

FIRST REGULAR SESSION

# SENATE BILL NO. 360

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

Read 1st time February 7, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0885S.011

## AN ACT

To repeal sections 210.790 and 211.171, RSMo, and to enact in lieu thereof one new section relating to foster parents.

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

Section A. Sections 210.790 and 211.171, RSMo, are repealed and one new  
2 section enacted in lieu thereof, to be known as section 211.171, to read as follows:

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

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

10 3. **[The] A current foster [parents] parent** of a child, or any preadoptive  
11 parent or relative currently providing care for the child, shall be provided with  
12 notice of, and an opportunity to be heard in, any hearing to be held with respect  
13 to **[the] a child in his or her care**, and a foster parent shall have standing to  
14 participate in all court hearings pertaining to a child in their care. **A foster**  
15 **parent of a child in a juvenile court case under subdivision (1) or (2) of**  
16 **subsection 1 of section 211.031 with whom the child has resided with**  
17 **for at least six months shall have the right to intervene as a party upon**  
18 **a motion in proceedings related to child abuse and neglect, unless the**  
19 **court finds that such intervention would not be in the best interest of**

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

20 **the child. Nothing in this subsection shall be construed to authorize**  
21 **the court to join a foster parent as a party to the case without the**  
22 **foster parent's consent. The right of a foster parent to intervene under**  
23 **this subsection may terminate upon the adoption of the child.**

24 4. All cases of children shall be heard separately from the trial of cases  
25 against adults.

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

29 6. The general public shall be excluded and only such persons admitted  
30 as have a direct interest in the case or in the work of the court except in cases  
31 where the child is accused of conduct which, if committed by an adult, would be  
32 considered a class A or B felony; or for conduct which would be considered a class  
33 C felony, if the child has previously been formally adjudicated for the commission  
34 of two or more unrelated acts which would have been class A, B or C felonies, if  
35 committed by an adult.

36 7. The practice and procedure customary in proceedings in equity shall  
37 govern all proceedings in the juvenile court; except that, the court shall not grant  
38 a continuance in such proceedings absent compelling extenuating circumstances,  
39 and in such cases, the court shall make written findings on the record detailing  
40 the specific reasons for granting a continuance.

41 8. The court shall allow the victim of any offense to submit a written  
42 statement to the court. The court shall allow the victim to appear before the  
43 court personally or by counsel for the purpose of making a statement, unless the  
44 court finds that the presence of the victim would not serve justice. The statement  
45 shall relate solely to the facts of the case and any personal injuries or financial  
46 loss incurred by the victim. A member of the immediate family of the victim may  
47 appear personally or by counsel to make a statement if the victim has died or is  
48 otherwise unable to appear as a result of the offense committed by the child.

[210.790. A foster parent shall have standing to participate  
2 in all court hearings pertaining to a child in their care.]

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