

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NOS. 737 & 486

AN ACT

To repeal sections 135.460, 210.110, 210.112, 210.145, 210.160, 210.560, 210.565, 210.762, 210.1012, 211.032, 211.211, 211.221, 211.261, 211.462, 451.040, 451.080, 451.090, 537.046, 568.045, 568.060, and 578.421, RSMo, and to enact in lieu thereof twenty-six new sections relating to the protection of children, with penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 135.460, 210.110, 210.112, 210.145,  
2 210.160, 210.560, 210.565, 210.762, 210.1012, 211.032, 211.211,  
3 211.221, 211.261, 211.462, 451.040, 451.080, 451.090, 537.046,  
4 568.045, 568.060, and 578.421, RSMo, are repealed and twenty-six  
5 new sections enacted in lieu thereof, to be known as sections  
6 135.460, 210.110, 210.112, 210.119, 210.145, 210.160, 210.560,  
7 210.565, 210.762, 210.1012, 211.032, 211.211, 211.221, 211.261,  
8 211.462, 451.040, 451.080, 451.090, 477.700, 477.705, 477.710,  
9 477.715, 537.046, 568.045, 568.060, and 578.421, to read as  
10 follows:

135.460. 1. This section and sections 620.1100 and 620.1103

2 shall be known and may be cited as the "Youth Opportunities and  
3 Violence Prevention Act".

4 2. As used in this section, the term "taxpayer" shall include  
5 corporations as defined in section 143.441 or 143.471, any  
6 charitable organization which is exempt from federal income tax  
7 and whose Missouri unrelated business taxable income, if any,  
8 would be subject to the state income tax imposed under chapter 143,  
9 and individuals, individual proprietorships and partnerships.

10 3. A taxpayer shall be allowed a tax credit against the tax  
11 otherwise due pursuant to chapter 143, excluding withholding tax  
12 imposed by sections 143.191 to 143.265, chapter 147, chapter 148,  
13 or chapter 153 in an amount equal to thirty percent for property  
14 contributions and ~~["fifty"]~~ seventy percent for monetary  
15 contributions of the amount such taxpayer contributed to the  
16 programs described in subsection 5 of this section, not to exceed  
17 two hundred thousand dollars per taxable year, per taxpayer;  
18 except as otherwise provided in subdivision (5) of subsection 5 of  
19 this section. The department of economic development shall  
20 prescribe the method for claiming the tax credits allowed in this  
21 section. No rule or portion of a rule promulgated under the  
22 authority of this section shall become effective unless it has been  
23 promulgated pursuant to the provisions of chapter 536. All  
24 rulemaking authority delegated prior to June 27, 1997, is of no  
25 force and effect and repealed; however, nothing in this section  
26 shall be interpreted to repeal or affect the validity of any rule  
27 filed or adopted prior to June 27, 1997, if such rule complied with  
28 the provisions of chapter 536. The provisions of this section and

chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

4. The tax credits allowed by this section shall be claimed by the taxpayer to offset the taxes that become due in the taxpayer's tax period in which the contribution was made. Any tax credit not used in such tax period may be carried over the next five succeeding tax periods.

5. The tax credit allowed by this section may only be claimed for monetary or property contributions to public or private programs authorized to participate pursuant to this section by the department of economic development and may be claimed for the development, establishment, implementation, operation, and expansion of the following activities and programs:

(1) An adopt-a-school program. Components of the adopt-a-school program shall include donations for school activities, seminars, and functions; school-business employment programs; and the donation of property and equipment of the corporation to the school;

(2) Expansion of programs to encourage school dropouts to reenter and complete high school or to complete a graduate equivalency degree program;

(3) Employment programs. Such programs shall initially, but

not exclusively, target unemployed youth living in poverty and youth living in areas with a high incidence of crime;

(4) New or existing youth clubs or associations;

(5) Employment/internship/apprenticeship programs in business or trades for persons less than twenty years of age, in which case the tax credit claimed pursuant to this section shall be equal to one-half of the amount paid to the intern or apprentice in that tax year, except that such credit shall not exceed ten thousand dollars per person;

(6) Mentor and role model programs;

(7) Drug and alcohol abuse prevention training programs for youth;

(8) Donation of property or equipment of the taxpayer to schools, including schools which primarily educate children who have been expelled from other schools, or donation of the same to municipalities, or not-for-profit corporations or other not-for-profit organizations which offer programs dedicated to youth violence prevention as authorized by the department;

(9) Not-for-profit, private or public youth activity centers;

(10) Nonviolent conflict resolution and mediation programs;

(11) Youth outreach and counseling programs.

6. Any program authorized in subsection 5 of this section shall, at least annually, submit a report to the department of economic development outlining the purpose and objectives of such program, the number of youth served, the specific activities provided pursuant to such program, the duration of such program and

recorded youth attendance where applicable.

7. The department of economic development shall, at least annually submit a report to the Missouri general assembly listing the organizations participating, services offered and the number of youth served as the result of the implementation of this section.

8. The tax credit allowed by this section shall apply to all taxable years beginning after December 31, 1995.

9. For the purposes of the credits described in this section, in the case of a corporation described in section 143.471, partnership, limited liability company described in section 347.015, cooperative, marketing enterprise, or partnership, in computing Missouri's tax liability, such credits shall be allowed to the following:

(1) The shareholders of the corporation described in section 143.471;

(2) The partners of the partnership;

(3) The members of the limited liability company; and

(4) Individual members of the cooperative or marketing enterprise.

Such credits shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional

4 abuse inflicted on a child other than by accidental means by those  
5 responsible for the child's care, custody, and control, except  
6 that discipline including spanking, administered in a reasonable  
7 manner, shall not be construed to be abuse. Victims of abuse shall  
8 also include any victims of sex trafficking or severe forms of  
9 trafficking as those terms are defined in ~~[22 U.S.C. 78 Section~~  
10 ~~7102(9)-(10)]~~ 22 U.S.C. Section 7102, as amended;

11 (2) "Assessment and treatment services for children", an  
12 approach to be developed by the children's division which will  
13 recognize and treat the specific needs of at-risk and abused or  
14 neglected children. The developmental and medical assessment may  
15 be a broad physical, developmental, and mental health screening to  
16 be completed within thirty days of a child's entry into custody and  
17 in accordance with the periodicity schedule set forth by the  
18 American Academy of Pediatrics thereafter as long as the child  
19 remains in care. Screenings may be offered at a centralized  
20 location and include, at a minimum, the following:

21 (a) Complete physical to be performed by a pediatrician  
22 familiar with the effects of abuse and neglect on young children;

23 (b) Developmental, behavioral, and emotional screening in  
24 addition to early periodic screening, diagnosis, and treatment  
25 services, including a core set of standardized and recognized  
26 instruments as well as interviews with the child and appropriate  
27 caregivers. The screening battery may be performed by a licensed  
28 mental health professional familiar with the effects of abuse and  
29 neglect on young children, who will then serve as the liaison  
30 between all service providers in ensuring that needed services are

provided. Such treatment services may include in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family counseling, parenting training and other best practices.

Children whose screenings indicate an area of concern may complete a comprehensive, in-depth health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

(3) "Central registry", a registry of persons where the division has found probable cause to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, or a court has substantiated through court adjudication that the individual has committed child abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if the victim is a child less than eighteen years of age, or any other crime pursuant to chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such crimes. Any persons placed on the registry prior to August 28, 2004, shall remain on the registry for the duration of time required by section 210.152;

(4) "Child", any person, regardless of physical or mental condition, under eighteen years of age;

(5) "Children's services providers and agencies", any

public, quasi-public, or private entity with the appropriate and relevant training and expertise in delivering services to children and their families as determined by the children's division, and capable of providing direct services and other family services for children in the custody of the children's division or any such entities or agencies that are receiving state moneys for such services;

(6) "Director", the director of the Missouri children's division within the department of social services;

(7) "Division", the Missouri children's division within the department of social services;

(8) "Family assessment and services", an approach to be developed by the children's division which will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or neglect by a person responsible for that child's care, custody or control and of that child's family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family;

(9) "Family support team meeting" or "team meeting", a meeting convened by the division or children's services provider in behalf of the family and/or child for the purpose of determining service and treatment needs, determining the need for placement and developing a plan for reunification or other permanency options, determining the appropriate placement of the child, evaluating case progress, and establishing and revising the case plan;



85           (10) "Investigation", the collection of physical and verbal  
86 evidence to determine if a child has been abused or neglected;

87           (11) "Jail or detention center personnel", employees and  
88 volunteers working in any premises or institution where  
89 incarceration, evaluation, care, treatment or rehabilitation is  
90 provided to persons who are being held under custody of the law;

91           (12) "Neglect", failure to provide, by those responsible for  
92 the care, custody, and control of the child, the proper or  
93 necessary support, education as required by law, nutrition or  
94 medical, surgical, or any other care necessary for the child's  
95 well-being, except that neglect shall not be found by virtue of the  
96 sole fact that a person allows a child to engage in independent  
97 activities without adult supervision including, but not limited  
98 to, traveling to or from school or nearby locations by bicycle or  
99 on foot, playing outdoors, or remaining at home for a reasonable  
100 period of time, provided such activities are appropriate based on  
101 the child's age, maturity, and physical and mental abilities, and  
102 the lack of adult supervision does not constitute conduct that is  
103 so grossly negligent as to endanger the health or safety of the  
104 child. Victims of neglect shall also include any victims of sex  
105 trafficking or severe forms of trafficking as those terms are  
106 defined in ~~[22 U.S.C. 78 Section 7102(9)-(10)]~~ 22 U.S.C. Section  
107 7102, as amended;

108           (13) "Preponderance of the evidence", that degree of  
109 evidence that is of greater weight or more convincing than the  
110 evidence which is offered in opposition to it or evidence which as  
111 a whole shows the fact to be proved to be more probable than not;

112           (14) "Probable cause", available facts when viewed in the  
113 light of surrounding circumstances which would cause a reasonable  
114 person to believe a child was abused or neglected;

115           (15) "Report", the communication of an allegation of child  
116 abuse or neglect to the division pursuant to section 210.115;

117           (16) "Those responsible for the care, custody, and control of  
118 the child", includes, but is not limited to:

119           (a) The parents or legal guardians of a child;

120           (b) Other members of the child's household;

121           (c) Those exercising supervision over a child for any part of  
122 a twenty-four-hour day;

123           (d) Any adult person who has access to the child based on  
124 relationship to the parents of the child or members of the child's  
125 household or the family;

126           (e) Any person who takes control of the child by deception,  
127 force, or coercion; or

128           (f) School personnel, contractors, and volunteers, if the  
129 relationship with the child was established through the school or  
130 through school-related activities, even if the alleged abuse or  
131 neglect occurred outside of school hours or off school grounds.

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

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

7           (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. 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

143 services shall be allocated to providers regardless of whether the  
144 provider is public or private. Such increases shall be considered  
145 additive to the existing contracts. In addition to payments  
146 reflecting the cost of services, contracts shall include  
147 incentives provided in recognition of performance based on the  
148 evaluation tool created under subsection 2 of this section and the  
149 corresponding savings for the state. The response and evaluation  
150 team under subsection 3 of this section shall review a formula to  
151 distribute such payments, as recommended by the division.

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

159 8. By July 1, 2021, the children's division shall promulgate  
160 and have in effect rules to implement the provisions of this  
161 section and, pursuant to this section, shall define implementation  
162 plans and dates. Any rule or portion of a rule, as that term is  
163 defined in section 536.010, that is created under the authority  
164 delegated in this section shall become effective only if it  
165 complies with and is subject to all of the provisions of chapter  
166 536 and, if applicable, section 536.028. This section and chapter  
167 536 are nonseverable and if any of the powers vested with the  
168 general assembly pursuant to chapter 536 to review, to delay the  
169 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.

210.119. 1. The department of social services shall establish a program to provide a comprehensive system of service delivery, education, and residential care for youth with severe behavioral challenges. In order to be eligible for services under this program, youth shall:

(1) Be in the custody of the children's division;  
(2) Be under twenty-one years of age; and  
(3) Be determined by a team within the department to have needs that cannot be met by existing state programs. Such determination shall include any assessment necessary to maximize resources for the youth.

2. The department shall be authorized to enter into any contracts necessary to implement this program, including contracts for program operations with a qualified service provider or

15 consortium of qualified service providers. Qualified service  
16 providers shall be certified, licensed, or accredited in their  
17 respective fields of service, based in this state, and entities  
18 with proven experience in the areas for which they shall provide  
19 services, as well as meet any additional requirements set by the  
20 department designed to meet the best interests of the children they  
21 serve.

22 3. The department shall be authorized to enter into memoranda  
23 of understanding with any facility or campus under state ownership  
24 that is appropriate for the program and the youth being served.

25 4. No qualified service provider, or any employees or  
26 contractors of such qualified service provider, shall be liable in  
27 damages for any services and duties provided under a contract  
28 entered into under subsection 2 of this section, provided that such  
29 services and duties are performed in good faith and without gross  
30 negligence. In no case shall a qualified service provider be  
31 immune for abuse or neglect of a child, as such terms are defined  
32 in section 210.110. The provisions of this subsection shall be  
33 void if the state creates a fund or entity that indemnifies or  
34 provides coverage in an amount of not less than one million  
35 dollars, which shall be increased or decreased on an annual basis  
36 effective January first of each year in accordance with the  
37 Implicit Price Deflator for Personal Consumption Expenditures as  
38 published by the Bureau of Economic Analysis of the U.S. Department  
39 of Commerce, for damages due to a cause of action against a  
40 qualified service provider, or an employee or contractor of such  
41 qualified service provider, under this section for personal

42 injury.

43 5. The department may promulgate such rules and regulations  
44 as are necessary to implement the provisions of this section. Any  
45 rule or portion of a rule, as that term is defined in section  
46 536.010, that is created under the authority delegated in this  
47 section shall become effective only if it complies with and is  
48 subject to all of the provisions of chapter 536 and, if applicable,  
49 section 536.028. This section and chapter 536 are nonseverable and  
50 if any of the powers vested with the general assembly pursuant to  
51 chapter 536 to review, to delay the effective date, or to  
52 disapprove and annul a rule are subsequently held  
53 unconstitutional, then the grant of rulemaking authority and any  
54 rule proposed or adopted after August 28, 2025, shall be invalid  
55 and void.

210.145. 1. The division shall develop protocols which give  
2 priority to:

3 (1) Ensuring the well-being and safety of the child in  
4 instances where child abuse or neglect has been alleged;

5 (2) Promoting the preservation and reunification of children  
6 and families consistent with state and federal law;

7 (3) Providing due process for those accused of child abuse or  
8 neglect; and

9 (4) Maintaining an information system operating at all  
10 times, capable of receiving and maintaining reports. This  
11 information system shall have the ability to receive reports over a  
12 single, statewide toll-free number. Such information system shall  
13 maintain the results of all investigations, family assessments and

14 services, and other relevant information.

15       2. (1) The division shall utilize structured decision-  
16 making protocols, including a standard risk assessment that shall  
17 be completed within seventy-two hours of the report of abuse or  
18 neglect, for classification purposes of all child abuse and  
19 neglect reports. The protocols developed by the division shall  
20 give priority to ensuring the well-being and safety of the child.  
21 All child abuse and neglect reports shall be initiated within  
22 twenty-four hours and shall be classified based upon the reported  
23 risk and injury to the child. The division shall promulgate rules  
24 regarding the structured decision-making protocols to be utilized  
25 for all child abuse and neglect reports.

26       (2) The director of the division and the office of state  
27 courts administrator shall develop a joint safety assessment tool  
28 before December 31, 2020, and such tool shall be implemented before  
29 January 1, 2022. The safety assessment tool shall replace the  
30 standard risk assessment required under subdivision (1) of this  
31 subsection and shall also be completed within seventy-two hours of  
32 the report of abuse or neglect.

33       3. Upon receipt of a report, the division shall determine if  
34 the report merits investigation, including reports which if true  
35 would constitute a suspected violation of any of the following:  
36 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the  
37 victim is a child less than eighteen years of age, section 566.030  
38 or 566.060 if the victim is a child less than eighteen years of  
39 age, or other crimes under chapter 566 if the victim is a child  
40 less than eighteen years of age and the perpetrator is twenty-one

41 years of age or older, section 567.050 if the victim is a child  
42 less than eighteen years of age, section 568.020, 568.030,  
43 568.045, 568.050, 568.060, 573.200, or 573.205, section 573.025,  
44 573.035, 573.037, or 573.040, or an attempt to commit any such  
45 crimes. The division shall immediately communicate all reports  
46 that merit investigation to its appropriate local office and any  
47 relevant information as may be contained in the information  
48 system. The local division staff shall determine, through the use  
49 of protocols developed by the division, whether an investigation  
50 or the family assessment and services approach should be used to  
51 respond to the allegation. The protocols developed by the division  
52 shall give priority to ensuring the well-being and safety of the  
53 child.

54 4. The division may accept a report for investigation or  
55 family assessment if either the child or alleged perpetrator  
56 resides in Missouri, may be found in Missouri, or if the incident  
57 occurred in Missouri.

58 5. If the division receives a report in which neither the  
59 child nor the alleged perpetrator resides in Missouri or may be  
60 found in Missouri and the incident did not occur in Missouri, the  
61 division shall document the report and communicate it to the  
62 appropriate agency or agencies in the state where the child is  
63 believed to be located, along with any relevant information or  
64 records as may be contained in the division's information system.

65 6. When the child abuse and neglect hotline receives three or  
66 more calls, within a seventy-two hour period, from one or more  
67 individuals concerning the same child, the division shall conduct

a review to determine whether the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. In conducting the review, the division shall contact the hotline caller or callers in order to collect information to determine whether the calls meet the criteria for harassment.

7. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

8. (1) The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all

necessary steps to facilitate such direct observation. Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger. If the parents of the child are not the alleged perpetrators, a parent of the child must be notified prior to the child being interviewed by the division. No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

~~[(1)]~~ (a) a. No person is present in the home at the time of the home visit; and

~~[(b)]~~ b. The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;

~~[(2)]~~ (b) The alleged perpetrator will be alerted regarding the attempted visit; or

~~[(3)]~~ (c) The family has a history of domestic violence or fleeing the community.

(2) If the division is responding to an investigation of abuse or neglect, the person responding shall first ensure safety of the child through direct observation and communication with the child. If the parent or alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall present identification and verbally identify himself or herself and his or her role in the investigation and shall

122 provide written material to the parent or alleged perpetrator  
123 informing him or her of his or her rights regarding such visit,  
124 including but not limited to the right to contact an attorney. The  
125 parent or alleged perpetrator shall be given a reasonable amount of  
126 time to read such written material or have such material read to  
127 him or her by the case worker before the visit commences, but in no  
128 event shall such time exceed five minutes; except that, such  
129 requirement to provide written material and reasonable time to  
130 read such material shall not apply in cases where the child faces  
131 an immediate threat or danger, or the person responding to or  
132 investigating the report is or feels threatened or in danger of  
133 physical harm. If the abuse is alleged to have occurred in a  
134 school or child care facility the division shall not meet with the  
135 child in any school building or child-care facility building where  
136 abuse of such child is alleged to have occurred. When the child is  
137 reported absent from the residence, the location and the well-  
138 being of the child shall be verified. For purposes of this  
139 subsection, "child care facility" shall have the same meaning as  
140 such term is defined in section 210.201.

141 (3) If the division is responding to an assessment of abuse  
142 or neglect, the person responding shall present identification and  
143 verbally identify himself or herself and his or her role in the  
144 investigation and provide a parent of the child with notification  
145 prior to the child being interviewed by the person responding and  
146 shall provide written material to the parent informing him or her  
147 of his or her rights regarding such visit, including, but not  
148 limited to, the right to contact an attorney. The parent shall be



given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to read such material shall not apply in cases where the child faces immediate threat or danger, the person responding to or investigating the report is or feels threatened or in danger of physical harm, or any of the exceptions in subdivision (1) of this subsection would apply.

9. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family

Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal rule 34 C.F.R. Part 99.

10. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

11. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

12. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

13. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

203           14. For all family support team meetings involving an alleged  
204 victim of child abuse or neglect, the parents, legal counsel for  
205 the parents, foster parents, the legal guardian or custodian of the  
206 child, the guardian ad litem for the child, the child's counsel,  
207 and the volunteer advocate for the child shall be provided notice  
208 and be permitted to attend all such meetings. Family members,  
209 other than alleged perpetrators, or other community informal or  
210 formal service providers that provide significant support to the  
211 child and other individuals may also be invited at the discretion  
212 of the parents of the child. In addition, the parents, the legal  
213 counsel for the parents, the legal guardian or custodian and the  
214 foster parents may request that other individuals, other than  
215 alleged perpetrators, be permitted to attend such team meetings.  
216 Once a person is provided notice of or attends such team meetings,  
217 the division or the convenor of the meeting shall provide such  
218 persons with notice of all such subsequent meetings involving the  
219 child. Families may determine whether individuals invited at  
220 their discretion shall continue to be invited.

221           15. If the appropriate local division personnel determine  
222 after an investigation has begun that completing an investigation  
223 is not appropriate, the division shall conduct a family assessment  
224 and services approach. The division shall provide written  
225 notification to local law enforcement prior to terminating any  
226 investigative process. The reason for the termination of the  
227 investigative process shall be documented in the record of the  
228 division and the written notification submitted to local law  
229 enforcement. Such notification shall not preclude nor prevent any

investigation by law enforcement.

16. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

17. (1) Within forty-five days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within forty-five days, unless good cause for the failure to complete the investigation is specifically documented in the information system. Good cause for failure to complete an investigation shall include, but not be limited to:

(a) The necessity to obtain relevant reports of medical providers, medical examiners, psychological testing, law enforcement agencies, forensic testing, and analysis of relevant evidence by third parties which has not been completed and provided to the division;

(b) The attorney general or the prosecuting or circuit attorney of the city or county in which a criminal investigation is pending certifies in writing to the division that there is a pending criminal investigation of the incident under investigation by the division and the issuing of a decision by the division will adversely impact the progress of the investigation; or

(c) The child victim, the subject of the investigation or another witness with information relevant to the investigation is unable or temporarily unwilling to provide complete information within the specified time frames due to illness, injury,

284 unavailability, mental capacity, age, developmental disability, or  
285 other cause.

286  
287 The division shall document any such reasons for failure to  
288 complete the investigation.

289 (2) If a child fatality or near-fatality is involved in a  
290 report of abuse or neglect, the investigation shall remain open  
291 until the division's investigation surrounding such death or near-  
292 fatal injury is completed.

293 (3) If the investigation is not completed within forty-five  
294 days, the information system shall be updated at regular intervals  
295 and upon the completion of the investigation, which shall be  
296 completed no later than ninety days after receipt of a report of  
297 abuse or neglect, or one hundred twenty days after receipt of a  
298 report of abuse or neglect involving sexual abuse, or until the  
299 division's investigation is complete in cases involving a child  
300 fatality or near-fatality. The information in the information  
301 system shall be updated to reflect any subsequent findings,  
302 including any changes to the findings based on an administrative or  
303 judicial hearing on the matter.

304 18. A person required to report under section 210.115 to the  
305 division and any person making a report of child abuse or neglect  
306 made to the division which is not made anonymously shall be  
307 informed by the division of his or her right to obtain information  
308 concerning the disposition of his or her report. Such person shall  
309 receive, from the local office, if requested, information on the  
310 general disposition of his or her report. Such person may receive,

if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

19. The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

20. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been

made.

If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

21. Nothing in this chapter shall be construed to prohibit the children's division from coinvestigating a report of child abuse or neglect or sharing records and information with child welfare, law enforcement, or judicial officers of another state, territory, or nation if the children's division determines it is appropriate to do so under the standard set forth in subsection 4 of section 210.150 and if such receiving agency is exercising its authority under the law.

22. In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

23. The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

24. 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



365 if any of the powers vested with the general assembly pursuant to  
366 chapter 536 to review, to delay the effective date or to disapprove  
367 and annul a rule are subsequently held unconstitutional, then the  
368 grant of rulemaking authority and any rule proposed or adopted  
369 after August 28, 2000, shall be invalid and void.

210.160. 1. Subject to the provisions of subsection 3 of  
2 this section, in every case involving an abused or neglected child  
3 which results in a judicial proceeding, the judge shall appoint a  
4 guardian ad litem to appear for and represent:

5 (1) A child who is the subject of proceedings pursuant to  
6 sections 210.110 to 210.165 except proceedings under subsection 6  
7 of section 210.152, sections 210.700 to 210.760, sections 211.442  
8 to 211.487, or sections 453.005 to 453.170, or proceedings to  
9 determine custody or visitation rights under sections 452.375 to  
10 452.410; or

11 (2) A parent who is a minor, or who is a mentally ill person  
12 or otherwise incompetent, and whose child is the subject of  
13 proceedings under sections 210.110 to 210.165, sections 210.700 to  
14 210.760, sections 211.442 to 211.487, or sections 453.005 to  
15 453.170.

16 2. The judge, either sua sponte or upon motion of a party,  
17 may appoint a guardian ad litem to appear for and represent an  
18 abused or neglected child involved in proceedings arising under  
19 subsection 6 of section 210.152.

20 3. (1) Beginning January 1, 2028, and subject to necessary  
21 appropriations made for that purpose, the judge shall appoint  
22 counsel for a child who is at least fourteen but less than eighteen

23 years of age and who is the subject of proceedings under sections  
24 210.110 to 210.165 except proceedings under subsection 6 of  
25 section 210.152, sections 210.700 to 210.760, or sections 211.442  
26 to 211.487. A judge may implement the provisions of this  
27 subsection at any time before January 1, 2028, pursuant to a pilot  
28 project implemented under section 477.715, and, if doing so, shall  
29 not be required to appoint a guardian ad litem and child's counsel  
30 concurrently unless the judge finds it necessary in accordance  
31 with subdivision (3) of this subsection.

32 (2) Counsel shall represent the child at all stages of the  
33 proceeding, including appeal. The child and the child's parent or  
34 guardian shall not be represented by the same counsel.

35 (3) A guardian ad litem appointed for a child under this  
36 section shall transition to serving as the child's counsel upon the  
37 child's fourteenth birthday, provided that the proceeding for  
38 which the guardian ad litem was appointed is ongoing. The  
39 transition shall occur unless the judge finds it necessary to  
40 continue the guardian ad litem appointment if it is determined that  
41 the child is at risk for substantial physical, financial, or other  
42 harm and cannot adequately act in his or her own interests or if  
43 those responsible for the care, custody, and control of the child  
44 have been and still are under the jurisdiction of the department of  
45 corrections; provided, however, a judge may appoint the child  
46 counsel in addition to a guardian ad litem.

47 (4) The judge may appoint the same attorney to serve as  
48 guardian ad litem for children in a sibling group who are under  
49 fourteen years of age as the attorney serving as child's counsel

for any sibling at least fourteen but less than eighteen years of age; provided that the attorney or judge does not find a conflict of interest in such appointment.

(5) In the event that a child's counsel is appointed under this subsection, the court may appoint or continue the appointment of a volunteer advocate, who shall be governed by the provisions of this section.

(6) Either sua sponte or upon the motion of a party, the judge shall issue an order of appointment for the child's counsel no later than thirty days of the filing of the motion and the counsel shall notify the parties of the change in appointment.

(7) In any court case or proceeding in which child's counsel is appointed by court, the court shall set a reasonable fee for such services. The court shall award such fees as a judgment to be paid by the state from funds appropriated by the legislature to the judicial branch for such purpose.

4. The guardian ad litem and child's counsel shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child's family members or placements of the child, and upon appointment by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Employees of the division, officers of the court, and employees of any agency involved shall fully inform the guardian ad litem and child's counsel of all aspects of the case of which they have knowledge or belief.

77           ~~[4.]~~ 5. The appointing judge shall require the guardian ad  
78 litem or the child's counsel to faithfully discharge such guardian  
79 ad litem's or the counsel's duties, and upon failure to do so shall  
80 discharge such guardian ad litem or counsel and appoint another.  
81 The appointing judge shall have the authority to examine the  
82 general and criminal background of persons appointed as guardians  
83 ad litem and children's counsel, including utilization of the  
84 family care safety registry and access line pursuant to sections  
85 210.900 to 210.937, to ensure the safety and welfare of the  
86 children such persons are appointed to represent. The judge in  
87 making appointments pursuant to this section shall give preference  
88 to persons who served as guardian ad litem or child's counsel for  
89 the child in the earlier proceeding, unless there is a reason on  
90 the record for not giving such preference.

91           ~~[5.]~~ 6. The guardian ad litem may be awarded a reasonable fee  
92 for such services to be set by the court. The court, in its  
93 discretion, may award such fees as a judgment to be paid by any  
94 party to the proceedings or from public funds. However, no fees as  
95 a judgment shall be taxed against a party or parties who have not  
96 been found to have abused or neglected a child or children. Such  
97 an award of guardian fees shall constitute a final judgment in  
98 favor of the guardian ad litem. Such final judgment shall be  
99 enforceable against the parties in accordance with chapter 513.

100           ~~[6.]~~ 7. The court may designate volunteer advocates, who may  
101 or may not be attorneys licensed to practice law, to assist in the  
102 performance of the guardian ad litem duties for the court.  
103 Nonattorney volunteer advocates shall not provide legal

representation. The court shall have the authority to examine the general and criminal background of persons designated as volunteer advocates, including utilization of the family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are designated to represent. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child's family members or placements of the child, and upon designation by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.

~~[7.]~~ 8. Any person appointed to perform guardian ad litem or children's counsel duties shall have completed a training program in permanency planning and shall advocate for timely court hearings whenever possible to attain permanency for a child as expeditiously as possible to reduce the effects that prolonged foster care may have on a child. A nonattorney volunteer advocate shall have access to a court appointed attorney guardian ad litem or child's counsel should the circumstances of the particular case so require.

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

(1) "Child", any child or youth placed in the legal custody of the division under chapter 211;

5 (2) "Division", the children's division of the department of  
6 social services of the state of Missouri;

7 (3) "Money", any legal tender, note, draft, certificate of  
8 deposit, stocks, bond or check;

9 (4) "Unmet needs", needs for which the division is not  
10 required by law to provide financial support, including, but not  
11 limited to, the following:

12 (a) Tuition, tutoring, and training, including application  
13 fees, books, equipment, and testing;

14 (b) Transportation to and from work, training, education, or  
15 to maintain family connections;

16 (c) Housing expenses if the child is preparing to leave the  
17 custody of the division for reasons relating to the child's age;  
18 and

19 (d) Technology, special clothing needs, instruments, books,  
20 and other equipment relating to the child's hobbies and interests;

21 (5) "Vested right", a legal right that is more than a mere  
22 expectancy and may be reduced to a present monetary value;

23 (6) "Youth", any child under the legal custody of the  
24 division where jurisdiction has been granted under section  
25 211.041.

26 2. The child, the child's parents, any fiduciary or any  
27 representative payee holding or receiving money that are vested  
28 rights solely for or on behalf of a child are jointly and severally  
29 liable for funds expended by the division to or on behalf of the  
30 child. The liability of any person, except a parent of the child,  
31 shall be limited to the money received in his or her fiduciary or

representative capacity. The Missouri state government shall not require a trustee or a financial institution acting as a trustee to exercise any discretionary powers in the operation of a trust.

3. (1) The division may accept an appointment to serve as representative payee or fiduciary, or in a similar capacity for payments to a child under any public or private benefit arrangement. Money so received shall be governed by this section to the extent that laws and regulations governing payment of such benefits provide otherwise.

(2) In the case of benefits administered by the U.S. Railroad Retirement Board, the Social Security Administration, or the Veterans Administration, the division shall determine whether the child is receiving or otherwise eligible to receive such benefits within sixty days after the child is placed in the division's custody. If the division determines that the child is eligible or may be eligible for the benefits, the division shall apply for the benefits on behalf of the child. If the child is already receiving the benefits before being placed in the division's custody or if the division applies for the benefits on behalf of the child, the division shall identify, in consultation with the child and the child's guardian ad litem, a representative payee in accordance with 20 CFR 404.2021 and 20 CFR 416.621 and shall apply to become the representative payee only if no other suitable candidate is available. The division shall annually review if someone other than the division is available, if in the best interests of the child, to apply to assume the role of representative payee.

(3) The division shall annually review cases of children in

the division's custody to determine whether a child may have become eligible for benefits after the division's initial assessment.

4. Any money received by the division on behalf of a child shall be accounted for in the name of the child. Any money in the account of a child ~~may~~ shall not be expended by the division for care or services for the child including, but not limited to, foster care maintenance payments, as defined in 42 U.S.C. Section 675(4) (A), and any special allowances or expenses established by the division for the care of children in the division's custody for a child of a similar age; provided, however, that the division may use the benefits administered by the U.S. Railroad Retirement Board, the Social Security Administration, or the Veterans Administration for the child's unmet needs beyond what the division is obligated, required, or agrees to pay. The division shall by rule adopted under chapter 536 establish procedures for the accounting of the money and the protection of the money against theft, loss or misappropriation.

5. The division shall deposit money with a financial institution. Any earnings attributable to the money in the account of a child shall be credited to that child's account. The division shall receive bids from banking corporations, associations or trust companies which desire to be selected as depositories of children's moneys for the division. The child's account shall be established in a manner consistent with federal and state asset and resource limits and may include a special needs trust, a pooled special needs trust, an ABLE account as defined in section 209.600, or any other trust account determined not to interfere with asset



86 limitations for any state or federal benefit program for which the  
87 child may be eligible.

88         6. The division may accept funds which a parent, guardian or  
89 other person wishes to provide for the use or benefit of the child.  
90 The use and deposit of such funds shall be governed by this section  
91 and any additional directions given by the provider of the funds.

92         7. Each child for whose benefit funds have been received by  
93 the division ~~[and]~~, the guardian ad litem of such child, and the  
94 child's counsel shall be furnished annually with a statement  
95 listing all transactions involving the funds which have been  
96 deposited on the child's behalf, to include each receipt and  
97 disbursement.

98         8. The division shall use all proper diligence to dispose of  
99 the balance of money accumulated in the child's account when the  
100 child is released from the care and custody of the division or the  
101 child dies. When the child is deceased the balance shall be  
102 disposed of as provided by law for descent and distribution. If,  
103 after the division has diligently used such methods and means as  
104 considered reasonable to refund such funds, there shall remain any  
105 money, the owner of which is unknown to the division, or if known,  
106 cannot be located by the division, in each and every such instance  
107 such money shall escheat and vest in the state of Missouri, and the  
108 director and officials of the division shall pay the same to the  
109 state director of the department of revenue, taking a receipt  
110 therefor, who shall deposit the money in the state treasury to be  
111 credited to a fund to be designated as "escheat".

112         9. Within five years after money has been paid into the state

treasury, any person who appears and claims the money may file a petition in the circuit court of Cole County, Missouri, stating the nature of the claim and praying that such money be paid to him. A copy of the petition shall be served upon the director of the department of revenue who shall file an answer to the same. The court shall proceed to examine the claim and the allegations and proof, and if it finds that such person is entitled to any money so paid into the state treasury, it shall order the commissioner of administration to issue a warrant on the state treasurer for the amount of such claim, but without interest or costs. A certified copy of the order shall be sufficient voucher for issuing a warrant; provided, that either party may appeal from the decision of the court in the same manner as provided by law in other civil actions.

10. All moneys paid into the state treasury under the provisions of this section after remaining there unclaimed for five years shall escheat and vest absolutely in the state and be credited to the state treasury, and all persons shall be forever barred and precluded from setting up title or claim to any such funds.

11. Nothing in this section shall be deemed to apply to funds regularly due the state of Missouri for the support and maintenance of children in the care and custody of the division or collected by the state of Missouri as reimbursement for state funds expended on behalf of the child.

12. (1) Subject to appropriation, the department of social services shall have the authority to enter into contracts with

140 private individuals, law firms, not-for-profit corporations, or  
141 partnerships to apply for benefits on behalf of a child in its  
142 custody or under its court-ordered supervision pursuant to chapter  
143 211 for the benefits administered by the U.S. Railroad Retirement  
144 Board, the Social Security Administration, or the Veterans  
145 Administration, and to establish accounts as set forth in  
146 subsection 5 of this section.

147 (2) The department may promulgate all necessary rules and  
148 regulations for the administration of this subsection. Any rule or  
149 portion of a rule, as that term is defined in section 536.010, that  
150 is created under the authority delegated in this section shall  
151 become effective only if it complies with and is subject to all of  
152 the provisions of chapter 536 and, if applicable, section 536.028.  
153 This section and chapter 536 are nonseverable and if any of the  
154 powers vested with the general assembly pursuant to chapter 536 to  
155 review, to delay the effective date, or to disapprove and annul a  
156 rule are subsequently held unconstitutional, then the grant of  
157 rulemaking authority and any rule proposed or adopted after August  
158 28, 2025, shall be invalid and void.

210.565. 1. Whenever a child is placed in a foster home and  
2 the court has determined pursuant to subsection 4 of this section  
3 that foster home placement with relatives is not contrary to the  
4 best interest of the child, the children's division shall give  
5 foster home placement to relatives of the child. Notwithstanding  
6 any rule of the division to the contrary and under section 210.305,  
7 the children's division shall complete a diligent search to locate  
8 and notify the grandparents, adult siblings, parents of siblings

9 of the child, and all other relatives and determine whether they  
10 wish to be considered for placement of the child. Grandparents who  
11 request consideration shall be given preference and first  
12 consideration for foster home placement of the child. If more than  
13 one grandparent requests consideration, the family support team  
14 shall make recommendations to the juvenile or family court about  
15 which grandparent should be considered for placement.

16 2. As used in this section, the following terms shall mean:

17 (1) "Adult sibling", any brother or sister of whole or half-  
18 blood who is at least eighteen years of age;

19 (2) "Relative", a grandparent or any other person related to  
20 another by blood or affinity or a person who is not so related to  
21 the child but has a close relationship with the child or the  
22 child's family. A foster parent or kinship caregiver with whom a  
23 child has resided for nine months or more is a person who has a  
24 close relationship with the child. The status of a grandparent  
25 shall not be affected by the death or the dissolution of the  
26 marriage of a son or daughter;

27 (3) "Sibling", one of two or more individuals who have one or  
28 both parents in common through blood, marriage, or adoption,  
29 including siblings as defined by the child's tribal code or custom.

30 3. The following shall be the order or preference for  
31 placement of a child under this section:

32 (1) Grandparents;

33 (2) Adult siblings or parents of siblings;

34 (3) Relatives; and

35 (4) Any foster parent who is currently licensed and capable

of accepting placement of the child.

4. The preference for placement and first consideration for grandparents or preference for placement with other relatives created by this section shall only apply where the court finds that placement with such grandparents or other relatives is not contrary to the best interest of the child considering all circumstances. If the court finds that it is contrary to the best interest of a child to be placed with grandparents or other relatives, the court shall make specific findings on the record detailing the reasons why the best interests of the child necessitate placement of the child with persons other than grandparents or other relatives. Absent evidence to the contrary, the court may presume that continuation of the child's placement with his or her current caregivers is in the child's best interests.

5. Recognizing the critical nature of sibling bonds for children, the children's division shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement, unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the children's division shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings, unless this interaction would be contrary to a sibling's safety or well-being.

6. The age of the child's grandparent or other relative shall not be the only factor that the children's division takes into consideration when it makes placement decisions and

63 recommendations to the court about placing the child with such  
64 grandparent or other relative.

65 7. For any Native American child placed in protective  
66 custody, the children's division shall comply with the placement  
67 requirements set forth in 25 U.S.C. Section 1915.

68 8. A grandparent or other relative may, on a case-by-case  
69 basis, have standards for licensure not related to safety waived  
70 for specific children in care that would otherwise impede  
71 licensing of the grandparent's or relative's home. In addition,  
72 any person receiving a preference may be licensed in an expedited  
73 manner if a child is placed under such person's care.

74 9. The guardian ad litem or child's counsel shall ascertain  
75 the child's wishes and feelings about his or her placement by  
76 conducting an interview or interviews with the child, if  
77 appropriate based on the child's age and maturity level, which  
78 shall be considered as a factor in placement decisions and  
79 recommendations, but shall not supersede the preference for  
80 relative placement created by this section or be contrary to the  
81 child's best interests.

210.762. 1. When a child is taken into custody by a juvenile  
2 officer or law enforcement official under subdivision (1) of  
3 subsection 1 of section 211.031 and initially placed with the  
4 division, the division may make a temporary placement and shall  
5 arrange for a family support team meeting prior to or within  
6 twenty-four hours following the protective custody hearing held  
7 under section 211.032. After a child is in the division's custody  
8 and a temporary placement has been made, the division shall arrange

9 an additional family support team meeting prior to taking any  
10 action relating to the placement of such child; except that, when  
11 the welfare of a child in the custody of the division requires an  
12 immediate or emergency change of placement, the division may make a  
13 temporary placement and shall schedule a family support team  
14 meeting within seventy-two hours. The requirement for a family  
15 support team meeting shall not apply when the parent has consented  
16 in writing to the termination of his or her parental rights in  
17 conjunction with a placement in a licensed child-placing agency  
18 under subsection 6 of section 453.010.

19 2. The parents, the legal counsel for the parents, the foster  
20 parents, the legal guardian or custodian of the child, the guardian  
21 ad litem for the child, the child's counsel, and the volunteer  
22 advocate, and any designee of the parent that has written  
23 authorization shall be notified and invited to participate in all  
24 family support team meetings. The family support team meeting may  
25 include such other persons whose attendance at the meeting may  
26 assist the team in making appropriate decisions in the best  
27 interests of the child. If the division finds that it is not in the  
28 best interest of a child to be placed with relatives, the division  
29 shall make specific findings in the division's report detailing  
30 the reasons why the best interests of the child necessitate  
31 placement of the child with persons other than relatives.

32 3. The division shall use the form created in subsection 2 of  
33 section 210.147 to be signed upon the conclusion of the meeting  
34 pursuant to subsection 1 of this section confirming that all  
35 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 case manager shall be responsible for including such form with the case records of the child.

210.1012. 1. There is hereby created a statewide program called the "Amber Alert System" referred to in this section as the "system" to aid in the identification and location of an abducted child or abducted or missing African American youth.

2. For the purposes of this section, "abducted child or abducted or missing African American youth" means a child or youth whose whereabouts are unknown and who is:

(1) Less than eighteen years of age and reasonably believed to be the victim of the crime of kidnapping or kidnapping in the first degree as defined by section 565.110 as determined by local law enforcement;

(2) Reasonably believed to be the victim of the crime of child kidnapping as defined by section 565.115 as determined by local law enforcement; ~~[or]~~

(3) Less than eighteen years of age and at least fourteen years of age and who, if under the age of fourteen, would otherwise be reasonably believed to be a victim of child kidnapping as defined by section 565.115 as determined by local law enforcement; or

(4) Reasonably believed to be a victim of an offense of trafficking pursuant to section 566.206, 566.209, 566.210, or 566.211.

3. The department of public safety shall develop regions to



24 provide the system. The department of public safety shall  
25 coordinate local law enforcement agencies and public commercial  
26 television and radio broadcasters to provide an effective system.  
27 In the event that a local law enforcement agency opts not to set up  
28 a system and an abduction occurs within the jurisdiction, it shall  
29 notify the department of public safety who will notify local media  
30 in the region.

31 4. The Amber alert system shall include all state agencies  
32 capable of providing urgent and timely information to the public  
33 together with broadcasters and other private entities that  
34 volunteer to participate in the dissemination of urgent public  
35 information. At a minimum, the Amber alert system shall include  
36 the department of public safety, highway patrol, department of  
37 transportation, department of health and senior services, and  
38 Missouri lottery.

39 5. The department of public safety shall have the authority  
40 to notify other regions upon verification that the criteria  
41 established by the oversight committee has been met.

42 6. Participation in an Amber alert system is entirely at the  
43 option of local law enforcement agencies and federally licensed  
44 radio and television broadcasters.

45 7. Any person who knowingly makes a false report that  
46 triggers an alert pursuant to this section is guilty of a class A  
47 misdemeanor.

48 8. The department of public safety shall not discriminate  
49 against any person because of race, color, religion, national  
50 origin, ancestry, sex, disability, or familial status when

51 coordinating with local law enforcement agencies and public  
52 commercial television and radio broadcasters to provide an  
53 effective system.

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

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

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

subsection.

4. The court shall hold an adjudication hearing no later than sixty days after the child has been taken into custody. The court shall notify the parties in writing of the specific date, time, and place of such hearing. If at such hearing the court determines that sufficient cause exists for the child to remain in the custody of the state, the court shall conduct a dispositional hearing no later than ninety days after the child has been taken into custody and shall conduct review hearings regarding the reunification efforts made by the division every ninety to one hundred twenty days for the first year the child is in the custody of the division. After the first year, review hearings shall be held as necessary, but in no event less than once every six months for as long as the child is in the custody of the division.

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

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

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

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

52           (2) Upon request of the foster family, the guardian ad litem,  
53   the child's counsel, or the volunteer advocate and whenever  
54   possible, the child shall be permitted to continue to attend the  
55   same school that the child was enrolled in and attending at the  
56   time the child was taken into custody by the division. The  
57   division, in consultation with the department of elementary and  
58   secondary education, shall establish the necessary procedures to  
59   implement the provisions of this subsection.

          211.211. 1. A child is entitled to be represented by counsel  
2   in all proceedings under subdivision (2) or (3) of subsection 1 of  
3   section 211.031 and by a guardian ad litem in all proceedings under  
4   subdivision (1) of subsection 1 of section 211.031, except as  
5   otherwise provided in subsection 3 of section 210.160 when the  
6   child shall be represented by counsel and the provisions of section  
7   210.160 shall apply to the appointment of such counsel. Counsel  
8   appointed under subsection 3 of section 210.160 shall not be  
9   waived.

10           2. The court shall appoint counsel for a child prior to the  
11   filing of a petition if a request is made therefor to the court and  
12   the court finds that the child is the subject of a juvenile court  
13   proceeding and that the child making the request is indigent.

14           3. (1) When a petition has been filed under subdivision (2)  
15   or (3) of subsection 1 of section 211.031, the court may appoint  
16   counsel for the child except if private counsel has entered his or  
17   her appearance on behalf of the child or if counsel has been waived  
18   in accordance with law; except that, counsel shall not be waived  
19   for any proceeding specified under subsection 10 of this section

20 unless the child has had the opportunity to meaningfully consult  
21 with counsel and the court has conducted a hearing on the record.

22 (2) If a child waives his or her right to counsel, such  
23 waiver shall be made in open court and be recorded and in writing  
24 and shall be made knowingly, intelligently, and voluntarily. In  
25 determining whether a child has knowingly, intelligently, and  
26 voluntarily waived his or her right to counsel, the court shall  
27 look to the totality of the circumstances including, but not  
28 limited to, the child's age, intelligence, background, and  
29 experience generally and in the court system specifically; the  
30 child's emotional stability; and the complexity of the  
31 proceedings.

32 4. When a petition has been filed and the child's custodian  
33 appears before the court without counsel, the court shall appoint  
34 counsel for the custodian if it finds:

35 (1) That the custodian is indigent; and

36 (2) That the custodian desires the appointment of counsel;  
37 and

38 (3) That a full and fair hearing requires appointment of  
39 counsel for the custodian.

40 5. Counsel shall be allowed a reasonable time in which to  
41 prepare to represent his client.

42 6. Counsel shall serve for all stages of the proceedings,  
43 including appeal, unless relieved by the court for good cause  
44 shown. If no appeal is taken, services of counsel are terminated  
45 following the entry of an order of disposition.

46 7. The child and his custodian may be represented by the same

counsel except where a conflict of interest exists. Where it appears to the court that a conflict exists, it shall order that the child and his custodian be represented by separate counsel, and it shall appoint counsel if required by subsection 3 or 4 of this section.

8. When a petition has been filed, a child may waive his or her right to counsel only with the approval of the court and if such waiver is not prohibited under subsection 10 of this section. If a child waives his or her right to counsel for any proceeding except proceedings under subsection 10 of this section, the waiver shall only apply to that proceeding. In any subsequent proceeding, the child shall be informed of his or her right to counsel.

9. Waiver of counsel by a child may be withdrawn at any stage of the proceeding, in which event the court shall appoint counsel for the child if required by subsection 3 of this section.

10. A child's right to be represented by counsel shall not be waived in any of the following proceedings:

(1) At any contested detention hearing under Missouri supreme court rule 127.08 where the petitioner alleges that the child violated any law that, if committed by an adult, would be a felony unless an agreement is otherwise reached;

(2) At a certification hearing under section 211.071 or a dismissal hearing under Missouri supreme court rule 129.04;

(3) At an adjudication hearing under Missouri supreme court rule 128.02 for any felony offense or at any detention hearing arising from a misdemeanor or felony motion to modify or revoke, including the acceptance of an admission;

74 (4) At a dispositional hearing under Missouri supreme court  
75 rule 128.03; or

76 (5) At a hearing on a motion to modify or revoke supervision  
77 under subdivision (2) or (3) of subsection 1 of section 211.031.

211.221. In placing a child in or committing a child to the  
2 custody of an individual or of a private agency or institution the  
3 court, children's division, or any child-placing agency  
4 contracting with the state to provide foster care services shall  
5 whenever practicable select either a person, or an agency or  
6 institution governed by persons of the same religious faith as that  
7 of the parents of such child, or in case of a difference in the  
8 religious faith of the parents, then of the religious faith of the  
9 child or if the religious faith of the child is not ascertainable,  
10 then of the faith of either of the parents. The department of  
11 social services may contract to implement the provisions of this  
12 section.

211.261. 1. An appeal shall be allowed to the child from any  
2 final judgment, order or decree made under the provisions of this  
3 chapter and may be taken on the part of the child by its parent,  
4 guardian, legal custodian, spouse, relative or next friend. An  
5 appeal shall be allowed to a parent from any final judgment, order  
6 or decree made under the provisions of this chapter which adversely  
7 affects him. An appeal shall be allowed to the juvenile officer  
8 from any final judgment, order or decree made under this chapter,  
9 except that no such appeal shall be allowed concerning a final  
10 determination pursuant to subdivision (3) of subsection 1 of  
11 section 211.031. Notice of appeal shall be filed within thirty

12 days after the final judgment, order or decree has been entered but  
13 neither the notice of appeal nor any motion filed subsequent to the  
14 final judgment acts as a supersedeas unless the court so orders.

15 2. Notwithstanding the provisions of subsection 1 of this  
16 section, an appeal shall be allowed to the:

17 (1) Juvenile officer from any order suppressing evidence, a  
18 confession or an admission, in proceedings under subdivision (3)  
19 of subsection 1 of section 211.031; or

20 (2) Parent, guardian ad litem, child's counsel, or juvenile  
21 officer from any order changing or modifying the placement of a  
22 child.

23 3. The appeal provided for in subsection 2 of this section  
24 shall be an interlocutory appeal, filed in the appropriate  
25 district of the Missouri court of appeals. Notice of such  
26 interlocutory appeal shall be filed within three days of the entry  
27 of the order of trial court; the time limits applicable to such  
28 appeal shall be the same as in interlocutory appeals allowed to the  
29 state in criminal cases.

211.462. 1. In all actions to terminate parental rights, if  
2 not previously appointed pursuant to section 210.160, a guardian  
3 ad litem or child's counsel shall be appointed for the child as  
4 soon as practicable after the filing of the petition.

5 2. The parent or guardian of the person of the child shall be  
6 notified of the right to have counsel, and if they request counsel  
7 and are financially unable to employ counsel, counsel shall be  
8 appointed by the court. Notice of this provision shall be  
9 contained in the summons. When the parent is a minor or



10 incompetent the court shall appoint a guardian ad litem to  
11 represent such parent.

12 3. The guardian ad litem or child's counsel shall, during all  
13 stages of the proceedings:

14 (1) Be the legal representative of the child, and may  
15 examine, cross-examine, subpoena witnesses and offer testimony.  
16 The guardian ad litem or child's counsel may also initiate an  
17 appeal of any disposition that he determines to be adverse to the  
18 best interests of the child;

19 (2) Be an advocate for the child during the dispositional  
20 hearing and aid in securing a permanent placement plan for the  
21 child. To ascertain the child's wishes, feelings, attachments,  
22 and attitudes, he shall conduct all necessary interviews with  
23 persons, other than the parent, having contact with or knowledge of  
24 the child and, if appropriate, with the child;

25 (3) Protect the rights, interest and welfare of a minor or  
26 incompetent parent by exercising the powers and duties enumerated  
27 in subdivisions (1) and (2) of this subsection.

28 4. Court costs shall be paid by the county in which the  
29 proceeding is instituted, except that the court may require the  
30 agency or person having or receiving legal or actual custody to pay  
31 the costs.

451.040. 1. Previous to any marriage in this state, a  
2 license for that purpose shall be obtained from the officer  
3 authorized to issue the same, and no marriage contracted shall be  
4 recognized as valid unless the license has been previously  
5 obtained, and unless the marriage is solemnized by a person

6 authorized by law to solemnize marriages.

7 2. Before applicants for a marriage license shall receive a  
8 license, and before the recorder of deeds shall be authorized to  
9 issue a license, the parties to the marriage shall present an  
10 application for the license, duly executed and signed in the  
11 presence of the recorder of deeds or their deputy or electronically  
12 through an online process. If an applicant is unable to sign the  
13 application in the presence of the recorder of deeds as a result of  
14 the applicant's incarceration or because the applicant has been  
15 called or ordered to active military duty out of the state or  
16 country, the recorder of deeds may issue a license if:

17 (1) An affidavit or sworn statement is submitted by the  
18 incarcerated or military applicant on a form furnished by the  
19 recorder of deeds which includes the necessary information for the  
20 recorder of deeds to issue a marriage license under this section.  
21 The form shall include, but not be limited to, the following:

22 (a) The names of both applicants for the marriage license;

23 (b) The date of birth of the incarcerated or military  
24 applicant;

25 (c) An attestation by the incarcerated or military applicant  
26 that both applicants are not related;

27 (d) The date the marriage ended if the incarcerated or  
28 military applicant was previously married;

29 (e) An attestation signed by the incarcerated or military  
30 applicant stating in substantial part that the applicant is unable  
31 to appear in the presence of the recorder of deeds as a result of  
32 the applicant's incarceration or because the applicant has been

called or ordered to active military duty out of the state or country, which will be verified by the professional or official who directs the operation of the jail or prison or the military applicant's military officer, or such professional's or official's designee, and acknowledged by a notary public commissioned by the state of Missouri at the time of verification. However, in the case of an applicant who is called or ordered to active military duty outside Missouri, acknowledgment may be obtained by a notary public who is duly commissioned by a state other than Missouri or by notarial services of a military officer in accordance with the Uniform Code of Military Justice at the time of verification;

(2) The completed marriage license application of the incarcerated or military applicant is submitted which includes the applicant's Social Security number; except that, in the event the applicant does not have a Social Security number, a sworn statement by the applicant to that effect; and

(3) A copy of a government-issued identification for the incarcerated or military applicant which contains the applicant's photograph. However, in such case the incarcerated applicant does not have such an identification because the jail or prison to which he or she is confined does not issue an identification with a photo his or her notarized application shall satisfy this requirement.

3. Each application for a license shall contain the Social Security number of the applicant, provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number. The Social Security number contained in

an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024. After the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

4. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

5. Common-law marriages shall be null and void.

6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.

7. In the event a recorder of deeds utilizes an online process to accept applications for a marriage license or to issue a marriage license and the applicants' identity has not been verified in person, the recorder of deeds shall have a two-step identity verification process or a process that independently verifies the identity of such applicants. Such process shall be adopted as part of any electronic system for marriage licenses if the applicants do not present themselves to the recorder of deeds or his or her designee in person. It shall be the responsibility of the recorder of deeds to ensure any process adopted to allow electronic application or issuance of a marriage license verifies the identities of both applicants. The recorder of deeds shall not accept applications for or issue marriage licenses through the

process provided in this subsection unless ~~[both applicants are at least eighteen years of age and]~~ at least one of the applicants is a resident of the county or city not within a county in which the application was submitted.

451.080. 1. The recorders of the several counties of this state, and the recorder of the city of St. Louis, shall, when applied to by any person legally entitled to a marriage license, issue the same which may be in the following form:

State of Missouri )

)

ss.

)

County of \_\_\_\_\_ )

This license authorizes any judge, associate circuit judge, licensed or ordained preacher of the gospel, or other person authorized under the laws of this state, to solemnize marriage between A B of \_\_\_\_\_, county of \_\_\_\_\_ and state of \_\_\_\_\_, who is \_\_\_\_\_ the age of eighteen years, and C D of \_\_\_\_\_, in the county of \_\_\_\_\_, state of \_\_\_\_\_, who is \_\_\_\_\_ the age of eighteen years.

2. ~~[If the man is under eighteen or the woman under eighteen, add the following:]~~

~~[The custodial parent or guardian, as the case may be, of the said A B or C D (A B or C D, as the case may require), has given his or her assent to the said marriage.]~~

~~[Witness my hand as recorder, with the seal of office hereto affixed, at my office, in \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, recorder.]~~



16 ~~the age of eighteen years or the female is under the age of~~  
17 ~~eighteen years, the name of the custodial parent or guardian~~  
18 ~~consenting to such marriage~~]. Applicants shall provide proof of  
19 age to the recorder in the form of a certified copy of the  
20 applicant's birth certificate, passport, or other government-  
21 issued identification, which shall then be documented by the  
22 recorder.

477.700. 1. There is hereby created the "Child and Family  
2 Legal Representation Coordinating Commission" within the judicial  
3 branch, which shall be composed of nine members appointed by the  
4 chief justice of the Missouri supreme court. At least three  
5 members of the coordinating commission shall be attorneys licensed  
6 to practice law in this state, who have a minimum of five years of  
7 experience representing children as counsel or guardians ad litem.  
8 At least one member shall be a former foster youth with direct  
9 experience navigating the foster care system in this state. At  
10 least one member shall be a resident of this state who has no  
11 direct professional affiliation with the legal or child welfare  
12 system, but who has demonstrated commitment to child advocacy and  
13 protection. The chief justice shall designate one member to serve  
14 as chair and one member as vice chair. The vice chair shall  
15 preside in the absence of the chair.

16 2. The members of the coordinating commission shall serve for  
17 terms of four years and until their successors are appointed and  
18 qualified; except that, of the initial members appointed, three  
19 shall serve terms of one year, three shall serve terms of two  
20 years, and three shall serve terms of four years, as designated by

21 the chief justice. If a vacancy occurs, the chief justice shall  
22 appoint a replacement, who shall serve the unexpired portion of the  
23 term. Members of the coordinating commission may succeed  
24 themselves.

25 3. Members of the coordinating commission shall serve  
26 without compensation, but shall be reimbursed out of funds  
27 appropriated for this purpose for actual and reasonable expenses  
28 incurred in the performance of their duties.

29 4. The Missouri supreme court may adopt such rules as it  
30 deems appropriate to govern the procedures and operations of the  
31 coordinating commission.

477.705. In addition to any duties or responsibilities  
2 assigned to it by the Missouri supreme court, the coordinating  
3 commission established under section 477.700 shall have the  
4 following duties:

5 (1) To work cooperatively with the various judicial  
6 circuits, judicial personnel, attorneys, and other state  
7 departments or agencies and form partnerships to ensure uniform,  
8 high-quality legal representation for children or families  
9 involved in legal proceedings in this state;

10 (2) To make recommendations to the Missouri supreme court  
11 concerning the establishment or modification, by court rule, of  
12 minimum training requirements and practice standards for attorneys  
13 seeking to serve as guardians ad litem, children's counsel, or  
14 parent's counsel, including, but not limited to, appropriate  
15 maximum caseloads, minimum responsibilities and duties, and  
16 practice guidelines;



17       (3) To make recommendations to the Missouri supreme court  
18 concerning high-quality, accessible training throughout the state  
19 for persons seeking to serve as guardians ad litem, children's  
20 counsel, or parent's counsel, as well as for judicial personnel who  
21 regularly hear matters involving children and families;

22       (4) To develop, coordinate, and evaluate any pilot project  
23 established by the Missouri supreme court relating to guardians ad  
24 litem, children's counsel, or parent's counsel, including the  
25 development of measures to assess and document the various models  
26 of representation and the outcomes achieved by each, including  
27 collaborative models with local court-appointed special advocate  
28 programs, as well as the implementation of the child's counsel  
29 provisions of section 210.160;

30       (5) To seek to enhance existing funding sources and to study  
31 the availability or development of new funding sources for the  
32 provision of uniform, high-quality legal representation for  
33 children or families involved in legal proceedings in this state;

34       (6) To apply for and accept any funds that may be offered or  
35 that may become available from gifts, contributions, grants,  
36 bequests, or other aid received from federal, private, or other  
37 sources, which moneys shall be deposited in the child and family  
38 legal representation fund established in section 477.710; and

39       (7) To provide a report to the governor, the general  
40 assembly, and the supreme court of Missouri with recommendations  
41 to improve legal representation for parents and children subject  
42 to juvenile court jurisdiction under subdivision (1) of subsection  
43 1 of section 211.031.

477.710. 1. There is hereby established in the state treasury the "Child and Family Legal Representation Fund". The state treasurer shall credit to and deposit in the child and family legal representation fund all moneys that may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests, or other aid received from federal, private, or other sources.

2. The state treasurer shall invest moneys in the fund in the same manner as surplus state funds are invested pursuant to section 30.260. Any interest and moneys earned on such investments shall be credited to the fund.

3. The coordinating commission established under section 477.700 shall administer and disburse moneys in the child and family representation fund to judicial circuits for the purpose of improving or providing uniform, high-quality legal representation for children or families involved in legal proceedings in this state, including the payment of reasonable fees approved by a court for the appointment of a guardian ad litem, children's counsel, or parent's counsel.

4. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

477.715. 1. Notwithstanding the provisions of section 210.160 or any other provision of law to the contrary, in any circuit participating in a pilot project established by the Missouri supreme court relating to guardians ad litem, children's

5 counsel, or parent's counsel, where the provisions of subdivision  
6 (1) of subsection 1 of section 210.160 require that the judge  
7 appoint a guardian ad litem for a child, the judge may instead  
8 appoint a child's counsel to represent any child who is fourteen  
9 years of age or older at all stages of the proceeding, including  
10 appeal, without the additional appointment of a guardian ad litem.  
11 The child and the child's parent or guardian shall not be  
12 represented by the same counsel.

13 2. The provisions of this section shall expire on January 1,  
14 2028.

537.046. 1. As used in this section, the following terms  
2 mean:

3 (1) "Childhood sexual abuse", any act committed by the  
4 defendant against the plaintiff which act occurred when the  
5 plaintiff was under the age of eighteen years and which act would  
6 have been a violation of section 566.030, ~~[566.040, 566.050]~~  
7 566.031, 566.032, 566.034, 566.060, [566.070, 566.080, 566.090]  
8 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071,  
9 566.083, 566.086, 566.093, 566.095, 566.100, [566.110, or 566.120]  
10 566.101, 566.209, 566.210, 566.211, [or section] 568.020, or  
11 573.200;

12 (2) "Injury" or "illness", either a physical injury or  
13 illness or a psychological injury or illness. A psychological  
14 injury or illness need not be accompanied by physical injury or  
15 illness.

16 2. Any action to recover damages from injury or illness  
17 caused by childhood sexual abuse in an action brought pursuant to

18 this section shall be commenced within ten years of the plaintiff  
19 attaining the age of twenty-one or within three years of the date  
20 the plaintiff discovers, or reasonably should have discovered,  
21 that the injury or illness was caused by childhood sexual abuse,  
22 whichever later occurs.

23 3. This section shall apply to any action ~~commenced~~ arising  
24 on or after August 28, ~~[2004, including any action which would have~~  
25 ~~been barred by the application of the statute of limitation~~  
26 ~~applicable prior to that date]~~ 2025.

27 4. Notwithstanding any other provision of law to the  
28 contrary, a nondisclosure agreement by any party to a childhood  
29 sexual abuse action shall not be judicially enforceable in a  
30 dispute involving childhood sexual abuse allegations or claims,  
31 and shall be void.

568.045. 1. A person commits the offense of endangering the  
2 welfare of a child in the first degree if he or she:

3 (1) Knowingly acts in a manner that creates a substantial  
4 risk to the life, body, or health of a child less than seventeen  
5 years of age; or

6 (2) Knowingly engages in sexual conduct with a person under  
7 the age of ~~[seventeen]~~ eighteen years over whom the person is a  
8 parent, guardian, or otherwise charged with the care and custody;

9 (3) Knowingly encourages, aids or causes a child less than  
10 seventeen years of age to engage in any conduct which violates the  
11 provisions of chapter 571 or 579;

12 (4) In the presence of a child less than seventeen years of  
13 age or in a residence where a child less than seventeen years of

age resides, unlawfully manufactures or attempts to manufacture compounds, possesses, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of its analogues.

2. The offense of endangering the welfare of a child in the first degree is a class D felony unless the offense:

(1) Is committed as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity, or where physical injury to the child results, or the offense is a second or subsequent offense under this section, in which case the offense is a class C felony;

(2) Results in serious physical injury to the child, in which case the offense is a class B felony; or

(3) Results in the death of a child, in which case the offense is a class A felony.

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

(1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any person eighteen years of age or older. For purposes of this section, abuse shall not include injury inflicted on a child by accidental means by a person with care, custody, or control of the child, or discipline of a child by a person with care, custody, or control of the child, including spanking, in a reasonable manner;

(2) "Abusive head trauma", a serious physical injury to the head or brain caused by any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking;

13           (3) "Mental injury", an injury to the intellectual or  
14       psychological capacity or the emotional condition of a child as  
15       evidenced by an observable and substantial impairment of the  
16       ability of the child to function within his or her normal range of  
17       performance or behavior;

18           (4) "Neglect", the failure to provide, by those responsible  
19       for the care, custody, and control of a child under the age of  
20       eighteen years, the care reasonable and necessary to maintain the  
21       physical and mental health of the child, when such failure presents  
22       a substantial probability that death or physical injury or sexual  
23       injury would result;

24           (5) "Physical injury", physical pain, illness, or any  
25       impairment of physical condition, including but not limited to  
26       bruising, lacerations, hematomas, welts, or permanent or temporary  
27       disfigurement and impairment of any bodily function or organ;

28           (6) "Serious emotional injury", an injury that creates a  
29       substantial risk of temporary or permanent medical or  
30       psychological damage, manifested by impairment of a behavioral,  
31       cognitive, or physical condition. Serious emotional injury shall  
32       be established by testimony of qualified experts upon the  
33       reasonable expectation of probable harm to a reasonable degree of  
34       medical or psychological certainty;

35           (7) "Serious physical injury", a physical injury that  
36       creates a substantial risk of death or that causes serious  
37       disfigurement or protracted loss or impairment of the function of  
38       any part of the body.

39           2. A person commits the offense of abuse or neglect of a

child if such person knowingly causes a child who is less than  
eighteen years of age:

(1) To suffer physical or mental injury as a result of abuse  
or neglect; or

(2) To be placed in a situation in which the child may suffer  
physical or mental injury as the result of abuse or neglect.

3. A person commits the offense of abuse or neglect of a  
child if such person recklessly causes a child who is less than  
eighteen years of age to suffer from abusive head trauma.

4. A person does not commit the offense of abuse or neglect  
of a child by virtue of the sole fact that the person delivers or  
allows the delivery of a child to a provider of emergency services.

5. (1) A person does not commit the offense of abuse or  
neglect of a child by virtue of the sole fact that the person  
allows the child to engage in independent activities without adult  
supervision and the person is a parent to the child or is  
responsible for the child's care, provided that the:

(a) Independent activities are appropriate based on the  
child's age, maturity, and physical and mental abilities; and

(b) Lack of adult supervision does not constitute conduct  
that is so grossly negligent as to endanger the health or safety of  
the child.

(2) As used in this subsection, "independent activities"  
shall include traveling to or from school or nearby locations by  
bicycle or on foot, playing outdoors, or remaining at home for a  
reasonable period of time without adult supervision.

6. The offense of abuse or neglect of a child is:

(1) A class D felony, without eligibility for probation, parole, or conditional release until the defendant has served no less than one year of such sentence, unless the person has previously been found guilty of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct or the injury inflicted on the child is a serious emotional injury or a serious physical injury, in which case abuse or neglect of a child is a class B felony, without eligibility for probation or parole until the defendant has served not less than five years of such sentence; or

(2) A class A felony if the child dies as a result of injuries sustained from conduct chargeable under the provisions of this section.

~~[6.]~~ 7. Notwithstanding subsection ~~[5]~~ 6 of this section to the contrary, the offense of abuse or neglect of a child is a class A felony, without eligibility for probation, parole, or conditional release until the defendant has served not less than fifteen years of such sentence, if:

(1) The injury is a serious emotional injury or a serious physical injury;

(2) The child is less than fourteen years of age; and

(3) The injury is the result of sexual abuse or sexual abuse in the first degree as defined under section 566.100 or sexual exploitation of a minor as defined under section 573.023.

~~[7.]~~ 8. The circuit or prosecuting attorney may refer a person who is suspected of abuse or neglect of a child to an appropriate public or private agency for treatment or counseling



94 so long as the agency has consented to taking such referrals.  
95 Nothing in this subsection shall limit the discretion of the  
96 circuit or prosecuting attorney to prosecute a person who has been  
97 referred for treatment or counseling pursuant to this subsection.

98 ~~[8-]~~ 9. Nothing in this section shall be construed to alter  
99 the requirement that every element of any crime referred to herein  
100 must be proven beyond a reasonable doubt.

101 ~~[9-]~~ 10. Discipline, including spanking administered in a  
102 reasonable manner, shall not be construed to be abuse under this  
103 section.

578.421. 1. Sections 578.421 to 578.437 shall be known and  
2 may be cited as the "Missouri Criminal Street Gangs Prevention  
3 Act".

4 2. As used in sections 578.421 to 578.437, the following  
5 terms mean:

6 (1) "Criminal street gang", any ongoing organization,  
7 association, or group of three or more persons, whether formal or  
8 informal, having as one of its motivating activities the  
9 commission of one or more of the criminal acts enumerated in  
10 subdivision (2) of this subsection, whose members individually or  
11 collectively engage in or have engaged in a pattern of criminal  
12 gang activity;

13 (2) "Pattern of criminal street gang activity", the  
14 commission, attempted commission, or solicitation of two or more  
15 of the following offenses, provided at least one of those offenses  
16 occurred after August 28, 1993, and the last of those offenses  
17 occurred within three years after a prior offense, and the offenses

are committed on separate occasions, or by two or more persons:

(a) Assault with a deadly weapon or by means of force likely to cause serious physical injury, as provided in sections 565.050 and 565.052;

(b) Robbery, arson and those offenses under chapter 569 which are related to robbery and arson;

(c) Murder or manslaughter, as provided in sections 565.020 to 565.024;

(d) Any violation of the provisions of chapter 579 which involves the distribution, delivery or manufacture of a substance prohibited by chapter 579;

(e) Unlawful use of a weapon which is a felony pursuant to section 571.030;

(f) Tampering with witnesses and victims, as provided in section 575.270;

(g) Promoting online sexual solicitation, as provided in section 566.103;

(h) Sexual trafficking of a child in the first degree, as provided in section 566.210;

(i) Sexual trafficking of a child in the second degree, as provided in section 566.211;

(j) Patronizing prostitution, as provided in subsection 4 of section 567.030;

(k) Promoting prostitution in the first degree, as provided in section 567.050;

(l) Promoting prostitution in the second degree, as provided in section 567.060;

45           (m) Abuse or neglect of a child, as provided in subsection  
46   ~~[6]~~ 7 of section 568.060;

47           (n) Sexual exploitation of a minor, as provided in section  
48   573.023;

49           (o) Child used in sexual performance, as provided in section  
50   573.200;

51           (p) Promoting sexual performance by a child, as provided in  
52   section 573.205; or

53           (q) Any dangerous felony, as defined in section 556.061.

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House Sponsor

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Senate Handler