

FIRST REGULAR SESSION

# HOUSE BILL NO. 1042

100TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE EVANS.

1955H.011

DANA RADEMAN MILLER, Chief Clerk

---

## AN ACT

To repeal section 211.031 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-ninth general assembly, second regular session, and to enact in lieu thereof one new section relating to juvenile court jurisdiction.

---

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

Section A. Section 211.031 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-ninth general assembly, second regular session, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.031, to read as follows:

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have exclusive original jurisdiction in proceedings:

(1) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child is otherwise without proper care, custody or support;

(c) The child was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (d) The child is in need of mental health services and the parent, guardian or custodian  
17 is unable to afford or access appropriate mental health treatment or care for the child;

18 (2) Involving any child who may be a resident of or found within the county and who is  
19 alleged to be in need of care and treatment because:

20 (a) The child while subject to compulsory school attendance is repeatedly and without  
21 justification absent from school;

22 (b) The child disobeys the reasonable and lawful directions of his or her parents or other  
23 custodian and is beyond their control;

24 (c) The child is habitually absent from his or her home without sufficient cause,  
25 permission, or justification;

26 (d) The behavior or associations of the child are otherwise injurious to his or her welfare  
27 or to the welfare of others; [øf]

28 (e) **The child is subject to behavior injurious to him or her under section 567.020;**  
29 **or**

30 (f) The child is charged with an offense not classified as criminal, or with an offense  
31 applicable only to children; except that, the juvenile court shall not have jurisdiction over any  
32 child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance  
33 or regulation, the violation of which does not constitute a felony, or any child who is alleged to  
34 have violated a state or municipal ordinance or regulation prohibiting possession or use of any  
35 tobacco product;

36 (3) Involving any child who is alleged to have violated a state law or municipal  
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior  
38 to attaining the age of eighteen years, in which cases jurisdiction may be taken by the court of  
39 the circuit in which the child or person resides or may be found or in which the violation is  
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child  
41 fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or  
42 regulation, the violation of which does not constitute a felony, and except that the juvenile court  
43 shall have concurrent jurisdiction with the municipal court over any child who is alleged to have  
44 violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent  
45 jurisdiction with the circuit court on any child who is alleged to have violated a state or  
46 municipal ordinance or regulation prohibiting possession or use of any tobacco product;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child to the guardianship of the department of social  
49 services as provided by law; and

50 (6) Involving an order of protection pursuant to chapter 455 when the respondent is less  
51 than eighteen years of age.

52           2. Transfer of a matter, proceeding, jurisdiction or supervision for a child who resides  
53 in a county of this state shall be made as follows:

54           (1) Prior to the filing of a petition and upon request of any party or at the discretion of  
55 the juvenile officer, the matter in the interest of a child may be transferred by the juvenile officer,  
56 with the prior consent of the juvenile officer of the receiving court, to the county of the child's  
57 residence or the residence of the person eighteen years of age for future action;

58           (2) Upon the motion of any party or on its own motion prior to final disposition on the  
59 pending matter, the court in which a proceeding is commenced may transfer the proceeding of  
60 a child to the court located in the county of the child's residence, or the county in which the  
61 offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for  
62 further action;

63           (3) Upon motion of any party or on its own motion, the court in which jurisdiction has  
64 been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction  
65 of a child to the court located in the county of the child's residence for further action with the  
66 prior consent of the receiving court;

67           (4) Upon motion of any party or upon its own motion at any time following a judgment  
68 of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause  
69 may place the child under the supervision of another juvenile court within or without the state  
70 pursuant to section 210.570 with the consent of the receiving court;

71           (5) Upon motion of any child or his or her parent, the court having jurisdiction shall  
72 grant one change of judge pursuant to Missouri supreme court rules;

73           (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child,  
74 certified copies of all legal and social documents and records pertaining to the case on file with  
75 the clerk of the transferring juvenile court shall accompany the transfer.

76           3. In any proceeding involving any child taken into custody in a county other than the  
77 county of the child's residence, the juvenile court of the county of the child's residence shall be  
78 notified of such taking into custody within seventy-two hours.

79           4. When an investigation by a juvenile officer pursuant to this section reveals that the  
80 only basis for action involves an alleged violation of section 167.031 involving a child who  
81 alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child  
82 to verify that the child is being home schooled and not in violation of section 167.031 before  
83 making a report of such a violation. Any report of a violation of section 167.031 made by a  
84 juvenile officer regarding a child who is being home schooled shall be made to the prosecuting  
85 attorney of the county where the child legally resides.

86           5. The disability or disease of a parent shall not constitute a basis for a determination that  
87 a child is a child in need of care or for the removal of custody of a child from the parent without

HB 1042

4

88 a specific showing that there is a causal relation between the disability or disease and harm to  
89 the child.

✓