

SECOND REGULAR SESSION

HOUSE BILL NO. 1279

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES OSTMANN AND FRASER (Co-sponsors).

Pre-filed December 18, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2483L.011

AN ACT

To repeal section 211.181, RSMo, and to enact in lieu thereof one new section relating to mandatory counseling for children who are cruel to animals, with penalty provisions.

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

Section A. Section 211.181, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.181, to read as follows:

211.181. 1. When a child or person seventeen years of age is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child or person seventeen years of age, and the court may, by order duly entered, proceed as follows:

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

(2) Commit the child or person seventeen years of age to the custody of:

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

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

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

- 19 (d) The juvenile officer;
- 20 (3) Place the child or person seventeen years of age in a family home;
- 21 (4) Cause the child or person seventeen years of age to be examined and treated by a
22 physician, psychiatrist or psychologist and when the health or condition of the child or person
23 seventeen years of age requires it, cause the child or person seventeen years of age to be placed
24 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
25 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
26 of a child or person seventeen years of age whose parents or guardian in good faith are providing
27 other remedial treatment recognized or permitted under the laws of this state.
- 28 2. When a child is found by the court to come within the provisions of subdivision (2)
29 of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact
30 upon which it exercises its jurisdiction over the child, the court may, by order duly entered,
31 proceed as follows:
- 32 (1) Place the child under supervision in his own home or in custody of a relative or other
33 suitable person after the court or a public agency or institution designated by the court conducts
34 an investigation of the home, relative or person and finds such home, relative or person to be
35 suitable and upon such conditions as the court may require;
- 36 (2) Commit the child to the custody of:
- 37 (a) A public agency or institution authorized by law to care for children or place them
38 in family homes; except that, a child may be committed to the department of social services,
39 division of youth services, only if he is presently under the court's supervision after an
40 adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;
- 41 (b) Any other institution or agency which is authorized or licensed by law to care for
42 children or to place them in family homes;
- 43 (c) An association, school or institution willing to receive it in another state if the
44 approval of the agency in that state which administers the laws relating to importation of children
45 into the state has been secured; or
- 46 (d) The juvenile officer;
- 47 (3) Place the child in a family home;
- 48 (4) Cause the child to be examined and treated by a physician, psychiatrist or
49 psychologist and when the health or condition of the child requires it, cause the child to be placed
50 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
51 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
52 of a child whose parents or guardian in good faith are providing other remedial treatment
53 recognized or permitted under the laws of this state;
- 54 (5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.

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

59 3. When a child is found by the court to come within the provisions of subdivision (3)
60 of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon
61 which it exercises its jurisdiction over the child, and the court may, by order duly entered,
62 proceed as follows:

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

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

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

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

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

75 (d) The juvenile officer;

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

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

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

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

88 (7) Order the child to make restitution or reparation for the damage or loss caused by his
89 offense. In determining the amount or extent of the damage, the court may order the juvenile
90 officer to prepare a report and may receive other evidence necessary for such determination. The

91 child and his attorney shall have access to any reports which may be prepared, and shall have the
92 right to present evidence at any hearing held to ascertain the amount of damages. Any restitution
93 or reparation ordered shall be reasonable in view of the child's ability to make payment or to
94 perform the reparation. The court may require the clerk of the circuit court to act as receiving
95 and disbursing agent for any payment ordered;

96 (8) Order the child to a term of community service under the supervision of the court or
97 of an organization selected by the court. Every person, organization, and agency, and each
98 employee thereof, charged with the supervision of a child under this subdivision, or who benefits
99 from any services performed as a result of an order issued under this subdivision, shall be
100 immune from any suit by the child ordered to perform services under this subdivision, or any
101 person deriving a cause of action from such child, if such cause of action arises from the
102 supervision of the child's performance of services under this subdivision and if such cause of
103 action does not arise from an intentional tort. A child ordered to perform services under this
104 subdivision shall not be deemed an employee within the meaning of the provisions of chapter
105 287, RSMo, nor shall the services of such child be deemed employment within the meaning of
106 the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a
107 commitment to any state agency, may be suspended and the child placed on probation subject
108 to such conditions as the court deems reasonable. After a hearing, probation may be revoked and
109 the suspended order executed;

110 (9) When a child has been adjudicated to have violated a municipal ordinance or to have
111 committed an act that would be a misdemeanor if committed by an adult, assess an amount of
112 up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been
113 adjudicated to have committed an act that would be a felony if committed by an adult, assess an
114 amount of up to fifty dollars to be paid by the child to the clerk of the court;

115 **(10) When a child has been adjudicated to have engaged in cruelty to animals by**
116 **violating the provisions of subdivision (1) or (2) of subsection 1 of section 578.012, RSMo,**
117 **the court shall order that the child receive counseling or psychological treatment for that**
118 **specific type of behavior, and may order that the parents or legal guardian pay for that**
119 **counseling or psychological treatment.**

120 4. Beginning January 1, 1996, the court may set forth in the order of commitment the
121 minimum period during which the child shall remain in the custody of the division of youth
122 services. No court order shall require a child to remain in the custody of the division of youth
123 services for a period which exceeds the child's eighteenth birth date except upon petition filed
124 by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any
125 order of commitment of a child to the custody of the division of youth services, the division shall
126 determine the appropriate program or placement pursuant to subsection 3 of section 219.021,

127 RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody
128 of the division of youth services before the child completes the length of stay determined by the
129 court in the commitment order unless the committing court orders otherwise. The director of the
130 division of youth services may at any time petition the court for a review of a child's length of
131 stay commitment order, and the court may, upon a showing of good cause, order the early
132 discharge of the child from the custody of the division of youth services. The division may
133 discharge the child from the division of youth services without a further court order after the
134 child completes the length of stay determined by the court or may retain the child for any period
135 after the completion of the length of stay in accordance with the law.

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