

FIRST REGULAR SESSION

# SENATE BILL NO. 124

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

0926S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 219.021, RSMo, and to enact in lieu thereof one new section relating to library facilities within the division of youth services.

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

Section A. Section 219.021, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 219.021,  
3 to read as follows:

219.021. 1. Except as provided in subsections 2 and 3  
2 of this section, any child may be committed to the custody  
3 of the division when the juvenile court determines a  
4 suitable community-based treatment service does not exist,  
5 or has proven ineffective; and when the child is adjudicated  
6 pursuant to the provisions of subdivision (3) of subsection  
7 1 of section 211.031 or when the child is adjudicated  
8 pursuant to subdivision (2) of subsection 1 of section  
9 211.031 and is currently under court supervision for  
10 adjudication under subdivision (2) or (3) of subsection 1 of  
11 section 211.031. The division shall not keep any youth  
12 beyond his eighteenth birth date, except upon petition and a  
13 showing of just cause in which case the division may  
14 maintain custody until the youth's twenty-first birth date.  
15 Notwithstanding any other provision of law to the contrary,  
16 the committing court shall review the treatment plan to be  
17 provided by the division. The division shall notify the  
18 court of original jurisdiction from which the child was

19 committed at least three weeks prior to the child's release  
20 to aftercare supervision. The notification shall include a  
21 summary of the treatment plan and progress of the child that  
22 has resulted in the planned release. The court may formally  
23 object to the director of the division in writing, stating  
24 its reasons in opposition to the release. The director  
25 shall review the court's objection in consideration of its  
26 final approval for release. The court's written objection  
27 shall be made within a one-week period after it receives  
28 notification of the division's planned release; otherwise  
29 the division may assume court agreement with the release.  
30 The division director's written response to the court shall  
31 occur within five working days of service of the court's  
32 objection and preferably prior to the release of the child.  
33 The division shall not place a child directly into a precare  
34 setting immediately upon commitment from the court until it  
35 advises the court of such placement.

36 2. No child who has been diagnosed as having a mental  
37 disease or a communicable or contagious disease shall be  
38 committed to the division; except the division may, by  
39 regulation, when services for the proper care and treatment  
40 of persons having such diseases are available at any of the  
41 facilities under its control, authorize the commitment of  
42 children having such diseases to it for treatment in such  
43 institution. Notice of any such regulation shall be  
44 promptly mailed to the judges and juvenile officers of all  
45 courts having jurisdiction of cases involving children.

46 3. When a child has been committed to the division,  
47 the division shall forthwith examine the individual and  
48 investigate all pertinent circumstances of his background  
49 for the purpose of facilitating the placement and treatment  
50 of the child in the most appropriate program or residential

51 facility to assure the public safety and the rehabilitation  
52 of the child; except that, no child committed under the  
53 provisions of subdivision (2) of subsection 1 of section  
54 211.031 may be placed in the residential facilities  
55 designated by the division as a maximum security facility,  
56 unless the juvenile is subsequently adjudicated under  
57 subdivision (3) of subsection 1 of section 211.031.

58 4. The division may transfer any child under its  
59 jurisdiction to any other institution for children if, after  
60 careful study of the child's needs, it is the judgment of  
61 the division that the transfer should be effected. If the  
62 division determines that the child requires treatment by  
63 another state agency, it may transfer the physical custody  
64 of the child to that agency, and that agency shall accept  
65 the child if the services are available by that agency.

66 5. The division shall make periodic reexaminations of  
67 all children committed to its custody for the purpose of  
68 determining whether existing dispositions should be modified  
69 or continued. Reexamination shall include a study of all  
70 current circumstances of such child's personal and family  
71 situation and an evaluation of the progress made by such  
72 child since the previous study. Reexamination shall be  
73 conducted as frequently as the division deems necessary, but  
74 in any event, with respect to each such child, at intervals  
75 not to exceed six months. Reports of the results of such  
76 examinations shall be sent to the child's committing court  
77 and to his parents or guardian.

78 6. Failure of the division to examine a child  
79 committed to it or to reexamine him within six months of a  
80 previous examination shall not of itself entitle the child  
81 to be discharged from the custody of the division but shall  
82 entitle the child, his parent, guardian, or agency to which

83 the child may be placed by the division to petition for  
84 review as provided in section 219.051.

85 7. The division is hereby authorized to establish,  
86 build, repair, maintain, and operate, from funds  
87 appropriated or approved by the legislature for these  
88 purposes, facilities and programs necessary to implement the  
89 provisions of this chapter. Such facilities or programs may  
90 include, but not be limited to, the establishment and  
91 operation of training schools, maximum security facilities,  
92 moderate care facilities, group homes, day treatment  
93 programs, family foster homes, aftercare, counseling  
94 services, educational services, and such other services as  
95 may be required to meet the needs of children committed to  
96 it. The division may terminate any facility or program no  
97 longer needed to meet the needs of children, **except that the**  
98 **division shall maintain adequate library facilities for**  
99 **children in its custody.**

100 8. The division may institute day release programs for  
101 children committed to it. The division may arrange with  
102 local schools, public or private agencies, or persons  
103 approved by the division for the release of children  
104 committed to the division on a daily basis to the custody of  
105 such schools, agencies, or persons for participation in  
106 programs.

107 9. The division shall make all reasonable efforts to  
108 ensure that any outstanding judgment entered in accordance  
109 with section 211.185 or any outstanding assessments ordered  
110 in accordance with section 211.181 be paid while a child is  
111 in the care, custody or control of the division.

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