

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 811

AN ACT

To repeal sections 21.771, 210.109, 210.112, 210.135, 210.140, 210.147, 210.762, 211.081, 566.151, and 567.030, RSMo, and to enact in lieu thereof eleven new sections relating to child protection, with penalty provisions.

---

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

Section A. Sections 21.771, 210.109, 210.112, 210.135, 210.140, 210.147, 210.762, 211.081, 566.151, and 567.030, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 21.771, 210.109, 210.112, 210.135, 210.140, 210.147, 210.715, 210.762, 211.081, 566.151, and 567.030, to read as follows:

21.771. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be

required for the determination of any matter within the committee's duties.

2. The joint committee shall:

(1) Make a continuing study and analysis of the state child abuse and neglect reporting and investigation system;

(2) Devise a plan for improving the structured decision making regarding the removal of a child from a home;

(3) Determine the additional personnel and resources necessary to adequately protect the children of this state and improve their welfare and the welfare of families;

(4) Address the need for additional foster care homes and to improve the quality of care provided to abused and neglected children in the custody of the state;

(5) Determine from its study and analysis the need for changes in statutory law;

(6) Make any other recommendation to the general assembly necessary to provide adequate protections for the children of our state; and

(7) Make recommendations on how to improve abuse and neglect proceedings including examining the role of the judge, children's division, the juvenile officer, the guardian ad litem, and the foster parents.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairperson shall alternate between members of the house and senate every two years after the committee's organization.

4. The committee shall meet at least quarterly. The committee may meet at locations other than Jefferson City when the committee deems it necessary.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state or local government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state or local government agencies or departments included in the report.

[8. The provisions of this section shall expire on January 15, 2023.]

210.109. 1. The children's division shall establish a child protection system for the entire state.

2. The child protection system shall promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments and providing services in response to reports of child abuse or neglect. The system shall coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

3. In addition to any duties specified in section 210.145, in implementing the child protection system, the division shall:

(1) Maintain a central registry;

(2) Receive reports and establish and maintain an information system operating at all times, capable of receiving and maintaining reports;

(3) Attempt to obtain the name and address of any person making a report in all cases, after obtaining relevant information regarding the alleged abuse or neglect, although reports may be made anonymously; except that, reports by mandatory reporters under section 210.115, including employees of the children's division, juvenile officers, and school personnel shall not be made anonymously, provided that the reporter shall be informed, at the time of the report, that the reporter's name and any other personally identifiable information shall be held as confidential and shall not be made public as provided under this section and section 211.319;

(4) Upon receipt of a report, check with the information system to determine whether previous reports have been made regarding actual or suspected abuse or neglect of the subject child, of any siblings, and the perpetrator, and relevant dispositional information regarding such previous reports;

(5) Provide protective or preventive services to the family and child and to others in the home to prevent abuse or neglect, to safeguard their health and welfare, and to help preserve and stabilize the family whenever possible. The juvenile court shall cooperate with the division in providing such services;

(6) Collaborate with the community to identify comprehensive local services and assure access to those

services for children and families where there is risk of abuse or neglect;

(7) Maintain a record which contains the facts ascertained which support the determination as well as the facts that do not support the determination;

(8) Whenever available and appropriate, contract for the provision of children's services through children's services providers and agencies in the community; except that the state shall be the sole provider of child abuse and neglect hotline services, the initial child abuse and neglect investigation, and the initial family assessment. To assist in its child abuse and neglect investigation, the division may contract for services designed to ascertain child safety and provide preventative services; provided that a contractor providing child safety services for a child shall not also be a placement provider for that child. The division shall attempt to seek input from child welfare service providers in completing the initial family assessment. In all legal proceedings involving children in the custody of the division, the division shall be represented in court by either division personnel or persons with whom the division contracts with for such legal representation. All children's services providers and agencies shall be subject to criminal background checks pursuant to chapter 43 and shall submit names of all employees to the family care safety registry; and

(9) Upon receipt of a report, attempt to ascertain whether the suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of any branch of the military, as defined under section 40.005, or is a member of the Armed Forces, as defined in section 41.030.

As used in this subsection, "report" includes any telephone call made pursuant to section 210.145.

210.112. 1. It is the policy of this state and its agencies to implement a foster care and child protection and welfare system focused on providing the highest quality of services and outcomes for children and their families. The department of social services shall implement such system subject to the following principles:

(1) The safety and welfare of children is paramount;

(2) All providers of direct services to children and their families will be evaluated in a uniform, transparent, objective, and consistent basis based on an evaluation tool established in this section;

(3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes, and such services shall be tracked and routinely evaluated through a quality assurance program;

(4) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with federal and state standards;

(5) Resources and efforts shall be committed to pursue the best possible opportunity for a successful outcome for each child. Successful outcomes may include preparing youth for a productive and successful life as an adult outside the foster care system, such as independent living. For those providers that work with children requiring intensive twenty-four-hour treatment services, successful outcomes shall be based on the least restrictive alternative possible based on the child's needs as well as the quality of care received; and

(6) All service providers shall prioritize methods of reducing or eliminating a child's need for residential treatment through community-based services and supports.

2. (1) In conjunction with the response and evaluation team established under subsection 3 of this section, as well as other individuals the division deems appropriate, the division shall establish an evaluation tool that complies with state and federal guidelines.

(2) The evaluation tool shall include metrics supporting best practices for case management and service provision including, but not limited to, the frequency of face-to-face visits with the child.

(3) There shall be a mechanism whereby providers may propose different evaluation metrics on a case-by-case basis if such case may have circumstances far beyond those that would be expected. Such cases shall be evaluated by the response and evaluation team under subsection 3 of this section.

(4) Data regarding all evaluation metrics shall be collected by the division on a monthly basis, and the division shall issue a quarterly report regarding the evaluation data for each provider, both public and private, by county. The response and evaluation team shall determine how to aggregate cases for the division and large contractors so that performance and outcomes may be compared effectively while also protecting confidentiality. Such reports shall be made public and shall include information by county.

(5) The standards and metrics developed through this evaluation tool shall be used to evaluate competitive bids for future contracts established under subsection 4 of this section.

3. The division shall create a response and evaluation team. Membership of the team shall be composed of five staff members from the division with experience in foster care appointed by the director of the division; five representatives, one from each contract region for foster care case management contracts under this section, who shall be annually rotated among contractors in each region, which shall appoint the agency; two experts working in either research or higher education on issues relating to child welfare and foster care appointed by the director of the division and who shall be actively working for either an academic institution or policy foundation; one juvenile officer or a Missouri juvenile justice director to be appointed by the Missouri Juvenile Justice Association; and one juvenile or family court judge appointed by the supreme court. The division shall provide the necessary staffing for the team's operations. All members shall be appointed and the team shall meet for the first time before January 1, 2021. The team shall:

(1) Review the evaluation tool and metrics set forth in subsection 2 of this section on a semiannual basis to determine any adjustments needed or issues that could affect the quality of such tools and approve or deny on a case-by-case basis:

(a) Cases that a provider feels are anomalous and should not be part of developing the case management tool under subsection 2 of this section;

(b) Alternative evaluation metrics recommended by providers based on the best interests of the child under subsections 2 and 5 of this section; or

(c) Review and recommend any structure for incentives or other reimbursement strategies under subsection 6 of this section;



(2) Develop and execute periodic provider evaluations of cases managed by the division and children service providers contracted with the state to provide foster care case management services, in the field under the evaluation tool created under subsection 2 of this section to ensure basic requirements of the program are met, which shall include, but are not limited to, random file review to ensure documentation shows required visits and case management plan notes; and

(3) Develop a system for reviewing and working with providers identified under subdivision (2) of this subsection or providers who request such assistance from the division who show signs of performance weakness to ensure technical assistance and other services are offered to assist the providers in achieving successful outcomes for their cases.

4. The children's division and any other state agency deemed necessary by the division shall, in consultation with service providers and other relevant parties, enter into and implement contracts with qualified children's services providers and agencies to provide a comprehensive and deliberate system of service delivery for children and their families. Contracts shall be awarded through a competitive process and provided by qualified public and private not-for-profit or limited liability corporations owned exclusively by not-for-profit corporations children's services providers and agencies which have:

(1) A proven record of providing child welfare services within the state of Missouri which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004; and

(2) The ability to provide a range of child welfare services including, but not limited to, case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case management, planned permanent living services, and family reunification services.

No contracts under this section shall be issued for services related to the child abuse and neglect hotline, investigations of alleged abuse and neglect, and initial family assessments, except for services designed to assist the division in ascertaining child safety and providing preventative services. Any contracts entered into by the division shall be in accordance with all federal laws and regulations, and shall seek to maximize federal funding. Children's services providers and agencies under contract with the division shall be subject to all federal, state, and local laws and regulations relating to the provision of such services, and shall be subject to oversight and inspection by appropriate state agencies to assure compliance with standards which shall be consistent with the federal standards.

5. The division shall accept as prima facie evidence of completion of the requirements for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the following nationally recognized bodies: the Council on Accreditation of Services, Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities.

6. Payment to the children's services providers and agencies shall be made based on the reasonable costs of services, including responsibilities necessary to execute

the contract. Any reimbursement increases made through enhanced appropriations for services shall be allocated to providers regardless of whether the provider is public or private. Such increases shall be considered additive to the existing contracts. In addition to payments reflecting the cost of services, contracts shall include incentives provided in recognition of performance based on the evaluation tool created under subsection 2 of this section and the corresponding savings for the state. The response and evaluation team under subsection 3 of this section shall review a formula to distribute such payments, as recommended by the division.

7. The division shall consider immediate actions that are in the best interests of the children served including, but not limited to, placing the agency on a corrective plan, halting new referrals, transferring cases to other performing providers, or terminating the provider's contract. The division shall take steps necessary to evaluate the nature of the issue and act accordingly in the most timely fashion possible.

8. By July 1, 2021, the children's division shall promulgate and have in effect rules to implement the provisions of this section and, pursuant to this section, shall define implementation plans and dates. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of

rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

9. A provision in a service provider contract in which the state is indemnified, held harmless, or insured for damages, claims, losses, or expenses arising from any injury, including, but not limited to, bodily injury, mental anguish, property damage, or economic or noneconomic damages or loss caused by or resulting from the state's negligence, in whole or in part, shall be void as against public policy and unenforceable. As used in this subsection, "service provider contract" means a contract, agreement, or understanding between a provider of services and the division regarding the provision of services.

210.135. 1. Any person, official, employee of the department of social services, or institution complying with the provisions of sections ~~[210.110]~~ 210.109 to 210.165 in the making of a report, the taking of color photographs, or the making of radiologic examinations pursuant to sections ~~[210.110]~~ 210.109 to 210.165, or both such taking of color photographs and making of radiologic examinations, or the removal or retaining a child pursuant to sections ~~[210.110]~~ 210.109 to 210.165 and chapter 211, or in cooperating with the division, or cooperating with a qualified individual pursuant to section 210.715, or any other law enforcement agency, juvenile office, court, state agency, or child-protective service agency of this or any other state, in any of the activities pursuant to sections ~~[210.110]~~ 210.109 to 210.165 and chapter 211, or any other allegation of child abuse, neglect or assault, pursuant to sections 568.045 to 568.060, shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions. Provided, however, any person, official or institution intentionally filing a false report, acting in

bad faith, or with ill intent, shall not have immunity from any liability, civil or criminal. Any such person, official, or institution shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

2. An employee, including a contracted employee, of a state-funded child assessment center, as provided for in subsection 2 of section 210.001, shall be immune from any civil liability that arises from the employee's participation in the investigation process and services by the child assessment center, unless such person acted in bad faith. This subsection shall not displace or limit any other immunity provided by law.

3. Any person, who is not a school district employee, who makes a report to any employee of the school district of child abuse by a school employee shall have immunity from any liability, civil or criminal, that otherwise might result because of such report. Provided, however, that any such person who makes a false report, knowing that the report is false, or who acts in bad faith or with ill intent in making such report shall not have immunity from any liability, civil or criminal. Any such person shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

4. In a case involving the death or serious injury of a child after a report has been made under sections 210.109 to 210.165, the division shall conduct a preliminary evaluation in order to determine whether a review of the ability of the circuit manager or case worker or workers to perform their duties competently is necessary. The preliminary evaluation shall examine:

(1) The hotline worker or workers who took any reports related to such case;

(2) The division case worker or workers assigned to the investigation of such report; and

(3) The circuit manager assigned to the county where the report was investigated.

Any preliminary evaluation shall be completed no later than three days after the child's death. If the division determines a review and assessment is necessary, it shall be completed no later than three days after the child's death.

210.140. Any legally recognized privileged communication, except that between attorney and client or involving communications made to a minister or clergyperson, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required or permitted by sections [210.110] 210.109 to 210.165, to cooperate with the division in any of its activities pursuant to [sections 210.110 to 210.165] this chapter, chapter 211, and chapter 453, or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

210.147. [1. Except as otherwise provided by law,] All information provided at any family support team meeting [held in relation to the removal of a child from the child's home] is confidential; except that:

(1) Any parent or party may waive confidentiality for himself or herself to the extent permitted by law; and

(2) Any parent of the child shall have an absolute right to video and/or audio tape such team meetings to the extent permitted by law; and

(3) No parent or party shall be required to sign a confidentiality agreement before testifying or providing information at such team meetings. Any person, other than a parent or party, who does not agree to maintain confidentiality of the information provided at such team

meetings may be excluded from all or any portion of such team meetings during which such person is not testifying or providing information.

[2. The division shall be responsible for developing a form to be signed at the conclusion of any team meeting held in relation to a child removed from the home and placed in the custody of the state that reflects the core commitments made by the children's division or the convenor of the team meeting and the parents of the child or any other party. The content of the form shall be consistent with service agreements or case plans required by statute, but not the specific address of the child; whether the child shall remain in current placement or be moved to a new placement; visitation schedule for the child's family; and any additional core commitments. Any dissenting views shall be recorded and attested to on such form. The parents and any other party shall be provided with a copy of the signed document.]

210.715. 1. As used in this section, the following terms shall mean:

(1) "Child", any person in the legal custody of the children's division and over whom the court has maintained jurisdiction;

(2) "Qualified individual", a trained professional or licensed clinician who is not an employee of the children's division and who is not connected to, or affiliated with, any placement setting in which children are placed by the children's division. The children's division shall establish the qualifications of the qualified individual by regulation;

(3) "Qualified residential treatment program" or "Q RTP", a program that has met all program requirements for

designation as a QRTP, as determined by the children's division;

(4) "Residential setting", a congregate setting that provides twenty-four hour supervision to a child for the purposes of rehabilitative treatment related to emotional and psychiatric needs, learning difficulties, behavioral disorders, trauma histories, or developmental challenges that require a higher level of supervision and treatment than is available in a foster home setting. This setting shall include:

(a) A qualified residential treatment program (QRTP);

(b) A psychiatric residential treatment facility (PRTF); or

(c) A residential care facility licensed by the children's division to provide residential treatment or intensive residential services.

Residential settings shall not include emergency shelters, maternity homes for pregnant or parenting youth, contracted transitional living settings, and placements licensed or certified by the division of developmental disabilities within the department of mental health.

2. If a child is placed in a residential setting, the children's division shall arrange for a qualified individual to complete an assessment of the child within thirty days of the start of each placement in a residential setting. The assessment shall be in writing and shall:

(1) Assess the strengths and needs of the child using an age-appropriate, trauma-informed, evidence-based, and validated tool approved by the children's division;

(2) Assess whether the needs of the child can be met through placement with family members or in a foster home;

(3) Explain why the child's placement in a residential setting will be the most effective and appropriate level of



care in the least restrictive environment, if the needs of the child cannot be met with family members or in a foster home;

(4) Describe how that placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan; and

(5) Develop a list of child-specific short-term and long-term mental and behavioral health goals.

3. The children's division shall assemble a family support team for the child in accordance with the requirements of section 210.762. The qualified individual conducting the assessment shall work in conjunction with the family of, and family support team for, the child while conducting and making the assessment.

4. Notwithstanding any other provision of law to the contrary, the qualified individual shall have unlimited access to any and all records and information pertaining to the child that the qualified individual determines are necessary to complete the assessment, including, but not limited to, medical records, therapy records, psychological and psychiatric evaluations, educational records, law enforcement records, and placement history, including progress reports from such placements.

5. The qualified individual shall provide the written assessment to the children's division. The children's division shall provide a copy of the assessment to the parties to the juvenile proceeding, the members of the family support team, and the court.

6. Within sixty days of the start of each placement in a QRTP, the court shall assess the appropriateness for the child remaining in the QRTP. A copy of the assessment, as redacted, shall be admitted into evidence by the court

without further foundation. The court shall make specific written findings of fact on the record and:

(1) Consider the assessment, determination, and documentation made by the qualified individual conducting the assessment;

(2) Determine whether the needs of the child can be met through placement in a foster home or, if not, whether placement of the child in the QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment;

(3) Determine whether that placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan for the child; and

(4) Approve or disapprove the placement.

7. The court shall reassess the appropriateness for the child remaining in a QRTP at every hearing subsequent to the child's placement in the QRTP and make written findings of fact as required in subsection 6 of this section until the child is no longer placed in the QRTP.

8. The children's division may promulgate rules, including emergency rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2024, shall be invalid and void.

210.762. 1. When a child is taken into custody by a juvenile officer, physician, or law enforcement official [under] pursuant to section 210.125 and comes under the jurisdiction of the court pursuant to subdivision (1) and (2) of subsection 1 of section 211.031 and [initially] placed with the division, the division may make a temporary placement and shall arrange for a family support team meeting prior to or within twenty-four hours following the protective custody hearing held under section 211.032. After a child is in the division's custody [and a temporary placement has been made], the division shall arrange an additional family support team meeting prior to taking any action relating to the placement of such child; except that, when the welfare of a child in the custody of the division requires an immediate or emergency change of placement, the division may make a temporary placement and shall schedule a family support team meeting within seventy-two hours. The requirement for a family support team meeting shall not apply when the parent has consented in writing to the termination of his or her parental rights in conjunction with a placement in a licensed child-placing agency under subsection 6 of section 453.010.

2. The parents, the legal counsel for the parents, the foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate, and any designee of the parent that has written authorization shall be notified and invited to participate in all family support team meetings. The family support team meeting may include such other persons whose attendance at the meeting may assist the team in making appropriate decisions in the best interests of the child, including biological family members and relatives, as appropriate, as well as professionals who are a resource to

the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy. In the case of a child who is age fourteen or older, the family support team shall include the members selected by the child. The division may exclude an individual from a family support team meeting or make alternative arrangements for an individual to express his or her views if an individual becomes disruptive to the meeting.

3. If the division finds that it is not in the best interest of a child to be placed with relatives, the division shall make specific findings in the division's report detailing the reasons why the best interests of the child necessitate placement of the child with persons other than relatives.

[3. The division shall use the form created in subsection 2 of section 210.147 to be signed upon the conclusion of the meeting pursuant to subsection 1 of this section confirming that all involved parties are aware of the team's decision regarding the custody and placement of the child. Any dissenting views must be recorded and attested to on such form.]

4. The division shall be responsible for developing a form to be signed at the conclusion of any team meeting held in relation to a child removed from the home and placed in the custody of the state that reflects the core commitments made by the children's division or the convenor of the team meeting and the parents of the child or any other party. The content of the form shall be consistent with service agreements or case plans required by statute, but not the specific address of the child; whether the child shall remain in current placement or be moved to a new placement; visitation schedule for the child's family; and any additional core commitments. Any dissenting views shall be

recorded and attested to on such form. The parents and any other party shall be provided with a copy of the signed document.

[4.] 5. The [case manager] division shall be responsible for including such form with the case records of the child.

211.081. 1. Whenever any person informs the juvenile officer in writing that a child appears to be within the purview of applicable provisions of section 211.031, the juvenile officer shall make or cause to be made a preliminary inquiry to determine the facts and to determine whether or not the interests of the public or of the child require that further action be taken. On the basis of this inquiry, the juvenile officer may make such informal adjustment as is practicable without a petition or file a petition. Any other provision of this chapter to the contrary notwithstanding, the juvenile court shall not make any order for disposition of a child which would place or commit the child to any location outside the state of Missouri without first receiving the approval of the children's division.

2. Placement in any [institutional] residential setting, as defined in section 210.715, shall represent the least restrictive appropriate placement for the child and shall [be recommended based upon a psychological or psychiatric evaluation or both] meet all requirements set forth in section 210.715. Prior to entering any order for disposition of a child which would order residential treatment or other services inside the state of Missouri, the juvenile court shall enter findings which include the recommendation of the psychological or psychiatric evaluation or both; and certification from the division director or designee as to whether a provider or funds or

both are available, including a projection of their future availability. If the children's division indicates that funding is not available, the division shall recommend and make available for placement by the court an alternative placement for the child. The division shall have the burden of demonstrating that they have exercised due diligence in utilizing all available services to carry out the recommendation of the evaluation team and serve the best interest of the child. The judge shall not order placement or an alternative placement with a specific provider but may reasonably designate the scope and type of the services which shall be provided by the department to the child. For purposes of this subsection, the word "child" shall have the same meaning as in section 210.715.

3. Obligations of the state incurred under the provisions of section 211.181 shall not exceed, in any fiscal year, the amount appropriated for this purpose.

566.151. 1. A person twenty-one years of age or older commits the offense of enticement of a child if he or she persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the internet or any electronic communication, any person who is less than ~~[fifteen]~~ seventeen years of age for the purpose of engaging in sexual conduct.

2. It is not a defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

3. Enticement of a child or an attempt to commit enticement of a child is a felony for which the authorized term of imprisonment shall be not less than five years and not more than thirty years. No person convicted under this section shall be eligible for parole, probation, conditional

release, or suspended imposition or execution of sentence for a period of five calendar years.

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

(1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or

(2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or

(3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

2. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen years of age or older.

3. The offense of patronizing prostitution is a class B misdemeanor, unless the individual who the person patronizes is less than eighteen years of age but older than ~~[fourteen]~~ fifteen years of age, in which case patronizing prostitution is a class E felony.

4. The offense of patronizing prostitution is a class ~~[D]~~ B felony if the individual who the person patronizes is ~~[fourteen]~~ fifteen years of age or younger. Nothing in this section shall preclude the prosecution of an individual for the offenses of:

(1) Statutory rape in the first degree pursuant to section 566.032;

(2) Statutory rape in the second degree pursuant to section 566.034;

(3) Statutory sodomy in the first degree pursuant to section 566.062; or

(4) Statutory sodomy in the second degree pursuant to section 566.064.