

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/House Bill No. 556, Page 13, Section 211.036, Line 12,

2 by inserting immediately after said line the following:

3 "211.171. 1. The procedure to be followed at the hearing  
4 shall be determined by the juvenile court judge and may be as  
5 formal or informal as he or she considers desirable, consistent  
6 with constitutional and statutory requirements. The judge may  
7 take testimony and inquire into the habits, surroundings,  
8 conditions and tendencies of the child and the family to enable  
9 the court to render such order or judgment as will best promote  
10 the welfare of the child and carry out the objectives of this  
11 chapter.

12 2. The hearing may, in the discretion of the court, proceed  
13 in the absence of the child and may be adjourned from time to  
14 time.

15 3. The current foster parents of a child, or any  
16 preadoptive parent or relative currently providing care for the  
17 child, shall be [provided with notice of, and an opportunity to  
18 be heard in, any hearing to be held with respect to the child,  
19 and a foster parent shall have standing to participate in all  
20 court hearings pertaining to a child in their care] a party to  
21 any matter involving the child in their care and participate as a

1 party in all court hearings pertaining to that child.

2 4. All cases of children shall be heard separately from the  
3 trial of cases against adults.

4 5. Stenographic notes or an authorized recording of the  
5 hearing shall be required if the court so orders or, if requested  
6 by any party interested in the proceeding.

7 6. The general public shall be excluded and only such  
8 persons admitted as have a direct interest in the case or in the  
9 work of the court except in cases where the child is accused of  
10 conduct which, if committed by an adult, would be considered a  
11 class A or B felony; or for conduct which would be considered a  
12 class C felony, if the child has previously been formally  
13 adjudicated for the commission of two or more unrelated acts  
14 which would have been class A, B or C felonies, if committed by  
15 an adult.

16 7. The practice and procedure customary in proceedings in  
17 equity shall govern all proceedings in the juvenile court; except  
18 that, the court shall not grant a continuance in such proceedings  
19 absent compelling extenuating circumstances, and in such cases,  
20 the court shall make written findings on the record detailing the  
21 specific reasons for granting a continuance.

22 8. The court shall allow the victim of any offense to  
23 submit a written statement to the court. The court shall allow  
24 the victim to appear before the court personally or by counsel  
25 for the purpose of making a statement, unless the court finds  
26 that the presence of the victim would not serve justice. The  
27 statement shall relate solely to the facts of the case and any  
28 personal injuries or financial loss incurred by the victim. A  
29 member of the immediate family of the victim may appear

1 personally or by counsel to make a statement if the victim has  
2 died or is otherwise unable to appear as a result of the offense  
3 committed by the child."; and

4 Further amend the title and enacting clause accordingly.