

FIRST REGULAR SESSION

SENATE BILL NO. 518

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time February 25, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2298S.011

AN ACT

To repeal sections 211.031 and 211.036, RSMo, and to enact in lieu thereof two new sections relating to reentry of children released from children's division custody.

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

Section A. Sections 211.031 and 211.036, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 211.031 and 211.036, to read as follows:

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

(1) Involving any child or person seventeen years of age who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child or person seventeen years of age, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child or person seventeen years of age shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

26 (a) The child while subject to compulsory school attendance is repeatedly
27 and without justification absent from school; or

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

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

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

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

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

- 54 (4) For the adoption of a person;
- 55 (5) For the commitment of a child or person seventeen years of age to the
56 guardianship of the department of social services as provided by law; [and]
- 57 (6) Involving an order of protection pursuant to chapter 455 when the
58 respondent is less than seventeen years of age; **and**
- 59 **(7) Involving any youth under twenty-one years of age for whom**
60 **a petition to return the youth to children's division custody has been**
61 **filed under section 211.036.**

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

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

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

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

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

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

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

94 3. In any proceeding involving any child or person seventeen years of age
95 taken into custody in a county other than the county of the child's residence or
96 the residence of a person seventeen years of age, the juvenile court of the county
97 of the child's residence or the residence of a person seventeen years of age shall
98 be notified of such taking into custody within seventy-two hours.

99 4. When an investigation by a juvenile officer pursuant to this section
100 reveals that the only basis for action involves an alleged violation of section
101 167.031 involving a child who alleges to be home schooled, the juvenile officer
102 shall contact a parent or parents of such child to verify that the child is being
103 home schooled and not in violation of section 167.031 before making a report of
104 such a violation. Any report of a violation of section 167.031 made by a juvenile
105 officer regarding a child who is being home schooled shall be made to the
106 prosecuting attorney of the county where the child legally resides.

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

211.036. 1. If a youth under the age of twenty-one is released from the
2 custody of the children's division and after such release it appears that it would
3 be in such youth's best interest to have his or her custody returned to the
4 children's division, the juvenile officer, the children's division or the youth may
5 petition the court to return custody of such youth to the division until the youth
6 is twenty-one years of age. **The petition shall be filed in the court that**
7 **previously exercised jurisdiction over the youth under section 211.031.**
8 **If such petition is not heard within six months of the filing date, the**
9 **petition may be filed in the court where the youth resides or in the**
10 **court of an adjacent county. In deciding if it is in the best interests of**
11 **the youth to be returned to the custody of the division under this**
12 **section, the court shall consider the following factors:**

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

14 (2) **Whether the children's division has services or programs in**
15 **place that will benefit the youth and assist the youth in transitioning**

16 to self-sufficiency; and

17 **(3) Whether the youth has the commitment to fully cooperate**
18 **with the division in developing and implementing a case plan.**

19 **The court shall not return a youth to the custody of the division who**
20 **has been committed to the custody of another agency; who is under a**
21 **legal guardianship; or who has pled guilty or who has been found guilty**
22 **of a felony criminal offense.**

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

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

29 **4. The court may, upon motion of the children's division or the**
30 **youth, terminate care and supervision before the youth's twenty-first**
31 **birthday if the division does not have services available for the youth**
32 **or if the youth declines to cooperate with the case plan.**

Bill ✓

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