

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 801

102ND GENERAL ASSEMBLY

4449S.02C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 193.265, 210.145, 210.160, 210.560, 210.565, 210.762, 210.795, 210.830, 211.032, 211.171, 211.211, 211.261, 211.355, 211.462, 452.423, and 452.785, RSMo, and to enact in lieu thereof seventeen new sections relating to child protection.

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

Section A. Sections 193.265, 210.145, 210.160, 210.560, 210.565, 210.762, 210.795, 210.830, 211.032, 211.171, 211.211, 211.261, 211.355, 211.462, 452.423, and 452.785, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 193.265, 210.145, 210.160, 210.560, 210.565, 210.762, 210.795, 210.830, 211.032, 211.171, 211.211, 211.261, 211.355, 211.462, 452.423, 452.785, and 477.700, to read as follows:

193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, [a guardian ad litem, or] a juvenile officer, **or the child's**

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

12 **attorney** on behalf of a child or person under twenty-one
13 years of age who has come under the jurisdiction of the
14 juvenile court under section 211.031. All fees collected
15 under this subsection shall be deposited to the state
16 department of revenue. Beginning August 28, 2004, for each
17 vital records fee collected, the director of revenue shall
18 credit four dollars to the general revenue fund, five
19 dollars to the children's trust fund, one dollar shall be
20 credited to the endowed care cemetery audit fund, one dollar
21 for each certification or copy of death records to the
22 Missouri state coroners' training fund established in
23 section 58.208, and three dollars for the first copy of
24 death records and five dollars for birth, marriage, divorce,
25 and fetal death records shall be credited to the Missouri
26 public health services fund established in section 192.900.
27 Money in the endowed care cemetery audit fund shall be
28 available by appropriation to the division of professional
29 registration to pay its expenses in administering sections
30 214.270 to 214.410. All interest earned on money deposited
31 in the endowed care cemetery audit fund shall be credited to
32 the endowed care cemetery fund. Notwithstanding the
33 provisions of section 33.080 to the contrary, money placed
34 in the endowed care cemetery audit fund shall not be
35 transferred and placed to the credit of general revenue
36 until the amount in the fund at the end of the biennium
37 exceeds three times the amount of the appropriation from the
38 endowed care cemetery audit fund for the preceding fiscal
39 year. The money deposited in the public health services
40 fund under this section shall be deposited in a separate
41 account in the fund, and moneys in such account, upon
42 appropriation, shall be used to automate and improve the
43 state vital records system, and develop and maintain an

44 electronic birth and death registration system. For any
45 search of the files and records, when no record is found,
46 the state shall be entitled to a fee equal to the amount for
47 a certification of a vital record for a five-year search to
48 be paid by the applicant. For the processing of each
49 legitimation, adoption, court order or recording after the
50 registrant's twelfth birthday, the state shall be entitled
51 to a fee equal to the amount for a certification of a vital
52 record. Except whenever a certified copy or copies of a
53 vital record is required to perfect any claim of any person
54 on relief, or any dependent of any person who was on relief
55 for any claim upon the government of the state or United
56 States, the state registrar shall, upon request, furnish a
57 certified copy or so many certified copies as are necessary,
58 without any fee or compensation therefor.

59 2. For the issuance of a certification of a death
60 record by the local registrar, the applicant shall pay a fee
61 of fourteen dollars for the first certification or copy and
62 a fee of eleven dollars for each additional copy ordered at
63 that time. For each fee collected under this subsection,
64 one dollar shall be deposited to the state department of
65 revenue and the remainder shall be deposited to the official
66 city or county health agency. The director of revenue shall
67 credit all fees deposited to the state department of revenue
68 under this subsection to the Missouri state coroners'
69 training fund established in section 58.208.

70 3. For the issuance of a certification or copy of a
71 birth, marriage, divorce, or fetal death record, the
72 applicant shall pay a fee of fifteen dollars; except that,
73 in any county with a charter form of government and with
74 more than six hundred thousand but fewer than seven hundred
75 thousand inhabitants, a donation of one dollar may be

76 collected by the local registrar over and above any fees
77 required by law when a certification or copy of any marriage
78 license or birth certificate is provided, with such
79 donations collected to be forwarded monthly by the local
80 registrar to the county treasurer of such county and the
81 donations so forwarded to be deposited by the county
82 treasurer into the housing resource commission fund to
83 assist homeless families and provide financial assistance to
84 organizations addressing homelessness in such county. The
85 local registrar shall include a check-off box on the
86 application form for such copies. All fees collected under
87 this subsection, other than the donations collected in any
88 county with a charter form of government and with more than
89 six hundred thousand but fewer than seven hundred thousand
90 inhabitants for marriage licenses and birth certificates,
91 shall be deposited to the official city or county health
92 agency.

93 4. A certified copy of a death record by the local
94 registrar can only be issued after acceptance and
95 registration with the state registrar. The fees paid to the
96 official county health agency shall be retained by the local
97 agency for local public health purposes.

98 5. No fee under this section shall be required or
99 collected from a parent or guardian of a homeless child or
100 homeless youth, as defined in subsection 1 of section
101 167.020, or an unaccompanied youth, as defined in 42 U.S.C.
102 Section 11434a(6), for the issuance of a certification, or
103 copy of such certification, of birth of such child or
104 youth. An unaccompanied youth shall be eligible to receive
105 a certification or copy of his or her own birth record
106 without the consent or signature of his or her parent or
107 guardian; provided, that only one certificate under this

108 provision shall be provided without cost to the
109 unaccompanied or homeless youth. For the issuance of any
110 additional certificates, the statutory fee shall be paid.

111 6. (1) Notwithstanding any provision of law to the
112 contrary, no fee shall be required or collected for a
113 certification of birth if the request is made by a victim of
114 domestic violence or abuse, as those terms are defined in
115 section 455.010, and the victim provides documentation
116 signed by an employee, agent, or volunteer of a victim
117 service provider, an attorney, or a health care or mental
118 health professional, from whom the victim has sought
119 assistance relating to the domestic violence or abuse. Such
120 documentation shall state that, under penalty of perjury,
121 the employee, agent, or volunteer of a victim service
122 provider, the attorney, or the health care or mental health
123 professional believes the victim has been involved in an
124 incident of domestic violence or abuse.

125 (2) A victim may be eligible only one time for a fee
126 waiver under this subsection.

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 provide written material to the alleged
128 perpetrator informing him or her of his or her rights
129 regarding such visit, including but not limited to the right
130 to contact an attorney. The alleged perpetrator shall be
131 given a reasonable amount of time to read such written
132 material or have such material read to him or her by the
133 case worker before the visit commences, but in no event
134 shall such time exceed five minutes; except that, such
135 requirement to provide written material and reasonable time
136 to read such material shall not apply in cases where the
137 child faces an immediate threat or danger, or the person
138 responding to or investigating the report is or feels
139 threatened or in danger of physical harm. If the abuse is
140 alleged to have occurred in a school or child care facility

141 the division shall not meet with the child in any school
142 building or child-care facility building where abuse of such
143 child is alleged to have occurred. When the child is
144 reported absent from the residence, the location and the
145 well-being of the child shall be verified. For purposes of
146 this subsection, "child care facility" shall have the same
147 meaning as such term is defined in section 210.201.

148 9. The director of the division shall name at least
149 one chief investigator for each local division office, who
150 shall direct the division response on any case involving a
151 second or subsequent incident regarding the same subject
152 child or perpetrator. The duties of a chief investigator
153 shall include verification of direct observation of the
154 subject child by the division and shall ensure information
155 regarding the status of an investigation is provided to the
156 public school district liaison. The public school district
157 liaison shall develop protocol in conjunction with the chief
158 investigator to ensure information regarding an
159 investigation is shared with appropriate school personnel.
160 The superintendent of each school district shall designate a
161 specific person or persons to act as the public school
162 district liaison. Should the subject child attend a
163 nonpublic school the chief investigator shall notify the
164 school principal of the investigation. Upon notification of
165 an investigation, all information received by the public
166 school district liaison or the school shall be subject to
167 the provisions of the federal Family Educational Rights and
168 Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal
169 rule 34 C.F.R. Part 99.

170 10. The investigation shall include but not be limited
171 to the nature, extent, and cause of the abuse or neglect;
172 the identity and age of the person responsible for the abuse

173 or neglect; the names and conditions of other children in
174 the home, if any; the home environment and the relationship
175 of the subject child to the parents or other persons
176 responsible for the child's care; any indication of
177 incidents of physical violence against any other household
178 or family member; and other pertinent data.

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

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

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

199 14. For all family support team meetings involving an
200 alleged victim of child abuse or neglect, the parents, legal
201 counsel for the parents, foster parents, the legal guardian
202 or custodian of the child, the guardian ad litem **or the**
203 **attorney** for the child, and the volunteer advocate for the
204 child shall be provided notice and be permitted to attend

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

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

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

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

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

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

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

258 17. (1) Within forty-five days of an oral report of
259 abuse or neglect, the local office shall update the
260 information in the information system. The information
261 system shall contain, at a minimum, the determination made
262 by the division as a result of the investigation,
263 identifying information on the subjects of the report, those
264 responsible for the care of the subject child and other
265 relevant dispositional information. The division shall
266 complete all investigations within forty-five days, unless
267 good cause for the failure to complete the investigation is

268 specifically documented in the information system. Good
269 cause for failure to complete an investigation shall
270 include, but not be limited to:

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

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

283 (c) The child victim, the subject of the investigation
284 or another witness with information relevant to the
285 investigation is unable or temporarily unwilling to provide
286 complete information within the specified time frames due to
287 illness, injury, unavailability, mental capacity, age,
288 developmental disability, or other cause.

289 The division shall document any such reasons for failure to
290 complete the investigation.

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

295 (3) If the investigation is not completed within forty-
296 five days, the information system shall be updated at
297 regular intervals and upon the completion of the
298 investigation, which shall be completed no later than ninety

299 days after receipt of a report of abuse or neglect, or one
300 hundred twenty days after receipt of a report of abuse or
301 neglect involving sexual abuse, or until the division's
302 investigation is complete in cases involving a child
303 fatality or near-fatality. The information in the
304 information system shall be updated to reflect any
305 subsequent findings, including any changes to the findings
306 based on an administrative or judicial hearing on the matter.

307 18. A person required to report under section 210.115
308 to the division and any person making a report of child
309 abuse or neglect made to the division which is not made
310 anonymously shall be informed by the division of his or her
311 right to obtain information concerning the disposition of
312 his or her report. Such person shall receive, from the
313 local office, if requested, information on the general
314 disposition of his or her report. Such person may receive,
315 if requested, findings and information concerning the case.
316 Such release of information shall be at the discretion of
317 the director based upon a review of the reporter's ability
318 to assist in protecting the child or the potential harm to
319 the child or other children within the family. The local
320 office shall respond to the request within forty-five days.
321 The findings shall be made available to the reporter within
322 five days of the outcome of the investigation. If the
323 report is determined to be unsubstantiated, the reporter may
324 request that the report be referred by the division to the
325 office of child advocate for children's protection and
326 services established in sections 37.700 to 37.730. Upon
327 request by a reporter under this subsection, the division
328 shall refer an unsubstantiated report of child abuse or
329 neglect to the office of child advocate for children's
330 protection and services.

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

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

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

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

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

350 21. Nothing in this chapter shall be construed to
351 prohibit the children's division from coinvestigating a
352 report of child abuse or neglect or sharing records and
353 information with child welfare, law enforcement, or judicial
354 officers of another state, territory, or nation if the
355 children's division determines it is appropriate to do so
356 under the standard set forth in subsection 4 of section
357 210.150 and if such receiving agency is exercising its
358 authority under the law.

359 22. In any judicial proceeding involving the custody
360 of a child where the court determines that the child is in
361 need of services under paragraph (d) of subdivision (1) of

362 subsection 1 of section 211.031 and has taken jurisdiction,
363 the child's parent, guardian or custodian shall not be
364 entered into the registry.

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

369 24. Any rule or portion of a rule, as that term is
370 defined in section 536.010, that is created under the
371 authority delegated in this section shall become effective
372 only if it complies with and is subject to all of the
373 provisions of chapter 536 and, if applicable, section
374 536.028. This section and chapter 536 are nonseverable and
375 if any of the powers vested with the general assembly
376 pursuant to chapter 536 to review, to delay the effective
377 date or to disapprove and annul a rule are subsequently held
378 unconstitutional, then the grant of rulemaking authority and
379 any rule proposed or adopted after August 28, 2000, shall be
380 invalid and void.

210.160. 1. In **[every case]** **the following cases**
2 involving an abused or neglected child which results in a
3 judicial proceeding, **but not including any case in which the**
4 **court assumes jurisdiction under subdivision (1) of**
5 **subsection 1 of section 211.031**, the judge shall appoint a
6 guardian ad litem to appear for and represent:

7 (1) A child who is the subject of proceedings pursuant
8 to sections **[210.110 to 210.165 except proceedings under**
9 **subsection 6 of section 210.152, sections 210.700 to**
10 **210.760, sections 211.442 to 211.487,] 210.817 to 210.852** or
11 sections 453.005 to 453.170**[,]** or proceedings to determine
12 custody or visitation rights under sections 452.375 to
13 452.410; or

14 (2) A parent who is a minor, or who is a mentally ill
15 person or otherwise incompetent, and whose child is the
16 subject of proceedings under sections [210.110 to 210.165,
17 sections 210.700 to 210.760, sections 211.442 to 211.487,]
18 **210.817 to 210.852** or sections 453.005 to 453.170.

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

23 **3.]** The guardian ad litem shall be provided with all
24 reports relevant to the case made to or by any agency or
25 person, shall have access to all records of such agencies or
26 persons relating to the child or such child's family members
27 or placements of the child, and upon appointment by the
28 court to a case, shall be informed of and have the right to
29 attend any and all family support team meetings involving
30 the child. Employees of the division, officers of the
31 court, and employees of any agency involved shall fully
32 inform the guardian ad litem of all aspects of the case of
33 which they have knowledge or belief.

34 **[4.] 3.** The appointing judge shall require the
35 guardian ad litem to faithfully discharge such guardian ad
36 litem's duties, and upon failure to do so shall discharge
37 such guardian ad litem and appoint another. The appointing
38 judge shall have the authority to examine the general and
39 criminal background of persons appointed as guardians ad
40 litem, including utilization of the family care safety
41 registry and access line pursuant to sections 210.900 to
42 210.937, to ensure the safety and welfare of the children
43 such persons are appointed to represent. The judge in
44 making appointments pursuant to this section shall give
45 preference to persons who served as guardian ad litem for

46 the child in the earlier proceeding, unless there is a
47 reason on the record for not giving such preference.

48 [5.] 4. The guardian ad litem may be awarded a
49 reasonable fee for such services to be set by the court.
50 The court, in its discretion, may award such fees as a
51 judgment to be paid by any party to the proceedings or from
52 public funds. However, no fees as a judgment shall be taxed
53 against a party or parties who have not been found to have
54 abused or neglected a child or children. Such an award of
55 guardian fees shall constitute a final judgment in favor of
56 the guardian ad litem. Such final judgment shall be
57 enforceable against the parties in accordance with chapter
58 513.

59 [6.] 5. The court may designate volunteer advocates,
60 who may or may not be attorneys licensed to practice law, to
61 assist in the performance of the guardian ad litem duties
62 for the court. Nonattorney volunteer advocates shall not
63 provide legal representation. The court shall have the
64 authority to examine the general and criminal background of
65 persons designated as volunteer advocates, including
66 utilization of the family care safety registry and access
67 line pursuant to sections 210.900 to 210.937, to ensure the
68 safety and welfare of the children such persons are
69 designated to represent. The volunteer advocate shall be
70 provided with all reports relevant to the case made to or by
71 any agency or person, shall have access to all records of
72 such agencies or persons relating to the child or such
73 child's family members or placements of the child, and upon
74 designation by the court to a case, shall be informed of and
75 have the right to attend any and all family support team
76 meetings involving the child. Any such designated person

77 shall receive no compensation from public funds. This shall
78 not preclude reimbursement for reasonable expenses.

79 [7.] 6. Any person appointed to perform guardian ad
80 litem duties shall have completed a training program in
81 permanency planning and shall advocate for timely court
82 hearings whenever possible to attain permanency for a child
83 as expeditiously as possible to reduce the effects that
84 prolonged foster care may have on a child. A nonattorney
85 volunteer advocate shall have access to a court appointed
86 attorney guardian ad litem should the circumstances of the
87 particular case so 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]
50 **attorney** of such child shall be furnished annually with a
51 statement listing all transactions involving the funds which

52 have been deposited on the child's behalf, to include each
53 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] **child's attorney** 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 **or the attorney** for the child,
24 and the volunteer advocate, and any designee of the parent

25 that has written authorization shall be notified and invited
26 to participate in all family support team meetings. The
27 family support team meeting may include such other persons
28 whose attendance at the meeting may assist the team in
29 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.

210.795. 1. (1) A child in the care and custody of
2 the children's division whose physical whereabouts are
3 unknown to the division, the child's physical custodian, or
4 contracted service providers shall be considered missing and
5 the case manager or placement provider shall immediately
6 inform a law enforcement agency having jurisdiction and the
7 National Center for Missing and Exploited Children within
8 two hours of discovery that the child is missing.

9 (2) The case manager shall document the report number
10 and any relevant information in the child's record.

11 (3) Within twenty-four hours of a report being made
12 under this subsection, the department shall inform and

13 obtain information about the child's disappearance from the
14 child's parents, known relatives, out-of-home caregivers,
15 attorney, guardian [or guardian ad litem], court-appointed
16 special advocate, juvenile officer, or Indian tribe, as
17 applicable, or from any other person known to the department
18 who may have relevant information regarding the child's
19 disappearance.

20 (4) The case manager shall:

21 (a) Within one week and monthly thereafter, maintain
22 contact with the child's family members, friends, school
23 faculty, and service providers and with any other person or
24 agency involved in the child's case;

25 (b) Document ongoing efforts to locate the child; and

26 (c) Continue contacting law enforcement about the
27 missing child and shall make quarterly reports to the court
28 about the status of the child and efforts to locate the
29 child.

30 The department shall contact law enforcement every seven
31 days and document the information provided and any
32 information received.

33 (5) The division shall not petition the court for a
34 release of jurisdiction for the child or stop searching for
35 the child while the child is missing until the child reaches
36 the age of twenty-one.

37 2. The division shall maintain protocols, including
38 appropriate trainings, for conducting ongoing searches for
39 children missing from care. Such protocols shall include
40 preventative measures to identify and mitigate risk to
41 children who are at increased risk for running away or
42 disappearing or of being victims of trafficking as defined
43 under section 566.200.

44 3. The division shall ensure that each child in the
45 care and custody of the division has an updated photograph
46 in the child's record.

47 4. When a child is located, the department shall:

48 (1) Inform all law enforcement agencies and
49 organizations involved in the child's case; and

50 (2) Have in-person contact with the child within
51 twenty-four hours after the child is located to assess the
52 child's health, experiences while absent, the
53 appropriateness of the child returning to the child's
54 current placement, and the factors that contributed to the
55 child's absence.

56 5. Any employee or contractor with the children's
57 division, child welfare agencies, other state agencies, or
58 schools shall, upon becoming aware that an emancipated minor
59 as defined in section 302.178, a homeless youth as defined
60 in section 167.020, or an unaccompanied minor as defined in
61 section 210.121 is missing, inform the appropriate law
62 enforcement agency and the National Center for Missing and
63 Exploited Children within twenty-four hours.

64 6. Within twenty-four hours of a missing child being
65 found, the division shall assess whether the child was a
66 victim of trafficking and determine any factors that caused
67 the child to go missing.

68 7. The general assembly may require an annual
69 independent audit of the department's compliance with this
70 section.

 210.830. The child shall be made a party to any action
2 commenced under sections 210.817 to 210.852. If he or she
3 is a minor, he or she may be represented by a next friend
4 appointed for him or her for any such action. The child's
5 mother or father or the family support division or any

6 person having physical or legal custody of the child may
7 represent him or her as his or her next friend. A guardian
8 ad litem shall be appointed for the child only if child
9 abuse or neglect is alleged **and the alleged abuse or neglect**
10 **has been reported to the children's division pursuant to**
11 **section 210.145**, or if the child is named as a defendant, or
12 if the court determines that the interests of the child and
13 his or her next friend are in conflict. The natural mother,
14 each man presumed to be the father under section 210.822,
15 and each man alleged to be the natural father, shall be made
16 parties or, if not subject to the jurisdiction of the court,
17 shall be given notice of the action in a manner prescribed
18 by the court and an opportunity to be heard. The court may
19 align the parties.

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
59 ad litem] **child's attorney**, 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.

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

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

13 3. The current foster parent of a child, or any
14 preadoptive parent or relative currently providing care for
15 the child, shall be provided with notice of, and an

16 opportunity to be heard in, any hearing to be held with
17 respect to a child in his or her care, and a foster parent
18 shall have standing to participate in all court hearings
19 pertaining to a child in their care. If a foster parent
20 alleges the court failed to allow the foster parent to be
21 heard orally or by submission of correspondence at any
22 hearing regarding a child in their care, the foster parent
23 may seek remedial writ relief pursuant to Missouri supreme
24 court rules 84, 94, and 97. No docket fee shall be required
25 to be paid by the foster parent. The children's division
26 shall not remove a child from placement with a foster parent
27 based solely upon the foster parent's filing of a petition
28 for a remedial writ or while a writ is pending, unless
29 removal is necessary to ensure the health and safety of the
30 child.

31 **4. A current foster parent of a child in a juvenile**
32 **court case proceeding under subdivision (1) of subsection 1**
33 **of section 211.031 who has been that child's foster parent**
34 **for at least nine months shall have the right to intervene**
35 **as a party. Nothing in this section shall be construed to**
36 **authorize the court to join a foster parent as a party to**
37 **the case without the foster parent's consent.**

38 **5.** The court shall ensure a child's foster parent has
39 received full access to the child's medical, psychological,
40 and psychiatric records, including prior records, from the
41 children's division and its contractors under section
42 210.566, by inquiring at the first hearing at which the
43 foster parent is present.

44 **[5.] 6.** All cases of children shall be heard
45 separately from the trial of cases against adults.

46 [6.] 7. Stenographic notes or an authorized recording
47 of the hearing shall be required if the court so orders or,
48 if requested by any party interested in the proceeding.

49 [7.] 8. The general public shall be excluded and only
50 such persons admitted as have a direct interest in the case
51 or in the work of the court except in cases where the child
52 is accused of conduct which, if committed by an adult, would
53 be considered a class A or B felony; or for conduct which
54 would be considered a class C felony, if the child has
55 previously been formally adjudicated for the commission of
56 two or more unrelated acts which would have been class A, B
57 or C felonies, if committed by an adult.

58 [8.] 9. The practice and procedure customary in
59 proceedings in equity shall govern all proceedings in the
60 juvenile court; except that, the court shall not grant a
61 continuance in such proceedings absent compelling
62 extenuating circumstances, and in such cases, the court
63 shall make written findings on the record detailing the
64 specific reasons for granting a continuance.

65 [9.] 10. The court shall allow the victim of any
66 offense to submit a written statement to the court. The
67 court shall allow the victim to appear before the court
68 personally or by counsel for the purpose of making a
69 statement, unless the court finds that the presence of the
70 victim would not serve justice. The statement shall relate
71 solely to the facts of the case and any personal injuries or
72 financial loss incurred by the victim. A member of the
73 immediate family of the victim may appear personally or by
74 counsel to make a statement if the victim has died or is
75 otherwise unable to appear as a result of the offense
76 committed by the child.

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.

6 2. (1) In the case of a proceeding for a child under
7 the jurisdiction of the court pursuant to subdivision (1) of
8 subsection 1 of section 211.031, the court shall appoint
9 counsel for the child. Counsel shall be appointed before
10 the first hearing and shall represent the child at all
11 stages of the proceeding, including appeal. The child and
12 child's parent or guardian shall not be represented by the
13 same counsel.

14 (2) In proceedings under subdivision (2) or (3) of
15 subsection 1 of section 211.031, the court shall appoint
16 counsel for a child prior to the filing of a petition if a
17 request is made therefor to the court and the court finds
18 that the child is the subject of a juvenile court proceeding
19 and that the child making the request is indigent.

20 3. (1) Counsel appointed under subdivision (1) of
21 subsection 2 of this section shall be provided with all
22 reports relevant to the case made to or by any agency or
23 person, shall have access to all records of such agencies or
24 persons relating to the child or such child's family members
25 or placements of the child, and upon appointment by the
26 court to a case, shall be informed of and have the right to
27 attend any and all family support team meetings involving
28 the child. Employees of the children's division, officers
29 of the court, and employees of any agency involved shall
30 fully inform the child's counsel of all aspects of the case
31 of which they have knowledge or belief.

32 (2) The appointing judge shall require the child's
33 counsel to faithfully discharge such counsel's duties, and
34 upon failure to do so shall discharge such counsel and
35 appoint another. The appointing judge shall have the
36 authority to examine the general and criminal background of
37 persons appointed as counsel, including utilization of the
38 family care safety registry and access line pursuant to
39 sections 210.900 to 210.936, to ensure the safety and
40 welfare of the children such persons are appointed to
41 represent. The judge in making appointments pursuant to
42 this subsection shall give preference to persons who served
43 as counsel for the child in earlier proceedings, unless
44 there is a reason on the record for not giving such
45 preference.

46 (3) Any person appointed to serve as a child's counsel
47 under this subsection shall have completed a training
48 program in permanency planning and shall advocate for timely
49 court hearings whenever possible to attain permanency for a
50 child as expeditiously as possible to reduce the effects
51 that prolonged foster care may have on a child.

52 (4) Right to representation by counsel under this
53 subsection shall not be waived by the child.

54 4. (1) When a petition has been filed under
55 subdivision (2) or (3) of subsection 1 of section 211.031,
56 the court may appoint counsel for the child except if
57 private counsel has entered his or her appearance on behalf
58 of the child or if counsel has been waived in accordance
59 with law; except that, counsel shall not be waived for any
60 proceeding specified under subsection [10] 11 of this
61 section unless the child has had the opportunity to
62 meaningfully consult with counsel and the court has
63 conducted a hearing on the record.

64 (2) If a child waives his or her right to counsel,
65 such waiver shall be made in open court and be recorded and
66 in writing and shall be made knowingly, intelligently, and
67 voluntarily. In determining whether a child has knowingly,
68 intelligently, and voluntarily waived his or her right to
69 counsel, the court shall look to the totality of the
70 circumstances including, but not limited to, the child's
71 age, intelligence, background, and experience generally and
72 in the court system specifically; the child's emotional
73 stability; and the complexity of the proceedings.

74 [4.] 5. When a petition has been filed and the child's
75 custodian appears before the court without counsel, the
76 court shall appoint counsel for the custodian if it finds:

77 (1) That the custodian is indigent; and

78 (2) That the custodian desires the appointment of
79 counsel; and

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

82 [5.] 6. Counsel shall be allowed a reasonable time in
83 which to prepare to represent his client.

84 [6.] 7. Counsel shall serve for all stages of the
85 proceedings, including appeal, unless relieved by the court
86 for good cause shown. If no appeal is taken, services of
87 counsel are terminated following the entry of an order of
88 disposition.

89 [7.] 8. The child and his custodian may be represented
90 by the same counsel except where a conflict of interest
91 exists, **except as otherwise provided in subdivision (1) of**
92 **subsection 2 of this section.** Where it appears to the court
93 that a conflict exists, it shall order that the child and
94 his custodian be represented by separate counsel, and it

95 shall appoint counsel if required by subsection [3 or 4] 4
96 or 5 of this section.

97 [8.] 9. When a petition has been filed, a child may
98 waive his or her right to counsel only with the approval of
99 the court and if such waiver is not prohibited under
100 subsection [10] 11 of this section. If a child waives his
101 or her right to counsel for any proceeding except
102 proceedings under subsection [10] 11 of this section, the
103 waiver shall only apply to that proceeding. In any
104 subsequent proceeding, the child shall be informed of his or
105 her right to counsel.

106 [9.] 10. Waiver of counsel by a child may be withdrawn
107 at any stage of the proceeding, in which event the court
108 shall appoint counsel for the child if required by
109 subsection [3] 4 of this section.

110 [10.] 11. A child's right to be represented by counsel
111 shall not be waived in any of the following proceedings:

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

116 (2) At a certification hearing under section 211.071
117 or a dismissal hearing under Missouri supreme court rule
118 129.04;

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

123 (4) At a dispositional hearing under Missouri supreme
124 court rule 128.03; [or]

125 (5) At a hearing on a motion to modify or revoke
126 supervision under subdivision (2) or (3) of subsection 1 of
127 section 211.031; **or**

128 **(6) At any proceeding for a child under the**
129 **jurisdiction of the court pursuant to subdivision (1) of**
130 **subsection 1 of 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.

211.355. 1. There is hereby created within the office
2 of state courts administrator the "Missouri State Juvenile
3 Justice Advisory Board", which shall provide consultation
4 and recommendations regarding ongoing best practices within
5 the juvenile court system and juvenile officer standards.
6 The board shall consist of the following members:

7 (1) A judge of a juvenile or family court as appointed
8 by the supreme court of Missouri;

9 (2) A juvenile officer as appointed by the Missouri
10 Juvenile Justice Association;

11 (3) A foster parent appointed by the Missouri state
12 foster care and adoption board;

13 (4) One attorney representing parents' interests
14 appointed by the Missouri Bar Association;

15 (5) One [guardian ad litem] **attorney who represents**
16 **abused or neglected children** appointed by the Missouri Bar
17 Association;

18 (6) A representative from a child advocacy center to
19 be appointed by the Missouri Network of Child Advocacy
20 Centers;

21 (7) A prosecuting attorney appointed by the Missouri
22 Association of Prosecuting Attorneys;

23 (8) A law enforcement representative as designated by
24 the Missouri Sheriffs' Association;

25 (9) A law enforcement representative as designated by
26 the Missouri Police Chiefs Association; and

27 (10) The following shall be ex officio voting members:

28 (a) The director of the children's division or the
29 director's designee;

30 (b) The director of the division of youth services or
31 the director's designee;

32 (c) The director of the Missouri Juvenile Justice
33 Association or the director's designee;

34 (d) The executive director of the Missouri Court
35 Appointed Special Advocate Association or the director's
36 designee;

37 (e) The director of the office of child advocate or
38 the director's designee; and

39 (f) The director of the public defender's office or
40 the director's designee.

41 2. All appointed members of the board shall serve for
42 a term of four years. Members may be reappointed to the
43 board by their entities for consecutive terms. All
44 vacancies on the board shall be filled for the balance of
45 the unexpired term in the same manner in which the board
46 membership which is vacant was originally filled. Members
47 of the board shall serve without compensation.

48 3. The board shall elect officers from the membership
49 consisting of a chairperson and secretary.

50 4. The board shall meet a minimum of four times per
51 calendar year.

52 5. The board shall provide to the office of state
53 courts administrator, the office of child advocate, and the
54 joint committee on child abuse and neglect a written annual
55 report of recommendations and activities conducted and made.

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] **an attorney** shall be appointed

4 for the child as soon as practicable after the filing of the
5 petition, **in accordance with the provisions of section**
6 **211.211.**

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

14 3. The [guardian ad litem] **attorney appointed under**
15 **this section** shall, during all stages of the proceedings:

16 (1) Be the legal representative of the child, and may
17 examine, cross-examine, subpoena witnesses and offer
18 testimony. The [guardian ad litem] **attorney** may also
19 initiate an appeal of any disposition that he determines to
20 be adverse to the best interests of the child;

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

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

32 4. Court costs shall be paid by the county in which
33 the proceeding is instituted, except that the court may
34 require the agency or person having or receiving legal or
35 actual custody to pay the costs.

452.423. 1. In all proceedings for child custody or
2 for dissolution of marriage or legal separation where
3 custody, visitation, or support of a child is a contested
4 issue, the court may appoint a guardian ad litem.
5 Disqualification of a guardian ad litem shall be ordered in
6 any legal proceeding only pursuant to this chapter, upon the
7 filing of a written application by any party within ten days
8 of appointment, or within ten days of August 28, 1998, if
9 the appointment occurs prior to August 28, 1998. Each party
10 shall be entitled to one disqualification of a guardian ad
11 litem appointed under this subsection in each proceeding,
12 except a party may be entitled to additional
13 disqualifications of a guardian ad litem for good cause
14 shown.

15 2. The court shall appoint a guardian ad litem in any
16 proceeding in which child abuse or neglect is alleged **and**
17 **the alleged abuse or neglect has been reported to the**
18 **children's division pursuant to section 210.145.**

19 3. The guardian ad litem shall:

20 (1) Be the legal representative of the child at the
21 hearing, and may examine, cross-examine, subpoena witnesses
22 and offer testimony;

23 (2) Prior to the hearing, conduct all necessary
24 interviews with persons having contact with or knowledge of
25 the child in order to ascertain the child's wishes,
26 feelings, attachments and attitudes. If appropriate, the
27 child should be interviewed;

28 (3) Request the juvenile officer to cause a petition
29 to be filed in the juvenile division of the circuit court if
30 the guardian ad litem believes the child alleged to be
31 abused or neglected is in danger.

32 4. The appointing judge shall require the guardian ad
33 litem to faithfully discharge such guardian ad litem's
34 duties, and upon failure to do so shall discharge such
35 guardian ad litem and appoint another. The judge in making
36 appointments pursuant to this section shall give preference
37 to persons who served as guardian ad litem for the child in
38 the earlier proceeding, unless there is a reason on the
39 record for not giving such preference.

40 5. The guardian ad litem shall be awarded a reasonable
41 fee for such services to be set by the court. The court, in
42 its discretion, may:

43 (1) Issue a direct payment order to the parties. If a
44 party fails to comply with the court's direct payment order,
45 the court may find such party to be in contempt of court; or

46 (2) Award such fees as a judgment to be paid by any
47 party to the proceedings or from public funds. Such an
48 award of guardian fees shall constitute a final judgment in
49 favor of the guardian ad litem. Such final judgment shall
50 be enforceable against the parties in accordance with
51 chapter 513.

452.785. 1. The court may order any party to the
2 proceeding who is in this state to appear before the court
3 personally. If the court finds the physical presence of the
4 child to be in the best interest of the child, the court may
5 order that the party who has physical custody of the child
6 to appear physically with the child.

7 2. If a party to a child custody proceeding whose
8 presence is desired by the court is outside this state, with
9 or without the child, the court may order that a notice
10 given under section 452.762 include a statement directing
11 the party to appear personally with or without the child.

12 3. If a party to the proceeding who is outside this
13 state is directed to appear under subsection 1 of this
14 section or desires to appear personally before the court
15 with or without the child, the court may require another
16 party to pay to the clerk of the court travel and other
17 necessary expenses of the party so appearing and of the
18 child, if this is just and proper under the circumstances.

19 4. If the court finds it to be in the best interest of
20 the child that a guardian ad litem be appointed, the court
21 may appoint a guardian ad litem for the child. The guardian
22 ad litem so appointed shall be an attorney licensed to
23 practice law in the state of Missouri. Disqualification of
24 a guardian ad litem shall be ordered in any legal proceeding
25 under this chapter upon the filing of a written application
26 by any party within ten days of appointment. Each party
27 shall be entitled to one disqualification of a guardian ad
28 litem appointed under this subsection in each proceeding,
29 except a party may be entitled to additional
30 disqualifications of a guardian ad litem for good cause
31 shown. The guardian ad litem may, for the purpose of
32 determining custody of the child only, participate in the
33 proceeding as if such guardian ad litem were a party. The
34 court shall enter judgment allowing a reasonable fee to the
35 guardian ad litem.

36 5. The court shall appoint a guardian ad litem in any
37 proceeding in which child abuse or neglect is alleged **and**
38 **the alleged abuse or neglect has been reported to the**
39 **children's division pursuant to section 210.145.**

40 6. The court may enter any orders necessary to ensure
41 the safety of the child and of any person ordered to appear
42 under this section.

477.700. 1. There shall be created within the supreme
2 court the "Office of the Child's Representative". The
3 office shall be responsible for collaborating with the
4 various judicial circuits, judges, and attorneys to ensure
5 uniform, high-quality legal representation to children
6 involved in legal proceedings in this state.

7 2. (1) The supreme court shall appoint nine members
8 to the "Child's Representative Board". No more than five
9 members shall be from the same political party and at least
10 one member shall be from each congressional district. Three
11 members of the board shall be attorneys licensed to practice
12 in this state with experience representing children as
13 counsel or guardians ad litem. Three members of the board
14 shall be residents of this state who are not licensed
15 attorneys and who have experience advocating for children in
16 the court system. Three members of the board shall be
17 residents of this state who are not licensed attorneys and
18 who have not served as court appointed special advocates or
19 children's division investigators.

20 (2) Members of the board shall serve for terms of four
21 years; except that, of the members first appointed, five
22 shall serve for terms of two years. Vacancies shall be
23 filled by the supreme court for the remainder of the expired
24 term. In making appointments to the board, the supreme
25 court shall consider place of residence, gender, race, and
26 ethnic background. The supreme court shall establish
27 procedures for the operation of the board.

28 (3) Members of the board shall serve without
29 compensation, but shall be reimbursed for actual and
30 reasonable expenses incurred in the performance of their
31 duties.

32 (4) The board shall have the following
33 responsibilities:

34 (a) Appoint, and discharge for cause, an executive
35 director of the office of the child's representative, who
36 shall have been licensed to practice law in this state for
37 at least five years prior to appointment and who shall be
38 familiar with the process of representing a child in the
39 legal system. The director shall devote his or her full
40 time to the performance of his or her duties and shall not
41 engage in the private practice of law while serving as
42 executive director. The compensation of the director shall
43 be fixed by the general assembly and shall not be reduced
44 during the director's term of appointment; and

45 (b) Work cooperatively with the director to provide
46 governance to the office of the child's representative, to
47 provide fiscal oversight of the general operating budget of
48 the office, to participate in funding decisions relating to
49 the provision of children's counsel and guardian ad litem
50 services throughout the state, and to assist with the duties
51 of the office relating to counsel and guardian ad litem
52 training, as needed.

53 3. In addition to any responsibilities assigned to it
54 by the supreme court, the office of the child's
55 representative shall have the following duties:

56 (1) Enhance the provision of counsel or guardian ad
57 litem services to children in this state by:

58 (a) Ensuring the provision and availability of high-
59 quality, accessible training throughout the state for
60 persons seeking to serve as counsel or guardians ad litem
61 for children, as well as to judges who regularly hear
62 matters involving children and families;

63 (b) Making recommendations to the supreme court
64 concerning the establishment or modification, by court rule,
65 of minimum training requirements and practice standards that
66 attorneys seeking to serve as counsel or guardians ad litem
67 shall meet, including, but not limited to, appropriate
68 maximum caseloads, minimum responsibilities and duties, and
69 practice guidelines;

70 (c) Overseeing the practice of counsel and guardians
71 ad litem to ensure compliance with all relevant statutes,
72 court rules, and other directives, policies, or procedures;

73 (d) Working cooperatively with judges, attorneys, and
74 children impacted by the child welfare and justice system to
75 form partnerships for the purposes of ensuring high-quality
76 legal representation for children in this state;

77 (e) Establishing fair and realistic rates by which to
78 compensate court-appointed children's counsel and guardians
79 ad litem that take into consideration the caseload
80 limitations placed on counsel and guardians ad litem and
81 that are sufficient to attract and retain high-quality,
82 experienced attorneys to serve as counsel and guardians ad
83 litem;

84 (f) Seeking to enhance existing funding sources for
85 the provision of high-quality counsel and guardian ad litem
86 services for children in Missouri;

87 (g) Studying the availability of or developing new
88 funding sources for the provision of counsel and guardian ad
89 litem services for children in Missouri, including, but not
90 limited to, long-term pooling of funds programs; and

91 (h) Accepting grants, donations, and other
92 nongovernmental contributions to be used to fund the work of
93 the office of the child's representative relating to
94 children's counsel or guardians ad litem. Such gifts,

95 grants, donations, and other nongovernmental contributions
96 shall be credited to the fund created in subsection 4 of
97 this section and shall be subject to appropriation by the
98 general assembly for the provision of children's counsel and
99 guardian ad litem services and other purposes contemplated
100 by this section; and

101 (2) Develop measures to assess and document the
102 various models of representation and the outcomes achieved
103 by representatives and advocates for children, including
104 collaborative models with local court appointed special
105 advocate programs.

106 4. There is hereby created in the state treasury the
107 "Child's Representative Fund", which shall consist of moneys
108 collected under this section. The state treasurer shall be
109 custodian of the fund. In accordance with sections 30.170
110 and 30.180, the state treasurer may approve disbursements.
111 The fund shall be a dedicated fund and, upon appropriation,
112 money in the fund shall be used solely for the
113 administration of this section. Notwithstanding the
114 provisions of section 33.080, to the contrary, any moneys
115 remaining in the fund at the end of the biennium shall not
116 revert to the credit of the general revenue fund. The state
117 treasurer shall invest moneys in the fund in the same manner
118 as other funds are invested. Any interest and moneys earned
119 on such investments shall be credited to the fund.

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