

SENATE BILL NO. 863

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR THOMPSON REHDER.

4265S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 211.038 and 487.200, RSMo, and to enact in lieu thereof two new sections relating to medication-assisted treatment.

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

Section A. Sections 211.038 and 487.200, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 211.038 and 487.200, to read as follows:

211.038. 1. A child under the jurisdiction of the
2 juvenile court shall not be reunited with a parent or placed
3 in a home in which the parent or any person residing in the
4 home has been found guilty of any of the following offenses
5 when a child was the victim:

6 (1) A felony violation of section 566.030, 566.031,
7 566.032, 566.060, 566.061, 566.062, 566.064, 566.067,
8 566.068, 566.069, 566.071, 566.083, 566.100, 566.101,
9 566.111, 566.151, 566.203, 566.206, 566.209, 566.211, or
10 566.215;

11 (2) A violation of section 568.020;

12 (3) Abuse of a child under section 568.060 when such
13 abuse is sexual in nature;

14 (4) A violation of section 568.065;

15 (5) A violation of section 573.200;

16 (6) A violation of section 573.205; or

17 (7) A violation of section 568.175;

18 (8) A violation of section 566.040, 566.070, or
19 566.090 as such sections existed prior to August 28, 2013; or

20 (9) A violation of section 566.212, 568.080, or
21 568.090 as such sections existed prior to January 1, 2017.

22 2. For all other violations of offenses in chapters
23 566 and 568 not specifically listed in subsection 1 of this
24 section or for a violation of an offense committed in
25 another state when a child is the victim that would be a
26 violation of chapter 566 or 568 if committed in Missouri,
27 the juvenile court may exercise its discretion regarding the
28 placement of a child under the jurisdiction of the juvenile
29 court in a home in which a parent or any person residing in
30 the home has been found guilty of, or pled guilty to, any
31 such offense.

32 3. If the juvenile court determines that a child has
33 abused another child, such abusing child shall be prohibited
34 from returning to or residing in any residence located
35 within one thousand feet of the residence of the abused
36 child, or any child care facility or school that the abused
37 child attends, until the abused child reaches eighteen years
38 of age. The prohibitions of this subsection shall not apply
39 where the alleged abuse occurred between siblings or
40 children living in the same home.

41 **4. The juvenile court shall not refuse to reunify or**
42 **otherwise place a child with a parent who, or in a home in**
43 **which the parent or any person residing in the home, is**
44 **utilizing medication-assisted treatment, as such term is**
45 **defined in section 487.200, for opioid or other substance**
46 **misuse or dependence because of the use of such treatment or**
47 **otherwise require such parent or person to cease utilizing**
48 **or complete such treatment prior to reunification or**
49 **placement of the child.**

487.200. 1. As used in this section, "medication-
2 assisted treatment" means the use of pharmacological
3 medications, in combination with counseling and behavioral
4 therapies, to provide a whole patient approach to the
5 treatment of substance use disorders.

6 2. If a family court participant requires treatment
7 for opioid or other substance misuse or dependence, a family
8 court shall not prohibit such participant from participating
9 in and receiving medication-assisted treatment under the
10 care of a physician licensed in this state to practice
11 medicine. A family court participant shall not be required
12 to refrain from using medication-assisted treatment as a
13 term or condition of successful completion of the family
14 court program.

15 3. A family court participant assigned to a treatment
16 program for opioid or other substance misuse or dependence
17 shall not be in violation of the terms or conditions of the
18 family court on the basis of his or her participation in
19 medication-assisted treatment under the care of a physician
20 licensed in this state to practice medicine.

21 **4. A family court shall not require a participant**
22 **utilizing medication-assisted treatment as part of treatment**
23 **for opioid or other substance misuse or dependence to cease**
24 **utilizing the treatment or to otherwise complete the**
25 **treatment prior to reunification with his or her child.**

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