

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

# SENATE BILL NO. 43

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

1205S.05P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 135.460, 210.112, 210.145, 210.160, 210.560, 210.565, 210.762, 211.032, 211.211, 211.261, 211.462, 451.040, 451.080, 451.090, 452.425, 537.046, and 568.045, RSMo, and to enact in lieu thereof twenty-two new sections relating to child protection, with penalty provisions.

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

Section A. Sections 135.460, 210.112, 210.145, 210.160,  
2 210.560, 210.565, 210.762, 211.032, 211.211, 211.261, 211.462,  
3 451.040, 451.080, 451.090, 452.425, 537.046, and 568.045, RSMo,  
4 are repealed and twenty-two new sections enacted in lieu  
5 thereof, to be known as sections 135.460, 210.112, 210.119,  
6 210.145, 210.160, 210.560, 210.565, 210.762, 211.032, 211.211,  
7 211.261, 211.462, 451.040, 451.080, 451.090, 452.425, 477.700,  
8 477.705, 477.710, 477.715, 537.046, and 568.045, to read as  
9 follows:

135.460. 1. This section and sections 620.1100 and  
2 620.1103 shall be known and may be cited as the "Youth  
3 Opportunities and Violence Prevention Act".

4 2. As used in this section, the term "taxpayer" shall  
5 include corporations as defined in section 143.441 or  
6 143.471, any charitable organization which is exempt from  
7 federal income tax and whose Missouri unrelated business

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

8 taxable income, if any, would be subject to the state income  
9 tax imposed under chapter 143, and individuals, individual  
10 proprietorships and partnerships.

11 3. A taxpayer shall be allowed a tax credit against  
12 the tax otherwise due pursuant to chapter 143, excluding  
13 withholding tax imposed by sections 143.191 to 143.265,  
14 chapter 147, chapter 148, or chapter 153 in an amount equal  
15 to thirty percent for property contributions and **[fifty]**  
16 **seventy** percent for monetary contributions of the amount  
17 such taxpayer contributed to the programs described in  
18 subsection 5 of this section, not to exceed two hundred  
19 thousand dollars per taxable year, per taxpayer; except as  
20 otherwise provided in subdivision (5) of subsection 5 of  
21 this section. The department of economic development shall  
22 prescribe the method for claiming the tax credits allowed in  
23 this section. No rule or portion of a rule promulgated  
24 under the authority of this section shall become effective  
25 unless it has been promulgated pursuant to the provisions of  
26 chapter 536. All rulemaking authority delegated prior to  
27 June 27, 1997, is of no force and effect and repealed;  
28 however, nothing in this section shall be interpreted to  
29 repeal or affect the validity of any rule filed or adopted  
30 prior to June 27, 1997, if such rule complied with the  
31 provisions of chapter 536. The provisions of this section  
32 and chapter 536 are nonseverable and if any of the powers  
33 vested with the general assembly pursuant to chapter 536,  
34 including the ability to review, to delay the effective  
35 date, or to disapprove and annul a rule or portion of a  
36 rule, are subsequently held unconstitutional, then the  
37 purported grant of rulemaking authority and any rule so  
38 proposed and contained in the order of rulemaking shall be  
39 invalid and void.

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

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

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

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

60           (3) Employment programs. Such programs shall  
61 initially, but not exclusively, target unemployed youth  
62 living in poverty and youth living in areas with a high  
63 incidence of crime;

64           (4) New or existing youth clubs or associations;

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

71           (6) Mentor and role model programs;

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

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

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

83           (10) Nonviolent conflict resolution and mediation  
84 programs;

85           (11) Youth outreach and counseling programs.

86           6. Any program authorized in subsection 5 of this  
87 section shall, at least annually, submit a report to the  
88 department of economic development outlining the purpose and  
89 objectives of such program, the number of youth served, the  
90 specific activities provided pursuant to such program, the  
91 duration of such program and recorded youth attendance where  
92 applicable.

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

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

100           9. For the purposes of the credits described in this  
101 section, in the case of a corporation described in section  
102 143.471, partnership, limited liability company described in  
103 section 347.015, cooperative, marketing enterprise, or

104 partnership, in computing Missouri's tax liability, such  
105 credits shall be allowed to the following:

- 106 (1) The shareholders of the corporation described in  
107 section 143.471;
- 108 (2) The partners of the partnership;
- 109 (3) The members of the limited liability company; and
- 110 (4) Individual members of the cooperative or marketing  
111 enterprise.

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

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

- 7 (1) The safety and welfare of children is paramount;
- 8 (2) All providers of direct services to children and  
9 their families will be evaluated in a uniform, transparent,  
10 objective, and consistent basis based on an evaluation tool  
11 established in this section;
- 12 (3) Services to children and their families shall be  
13 provided in a timely manner to maximize the opportunity for  
14 successful outcomes, and such services shall be tracked and  
15 routinely evaluated through a quality assurance program;
- 16 (4) Any provider of direct services to children and  
17 families shall have the appropriate and relevant training,  
18 education, and expertise to provide the highest quality of

19 services possible which shall be consistent with federal and  
20 state standards;

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

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

34 2. (1) In conjunction with the response and  
35 evaluation team established under subsection 3 of this  
36 section, as well as other individuals the division deems  
37 appropriate, the division shall establish an evaluation tool  
38 that complies with state and federal guidelines.

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

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

49 (4) Data regarding all evaluation metrics shall be  
50 collected by the division on a monthly basis, and the

51 division shall issue a quarterly report regarding the  
52 evaluation data for each provider, both public and private,  
53 by county. The response and evaluation team shall determine  
54 how to aggregate cases for the division and large  
55 contractors so that performance and outcomes may be compared  
56 effectively while also protecting confidentiality. Such  
57 reports shall be made public and shall include information  
58 by county.

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

63 3. The division shall create a response and evaluation  
64 team. Membership of the team shall be composed of five  
65 staff members from the division with experience in foster  
66 care appointed by the director of the division; five  
67 representatives, one from each contract region for foster  
68 care case management contracts under this section, who shall  
69 be annually rotated among contractors in each region, which  
70 shall appoint the agency; two experts working in either  
71 research or higher education on issues relating to child  
72 welfare and foster care appointed by the director of the  
73 division and who shall be actively working for either an  
74 academic institution or policy foundation; one juvenile  
75 officer or a Missouri juvenile justice director to be  
76 appointed by the Missouri Juvenile Justice Association; and  
77 one juvenile or family court judge appointed by the supreme  
78 court. The division shall provide the necessary staffing  
79 for the team's operations. All members shall be appointed  
80 and the team shall meet for the first time before January 1,  
81 2021. The team shall:

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

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

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

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

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

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

112           4. The children's division and any other state agency  
113 deemed necessary by the division shall, in consultation with



114 service providers and other relevant parties, enter into and  
115 implement contracts with qualified children's services  
116 providers and agencies to provide a comprehensive and  
117 deliberate system of service delivery for children and their  
118 families. Contracts shall be awarded through a competitive  
119 process and provided by qualified public and private not-for-  
120 profit or limited liability corporations owned exclusively  
121 by not-for-profit corporations children's services providers  
122 and agencies which have:

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

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

135 No contracts under this section shall be issued for services  
136 related to the child abuse and neglect hotline,  
137 investigations of alleged abuse and neglect, and initial  
138 family assessments. Any contracts entered into by the  
139 division shall be in accordance with all federal laws and  
140 regulations, and shall seek to maximize federal funding.  
141 Children's services providers and agencies under contract  
142 with the division shall be subject to all federal, state,  
143 and local laws and regulations relating to the provision of  
144 such services, and shall be subject to oversight and

145 inspection by appropriate state agencies to assure  
146 compliance with standards which shall be consistent with the  
147 federal standards.

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

156 6. Payment to the children's services providers and  
157 agencies shall be made based on the reasonable costs of  
158 services, including responsibilities necessary to execute  
159 the contract. Any reimbursement increases made through  
160 enhanced appropriations for services shall be allocated to  
161 providers regardless of whether the provider is public or  
162 private. Such increases shall be considered additive to the  
163 existing contracts. In addition to payments reflecting the  
164 cost of services, contracts shall include incentives  
165 provided in recognition of performance based on the  
166 evaluation tool created under subsection 2 of this section  
167 and the corresponding savings for the state. The response  
168 and evaluation team under subsection 3 of this section shall  
169 review a formula to distribute such payments, as recommended  
170 by the division.

171 7. The division shall consider immediate actions that  
172 are in the best interests of the children served including,  
173 but not limited to, placing the agency on a corrective plan,  
174 halting new referrals, transferring cases to other  
175 performing providers, or terminating the provider's  
176 contract. The division shall take steps necessary to

177 evaluate the nature of the issue and act accordingly in the  
178 most timely fashion possible.

179       8. By July 1, 2021, the children's division shall  
180 promulgate and have in effect rules to implement the  
181 provisions of this section and, pursuant to this section,  
182 shall define implementation plans and dates. Any rule or  
183 portion of a rule, as that term is defined in section  
184 536.010, that is created under the authority delegated in  
185 this section shall become effective only if it complies with  
186 and is subject to all of the provisions of chapter 536 and,  
187 if applicable, section 536.028. This section and chapter  
188 536 are nonseverable and if any of the powers vested with  
189 the general assembly pursuant to chapter 536 to review, to  
190 delay the effective date, or to disapprove and annul a rule  
191 are subsequently held unconstitutional, then the grant of  
192 rulemaking authority and any rule proposed or adopted after  
193 August 28, 2004, shall be invalid and void.

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

210.119. 1. The department of social services shall  
2 establish a program to provide a comprehensive system of  
3 service delivery, education, and residential care for youth

4 with severe behavioral challenges. In order to be eligible  
5 for services under this program, youth shall:

6 (1) Be in the custody of the children's division;

7 (2) Be under twenty-one years of age; and

8 (3) Be determined by a team within the department to  
9 have needs that cannot be met by existing state programs.

10 Such determination shall include any assessment necessary to  
11 maximize resources for the youth.

12 2. The department shall be authorized to enter into  
13 any contracts necessary to implement this program, including  
14 contracts for program operations with a qualified service  
15 provider or consortium of qualified service providers.

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

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

26 4. No qualified service provider, or any employees or  
27 contractors of such qualified service provider, shall be  
28 liable in damages for any services and duties provided under  
29 a contract entered into under subsection 2 of this section,  
30 provided that such services and duties are performed in good  
31 faith and without gross negligence. In no case shall a  
32 qualified service provider be immune for abuse or neglect of  
33 a child, as such terms are defined in section 210.110. The  
34 provisions of this subsection shall be void if the state  
35 creates a fund or entity that indemnifies or provides

36 coverage in an amount of not less than one million dollars,  
37 which shall be increased or decreased on an annual basis  
38 effective January first of each year in accordance with the  
39 Implicit Price Deflator for Personal Consumption  
40 Expenditures as published by the Bureau of Economic Analysis  
41 of the U.S. Department of Commerce, for damages due to a  
42 cause of action against a qualified service provider, or an  
43 employee or contractor of such qualified service provider,  
44 under this section for personal injury.

45 5. The department may promulgate such rules and  
46 regulations as are necessary to implement the provisions of  
47 this section. Any rule or portion of a rule, as that term  
48 is defined in section 536.010, that is created under the  
49 authority delegated in this section shall become effective  
50 only if it complies with and is subject to all of the  
51 provisions of chapter 536 and, if applicable, section  
52 536.028. This section and chapter 536 are nonseverable and  
53 if any of the powers vested with the general assembly  
54 pursuant to chapter 536 to review, to delay the effective  
55 date, or to disapprove and annul a rule are subsequently  
56 held unconstitutional, then the grant of rulemaking  
57 authority and any rule proposed or adopted after August 28,  
58 2025, shall be invalid and void.

210.145. 1. The division shall develop protocols  
2 which give 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  
6 children and families consistent with state and federal law;
- 7 (3) Providing due process for those accused of child  
8 abuse or 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  
12 over a single, statewide toll-free number. Such information  
13 system shall maintain the results of all investigations,  
14 family assessments and services, and other relevant  
15 information.

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

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

36           3. Upon receipt of a report, the division shall  
37 determine if the report merits investigation, including  
38 reports which if true would constitute a suspected violation  
39 of any of the following: section 565.020, 565.021, 565.023,  
40 565.024, or 565.050 if the victim is a child less than

41 eighteen years of age, section 566.030 or 566.060 if the  
42 victim is a child less than eighteen years of age, or other  
43 crimes under chapter 566 if the victim is a child less than  
44 eighteen years of age and the perpetrator is twenty-one  
45 years of age or older, section 567.050 if the victim is a  
46 child less than eighteen years of age, section 568.020,  
47 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205,  
48 section 573.025, 573.035, 573.037, or 573.040, or an attempt  
49 to commit any such crimes. The division shall immediately  
50 communicate all reports that merit investigation to its  
51 appropriate local office and any relevant information as may  
52 be contained in the information system. The local division  
53 staff shall determine, through the use of protocols  
54 developed by the division, whether an investigation or the  
55 family assessment and services approach should be used to  
56 respond to the allegation. The protocols developed by the  
57 division shall give priority to ensuring the well-being and  
58 safety of the child.

59 4. The division may accept a report for investigation  
60 or family assessment if either the child or alleged  
61 perpetrator resides in Missouri, may be found in Missouri,  
62 or if the incident occurred in Missouri.

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

71 6. When the child abuse and neglect hotline receives  
72 three or more calls, within a seventy-two hour period, from

73 one or more individuals concerning the same child, the  
74 division shall conduct a review to determine whether the  
75 calls meet the criteria and statutory definition for a child  
76 abuse and neglect report to be accepted. In conducting the  
77 review, the division shall contact the hotline caller or  
78 callers in order to collect information to determine whether  
79 the calls meet the criteria for harassment.

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

91 8. The local office of the division shall cause an  
92 investigation or family assessment and services approach to  
93 be initiated in accordance with the protocols established in  
94 subsection 2 of this section, except in cases where the sole  
95 basis for the report is educational neglect. If the report  
96 indicates that educational neglect is the only complaint and  
97 there is no suspicion of other neglect or abuse, the  
98 investigation shall be initiated within seventy-two hours of  
99 receipt of the report. If the report indicates the child is  
100 in danger of serious physical harm or threat to life, an  
101 investigation shall include direct observation of the  
102 subject child within twenty-four hours of the receipt of the  
103 report. Local law enforcement shall take all necessary  
104 steps to facilitate such direct observation. Callers to the



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

116 (1) (a) No person is present in the home at the time  
117 of the home visit; and

118 (b) The alleged perpetrator resides in the home or the  
119 physical safety of the child may be compromised if the  
120 alleged perpetrator becomes aware of the attempted visit;

121 (2) The alleged perpetrator will be alerted regarding  
122 the attempted visit; or

123 (3) The family has a history of domestic violence or  
124 fleeing the community.

125 If the alleged perpetrator is present during a visit by the  
126 person responding to or investigating the report, such  
127 person shall **present identification and verbally identify**  
128 **himself or herself and his or her role in the investigation**  
129 **and shall** provide written material to the alleged  
130 perpetrator informing him or her of his or her rights  
131 regarding such visit, including but not limited to the right  
132 to contact an attorney. The alleged perpetrator shall be  
133 given a reasonable amount of time to read such written  
134 material or have such material read to him or her by the  
135 case worker before the visit commences, but in no event

136 shall such time exceed five minutes; except that, such  
137 requirement to provide written material and reasonable time  
138 to read such material shall not apply in cases where the  
139 child faces an immediate threat or danger, or the person  
140 responding to or investigating the report is or feels  
141 threatened or in danger of physical harm. If the abuse is  
142 alleged to have occurred in a school or child care facility  
143 the division shall not meet with the child in any school  
144 building or child-care facility building where abuse of such  
145 child is alleged to have occurred. When the child is  
146 reported absent from the residence, the location and the  
147 well-being of the child shall be verified. For purposes of  
148 this subsection, "child care facility" shall have the same  
149 meaning as such term is defined in section 210.201.

150       **9. In all cases in which a case worker is**  
151 **investigating an instance of alleged child abuse or neglect**  
152 **and visiting the home or location where the abused child is**  
153 **located or where any child who may have been witness to**  
154 **another child's abuse is located, the case worker shall**  
155 **first verbally identify himself or herself and his or her**  
156 **role in the investigation and shall inform the child's**  
157 **parent or guardian that neither the child nor parent or**  
158 **guardian is required to speak with the case worker, allow**  
159 **the case worker to enter the home, or otherwise provide the**  
160 **case worker with access to the child, without a warrant or**  
161 **court order and that the parent or guardian has the right to**  
162 **contact an attorney.**

163       **10.** The director of the division shall name at least  
164 one chief investigator for each local division office, who  
165 shall direct the division response on any case involving a  
166 second or subsequent incident regarding the same subject  
167 child or perpetrator. The duties of a chief investigator

168 shall include verification of direct observation of the  
169 subject child by the division and shall ensure information  
170 regarding the status of an investigation is provided to the  
171 public school district liaison. The public school district  
172 liaison shall develop protocol in conjunction with the chief  
173 investigator to ensure information regarding an  
174 investigation is shared with appropriate school personnel.  
175 The superintendent of each school district shall designate a  
176 specific person or persons to act as the public school  
177 district liaison. Should the subject child attend a  
178 nonpublic school the chief investigator shall notify the  
179 school principal of the investigation. Upon notification of  
180 an investigation, all information received by the public  
181 school district liaison or the school shall be subject to  
182 the provisions of the federal Family Educational Rights and  
183 Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal  
184 rule 34 C.F.R. Part 99.

185 [10.] 11. The investigation shall include but not be  
186 limited to the nature, extent, and cause of the abuse or  
187 neglect; the identity and age of the person responsible for  
188 the abuse or neglect; the names and conditions of other  
189 children in the home, if any; the home environment and the  
190 relationship of the subject child to the parents or other  
191 persons responsible for the child's care; any indication of  
192 incidents of physical violence against any other household  
193 or family member; and other pertinent data.

194 [11.] 12. When a report has been made by a person  
195 required to report under section 210.115, the division shall  
196 contact the person who made such report within forty-eight  
197 hours of the receipt of the report in order to ensure that  
198 full information has been received and to obtain any

199 additional information or medical records, or both, that may  
200 be pertinent.

201 [12.] 13. Upon completion of the investigation, if the  
202 division suspects that the report was made maliciously or  
203 for the purpose of harassment, the division shall refer the  
204 report and any evidence of malice or harassment to the local  
205 prosecuting or circuit attorney.

206 [13.] 14. Multidisciplinary teams shall be used  
207 whenever conducting the investigation as determined by the  
208 division in conjunction with local law enforcement.  
209 Multidisciplinary teams shall be used in providing  
210 protective or preventive social services, including the  
211 services of law enforcement, a liaison of the local public  
212 school, the juvenile officer, the juvenile court, and other  
213 agencies, both public and private.

214 [14.] 15. For all family support team meetings  
215 involving an alleged victim of child abuse or neglect, the  
216 parents, legal counsel for the parents, foster parents, the  
217 legal guardian or custodian of the child, the guardian ad  
218 litem for the child, **the child's counsel**, and the volunteer  
219 advocate for the child shall be provided notice and be  
220 permitted to attend all such meetings. Family members,  
221 other than alleged perpetrators, or other community informal  
222 or formal service providers that provide significant support  
223 to the child and other individuals may also be invited at  
224 the discretion of the parents of the child. In addition,  
225 the parents, the legal counsel for the parents, the legal  
226 guardian or custodian and the foster parents may request  
227 that other individuals, other than alleged perpetrators, be  
228 permitted to attend such team meetings. Once a person is  
229 provided notice of or attends such team meetings, the  
230 division or the convenor of the meeting shall provide such

231 persons with notice of all such subsequent meetings  
232 involving the child. Families may determine whether  
233 individuals invited at their discretion shall continue to be  
234 invited.

235 [15.] 16. If the appropriate local division personnel  
236 determine after an investigation has begun that completing  
237 an investigation is not appropriate, the division shall  
238 conduct a family assessment and services approach. The  
239 division shall provide written notification to local law  
240 enforcement prior to terminating any investigative process.  
241 The reason for the termination of the investigative process  
242 shall be documented in the record of the division and the  
243 written notification submitted to local law enforcement.  
244 Such notification shall not preclude nor prevent any  
245 investigation by law enforcement.

246 [16.] 17. If the appropriate local division personnel  
247 determines to use a family assessment and services approach,  
248 the division shall:

249 (1) Assess any service needs of the family. The  
250 assessment of risk and service needs shall be based on  
251 information gathered from the family and other sources;  
252 (2) Provide services which are voluntary and time-  
253 limited unless it is determined by the division based on the  
254 assessment of risk that there will be a high risk of abuse  
255 or neglect if the family refuses to accept the services.  
256 The division shall identify services for families where it  
257 is determined that the child is at high risk of future abuse  
258 or neglect. The division shall thoroughly document in the  
259 record its attempt to provide voluntary services and the  
260 reasons these services are important to reduce the risk of  
261 future abuse or neglect to the child. If the family

262 continues to refuse voluntary services or the child needs to  
263 be protected, the division may commence an investigation;

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

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

274 [17.] 18. (1) Within forty-five days of an oral  
275 report of abuse or neglect, the local office shall update  
276 the information in the information system. The information  
277 system shall contain, at a minimum, the determination made  
278 by the division as a result of the investigation,  
279 identifying information on the subjects of the report, those  
280 responsible for the care of the subject child and other  
281 relevant dispositional information. The division shall  
282 complete all investigations within forty-five days, unless  
283 good cause for the failure to complete the investigation is  
284 specifically documented in the information system. Good  
285 cause for failure to complete an investigation shall  
286 include, but not be limited to:

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

292 (b) The attorney general or the prosecuting or circuit  
293 attorney of the city or county in which a criminal

294 investigation is pending certifies in writing to the  
295 division that there is a pending criminal investigation of  
296 the incident under investigation by the division and the  
297 issuing of a decision by the division will adversely impact  
298 the progress of the investigation; or

299 (c) The child victim, the subject of the investigation  
300 or another witness with information relevant to the  
301 investigation is unable or temporarily unwilling to provide  
302 complete information within the specified time frames due to  
303 illness, injury, unavailability, mental capacity, age,  
304 developmental disability, or other cause.

305 The division shall document any such reasons for failure to  
306 complete the investigation.

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

311 (3) If the investigation is not completed within forty-  
312 five days, the information system shall be updated at  
313 regular intervals and upon the completion of the  
314 investigation, which shall be completed no later than ninety  
315 days after receipt of a report of abuse or neglect, or one  
316 hundred twenty days after receipt of a report of abuse or  
317 neglect involving sexual abuse, or until the division's  
318 investigation is complete in cases involving a child  
319 fatality or near-fatality. The information in the  
320 information system shall be updated to reflect any  
321 subsequent findings, including any changes to the findings  
322 based on an administrative or judicial hearing on the matter.

323 [18.] 19. A person required to report under section  
324 210.115 to the division and any person making a report of

325 child abuse or neglect made to the division which is not  
326 made anonymously shall be informed by the division of his or  
327 her right to obtain information concerning the disposition  
328 of his or her report. Such person shall receive, from the  
329 local office, if requested, information on the general  
330 disposition of his or her report. Such person may receive,  
331 if requested, findings and information concerning the case.  
332 Such release of information shall be at the discretion of  
333 the director based upon a review of the reporter's ability  
334 to assist in protecting the child or the potential harm to  
335 the child or other children within the family. The local  
336 office shall respond to the request within forty-five days.  
337 The findings shall be made available to the reporter within  
338 five days of the outcome of the investigation. If the  
339 report is determined to be unsubstantiated, the reporter may  
340 request that the report be referred by the division to the  
341 office of child advocate for children's protection and  
342 services established in sections 37.700 to 37.730. Upon  
343 request by a reporter under this subsection, the division  
344 shall refer an unsubstantiated report of child abuse or  
345 neglect to the office of child advocate for children's  
346 protection and services.

347 [19.] 20. The division shall provide to any individual  
348 who is not satisfied with the results of an investigation  
349 information about the office of child advocate and the  
350 services it may provide under sections 37.700 to 37.730.

351 [20.] 21. In any judicial proceeding involving the  
352 custody of a child the fact that a report may have been made  
353 pursuant to sections 210.109 to 210.183 shall not be  
354 admissible. However:

355 (1) Nothing in this subsection shall prohibit the  
356 introduction of evidence from independent sources to support



357 the allegations that may have caused a report to have been  
358 made; and

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

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

366 [21.] 22. Nothing in this chapter shall be construed  
367 to prohibit the children's division from coinvestigating a  
368 report of child abuse or neglect or sharing records and  
369 information with child welfare, law enforcement, or judicial  
370 officers of another state, territory, or nation if the  
371 children's division determines it is appropriate to do so  
372 under the standard set forth in subsection 4 of section  
373 210.150 and if such receiving agency is exercising its  
374 authority under the law.

375 [22.] 23. In any judicial proceeding involving the  
376 custody of a child where the court determines that the child  
377 is in need of services under paragraph (d) of subdivision  
378 (1) of subsection 1 of section 211.031 and has taken  
379 jurisdiction, the child's parent, guardian or custodian  
380 shall not be entered into the registry.

381 [23.] 24. The children's division is hereby granted  
382 the authority to promulgate rules and regulations pursuant  
383 to the provisions of section 207.021 and chapter 536 to  
384 carry out the provisions of sections 210.109 to 210.183.

385 [24.] 25. Any rule or portion of a rule, as that term  
386 is defined in section 536.010, that is created under the  
387 authority delegated in this section shall become effective

388 only if it complies with and is subject to all of the  
389 provisions of chapter 536 and, if applicable, section  
390 536.028. This section and chapter 536 are nonseverable and  
391 if any of the powers vested with the general assembly  
392 pursuant to chapter 536 to review, to delay the effective  
393 date or to disapprove and annul a rule are subsequently held  
394 unconstitutional, then the grant of rulemaking authority and  
395 any rule proposed or adopted after August 28, 2000, shall be  
396 invalid and void.

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

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

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

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

21 3. **(1) Beginning January 1, 2028, the judge shall**  
22 **appoint counsel for a child who is at least fourteen but**  
23 **less than eighteen years of age and who is the subject of**

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

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

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

50 (4) The judge may appoint the same attorney to serve  
51 as guardian ad litem for children in a sibling group who are  
52 under fourteen years of age as the attorney serving as  
53 child's counsel for any sibling at least fourteen but less  
54 than eighteen years of age; provided that the attorney or

55 judge does not find a conflict of interest in such  
56 appointment.

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

61 (6) Either sua sponte or upon the motion of a party,  
62 the judge shall issue an order of appointment for the  
63 child's counsel within thirty days of the child's fourteenth  
64 birthday and the counsel shall notify the parties of the  
65 change in appointment.

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

78 [4.] 5. The appointing judge shall require the  
79 guardian ad litem **or the child's counsel** to faithfully  
80 discharge such guardian ad litem's **or the counsel's** duties,  
81 and upon failure to do so shall discharge such guardian ad  
82 litem **or counsel** and appoint another. The appointing judge  
83 shall have the authority to examine the general and criminal  
84 background of persons appointed as guardians ad litem **and**  
85 **children's counsel**, including utilization of the family care  
86 safety registry and access line pursuant to sections 210.900

87 to 210.937, to ensure the safety and welfare of the children  
88 such persons are appointed to represent. The judge in  
89 making appointments pursuant to this section shall give  
90 preference to persons who served as guardian ad litem **or**  
91 **child's counsel** for the child in the earlier proceeding,  
92 unless there is a reason on the record for not giving such  
93 preference.

94 [5.] 6. The guardian ad litem **and the child's counsel**  
95 may be awarded a reasonable fee for such services to be set  
96 by the court. The court, in its discretion, may award such  
97 fees as a judgment to be paid by any party to the  
98 proceedings or from public funds. However, no fees as a  
99 judgment shall be taxed against a party or parties who have  
100 not been found to have abused or neglected a child or  
101 children. Such an award of guardian fees **or attorney fees**  
102 shall constitute a final judgment in favor of the guardian  
103 ad litem **or child's counsel**. Such final judgment shall be  
104 enforceable against the parties in accordance with chapter  
105 513.

106 [6.] 7. The court may designate volunteer advocates,  
107 who may or may not be attorneys licensed to practice law, to  
108 assist in the performance of the guardian ad litem duties  
109 for the court. Nonattorney volunteer advocates shall not  
110 provide legal representation. The court shall have the  
111 authority to examine the general and criminal background of  
112 persons designated as volunteer advocates, including  
113 utilization of the family care safety registry and access  
114 line pursuant to sections 210.900 to 210.937, to ensure the  
115 safety and welfare of the children such persons are  
116 designated to represent. The volunteer advocate shall be  
117 provided with all reports relevant to the case made to or by  
118 any agency or person, shall have access to all records of

119 such agencies or persons relating to the child or such  
120 child's family members or placements of the child, and upon  
121 designation by the court to a case, shall be informed of and  
122 have the right to attend any and all family support team  
123 meetings involving the child. Any such designated person  
124 shall receive no compensation from public funds. This shall  
125 not preclude reimbursement for reasonable expenses.

126 [7.] 8. Any person appointed to perform guardian ad  
127 litem **or children's counsel** duties shall have completed a  
128 training program in permanency planning and shall advocate  
129 for timely court hearings whenever possible to attain  
130 permanency for a child as expeditiously as possible to  
131 reduce the effects that prolonged foster care may have on a  
132 child. A nonattorney volunteer advocate shall have access  
133 to a court appointed attorney guardian ad litem **or child's**  
134 **counsel** should the circumstances of the particular case so  
135 require.

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

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

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

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

9 (4) "Vested right", a legal right that is more than a  
10 mere expectancy and may be reduced to a present monetary  
11 value.

12 2. The child, the child's parents, any fiduciary or  
13 any representative payee holding or receiving money that are  
14 vested rights solely for or on behalf of a child are jointly  
15 and severally liable for funds expended by the division to

16 or on behalf of the child. The liability of any person,  
17 except a parent of the child, shall be limited to the money  
18 received in his or her fiduciary or representative  
19 capacity. The Missouri state government shall not require a  
20 trustee or a financial institution acting as a trustee to  
21 exercise any discretionary powers in the operation of a  
22 trust.

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

29 4. Any money received by the division on behalf of a  
30 child shall be accounted for in the name of the child. Any  
31 money in the account of a child may be expended by the  
32 division for care or services for the child. The division  
33 shall by rule adopted under chapter 536 establish procedures  
34 for the accounting of the money and the protection of the  
35 money against theft, loss or misappropriation.

36 5. The division shall deposit money with a financial  
37 institution. Any earnings attributable to the money in the  
38 account of a child shall be credited to that child's  
39 account. The division shall receive bids from banking  
40 corporations, associations or trust companies which desire  
41 to be selected as depositories of children's moneys for the  
42 division.

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

48           7. Each child for whose benefit funds have been  
49 received by the division [and], the guardian ad litem of  
50 such child, **and the child's counsel** shall be furnished  
51 annually with a statement listing all transactions involving  
52 the funds which have been deposited on the child's behalf,  
53 to include each receipt and disbursement.

54           8. The division shall use all proper diligence to  
55 dispose of the balance of money accumulated in the child's  
56 account when the child is released from the care and custody  
57 of the division or the child dies. When the child is  
58 deceased the balance shall be disposed of as provided by law  
59 for descent and distribution. If, after the division has  
60 diligently used such methods and means as considered  
61 reasonable to refund such funds, there shall remain any  
62 money, the owner of which is unknown to the division, or if  
63 known, cannot be located by the division, in each and every  
64 such instance such money shall escheat and vest in the state  
65 of Missouri, and the director and officials of the division  
66 shall pay the same to the state director of the department  
67 of revenue, taking a receipt therefor, who shall deposit the  
68 money in the state treasury to be credited to a fund to be  
69 designated as "escheat".

70           9. Within five years after money has been paid into  
71 the state treasury, any person who appears and claims the  
72 money may file a petition in the circuit court of Cole  
73 County, Missouri, stating the nature of the claim and  
74 praying that such money be paid to him. A copy of the  
75 petition shall be served upon the director of the department  
76 of revenue who shall file an answer to the same. The court  
77 shall proceed to examine the claim and the allegations and  
78 proof, and if it finds that such person is entitled to any  
79 money so paid into the state treasury, it shall order the



80 commissioner of administration to issue a warrant on the  
81 state treasurer for the amount of such claim, but without  
82 interest or costs. A certified copy of the order shall be  
83 sufficient voucher for issuing a warrant; provided, that  
84 either party may appeal from the decision of the court in  
85 the same manner as provided by law in other civil actions.

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

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

210.565. 1. Whenever a child is placed in a foster  
2 home and the court has determined pursuant to subsection 4  
3 of this section that foster home placement with relatives is  
4 not contrary to the best interest of the child, the  
5 children's division shall give foster home placement to  
6 relatives of the child. Notwithstanding any rule of the  
7 division to the contrary and under section 210.305, the  
8 children's division shall complete a diligent search to  
9 locate and notify the grandparents, adult siblings, parents  
10 of siblings of the child, and all other relatives and  
11 determine whether they wish to be considered for placement  
12 of the child. Grandparents who request consideration shall  
13 be given preference and first consideration for foster home  
14 placement of the child. If more than one grandparent

15 requests consideration, the family support team shall make  
16 recommendations to the juvenile or family court about which  
17 grandparent should be considered for placement.

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

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

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

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

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

37 (1) Grandparents;

38 (2) Adult siblings or parents of siblings;

39 (3) Relatives; and

40 (4) Any foster parent who is currently licensed and  
41 capable of accepting placement of the child.

42 4. The preference for placement and first  
43 consideration for grandparents or preference for placement  
44 with other relatives created by this section shall only  
45 apply where the court finds that placement with such  
46 grandparents or other relatives is not contrary to the best

47 interest of the child considering all circumstances. If the  
48 court finds that it is contrary to the best interest of a  
49 child to be placed with grandparents or other relatives, the  
50 court shall make specific findings on the record detailing  
51 the reasons why the best interests of the child necessitate  
52 placement of the child with persons other than grandparents  
53 or other relatives. Absent evidence to the contrary, the  
54 court may presume that continuation of the child's placement  
55 with his or her current caregivers is in the child's best  
56 interests.

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

67 6. The age of the child's grandparent or other  
68 relative shall not be the only factor that the children's  
69 division takes into consideration when it makes placement  
70 decisions and recommendations to the court about placing the  
71 child with such grandparent or other relative.

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

75 8. A grandparent or other relative may, on a case-by-  
76 case basis, have standards for licensure not related to  
77 safety waived for specific children in care that would  
78 otherwise impede licensing of the grandparent's or

79 relative's home. In addition, any person receiving a  
80 preference may be licensed in an expedited manner if a child  
81 is placed under such person's care.

82 9. The guardian ad litem **or child's counsel** shall  
83 ascertain the child's wishes and feelings about his or her  
84 placement by conducting an interview or interviews with the  
85 child, if appropriate based on the child's age and maturity  
86 level, which shall be considered as a factor in placement  
87 decisions and recommendations, but shall not supersede the  
88 preference for relative placement created by this section or  
89 be contrary to the child's best interests.

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

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

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

43           4. The case manager shall be responsible for including  
44 such form with the case records of the child.

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  
4 and treatment pursuant to subdivision (1) of subsection 1 of  
5 section 211.031, is taken into custody, the juvenile or  
6 family court shall notify the parties of the right to have a  
7 protective custody hearing. Such notification shall be in  
8 writing.

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

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

29           4. The court shall hold an adjudication hearing no  
30 later than sixty days after the child has been taken into  
31 custody. The court shall notify the parties in writing of  
32 the specific date, time, and place of such hearing. If at  
33 such hearing the court determines that sufficient cause  
34 exists for the child to remain in the custody of the state,  
35 the court shall conduct a dispositional hearing no later  
36 than ninety days after the child has been taken into custody  
37 and shall conduct review hearings regarding the  
38 reunification efforts made by the division every ninety to  
39 one hundred twenty days for the first year the child is in  
40 the custody of the division. After the first year, review

41 hearings shall be held as necessary, but in no event less  
42 than once every six months for as long as the child is in  
43 the custody of the division.

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

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

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

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

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

211.211. 1. A child is entitled to be represented by  
2 counsel in all proceedings under subdivision (2) or (3) of  
3 subsection 1 of section 211.031 and by a guardian ad litem  
4 in all proceedings under subdivision (1) of subsection 1 of  
5 section 211.031, **except as otherwise provided in subsection**  
6 **3 of section 210.160 when the child shall be represented by**

7 **counsel and the provisions of section 210.160 shall apply to**  
8 **the appointment of such counsel. Counsel appointed under**  
9 **subsection 3 of section 210.160 shall not be waived.**

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

15 3. (1) When a petition has been filed under  
16 subdivision (2) or (3) of subsection 1 of section 211.031,  
17 the court may appoint counsel for the child except if  
18 private counsel has entered his or her appearance on behalf  
19 of the child or if counsel has been waived in accordance  
20 with law; except that, counsel shall not be waived for any  
21 proceeding specified under subsection 10 of this section  
22 unless the child has had the opportunity to meaningfully  
23 consult with counsel and the court has conducted a hearing  
24 on the record.

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

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

38 (1) That the custodian is indigent; and



39           (2) That the custodian desires the appointment of  
40 counsel; and

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

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

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

50           7. The child and his custodian may be represented by  
51 the same counsel except where a conflict of interest  
52 exists. Where it appears to the court that a conflict  
53 exists, it shall order that the child and his custodian be  
54 represented by separate counsel, and it shall appoint  
55 counsel if required by subsection 3 or 4 of this section.

56           8. When a petition has been filed, a child may waive  
57 his or her right to counsel only with the approval of the  
58 court and if such waiver is not prohibited under subsection  
59 10 of this section. If a child waives his or her right to  
60 counsel for any proceeding except proceedings under  
61 subsection 10 of this section, the waiver shall only apply  
62 to that proceeding. In any subsequent proceeding, the child  
63 shall be informed of his or her right to counsel.

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

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

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

74 (2) At a certification hearing under section 211.071  
75 or a dismissal hearing under Missouri supreme court rule  
76 129.04;

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

81 (4) At a dispositional hearing under Missouri supreme  
82 court rule 128.03; or

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

211.261. 1. An appeal shall be allowed to the child  
2 from any final judgment, order or decree made under the  
3 provisions of this chapter and may be taken on the part of  
4 the child by its parent, guardian, legal custodian, spouse,  
5 relative or next friend. An appeal shall be allowed to a  
6 parent from any final judgment, order or decree made under  
7 the provisions of this chapter which adversely affects him.  
8 An appeal shall be allowed to the juvenile officer from any  
9 final judgment, order or decree made under this chapter,  
10 except that no such appeal shall be allowed concerning a  
11 final determination pursuant to subdivision (3) of  
12 subsection 1 of section 211.031. Notice of appeal shall be  
13 filed within thirty days after the final judgment, order or  
14 decree has been entered but neither the notice of appeal nor  
15 any motion filed subsequent to the final judgment acts as a  
16 supersedeas unless the court so orders.

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

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

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

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

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

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

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

15           (1) Be the legal representative of the child, and may  
16 examine, cross-examine, subpoena witnesses and offer

17 testimony. The guardian ad litem **or child's counsel** may  
18 also initiate an appeal of any disposition that he  
19 determines to be adverse to the best interests of the child;

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

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

31 4. Court costs shall be paid by the county in which  
32 the proceeding is instituted, except that the court may  
33 require the agency or person having or receiving legal or  
34 actual custody to pay 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  
4 shall be recognized as valid unless the license has been  
5 previously obtained, and unless the marriage is solemnized  
6 by a person authorized by law to solemnize marriages.

7 2. Before applicants for a marriage license shall  
8 receive a license, and before the recorder of deeds shall be  
9 authorized to issue a license, the parties to the marriage  
10 shall present an application for the license, duly executed  
11 and signed in the presence of the recorder of deeds or their  
12 deputy or electronically through an online process. If an  
13 applicant is unable to sign the application in the presence  
14 of the recorder of deeds as a result of the applicant's

15 incarceration or because the applicant has been called or  
16 ordered to active military duty out of the state or country,  
17 the recorder of deeds may issue a license if:

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

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

26 (b) The date of birth of the incarcerated or military  
27 applicant;

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

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

32 (e) An attestation signed by the incarcerated or  
33 military applicant stating in substantial part that the  
34 applicant is unable to appear in the presence of the  
35 recorder of deeds as a result of the applicant's  
36 incarceration or because the applicant has been called or  
37 ordered to active military duty out of the state or country,  
38 which will be verified by the professional or official who  
39 directs the operation of the jail or prison or the military  
40 applicant's military officer, or such professional's or  
41 official's designee, and acknowledged by a notary public  
42 commissioned by the state of Missouri at the time of  
43 verification. However, in the case of an applicant who is  
44 called or ordered to active military duty outside Missouri,  
45 acknowledgment may be obtained by a notary public who is  
46 duly commissioned by a state other than Missouri or by

47 notarial services of a military officer in accordance with  
48 the Uniform Code of Military Justice at the time of  
49 verification;

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

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

63 3. Each application for a license shall contain the  
64 Social Security number of the applicant, provided that the  
65 applicant in fact has a Social Security number, or the  
66 applicant shall sign a statement provided by the recorder  
67 that the applicant does not have a Social Security number.  
68 The Social Security number contained in an application for a  
69 marriage license shall be exempt from examination and  
70 copying pursuant to section 610.024. After the receipt of  
71 the application the recorder of deeds shall issue the  
72 license, unless one of the parties withdraws the  
73 application. The license shall be void after thirty days  
74 from the date of issuance.

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

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

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

85           7. In the event a recorder of deeds utilizes an online  
86 process to accept applications for a marriage license or to  
87 issue a marriage license and the applicants' identity has  
88 not been verified in person, the recorder of deeds shall  
89 have a two-step identity verification process or a process  
90 that independently verifies the identity of such  
91 applicants. Such process shall be adopted as part of any  
92 electronic system for marriage licenses if the applicants do  
93 not present themselves to the recorder of deeds or his or  
94 her designee in person. It shall be the responsibility of  
95 the recorder of deeds to ensure any process adopted to allow  
96 electronic application or issuance of a marriage license  
97 verifies the identities of both applicants. The recorder of  
98 deeds shall not accept applications for or issue marriage  
99 licenses through the process provided in this subsection  
100 unless [both applicants are at least eighteen years of age  
101 and] at least one of the applicants is a resident of the  
102 county or city not within a county in which the application  
103 was submitted.

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

6 State of Missouri )

7 )

8 ss.

9 )

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

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

20 2. [If the man is under eighteen or the woman under  
21 eighteen, add the following:

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

26 Witness my hand as recorder, with the seal of  
27 office hereto affixed, at my office, in \_\_\_\_\_,  
28 the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, recorder.

29 3.] On which such license the person solemnizing the  
30 marriage shall, within fifteen days after the issuing  
31 thereof, make as near as may be the following return, and  
32 return such license to the officer issuing the same:

33 State of Missouri )

34 )

35 ss.

36 )



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

38 This is to certify that the undersigned \_\_\_\_\_ did  
39 at \_\_\_\_\_, in said county, on the \_\_\_\_\_ day of  
40 \_\_\_\_\_ A.D. 20\_\_\_\_\_, unite in marriage the above-  
41 named persons.

451.090. 1. No recorder shall issue a license  
2 authorizing the marriage of any male or female under  
3 ~~[sixteen]~~ **eighteen** years of age ~~[nor shall a license be~~  
4 ~~issued authorizing the marriage of any male or female twenty-~~  
5 ~~one years of age or older to a male or female under eighteen~~  
6 ~~years of age]~~.

7 2. ~~[No recorder shall issue a license authorizing the~~  
8 ~~marriage of any male or female under the age of eighteen~~  
9 ~~years, except with the consent of his or her custodial~~  
10 ~~parent or guardian, which consent shall be given at the~~  
11 ~~time, in writing, stating the residence of the person giving~~  
12 ~~such consent, signed and sworn to before an officer~~  
13 ~~authorized to administer oaths.~~

14 **3.]** The recorder shall state in every license whether  
15 the parties applying for same~~[, one or either or both of~~  
16 ~~them,]~~ are of age~~[, or whether the male is under the age of~~  
17 ~~eighteen years or the female under the age of eighteen~~  
18 ~~years, and if the male is under the age of eighteen years or~~  
19 ~~the female is under the age of eighteen years, the name of~~  
20 ~~the custodial parent or guardian consenting to such~~  
21 ~~marriage]~~. Applicants shall provide proof of age to the  
22 recorder in the form of a certified copy of the applicant's  
23 birth certificate, passport, or other government-issued  
24 identification, which shall then be documented by the  
25 recorder.

452.425. Any court order for the custody of, or  
2 visitation with, a child [may] **shall** include a provision  
3 that the sheriff or other law enforcement officer shall  
4 enforce the rights of any person to custody or visitation  
5 unless the court issues a subsequent order pursuant to  
6 chapter 210, 211, 452 or 455 to limit or deny the custody  
7 of, or visitations with, the child. Such sheriff or law  
8 enforcement officer shall not remove a child from a person  
9 who has actual physical custody of the child unless such  
10 sheriff or officer is shown a court order or judgment which  
11 clearly and convincingly verifies that such person is not  
12 entitled to the actual physical custody of the child, and  
13 there are not other exigent circumstances that would give  
14 the sheriff or officer reasonable suspicion to believe that  
15 the child would be harmed or that the court order presented  
16 to the sheriff or officer may not be valid.

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

16 vice chair. The vice chair shall preside in the absence of  
17 the chair.

18 2. The members of the coordinating commission shall  
19 serve for terms of four years and until their successors are  
20 appointed and qualified; except that, of the initial members  
21 appointed, three shall serve terms of one year, three shall  
22 serve terms of two years, and three shall serve terms of  
23 four years, as designated by the chief justice. If a  
24 vacancy occurs, the chief justice shall appoint a  
25 replacement, who shall serve the unexpired portion of the  
26 term. Members of the coordinating commission may succeed  
27 themselves.

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

32 4. The Missouri supreme court may adopt such rules as  
33 it deems appropriate to govern the procedures and operations  
34 of the coordinating commission.

477.705. In addition to any duties or responsibilities  
2 assigned to it by the Missouri supreme court, the  
3 coordinating commission established under section 477.700  
4 shall have the 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  
8 uniform, high-quality legal representation for children or  
9 families involved in legal proceedings in this state;

10 (2) To make recommendations to the Missouri supreme  
11 court concerning the establishment or modification, by court  
12 rule, of minimum training requirements and practice  
13 standards for attorneys seeking to serve as guardians ad

14 litem, children's counsel, or parent's counsel, including,  
15 but not limited to, appropriate maximum caseloads, minimum  
16 responsibilities and duties, and practice guidelines;

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

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

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

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

43 (7) To provide a report to the governor, the general  
44 assembly, and the supreme court of Missouri with  
45 recommendations to improve legal representation for parents

46 and children subject to juvenile court jurisdiction under  
47 subdivision (1) of subsection 1 of section 211.031.

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

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

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

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

477.715. 1. Notwithstanding the provisions of section  
2 210.160 or any other provision of law to the contrary, in  
3 any circuit participating in a pilot project established by  
4 the Missouri supreme court relating to guardians ad litem,  
5 children's counsel, or parent's counsel, where the  
6 provisions of subdivision (1) of subsection 1 of section

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

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

537.046. 1. As used in this section, the following  
2 terms 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  
6 would have been a violation of section 566.030, [566.040,  
7 566.050] 566.031, 566.032, 566.034, 566.060, [566.070,  
8 566.080, 566.090] 566.061, 566.062, 566.064, 566.067,  
9 566.068, 566.069, 566.071, 566.083, 566.086, 566.093,  
10 566.095, 566.100, [566.110, or 566.120] 566.101, 566.209,  
11 566.210, 566.211, or [section] 568.020;

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

16 2. Any action to recover damages from injury or  
17 illness caused by childhood sexual abuse in an action  
18 brought pursuant to this section shall be commenced within  
19 ten years of the plaintiff attaining the age of twenty-one  
20 or within three years of the date the plaintiff discovers,  
21 or reasonably should have discovered, that the injury or  
22 illness was caused by childhood sexual abuse, whichever  
23 later occurs.

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

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

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

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

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

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

14           (4) In the presence of a child less than seventeen  
15 years of age or in a residence where a child less than  
16 seventeen years of age resides, unlawfully manufactures or  
17 attempts to manufacture compounds, possesses, produces,  
18 prepares, sells, transports, tests or analyzes amphetamine  
19 or methamphetamine or any of its analogues.

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

22           (1) Is committed as part of an act or series of acts  
23 performed by two or more persons as part of an established

24 or prescribed pattern of activity, or where physical injury  
25 to the child results, or the offense is a second or  
26 subsequent offense under this section, in which case the  
27 offense is a class C felony;

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

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

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