

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1877**  
**98TH GENERAL ASSEMBLY**

5404H.02C

D. ADAM CRUMBLISS, Chief Clerk

---

---

**AN ACT**

To repeal sections 210.110, 211.031, and 211.036, RSMo, and to enact in lieu thereof four new sections relating to the children's division.

---

---

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

Section A. Sections 210.110, 211.031, and 211.036, RSMo, are repealed and four new  
2 sections enacted in lieu thereof, to be known as sections 210.110, 210.118, 211.031, and  
3 211.036, to read as follows:

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

3 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child  
4 other than by accidental means by those responsible for the child's care, custody, and control,  
5 except that discipline including spanking, administered in a reasonable manner, shall not be  
6 construed to be abuse;

7 (2) "Assessment and treatment services for children under ten years old", an approach  
8 to be developed by the children's division which will recognize and treat the specific needs of  
9 at-risk and abused or neglected children under the age of ten. The developmental and medical  
10 assessment may be a broad physical, developmental, and mental health screening to be  
11 completed within thirty days of a child's entry into custody and every six months thereafter as  
12 long as the child remains in care. Screenings may be offered at a centralized location and  
13 include, at a minimum, the following:

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

16 (b) Developmental, behavioral, and emotional screening in addition to early periodic  
17 screening, diagnosis, and treatment services, including a core set of standardized and recognized

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

18 instruments as well as interviews with the child and appropriate caregivers. The screening  
19 battery may be performed by a licensed mental health professional familiar with the effects of  
20 abuse and neglect on young children, who will then serve as the liaison between all service  
21 providers in ensuring that needed services are provided. Such treatment services may include  
22 in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family  
23 counseling, parenting training and other best practices. Children whose screenings indicate an  
24 area of concern may complete a comprehensive, in-depth health, psychodiagnostic, or  
25 developmental assessment within sixty days of entry into custody;

26 (3) "Central registry", a registry of persons where the division has found probable cause  
27 to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004,  
28 or a court has substantiated through court adjudication that the individual has committed child  
29 abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to  
30 section 565.020, 565.021, 565.023, 565.024 [or] , 565.050, **566.030, 566.060, or 567.050** if the  
31 victim is a child less than eighteen years of age[, section 566.030 or 566.060 if the victim is a  
32 child less than eighteen years of age], or **any** other crime pursuant to chapter 566 if the victim  
33 is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older,  
34 [section 567.050 if the victim is a child less than eighteen years of age,] **a crime under** section  
35 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, [or] 568.090, [section] **573.023, 573.025**  
36 [or] , 573.035, **573.037, 573.040, 573.200, or 573.205**, or an attempt to commit any such crimes.  
37 Any persons placed on the registry prior to August 28, 2004, shall remain on the registry for the  
38 duration of time required by section 210.152;

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

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

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

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

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

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

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

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

64 (12) "Neglect", failure to provide, by those responsible for the care, custody, and control  
65 of the child, the proper or necessary support, education as required by law, nutrition or medical,  
66 surgical, or any other care necessary for the child's well-being;

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

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

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

75 (16) "Those responsible for the care, custody, and control of the child", those included  
76 but not limited to the parents or guardian of a child, other members of the child's household, or  
77 those exercising supervision over a child for any part of a twenty-four-hour day. Those  
78 responsible for the care, custody and control shall also include any adult who, based on  
79 relationship to the parents of the child, members of the child's household or the family, has  
80 access to the child.

**210.118. 1. In any action under chapter 210 or 211 in which the court finds by a  
2 preponderance of the evidence that a party is responsible for child abuse or neglect, as  
3 those terms are defined in section 210.110, the clerk shall send a certified copy of the  
4 judgment or order to the children's division and to the appropriate prosecuting attorney.  
5 Upon receipt of the order, the children's division shall list the individual as a perpetrator  
6 of child abuse or neglect in the central registry.**

**7 2. In every case in which the person has pled guilty to or been found guilty of:**

**8 (1) A crime under section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030,  
9 566.060, or 567.050 and the victim is a child under eighteen years of age;**

10           **(2) Any other crime in chapter 566 if the victim is a child under eighteen years of**  
11 **age and the perpetrator is twenty-one years of age or older;**

12           **(3) A crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080,**  
13 **568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205; or**

14           **(4) An attempt to commit any such crimes**

15

16 **the court shall enter an order directing the children's division to list the individual as a**  
17 **perpetrator of child abuse or neglect in the central registry. The clerk shall send a certified**  
18 **copy of the order to the children's division. Upon receipt of the order, the children's**  
19 **division shall list the individual as a perpetrator of child abuse or neglect in the central**  
20 **registry.**

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family  
2 court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have  
3 exclusive original jurisdiction in proceedings:

4           (1) Involving any child or person seventeen years of age who may be a resident of or  
5 found within the county and who 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 child  
7 or person seventeen years of age, neglect or refuse to provide proper support, education which  
8 is required by law, medical, surgical or other care necessary for his or her well-being; except that  
9 reliance by a parent, guardian or custodian upon remedial treatment other than medical or  
10 surgical treatment for a child or person seventeen years of age shall not be construed as neglect  
11 when the treatment is recognized or permitted pursuant to the laws of this state;

12           (b) The child or person seventeen years of age is otherwise without proper care, custody  
13 or support; [or]

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

17           (d) The child or person seventeen years of age is a child in need of mental health services  
18 and the parent, guardian or custodian is unable to afford or access appropriate mental health  
19 treatment or care for the child;

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

22           (a) The child while subject to compulsory school attendance is repeatedly and without  
23 justification absent from school; [or]

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

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

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

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

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

47 (4) For the adoption of a person;

48 (5) For the commitment of a child or person seventeen years of age to the guardianship  
49 of the department of social services as provided by law; [and]

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

52 **(7) Involving any youth for whom a petition to return the youth to children's**  
53 **division custody has been filed under section 211.036.**

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

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

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

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

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

76 (5) Upon motion of any child or person seventeen years of age or his or her parent, the  
77 court having jurisdiction shall grant one change of judge pursuant to Missouri supreme court  
78 rules;

79 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or  
80 person seventeen years of age, certified copies of all legal and social documents and records  
81 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the  
82 transfer.

83 3. In any proceeding involving any child or person seventeen years of age taken into  
84 custody in a county other than the county of the child's residence or the residence of a person  
85 seventeen years of age, the juvenile court of the county of the child's residence or the residence  
86 of a person seventeen years of age shall be notified of such taking into custody within  
87 seventy-two hours.

88 4. When an investigation by a juvenile officer pursuant to this section reveals that the  
89 only basis for action involves an alleged violation of section 167.031 involving a child who  
90 alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child  
91 to verify that the child is being home schooled and not in violation of section 167.031 before  
92 making a report of such a violation. Any report of a violation of section 167.031 made by a  
93 juvenile officer regarding a child who is being home schooled shall be made to the prosecuting  
94 attorney of the county where the child legally resides.

95 5. The disability or disease of a parent shall not constitute a basis for a determination that  
96 a child is a child in need of care or for the removal of custody of a child from the parent without

97 a specific showing that there is a causal relation between the disability or disease and harm to  
98 the child.

211.036. **1.** If a youth under the age of twenty-one is released from the custody of the  
2 children's division and after such release it appears that it would be in such youth's best interest  
3 to have his or her custody returned to the children's division, the juvenile officer, the children's  
4 division or the youth may petition the court to return custody of such youth to the division until  
5 the youth is twenty-one years of age. **The petition shall be filed in the court that previously**  
6 **exercised authority over the youth under section 211.031, in the court in the county where**  
7 **the youth resides, or in the court of an adjacent county. In deciding if it is in the best**  
8 **interests of the youth to be returned to the custody of the children's division under this**  
9 **section, the court shall consider the following factors:**

10 **(1) The circumstances of the youth;**

11 **(2) Whether the children's division has services or programs in place that will**  
12 **benefit the youth and assist the youth in transitioning to self-sufficiency; and**

13 **(3) Whether the youth has the commitment to fully cooperate with the children's**  
14 **division in developing and implementing a case plan.**

15

16 **The court shall not return a youth to the custody of the children's division who has been**  
17 **committed to the custody of another agency; who is under a legal guardianship; or who has**  
18 **pled guilty to or been found guilty of a felony criminal offense.**

19 **2.** The youth shall cooperate with the case plan developed for the youth by the  
20 children's division in consultation with the youth.

21 **3.** For purposes of this section, a "youth" is any person eighteen years of age or  
22 older and under twenty-one years of age who was in the custody of the children's division  
23 in foster care at any time in the two-year period preceding the youth's eighteenth birthday.

24 **4.** The court may, upon motion of the children's division or the youth, terminate  
25 care and supervision before the youth's twenty-first birthday if the court finds the  
26 children's division does not have services available for the youth, the youth no longer needs  
27 services, or if the youth declines to cooperate with the case plan.

28 **5.** The youth, at the youth's discretion, may request to be appointed a guardian ad  
29 litem. If a guardian ad litem is appointed, he or she shall serve under section 210.160.

30 **6.** The court shall hold review hearings as necessary, but in no event less than once  
31 every six months for as long as the youth is in the custody of the children's division.

✓