

SECOND REGULAR SESSION

SENATE BILL NO. 1011

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

Read 1st time February 19, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6457S.01I

AN ACT

To repeal sections 210.127, 211.032, and 211.183, RSMo, and to enact in lieu thereof three new sections relating to parental search efforts by the children's division.

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

Section A. Sections 210.127, 211.032, and 211.183, RSMo, are repealed

2 and three new sections enacted in lieu thereof, to be known as sections 210.127,
3 211.032, and 211.183, to read as follows:

210.127. 1. If the location or identity of the biological parent or parents
2 of a child in the custody of the division is unknown, the children's division shall
3 utilize all reasonable and effective means available to conduct a diligent search
4 for the biological parent or parents of such child **within the first sixty days of**
5 **a child being placed in the custody of the division under subdivision**
6 **(17) of subsection 1 of section 207.020. After sixty days, the division**
7 **shall be excused from further search efforts if the court finds that the**
8 **division has utilized all reasonable and effective means available to**
9 **conduct a diligent search and has been unable to identify or locate the**
10 **biological parent or parents.**

11 2. For purposes of this section, "diligent search" means the efforts of the
12 division, or an entity under contract with the division, to locate a biological
13 parent whose identity or location is unknown, initiated as soon as the division is
14 made aware of the existence of such parent, with the search progress reported at
15 each court hearing until the parent is either identified and located or the [court
16 excuses further search] **division is excused from further search efforts**
17 **under subsection 1 of this section, whichever is earlier.**

18 3. For purposes of this section, "reasonable and effective means

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

19 available" includes, but is not limited to, checking the child's birth
20 certificate; checking the putative father registry; asking a known
21 biological parent of the child and any known relatives within the third
22 degree of consanguinity to identify the putative father or putative
23 fathers; attempting to contact each putative father by mail, telephone,
24 or electronic means; and asking each putative father to voluntarily
25 participate in a paternity test.

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

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

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

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

30 division. After the first year, review hearings shall be held as necessary, but in
31 no event less than once every six months for as long as the child is in the custody
32 of the division.

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

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

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

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

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

50 **8. In all cases filed under subsection 1 of section 211.031, the**
51 **juvenile court shall ascertain whether legal paternity of the child has**
52 **been established at the earliest possible opportunity and no later than**
53 **the first hearing on or after sixty days from which a child has been**
54 **placed in the custody of the children's division under subdivision (17)**
55 **of subsection 1 of section 207.020. If paternity has not been established,**
56 **the court may order the initiation of proceedings to establish paternity**
57 **under the uniform parentage act, sections 210.817 to 210.852. The court**
58 **may refer a request to establish paternity administratively to the**
59 **family support division of the department of social services.**

211.183. 1. In juvenile court proceedings regarding the removal of a child
2 from his or her home, the court's order shall include a determination of whether
3 the children's division has made reasonable efforts to prevent or eliminate the
4 need for removal of the child and, after removal, to make it possible for the child
5 to return home. If the first contact with the family occurred during an emergency
6 in which the child could not safely remain at home even with reasonable in-home

7 services, the division shall be deemed to have made reasonable efforts to prevent
8 or eliminate the need for removal.

9 2. "Reasonable efforts" means the exercise of reasonable diligence and care
10 by the division to utilize all available services related to meeting the needs of the
11 juvenile and the family. In determining reasonable efforts to be made and in
12 making such reasonable efforts, the child's present and ongoing health and safety
13 shall be the paramount consideration.

14 3. In support of its determination of whether reasonable efforts have been
15 made, the court shall enter findings, including a brief description of what
16 preventive or reunification efforts were made and why further efforts could or
17 could not have prevented or shortened the separation of the family. The division
18 shall have the burden of demonstrating reasonable efforts.

19 4. The juvenile court may authorize the removal of the child even if the
20 preventive and reunification efforts of the division have not been reasonable, but
21 further efforts could not permit the child to remain at home.

22 5. Before a child may be removed from the parent, guardian, or custodian
23 of the child by order of a juvenile court, excluding commitments to the division
24 of youth services, the court shall in its orders:

25 (1) State whether removal of the child is necessary to protect the child
26 and the reasons therefor;

27 (2) Describe the services available to the family before removal of the
28 child, including in-home services;

29 (3) Describe the efforts made to provide those services relevant to the
30 needs of the family before the removal of the child;

31 (4) State why efforts made to provide family services described did not
32 prevent removal of the child; and

33 (5) State whether efforts made to prevent removal of the child were
34 reasonable, based upon the needs of the family and child.

35 6. If continuation of reasonable efforts, as described in this section, is
36 determined by the division to be inconsistent with establishing a permanent
37 placement for the child, the division shall take such steps as are deemed
38 necessary by the division, including seeking modification of any court order to
39 modify the permanency plan for the child.

40 7. The division shall not be required to make reasonable efforts, as
41 defined in this section, but has the discretion to make reasonable efforts if a court
42 of competent jurisdiction has determined that:

43 (1) The parent has subjected the child to a severe act or recurrent acts of
44 physical, emotional or sexual abuse toward the child, including an act of incest;
45 or

46 (2) The parent has:

47 (a) Committed murder of another child of the parent;

48 (b) Committed voluntary manslaughter of another child of the parent;

49 (c) Aided or abetted, attempted, conspired or solicited to commit such a
50 murder or voluntary manslaughter; or

51 (d) Committed a felony assault that resulted in serious bodily injury to
52 the child or to another child of the parent; [or]

53 (3) The parent's parental rights to a sibling have been involuntarily
54 terminated; or

55 **(4) The children's division has utilized all reasonable and**
56 **effective means available to conduct a diligent search under section**
57 **210.127 and has been unable to identify or locate the biological parent**
58 **or parents within the first sixty days of a child being placed in the**
59 **custody of the division under subdivision (17) of subsection 1 of section**
60 **207.020.**

61 8. If the court determines that reasonable efforts, as described in this
62 section, are not required to be made by the division, the court shall hold a
63 permanency hearing within thirty days after the court has made such
64 determination. The division shall complete whatever steps are necessary to
65 finalize the permanent placement of the child.

66 9. The division may concurrently engage in reasonable efforts, as
67 described in this section, while engaging in such other measures as are deemed
68 appropriate by the division to establish a permanent placement for the child.

✓