

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 653

100TH GENERAL ASSEMBLY
2020

3423S.06T

AN ACT

To repeal sections 210.112, 210.145, 210.566, and 211.171, RSMo, and to enact in lieu thereof eight new sections relating to the protection of children.

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

Section A. Sections 210.112, 210.145, 210.566, and 211.171, RSMo, are
2 repealed and eight new sections enacted in lieu thereof, to be known as sections
3 210.112, 210.116, 210.123, 210.145, 210.566, 210.652, 211.135, and 211.171, to
4 read as follows:

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

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

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

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

14 (4) Any provider of direct services to children and families shall have the

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

15 appropriate and relevant training, education, and expertise to provide the highest
16 quality of services possible which shall be consistent with [the] federal **and state**
17 standards[, but not less than the standards and policies used by the children's
18 division as of January 1, 2004];

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

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

31 **2. (1) In conjunction with the response and evaluation team**
32 **established under this section, as well as other individuals the division**
33 **deems appropriate, the division shall establish an evaluation tool that**
34 **complies with state and federal guidelines.**

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

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

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

51 **(5) The standards and metrics developed through this evaluation**

52 tool shall be used to evaluate competitive bids for future contracts
53 established under this section.

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

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

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

76 (b) Alternative evaluation metrics recommended by providers
77 based on the best interests of the child under this section; or

78 (c) Review and recommend any structure for incentives or other
79 reimbursement strategies under this section;

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

87 (3) Develop a system for reviewing and working with providers
88 identified under this subsection or providers who request such

89 **assistance from the division, who show signs of performance weakness**
90 **to ensure technical assistance and other services are offered to assist**
91 **the providers in achieving successful outcomes for their cases.**

92 4. [On or before July 1, 2005, and subject to appropriations,] The
93 children's division and any other state agency deemed necessary by the division
94 shall, in consultation with [the community and] **service** providers [of services]
95 **and other relevant parties**, enter into and implement contracts with qualified
96 children's services providers and agencies to provide a comprehensive and
97 deliberate system of service delivery for children and their families. Contracts
98 shall be awarded through a competitive process and provided by [children's
99 services providers and agencies currently contracting with the state to provide
100 such services and by] **qualified** public and private not-for-profit or limited
101 liability corporations owned exclusively by not-for-profit corporations children's
102 services providers and agencies which have:

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

107 (2) The ability to provide a range of child welfare services[, which may
108 include] **including, but not limited to**, case management services, family-
109 centered services, foster and adoptive parent recruitment and retention,
110 residential care, in-home services, foster care services, adoption services, relative
111 care case management, planned permanent living services, and family
112 reunification services.

113 No contracts **under this section** shall be issued for services related to the child
114 abuse and neglect hotline, investigations of alleged abuse and neglect, and initial
115 family assessments. Any contracts entered into by the division shall be in
116 accordance with all federal laws and regulations, and shall [not result in the loss
117 of] **seek to maximize** federal funding. [Such] Children's services providers and
118 agencies under contract with the division shall be subject to all federal, state, and
119 local laws and regulations relating to the provision of such services, and shall be
120 subject to oversight and inspection by appropriate state agencies to assure
121 compliance with standards which shall be consistent with the federal standards[,
122 but not less than the standards and policies used by the children's division as of
123 January 1, 2004.

124 3. In entering into and implementing contracts under subsection 2 of this

125 section, the division shall consider and direct their efforts towards geographic
126 areas of the state, including Greene County, where eligible direct children's
127 services providers and agencies are currently available and capable of providing
128 a broad range of services, including case management services, family-centered
129 services, foster and adoptive parent recruitment and retention, residential care,
130 family preservation services, foster care services, adoption services, relative care
131 case management, other planned living arrangements, and family reunification
132 services consistent with federal guidelines. Nothing in this subsection shall
133 prohibit the division from contracting on an as-needed basis for any individual
134 child welfare service listed above.

135 4. The contracts entered into under this section shall assure that:

136 (1) Child welfare services shall be delivered to a child and the child's
137 family by professionals who have substantial and relevant training, education, or
138 competencies otherwise demonstrated in the area of children and family services;

139 (2) Children's services providers and agencies shall be evaluated by the
140 division based on objective, consistent, and performance-based criteria;

141 (3) Any case management services provided shall be subject to a case
142 management plan established under subsection 5 of this section which is
143 consistent with all relevant federal guidelines. The case management plan shall
144 focus on attaining permanency in children's living conditions to the greatest
145 extent possible and shall include concurrent planning and independent living
146 where appropriate in accordance with the best interests of each child served and
147 considering relevant factors applicable to each individual case as provided by law,
148 including:

149 (a) The interaction and interrelationship of a child with the child's foster
150 parents, biological or adoptive parents, siblings, and any other person who may
151 significantly affect the child's best interests;

152 (b) A child's adjustment to his or her foster home, school, and community;

153 (c) The mental and physical health of all individuals involved, including
154 any history of abuse of or by any individuals involved;

155 (d) The needs of the child for a continuing relationship with the child's
156 biological or adoptive parents and the ability and willingness of the child's
157 biological or adoptive parents to actively perform their functions as parents with
158 regard to the needs of the child; and

159 (e) For any child, treatment services may be available as defined in
160 section 210.110. Assessments, as defined in section 210.110, may occur to

161 determine which treatment services best meet the child's psychological and social
162 needs. When the assessment indicates that a child's needs can be best resolved
163 by intensive twenty-four-hour treatment services, the division will locate,
164 contract, and place the child with the appropriate organizations. This placement
165 will be viewed as the least restrictive for the child based on the assessment;

166 (4) The delivery system shall have sufficient flexibility to take into
167 account children and families on a case-by-case basis;

168 (5) The delivery system shall provide a mechanism for the assessment of
169 strategies to work with children and families immediately upon entry into the
170 system to maximize permanency and successful outcome in the shortest time
171 possible and shall include concurrent planning. Outcome measures for private
172 and public agencies shall be equal for each program; and

173 (6) Payment to the children's services providers and agencies shall be
174 made based on the reasonable costs of services, including responsibilities
175 necessary to execute the contract. Contracts shall provide incentives in addition
176 to the costs of services provided in recognition of accomplishment of the case goals
177 and the corresponding cost savings to the state. The division shall promulgate
178 rules to implement the provisions of this subdivision.

179 5. Contracts entered into under this section shall require that a case
180 management plan consistent with all relevant federal guidelines shall be
181 developed for each child at the earliest time after the initial investigation, but in
182 no event longer than thirty days after the initial investigation or referral to the
183 contractor by the division. Such case management plan shall be presented to the
184 court and be the foundation of service delivery to the child and family. The case
185 management plan shall, at a minimum, include:

186 (1) An outcome target based on the child and family situation achieving
187 permanency or independent living, where appropriate;

188 (2) Services authorized and necessary to facilitate the outcome target;

189 (3) Time frames in which services will be delivered; and

190 (4) Necessary evaluations and reporting.

191 In addition to any visits and assessments required under case management,
192 services to be provided by a public or private children's services provider under
193 the specific case management plan may include family-centered services, foster
194 and adoptive parent recruitment and retention, residential care, in-home services,
195 foster care services, adoption services, relative care case services, planned
196 permanent living services, and family reunification services. In all cases, an

197 appropriate level of services shall be provided to the child and family after
198 permanency is achieved to assure a continued successful outcome.

199 6. By December 1, 2018, the division shall convene a task force to review
200 the recruitment, licensing and retention of foster and adoptive parents statewide.
201 In addition to representatives of the division and department, the task force shall
202 include representatives of the private sector and faith-based community which
203 provide recruitment and licensure services. The purpose of the task force shall
204 and will be to study the extent to which changes in the system of recruiting,
205 licensing, and retaining foster and adoptive parents would enhance the
206 effectiveness of the system statewide. The task force shall develop a report of its
207 findings with recommendations by December 1, 2019, and provide copies of the
208 report to the general assembly, to the joint committee on child abuse and neglect
209 under section 21.771, and to the governor.

210 7. On or before July 15, 2006, and each July fifteenth thereafter that the
211 project is in operation, the division shall submit a report to the general assembly
212 which shall include:

213 (1) Details about the specifics of the contracts, including the number of
214 children and families served, the cost to the state for contracting such services,
215 the current status of the children and families served, an assessment of the
216 quality of services provided and outcomes achieved, and an overall evaluation of
217 the project; and

218 (2) Any recommendations regarding the continuation or possible statewide
219 implementation of such project; and

220 (3) Any information or recommendations directly related to the provision
221 of direct services for children and their families that any of the contracting
222 children's services providers "and agencies request to have included in the
223 report].

224 [8.] 5. The division shall accept as prima facie evidence of completion of
225 the requirements for licensure under sections 210.481 to 210.511 proof that an
226 agency is accredited by any of the following nationally recognized bodies: the
227 Council on Accreditation of Services, Children and Families, Inc.; the Joint
228 Commission on Accreditation of Hospitals; or the Commission on Accreditation
229 of Rehabilitation Facilities. [The division shall not require any further evidence
230 of qualification for licensure if such proof of voluntary accreditation is submitted.]

231 **6. Payment to the children's services providers and agencies**
232 **shall be made based on the reasonable costs of services, including**

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

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

250 [9.] **8. By [February 1, 2005] July 1, 2021, the children's division shall**
251 **promulgate and have in effect rules to implement the provisions of this section**
252 **and, pursuant to this section, shall define implementation plans and dates. Any**
253 **rule or portion of a rule, as that term is defined in section 536.010, that is created**
254 **under the authority delegated in this section shall become effective only if it**
255 **complies with and is subject to all of the provisions of chapter 536 and, if**
256 **applicable, section 536.028. This section and chapter 536 are nonseverable and**
257 **if any of the powers vested with the general assembly pursuant to chapter 536 to**
258 **review, to delay the effective date, or to disapprove and annul a rule are**
259 **subsequently held unconstitutional, then the grant of rulemaking authority and**
260 **any rule proposed or adopted after August 28, 2004, shall be invalid and void.**

210.116. The division may share any records, information, and
2 **findings with federal, state, or local child welfare agency personnel and**
3 **law enforcement agencies, including those from outside the state, or**
4 **any agent of such agencies, in the performance of the division's duties,**
5 **upon a reasonable belief that such information is needed to protect a**
6 **child from abuse or neglect or to assist such agency in providing child**
7 **welfare services. Such information may include, but is not limited to,**
8 **substantiated or unsubstantiated reports of abuse or neglect, family**
9 **assessments, and any other documents or information the division**

10 deems necessary for another agency to have access to in order to
11 protect a child. Identifying information may be shared only if the
12 children's division reasonably believes the receiving entity will prevent
13 the unauthorized dissemination of the information contained therein.

210.123. 1. As used in this section, the following terms and
2 phrases mean:

3 (1) "Relative", as that term is defined in section 210.565. Such
4 relative shall be an adult;

5 (2) "Temporary alternative placement agreement", a voluntary
6 agreement between the division, a relative of the child, and the parent
7 or guardian of the child to provide a temporary, out of home placement
8 for a child if the parent or guardian is temporarily unable to provide
9 care or support for the child and the child is not in imminent danger
10 of death or serious bodily injury, or being sexually abused such that the
11 division determines that a referral to the juvenile office with a
12 recommendation to file a petition or to remove the child is not
13 appropriate. The agreement shall be reduced to writing within three
14 business days. The written agreement shall be signed by the parent or
15 guardian, the relative, and the authorized representative of the
16 division. A temporary alternative placement agreement shall be valid
17 for no more than ninety days. If the agreement shall be extended
18 beyond ninety days, then, before the expiration of the ninety-day
19 period, the division shall send a referral to the juvenile officer to make
20 a determination whether to file a petition, to set the matter for a
21 preliminary child welfare hearing, or to take other appropriate action
22 as the juvenile officer deems necessary. The temporary alternative
23 placement agreement shall include:

24 (a) A plan for return of the child to the child's parent or legal
25 guardian within the time specified under the agreement, or diligent
26 implementation of an alternative, legal arrangement for the safe care,
27 custody, and control of the child including, but not limited to,
28 execution of a power of attorney under section 475.602, an affidavit for
29 relative caretaker under section 431.058, legal guardianship, the entry
30 of an order of child protection, or entry of temporary or permanent
31 legal custody arrangements by a court of competent jurisdiction;

32 (b) A requirement that the parties cooperate with the division
33 and participate in all services offered by the division;

34 (c) A notice to all parties that the division will notify the
35 juvenile officer that a temporary alternative placement agreement has
36 been implemented, that a copy of the agreement will be provided to the
37 juvenile officer, that the temporary alternative placement agreement
38 is not binding on the juvenile officer, and the division retains the
39 authority to refer the case to the juvenile officer with a
40 recommendation for further action at any time;

41 (d) Identifying the behaviorally specific changes that the parent
42 or guardian of the child shall make to ensure that the child's safety and
43 welfare can be assured before the child is returned to the home;

44 (e) Identifying the services that the division shall offer the
45 parents and the child to address the reasons the child is being placed
46 out of the home;

47 (f) Requiring that the child reside in the state of Missouri for the
48 duration of the agreement; and

49 (g) That the agreement is voluntary and that the parent or
50 guardian may withdraw from the agreement upon five days' written
51 notice.

52 2. As provided in this section, the division may enter into a
53 temporary alternative placement agreement with parents and legal
54 guardians of a minor child who cannot safely remain in the child's
55 home on a temporary basis. The purpose of such agreement is to
56 mitigate trauma to the child and to enable the division to make
57 reasonable efforts to assure the safety of a child in a placement familiar
58 to the child, and to give the child and the child's family an opportunity
59 to develop and implement a plan to assure the stability and well-being
60 of the child in the short term. The child shall reside in the state of
61 Missouri for the duration of the temporary alternative placement
62 agreement unless the child requires medical treatment in another state
63 that is not reasonably available within the state of Missouri.

64 3. (1) The division shall conduct a walk-through of the relative's
65 home where the child will be staying and conduct a background check
66 of the relative and any adult household member before determining
67 whether the relative is suitable.

68 (2) The background check shall include a check of the central
69 registry, the sexual offender registry, the department of social services'
70 family care safety registry, any state courts automated case

71 management system, and the records of the division to determine if
72 circumstances exist that indicate the child shall not be safe if placed in
73 the home. The division may, in its discretion, follow up with a
74 fingerprint-based criminal background check.

75 (3) The suitable relative shall be a resident of the state of
76 Missouri and shall remain a resident of the state of Missouri for the
77 duration of the agreement.

78 4. (1) The division may only enter into a temporary alternative
79 placement agreement if:

80 (a) The child cannot remain safely in the home of the child's
81 parent or legal guardian;

82 (b) It is not apparent that the child is otherwise in imminent
83 danger of death, serious physical injury, or being sexually abused such
84 that an immediate referral to the juvenile officer with a
85 recommendation to remove the child and initiate juvenile court
86 proceedings is appropriate;

87 (c) There is a relative who is ready, willing, and able to provide
88 safe care for the child on a temporary basis;

89 (d) The division has reasonably available services for the child
90 and family to support and supervise the implementation of the
91 agreement;

92 (e) The child's parent or legal guardian voluntarily enters into
93 the agreement; and

94 (f) The child's parent or legal guardian executes all necessary
95 documents and consents to implement the agreement.

96 (2) The fact that the parent or legal guardian has been advised
97 that the division or juvenile officer may take additional action within
98 his or her authority under law shall not constitute a basis for claiming
99 that the parent or legal guardian's agreement is not voluntary or was
100 coerced.

101 (3) The parent or guardian shall give at least five days' written
102 notice of intent to terminate the agreement to the division and the
103 relative placement provider. The agreement shall remain in effect until
104 the termination of the agreement is effective.

105 5. (1) The relative shall have the authority to make the day-to-
106 day decisions for the care of the child during the agreement, as
107 provided in the agreement, and shall further have the authority to

108 make educational and medical decisions for the child as provided in
109 this section.

110 (2) The relative shall consult with the child's parents, legal
111 guardian, and the division before making decisions pertaining to the
112 child other than routine, day-to-day decisions necessary to care for the
113 child.

114 (3) The division shall provide a notice to the relative on a form
115 promulgated by the division for use in notifying schools, medical care
116 providers, and others that the suitable relative or adult has the
117 temporary authority to make these decisions. Individuals and
118 institutions, including schools and medical care providers, acting upon
119 the authority of such notice shall be immune from liability for acting
120 upon the authority as set forth in the notice.

121 6. (1) The division shall closely monitor, track, and document
122 the implementation of the provisions of the temporary alternative
123 placement agreement for the duration of the agreement.

124 (2) The division shall have personal contact with the child as
125 may be appropriate to ensure that the temporary alternative placement
126 agreement is being safely implemented, but in no event less than two
127 times each month. At least one personal contact with the child shall be
128 in the child's alternative placement.

129 (3) The division shall schedule a team decision making meeting
130 within ten days of the execution of a temporary alternative placement
131 agreement and at least once every month thereafter for the duration of
132 the agreement.

133 (4) Within ten days of the execution of a temporary alternative
134 placement agreement, the division shall open a family centered services
135 case and keep the case open for the duration of the agreement.

136 (5) No later than ten days before the termination of the
137 temporary alternative placement agreement, the division shall submit
138 a written report to the juvenile office. The division shall provide a
139 copy of the report to the placement provider and the child's parent or
140 guardian. The report shall include a copy of the agreement, a specific
141 description of the steps taken to complete the agreement, and a
142 recommendation to the juvenile officer about whether further action
143 may be necessary.

144 7. If the parent or guardian does not agree to the temporary

145 **alternative placement agreement, the division shall refer the matter to**
146 **the juvenile officer for appropriate action as determined by the**
147 **juvenile officer.**

148 **8. All parties to the temporary alternative care agreement shall**
149 **exercise diligent efforts to implement the agreement. The suitable**
150 **relative and the parents or guardians shall fully cooperate with the**
151 **division.**

152 **9. If the division determines that the goals of the temporary**
153 **alternative placement agreement are not accomplished within the time**
154 **period specified in the agreement and the safety or wellbeing of the**
155 **child cannot be assured if the child were to return home, the division**
156 **shall refer the case to the juvenile officer.**

157 **10. A temporary alternative placement agreement may be**
158 **executed in conjunction with the informal adjustment process through**
159 **the juvenile office.**

160 **11. The juvenile officer shall not be bound by the terms of a**
161 **temporary alternative placement agreement, unless the juvenile officer**
162 **is a signatory to the agreement, and the juvenile officer may exercise**
163 **discretion to take appropriate action within the juvenile officer's**
164 **authority under law. However, the juvenile officer shall take into**
165 **consideration the provisions of and the implementation of the**
166 **agreement when taking action under such authority.**

167 **12. The division shall promulgate regulations to implement the**
168 **provisions of this section. This section shall not be effective until the**
169 **regulations are promulgated.**

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

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

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

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

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

12 2. (1) The division shall utilize structured decision-making protocols,

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

21 **(2) The director of the division and the office of state courts**
22 **administrator shall develop a joint safety assessment tool before**
23 **December 31, 2020, and such tool shall be implemented before January**
24 **1, 2022. The safety assessment tool shall replace the standard risk**
25 **assessment required under subdivision (1) of this subsection and shall**
26 **also be completed within seventy-two hours of the report of abuse or**
27 **neglect.**

28 3. Upon receipt of a report, the division shall determine if the report
29 merits investigation, including reports which if true would constitute a suspected
30 violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or
31 565.050 if the victim is a child less than eighteen years of age, section 566.030 or
32 566.060 if the victim is a child less than eighteen years of age, or other crimes
33 under chapter 566 if the victim is a child less than eighteen years of age and the
34 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a
35 child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050,
36 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an
37 attempt to commit any such crimes. The division shall immediately communicate
38 all reports that merit investigation to its appropriate local office and any relevant
39 information as may be contained in the information system. The local division
40 staff shall determine, through the use of protocols developed by the division,
41 whether an investigation or the family assessment and services approach should
42 be used to respond to the allegation. The protocols developed by the division
43 shall give priority to ensuring the well-being and safety of the child.

44 4. The division may accept a report for investigation or family assessment
45 if either the child or alleged perpetrator resides in Missouri, may be found in
46 Missouri, or if the incident occurred in Missouri.

47 5. If the division receives a report in which neither the child nor the
48 alleged perpetrator resides in Missouri or may be found in Missouri and the

49 incident did not occur in Missouri, the division shall document the report and
50 communicate it to the appropriate agency or agencies in the state where the child
51 is believed to be located, along with any relevant information or records as may
52 be contained in the division's information system.

53 6. When the child abuse and neglect hotline receives three or more calls,
54 within a seventy-two hour period, from one or more individuals concerning the
55 same child, the division shall conduct a review to determine whether the calls
56 meet the criteria and statutory definition for a child abuse and neglect report to
57 be accepted. In conducting the review, the division shall contact the hotline caller
58 or callers in order to collect information to determine whether the calls meet the
59 criteria for harassment.

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

68 8. The local office of the division shall cause an investigation or family
69 assessment and services approach to be initiated in accordance with the protocols
70 established in subsection 2 of this section, except in cases where the sole basis for
71 the report is educational neglect. If the report indicates that educational neglect
72 is the only complaint and there is no suspicion of other neglect or abuse, the
73 investigation shall be initiated within seventy-two hours of receipt of the report.
74 If the report indicates the child is in danger of serious physical harm or threat
75 to life, an investigation shall include direct observation of the subject child within
76 twenty-four hours of the receipt of the report. Local law enforcement shall take
77 all necessary steps to facilitate such direct observation. Callers to the child abuse
78 and neglect hotline shall be instructed by the division's hotline to call 911 in
79 instances where the child may be in immediate danger. If the parents of the
80 child are not the alleged perpetrators, a parent of the child must be notified prior
81 to the child being interviewed by the division. No person responding to or
82 investigating a child abuse and neglect report shall call prior to a home visit or
83 leave any documentation of any attempted visit, such as business cards,
84 pamphlets, or other similar identifying information if he or she has a reasonable

85 basis to believe the following factors are present:

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

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

90 (2) The alleged perpetrator will be alerted regarding the attempted visit;
91 or

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

93 If the alleged perpetrator is present during a visit by the person responding to or
94 investigating the report, such person shall provide written material to the alleged
95 perpetrator informing him or her of his or her rights regarding such visit,
96 including but not limited to the right to contact an attorney. The alleged
97 perpetrator shall be given a reasonable amount of time to read such written
98 material or have such material read to him or her by the case worker before the
99 visit commences, but in no event shall such time exceed five minutes; except that,
100 such requirement to provide written material and reasonable time to read such
101 material shall not apply in cases where the child faces an immediate threat or
102 danger, or the person responding to or investigating the report is or feels
103 threatened or in danger of physical harm. If the abuse is alleged to have occurred
104 in a school or child care facility the division shall not meet with the child in any
105 school building or child-care facility building where abuse of such child is alleged
106 to have occurred. When the child is reported absent from the residence, the
107 location and the well-being of the child shall be verified. For purposes of this
108 subsection, "child care facility" shall have the same meaning as such term is
109 defined in section 210.201.

110 9. The director of the division shall name at least one chief investigator
111 for each local division office, who shall direct the division response on any case
112 involving a second or subsequent incident regarding the same subject child or
113 perpetrator. The duties of a chief investigator shall include verification of direct
114 observation of the subject child by the division and shall ensure information
115 regarding the status of an investigation is provided to the public school district
116 liaison. The public school district liaison shall develop protocol in conjunction
117 with the chief investigator to ensure information regarding an investigation is
118 shared with appropriate school personnel. The superintendent of each school
119 district shall designate a specific person or persons to act as the public school
120 district liaison. Should the subject child attend a nonpublic school the chief

121 investigator shall notify the school principal of the investigation. Upon
122 notification of an investigation, all information received by the public school
123 district liaison or the school shall be subject to the provisions of the federal
124 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g,
125 and federal rule 34 C.F.R. Part 99.

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

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

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

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

148 14. For all family support team meetings involving an alleged victim of
149 child abuse or neglect, the parents, legal counsel for the parents, foster parents,
150 the legal guardian or custodian of the child, the guardian ad litem for the child,
151 and the volunteer advocate for the child shall be provided notice and be permitted
152 to attend all such meetings. Family members, other than alleged perpetrators,
153 or other community informal or formal service providers that provide significant
154 support to the child and other individuals may also be invited at the discretion
155 of the parents of the child. In addition, the parents, the legal counsel for the
156 parents, the legal guardian or custodian and the foster parents may request that

157 other individuals, other than alleged perpetrators, be permitted to attend such
158 team meetings. Once a person is provided notice of or attends such team
159 meetings, the division or the convenor of the meeting shall provide such persons
160 with notice of all such subsequent meetings involving the child. Families may
161 determine whether individuals invited at their discretion shall continue to be
162 invited.

163 15. If the appropriate local division personnel determine after an
164 investigation has begun that completing an investigation is not appropriate, the
165 division shall conduct a family assessment and services approach. The division
166 shall provide written notification to local law enforcement prior to terminating
167 any investigative process. The reason for the termination of the investigative
168 process shall be documented in the record of the division and the written
169 notification submitted to local law enforcement. Such notification shall not
170 preclude nor prevent any investigation by law enforcement.

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

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

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

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

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

193 17. (1) Within forty-five days of an oral report of abuse or neglect, the
194 local office shall update the information in the information system. The
195 information system shall contain, at a minimum, the determination made by the
196 division as a result of the investigation, identifying information on the subjects
197 of the report, those responsible for the care of the subject child and other relevant
198 dispositional information. The division shall complete all investigations within
199 forty-five days, unless good cause for the failure to complete the investigation is
200 specifically documented in the information system. Good cause for failure to
201 complete an investigation shall include, but not be limited to:

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

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

211 (c) The child victim, the subject of the investigation or another witness
212 with information relevant to the investigation is unable or temporarily unwilling
213 to provide complete information within the specified time frames due to illness,
214 injury, unavailability, mental capacity, age, developmental disability, or other
215 cause.

216 The division shall document any such reasons for failure to complete the
217 investigation.

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

221 (3) If the investigation is not completed within forty-five days, the
222 information system shall be updated at regular intervals and upon the completion
223 of the investigation, which shall be completed no later than ninety days after
224 receipt of a report of abuse or neglect, or one hundred twenty days after receipt
225 of a report of abuse or neglect involving sexual abuse, or until the division's
226 investigation is complete in cases involving a child fatality or near-fatality. The
227 information in the information system shall be updated to reflect any subsequent
228 findings, including any changes to the findings based on an administrative or

229 judicial hearing on the matter.

230 18. A person required to report under section 210.115 to the division and
231 any person making a report of child abuse or neglect made to the division which
232 is not made anonymously shall be informed by the division of his or her right to
233 obtain information concerning the disposition of his or her report. Such person
234 shall receive, from the local office, if requested, information on the general
235 disposition of his or her report. Such person may receive, if requested, findings
236 and information concerning the case. Such release of information shall be at the
237 discretion of the director based upon a review of the reporter's ability to assist in
238 protecting the child or the potential harm to the child or other children within the
239 family. The local office shall respond to the request within forty-five days. The
240 findings shall be made available to the reporter within five days of the outcome
241 of the investigation. If the report is determined to be unsubstantiated, the
242 reporter may request that the report be referred by the division to the office of
243 child advocate for children's protection and services established in sections 37.700
244 to 37.730. Upon request by a reporter under this subsection, the division shall
245 refer an unsubstantiated report of child abuse or neglect to the office of child
246 advocate for children's protection and services.

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

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

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

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

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

261 21. Nothing in this chapter shall be construed to prohibit the children's
262 division from coinvestigating a report of child abuse or neglect or sharing records
263 and information with child welfare, law enforcement, or judicial officers of
264 another state, territory, or nation if the children's division determines it is

265 appropriate to do so under the standard set forth in subsection 4 of section
266 210.150 and if such receiving agency is exercising its authority under the law.

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

271 23. The children's division is hereby granted the authority to promulgate
272 rules and regulations pursuant to the provisions of section 207.021 and chapter
273 536 to carry out the provisions of sections 210.109 to 210.183.

274 24. Any rule or portion of a rule, as that term is defined in section
275 536.010, that is created under the authority delegated in this section shall
276 become effective only if it complies with and is subject to all of the provisions of
277 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
278 nonseverable and if any of the powers vested with the general assembly pursuant
279 to chapter 536 to review, to delay the effective date or to disapprove and annul
280 a rule are subsequently held unconstitutional, then the grant of rulemaking
281 authority and any rule proposed or adopted after August 28, 2000, shall be
282 invalid and void.

210.566. 1. (1) The children's division and its contractors, recognizing
2 that foster parents are not clients but rather are colleagues in the child welfare
3 team, shall treat foster parents in a manner consistent with the National
4 Association of Social Workers' ethical standards of conduct as described in its
5 Social Workers' Ethical Responsibilities to Colleagues. Foster parents shall treat
6 the children in their care, the child's birth family and members of the child
7 welfare team in a manner consistent with their ethical responsibilities as
8 professional team members.

9 (2) The children's division and its contractors shall provide written
10 notification of the rights enumerated in this section at the time **[of] a child is**
11 **placed with the prospective foster parent**, at initial licensure, and at the
12 time of each licensure renewal following the initial licensure period.

13 2. (1) The children's division and its contractors shall provide foster
14 parents with regularly scheduled opportunities for preservice training, and
15 regularly scheduled opportunities for pertinent inservice training, as determined
16 by the Missouri State Foster Care and Adoption Advisory Board.

17 (2) The children's division and its contractors shall provide to foster
18 parents and potential adoptive parents, prior to placement, all pertinent

19 information, including but not limited to full disclosure of all medical,
20 psychological, and psychiatric conditions of the child, as well as information from
21 previous placements that would indicate that the child or children may have a
22 propensity to cause violence to any member of the foster family home. The foster
23 parents shall be provided with any information regarding the child or the child's
24 family, including but not limited to the case plan, any family history of mental
25 or physical illness, sexual abuse of the child or sexual abuse perpetrated by the
26 child, criminal background of the child or the child's family, fire-setting or other
27 destructive behavior by the child, substance abuse by the child or child's family,
28 or any other information which is pertinent to the care and needs of the child and
29 to protect the foster or adoptive family. **The children's division and its**
30 **contractors shall provide full access to the child's medical,**
31 **psychological, and psychiatric records in its possession at the time of**
32 **placement, including records prior to the child coming into care, at the**
33 **time the child is placed with a foster parent. After initial placement,**
34 **the children's division and its contractors shall have a continuing duty**
35 **and obligation to provide access to such records that come into its**
36 **possession or of which the division or its contractors become**
37 **aware. Access shall include providing information and authorization**
38 **for foster parents to review or to obtain the records directly from the**
39 **medical, psychological, or psychiatric services provider. A foster**
40 **parent may decline access to any or all of the child's records.** Knowingly
41 providing false or misleading information to foster parents in order to secure
42 placement shall be denoted in the caseworker's personnel file and shall be kept
43 on record by the division.

44 (3) The children's division and its contractors shall arrange preplacement
45 visits, except in emergencies.

46 (4) The foster parents may ask questions about the child's case plan,
47 encourage a placement or refuse a placement without reprisal from the
48 caseworker or agency. After a placement, the children's division and its
49 contractors shall update the foster parents as new information about the child is
50 gathered.

51 (5) Foster parents shall be informed in a timely manner by the children's
52 division and its contractors of all team meetings and staffings concerning their
53 licensure status or children placed in their homes, and shall be allowed to
54 participate, consistent with section 210.761.

55 (6) The children's division and its contractors shall establish reasonably
56 accessible respite care for children in foster care for short periods of time, jointly
57 determined by foster parents and the child's caseworker pursuant to section
58 210.545. Foster parents shall follow all procedures established by the children's
59 division and its contractors for requesting and using respite care.

60 (7) Foster parents shall treat all information received from the children's
61 division and its contractors about the child and the child's family as
62 confidential. Information necessary for the medical or psychiatric care of the
63 child may be provided to the appropriate practitioners. Foster parents may share
64 information necessary with school personnel in order to secure a safe and
65 appropriate education for the child. Additionally, foster parents shall share
66 information they may learn about the child and the child's family, and concerns
67 that arise in the care of the child, with the caseworker and other members of the
68 child welfare team. Recognizing that placement changes are difficult for children,
69 foster parents shall seek all necessary information, and participate in
70 preplacement visits whenever possible, before deciding whether to accept a child
71 for placement.

72 3. (1) Foster parents shall make decisions about the daily living concerns
73 of the child, and shall be permitted to continue the practice of their own family
74 values and routines while respecting the child's cultural heritage. All discipline
75 shall be consistent with state laws and regulations. The children's division shall
76 allow foster parents to help plan visitation between the child and the child's
77 siblings or biological family. Visitations should be scheduled at a time that meets
78 the needs of the child, the biological family members, and the foster family
79 whenever possible. Recognizing that visitation with family members is an
80 important right of children in foster care, foster parents shall be flexible and
81 cooperative with regard to family visits. **The children's division shall not**
82 **require foster parents to conduct supervised visits or be present during**
83 **any supervised visits between the child and the child's siblings or**
84 **biological family.**

85 (2) Foster parents shall provide care that is respectful of the child's
86 cultural identity and needs. Recognizing that cultural competence can be
87 learned, the children's division and their contractors shall provide foster parents
88 with training that specifically addresses cultural needs of children, including but
89 not limited to, information on skin and hair care, information on any specific
90 religious or cultural practices of the child's biological family, and referrals to

91 community resources for ongoing education and support.

92 (3) Foster parents shall recognize that the purpose of discipline is to teach
93 and direct the behavior of the child, and ensure that it is administered in a
94 humane and sensitive manner. Foster parents shall use discipline methods which
95 are consistent with children's division policy.

96 4. (1) Consistent with state laws and regulations, the children's division
97 and its contractors shall provide, upon request by the foster parents, information
98 about a child's progress after the child leaves foster care.

99 (2) Except in emergencies, foster parents shall be given two weeks
100 advance notice and a written statement of the reasons before a child is removed
101 from their care. When requesting removal of a child from their home, foster
102 parents shall give two weeks advance notice, consistent with division policy, to
103 the child's caseworker, except in emergency situations.

104 (3) Recognizing the critical nature of attachment for children, if a child
105 reenters the foster care system and is not placed in a relative home, the child's
106 former foster parents shall be given first consideration for placement of the child.

107 (4) If a child becomes free for adoption while in foster care, the child's
108 foster family shall be given preferential consideration as adoptive parents
109 consistent with section 453.070.

110 (5) If a foster child becomes free for adoption and the foster parents desire
111 to adopt the child, they shall inform the caseworker within sixty days of the
112 caseworker's initial query. If they do not choose to pursue adoption, foster
113 parents shall make every effort to support and encourage the child's placement
114 in a permanent home, including but not limited to providing information on the
115 history and care needs of the child and accommodating transitional visitation.

116 5. Foster parents shall be informed by the court no later than two weeks
117 prior to all court hearings pertaining to a child in their care, and informed of
118 their right to attend and participate, consistent with section 211.464.

119 6. The children's division and their contractors shall provide access to a
120 fair and impartial grievance process to address licensure, case management
121 decisions, and delivery of service issues. Foster parents shall have timely access
122 to the child placement agency's appeals process, and shall be free from acts of
123 retaliation when exercising the right to appeal.

124 7. The children's division and their contractors shall provide training to
125 foster parents on the policies and procedures governing the licensure of foster
126 homes, the provision of foster care, and the adoption process. Foster parents

127 shall, upon request, be provided with written documentation of the policies of the
128 children's division and their contractors. Per licensure requirements, foster
129 parents shall comply with the policies of the child placement agency.

130 8. For purposes of this section, "foster parent" means a resource family
131 providing care of children in state custody.

**210.652. Beginning August 28, 2020, the department of social
2 services, in conjunction with the office of administration, shall
3 implement a computerized method to allow for the electronic
4 exchanging of data and documents required by the Interstate Compact
5 on the Placement of Children to place children across state lines.**

**211.135. The court, after considering all information provided by
2 the children's division and input from the family support team, shall
3 order the child to appear in court only:**

4 **(1) If necessary to make a decision; and**

5 **(2) After considering:**

6 **(a) The appropriateness of the courtroom environment for the
7 child based on the level of trauma to the child either in the past or to
8 be caused by the experience in the courtroom; and**

9 **(b) The hardship to be endured by the child and current
10 guardians in regards to the disruption in regular activities, including
11 school and work, and the needs of any other children in the home,
12 so long as the court is in compliance with all federal guidelines.**

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

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

10 3. The current foster [parents] **parent** of a child, or any preadoptive
11 parent or relative currently providing care for the child, shall be provided with
12 notice of, and an opportunity to be heard in, any hearing to be held with respect
13 to [the] **a child in his or her care**, and a foster parent shall have standing to
14 participate in all court hearings pertaining to a child in their care. **If a foster**

15 **parent alleges the court failed to allow the foster parent to be heard**
16 **orally or by submission of correspondence at any hearing regarding a**
17 **child in their care, the foster parent may seek remedial writ relief**
18 **pursuant to Missouri supreme court rules 84, 94, and 97. No docket fee**
19 **shall be required to be paid by the foster parent. The children's**
20 **division shall not remove a child from placement with a foster parent**
21 **based solely upon the foster parent's filing of a petition for a remedial**
22 **writ or while a writ is pending, unless removal is necessary to ensure**
23 **the health and safety of the child.**

24 **4. The court shall ensure a child's foster parent has received full**
25 **access to the child's medical, psychological, and psychiatric records,**
26 **including prior records, from the children's division and its contractors**
27 **under section 210.566, by inquiring at the first hearing at which the**
28 **foster parent is present.**

29 **5.** All cases of children shall be heard separately from the trial of cases
30 against adults.

31 **[5.] 6.** Stenographic notes or an authorized recording of the hearing shall
32 be required if the court so orders or, if requested by any party interested in the
33 proceeding.

34 **[6.] 7.** The general public shall be excluded and only such persons
35 admitted as have a direct interest in the case or in the work of the court except
36 in cases where the child is accused of conduct which, if committed by an adult,
37 would be considered a class A or B felony; or for conduct which would be
38 considered a class C felony, if the child has previously been formally adjudicated
39 for the commission of two or more unrelated acts which would have been class A,
40 B or C felonies, if committed by an adult.

41 **[7.] 8.** The practice and procedure customary in proceedings in equity
42 shall govern all proceedings in the juvenile court; except that, the court shall not
43 grant a continuance in such proceedings absent compelling extenuating
44 circumstances, and in such cases, the court shall make written findings on the
45 record detailing the specific reasons for granting a continuance.

46 **[8.] 9.** The court shall allow the victim of any offense to submit a written
47 statement to the court. The court shall allow the victim to appear before the
48 court personally or by counsel for the purpose of making a statement, unless the
49 court finds that the presence of the victim would not serve justice. The statement
50 shall relate solely to the facts of the case and any personal injuries or financial

51 loss incurred by the victim. A member of the immediate family of the victim may
52 appear personally or by counsel to make a statement if the victim has died or is
53 otherwise unable to appear as a result of the offense committed by the child.

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