threat of serious bodily harm. The supreme court may promulgate rules to be  
14 followed by the juvenile courts in separating the records.

15 2. In all proceedings under subdivision [~~(2)~~] **(1)** of subsection 1 of section 211.031,  
16 the records of the juvenile court as well as all information obtained and social records  
17 prepared in the discharge of official duty for the court shall be kept confidential and shall be  
18 open to inspection only by order of the judge of the juvenile court or as otherwise provided by

19 statute. In all proceedings under subdivision [~~(3)~~] **(2)** of subsection 1 of section 211.031 the  
20 records of the juvenile court as well as all information obtained and social records prepared in  
21 the discharge of official duty for the court shall be kept confidential and may be open to  
22 inspection without court order only as follows:

23 (1) The juvenile officer is authorized at any time:

24 (a) To provide information to or discuss matters concerning the child, the violation of  
25 law or the case with the victim, witnesses, officials at the child's school, law enforcement  
26 officials, prosecuting attorneys, any person or agency having or proposed to have legal or  
27 actual care, custody or control of the child, or any person or agency providing or proposed to  
28 provide treatment of the child. Information received pursuant to this paragraph shall not be  
29 released to the general public, but shall be released only to the persons or agencies listed in  
30 this paragraph;

31 (b) To make public information concerning the offense, the substance of the petition,  
32 the status of proceedings in the juvenile court and any other information which does not  
33 specifically identify the child or the child's family;

34 (2) After a child has been adjudicated delinquent pursuant to subdivision [~~(3)~~] **(2)** of  
35 subsection 1 of section 211.031, for an offense which would be a felony if committed by an  
36 adult, the records of the dispositional hearing and proceedings related thereto shall be open to  
37 the public to the same extent that records of criminal proceedings are open to the public.  
38 However, the social summaries, investigations or updates in the nature of presentence  
39 investigations, and status reports submitted to the court by any treating agency or individual  
40 after the dispositional order is entered shall be kept confidential and shall be opened to  
41 inspection only by order of the judge of the juvenile court;

42 (3) As otherwise provided by statute;

43 (4) In all other instances, only by order of the judge of the juvenile court.

44 3. Peace officers' records, if any are kept, of children shall be kept separate from the  
45 records of persons [~~eighteen~~] **seventeen** years of age or over and shall not be open to  
46 inspection or their contents disclosed, except by order of the court. This subsection does not  
47 apply to children who are transferred to courts of general jurisdiction as provided by section  
48 211.071 or to juveniles convicted under the provisions of sections 578.421 to 578.437. This  
49 subsection does not apply to the inspection or disclosure of the contents of the records of  
50 peace officers for the purpose of pursuing a civil forfeiture action pursuant to the provisions  
51 of section 195.140.

52 4. Nothing in this section shall be construed to prevent the release of information and  
53 data to persons or organizations authorized by law to compile statistics relating to juveniles.  
54 The court shall adopt procedures to protect the confidentiality of children's names and  
55 identities.

56           5. The court may, either on its own motion or upon application by the child or his or  
57 her representative, or upon application by the juvenile officer, enter an order to destroy all  
58 social histories, records, and information, other than the official court file, and may enter an  
59 order to seal the official court file, as well as all peace officers' records, at any time after the  
60 child has reached his or her [~~eighteenth~~] **seventeenth** birthday if the court finds that it is in the  
61 best interest of the child that such action or any part thereof be taken, unless the jurisdiction of  
62 the court is continued beyond the child's [~~eighteenth~~] **seventeenth** birthday, in which event  
63 such action or any part thereof may be taken by the court at any time after the closing of the  
64 child's case.

65           6. Nothing in this section shall be construed to prevent the release of general  
66 information regarding the informal adjustment or formal adjudication of the disposition of a  
67 child's case to a victim or a member of the immediate family of a victim of any offense  
68 committed by the child. Such general information shall not be specific as to location and  
69 duration of treatment or detention or as to any terms of supervision.

70           7. Records of juvenile court proceedings as well as all information obtained and  
71 social records prepared in the discharge of official duty for the court shall be disclosed to the  
72 child fatality review panel reviewing the child's death pursuant to section 210.192 unless the  
73 juvenile court on its own motion, or upon application by the juvenile officer, enters an order  
74 to seal the records of the victim child.

          211.421. 1. After any child has come under the care or control of the juvenile court as  
2 provided in this chapter, any person who thereafter encourages, aids, or causes the child to  
3 commit any act or engage in any conduct which would be injurious to the child's morals or  
4 health or who knowingly or negligently disobeys, violates or interferes with a lawful order of  
5 the court with relation to the child, is guilty of contempt of court, and shall be proceeded  
6 against as now provided by law and punished by imprisonment in the county jail for a term  
7 not exceeding six months or by a fine not exceeding five hundred dollars or by both such fine  
8 and imprisonment.

9           2. If it appears at a juvenile court hearing that any person [~~eighteen~~] **seventeen** years  
10 of age or over has violated section 568.045 or 568.050 by endangering the welfare of a child,  
11 the judge of the juvenile court shall refer the information to the prosecuting or circuit  
12 attorney, as the case may be, for appropriate proceedings.

          211.425. 1. Any person who has been adjudicated a delinquent by a juvenile court for  
2 committing or attempting to commit a sex-related offense which if committed by an adult  
3 would be considered a felony offense pursuant to chapter 566 including, but not limited to,  
4 rape, forcible sodomy, child molestation and sexual abuse, shall be considered a juvenile sex  
5 offender and shall be required to register as a juvenile sex offender by complying with the  
6 registration requirements provided for in this section, unless such juvenile adjudicated as a

7 delinquent is fourteen years of age or older at the time of the offense and the offense  
8 adjudicated would be considered a felony under chapter 566 if committed by an adult, which  
9 is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241,  
10 including any attempt or conspiracy to commit such offense, in which case, the juvenile shall  
11 be required to register as an adult sexual offender under sections 589.400 to 589.425. This  
12 requirement shall also apply to any person who is or has been adjudicated a juvenile  
13 delinquent in any other state or federal jurisdiction for committing, attempting to commit, or  
14 conspiring to commit offenses which would be proscribed herein.

15       2. Any state agency having supervision over a juvenile required to register as a  
16 juvenile sex offender or any court having jurisdiction over a juvenile required to register as a  
17 juvenile sex offender, or any person required to register as a juvenile sex offender, shall,  
18 within ten days of the juvenile offender moving into any county of this state, register with the  
19 juvenile office of the county. If such juvenile offender changes residence or address, the state  
20 agency, court or person shall inform the juvenile office within ten days of the new residence  
21 or address and shall also be required to register with the juvenile office of any new county of  
22 residence. Registration shall be accomplished by completing a registration form similar to the  
23 form provided for in section 589.407. Such form shall include, but is not limited to, the  
24 following:

25       (1) A statement in writing signed by the juvenile, giving the juvenile's name, address,  
26 Social Security number, phone number, school in which enrolled, place of employment,  
27 offense which requires registration, including the date, place, and a brief description of such  
28 offense, date and place of adjudication regarding such offense, and age and gender of the  
29 victim at the time of the offense; and

30       (2) The fingerprints and a photograph of the juvenile.

31       3. Juvenile offices shall maintain the registration forms of those juvenile offenders in  
32 their jurisdictions who register as required by this section. Information contained on the  
33 registration forms shall be kept confidential and may be released by juvenile offices to only  
34 those persons and agencies who are authorized to receive information from juvenile court  
35 records as provided by law, including, but not limited to, those specified in section 211.321.  
36 State agencies having custody of juveniles who fall within the registration requirements of  
37 this section shall notify the appropriate juvenile offices when such juvenile offenders are  
38 being transferred to a location falling within the jurisdiction of such juvenile offices.

39       4. Any juvenile who is required to register pursuant to this section but fails to do so or  
40 who provides false information on the registration form is subject to disposition pursuant to  
41 this chapter. Any person [~~eighteen~~ **seventeen**] years of age or over who commits such  
42 violation is guilty of a class A misdemeanor as provided for in section 211.431.

43           5. Any juvenile to whom the registration requirement of this section applies shall be  
44 informed by the official in charge of the juvenile's custody, upon the juvenile's discharge or  
45 release from such custody, of the requirement to register pursuant to this section. Such  
46 official shall obtain the address where such juvenile expects to register upon being discharged  
47 or released and shall report the juvenile's name and address to the juvenile office where the  
48 juvenile shall be required to register. This requirement to register upon discharge or release  
49 from custody does not apply in situations where the juvenile is temporarily released under  
50 guard or direct supervision from a detention facility or similar custodial facility.

51           6. The requirement to register as a juvenile sex offender shall terminate upon the  
52 juvenile offender reaching age twenty-one, unless such juvenile offender is required to  
53 register as an adult offender pursuant to section 589.400.

          211.431. Any person [~~eighteen~~] **seventeen** years of age or over who willfully  
2 violates, neglects or refuses to obey or perform any lawful order of the court, or who violates  
3 any provision of this chapter is guilty of a class A misdemeanor.

          219.021. 1. Except as provided in subsections 2 and 3 of this section, any child may  
2 be committed to the custody of the division when the juvenile court determines a suitable  
3 community-based treatment service does not exist, or has proven ineffective; and when the  
4 child is adjudicated pursuant to the provisions of [~~subdivision (3) of~~] subsection 1 of section  
5 211.031 [~~or when the child is adjudicated pursuant to subdivision (2) of subsection 1 of~~  
6 ~~section 211.031~~] and is currently under court supervision for adjudication under [~~subdivision~~  
7 ~~(2) or (3) of~~] subsection 1 of section 211.031. The division shall not keep any youth beyond  
8 his or her nineteenth birthday, except upon petition and a showing of just cause in which case  
9 the division may maintain custody until the youth's twenty-first birth date. Notwithstanding  
10 any other provision of law to the contrary, the committing court shall review the treatment  
11 plan to be provided by the division. The division shall notify the court of original jurisdiction  
12 from which the child was committed at least three weeks prior to the child's release to  
13 aftercare supervision. The notification shall include a summary of the treatment plan and  
14 progress of the child that has resulted in the planned release. The court may formally object  
15 to the director of the division in writing, stating its reasons in opposition to the release. The  
16 director shall review the court's objection in consideration of its final approval for release.  
17 The court's written objection shall be made within a one-week period after it receives  
18 notification of the division's planned release; otherwise the division may assume court  
19 agreement with the release. The division director's written response to the court shall occur  
20 within five working days of service of the court's objection and preferably prior to the release  
21 of the child. The division shall not place a child directly into a precare setting immediately  
22 upon commitment from the court until it advises the court of such placement.

23           2. No child who has been diagnosed as having a mental disease or a communicable or  
24 contagious disease shall be committed to the division; except the division may, by regulation,  
25 when services for the proper care and treatment of persons having such diseases are available  
26 at any of the facilities under its control, authorize the commitment of children having such  
27 diseases to it for treatment in such institution. Notice of any such regulation shall be  
28 promptly mailed to the judges and juvenile officers of all courts having jurisdiction of cases  
29 involving children.

30           3. When a child has been committed to the division, the division shall forthwith  
31 examine the individual and investigate all pertinent circumstances of his background for the  
32 purpose of facilitating the placement and treatment of the child in the most appropriate  
33 program or residential facility to assure the public safety and the rehabilitation of the child;  
34 except that, no child committed under the provisions of subdivision [~~2~~] (1) of subsection 1  
35 of section 211.031 may be placed in the residential facilities designated by the division as a  
36 maximum security facility, unless the juvenile is subsequently adjudicated under subdivision  
37 [~~3~~] (2) of subsection 1 of section 211.031.

38           4. The division may transfer any child under its jurisdiction to any other institution  
39 for children if, after careful study of the child's needs, it is the judgment of the division that  
40 the transfer should be effected. If the division determines that the child requires treatment by  
41 another state agency, it may transfer the physical custody of the child to that agency, and that  
42 agency shall accept the child if the services are available by that agency.

43           5. The division shall make periodic reexaminations of all children committed to its  
44 custody for the purpose of determining whether existing dispositions should be modified or  
45 continued. Reexamination shall include a study of all current circumstances of such child's  
46 personal and family situation and an evaluation of the progress made by such child since the  
47 previous study. Reexamination shall be conducted as frequently as the division deems  
48 necessary, but in any event, with respect to each such child, at intervals not to exceed six  
49 months. Reports of the results of such examinations shall be sent to the child's committing  
50 court and to his parents or guardian.

51           6. Failure of the division to examine a child committed to it or to reexamine him  
52 within six months of a previous examination shall not of itself entitle the child to be  
53 discharged from the custody of the division but shall entitle the child, his parent, guardian, or  
54 agency to which the child may be placed by the division to petition for review as provided in  
55 section 219.051.

56           7. The division is hereby authorized to establish, build, repair, maintain, and operate,  
57 from funds appropriated or approved by the legislature for these purposes, facilities and  
58 programs necessary to implement the provisions of this chapter. Such facilities or programs  
59 may include, but not be limited to, the establishment and operation of training schools,

60 maximum security facilities, moderate care facilities, group homes, day treatment programs,  
61 family foster homes, aftercare, counseling services, educational services, and such other  
62 services as may be required to meet the needs of children committed to it. The division may  
63 terminate any facility or program no longer needed to meet the needs of children.

64 8. The division may institute day release programs for children committed to it. The  
65 division may arrange with local schools, public or private agencies, or persons approved by  
66 the division for the release of children committed to the division on a daily basis to the  
67 custody of such schools, agencies, or persons for participation in programs.

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

221.044. No person under the age of ~~eighteen~~ **seventeen** years, except those  
2 transferred to the court of general jurisdiction under the provisions of section 211.071, shall  
3 be detained in a jail or other adult detention facility as that term is defined in section 211.151.  
4 If a person is ~~eighteen~~ **seventeen** years of age or older or attains the age of ~~eighteen~~  
5 **seventeen** while in detention, upon a motion filed by the juvenile officer, the court may order  
6 that the person be detained in a jail or other adult detention facility as that term is defined in  
7 section 211.151 until the disposition of that person's juvenile court case.

488.5026. 1. Upon approval of the governing body of a city, county, or a city not  
2 within a county, a surcharge of two dollars shall be assessed as costs in each court proceeding  
3 filed in any court in any city, county, or city not within a county adopting such a surcharge, in  
4 all criminal cases including violations of any county ordinance or any violation of criminal or  
5 traffic laws of the state, including an infraction and violation of a municipal ordinance; except  
6 that no such fee shall be collected in any proceeding in any court when the proceeding or the  
7 defendant has been dismissed by the court or when costs are to be paid by the state, county, or  
8 municipality. A surcharge of two dollars shall be assessed as costs in a juvenile court  
9 proceeding in which a child is found by the court to come within the applicable provisions of  
10 subdivision ~~(3)~~ **(2)** of subsection 1 of section 211.031.

11 2. Notwithstanding any other provision of law, the moneys collected by clerks of the  
12 courts pursuant to the provisions of subsection 1 of this section shall be collected and  
13 disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the  
14 treasurer of the governmental unit authorizing such surcharge.

15 3. The treasurer shall deposit funds generated by the surcharge into the "Inmate  
16 Prisoner Detainee Security Fund". Funds deposited shall be utilized to acquire and develop  
17 biometric verification systems and information sharing to ensure that inmates, prisoners, or  
18 detainees in a holding cell facility or other detention facility or area which hold persons

19 detained only for a shorter period of time after arrest or after being formally charged can be  
20 properly identified upon booking and tracked within the local law enforcement administration  
21 system, criminal justice administration system, or the local jail system. The funds deposited  
22 in the inmate prisoner detainee security fund shall be used only to supplement the sheriff's  
23 funding received from other county, state, or federal funds. The county commission shall not  
24 reduce any sheriff's budget as a result of any funds received within the inmate prisoner  
25 detainee security fund. Upon the installation of the information sharing or biometric  
26 verification system, funds in the inmate prisoner detainee security fund may also be used for  
27 the maintenance, repair, and replacement of the information sharing or biometric verification  
28 system, and also to pay for any expenses related to detention, custody, and housing and other  
29 expenses for inmates, prisoners, and detainees.

488.5339. 1. There is created in section 595.045 the crime victims' compensation  
2 fund. A surcharge of seven dollars and fifty cents shall be assessed pursuant to section  
3 595.045 as costs in each court proceeding filed in any court in the state in all criminal cases  
4 including violations of any county ordinance or any violation of criminal or traffic laws of the  
5 state, including an infraction and violation of a municipal ordinance; except that no such fee  
6 shall be collected in any proceeding in any court when the proceeding or the defendant has  
7 been dismissed by the court or when costs are to be paid by the state, county or municipality.  
8 A surcharge of seven dollars and fifty cents shall be assessed pursuant to section 595.045 as  
9 costs in a juvenile court proceeding in which a child is found by the court to come within the  
10 applicable provisions of subdivision ~~[(3)]~~ (2) of subsection 1 of section 211.031.

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

491.699. 1. Upon the motion of the juvenile officer, the court may order that an in-  
2 camera videotaped recording of the testimony of the alleged child victim be made for use as  
3 substantive evidence at a juvenile court hearing held pursuant to the provisions of chapter  
4 211. The provisions of section 491.075 relating to the admissibility of statements made by a  
5 child under the age of twelve shall apply to proceedings in juvenile court.

6 2. In determining whether or not to allow such motion, the court shall consider the  
7 elements of the offense charged and the emotional or psychological trauma to the child if  
8 required to testify in open court or to be brought into the personal presence of the alleged  
9 perpetrator. Such recording shall be retained by the juvenile officer and shall be admissible in  
10 lieu of the child's personal appearance and testimony at juvenile court hearings. A transcript  
11 of such testimony shall be made as soon as possible after the completion of such deposition  
12 and shall be provided to all parties to the action.

13           3. The court shall preside over the depositions, which shall be conducted in  
14 accordance with the rules of evidence applicable to civil cases.

15           4. In any prosecution under ~~[either subdivision (2) or (3) of]~~ subsection 1 of section  
16 211.031, the attorney for the alleged perpetrator shall have at least two opportunities to cross-  
17 examine the deposed alleged child victim.

18           5. Prior to the taking of the deposition which is to be used as substantive evidence at  
19 the hearing pursuant to sections 491.696 to 491.705, the attorney for any party to the action  
20 shall be provided with such discoverable materials and information as the court may, on  
21 motion, direct; shall be afforded a reasonable time to examine such materials; and shall be  
22 permitted to cross-examine the child during the deposition.

23           6. In any prosecution under ~~[either subdivision (2) or (3) of]~~ subsection 1 of section  
24 211.031, if the alleged perpetrator is not represented by counsel and if, upon inquiry, it  
25 appears to the court that he or she will be unable to obtain counsel within a reasonable period  
26 of time, the court shall appoint the public defender or other counsel to represent the alleged  
27 perpetrator at the deposition.

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

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

5           (2) Knowingly encourages, aids or causes a child less than seventeen years of age to  
6 engage in any conduct which causes or tends to cause the child to come within the provisions  
7 of ~~[paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of]~~ subsection 1 of  
8 section 211.031; or

9           (3) Being a parent, guardian or other person legally charged with the care or custody  
10 of a child less than seventeen years of age, recklessly fails or refuses to exercise reasonable  
11 diligence in the care or control of such child to prevent him or her from coming within the  
12 provisions of ~~[paragraph (e) of subdivision (1) of subsection 1 or paragraph (d) of subdivision~~  
13 ~~(2) of subsection 1 or subdivision (3) of]~~ subsection 1 of section 211.031; or

14           (4) Knowingly encourages, aids or causes a child less than seventeen years of age to  
15 enter into any room, building or other structure which is a public nuisance as defined in  
16 section 579.105.

17           2. Nothing in this section shall be construed to mean the welfare of a child is  
18 endangered for the sole reason that he or she is being provided nonmedical remedial treatment  
19 recognized and permitted under the laws of this state.

20           3. The offense of endangering the welfare of a child in the second degree is a class A  
21 misdemeanor unless the offense is committed as part of an act or series of acts performed by

22 two or more persons as part of an established or prescribed pattern of activity, in which case  
23 the offense is a class E felony.

595.045. 1. There is established in the state treasury the "Crime Victims'  
2 Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs  
3 in each court proceeding filed in any court in the state in all criminal cases including  
4 violations of any county ordinance or any violation of criminal or traffic laws of the state,  
5 including an infraction and violation of a municipal ordinance; except that no such fee shall  
6 be collected in any proceeding in any court when the proceeding or the defendant has been  
7 dismissed by the court or when costs are to be paid by the state, county, or municipality. A  
8 surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court  
9 proceeding in which a child is found by the court to come within the applicable provisions of  
10 subdivision ~~(3)~~ (2) of subsection 1 of section 211.031.

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

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

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

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

33 (2) Beginning on September 1, 2004, and on the first of each month, the director of  
34 revenue or the director's designee shall deposit fifty percent of the balance of funds available

35 to the credit of the crime victims' compensation fund and fifty percent to the services to  
36 victims' fund established in section 595.100.

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

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

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

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

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

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

70 9. The clerk of the court processing such funds shall maintain records of all  
71 dispositions described in subsection 1 of this section and all dispositions where a judgment

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

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

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

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

103         13. When judgment is entered against a defendant as provided in this section and such  
104 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,  
105 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri  
106 to such defendant an amount equal to the unpaid amount of such judgment. Such amount  
107 shall be paid forthwith to the crime victims' compensation fund and satisfaction of such  
108 judgment shall be entered on the court record. Under no circumstances shall the general

109 revenue fund be used to reimburse court costs or pay for such judgment. The director of the  
110 department of corrections shall have the authority to pay into the crime victims' compensation  
111 fund from an offender's compensation or account the amount owed by the offender to the  
112 crime victims' compensation fund, provided that the offender has failed to pay the amount  
113 owed to the fund prior to entering a correctional facility of the department of corrections.

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

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

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

2 ~~[211.435. 1. A "Juvenile Justice Preservation Fund" is hereby~~  
3 ~~established in each county's circuit court for the purpose of implementing and~~  
4 ~~maintaining the expansion of juvenile court jurisdiction to eighteen years of~~  
5 ~~age. The fund shall consist of moneys collected under subsection 2 of this~~  
6 ~~section and sections 488.315 and 558.003, any gifts, bequests, and donations,~~  
7 ~~and any other moneys appropriated by the general assembly.~~

8 ~~2. For all traffic violations of any county ordinance or any violation of~~  
9 ~~traffic laws of this state, including an infraction, in which a person has pled~~  
10 ~~guilty, there shall be assessed as costs a surcharge in the amount of two dollars.~~  
11 ~~No such surcharge shall be collected in any proceeding involving a violation~~  
12 ~~of an ordinance or state law when the proceeding or defendant has been~~  
13 ~~dismissed by the court or when costs are to be paid by the state, county, or~~  
14 ~~municipality. Such surcharge shall be collected and disbursed by the clerk of~~  
15 ~~the court as provided by sections 488.010 to 488.020. The surcharge collected~~  
16 ~~under this section shall be payable to the county circuit court juvenile justice~~  
17 ~~preservation fund created in this section. Funds held by the state treasurer in~~  
18 ~~the state juvenile justice preservation fund shall be payable and revert to the~~  
19 ~~circuit court's juvenile justice preservation fund in the county of origination.~~

20 ~~3. Expenditures from the county circuit court juvenile justice~~  
21 ~~preservation fund shall be made at the discretion of the juvenile office for~~  
22 ~~the circuit court and shall be used for the sole purpose of implementing and~~  
23 ~~maintaining the expansion of juvenile court jurisdiction.~~

24 ~~4. No moneys deposited in the juvenile justice preservation fund shall~~  
25 ~~be expended for capital improvements.~~

26 ~~5. To further promote the best interests of the children of the state of~~  
27 ~~Missouri, moneys in the juvenile justice preservation fund shall not be used to~~  
28 ~~replace or reduce the responsibilities of either the counties or the state to~~  
29 ~~provide funding for existing and new juvenile treatment services as provided~~  
~~in this chapter and chapter 210 or funding as otherwise required by law.]~~

2 ~~[488.315. 1. In addition to all other costs associated with civil actions,~~  
3 ~~there shall be assessed and collected a surcharge of three dollars and fifty cents~~  
4 ~~in all civil actions filed in the state. The clerk responsible for collecting court~~  
5 ~~costs in civil cases shall collect and disburse such amounts as provided by~~  
6 ~~sections 488.010 to 488.020. Such funds shall be payable to the juvenile~~  
7 ~~justice preservation fund under subsection 1 of section 211.435.~~

8 ~~2. The provisions of this section shall expire if the provisions of~~  
~~subsection 1 of section 211.435 expire.]~~

2 ~~[558.003. The prosecuting attorney shall have discretion to charge an~~  
3 ~~offender convicted of an offense in which the victim was a child a fine of up to~~  
4 ~~five hundred dollars for each offense. Such fine shall be deposited in the~~  
5 ~~juvenile justice preservation fund, created under section 211.435. The~~  
6 ~~provisions of this section shall expire if the provisions of subsection 1 of~~  
~~section 211.435 expire.]~~

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