

SENATE BILL NO. 801

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

4449S.01I

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, 211.211, 211.261, 211.351, 211.355, 211.361, 211.381, 211.382, 211.393, 211.394, 211.401, 211.462, 452.423, 452.785, and 476.405, RSMo, and to enact in lieu thereof twenty-three new sections relating to child protection, with a delayed effective date for certain sections.

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, 211.211, 211.261, 211.351, 211.355, 211.361, 211.381, 211.382, 211.393, 211.394, 211.401, 211.462, 452.423, 452.785, and 476.405, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 27.155, 104.1010, 193.265, 210.145, 210.160, 210.560, 210.565, 210.762, 210.795, 210.830, 211.032, 211.211, 211.261, 211.351, 211.355, 211.361, 211.381, 211.393, 211.401, 211.462, 452.423, 452.785, and 476.405, to read as follows:

27.155. Beginning July 1, 2027, the "Office of Juvenile Officers" shall hereby be established in the office of the attorney general for the purpose of addressing the needs of children coming under the jurisdiction of the juvenile courts pursuant to chapter 211. The office of juvenile officers shall consist of juvenile officers of each judicial circuit or multiple judicial circuits appointed pursuant to section 211.351 and any necessary juvenile court

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

9 personnel employed by such juvenile officers pursuant to
10 section 211.351. All juvenile officers appointed and any
11 necessary juvenile court personnel employed pursuant to
12 section 211.351 shall be paid by the state and considered
13 state employees entitled to coverage by the Missouri
14 consolidated health care plan established in chapter 103,
15 the Missouri state employees' retirement system as
16 established in chapter 104 and as provided by section
17 104.1010, and entitled to all other benefits available to
18 and subject to all other laws governing state employees.

104.1010. 1. All juvenile officers appointed and any
2 necessary juvenile court personnel employed pursuant to
3 section 211.351 in a single county circuit or in a
4 multicounty circuit on or after July 1, 2027, may transfer
5 membership as provided in section 211.393, and shall be
6 entitled to creditable prior service pursuant to the
7 provisions of this chapter in the Missouri state employees'
8 retirement system, provided such period of service has not
9 been included for purposes of qualification for any other
10 retirement system.

11 2. Any actively employed member of the Missouri state
12 employees' retirement system on or after July 1, 2027, shall
13 be entitled to creditable prior service for service rendered
14 as a juvenile officer and any necessary juvenile court
15 personnel, if:

16 (1) The service had not become vested in a county
17 retirement plan;

18 (2) The person made application to the board for such
19 creditable prior service; and

20 (3) The person establishes proof of such service to
21 the satisfaction of the board including proof that the

22 **person worked in a position that normally required at least**
23 **one thousand hours of service per year for service.**

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

211.211. 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.

211.351. 1. The [court or the family court administrator in circuits where a family court administrator has been appointed to act as the appointing authority under section 487.060] **attorney general** shall appoint a juvenile officer [and other necessary juvenile court personnel] to serve under the direction of the [court] **attorney general** in [each county of the first and second class and the circuit judge in circuits comprised of third and fourth class counties]:

(1) [May appoint a juvenile officer and other necessary personnel to serve the] **Each** judicial circuit; or

(2) **Multiple judicial circuits, if upon a determination by the attorney general that the needs of multiple judicial circuits comprised of only third or fourth class counties can be served by a single juvenile officer or if the** circuit judges of any two or more adjoining circuits [may by agreement, confirmed] **comprised of only third or fourth class counties agree, and confirm** by judicial order **submitted to the attorney general, [appoint] to share** a juvenile officer [and other necessary personnel] to serve their respective judicial circuits [and, in such a case, the juvenile officers and other persons appointed shall serve under the joint direction of the judges so agreeing].

2. [The presiding judge of the circuit shall ensure that any case in the family court or juvenile court division in which a juvenile officer is a participant is not heard by a judge who is the appointing authority for the juvenile officer or other necessary juvenile employees] **Any juvenile officer appointed before July 1, 2027, may continue to serve at the pleasure of the attorney general, except any vacancies or new appointments of a juvenile officer**

32 **occurring on or after July 1, 2027, shall be appointed**
33 **pursuant to subsection 1 of this section.**

34 3. [In the event a juvenile officer and other juvenile
35 court personnel are appointed to serve as provided in
36 subdivisions (1) and (2) of subsection 1 of this section,
37 the total cost to the counties for the compensation of these
38 persons shall be prorated among the several counties and
39 upon a ratio to be determined by a comparison of the
40 respective populations of the counties.]

41 4. In each judicial circuit, a grievance review
42 committee shall be appointed by the circuit court en banc to
43 serve as final administrative authority of a grievance
44 regarding personnel policy or action that negatively affects
45 an employee of the family court and/or juvenile court who is
46 not governed by the Missouri circuit court personnel
47 system. The grievance review committee may be comprised of
48 either the circuit court en banc, a committee of not less
49 than three circuit or associate circuit judges, or other
50 body established by local court rule] **Each juvenile officer**
51 **appointed under this section may employ any necessary**
52 **juvenile court personnel, including deputy juvenile**
53 **officers, attorneys, and other support staff, to serve in**
54 **the judicial circuit or the multiple judicial circuits. Any**
55 **necessary juvenile court personnel employed with a juvenile**
56 **officer before July 1, 2027, may continue to serve at the**
57 **pleasure of that juvenile officer and the attorney general**
58 **after July 1, 2027.**

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.

211.361. 1. Whenever the need arises for the
2 appointment of a juvenile officer, the [court or the family
3 court administrator in circuits where a family court
4 administrator has been appointed to act as the appointing
5 authority under section 487.060] **attorney general** shall
6 [either:

7 (1) Provide, by rule of court, for open competitive
8 written and oral examinations and create an eligible list of
9 persons who possess the qualifications prescribed by
10 subdivision (2) and who have successfully passed such
11 examination; or

12 (2)] appoint any person over the age of twenty-one
13 years who has completed satisfactorily four years of college

14 education with a major in sociology or related subjects
15 **relevant to the needs of the children being served** or who,
16 in lieu of such academic training, has had four years or
17 more experience in social work with juveniles in probation,
18 **foster care**, or **[allied] related** services.

19 2. This section does not terminate the existing
20 appointment **[nor present term of office]** of any juvenile
21 officer or deputy juvenile officer in any county, but it
22 applies to any appointment to be made after **July 1, 2027**,
23 **where** the existing appointment **[or term of office]** of any
24 incumbent terminates or expires for any reason whatsoever.

211.381. 1. In each judicial circuit the following
2 employees of the juvenile court shall annually receive as
3 compensation the following amounts:

4 (1) One juvenile officer, beginning January 1, 1985,
5 twenty-one thousand six hundred ninety dollars; beginning
6 January 1, 1986, twenty-four thousand six hundred ninety
7 dollars;

8 (2) One chief deputy juvenile officer and the chief
9 officer assigned to courts of domestic relations, beginning
10 January 1, 1985, eighteen thousand six hundred fifty
11 dollars; beginning January 1, 1986, twenty thousand six
12 hundred fifty dollars;

13 (3) Each deputy juvenile officer, class 1, beginning
14 January 1, 1985, sixteen thousand three hundred ten dollars;
15 beginning January 1, 1986, eighteen thousand ten dollars;

16 (4) Each deputy juvenile officer, class 2, beginning
17 January 1, 1985, fourteen thousand five hundred eighty
18 dollars; beginning January 1, 1986, sixteen thousand eighty
19 dollars;

20 (5) Each deputy juvenile officer, class 3, beginning
21 January 1, 1985, twelve thousand nine hundred fifty dollars;

22 beginning January 1, 1986, fourteen thousand three hundred
23 fifty dollars.

24 2. On September 28, 1985, the compensation of the
25 employees of the juvenile court provided by subsection 1 of
26 this section shall be increased by an amount equivalent to
27 the annual salary adjustment approved pursuant to section
28 476.405 for employees of the judicial department for the
29 fiscal year beginning July 1, 1985, and on January 1, 1986,
30 salaries shall be increased to the amount specified in
31 subsection 1 of this section.

32 3. After January 1, 1986, each juvenile officer shall
33 receive in addition to any salary provided by subsections 1
34 and 2 of this section any salary adjustments approved after
35 September 28, 1985, pursuant to section 476.405. After
36 January 1, 1986, each chief deputy juvenile officer, chief
37 officer assigned to courts of domestic relations and deputy
38 juvenile officers shall receive in addition to any salary
39 provided by subsections 1 and 2 of this section an amount
40 equivalent to any salary adjustments approved after
41 September 28, 1985, provided to employees of the judicial
42 department pursuant to section 476.405. Each such salary
43 adjustment shall be applicable to the total compensation
44 provided by subsections 1, 2, and 3 of this section.

45 4. Actual expenses, including mileage allowance not to
46 exceed that amount allowed state officers for each mile
47 traveled on official business but exclusive of office
48 expense, incurred by the employees while in the performance
49 of their official duties shall be reimbursed to them out of
50 county or city funds upon the approval of the judge of the
51 juvenile court.

52 5. Except for counties of the second class in circuits
53 composed of a single county of the second class and counties

54 of the second class in circuits composed of two counties of
55 the second class, in second, third and fourth class counties
56 the compensation for employees of the juvenile court
57 provided by this section is the total amount of compensation
58 the employee shall receive for duties pertaining to the
59 juvenile court and includes the compensation provided by any
60 other provision of law.

61 6. Beginning on August 28, 1993, all deputy juvenile
62 officers which were class 4 prior to August 28, 1993, shall
63 become class 3 deputy juvenile officers.

64 **7. Beginning on July 1, 2027, the salaries of the**
65 **employees of the attorney general as provided by section**
66 **27.155 shall be set by the attorney general, but shall not**
67 **be lower than the amount provided in subsection 1 of this**
68 **section with adjustments approved before July 1, 2027.**

211.393. 1. For purposes of this section, the
2 following words and phrases mean:

3 (1) "County retirement plan", any public employees'
4 defined benefit retirement plan established by law that
5 provides retirement benefits to county or city employees,
6 but not to include the county employees' retirement system
7 as provided in sections 50.1000 to 50.1200;

8 (2) "Juvenile court employee", any person who is
9 employed by a juvenile court in a position normally
10 requiring one thousand hours or more of service per year;

11 (3) "Juvenile officer", any juvenile officer appointed
12 pursuant to section 211.351;

13 (4) "Multicounty circuit", all other judicial circuits
14 not included in the definition of a single county circuit;

15 (5) "Single county circuit", a judicial circuit
16 composed of a single county of the first classification,
17 including the circuit for the city of St. Louis;

18 (6) "State retirement plan", the public employees'
19 retirement plan administered by the Missouri state
20 employees' retirement system pursuant to chapter 104.

21 2. Juvenile court employees employed in a single
22 county circuit shall be subject to the following provisions:

23 (1) The juvenile officer employed in such circuits on
24 and prior to July 1, 1999, shall:

25 (a) Be state employees on that portion of their salary
26 received from the state pursuant to section 211.381, and in
27 addition be county employees on that portion of their salary
28 provided by the county at a rate determined pursuant to
29 section 50.640;

30 (b) Receive state-provided benefits, including
31 retirement benefits from the state retirement plan, on that
32 portion of their salary paid by the state and may
33 participate as members in a county retirement plan on that
34 portion of their salary provided by the county except any
35 juvenile officer whose service as a juvenile court officer
36 is being credited based on all salary received from any
37 source in a county retirement plan on June 30, 1999, shall
38 not be eligible to receive state-provided benefits,
39 including retirement benefits, or any creditable prior
40 service as described in this section but shall continue to
41 participate in such county retirement plan;

42 (c) Receive creditable prior service in the state
43 retirement plan for service rendered as a juvenile court
44 employee prior to July 1, 1999, to the extent they have not
45 already received credit for such service in a county
46 retirement plan on salary paid to them for such service, if
47 such service was rendered in a single county circuit or a
48 multicounty circuit; except that if the juvenile officer
49 forfeited such credit in such county retirement plan prior

50 to being eligible to receive creditable prior service under
51 this paragraph, they may receive service under this
52 paragraph;

53 (d) Receive creditable prior service pursuant to
54 paragraph (c) of this subdivision even though they already
55 have received credit for such creditable service in a county
56 retirement plan if they elect to forfeit their creditable
57 service from such plan in which case such plan shall
58 transfer to the state retirement plan an amount equal to the
59 actuarial accrued liability for the forfeited creditable
60 service, determined as if the person were going to continue
61 to be an active member of the county retirement plan, less
62 the amount of any refunds of member contributions;

63 (e) Receive creditable prior service for service
64 rendered as a juvenile court employee in a multicounty
65 circuit in a position that was financed in whole or in part
66 by a public or private grant, pursuant to the provisions of
67 paragraph (e) of subdivision (1) of subsection 3 of this
68 section;

69 (2) Juvenile officers who begin employment for the
70 first time as a juvenile officer in a single county circuit
71 on or after July 1, 1999, shall:

72 (a) Be county employees and receive salary from the
73 county at a rate determined pursuant to section 50.640
74 subject to reimbursement by the state as provided in section
75 211.381; and

76 (b) Participate as members in the applicable county
77 retirement plan subject to reimbursement by the state for
78 the retirement contribution due on that portion of salary
79 reimbursed by the state;

80 (3) All other juvenile court employees who are
81 employed in a single county circuit on or after July 1, 1999:

82 (a) Shall be county employees and receive a salary
83 from the county at a rate determined pursuant to section
84 50.640; and

85 (b) Shall, in accordance with their status as county
86 employees, receive other county-provided benefits including
87 retirement benefits from the applicable county retirement
88 plan if such employees otherwise meet the eligibility
89 requirements for such benefits;

90 (4) (a) The state shall reimburse each county
91 comprised of a single county circuit for an amount equal to
92 the greater of:

93 a. Twenty-five percent of such circuit's total
94 juvenile court personnel budget, excluding the salary for a
95 juvenile officer, for calendar year 1997, and excluding all
96 costs of retirement, health and other fringe benefits; or

97 b. The sum of the salaries of one chief deputy
98 juvenile officer and one deputy juvenile officer class I, as
99 provided in section 211.381;

100 (b) The state may reimburse a single county circuit up
101 to fifty percent of such circuit's total calendar year 1997
102 juvenile court personnel budget, subject to appropriations.
103 The state may reimburse, subject to appropriations, the
104 following percentages of such circuits' total juvenile court
105 personnel budget, expended for calendar year 1997, excluding
106 the salary for a juvenile officer, and excluding all costs
107 of retirement, health and other fringe benefits: thirty
108 percent beginning July 1, 2000, until June 30, 2001; forty
109 percent beginning July 1, 2001, until June 30, 2002; fifty
110 percent beginning July 1, 2002; however, no county shall
111 receive any reimbursement from the state in an amount less
112 than the greater of:

113 a. Twenty-five percent of the total juvenile court
114 personnel budget of the single county circuit expended for
115 calendar year 1997, excluding fringe benefits; or

116 b. The sum of the salaries of one chief deputy
117 juvenile officer and one deputy juvenile officer class I, as
118 provided in section 211.381;

119 (5) Each single county circuit shall file a copy of
120 its initial 1997 and each succeeding year's budget with the
121 office of the state courts administrator after January first
122 each year and prior to reimbursement. The office of the
123 state courts administrator shall make payment for the
124 reimbursement from appropriations made for that purpose on
125 or before July fifteenth of each year following the calendar
126 year in which the expenses were made. The office of the
127 state courts administrator shall submit the information from
128 the budgets relating to full-time juvenile court personnel
129 from each county to the general assembly;

130 (6) Any single county circuit may apply to the office
131 of the state courts administrator to become subject to
132 subsection 3 of this section, and such application shall be
133 approved subject to appropriation of funds for that purpose;

134 (7) The state auditor may audit any single county
135 circuit to verify compliance with the requirements of this
136 section, including an audit of the 1997 budget.

137 3. Juvenile court employees in multicounty circuits
138 shall be subject to the following provisions:

139 (1) Juvenile court employees including detention
140 personnel hired in 1998 in those multicounty circuits who
141 began actual construction on detention facilities in 1996,
142 employed in a multicounty circuit on or after July 1, 1999,
143 shall:

144 (a) Not be state employees unless they receive all
145 salary from the state, which shall include any salary as
146 provided in section 211.381 in addition to any salary
147 provided by the applicable county or counties during
148 calendar year 1997 and any general salary increase approved
149 by the state of Missouri for fiscal year 1999 and fiscal
150 year 2000;

151 (b) Participate in the state retirement plan;

152 (c) Receive creditable prior service in the state
153 retirement plan for service rendered as a juvenile court
154 employee prior to July 1, 1999, to the extent they have not
155 already received credit for such service in a county
156 retirement plan on salary paid to them for such service if
157 such service was rendered in a single county circuit or a
158 multicounty circuit, except that if they forfeited such
159 credit in such county retirement plan prior to being
160 eligible to receive creditable prior service under this
161 paragraph, they may receive creditable service under this
162 paragraph;

163 (d) Receive creditable prior service pursuant to
164 paragraph (c) of this subdivision even though they already
165 have received credit for such creditable service in a county
166 retirement plan if they elect within six months from the
167 date they become participants in the state retirement plan
168 pursuant to this section to forfeit their service from such
169 plan in which case such plan shall transfer to the state
170 retirement plan an amount equal to the actuarial accrued
171 liability for the forfeited creditable service, determined
172 as if the person was going to continue to be an active
173 member of the county retirement plan, less the amount of any
174 refunds of member contributions;

175 (e) Receive creditable prior service for service
176 rendered as a juvenile court employee in a multicounty
177 circuit in a position that was financed in whole or in part
178 by a public or private grant to the extent they have not
179 already received credit for such service in a county
180 retirement plan on salary paid to them for such service
181 except that if they:

182 a. Forfeited such credit in such county retirement
183 plan prior to being eligible to receive creditable service
184 under this paragraph, they may receive creditable service
185 under paragraph (e) of this subdivision;

186 b. Received credit for such creditable service in a
187 county retirement plan, they may not receive creditable
188 prior service pursuant to paragraph (e) of this subdivision
189 unless they elect to forfeit their service from such plan,
190 in which case such plan shall transfer to the state
191 retirement plan an amount equal to the actuarial liability
192 for the forfeited creditable service, determined as if the
193 person was going to continue to be an active member of the
194 county retirement plan, less the amount of any refunds of
195 member contributions;

196 c. Terminated employment prior to August 28, 2007, and
197 apply to the board of trustees of the state retirement plan
198 to be made and employed as a special consultant and be
199 available to give opinions regarding retirement they may
200 receive creditable service under paragraph (e) of this
201 subdivision;

202 d. Retired prior to August 28, 2007, and apply to the
203 board of trustees of the state retirement plan to be made
204 and employed as a special consultant and be available to
205 give opinions regarding retirement, they shall have their
206 retirement benefits adjusted so they receive retirement

207 benefits equal to the amount they would have received had
208 their retirement benefit been initially calculated to
209 include such creditable prior service; or

210 e. Purchased creditable prior service pursuant to
211 section 104.344 or section 105.691 based on service as a
212 juvenile court employee in a position that was financed in
213 whole or in part by a public or private grant, they shall
214 receive a refund based on the amount paid for such purchased
215 service;

216 (2) Juvenile court employee positions added after
217 December 31, 1997, shall be terminated and not subject to
218 the provisions of subdivision (1) of this subsection, unless
219 the office of the state courts administrator requests and
220 receives an appropriation specifically for such positions;

221 (3) The salary of any juvenile court employee who
222 becomes a state employee, effective July 1, 1999, shall be
223 limited to the salary provided by the state of Missouri,
224 which shall be set in accordance with guidelines established
225 by the state pursuant to a salary survey conducted by the
226 office of the state courts administrator, but such salary
227 shall in no event be less than the amount specified in
228 paragraph (a) of subdivision (1) of this subsection.

229 Notwithstanding any provision to the contrary in subsection
230 1 of section 211.394, such employees shall not be entitled
231 to additional compensation paid by a county as a public
232 officer or employee. Such employees shall be considered
233 employees of the judicial branch of state government for all
234 purposes;

235 (4) All other employees of a multicounty circuit who
236 are not juvenile court employees as defined in subsection 1
237 of this section shall be county employees subject to the
238 county's own terms and conditions of employment;

239 (5) In a single county circuit that changed from a
240 multicounty circuit on or after August 28, 2016, any
241 juvenile court employee, who receives all salary from the
242 state, shall be a state employee, receive state-provided
243 benefits under this subsection, including retirement
244 benefits from the state retirement plan, and not be subject
245 to subsection 2 of this section while employed in that
246 circuit.

247 4. The receipt of creditable prior service as
248 described in paragraph (c) of subdivision (1) of subsection
249 2 of this section and paragraph (c) of subdivision (1) of
250 subsection 3 of this section is contingent upon the office
251 of the state courts administrator providing the state
252 retirement plan information, in a form subject to
253 verification and acceptable to the state retirement plan,
254 indicating the dates of service and amount of monthly salary
255 paid to each juvenile court employee for such creditable
256 prior service.

257 5. No juvenile court employee employed by any single
258 or multicounty circuit shall be eligible to participate in
259 the county employees' retirement system fund pursuant to
260 sections 50.1000 to 50.1200.

261 6. Each county in every circuit in which a juvenile
262 court employee becomes a state employee shall maintain each
263 year in the local juvenile court budget an amount, defined
264 as "maintenance of effort funding", not less than the total
265 amount budgeted for all employees of the juvenile court
266 including any juvenile officer, deputy juvenile officer, or
267 other juvenile court employees in calendar year 1997, minus
268 the state reimbursements as described in this section
269 received for the calendar year 1997 personnel costs for the
270 salaries of all such juvenile court employees who become

271 state employees. The juvenile court shall provide a
272 proposed budget to the county commission each year. The
273 budget shall contain a separate section specifying all funds
274 to be expended in the juvenile court. Such funding may be
275 used for contractual costs for detention services, guardians
276 ad litem, transportation costs for those circuits without
277 detention facilities to transport children to and from
278 detention and hearings, short-term residential services,
279 indebtedness for juvenile facilities, expanding existing
280 detention facilities or services, continuation of services
281 funded by public grants or subsidy, and enhancing the
282 court's ability to provide prevention, probation, counseling
283 and treatment services. The county commission may review
284 such budget and may appeal the proposed budget to the
285 judicial finance commission pursuant to section 50.640.

286 7. Any person who is employed on or after July 1,
287 1999, in a position covered by the state retirement plan or
288 the transportation department and highway patrol retirement
289 system and who has rendered service as a juvenile court
290 employee in a judicial circuit that was not a single county
291 of the first classification shall be eligible to receive
292 creditable prior service in such plan or system as provided
293 in subsections 2 and 3 of this section. For purposes of
294 this subsection, the provisions of paragraphs (c) and (d) of
295 subdivision (1) of subsection 2 of this section and
296 paragraphs (c) and (d) of subdivision (1) of subsection 3 of
297 this section that apply to the state retirement plan shall
298 also apply to the transportation department and highway
299 patrol retirement system.

300 8. (1) Any juvenile officer who is employed as a
301 state employee in a multicounty circuit on or after July 1,
302 1999, shall not be eligible to participate in the state

303 retirement plan as provided by this section unless such
304 juvenile officer elects to:

305 (a) Receive retirement benefits from the state
306 retirement plan based on all years of service as a juvenile
307 officer and a final average salary which shall include
308 salary paid by the county and the state; and

309 (b) Forfeit any county retirement benefits from any
310 county retirement plan based on service rendered as a
311 juvenile officer.

312 (2) Upon making the election described in this
313 subsection, the county retirement plan shall transfer to the
314 state retirement plan an amount equal to the actuarial
315 accrued liability for the forfeited creditable service
316 determined as if the person was going to continue to be an
317 active member of the county retirement plan, less the amount
318 of any refunds of member contributions.

319 9. The elections described in this section shall be
320 made on forms developed and made available by the state
321 retirement plan.

322 **10. All juvenile officers and any necessary juvenile**
323 **court personnel employed by a juvenile officer appointed and**
324 **employed pursuant to section 211.351 in a single county**
325 **circuit or in a multicounty circuit on or after July 1,**
326 **2027, shall receive a salary from the state, shall be a**
327 **state employee, receive state-provided benefits, including**
328 **retirement benefits from the state retirement plan. Any**
329 **juvenile officer or juvenile court employee who is earning**
330 **creditable service in a county retirement plan and who, as a**
331 **result of the provisions of section 27.155, are transferred**
332 **to the office of the attorney general shall not be members**
333 **of the state retirement plan, unless an election to transfer**
334 **membership and creditable service to the state retirement**

335 plan is made in writing within sixty days of July 1, 2027.
336 Any election to transfer membership and creditable service
337 to the state retirement plan shall result in the forfeiture
338 of any rights or benefits in the county retirement plan.
339 Any failure to elect to transfer membership and creditable
340 service pursuant to this subsection shall result in the
341 juvenile officer remaining in the county retirement plan.
342 If an election is made, the effective date for the
343 commencement of membership and transfer of such creditable
344 service shall be January 1, 2028.

211.401. 1. The juvenile officer shall:

- 2 (1) Make such investigations of cases of children
3 reported to be abused, neglected, delinquent, or status
4 offenders, exercise discretion in filing pleadings in the
5 juvenile courts regarding such children, and furnish the
6 juvenile court with such information and assistance as the
7 judge may order;
- 8 (2) Keep a written record of such investigations and
9 offer such reports into evidence in accordance with law;
- 10 (3) Take charge of children before and after the
11 hearing as may be ordered by the juvenile court;
- 12 (4) Supervise any delinquent child or status offender
13 placed on probation; and
- 14 (5) Perform such other duties and exercise such powers
15 as the [judge of the juvenile court may order] attorney
16 general may require.

17 2. The juvenile officer is vested with all the power
18 and authority of sheriffs to make arrests and perform other
19 duties incident to his office.

20 3. The juvenile officers [or other persons acting as
21 such] and the personnel of the juvenile officers in the
22 several counties of the state shall cooperate with each

23 other in carrying out the purposes and provisions of this
24 chapter.

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.

476.405. 1. Within the limits of any appropriation
2 made for this purpose, the salary fixed by [sections]
3 **subsections 1 to 6 of section 211.381, subsections 1 to 9 of**
4 **section 211.393, and by sections 477.130, 478.013, 478.018,**
5 483.083, 483.163, and 485.060 may be adjusted in any one
6 year by a salary adjustment. The salary adjustment shall
7 not exceed the salary adjustment for the executive
8 department contained in the pay plan applicable to other
9 state employees at a similar salary level for that fiscal
10 year. If no salary adjustment or a lower salary adjustment
11 is granted pursuant to this section than is granted the
12 executive department in any year, then the salary adjustment
13 granted pursuant to this section in the next fiscal year may
14 exceed the salary adjustment of the executive department by
15 the amount of the difference in the prior year.

16 2. The amount of a salary adjustment to be approved
17 pursuant to this section shall be stated in a separate line
18 item of the appropriation bill. A salary adjustment
19 approved pursuant to this section shall be added to the
20 statutory salary and the sum of these amounts shall be the
21 statutory salary of the office for all purposes. This
22 statutory salary shall be included in the appropriation bill
23 in the same manner as any other personal service
24 appropriation involving a statutory salary.

25 3. The office of administration shall maintain a
26 compensation schedule for each fiscal year indicating the
27 highest statutory salary paid for each office specified in

28 sections 211.381, 211.393, 477.130, 478.013, 478.018,
29 483.083, 483.163, and 485.060, and the salary adjustment
30 contained in the pay plan applicable to other state
31 employees generally. The schedule shall be open for public
32 inspection and shall be annually included in the Missouri
33 Register and an appendix to the Revised Statutes of
34 Missouri. For each office for which a salary adjustment is
35 approved pursuant to this section, the revisor of statutes
36 shall place a revisor's note following each section
37 providing compensation for the office referencing the reader
38 to the compensation index.

2 [211.382. As a provider of programs and
3 services to children and families at the local
4 level, the juvenile court system may recruit and
5 retain qualified professionals to provide vital
6 services to children in local communities and to
7 the citizens of the state. In order to provide
8 these critical services, an enhanced partnership
9 between the state and the counties shall be
10 established. This partnership provides greater
11 assistance to both single and multicounty
12 circuits by the state assuming the juvenile
13 court employees of the multicounty circuits as
14 state employees while maintaining the current
15 status of juvenile court employees in a single
16 county circuit in which all juvenile court
17 employees are provided with retirement and other
fringe benefits at the time of this enactment.]

2 [211.394. 1. The provisions of subsection
3 5 of section 211.381, to the contrary
4 notwithstanding, the salary determined pursuant
5 to subsections 1, 2 and 3 of section 211.381 is
6 a limit to the state contribution to the
7 compensation paid to juvenile court personnel
8 and is not a limit to the total compensation
9 that may be paid. Any compensation above the
10 amounts determined pursuant to the provisions of
11 this subsection shall be approved by the judge
12 of the juvenile court and the governing body of
13 the city or county providing such additional
14 compensation.]
15 2. Any funds paid to the counties under
16 the provisions of section 211.393 and this
17 section shall not be considered to be a part of
18 the total state revenue as defined in Article X,
Section 18 of the Constitution of Missouri.]

Section B. The enactment of sections 27.155 and
2 104.1010, the repeal and reenactment of sections 211.351,
3 211.361, 211.381, 211.393, 211.401, and 476.405, and the
4 repeal of sections 211.382 and 211.394 shall become
5 effective on July 1, 2027.

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