

SECOND REGULAR SESSION

HOUSE BILL NO. 1486

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY (127).

3697H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 210.117, 210.675, 211.021, and 211.038, RSMo, and to enact in lieu thereof ten new sections relating to the protection of children.

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

- Section A. Sections 210.117, 210.675, 211.021, and 211.038, RSMo, are repealed and
2 ten new sections enacted in lieu thereof, to be known as sections 210.117, 210.672, 210.675,
3 210.1320, 210.1340, 210.1355, 211.021, 211.038, 211.064, and 211.065, to read as follows:
- 210.117. 1. A child taken into the custody of the state shall not be reunited with **or**
2 **left in the care of a parent, adoptive parent, foster parent, or guardian** or placed in a home
3 in which the parent, **adoptive parent, foster parent, or guardian** or any person residing in
4 the home has been found guilty of any of the following offenses when a child was the victim:
- 5 (1) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061,
6 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.100, 566.101, 566.111,
7 566.151, 566.203, 566.206, 566.209, 566.211, or 566.215;
- 8 (2) A violation of section 568.020;
- 9 (3) Abuse of a child under section 568.060 when such abuse is sexual in nature;
- 10 (4) A violation of section 568.065;
- 11 (5) A violation of section 573.200;
- 12 (6) A violation of section 573.205; or
- 13 (7) A violation of section 568.175;
- 14 (8) A violation of section 566.040, 566.070, or 566.090 as such sections existed prior
15 to August 28, 2013; 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 (9) A violation of section 566.212, 568.080, or 568.090 as such sections existed prior
17 to January 1, 2017.

18 2. For all other violations of offenses in chapters 566 and 568 not specifically listed in
19 subsection 1 of this section or for a violation of an offense committed in another state when a
20 child is the victim that would be a violation of chapter 566 or 568, if committed in Missouri,
21 the division may exercise its discretion regarding the placement of a child taken into the
22 custody of the state in which a parent or any person residing in the home has been found
23 guilty of any such offense.

24 3. In any case where the children's division determines based on a substantiated report
25 of child abuse that a child has abused another child, the abusing child shall be prohibited from
26 returning to or residing in any residence, facility, or school within one thousand feet of the
27 residence of the abused child or any child care facility or school that the abused child attends,
28 unless and until a court of competent jurisdiction determines that the alleged abuse did not
29 occur or the abused child reaches the age of eighteen, whichever earlier occurs. The
30 provisions of this subsection shall not apply when the abusing child and the abused child are
31 siblings or children living in the same home.

**210.672. Notwithstanding the provisions of section 210.675, children in foster
2 care under the responsibility of the state who have attained fourteen years of age and:**

3 (1) Have not been placed in a home; and

**4 (2) Have expressed they do not want to be placed in a home or explore other
5 permanency options**

**6
7 may have a permanency plan of another planned permanent living arrangement.**

210.675. 1. **Except as provided under section 210.672,** no child in foster care under
2 the responsibility of the state under the age of sixteen shall have a permanency plan of another
3 planned permanent living arrangement.

4 2. For children with a permanency plan of another planned permanent living
5 arrangement, the court shall make the following findings of fact and conclusions of law at
6 each permanency hearing:

7 (1) The division's intensive, ongoing, and unsuccessful efforts to return the child
8 home or to secure a placement for the child with a fit and willing relative, such as adult
9 siblings, a legal guardian, or an adoptive parent, including efforts to utilize search technology,
10 like social media, to find biological family members of the child;

11 (2) The child's desired permanency outcome;

12 (3) A judicial determination explaining why, as of the date of the hearing, another
13 planned permanent living arrangement is the best permanency plan for the child, including
14 compelling reasons why it continues not to be in the best interests of the child to:

- 15 (a) Return home;
- 16 (b) Be placed for adoption;
- 17 (c) Be placed with a legal guardian; or
- 18 (d) Be placed with a fit and willing relative; and
- 19 (4) The division's efforts to ensure:
- 20 (a) The child's foster family home child care institution is following the reasonable
- 21 and prudent parent standard; and
- 22 (b) The child has regular, ongoing opportunities to engage in age- or developmentally
- 23 appropriate activities, including consulting with the child in an age-appropriate manner about
- 24 the opportunities of the child to participate in the activities.

210.1320. 1. The children's division shall maintain a photograph of every child who is five years of age or older but under fourteen years of age and who is under the care of the state. The photograph shall be updated annually.

2. If a child attains fourteen years of age and is not placed in a home, the division shall, in conjunction with the department of revenue:

(1) Obtain a state identification for the child; and

(2) Maintain the state identification until the child is placed in a home.

3. After the child has been placed in a home, the state identification shall be given to the child for the child to maintain. If the child has been placed in a home after the initiation of the state identification but prior to receiving the state identification, the division shall send the state identification to the home in which the child was placed when the division obtains the state identification for the child to maintain.

210.1340. If a child who was under the care of the state is adopted and requires mental health services or residential treatment for behavioral issues, the state shall be required to pay for those services or treatment unless the adoptive parent to such child has the financial resources to cover the costs for the services or treatment.

210.1355. 1. All persons employed by the children's division prior to August 28, 2022, shall:

(1) Maintain a current address of record on file with the director of the children's division; and

(2) Submit to being fingerprinted on or before January 1, 2023, for the purposes of a criminal history background check and enrollment in the state and federal Rap Back programs. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the director of the children's division at the time of enrollment.

2. All persons employed by the children's division on or after August 28, 2022, shall:

12 **(1) Maintain a current address of record on file with the director of the**
13 **children's division; and**

14 **(2) Submit to being fingerprinted on or before January 1, 2023, or thirty days**
15 **from the start of his or her employment, whichever is later, for the purposes of a**
16 **criminal history background check and enrollment in the state and federal Rap Back**
17 **programs. The criminal history background check shall include the records of the**
18 **Federal Bureau of Investigation. The resulting report shall be forwarded to the director**
19 **of the children's division at the time of enrollment.**

20 **3. The director of the children's division shall take all necessary steps to**
21 **maintain employee enrollment for all employees of the children's division in the Rap**
22 **Back programs. An employee shall submit to being fingerprinted for as long as the**
23 **employee is employed with the children's division.**

211.021. As used in this chapter, unless the context clearly requires otherwise:

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

8 **(2) "Adult" means a person eighteen years of age or older;**

9 ~~[(2)]~~ **(3) "Child" means any person under eighteen years of age;**

10 ~~[(3)]~~ **(4) "Juvenile court" means the juvenile division or divisions of the circuit court**
11 **of the county, or judges while hearing juvenile cases assigned to them;**

12 ~~[(4)]~~ **(5) "Legal custody" means the right to the care, custody and control of a child**
13 **and the duty to provide food, clothing, shelter, ordinary medical care, education, treatment**
14 **and discipline of a child. Legal custody may be taken from a parent only by court action and**
15 **if the legal custody is taken from a parent without termination of parental rights, the parent's**
16 **duty to provide support continues even though the person having legal custody may provide**
17 **the necessities of daily living;**

18 ~~[(5)]~~ **(6) "Parent" means either a natural parent or a parent by adoption and if the child**
19 **is illegitimate, "parent" means the mother;**

20 ~~[(6)]~~ **(7) "Shelter care" means the temporary care of juveniles in physically**
21 **unrestricting facilities pending final court disposition. These facilities may include:**

22 **(a) "Foster home", the private home of foster parents providing twenty-four-hour care**
23 **to one to three children unrelated to the foster parents by blood, marriage or adoption;**

24 (b) "Group foster home", the private home of foster parents providing twenty-four-
25 hour care to no more than six children unrelated to the foster parents by blood, marriage or
26 adoption;

27 (c) "Group home", a child care facility which approximates a family setting, provides
28 access to community activities and resources, and provides care to no more than twelve
29 children.

211.038. 1. A child under the jurisdiction of the juvenile court shall not be reunited
2 with **or left in the care of a parent, adoptive parent, foster parent, or guardian** or placed in
3 a home in which the parent, **adoptive parent, foster parent, or guardian** or any person
4 residing in the home has been found guilty of any of the following offenses when a child was
5 the victim:

6 (1) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061,
7 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.100, 566.101, 566.111,
8 566.151, 566.203, 566.206, 566.209, 566.211, or 566.215;

9 (2) A violation of section 568.020;

10 (3) Abuse of a child under section 568.060 when such abuse is sexual in nature;

11 (4) A violation of section 568.065;

12 (5) A violation of section 573.200;

13 (6) A violation of section 573.205; or

14 (7) A violation of section 568.175;

15 (8) A violation of section 566.040, 566.070, or 566.090 as such sections existed prior
16 to August 28, 2013; or

17 (9) A violation of section 566.212, 568.080, or 568.090 as such sections existed prior
18 to January 1, 2017.

19 2. For all other violations of offenses in chapters 566 and 568 not specifically listed in
20 subsection 1 of this section or for a violation of an offense committed in another state when a
21 child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri,
22 the juvenile court may exercise its discretion regarding the placement of a child under the
23 jurisdiction of the juvenile court in a home in which a parent or any person residing in the
24 home has been found guilty of, or pled guilty to, any such offense.

25 3. If the juvenile court determines that a child has abused another child, such abusing
26 child shall be prohibited from returning to or residing in any residence located within one
27 thousand feet of the residence of the abused child, or any child care facility or school that the
28 abused child attends, until the abused child reaches eighteen years of age. The prohibitions of
29 this subsection shall not apply where the alleged abuse occurred between siblings or children
30 living in the same home.

**211.064. Notwithstanding any provision of law, a child may be committed to the
2 division of youth services if the child is currently placed in a residential facility but has
3 been expelled from such facility, regardless of whether a police report was filed, and the
4 children's division has exhausted all efforts to place the child in another residential
5 facility.**

**211.065. If a child has been expelled from a residential facility, the residential
2 facility shall file a police report if such expulsion is related to physical violence incited by
3 the child.**

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