1988/89
MISSOURI JUVENILE CODE

Chapter 210, Chapter 211 and Chapter 219 RSMo

Missouri Juvenile Justice Association

Funds for updating and printing this publication were provided by a Grant from the Office of Juvenile Justice and Delinquency Prevention through the Missouri Department of Public Safety and the Missouri State Juvenile Justice Advisory Group.

115815

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GENERAL PROVISIONS FOR CHILD PROTECTION

210.001. Department of social services to meet needs of homeless, dependent and neglected children. — The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Ensuring that appropriate social services are provided to the family unit both prior to the removal of a child from the home and after family reunification;

(3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

(L. 1987 S.B. 244 § 1)

210.002. Year 2000 plan, agencies to develop, purpose. — 1. The department of social services, the department of health, the department of mental health, the department of elementary and secondary education, the division of youth services, and the division of family services shall cooperate with the children's service commission to prepare a detailed, comprehensive "Year 2000 Plan" to provide the preventive services described in subsection 2 of this section.

2. The "Year 2000 Plan" shall provide recommendations for the development and implementation of coordinated social and health services which:

(1) Identify early problems experienced by children and their families and the services which are adequate in availability, appropriate to the situation, and effective;

(2) Seek to bring about meaningful change before family situations become irreversibly destructive and before disturbed psychological behavioral patterns and health problems become severe or permanent;

(3) Serve children and families in their ow homes thus preventing unnecessary out-o home placement or institutionalization;

(4) Focus resources on social and healt problems as they begin to manifes themselves rather than waiting for chroni and severe patterns of illness, criminalit and dependency to develop which requir long-term treatment, maintenance, o custody;

(5) Reduce duplication of and gaps in se vice delivery;

(6) Improve planning, budgeting and co munication among these state agencies ser ing children and families; and

(7) Develop outcome standards fo measuring the effectiveness of social an health services for children and families.

3. Each such department or division sha cooperate with the commission to develop specific plan which shall be made available t the governor and the members of the gener assembly by December 1, 1988.

(L. 1987 S.B. 244 § 2)

210.003. Immunizations of children r quired, when, exceptions — duties of a ministrator, report. — 1. No child shall be pe mitted to enroll in or attend any publi private or parochial day care cente preschool or nursery school caring for ten o more children unless such child has been ad quately immunized against vaccine-prevent able childhood illnesses specified by th the department of health in accordance witl recommendations of the Immunization Prac tices Advisory Committee (ACIP). Th parent or guardian of such child shall pro vide satisfactory evidence of the required im munizations.

2. A child who has not completed all im munizations appropriate for his age ma enroll, if:

(1) Satisfactory evidence is produced tha such child has begun the process of im munization. The child may continue to at tend as long as the immunization process i being accomplished according to the ACIP/Missouri department of health recom mended schedule; or

(2) The parent or guardian has signed and placed on file with the day care ad

ninistrator a statement of exemption which nay be either of the following:

(a) A medical exemption, by which a child hall be exempted from the requirements of his section upon certification by a licensed hysician that such immunization would eriously endanger the child's health or life; r

(b) A parent or guardian exemption, by vhich a child shall be exempted from the re- uirements of this section if one parent or uardian files a written objection to im- nunization with the day care administrator. Exemptions shall be accepted by the day are administrator when the necessary infor- nation as determined by the department of ealth is filed with the day care ad- ninistrator by the parent or guardian. Ex- mption forms shall be provided by the epartment of health.

3. In the event of an outbreak or uspected outbreak of a vaccine-preventable isease within a particular facility, the ad- ninistrator of the facility shall follow the ontrol measures instituted by the local ealth authority or the department of health r both the local health authority and the epartment of health, as established in Rule 9 CSR 20-20.040, "Measures for the Control f Communicable Diseases".

4. The administrator of each public, rivate or parochial day care center, reschool or nursery school shall cause to be repared a record of immunization of every hild enrolled in or attending a facility under is jurisdiction. An annual summary report hall be made by January fifteenth showing he immunization status of each child en- olled, using forms provided for this purpose y the department of health. The immuniza- ion records shall be available for review by department of health personnel upon re- uest.

5. For purposes of this section, satisfac- ory evidence of immunization means a statement, certification or record from a hysician or other recognized health facility r personnel, stating that the required im- munizations have been given to the child and verifying the type of vaccine and the month, day and year of administration.

6. Nothing in this section shall preclude ny political subdivision from adopting more tringent rules regarding the immunization of preschool children.

(L. 1988 S.B. 797 § 1)
Effective 9-1-88

210.010. Children placed in homes by foreign corporation — guaranty. — No association incorporated under the laws of any other state than the state of Missouri shall place any child in any family home within the boundaries of the state of Missouri, either with or without indenture, or for adoption, unless the said association shall have furnished the division of family services with such guarantee as they may require that no child shall be brought into the state of Missouri by such society of its agents having any contagious or incurable disease or being of feeble mind or of vicious character, and that said association will promptly receive and remove from the state any child brought into the state of Missouri by its agents which shall become a public charge within the period of five years after being brought into this state.

(RSMo 1939 § 9617)
Prior revisions: 1929 § 14082; 1919 § 1104; 1909 § 1707.

210.020. Penalty for violation. — Any person who shall receive to be placed in a home, or shall place in a home any child in behalf of any association incorporated in any other state than the state of Missouri, which shall not have complied with the requirements of section 210.010, shall, upon conviction, be punished by imprisonment in jail not more than thirty days, or by fine of not less than five nor more than one hundred dollars, or by both such fine and imprisonment.

(RSMo 1939 § 9618)
Prior revisions: 1929 § 14083; 1919 § 1105; 1909 § 1708

210.101. Children's Services Commission, established, members, qualifications — meetings open to public notice — rules — staff. — 1. There is hereby established the "Children's Services Commission", which shall be composed of the following members:

(1) The director or deputy director of each state agency, department, division, or other entity which provides services or programs

for children, including, but not limited to, the department of mental health, the department of elementary and secondary education, the division of family services, the division of youth services, the department of public safety and the department of health;

(2) One judge of a juvenile court, who shall be appointed by the chief justice of the supreme court;

(3) Four members, two from each political party, of the house of representatives, who shall be appointed by the speaker of the house of representatives;

(4) Four members, two from each political party, of the senate, who shall be appointed by the president pro tempore of the senate.

All members shall serve for as long as they hold the position which made them eligible for appointment to the children's services commission under this subsection. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

2. All meetings of the children's services commission shall be open to the public and shall, for all purposes, be deemed open public meetings under the provisions of sections 610.010 to 610.030, RSMo. The children's services commission shall meet no less than once a month, and shall hold its first meeting no later than sixty days after September 28, 1983. Notice of all meetings of the commission shall be given to the general assembly in the same manner required for notifying the general public of meetings of the general assembly.

3. The children's services commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.

4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary-reporter, and such other officers as it deems necessary.

5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in Jefferson City.

(L. 1983 H.B. 256 § 1, A.L. 1987 H.B. 873)

210.102. Service Commission's powers an duties. — It shall be the duty of th children's services commission to:

(1) Review existing statutes, admini trative rules, regulations and policie relating to children of member agencies an. make recommendations which would encou. age greater inter-agency coordination, mor effective utilization of existing resources an' less duplication of effort;

(2) File an impact statement on each ad ministrative rule filed with the secretary o state by any state agency, department o division providing any services or program for or* having any relation to childre. stating that the commission has reviewe. such rule, giving the reason why the rule i. necessary, and stating the impact such rul will have on children in this state;

(3) Discuss and facilitate the coordinatio. of programs for children offered by any enti ty represented by a member of the commis sion;

(4) Facilitate the coordination and con tinuity of programs for children offered by all entities represented by a member of the commission;

(5) Facilitate the elimination of duplicate efforts, programs and services;

(6) Develop an integrated state plan for the care provided to children in this state through state programs;

(7) Design and implement evaluation of the activities of the commission in fulfilling the duties as set out in this section;

(8) Report annually to the governor with five copies each to the house of representatives and senate about its activities including, but not limited to the following:

(a) A general description of the activites of each state entity having a member on the commission;

(b) A general description of the plans and goals of each state entity having a member on the commission;

(c) Recommendations for statutory and appropriation initiatives to implement the integrated state plan;

(d) A summary of categories, numbers and types of impact statements issued under this section;

(e) A report from the commission regarding the state of children in Missouri;

(f) A report on implementation of the consent decree in the case of G.L.V. Zumwalt.

L. 1983 H.B. 256 § 2)

Word "or" inadvertently omitted from original rolls.

210.103. Children's Services Commission Fund created, purpose — investment — not subject to general revenue transfer. — 1. There is established in the state treasury a special fund, to be known as the "Children's Services Commission Fund". The state treasurer shall credit to and deposit in the children's services commission fund all amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for the purposes of sections 210.101 and 210.102.

2. The state treasurer shall invest moneys in the children's services commission fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of moneys in the children's services commission fund shall be credited to the children's services commission fund.

3. The administration of the children's services commission fund, including, but not limited to, the disbursement of funds therefrom, shall be as prescribed by the children's services commission in its bylaws.

4. The provisions of section 33.080, RSMo. requiring all unexpected balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue of this state at the end of each biennium, shall not apply to the children's services commission fund.

5. Amounts received in the fund shall only be used by the commission for purposes authorized under sections 210.101 and 210.102.

(L. 1984 H.B. 1427 § 1)

Effective 3-8-84

210.104. Passenger Restraint System required for children under four years of age — exceptions — violation, fine. — 1. After January 1, 1984, every person transporting a child under the age of four years residing in this state shall be responsible, when transporting such child in a motor vehicle operated by that person on the streets or highways of this state, for providing for the protection of such child. When traveling in the front seat of a motor vehicle the child shall be protected by a child passenger restraint system approved by the department of public safety. When traveling in the rear seat of a motor vehicle the child shall be protected by either a child passenger restraint system approved by the department of public safety or the vehicle's seat belt. When the number of child passengers exceeds the number of available passenger positions, and all passenger positions are in use, remaining children shall be transported in the rear seat of the motor vehicle. The provisions of sections 210.104 to 210.107 shall not apply to motor vehicles registered in another state, or to a temporary substitute vehicle.

2. Any person who violates this section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than twenty-five dollars and court costs.

3. The provisions of sections 210.104 to 210.107 shall not apply to any public carrier for hire.

(L. 1983 H.B. 29 § 1)

210.106. Failure to use passenger restraint system not to be basis for civil or criminal actions and evidence inadmissible. — In no event shall failure to employ a child passenger restraint system required by section 210.104, provide the basis for a claim of criminal or civil liability or negligence or contributory negligence of any person in any action for damages by reason of injury sustained by a child; nor shall such failure to employ such child passenger restraint system be admissible as evidence in the trial of any civil or criminal action.

(L. 1983 H.B. 29 § 2)

210.107. Standards to be established by Department of Public Safety — rules. — The department of public safety shall initiate and develop a program of public information to develop understanding of, and ensure compliance with the provisions of sections 210.104 to 210.107. The department of

public safety shall, within thirty days of September 28, 1983, promulgate standards for the performance, design, and installation of passenger restraint systems for children under four years of age in accordance with federal motor vehicle safety standards and shall approve those systems which meet such standards. Any rule or portion of a rule promulgated pursuant to sections 210.104 to 210.107 may be suspended by the joint committee on administrative rules if after hearing thereon the committee finds that such rule or portion of the rule is beyond or contrary to the statutory authority of the agency which promulgated the rule, or is inconsistent with the legislative intent of the authorizing statute. The general assembly may reinstate such rule by concurrent resolution signed by the governor.
(L. 1983 H.B. 29 § 3)

CHILD ABUSE AND NEGLECT LAW

210.110. Definitions. — As used in sections 210.110 to 210.165, unless the context clearly indicates otherwise, the following terms mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for his care, custody, and control except that discipline including spanking, administered in a reasonable manner shall not be construed to be abuse;

(2) "Child", any person, regardless of physical or mental condition, under eighteen years of age;

(3) "Director", the director of the Missouri division of family services;

(4) "Neglect", failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for his well being; and

(5) "Those responsible for the care, custody, and control of the child", those included but not limited to the parents or guardian of a child, other members of the child's household, or those exercising supervision over a child for any part of a twenty-four hour day.
(L. 1975 H.B. 578 § 1, A.L. 1982 H.B. 1171, 1173 1306 & 1643, A.L. 1985 H.B. 366, et al.)

210.115. Reports of abuse or neglect, wh shall make. — 1. When any physician medical examiner, coroner, dentist chiropractor, optometrist, podiatrist, resi dent, intern, nurse, hospital and clinic per sonnel (engaged in examination, care o treatment of persons), and other health prac titioner, psychologist, mental health profes sional, social worker, day care center worke or other child care worker, juvenile officer probation or parole officer, teacher, principa or other school official, Christian Scienc practitioner, peace officer or law enforce ment official, or other person with respon sibility for the care of children, ha reasonable cause to suspect that a child ha been or may be subjected to abuse or neglec or observes a child being subjected to condi tions or circumstances which would reason ably result in abuse or neglect, he shall im mediately report or cause a report to be mad to the division in accordance with the provi sions of sections 210.110 to 210.165.

2. Whenever such person is required tc report under sections 210.110 to 210.165 in his official capacity as a staff member of a medical institution, school facility, or othe agency, whether public or private, the person in charge or his designee shall be notified immediately. The person in charge or his designee shall then become responsible for immediately making or causing such report to be made to the division. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. Notwithstanding any other provision of sections 210.110 to 210.165, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be considered to be an abused or neglected child; however, such an exception shall not preclude a court from ordering that medical services be provided to the child when his health requires it.

4. In addition to those persons and officials required to report actual or suspected

buse or neglect, any other person may eport in accordance with sections 210.110 to 10.165 if such person has reasonable cause o suspect that a child has been or may be ubjected to abuse or neglect or observes a hild being subjected to conditions or circumstances which would reasonably result n abuse or neglect.

5. Any person or official required to report nder this section, including employees of he division, who has reasonable cause to uspect that a child has died as a result of buse or neglect shall report that fact to the ppropriate medical examiner or coroner. he medical examiner or coroner shall accept he report for investigation and shall report is findings to the police or other peace officer, the juvenile officer, the prosecuting attorney, the division, and if the institution naking the report is a hospital, to the ospital.

L. 1975 H.B. 578 § 2, A.L. 1980 S.B. 574, A.L. 982 H.B. 1171, 1173, 1306 & 1643)

1986) It has been held that a violation of this section does not give rise to a private cause of action. oe "A" v. Special School District of St. Louis ounty, 637 F. Supp. 1138 (E.D. Mo. 1986)

210.125. Protective custody of child, who ay take, reports required — temporary protective custody defined. — 1. A police officer, law enforcement official, or a physician who has reasonable cause to suspect that a child is suffering from illness or injury or is in danger of personal harm by reason of his surroundings and that a case of child abuse or neglect exists, may request that the juvenile officer take the child into protective custody under chapter 211, RSMo.

2. A police officer, law enforcement official, or a physician who has reasonable cause to believe that a child is in imminent danger of suffering serious physical harm or a threat to life as a result of abuse or neglect and such person has reasonable cause to believe the harm or threat to life may occur before a juvenile court could issue a temporary protective custody order or before a juvenile officer could take the child into protective custody, the police officer, law enforcement official or physician may take or retain temporary protective custody of the child without the consent of the child's parents, guardian or others legally responsible for his care.

3. Any person taking a child in protective custody under this section shall immediately notify the juvenile officer of the court of the county in which the child is located of his actions and notify the division and make a reasonable attempt to advise the parents, guardians or others legally responsible for the child's care. The jurisdiction of the juvenile court attaches from the time the juvenile is taken into protective custody. Such person shall file, as soon as practicable but no later than twelve hours, a written statement with the juvenile officer which sets forth the identity of the child and the facts and circumstances which gave such person reasonable cause to believe that there was imminent danger of serious physical harm or threat to the life of the child. Upon notification that a child has been taken into protective custody, the juvenile officer shall either return the child to his parents, guardian, or others responsible for his care or shall initiate child protective proceedings under chapter 211, RSMo. In no event shall an employee of the division, acting upon his own, remove a child under the provisions of this act.*

4. Temporary protective custody for purposes of this section shall not exceed twenty-four hours. Temporary protective custody for a period beyond twenty-four hours may be authorized only by an order of the juvenile court.

5. For the purposes of this section, **"Temporary Protective Custody"** shall mean temporary placement within a hospital or medical facility or emergency foster care facility or such other suitable custody placement as the court may direct; provided, however, that an abused or neglected child may not be detained in temporary custody in a secure detention facility.

(L. 1975 H.. 578 § 4, A.L. 1982 H.B. 1171, 1173, 1306 & 1643)

*Original rolls contains words "this act". This act, H.B. 1171, 1173, 1306 & 1643 contained numerous sections. See Disposition of Sections Table, Vol. V. Intent is unclear, but perhaps intent was to refer to "this chapter".

210.130. Oral reports, when and where made — contents of reports — 1. Oral reports

of abuse or neglect shall be made to the division by telephone or otherwise.

2. Such reports shall include the following information: The names and addresses of the child and his parents or other persons responsible for his care, if known; the child's age, sex, and race; the nature and extent of the child's injuries, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect to the child or his siblings; the name, age and address of the person responsible for the injuries, abuse or neglect, if known; family composition; the source of the report; the name and address of the person making the report, his occupation, and where he can be reached; the actions taken by the reporting source, including the taking of color photographs or the making of radiologic examinations pursuant to sections 210.110 to 210.165, or both such taking of color photographs and making of radiologic examinations, removal or keeping of the child, notifying the coroner or medical examiner, and other information that the person making the report believes may be helpful in the furtherance of the purposes of sections 210.110 to 210.165.

3. Evidence of sexual abuse or sexual molestation of any child under eighteen years of age shall be turned over to the division within twenty-four hours by those mandated to report.

(L. 1975 H.B. 578 § 5, A.L. 1980 S.B. 574, A.L. 1982 H.B. 1171, 1173, 1306 & 1643)

210.135. Immunity from liability, granted to reporting person or institution, when — exception. — Any person, official, or institutions complying with the provisions of sections 210.110 to 210.165 in the making of a report, the taking of color photographs or the making of radiologic examinations pursuant to sections 210.110 to 210.165, or both such taking of color photographs and making of radiologic examinations, or the removal of retaining a child pursuant to sections 210.110 to 210.165, or in cooperating with the division in any of its activities pursuant to sections 210.110 to 210.165, shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions. Provided, however, any person intentionally filing a false report shall not have immunity, from any liability civil or criminal. Any such person, official, or institution shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

(L. 1975 H.B. 578 § 6, A.L. 1980 S.B. 574, A.L. 1982 H.B. 1171, 1173, 1306 & 1643)

210.140. Privileged communication no recognized, exception. — Any legally recognized privileged communication, except that between attorney and client, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required or permitted by sections 210.110 to 210.165, to cooperate with the division in any of its activities pursuant to sections 210.110 to 210.165, or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

(L. 1975 H.B. 578 § 7, A.L. 1980 S.B. 574)

210.145. Division of Family Services to receive reports, duties of division after receipt — rules, suspension, reinstatement. — 1. The division shall establish and maintain a telephone service operating at all times, capable of receiving reports made pursuant to sections 210.110 to 210.165. This service shall receive reports over a single, statewide toll free number.

2. The division shall maintain a central registry capable of receiving and maintaining reports received pursuant to sections 210.110 to 210.165, in a manner that facilitates rapid access and recall of the information reported, and of subsequent investigations and other relevant information. From January 1, 1987, to January 1, 1988, the division shall electronically record any telephone report received by the division pursuant to sections 210.110 to 210.165. Such recorded reports shall be retained by the division for a period of one year after recording.

3. Although reports to the central registry may be made anonymously, the division shall in all cases, after obtaining relevant information regarding the alleged abuse or neglect, attempt to obtain the name and address of any person making a report pur-

uant to sections 210.110 to 210.165.

4. Upon receipt of a report pursuant to ections 210.110 to 210.165, the division hall immediately communicate such report o its appropriate local office, communication to be by telephone after a check has been made with the central registry to determine hether previous reports have been made egarding actual or suspected abuse or neglect of the subject child, of his siblings, and the perpetrator, and relevant dispositional information regarding such previous eports. Such relevant information as may be contained in the central registry shall be also reported to the local office of the division.

5. Upon receipt of a report pursuant to sections 210.110 to 210.165, which, if true, would constitute violation of section 568.060, RSMo. the local office shall contact the appropriate law enforcement agency and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The local division office making such a request shall within a reasonable time report in writing the following information to the local prosecuting or circuit attorney:

(1) The name of the division employee who contacted the law enforcement agency;

(2) The law enforcement agency contacted;

(3) The name of the officer or employee of the law enforcement agency which was contacted;

(4) The time, date, and form of the request for assistance;

(5) A general description of the facts of the reported abuse or neglect which were related to the law enforcement agency in the request; and

(6) The response of the local law enforcement agency to the request.

The report to the prosecuting or circuit attorney shall not include the names of the complainant, the alleged perpetrator or the suspected victim, but may contain nonidentifying information regarding those persons. A copy of the report made to the prosecuting or circuit attorney shall be sent to the state office of the division. Such report shall be a public record available for inspection upon reasonable request during regular business hours.

6. The local office of the division shall cause a thorough investigation to be initiated immediately or no later than within twenty-four hours of receipt of the report from the division, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible therefore; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for his care; and other pertinent data. When a report has been made by a person required to report under section 210.115, the local office of the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

7. Upon completion of the investigation if the local office of the division suspects that the report made pursuant to sections 210.110 to 210.165 was made maliciously or for the purpose of harassment, the local division office shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

8. Protective social services shall be provided by the local office of the division to the subject child and to others in the home to prevent further abuse or neglect, to safeguard their health and welfare, and to help preserve and stabilize the family whenever possible. The juvenile court shall cooperate with the division in providing such services.

9. Multidisciplinary services shall be utilized whenever possible in making the investigation and in providing protective

social services, including the services of the juvenile officer, the juvenile court, and other agencies, both public and private. The division shall cooperate with the highway patrol and juvenile courts to develop training programs to increase the ability of division personnel, juvenile officers and law enforcement officers to investigate suspected cases of abuse and neglect.

10. As a result of its investigation, the local office of the division shall report a child's injuries or disabilities from abuse or neglect to the juvenile officer, and may make such report to the appropriate law enforcement authority.

11. Within thirty days of an oral report of abuse or neglect from the division, the local office shall file a written report with the central registry on forms supplied by the division for that purpose. The report shall contain the facts ascertained, a description of the services offered and accepted, those responsible for the care of the subject child, and other relevant dispositional information. The written report shall be updated at regular intervals for as long as the subject child or his family, or both, are receiving services.

12. A person required to report under section 210.115 to the division shall be informed by the division of his right to obtain information concerning the disposition of his report. Such person shall receive, from the local office, if requested, information on the general disposition of his report. The local office shall respond to the request within forty-five days.

13. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.110 to 210.165 shall not be admissible. However, nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made.

14. The division shall promulgate rules and regulations governing the operation of the central registry, except as otherwise provided for in sections 210.110 to 210.165. Any rule or portion of a rule promulgated under any authority in this section may be suspended by the joint committee on administrative rules at any time. No rule or portion of a rule promulgated under any authority granted in this section shall become effective until it has been approved by the joint committee on administrative rules. If the joint committee on administrative rules neither approves nor disapproves a rule within thirty days after the notice of proposed rulemaking has been published in the Missouri Register, the rule shall stand approved. In the event the joint committee on administrative rules disapproves or suspends a rule, the joint committee shall notify both department or agency proposing the rule and the secretary of state. The secretary of state shall publish in the Missouri Register as soon as practicable, an order withdrawing the rule. The provisions of this section are nonseverable and the grant of rulemaking authority is essentially dependent on the review power vested with the joint committee on administrative rules. If the review power is held unconstitution or invalid, the grant of rulemaking authority shall also be invalid or void.

(L. 1975 H.B. 578 § 8, A.L. 1980 S.B. 574, A.L. 1982 H.B. 1171, 1173, 1306 & 1643, A.L. 1986 S.B. 470)

210.150. Confidentiality of reports and records, exceptions — violations, penalty. — 1. All reports and records made pursuant to sections 210.110 to 210.165 and maintained by the division, its local offices, the central registry, and other appropriate persons, officials, and institutions pursuant to sections 210.110 to 210.165 shall be confidential. For the purpose of this section, "subjects" include the child and any parent, guardian, or other person responsible for the child, who is mentioned in a report. "Reporters" include all persons and institutions who report abuse or neglect pursuant to sections 210.110 to 210.165. Information shall not be made available to any individual or institution except to:

(1) A physician or his designee who has before him a child whom he reasonably believes may be abused or neglected;

(2) Appropriate staff of the division and of its local offices, including interdisciplinary teams which are formed to assist the division in investigation, evaluation and treatment of child abuse and neglect cases or a multidisciplinary provider of professional

treatment services under contract with the division for a child referred to the provider;

(3) Any person who is the subject of a report, or his designee, or the parent or guardian of such person when he is a minor, or who is mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to persons in this category. The division shall provide a method for confirming or certifying that a designee is acting on behalf of a subject;

(4) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or neglect or child protective proceedings;

(5) Any person engaged in a bona fide research purpose, with the permission of the director; provided, however, that no information identifying the subjects of the reports and the reporters shall be made available to the researcher;

(6) Any day care home; day care center; child placing agency; residential care facility, including group homes; juvenile courts, public or private elementary schools, public or private secondary schools, or any other public or private agency exercising temporary supervision over a child or providing or having care or custody of a child who may request an examination of the central registry from the division for all employees and volunteers or prospective employees and volunteers, who do or will provide services or care to children. Requests for examinations shall be made to the division director or his designee in writing by the chief administrative officer of the above homes, centers, public and private elementary schools, public and private secondary schools, agencies, or courts. The division shall respond in writing to that officer. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect;

(7) Any person who inquires about a child abuse or neglect report involving a specific day care home, day care center, child placing agency, residential care facility, public and private elementary schools, public and private secondary schools, juvenile court or other state agency. The information available to these persons is limited to the nature and disposition of any substantiated report and shall not include any identifying information pertaining to any person mentioned in the report;

(8) Any state agency when that agency is acting pursuant to statutes regarding a license of any person, institution, or agency which provides care for or services to children.

2. Any person who violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the central registry and in reports and records made pursuant to sections 210.110 to 210.165, shall be guilty of a class A misdemeanor.

(L. 1975 H.B. 578 § 9, A.L. 1980 S.B. 574, A.L. 1982 H.B. 1171, 1173, 1306 & 1643, A.L. 1985 S.B. 401, A.L. 1986 H.B. 953, A.L. 1988 S.B. 719)

210.152. Reports of abuse or neglect — division to retain certain information, removal, when. — 1. All identifying information, including telephone reports recorded pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division and removed from the records of the division as follows:

(1) For reports in which abuse or neglect is substantiated by court adjudication, identifying information shall be retained for ten years from the date of the report or from the substantiation of the abuse or neglect by a court of competent jurisdiction, whichever is later. At the end of such period, the identifying information shall be removed from the records of the division;

(2) For reports in which there is reason to suspect abuse or neglect to exist in the judgment of the divison, or in which a child is at risk of abuse or neglect in the judgment of the division, identifying information shall be retained for ten years from the date of the report or from the date of the closing of a case opened by the division in response to the report, whichever is later. At the end of such period, the identifying information

shall be removed from the records of the division. No information which is retained pursuant to this subdivision because of mere suspicion by the division shall be released to any individual or institution, except appropriate law enforcement officials, but shall be treated as confidential pursuant to section 210.150;

(3) For reports in which no evidence of abuse or neglect is found by the division, identifying information shall be retained for no more than ninety days after the receipt of the report of abuse or neglect and then shall be removed from the records of the division;

(4) For reports in which the division is unable to locate the child alleged to have been abused or neglected, identifying information shall be retained for ten years from the date of the report and then shall be removed from the records of the division.

2. Within ninety days after the receipt of a report of abuse or neglect, the suspected perpetrator named in the report and the parents of the child named in the report, if the suspected perpetrator is not a parent shall be notified in writing of the division's determination based on the investigation. The notice shall advise either:

(1) That the division has determined that there is reason to suspect abuse or neglect exists or that there is reason to suspect that the child is at risk of abuse or neglect, and that the division shall retain all identifying information regarding the abuse or neglect for a period of ten years; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the suspected perpetrator has thirty days from the date of receipt of the notice to seek reversal of the division's determination by a court appeal as provided in subsection 3 of this section;

(2) There is no evidence of abuse or neglect and all identifying information on the report has been removed from the division's records.

3. Any person named as a suspected perpetrator who is aggrieved by any decision of the division as provided in this section may seek judicial review in the circuit court in the county in which the alleged perpetrator resides. If the alleged perpetrator is not a resident of the state, venue shall be proper in the county in which the alleged victim resides or the county in which the alleged abuse or neglect occurred. Such request for review shall be made within thirty days of notification of the division's decision under this section. In any such action for judicial review, the court shall sustain the division's determination if such determination is supported by competent and substantial evidence and is not against the weight of such evidence. At the request of any part to the action, the court shall order the record of the proceeding to be closed. If the alleged perpetrator is aggrieved by the decision of the circuit court, he may seek de novo review in another division of the circuit court, but no further appeal shall be available.

(L. 1982 H.B. 1171, 1173, 1306 & 1643, A.L. 1986 S.B. 470)

210.155. Division to provide programs and information — division to continuously inform persons required to report and public as to toll free telephones available for abuse reports. — 1. The division shall, on a continuing basis, undertake and maintain programs to inform all persons required to report abuse or neglect pursuant to sections 210.110 to 210.165 and the public of the nature, problem, and extent of abuse and neglect, and of the remedial and therapeutic services available to children and their families; and to encourage self-reporting and the voluntary acceptance of such services. In addition, those mandated to report pursuant to this act shall be informed by the division of their duties, options, and responsibilities in accordance with this act.

2. The division shall conduct ongoing training programs in relation to sections 210.110 to 210.165 for agency staff.

3. The division shall continuously publicize to mandated reporters of abuse or neglect and to the public the existence and the number of the twenty-four hour, statewide toll free telephone service to receive reports of abuse or neglect.

(L. 1975 H.B. 578 § 10)
Effective 6-6-75

210.160. Guardian ad litem, how appointed

— when — fee — volunteer advocates may be appointed to assist guardian — training program. — 1. In every case involving an abused r neglected child which results in a judicial roceeding, the judge shall appoint a guarian ad litem to appear for and represent:

(1) A child who is the subject of proceedings under sections 210.110 to 210.165, sections 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or sections 453.005 to 453.170, RSMo, or proceedings to determine custody or visitation rights under sections 452.375 to 452.410, RSMo; or

(2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent, and whose child is the subject of proceedings under sections 210.110 to 210.165, sections 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or sections 453.005 to 453.170, RSMo.

2. The guardian ad litem shall be provided with all reports relevant to the case made to r by any agency or person and shall have access to all records of such agencies or persons relating to the child or his family members or placements of the child. Employees of the division, officers of the court, and employees of any agency involved shall fully inform the guardian ad litem of all aspects of the case of which they have knowledge or belief.

3. The appointing judge shall require the guardian ad litem to faithfully discharge his duties, and upon failure to do so shall discharge him and appoint another. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

4. The guardian ad litem may be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings, or may tax said fees as costs to be paid by the party against whom costs are taxed, or from public funds. However, no fees as a judgment shall be taxed against a party or parties who have not been found to have abused or neglected a child or children. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513, RSMo.

5. The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the peformance of the guardian ad litem duties for the court. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person and shall have access to all records of such agencies or persons relating to the child or his family members or placements of the child. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.

6. Any person appointed to perform guardian ad litem duties shall have completed a training program in permanency planning. A nonattorney volunteer advocate shall have access to a court appointed attorney guardian ad litem should the circumstances of the particular case so require.

(L. 1975 H.B. 578 § 11, A.L. 1982. H.B. 1171, 1173, 1306 & 1643, A.L. 1985 H.B. 366, et al., A.L. 1988 H.B. 1272, et al.)

210.165. Penalty for violation. — 1. Any person violating any provision of sections 210.110 to 210.165 is guilty of a class A misdemeanor.

2. Any person who intentionally files a false report of child abuse or neglect shall be guilty of a class A misdemeanor.

3. Every person who has been previously convicted of making a false report to the division of family services and who is subsequently convicted of making a false report under subsection 2 of this section is guilty of a class D felony and shall be punished as provided by law.

4. Evidence of prior convictions of false reporting shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions.

Section 1. Each employee of the division who is responsible for the investigation of reports of suspected child abuse or neglect shall receive not less than forty hours of preservice training on the identification and

treatment of child abuse and neglect. In addition to such preservice training such employee shall also receive not less than twenty hours of inservice training each year on the subject of the identification of child abuse and neglect. Such training shall be prepared and offered by the division in cooperation with an institution of higher learning in this state which offers an accredited social work program.

Section 2. At the time of the initial investigation of a report of child abuse or neglect, the division employee conducting the investigation shall provide the alleged perpetrator with a written description of the investigation process. Such written notice shall be given substantially in the following form:

"This investigation is being undertaken by the Division of Family Services pursuant to the requirements of Chapter 210 of the Revised Missouri Statutes in response to a report of child abuse or neglect which was made to the central registry.

The identity of the person who reported the incident of abuse or neglect is confidential and may not even be known to the Division since the report could have been made anonymously.

This investigation is required by law to be conducted in order to enable the Division of Family Services to identify incidents of abuse or neglect in order to provide protective services to families who are in need of such services. While the primary purpose of this investigation is not to look for evidence of a crime, the investigation could result in criminal prosecution and punishment.

The investigation will be completed within thirty days. Within ninety days you will receive a letter from the division which will inform you of one of the following:

(1) That the Division has found no evidence of abuse or neglect and that the report and all identifying information regarding the report has been removed from the records of the agency; or

(2) That there appears to be reason to suspect the existence of child abuse or neglect in the judgment of the division and that the Division plans to offer the following services (here insert brief service plan).

If the Division finds there is reason to suspect child abuse or neglect, a record of the report and information gathered during the investigation will remain on file with the Division for ten years.

If you disagree with the determination of the Division and feel that there is no reason to suspect abuse or neglect, you have a right to consult with an attorney of your choice and request a hearing. If you request a hearing on the issue, a judge will decide whether there are reasonable grounds to suspect that abuse or neglect has occurred or whether the Division has made an error. If a judge decides that the Division made an error in the determination, the Division records concerning the report and investigation will be destroyed."

Section 3.1. The department of public safety shall establish and maintain a special unit which shall investigate allegations of improper behavior by division staff during investigations, evaluations or treatment of child abuse or neglect reports made pursuant to sections 210.110 to 210.165, RSMo.

2. Any person who is contacted by the division during an investigation made pursuant to a report of child abuse or neglect under the provisions of sections 210.110 to 210.165, RSMo, shall be advised of the service provided by this section thirty days after the notice of the result of the investigation, as required by section 210.152, RSMo.

3. The special investigation unit established in this section shall investigate each complaint received within a reasonable time. The investigation shall include but shall not be limited to:

(1) Whether there is reason to suspect that improper behavior was exhibited by division personnel during investigations, evaluations or treatment of child abuse or neglect reports made pursuant to sections 210.110 to 210.165, RSMo;

(2) Whether there is reason to suspect that division personnel failed to follow any prescribed statutes, rules, regulations or policies governing their conduct or actions during the course of their investigations, evaluations, or treatment of child abuse or neglect reports made pursuant to sections 210.110 to 210.165, RSMo;

(3) Whether the conduct, behavior, or actions of division personnel during the course of the investigation, evaluation, or treatment of child abuse or neglect reports made pur-

suant to sections 210.110 to 210.165, RSMo, exceeded their legal and administrative authority;

(4) Whether there is reason to suspect that the legal or unconstitutional rights of those investigated under sections 210.110 to 210.165, RSMo, may have been violated.

4. The investigation of complaints under this section shall not include a review of the decision of the division on the allegation of child abuse or neglect. The investigation shall review only the actions of the division personnel during the course of an investigation, evaluation or treatment program under sections 210.110 to 210.165.

5. The special investigative unit established in this section shall maintain a log of complaints investigated pursuant to this section. A report of each complaint shall be made and shall include the nature of the complaint and the findings of an investigation undertaken pursuant to subsection 4 of this section. A copy of the report shall be made available to the following persons:

(1) The county director of the division of family services office in whose jurisdiction the complaint was made;

(2) The division employee about whom the complaint was made;

(3) The director of the department of social services;

(4) The director of the division of family services;

(5) The representative and senator where the complainant resides; and

(6) The person who made the complaint.

The number of complaints in and of itself shall not be a factor in merit ratings of an employee.

6. An annual summary of complaints shall be compiled and made available to the following persons:

(1) The director of the department of social services;

(2) The director of the division of family services;

(3) The governor;

(4) Members of the general assembly, upon request.

7. The provisions of this section shall expire December 31, 1989.

Section 4. The director of the division of family services shall on January 15, 1988 report to the general assembly the conclusions of a study to be conducted by the division regarding the electronic recording of telephone reports pursuant to section 210.145. The study shall include, but is not limited to, the following: The impact of recording of the reports on the total number of reports made to the division under sections 210.110 to 210.165; whether the recording had a chilling effect on the number or type of calls made to the division; whether the recording helped to identify persons who made reports maliciously or for the purpose of harassment; and how the electronic recordings were used to prosecute persons who made such malicious or harassing reports.
(L. 1975 H.B. 578 § 12, A.L. 1982 H.B. 1171, 1173, 1306 & 1643, A.L. 1986 S.B. 470)

210.166. Medical neglect of child, who may bring action — procedure. — 1. As used in this section the following terms mean:

(1) **"Interested Person"**, the division of family services, any juvenile officer, any physician licensed under chapter 334, RSMo, any hospital or other health care institution, and any other person or institution authorized by state or federal law to provide medical care;

(2) **"Medical Neglect"**, the denial or deprivation by those responsible for the care, custody, and control of the minor, of medical or surgical treatment or intervention which is necessary to remedy or ameliorate a life-threatening medical condition;

(3) **"Those Responsible for the Care, Custody, and Control of the Minor"**, includes but is not limited to the parents or guardian of a minor, other members of the minor's household, or those exercising supervision over a minor for any part of a twenty-four hour day.

2. Any interested person may bring an action in the circuit court in the county where any child under eighteen years of age resides or is located, alleging the child is suffering from medical neglect. A petition filed under this section shall be expedited by the court involved in every manner practicable, including, but not limited to, giving such petition priority over all other matters on the court's docket and holding a hearing, at which the parent, guardian or other person having authority to consent to the medical

care in question shall, after being notified thereof, be given the opportunity to be heard, and issuing a ruling as expeditiously as necessary when the child's condition is subject to immediate deterioration.
(L. 1985 S.B. 5, et al. § 5)

210.167. Report to school district on home schooling, when — procedure for investigation — expiration date. — If an investigation conducted by the division of family services pursuant to section 210.145 reveals that the only basis for action involves a question of an alleged violation of 167.031, then the local office of the division shall send the report to the school district in which the child resides. The school district shall immediately refer all private, parochial, parish or home school matters to the prosecuting attorney of the county wherein the child legally resides. The school district may refer public school violations of 167.031 to the prosecuting attorney.

Section A. Because of court decisions casting doubt on the validity of the substantially equivalent provisions of the compulsory education law, there is a serious and immediate necessity for clarifying the law and ensuring compulsory education in this state, and this act is necessary for the immediate preservation of the public peace, health and safety, and an emergency exists within the meaning of the constitution. Therefore, this act shall be in full force and effect from and after its passage and approval.
(L. 1984 H.B. 1255 § 1, A.L. 1986 S.B. 795)

210.170. Children's Trust Fund Board created — members, appointment — qualifications — terms — vacancies — removal procedure — staff — expenses — office of administration, duties. — 1. There is hereby created within the office of administration of the state of Missouri the "Children's Trust Fund Board", which shall be composed of fifteen members as follows:

(1) Eleven public members to be appointed by the governor by and with the advice and consent of the senate. As a group, the public members appointed under this subdivision shall demonstrate knowledge in the area of prevention programs, shall be representative of the demographic composition of this state and, to the extent practicable, shall b representative of all of the followin categories:

(a) Organized labor;
(b) The business community;
(c) The educational community;
(d) The religious community;
(e) The legal community;
(f) Professional providers of prevention services to families and children;
(g) Volunteers in prevention services;
(h) Social services;
(i) Health care services; and
(j) Mental health services;

(2) Two members of the Missouri house of representatives, who shall be appointed by the speaker of the house of representatives and shall be members of two different political parties; and

(3) Two members of the Missouri senate, who shall be appointed by the president pro tem of the senate and who shall be members of two different political parties.

2. All members of the board appointed by the speaker of the house or the president pro tem of the senate shall serve until their term in the house or senate during which they were appointed to the board expires. All public members of the board shall serve for terms of three years; except, that of the public members first appointed, four shall serve for terms of three years, four shall serve for terms of two years, and three shall serve for terms of one year. No public members may serve more than two consecutive terms, regardless of whether such terms were full or partial terms. Each member shall serve until his successor is appointed. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner in which the board membership which is vacant was originally filled.

3. Any public member of the board may be removed by the governor for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard in his or her own behalf.

4. The board may employ an executive director who shall be charged with carrying out the duties and responsibilities assigned to him by the board. The executive director may obtain all necessary office space,

facilities, and equipment, and may hire and set the compensation of such staff as is approved by the board and within the limitations of appropriations for the purpose. All staff members, except the executive director, shall be employed pursuant to chapter 36, RSMo.

5. Each member of the board shall be reimbursed for all actual and necessary expenses incurred by him in the performance of his official duties. All reimbursements made under this subsection shall be made from funds in the children's trust fund appropriated for that purpose.

6. All business transactions of the board shall be conducted in public meetings in accordance with sections 610.010 to 610.030, RSMo.

7. The board may accept federal funds for the purposes of sections 210.170 to 210.174, as well as gifts and donations from individuals, private organizations, and foundations. The acceptance and use of federal funds shall not commit any state funds nor place any obligation upon the general assembly to continue the programs or activities for which the federal funds are made available. All funds received in the manner described in this subsection shall be transmitted to the state treasurer for deposit in the state treasury to the credit of the children's trust fund.

8. The board shall elect a chairperson from among the public members, who shall serve for a term of two years. The board may elect such other officers and establish such committees as it deems appropriate.

9. The board shall exercise its powers and duties independently of the office of administration except that budgetary, procurement, accounting, and other related management functions shall be performed by the office of administration.

(L. 1983 H.B. 550 § 2)

210.171. Definitions. — As used in sections 210.170 to 210.174, the following terms shall mean:

(1) "Board", the children's trust fund board created in section 210.170;

(2) "Prevention program", any community-based educational or service program designed to prevent or alleviate child abuse or neglect.

(L. 1983 H.B. 550 § 1)

210.172. Powers and duties of board. — The Board shall have the following powers and duties:

(1) To meet not less than twice annually at the call of the chairperson to conduct its official business;

(2) To require that at least eight of the board members authorize the disbursement of funds from the children's trust fund;

(3) To, one year after the appointment of the original board and annually thereafter, develop a state plan for the distribution and disbursement of funds in the children's trust fund. The plan developed under this subdivision shall assure that an equal opportunity exists for the establishment of prevention programs and the receipt of moneys from the children's trust fund in all geographic areas of this state. Such plan shall be transmitted to the governor, the president pro tem of the senate, the speaker of the Missouri house of representatives, and the appropriation committees of the Missouri senate and Missouri house of representatives, and shall be made available to the general public. In carrying out a plan developed under this subdivision, the board shall establish procedures to:

(a) Enter into contracts with public or private agencies, schools, or qualified individuals to establish community-based educational and service prevention programs with or without using the procurement procedure of the office of administration. Such prevention programs shall focus on the prevention of child abuse and neglect. Community-based service prevention programs shall include programs such as crisis care, parent aides, counseling, and support groups. Participation by individuals in any community-based educational or service prevention program shall be strictly voluntary. In awarding contracts under this paragraph, consideration shall be given by the board to factors such as need, geographic location diversity, coordination with or improvement of existing services, and extensive use of volunteers;

(b) Develop and publicize criteria for the awarding of contracts for programs to be supported with money from the children's

trust fund within the limits of appropriations made for that purpose;

(c) Review and monitor expenditures of moneys from the children's trust fund on a periodic basis;

(d) Consult with applicable state agencies, commission, and boards to help determine probable effectiveness, fiscal soundness, and need for proposed community-based educational and service prevention programs;

(e) Facilitate information exchange between groups concerned with prevention programs;

(f) Provide for statewide educational and public informational conferences and workshops for the purpose of developing appropriate public awareness regarding the problems of families and children, of encouraging professional persons and groups to recognize and deal with problems of families and children, of making information regarding the problems of families and children and their prevention available to the general public in order to encourage citizens to become involved in the prevention of such problems, and of encouraging the development of community prevention programs; and

(g) Establish a procedure for an annual internal evaluation of the functions, responsibilities, and performance of the board, which evaluation shall be coordinated with the annual state plan of the board.

(L. 1983 H.B. 550 § 3, A.L. 1986 S.B. 688)

210.173. Trust fund established — investment — disbursement, limitation, exception — exempt from transfer to general revenue. — 1. There is established in the state treasury a special trust fund, to be known as the "Children's Trust Fund." The state treasurer shall credit to and deposit in the children's trust fund all amounts received under section 210.174, and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for this specific purpose.

2. The state treasurer shall invest moneys in the children's trust fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of moneys in the children's trust fund shall be credited to the children's trust fund.

3. Until the amount in the children's trust fund exceeds one million dollars, not more than one-half of the money deposited in the children's trust fund each year from contributions made under section 210.174, plus all earnings from the investment of moneys in the trust fund credited during the previous fiscal year, shall be available for disbursement by the board in accordance with sections 210.170 to 210.174. When the state treasurer certifies that the assets in the children's trust fund exceed one million dollars, then, from that time on, all credited earnings plus all future annual deposits to the fund from contributions made under section 210.174 shall be available for disbursement by the board within the limits of appropriations and for the purposes provided by sections 210.170 to 210.174. The general assembly may appropriate moneys annually from the children's trust fund to the department of revenue to pay the costs incurred for collecting and transferring funds under section 210.174, and to the office of administration to pay the expenses incurred by the office of administration for budgetary, procurement, accounting, and other related management functions performed by it and to pay the expenses of members of the board and the salary of the executive director.

4. Except as provided in subsection 5 of this section, funds appropriated by the general assembly from the children's trust fund shall only be used by the board for purposes authorized under sections 210.170 to 210.174 and shall not be used to supplant any existing program or service.

5. Funds received from gifts, bequests, contributions other than contributions made pursuant to section 210.174, grants, and federal funds may be used and expended by the board for such purposes as may be specified in any requirements, terms or conditions attached thereto or, in the absence of any specific requirements, terms or conditions, as the board may determine for any lawful purpose.

6. The provisions of section 33.080, RSMo, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue fund of this state at the end

of each biennium, shall not apply to the children's trust fund.
(L. 1983 H.B. 550 § 4, A.L. 1987 S.B. 308)
Effective 6-19-87

210.174. Funding — income tax refund, designating authorized amount, when — contributions. — 1. In each tax year beginning on or after January 1, 1983, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that two dollars or any amount in excess of two dollars on a single return, and four dollars on any amount in excess of four dollars on a combined return, or the refund due be credited to children's trust fund. The contribution designation authorized by this section shall be clearly and unambiguously printed on the first page of each income tax return form provided by this state. If any individual or corporation which is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the children's trust fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the children's trust fund, the individual or corporation wishes to contribute and the department of revenue shall forward such amount to the state treasurer for deposit to the children's trust fund as provided in subsection 2 of this section.

2. The director of revenue shall transfer at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the children's trust fund.

3. The director of revenue shall transfer at least monthly all contributions designated by corporations under this section, less an amount sufficient to cover the cost of collection and handling by the department of revenue, to the state treasurer for deposit to the children's trust fund.

4. A contribution designated under this section shall only be transferred and deposited in the children's trust fund after all other claims against the refund from which such contribution is to be made have been satisfied.
(L. 1983 H.B. 550 § 5, A.L. 1986 S.B. 688)

LICENSING OF CERTAIN CHILD CARE HOMES

210.201. Definitions. — Whenever occurring in sections 210.201 to 210.245, unless the context clearly requires otherwise,

(1) "**Child**" means and includes an individual who is under the age of seventeen, and the word "**Children**" means and includes more than one such individual;

(2) "**Day Care Home**" or "**Day Nursery**" shall be held to mean a house or other place conducted or maintained by any person who advertises or holds himself out as providing care for more than four children during the daytime, for compensation or otherwise, except those operated by a school system or in connection with a business establishment as a convenience for its customer; and

(3) "**Person**" shall be held to mean and include any person, firm, corporation, association, institution or other incorporated or unincorporated organization, and the pronouns "**His**", "**Him**", "**Himself**" and "**Who**" shall be deemed and construed to refer to such person.
(RSMo 1949 §§ 210.200, 210.210, A.L. 1955 p. 685 § 210.200, A.L. 1982 H.B 1171, 1173, 1306 & 1643)
Prior revision: 1929 § 14133

210.211. License required — exceptions. — It shall be unlawful for any person to establish, maintain or operate a day care home or day nursery for children, or to advertise or hold himself out as being able to perform any of the services as defined in section 210.201, without having in full force and effect a written license therefore granted by the division of family services, provided that nothing in sections 210.201 to 210.245 shall apply to:

(1) Any person who is related by blood, marriage or adoption to the child involved;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person or the child or children, or the person who has legal custody of the child or children;

(3) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, the child of personal friends of such person as an occasional and personal guest, and who receives custody of no other unrelated child or children;

(4) Any graded boarding school, nursery school, summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;

(5) Any well-known religious order;

(6) Any institution or agency maintained or operated by the state, city or county; and

(7) Any residential facility or day program licensed by the department of mental health under sections 630.705* to 630.760, RSMo, which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005, RSMo.

(RSMo 1949 § 210.230, A.L. 1955 p. 685 § 210.210, A.L. 1982 H.B. 1171, 1173, 1306 & 1643)

*Original rolls contain numbers "630.765", an apparent typographical error.

210.221. Division of family services to issue licenses, fix standards and make investigations. — The division of family services shall have the following powers and duties:

(1) After investigation, to grant licenses to persons to conduct the occupations defined herein if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children, and to renew the same when expired, provided that no license shall be granted for a term exceeding two years. Each license shall specify the kind of child welfare work the licensee is authorized to undertake, the number of children that can be received or maintained, and their ages and sex;

(2) To investigate the conditions of the homes and other places defined herein, inspect their books and records, premises and inmates, examine their officers and agents, and revoke the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the division of family services;

(3) To promulgate and issue uniform rules and regulations as said division deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children; and

(4) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to said division at regular intervals.

(RSMo 1949 § 210.240, A.L. 1955 p. 685 § 210.220, A.L. 1987 S.B. 277)

Prior revision: 1929 § 14135

210.231. Division of Family Services may delegate powers. — The division of family services may designate to act for it, with full authority of law, any instrumentality of any political subdivision of the state of Missouri deemed by the division of family services to be competent, to investigate and inspect licensees and applicants for a license.

(L. 1955 p. 685 § 210.230, A.L. 1982 1171, 1173, 1306 & 1643)

210.241. Judicial review. — Any person aggrieved by a final decision of the division of family services made in the administration of sections 210.201. to 210.245 shall be entitled to judicial review thereof as provided in chapter 536, RSMo.

(L. 1955 p. 685 § 210.240)

210.245. Violation a misdemeanor. — Any person who violates any provision of sections 210.201 to 210.245, or who for himself or for any other person makes materially false statements in order to obtain a license or the renewal thereof under sections 210.201 to 210.245, shall be guilty of a misdemeanor. In case such guilty person be a corporation, association, institution or society, the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

(L. 1955 p. 685 § 210.245)

BOARD OF CHILDREN'S GUARDIANS (St. Louis)

210.250, 210.260, 210.270, 210.280, 210.290. (Repealed L. 1982 H.B. 1171, 1173, 1306 & 1643 § 1)

210.292. State to reimburse certain cities and counties for cost of foster home care. — 1. Any city not within a county, which has a population of six hundred thousand inhabitants or over, and any county of the first class authorized by law to provide, and which does provide, foster care to homeless, dependent or neglected children shall receive from the state one hundred percent of the net cost thereof.

2. The "**Foster Care**" provided for by sections 210.292 to 210.298 shall be care of homeless, dependent or neglected children when the foster facilities are selected by the local agency or division of family services and the placement of children therein is lawfully authorized; the "**Care**" shall include room, board, clothing, medical care, dental care, social services and incidentals.

(L. 1965 p. 360 §§ 1, 2, A.L. 1969 H.B. 279, A.L. 1977 H.B. (578)
Effective 1-1-78

HOMES FOR CHILDREN — FOSTER HOMES — CHILD PLACING AGENCIES — LICENSING

210.481. Definitions. — As used in sections 210.481 to 210.536, unless the context clearly requires otherwise, the following terms shall mean:

(1) "**Child**", any individual under eighteen years of age or in the custody of the division;

(2) "**Child Placing Agency**", any person, other than the parents, who places a child outside the home of the child's parents or guardian, or advertises or holds himself forth as performing such services, but excluding the attorney, physician, or* clergyman of the parents;

(3) "**Division**", the division of family services of the department of social services of the state of Missouri;

(4) "**Foster Home**", a private residence of one or more family members providing twenty-four hour care to one or more but less than seven children who are unattended by parent or guardian and who are unrelated to either foster parent by blood, marriage, or adoption;

(5) "**Guardian**", the person designated by a court of competent jurisdiction as the "guardian of the person of a minor" or "guardian of the person and conservator of the estate of a minor";

(6) "**License**", the document issued by the division in accordance with the applicable provisions of sections 210.481 to 210.536 to a foster home, residential care facility, or child placing agency which authorizes the foster home, residential care facility, or child placing agency to operate its program in accordance with the applicable provisions of sections 210.481 to 210.536 and rules issued pursuant thereto;

(7) "**Person**", any individual, firm, corporation, partnership, association, agency, or an incorporated or unincorporated organization, regardless of the name used;

(8) "**Provisional license**", the document issued by the division in accordance with the applicable provisions of sections 210.481 to 210.536 to a foster home, residential care facility, or child placing agency which is now currently meeting requirements for full licensure;

(9) "**Related**", any of the following by blood, marriage, or adoption: Parent, grandparent, brother, sister, half-brother, half-sister, stepparent, stepbrother, stepsister, uncle, aunt, or first cousin;

(10) "**Residential Care Facility**", a facility providing twenty-four hour care in a group setting to children who are unrelated to the person operating the facility and who are unattended by a parent or guardian.

(L. 1982 H.B. 1171, 1173, 1306 & 1643, A.L. 1985 H.B. 366, et al.)

*Word "or" does not appear in original rolls.

210.486. License required, applicants to be investigated — provisional license, when — periods of validity. — 1. No person shall operate or maintain a foster home, residential care facility, or child placing agency

without having in full force and effect a valid license issued by the division.

2. The division shall conduct an investigation of all applicants and such investigation shall include examination of the physical facility and investigation of persons responsible for the care of, planning, and services for the children being served.

3. The division shall issue a license upon being satisfied that the applicant complies with the applicable provisions of sections 210.481 to 210.536 and rules issued pursuant thereto.

4. The division shall initiate action on an application within a reasonable time, which shall not exceed thirty days, from receipt of the application.

5. The license shall be valid for a period not to exceed two years from date of issuance.

6. The division may issue a provisional license to a foster home, residential care facility, or child placing agency that is not currently meeting requirements for full licensure but demonstrates the potential capacity to meet full requirements for licensure; but no provisional license shall be issued unless the director is satisfied that the operation of the foster home, residential care facility, or child placing agency so licensed is not detrimental to the health and safety of the children being served. The provisional license shall now be nonrenewable and shall be valid for a period not to exceed six months from date of issuance.

(L. 1982 H.B. 1171, 1173, 1306 & 1643)

210.491. Investigation of certain facilities by division, when — injunctive relief, when. — 1. The director of the division, or his authorized representative, shall have the right to enter the premises of an applicant for or holder of a license at reasonable hours to determine compliance with the applicable provisions of sections 210.481 to 210.536 and rules promulgated pursuant thereto, and for investigative purposes involving complaints regarding the operation of a foster home, residential care facility, or child placing agency.

2. Whenever the division is advised or has reason to believe that any person is operating a foster home, residential care facility, or child placing agency subject to licensure under sections 210.481 to 210.536 without a license or provisional license, the division shall make an investigation to ascertain the facts. If the division finds that the foster home, residential care facility, or child placing agency is being operated without a license or provisional license, it may seek injunctive relief against the foster home, residential care facility, or child placing agency.

(L. 1982 H.B. 1171, 1173, 1306 & 1643)

210.496. Refusal to issue, suspension or revocation of license — grounds. — The division may refuse to issue either a license or a provisional license to an applicant, or may suspend or revoke the license or provisional license of a licensee, who:

(1) Fails consistently to comply with the applicable provisions of sections 210.481 to 210.536* and the applicable rules promulgated thereunder;

(2) Violates any of the provisions of its license;

(3) Violates state laws or rules relating to the protection of children;

(4) Furnishes or makes any misleading or false statements or reports to the division;

(5) Refuses to submit to the division any reports or refuses to make available to the division any records required by the division in making an investigation;

(6) Fails or refuses to admit authorized representatives of the division at any reasonable time for the purpose of investigation;

(7) Fails or refuses to submit to an investigation by the division;

(8) Fails to provide, maintain, equip, and keep in safe and sanitary condition the premises established or used for the care of children being served, as required by law, rule, or ordinance applicable to the location of the foster home or residential care facility; or

(9) Fails to provide financial resources adequate for the satisfactory care of and services to children being served and the upkeep of the premises.

(L. 1982 H.B. 1171, 1173, 1306 & 1643)

*Original rolls contain "208.400 to 208.535", but

that was an apparent drafting error. Intersectional references shown appear to be more germane to this subject.

210.501. Application for licensure, form, contents. — 1. Application for license shall be made on forms supplied by the division and in the manner prescribed.

2. Each license shall state clearly the name of the foster home, residential care facility, or child placing agency, its location, the kind of program the licensee is permitted to undertake, and the number, age, range, and other pertinent information concerning children who may be served.
(L. 1982 H.B. 1171, 1173, 1306 & 1643)

210.506. Rules, suspension, reinstatement — promulgation, persons to be consulted. — 1. The division shall promulgate and publish rules in accordance with chapter 536, RSMo, for the licensing of foster homes, residential care facilities, and child placing agencies. Any rule or portion of a rule promulgated may be suspended by the joint committee on administrative rules if after hearing thereon the committee finds that such rule or portion of the rule is beyond or contrary to the statutory authority of the agency which promulgated the rule, or is inconsistent with the legislative intent of the authorizing statue. The general assembly may reinstate such rule by concurrent resolution signed by the governor. In promulgating such rules the division shall consult with:

(1) Appropriate state agencies which are hereby directed to cooperate with and assist the division;

(2) Representatives from the foster homes, residential care facilities, and child placing agencies subject to licensure under sections 210.481 to 210.536; and

(3) Persons from the various professional fields relevant to the licensing of the foster homes, residential care facilities, and child placing agencies.

2. The rules so promulgated shall be designed to promote the health, safety, and well-being of children served by the foster homes, residential care facilities, and child placing agencies.
(L. 1982 H.B. 1171, 1173, 1306 & 1643)

210.511. Division to assist applicants in meeting license requirements and establishing certain programs, how. — The division shall offer technical assistance or consultation to assist applicants for licensure, licensees, and holders of provisional licenses, in meeting license requirements, staff qualifications, and other aspects involving the operation of a foster home, residential care facility, or child placing agency, and to assist in the achievement of programs of excellence related to the care of children being served.
(L. 1982 H.B. 1171, 1173, 1306 & 1643)

210.516. Exceptions to license requirements — divisions may not require documentation. — 1. It shall be unlawful for any person to establish, maintain, or operate a foster home, residential care facility, or child placing agency, or to advertise or hold himself out as being able to perform any of the services as defined in sections 210.481 to 210.536, without having in full force and effect a license issued by the division; provided, however, that nothing in sections 210.481 to 210.536 shall apply to:

(1) Any residential care facility operated by a person in which the care provided is in conjunction with an educational program for which a tuition is charged and completion of the program results in meeting requirements for a diploma recognized by the state department of elementary and secondary education;

(2) Any camp, hospital, sanitarium, or home which is conducted in good faith primarily to provide recreation, medical treatment, or nursing or convalescent care for children;

(3) Any person who receives free of charge, and not as a business, for periods of time not exceeding ninety consecutive days, the child of personal friends of such person as an occasional and personal guest, and who receives custody of no other unrelated child;

(4) Any child placing agency operated by the department of mental health or any foster home or residential care facility operated or licensed by the department of mental health under sections 630.705 to 630.760, RSMo, which provides care, treatment, and habilitation exclusively to

children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005, RSMo;

(5) Any foster home arrangement established and operated by any well-known religious order or church and any residential care facility or child placement agency operated by such organization; or

(6) Any institution or agency maintained or operated by the state, city or county.

2. The division shall not require any foster home, residential care facility, or child placing agency which believes itself exempt from licensure as provided in subsection 1 of this section, to submit any documentation in support of the claimed exemption, however, said foster home, residential care facility, or child placing agency is not precluded from furnishing such documentation if it chooses to do so.

(L. 1982 H.B. 1171, 1173, 1306 & 1643)

210.521. Assistance for division in licensure of foster homes. — 1. The division may designate or act for it a licensed child placing agency to inspect and recommend for licensure foster homes and prospective foster homes either utilized by or to be utilized by that child placing agency.

2. The division may designate to act for it an instrumentality of any political subdivision of the state of Missouri deemed by the division to be competent to assist in investigating and inspecting licensees and applicants for license.

(L. 1982 H.B. 1171, 1173, 1306 & 1643, § 210.526)

210.526. Grievance procedure for decisions of division, requirements — judicial review authorized. — 1. Any person aggrieved by a final decision — of the division made in the administration of sections 210.481 to 210.536 shall be entitled to judicial review as provided in chapter 536, RSMo.

2. The division shall establish a grievance procedure which shall be available to licensees under sections 210.481 to 210.536 and shall inform all licensees of that procedure in writing.

(L. 1982 H.B. 1171, 1173, 1306 & 1643 § 210.531)

210.531. Violations or false statements, penalty. — Any person who violates any applicable provision of sections 210.481 to 210.536, or who for himself or for any other person makes materially false statements in order to obtain a license or the renewal thereof shall be guilty of a class A misdemeanor. In case such guilty person be a corporation, association, institution, or society, the officers thereof who participate in the activity shall upon conviction be subject to the penalties provided by law.

(L. 1982 H.B. 1171, 1173, 1306 & 1643, 210.536 subsec. 1)

210.536. Cost of foster care, how paid — failure of parent to pay required amount, court orders against assets, collection procedure. — 1. The cost of foster care shall be paid by the division of family services pursuant to chapter 207, RSMo, except that the court shall evaluate the ability of parents to pay part or all of the cost for such care, and shall order such payment to the department of social services.

2. The court may effectuate such order against any asset of the parent for failure to provide part or all of the cost of foster care according to the court order, provided further, that any assignment, attachment, garnishment, or lien against such assets shall be served upon the person in possession of the assets or shall be recorded in the office of the recorder of deeds in the county in which the parent resides or in which the asset is located. The department of social services may contract on a contingency fee basis with private attorneys for the collection and enforcement of orders against such assets. Any such third party payment shall be paid directly to the department of social services.

(L. 1982 H.B. 1171, 1173, 1306 & 1643, § 210.536 subsecs. 2,3)

210.543. Specialized foster parents, training, fiscal incentives. — The division of family services shall train and license a separate category of foster parents who are able to provide special care and supervision to foster children who have special needs because of a history of sexual abuse, serious physical abuse, or severe chronic neglect. The train-

ing received by such specialized foster parents shall be in addition to the training required in section 210.540. Fiscal incentives for training and/or longevity may be provided by the division, subject to appropriation. The division shall place foster children with such specialized foster parents subject to available funds.
(L. 1987 S.B. 244)

210.545. Respite care facilities for foster families — rules and regulations. — 1. The division of family services shall establish reasonably accessible respite care facilities which may be utilized by foster parents licensed by the division. Such licensed foster parents shall be permitted to leave agency foster children in the respite care facilities for periods of time determined jointly by the foster parents and the division and subject to available funds.

2. Such respite care facilities may be licensed day care centers or residential treatment centers who have contracted with the division to provide such services. Licensed foster homes may also be designated as respite care facilities.

3. The division of family services shall promulgate rules and regulations necessary to implement the provisions of this section.

4. Any rule or portion of a rule promulgated and approved under any authority in this chapter may be suspended by the joint committee on administrative rules at any time. No rule or portion of a rule promulgated under any authority granted in this chapter shall become effective until it has been approved by the joint committee on administrative rules. If the joint committee on administrative rules neither approves nor disapproves a rule within thirty days after the notice of proposed rulemaking has been published in the Missouri Register, the rules shall stand approved. In the event the joint committee on administrative rules disapproves or suspends a rule, the joint committee shall notify both the department or agency proposing the rule and the secretary of state. The secretary of state shall publish in the Missouri Register as soon as practicable, an order withdrawing the rule. The provisions of this chapter are nonseverable and the grant of rulemaking authority is essentially dependent on the review power vested with the joint committee on administrative rules. If the review power is held unconstitutional or invalid, the grant of rulemaking authority shall also be invalid or void.
(L. 1987 S.B. 244)

210.551. Grievance procedure for decisions of division to be developed with cooperation of foster parents group. — The division of family services shall, by January 1, 1988, develop a procedure by which foster parents may appeal adverse decisions affecting their rights made by the division. Such procedure shall be mutually agreed upon by the division and an organization of foster parents with whom they shall consult.
(L. 1987 S.B. 244 § 3)

210.560. Money held by others for benefit of a child, definitions, liability to the state for funds expended for child, when — money held by division of family services for a child, accounting, deposit of funds, annual statements, disposals of funds — escheat, when. — 1. As used in this section, the following terms shall mean:

(1) **"Child"**, any child placed in the legal custody of the division under chapter 211, RSMo;

(2) **Division"**, the division of family services of the deparment to social services of the state of Missouri;

(3) **"Money"**, any legal tender, note, draft, certificate of deposit, stocks, bond or check;

(4) **"Vested right"**, a legal right that is more than a mere expectancy and may be reduced to a present monetary value.

2. The child, the child's parents, any fiduciary or any representative payee holding or receiving money that are vested rights solely for or on behalf of a child are jointly and severally liable for funds expended by the division to or on behalf of the child. The liability of any person, except a parent of the child, shall be limited to the money received in his fiduciary or representative capacity. The Missouri state government shall not require a trustee or a financial institution acting as a trustee to exercise any discretionary powers in the operation of a trust.

3. The division may accept an appointment to serve as representative payee or fiduciary, or in a similar capacity for payments to a child under any public or private benefit arrangement. Money so received shall be governed by this section to the extent that laws and regulations governing payment of such benefits provide otherwise.

4. Any money recieved by the division on behalf of a child shall be accounted for in the name of the child. Any money in the account of a child may be expended by the division for care or services for the child. The division shall, by rule adopted under chapter 536, RSMo, establish procedures for the accounting of the money and the protection of the money against theft, loss or misappropriation.

5. The division shall deposit money with a financial institution. Any earnings attributable to the money in the account of a child shall be credited to that child's account. The division shall receive bids from banking corporations, associations or trust companies which desire to be selected as depositories of children's moneys for the division.

6. The division may accept funds which a parent, guardian or other person wishes to provide for the use or benefit of the child. The use and deposit of such funds shall be governed by this section and any additional directions given by the provider of the funds.

7. Each child for whose benefit funds have been received by the division and the guardian ad litem of such child shall be furnished annually with a statement listing all transactions involving the funds which have been deposited on the child's behalf, to include each receipt and disbursement.

8. The division shall use all proper diligence to dispose of the balance of money accumulated in the child's account when the child is released from the care and custody of the division or the child dies. When the child is deceased, the balance shall be disposed of as provided by law for descent and distribution. If, after the division has diligently used such methods and means as considered reasonable to refund such funds, there shall remain any money, the owner of which is unknown to the division, or if known, cannot be located by the division, in each and every such instance such money shall escheat and vest in the state of Missouri, and the director and officials of the division shall pay the same to the state director of the department of revenue, taking a receipt therefore, who shall deposit the money in the state treasury to be credited to a fund to be designated as "escheat".

9. Within five years after money has been paid into the state treasury, any person who appears and claims the money may file a petition in the circuit court of Cole County, Missouri, stating the nature of the claim and praying that such money be paid to him. A copy of the petition shall be served upon the director of the department of revenue who shall file an answer to the same. The court shall proceed to examine the claim and the allegations and proof, and if it finds that such person is entitled to any money so paid into the state treasury, it shall order the commissioner of administration to issue a warrant on the state treasurer for the amount of such claim, but without interest or costs. A certified copy of the order shall be sufficient voucher for issuing a warrant; provided, that either party may appeal from the decision of the court in the same manner as provided by law in other civil actions.

10. All moneys paid into the state treasury under the provisions of this section after remaining there unclaimed for five years shall escheat and vest absolutely in the state and be credited to the state treasury, and all persons shall be forever barred and precluded from setting up title or claim to any such funds.

11. Nothing in this section shall be deemed to apply to funds regularly due the state of Missouri for the support and maintenance of children in the care and custody of the division or collected by the state of Missouri as reimbursement for state funds expended on behalf of the child.

(L. 1987 S.B. 244 § 4)

INTERSTATE COMPACT ON JUVENILES

210.570. Commissioners appointed to enter into compact — text of compact. — Within

sixty days after sections 210.570 to 210.600 become effective, the governor, by and with the advice and consent of the senate, shall appoint three commissioners to enter into a compact on behalf of the state of Missouri with other states. If the senate is not in session at the time for making such appointments, the governor shall make temporary appointments as in the case of a vacancy. Any two of the commissioners so appointed together with the attorney general of the state of Missouri may act to enter into the following compact:

INTERSTATE COMPACT ON JUVENILES

The contracting states solemnly agree:

ARTICLE I

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of nondelinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the noncriminal, reformative and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

ARTICLE II

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

ARTICLE III

That, for the purposes of this compact, "**delinquent juvenile**" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "**probation or parole**" means any kind of conditional release of juveniles authorized under the laws of the state party hereto; "**court**" means any court having jurisdiction over delinquent, neglected or dependent children; "**state**" means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and "**residence**" or any variant thereof means a place at which a home or regular place of abode is maintained.

ARTICLE IV

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an

emancipated minor: The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition or the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding ninety days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and

all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

(c) That "juvenile" as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

ARTICLE V

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of the issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding ninety days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment,

detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

ARTICLE VI

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV (a) or of Artivle V (a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

ARTICLE VII

(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delin-

quent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

(d) That the sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

ARTICLE VIII

(a) That the provisions of Articles IV (b), V (b) and VII (d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefore.

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV (b), V (b) or VII (d) of this compact.

ARTICLE IX

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

ARTICLE X

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

ARTICLE XI

That any state party to this compact may accept any and all donations, gifts and

grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

ARTICLE XII

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE XIII

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

ARTICLE XIV

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present Article.

ARTICLE XV

That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all several matters.
(L. 1955 p. 675 § 1)

210.580. Compact binding, when. — The compact shall become binding upon the state of Missouri when signed by the commissioners as herein provided and by the proper authorities of any other state entering into the compact.
(L. 1955 p. 675 § 2)

210.590. Courts and agencies to cooperate to promote purposes of compact. — All courts, departments of the state and its political subdivisions, police and law enforcement agencies and other proper officers of the state and its political subdivisions shall cooperate with the compact administration and shall do all things appropriate to effect the purposes and intent of the compact which rightfully fall within their respective jurisdictions.
(L. 1955 p. 675 § 3a)

210.595. "Delinquent juvenile" in compact defined. — The term **"delinquent juvenile"** as used in the interstate compact on juveniles includes those persons subject to the jurisdiction of the juvenile court within the meaning of subdivisions (1) and (2) of section 211.031, RSMo.
(L. 1959 S.B. 4 § 210.595)

210.600. Application for approval of compact by Congress — binding prior to approval. — The commission shall have power to apply to the Congress of the United States for its consent and approval of the compact; but in the absence of such consent of congress and until the same shall have been secured, the compact shall be binding upon

the state of Missouri in all respects permitted by law for the signatory states without the consent of congress to cooperate, for the purposes enumerated in the compact, and in the manner provided therein.
(L. 1955 p. 675 § 4)

210.610. Interstate return of juveniles charged with delinquency for criminal violation constituting a felony. — 1. This section shall provide remedies, and shall be binding only as among and between those party states which specifically adopt a similar section.

2. All provisions and procedures of article V and article VI of section 210.570 shall be construed to apply to any juvenile charged with being a delinquent by reason of violating any criminal law which constitutes a felony. Any juvenile charged with being a delinquent by reason of violating any criminal law which constitutes a felony shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the requesting state before or after the filing of the petition. The requisition described in article V of section 210.570 shall be forwarded by the judge of the court in which the petition has been filed.
(L. 1979 H.B. 450)

INTERSTATE COMPACT ON CHILD PLACEMENT

210.620. Compact enacted, text of compact. — The Interstate Compact on the Placement of Children is hereby enacted into law and entered into with all other jurisdictions legally joining therein, in form substantially as follows:

ARTICLE I

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

ARTICLE II

As used in this compact:

(a) **"Child"** means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) **"Sending Agency"** means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(c) **"Receiving State"** means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or *local public authorities or for placement with private agencies or persons.

(d) **"Placement"** means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

ARTICLE III

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

1. The name, date and place of birth of the child.

2. The identity and address or addresses of the parents or legal guardian.

3. The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

4. A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

ARTICLE V

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency

without relieving the responsibility set forth in paragraph (a) hereof.

ARTICLE VI

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

1. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers or other party jurisdictions, shall have powers to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE VIII

This compact shall not apply to:

(a) The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or nonagency guardian in the receiving state.

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

ARTICLE IX

This compact shall be open to joinder by any state, terrritory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and with the consent of Congress, the Government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

ARTICLE X

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

(L. 1975 S.B. 162 § 1)

*Word "of" appears in original rolls.

210.622. Emergency placement of abused or neglected children across state lines, approval required, when. — Notwithstanding the provisions of section 210.620,* the division of family services may enter into an agreement with a similar agency in any state adjoining Missouri that provides for the emergency placement of abused or neglected children across state lines, without the prior approval required by the interstate compact. A request for approval pursuant to section 210.620 shall be initiated if the placement ex-

tends beyond thirty days.
(L. 1985 H.B. 711)
*Figure "210.260" appears in original rolls. This is an apparent typographical error.

210.625. Financial responsibility for child, how fixed. — The financial responsibility for any child placed pursuant to the Provisions of the Interstate Compact on the Placement of Children shall be determined in accordance with the provisions of Article V thereof, in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of state laws fixing responsibility for the support of children also may be invoked.
(L. 1975 S.B. 162 § 2)

210.630. Definitions — Governor's appointment of administrator authorized. — 1. The **"Appropriate Public Authorities"** as used in Article III of the Interstate Compact on the Placement of Children shall, with references to this state, mean Division of Family Services, and said Division of Family Services shall receive and act with reference to notices required by said Article III.

2. As used in paragraph (a) of Article V **"Appropriate Authority in the Receiving State"** shall mean the Division of Family Services.

3. As used in Article VII of the Interstate Compact on the Placement of Children the term **"Executive Head"** means the Governor. The Governor is hereby authorized to appoint a compact administrator in accordance with the terms of said Article VII.
(L. 1975 S.B. 162 § 3, 4, 6)

210.635. Placement authority of courts, retention of jurisdiction. — Any court having jurisdiction to place delinquent children may place such a child in an institution of or in another state pursuant to Article VI of the Interstate Compact on the Placement of Children and shall retain jurisdiction as provided in Article V thereof.
(L. 1975 S.B. 162 § 5)

210.640. Placements from nonparty states, procedure for. — No placement made into this state from a jurisdiction not party to the Interstate Compact on the Placement of Children shall be lawful unless the person or agency making the placement complies with and follows the procedures and requirements of Article III of that compact as though the state or jurisdiction from which the child is sent or brought were party thereto. This section shall not apply to any placement which would not be subject to the terms of the Interstate Compact on the Placement of Children if both this state and the other state or jurisdiction from which the child is sent or brought were parties thereto.
(L. 1975 S.B. 162 § 7)

COURT REVIEW OF CHILD PLACED WITH AGENCY OR FOSTER CARE

210.700. Definitions. — As used in sections 210.700 to 210.760, the following words and terms shall have the meanings indicated:

(1) **"Child"** shall mean a person under the age of eighteen years who custody has been committed to an authorized agency by an order of a judge, or by a surrender agreement, or who has been committed temporarily to the care of an authorized agency by a parent, guardian or relative within the second degree of consanguinity.

(2) **"Foster Care"** shall mean care provided a child in a foster home, a group home, agency, child care institution, or any combination thereof.
(L. 1982 H.B. 1171, 1173, 1306 & 1643)

210.710. Child committed to care of authorized agency — written report of status required for court review, when — dispositional hearing when, purpose. — In the case of a child who has been committed to the care of an authorized agency by a parent, guardian or relative and where such child has remained in the care of one or more authorized agencies for a continuous period of six months, the agency shall petition the juvenile court in the county where the child is present to review the status of the child. A written report on the status of the child shall be presented to the court. The court shall then review the status of the child and may

hold a dispositional hearing thereon. The purpose of the dispositional hearing shall be to determine whether or not the child should be continued in foster care or whether the child should be returned to a parent, guardian or relative, or whether or not proceedings should be instituted to terminate parental right and legally free such child for adoption.
(L. 1982 H.B. 1171, 1173, 1306 & 1643)

210.720. Court ordered custody — written report of status required for court review, when — dispositional hearing when, purpose. — In the case of a child who has been placed in the custody of an authorized agency by a court or who has been placed in foster care by a court, every six months after the placement, the foster family, group home, agency, or child care institution with which the child is placed shall file with the court a written report on the status of the child and the court shall review the report and shall hold a dispositional hearing within eighteen months of initial placement and annually thereafter. The dispositional hearing shall be for the purpose of determining whether or not the child should be continued in foster care or whether the child should be returned to a parent, guardian or relative, or whether or not proceedings should be instituted to terminate parental rights and legally free such child for adoption.
(L. 1982 H.B. 1171, 1173, 1306 & 1643)

210.730. Court to have continuing jurisdiction for certain proceedings — duties to review children under continued foster care, when — goals. — The court shall possess continuing jurisdiction in proceedings under sections 210.700 to 210.760 and, in the case of children who are continued under foster care, shall review the status of the child whenever it deems necessary or desirable, but at least once every six months. It shall be the goal of the court and the authorized agency in whose custody a child has been placed, that the percentage of children who are in foster care in excess of twenty-four months shall not exceed thirty percent in any fiscal year.
(L. 1982 H.B. 1171, 1173, 1306 & 1643)

210.760. Placement in Foster Care — division's duties. — In making placements in foster care the division of family services shall:

(1) Arrange for a preplacement visit of the child, except in emergencies;

(2) Provide full and accurate medical information and medical history to the persons providing foster care at the time of placement;

(3) Give a minimum of five days advance notice to the persons providing foster care before removing a child from their care;

(4) Provide the persons giving foster care with a written statement of the reasons for removing a child at the time of the notification required by this section; and

(5) Work with the natural parent, through services available, in an effort to return the child to his natural home, if at all possible, or to place the child in a permanent adoptive setting, in accordance with the division's goals to reduce the number of children in long term foster care and reestablish and encourage the family unit.
(L. 1982 H.B. 1171, 1173, 1306 & 1643)

210.800, 210.805, 210.809, 210.814, 210.819, 210.826, 210.830, 210.835, 210.837
(Repealed L. 1986 H.B. 953)

UNIFORM PARENTAGE ACT

210.817. Definitions. — As used in sections 210.817 to 210.852 the following terms mean:

(1) **"Blood tests"**, any medically recognized analysis which used blood or other body tissue or fluid to isolate and identify genetic or other characteristics in order to determine the probability of paternity or the probability of exclusion of paternity. The term specifically includes, without being limited to, tests employing red cell antigens, white cell antigens, including the human leukocyte antigen (HLA) test, and serum proteins and enzymes;

(2) **"Bureau"**, the bureau of vital records of the department of health;

(3) **"Parent"**, either a natural or an adoptive parent;

(4) **"Parent and child relationship"**, the legal relationship existing between a child and his natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.
(L. 1987 S.B. 328 § 1)
Effective 7-15-87

210.818. Relationship not dependent on marriage. — The parent and child relationship extends equally to every child and every parent, regardless of the marital status of the parents.
(L. 1987 S.B. 328 § 2)
Effective 7-15-87

210.819. Parent and child relationship, how established. — The parent and child relationship between child and:
(1) The natural mother may be established by proof of her having given birth to the child, or under the provisions of sections 210.817 to 210.852;
(2) The natural father may be established under the provisions of sections 210.817 to 210.852;
(3) An adoptive parent may be established by proof of adoption.
(L. 1987 S.B. 328 § 3)
Effective 7-15-87

210.822. Presumption of paternity — rebuttal of presumption, standard of proof. — 1. A man is presumed to be the natural father of a child if:
(1) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, of dissolution, or after a decree of separation is entered by a court; or
(2) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with the law, although the attempted marriage is or could be declared invalid, and;
(a) If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within three hundred days after its termination by death, annulment, declaration of invalidity, or dissolution; or
(b) If the marriage is invalid without a court order, the child is born within three hundred days after the termination of cohabitation; or
(3) After the child's birth, he and the child's natural mother have married, or attempted to marry each other by a marriage solumnized in apparent compliance with law, although the marriage is or could be declared invalid, and:
(a) He has acknowledged his paternity of the child in writing filed with the bureau; or
(b) With his consent, he is named as the child's father on the child's birth certificate; or
(c) He is obligated to support the child under a written voluntary promise or by court order; or
(4) He acknowledges his paternity of the child in an affidavit, which is also signed by the natural mother and filed with the bureau. If another man is presumed under this section to be the child's father, acknowledgment may be accomplished only with the written consent of the presumed father or after the presumption has been rebutted.
2. A presumption under this section may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing the paternity of the child by another man.
(L. 1987 S.B. 328 § 4)
Effective 7-15-87

210.824. Artificial insemination, consent required, duties of physician, effect of physician's failure to comply with law — inspection of records permitted, when. — 1. If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if he were the natural father of a child thereby conceived.

The husband's consent must be in writing and signed by him and his wife. The physician shall certify their signatures and the date of the insemination, and file the husband's consent with the bureau, where it shall be kept confidential and in a sealed file. The physician's failure to comply with this section shall not affect the father and child relationship. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

2. The donor of semen provided to a licensed physician for use in artificial insemination of a married woman other than the donor's wife is treated in law as if he were not the natural father of a child thereby conceived.

(L. 1987 S.B. 328 § 5)
Effective 7-15-87

210.826. Determination of father and child relationship, who may bring action, when action may be brought. — 1. A child, his natural mother, a man presumed to be his father under subdivision (1), (2), or (3) of subsection 1 of section 210.822, or the division of child support enforcement may bring an action:

(1) At any time for the purpose of declaring the existence of the father and child relationship presumed under subdivision (1), (2), or (3) of subsection 1 of section 210.822; or

(2) For the purpose of declaring the nonexistence of the father and child relationship presumed under subdivision (1), (2), or (3) of subsection 1 of section 210.822 only if the action is brought within a reasonable time after obtaining knowledge of relevant facts, but in no event later than five years after the child's birth. After the presumption has been rebutted, paternity of the child by another man may be determined in the same action, if he has been made a party.

2. Any interested party may bring an action at any time for the purpose of determining the existence or nonexistence of the father and child relationship presumed under subdivision (4) of subsection 1 of section 210.822.

3. An action to determine the existence of the father and child relationship with respect to a child who has no presumed father under section 210.822 may be brought by the child, the mother or the person who has legal custody of the child, the division of child support enforcement, the personal representative or a parent of the mother if the mother has died, a man alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor.

Regardless of its terms, an agreement, other than an agreement approved by the court in accordance with subsection 2 of section 210.838, between an alleged or presumed father and the mother or child, does not bar an action under this section.

5. If an action under this section is brought before the birth of the child, all proceedings shall be stayed until after the birth, except service of process and the taking of depositions to perpetuate testimony.

(L. 1987 S.B. 328 § 6)
Effective 7-15-87

210.828. Statute of limitations. — 1. An action to determine the existence of the father and child relationship as to a child who has no presumed father under section 210.822 may not be brought later than eighteen years after the birth of the child.

2. A parent's retroactive liability to another party for reimbursement of necessary support provided by that party to the child for whom a parent and child relationship is established under sections 210.817 to 210.852 is limited to a period of five years next preceding the commencement of the action.

3. Sections 210.826 and 210.828 do not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to distribution and closing of decedent's estates or to the determination of heirship, or otherwise.

(L. 1987 S.B. 328 § 7)
Effective 7-15-87

210.829. Jurisdiction, venue. — 1. The circuit court has jurisdiction of an action brought under sections 210.817 to 210.852. The action may be joined by separate docu-

ment with an action for dissolution of marriage, annulment, separate maintenance, support, custody or visitation.

2. A person who has sexual intercourse in this state thereby submits to the jurisdiction of the courts of this state to an action brought under sections 210.817 to 210.852 with respect to a child who may have been conceived by that act of intercourse. In addition to any other method provided by rule or statute, including section 506.510, RSMo, personal jurisdiction may be acquired by personal service of summons outside this state or by certified mail with proof of actual receipt.

3. Notwithstanding subsection 2 of this section, personal jurisdiction may be asserted over any person if there is any basis consistent with the constitution of this state or the United States.

4. An action brought under sections 210.817 to 210.852 may be brought in the county in which the child resides, the mother resides, or the alleged father resides or is found or, if the father is deceased, in which proceedings for probate of his estate have been or could be commenced.

(L. 1987 S.B. 328 § 8)
Effective 7-15-87

210.830. Parties. — The child shall be made a party to any action commenced under sections 210.817 to 210.852. If he is a minor, he may be represented by a next friend appointed for him for any such action. The child's mother or father may represent him as his next friend. If legal custody of the child has been placed with the division of family services, the division may act as next friend on behalf of the child for the purpose of commencing the action and obtaining an order appointing a guardian ad litem. The natural mother, each man presumed to be the father under section 210.822, and each man alleged to be the natural father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard. The court may align the parties.

(L. 1987 S.B. 328 § 9)
Effective 7-15-87

210.832. Pretrial proceedings, informal hearing before master — testimony of party may be compelled, when — physician testimony not privileged, when — bond required when, amount. — 1. As soon as practicable after an action to declare the existence or nonexistence of the father and child relationship has been brought, the court may order that an informal hearing be held before a master. The public shall be barred from the hearing. A record of the proceedings or any portion thereof shall be kept if any party requests or the court orders. Rules of evidence need not be observed.

2. Upon the refusal of any witness, including a party, to testify under oath or produce evidence, the court may order him to testify under oath and produce evidence concerning all relevant facts. If the refusal is on the ground that his testimony or evidence might tend to incriminate him, the court may order that such testimony or evidence is inadmissible in any criminal action against the witness. If the court enters such order, the refusal of a witness to obey an order to testify or produce evidence is civil contempt of court.

3. Testimony of a physician concerning the medical circumstances of the pregnancy and the condition and characteristics of the child upon birth is not privileged.

4. Upon motion of a party, the court may require a presumed father to post bond with the court in an amount sufficient to guarantee payment of support for the period between the date the action is commenced and the expected date of final disposition of the action. In determining the amount of bond, the court shall consider the factors set forth in subsection 5 of section 210.841.

(L. 1987 S.B. 328 § 10)
Effective 7-15-87

210.834. Blood tests. — 1. The court may, and upon request of any party shall, require the child, mother, alleged father, any presumed father who is a party to the action, and any male witness who testifies or will testify about his sexual relations with the mother at the possible time of conception, to submit to blood tests. The tests shall be performed by a court-designated expert qualified as an examiner of genetic markers

present on blood cells and components, or other tissue or fluid.

2. The court, upon reasonable request by a party, may order that independent tests be performed by other experts qualified as examiners of genetic or other markers present on blood cells or other components, or other tissue or fluid. In all cases, the court shall determine the number and qualifications of the experts.

3. If any party refuses to submit to blood tests ordered by the court under subsection 1 or 2 of this section, such refusal shall constitute civil contempt of court, and such refusal shall be admissible as evidence in the action.

4. Whenever the court finds that the results of the blood tests show that a person presumed or alleged to be the father of the child is not the father of the child, this evidence shall be conclusive of nonpaternity and the court shall dismiss the action as to that party, and the cost of such blood tests shall be assessed against the state. The court shall order the state to pay reasonable attorneys fees for counsel and the costs of any blood tests where such blood tests show that the person presumed or alleged to be the father of the child is not the father of such child and the state proceeds further in an action under sections 210.817 to 210.852 to attempt to establish that such person is the father of the child.

5. Verified documentation of the chain of custody of the blood or tissue specimens is competent evidence to establish such chain of custody. A verified expert's report shall be admitted at trial as evidence of the blood test results stated therein unless a written motion challenging testing procedures or the results has been filed and served on each party at least twenty days before the trial, and the motion is sustained by the court.

(L. 1987 S.B. 328 § 11)
Effecte 7-15-87

210.836. Evidence relating to paternity. — Evidence relating to paternity may include:

(1) Evidence of sexual intercourse between the mother and the alleged father during the possible time of conception of the child;

(2) An expert's opinion concerning the probability of the alleged father's paternity of the child based upon the duration of the mother's pregnancy;

(3) Blood test results, weighed in accordance with the evidence of the statistical probability of the alleged father's paternity of the child;

(4) Medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts; and

(5) All other evidence relevant to the issue of the paternity of the child.

(L. 1987 S.B. 328 § 12)
Effective 7-15-87

210.838. Pretrial recommendation — actions, effect of party's refusal to accept. — 1. If a pretrial hearing is conducted under section 210.832, the master conducting the hearing shall, on the basis of the information at the pretrial hearing, evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration of the relationship would be in the best interests of the child. On the basis of the evaluation, an appropriate recommendation for settlement shall be made to the parties, which may include either of the following:

(1) That the action be dismissed with or without prejudice; or

(2) That the alleged father voluntarily acknowledge his paternity of the child.

2. If the parties accept a recommendation made in accordance with subsection 1 of this section, judgment shall be entered accordingly.

3. If a party refuses to accept a recommendation made under subsection 1 of this section, and blood tests have not been taken, the court shall require the parties to submit to blood tests, if practicable. Thereafter, the master shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action shall be set for trial.

4. The guardian ad litem may accept or refuse to accept a recommendation under this section.

5. The informal hearing may be terminated and the action set for trial if the master conducting the hearing finds it

unlikely that all parties would accept a recommendation he might make under subsection 1 or 3 of this section.
(L. 1987 S.B. 328 § 13)
Effective 7-15-87

210.839. Civil action, procedure — admissibility of evidence, parties, trial by jury — default judgment may be entered, when. — 1. An action filed under sections 210.817 to 210.852 is a civil action governed by the rules of civil procedure. The mother of the child and the alleged father are competent to testify and may be compelled to testify. Subsections 2 and 3 of section 210.832 and sections 210.834 and 210.836 apply.

2. Testimony relating to sexual access to the mother at a time other than the probable period of conception of the child is inadmissible in evidence.

3. In an action against an alleged or presumed father, evidence offered by him with respect to a man who is not subject to the jurisdiction of the court concerning his sexual intercourse with the mother at or about the probable period of conception of the child is admissible in evidence only if he has undergone and made available to the court blood tests; the results of which do not exclude the possibility of his paternity to the child. A man who is identified and is subject to the jurisdiction of the court shall be made a defendant in the action. Where such man is subject to the jurisdiction of the court, the alleged or presumed father shall provide all other parties with the name and address of the man at least thirty days prior to trial. If a male witness is produced at trial for the purpose stated in this subsection, but the party calling the witness failed to implead such male witness as a party-defendant or provide the notice required herein to all other parties, the court may adjourn the proceedings for the purpose of taking a blood test of the witness prior to receiving his testimony, if the court finds that the party calling the witness acted in good faith. If the court determines that the party calling the witness did not act in good faith as to the required notice, the court shall not grant a continuance, and such witness shall be incompetent to testify.

4. Any party shall have a right to trial by jury. Unless a presumption applies under section 210.822, the burden of proof as to all issues shall be preponderance of the evidence. A request for a trial by jury shall be made within ninety days of the first responsive pleading. If a trial by jury is granted, such trial shall take place within ninety days of the order granting the request for a trial by jury. Where there is a trial by jury, the jury shall only make factual determinations on the issue of parentage.

5. If any party fails to file his answer or otherwise appear in response to an action commenced under sections 210.817 to 210.852 within the time prescribed by law or rules of practice of the court, the court may enter judgment against him by default.
(L. 1987 S.B. 328 § 14)
Effective 7-15-87

210.841. Judgment or order, contents. — 1. The judgment or order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes.

2. If the judgment or order of the court varies with the child's birth certificate, the court shall order that an amended birth registration be made under section 210.849.

3. The judgment or order may contain any other provision directed against the appropriate party to the proceeding concerning the duty of support, the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any matter in the best interest of the child. The judgment or order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.

4. Support judgments or orders ordinarily shall be for periodic payments. In the best interests of the child, a lump sum payment or the purchase of an annuity may be ordered in lieu of periodic payments of support. The court may limit the father's liability for past support of the child to the proportion of the expenses already incurred that the court deems just.

5. In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court shall consider all relevant

facts, including:

(1) The needs of the child;

(2) The standard of living and circumstances of the parents;

(3) The relative financial means of the parents;

(4) The earning ability to the parents;

(5) The need and capacity of the child for education, including higher education;

(6) The age of the child;

(7) The financial resources and earning capacity of the child;

(8) The responsibility of the parents for the support of others; and

(9) The value of the services contributed by the custodial parent.

(L. 1987 S.B. 328 § 15)
Effective 7-15-87

210.842. Costs. — The court may order reasonable fees for counsel, experts, the child's guardian ad litem, and other costs of the action and pretrial proceedings, including blood tests, to be paid by the parties in such proportions and at such times as determined by the court, except that:

(1) No fees or costs shall be assessed to an indigent party prior to final adjudication of paternity or as a condition precedent to blood tests; and

(2) No such costs, other than the costs of blood tests and any other fees or charges assessed pursuant to subsection 4 of section 210.834, shall be assessed to the state of Missouri or a political subdivision thereof.

(L. 1987 S.B. 328 § 16)
Effective 7-15-87

210.843. Enforcement of judgment or order — payments to be made to circuit clerk — failure to comply, civil contempt. — 1. If the existence of a parent and child relationship is declared, and a duty of support has been established under sections 210.817 to 210.852, the support obligation may be enforced in the same or in other appropriate proceedings by the mother, the child, the division of child support enforcement, or any other public agency that has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, support, or funeral, or by any other person, including a private agency, to the extent he has furnished or is furnishing these expenses.

2. The court shall order that support payments be made to the clerk of the circuit court as trustee for remittance to the person entitled to receive the payments, or where that person has assigned his support rights to the division of family services under section 208.040, RSMo, as trustee for remittance to the division, as long as the trusteeship remains in effect.

3. Willful failure to obey any judgment or order of the court entered under this section is a civil contempt of court. Section 452.350, RSMo, applies to support orders entered under this section, and all administrative and judicial remedies for the enforcements of judgments shall apply.

(L. 1987 S.B. 328 § 17)
Effective 7-15-87

210.845. Modification of judgment or order. — The court has continuing jurisdiction to modify a judgment or order entered under sections 210.817 to 210.852. Support orders are modifiable prospectively, as provided by section 452.370, RSMo.

(L. 1987 S.B. 328 § 18)
Effective 7-15-87

210.846. Hearings and records, confidentiality. — Notwithstanding any other law concerning public hearings and records, any hearing or trial held under sections 210.817 to 210.852 shall be held in closed court without admittance of any person other than those necessary to the action or proceeding. All papers and records, other than the interlocutory or final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in the division of child support enforcement or elsewhere, are subject to inspection only upon the consent of the court and all interested persons, or in exceptional cases only upon order of the court for good cause shown.

(L. 1987 S.B. 328 § 19)
Effective 7-15-87

210.848. Action to declare mother and child relationship. — Any interested party may

bring an action to determine the existence or nonexistence of a mother and child relationship. Insofar as possible, the provisions of sections 210.817 to 210.852 applicable to the father and child relationship apply to the mother and child relationship.
(L. 1987 S.B. 328 § 20)
Effective 7-15-87

210.849. Birth records. — Upon order of a court of this state or upon request of a court or authorized administrative agency of another state, the bureau shall prepare an amended birth certificate consistent with the findings of the court.
(L. 1987 S.B. 328 § 21)
Effective 7-15-87

210.850. Uniformity of application and construction. — The provisions of sections 210.817 to 210.852 shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of sections 210.817 to 210.852 among the states enacting it.
(L. 1987 S.B. 328 § 22)
Effective 7-15-87

210.851. Citation of law. — Sections 210.817 to 210.852 may be cited as the "Uniform Parentage Act."
(L. 1987 S.B. 328 § 23)
Effective 7-15-87

210.852. Application to actions commenced prior to effective date. — Unless agreed to by the parties and the court, the provisions of sections 210.817 to 210.852 shall not apply to proceedings to determine paternity commenced prior to July 15, 1987.
(L. 1987 S.B. 328 § 24)
Effective 7-15-87

Chapter 211
JUVENILE COURTS

211.011. Purpose of law — how construed. — The purpose of this chapter is to facilitate the care, protection and discipline of children who come within the jurisdiction of the juvenile court. This chapter shall be liberally construed, therefore, to the end that each child coming within the jurisdiction of the juvenile court shall receive such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and the best interests of the state and that when such child is removed from the control of his parents, the court shall secure for him care as nearly as possible equivalent to that which should have been given him by them.
(L. 1957 p. 642 § 211.010)

(1968) Procedure of juvenile court which resulted in commitment to state training school did not violate constitutional protection as set forth by U.S. Supreme Court in the case of application of Gault. Ex parte de Grace (A.). 425 S.W. (2d) 228.

(1972) Missouri's Juvenile Act is rooted in the concept of **parens patriae** and the functions of a juvenile officer and a prosecuting attorney are so inherently conflicting that proper administration of the Juvenile Act does not allow these functions to be exercised by a person holding both offices. Thus, juvenile court, located in county in judicial circuit comprised only of counties of the third class, was without jurisdiction to proceed on petition filed by such juvenile officer. In re F_____ C_____ (A.). 484 S.W. (2d) 21.

(1971) Jurisdiction of divorce or dissolution of marriage remains in circuit court where it was filed but jurisdiction of cause as it relates to child custody may in some instances be superseded by juvenile court. Ex party J.A.P. (A.), 546 S.W. (2d) 806.

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

(1) "Adult" means a person seventeen years of age or older;

(2) "Child" means a person under seventeen years of age;

(3) "Juvenile court" means the juvenile division or divisions of the circuit court of the county, or judges while hearing juvenile cases assigned to them;

(4) "Legal custody" means the right to the

care, custody and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline of a child. Legal custody may be taken from a parent only by court action and if the legal custody is taken from a parent without termination of parental rights, the parent's duty to provide support continues even though the person having legal custody may provide the necessities of daily living;

(5) "Parent" means either a natural parent or a parent by adoption and if the child is illegitimate, "parent" means the mother;

(6) "Shelter care" means the temporary care of juveniles in physically unrestricting facilities pending final court disposition. These facilities may include:

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

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

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

(L. 1957 p. 642 § 211.020, A.L. 1978 H.B. 1634, A.L. 1982 S.B. 497)

211.023. Juvenile court commissioner, how appointed, term, compensation (first class charter counties and St. Louis City). — 1. In each county of the first class having a charter form of government, a majority of the circuit judges, en banc, may appoint one or two persons who shall have the same qualifications as a circuit judge to act as commissioners. The commissioners shall be appointed for a term of four years. The compensation of a commissioner shall be the same as set by law for associate circuit judges of the county for which they are appointed, payable by the state, and the commissioners shall devote full time to such duties.

2. In the city of St. Louis a majority of the circuit judges, en banc, may appoint one person who shall have the same qualifications as a circuit judge to act as a commissioner. The commissioner shall be appointed for a term of four years. The compensation of a commissioner shall be the same as set by law for associate circuit judge of the city of St. Louis, payable by the state, and the commissioner shall devote full time to such duties, and shall receive no other compensation for such duties from any other source whatsoever.

(L. 1967 p. 332 § 1, A.L. 1972 H.B. 1331, A.L. 1973 H.B. 668, A.L. 1977 S.B. 121, A.L. 1978 H.B. 1634, A.L. 1982 S.B. 497)

211.025. Judge may direct any case be heard by commissioner (counties of the first class and St. Louis City). — The Judge of the juvenile court may direct that any case shall be heard in the first instance by a commissioner in the manner provided for the hearing of cases by the court.

(L. 1967 p. 332 § 2, A.L. 1980 S.B. 512)

211.027. Findings of commissioner, how submitted — notice of right to file motion for hearing, how given. — Upon the conclusion of the hearing in each case, the commissioner shall transmit to the judge all papers relating to the case, together with his findings and recommendations in writing. Notice of the findings of the commissioner, together with a statement relative to the right to file a motion for rehearing, shall be given to the minor, parents, guardian or custodian of the minor whose case has been heard by the commissioner, and to any other person that the court may direct. This notice may be given at the hearing, or by certified mail or other service directed by the court.

(L. 1967 p. 332 § 3, A.L. 1980 S.B. 512)

211.029. Rehearing, motion filed when — judge may sustain or deny — commissioner's finding final, when. — The minor and his parents, guardian or custodian are entitled to file with the court a motion for a hearing by a judge of the juvenile court within fifteen days after receiving notice of the findings of the commissioner. The judge shall promptly rule on such motion and, in his discretion,

may either sustain or deny the motion, and if the motion is sustained, the judge shall set a date for a hearing. If the motion is denied, or if no such motion is filed, the findings and recommendations of the commissioner shall become the decree of the court when adopted and confirmed by an order of the judge. The final order of the court shall, in any event, be proof of such adoption and confirmation and also of the fact that the matter was duly referred to the commissioner.
(L. 1967 p. 332 § 4, A.L. 1980 S.B. 512)

211.031. Juvenile court to have exclusive jurisdiction when — exceptions. — 1. Except as otherwise provided herein, the juvenile court shall have exclusive original jurisdiction in proceedings:

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

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

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

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

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

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

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

(d) The behavior or associations of the child are otherwise injurious to his welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that the juvenile court shall not have jurisdiction over any child sixteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child sixteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony;

(4) For the adoption of a person;

(5) For the commitment of a child to the guardianship of the department of social services as provided by law.

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

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

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

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

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

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

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

(L. 1957 p. 642 § 211.030, A.L. 1976 S.B. 511, A.L. 1980 S.B. 512, A.L. 1983 S.B. 368)

211.041. Continuing jurisdiction over child, exception, seventeen-year-old violating state or municipal laws. — When jurisdiction over the person of a child has been acquired by the juvenile court under the provisions of this chapter in proceedings coming within the applicable provisions of section 211.031, the jurisdiction of the child may be retained for the purpose of this chapter until he has attained the age of twenty-one years, except in cases where he is committed to and received by the division of youth services, unless jurisdiction has been returned to the committing court by provisions of chapter 219, RSMo, through requests of the court to the division of youth services. Every child over whose person the juvenile court retains jurisdiction shall be prosecuted under the general law for any violation of a state law or of a municipal ordinance which he commits after he becomes seventeen years of age. The juvenile court shall have no jurisdiction with respect to any such violation and, so long as it retains jurisdiction of the child, shall not exercise its jurisdiction in such a manner as to conflict with any other court's jurisdiction as to any such violation.

(L. 1957 p. 642 § 211.060, A.L. 1969 H.B. 227, A.L. 1982 1171, 1173, 1306 § 1643)

211.051. Jurisdiction as to custody of child not exclusive. — Nothing contained in this chapter deprives other courts of the right to determine the legal custody of children upon writs of habeas corpus or to determine the legal custody or guardianship of children when the legal custody or guardianship is incidental to the determination of causes pending in other courts. Such questions, however, may be certified by another court to the juvenile court for hearing, determination or recommendation.

(L. 1957 p. 642 § 211.040)

(1953) Natural parents cannot be deprived of custody of minor child except in proceeding under juvenile court law. In habeas corpus proceeding, court had no jurisdiction to determine fitness of natural parents to have such custody. State ex rel. White v. Swink (Mo.), 256 S.W. (2d) 825.

(1974) Where juvenile courts assumed jurisdiction over child and made award of custody such jurisdiction excludes any other court of concurrent jurisdiction from adjudicating custody in a habeas corpus proceeding. State ex rel. McCarty v. Kimberlin (A.), 508 S.W. (2d) 196.

211.061. Arrested child taken before juvenile court — transfer of prosecution to juvenile court — 1. When a child is taken into custody with or without warrant for an offense, the child, together with any information concerning him and the personal property found in his possession, shall be taken immediately and directly before the juvenile court or delivered to the juvenile officer or person acting for him.

2. If any person is taken before a circuit or associate circuit judge not assigned to juvenile court or a municipal judge, and it is then, or at any time thereafter, ascertained that he was under the age of seventeen years at the time he is alleged to have committed the offense, or that he is subject to the jurisdiction of the juvenile court as provided by sections 211.011 to 211.431, it is the duty of the judge forthwith to transfer the case or refer the matter to the juvenile court, and direct the delivery of such person, together with information concerning him and the personal property found in his possession, to the juvenile officer or person acting as such. The juvenile court shall proceed as in other cases instituted under sections 211.011 to

211.431.

(L. 1957 p. 642 § 211.050, A.L. 1978 H.B. 1634) Effective 1-2-79

(1973) Held that failure to take juvenile immediately and directly before juvenile judge does not invalidate voluntary plea of guilty made with advice of counsel and after conferring with relatives. Kunkel v. State (Mo.), 501 S.W. (2d) 52.

(1976) Held that in this specific case, misrepresentation of age by juvenile claiming to be seventeen was not a waiver of his rights under this section. State v. Wade (Mo.), 531 S.W. (2d) 726.

(1976) Held, failure of counsel to object to accused's confession obtained prior to taking sixteen-year-old directly before juvenile court is not ineffective representation where occurrence was four years before Missouri court held such statements were inadmissible. Coney v. Wyrick (CA Mo.), 532 F. (2d) 94.

211.071. Certification of juvenile for trial as adult — procedure — misrepresentation of age, effect. — 1. If a petition alleges that a child between the ages of fourteen and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between seventeen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

(1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;

(2) Whether the offense alleged involved viciousness, force and violence;

(3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;

(4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his

home and environmental situation, emotional condition and pattern of living;

(7) The program and facilities available to the juvenile court in considering disposition; and

(8) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

(1) Findings showing that the court had jurisdiction of the cause and of the parties;

(2) Findings showing that the child was represented by counsel;

(3) Findings showing that the hearing was held in the presence of the child and his counsel; and

(4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law, and the subject has been convicted in the court of general jurisdiction, the jurisdiction of the juvenile court over that child is forever terminated for an act that would be a violation of a state law or municipal ordinance.

10. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

(L. 1957 p. 642 § 211.070, A.L. 1983 S.B. 368)

211.081. Preliminary inquiry as to institution of proceedings — approval of division necessary for placement outside state — institutional placements, findings required, duties of division, limitations on judge, financial limitations. — 1. Whenever any person informs the court in person and in writing that a child appears to be within the purview of applicable provisions of section 211.031, the court shall make or cause to be made a preliminary inquiry to determine the facts and to determine whether or not the interests of the public or of the child require that further action be taken. On the basis of this inquiry the juvenile court may make such informal adjustment as is practicable without a petition or may authorize the filing of a petition by the juvenile officer; however, any other provision of this chapter to the contrary notwithstanding, the juvenile court shall not make any order for disposition of a child which would place or commit the child to any location outside the state of Missouri without first receiving the approval of the division of family services.

2. Placement in any institutional setting shall represent the least restrictive appropriate placement for the child and shall be recommended based upon a psychological or psychiatric evaluation or both. Prior to entering any order for disposition of a child which would order residential treatment or other services inside the state of Missouri, the juvenile court shall enter findings which include the recommendation of the psychological or psychiatric evaluation or both; and certification from the division director of designee as to whether a provider or funds or both are available, including a projection of their future availability. If the division of family services indicates that funding is not available, the division shall recommend and make available for placement by the court an alternative placement for the child. The division shall have the burden of demonstrating that they have exercised due diligence in utilizing all available services to carry out the recommendation of the evaluation team and serve the best interest of the child. The judge shall not order placement or an alternative placement with a specific provider but may reasonably designate the scope and type of the services which shall be provided by the department to the child.

3. Obligations of the state incurred under the provisions of section 211.181 shall not exceed, in any fiscal year, the amount appropriated for this purpose.

(L. 1957 p. 642 § 211.080, A.L. 1987 S.B. 244)

211.083. Informal adjustments — court may allow restitution or community service — supervisors of community service immune from suit — child not an employee, when. — Whenever an informal adjustment is made

under the provisions of section 211.081, the juvenile court may allow the child:

(1) To make restitution or reparation for the damage or loss caused by his offense. Any restitution or reparation shall be reasonable in view of the child's ability to make payment or perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment agreed upon;

(2) To complete a term of community service under the supervision of the court or an organization selected by the court. Every person, organization, and agency, and each employee thereof, who supervises a child under this subdivision, or who benefits from any services performed under this subdivision as a result of an informal adjustment, shall be immune from any suit by the child performing services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivison and if such cause of action does not arise from an intentional tort or any wanton, willful, or malicious conduct. A child performing services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo.

(L. 1987 S.B. 244)

211.091. Petition in juvenile court — contents. — 1. The petition shall be entitled "In the interest of . . . . . ., a child under seventeen years of age".

2. The petition shall set forth plainly:

(1) The facts which bring the child within the jurisdiction of the court;

(2) The full name, birth date, and residence of the child;

(3) The names and residence of his parents, if living;

(4) The name and residence of his legal guardian if there be one, of the person having custody of the child or of the nearest known relative if no parent or guardian can be found; and

(5) Any other pertinent data or information.

3. If any facts required in subsection 2 are not known by the petitioner, the petition shall so state.

(L. 1957 p. 642 § 211.090)

(1961) Where a mother was accused of physically mistreating a child the burden was on the person alleging such facts to establish them in order to deprive her of the custody of the child and in the absence of competent proof of such physical abuse a judgment transferring the custody to a welfare agency could not stand. In re M _____ P _____ S _____ (A.), 342 S.W. (2d) 277.

(1969) Infant child located physically outside county is not constructively within the county for jurisdiction purposes notwithstanding the fact that mother's residence is within the county. In re Shaw (A.), 449 S.W. (2d) 380.

(1980) Neglect petition couched in language of statute defining juvenile court's jurisdiction was adequate to vest court with jurisdiction to enter custody orders. In the Matter of Trapp (Mo.), 593 S.W. (2d) 193.

211.101. Issuance of summons — notice — temporary custody of child — subpoenas. — 1. After a petition has been filed, unless the parties appear voluntarily, the juvenile court shall issue a summons in the name of the state of Missouri requiring the person who has custody of the child to appear personally and, unless the court orders otherwise, to bring the child before the court, at the time and place stated.

2. If the person so summoned is other than a parent or guardian of the child, then the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed.

3. If it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the judge may order, by endorsement upon the summons, the officer serving it to take the child into custody at once.

4. Subpoena may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

(L. 1957 p. 642 § 211.100)

(1963) Father was party to proceeding brought to terminate or suspend his custody and therefore statements made by father to third persons relative to neglect and mistreatment of child were properly admitted as admissions against interest.

In re J _____ O _____ (A.), 372 S.W. (2d) 512.
(1973) Held that Miranda warning must be understood by juvenile to be effectively waived. Juvenile has right to have parental protection at time of custodial interrogation. Failure to have an attorney or a natural parent, guardian or adult friend present during custodial questioning barred introduction of confession in juvenile proceedings. In re K.W.B. (A.), 500 S.W. (2d) 275.

211.111. Summons, how served. — 1. Service of summons shall be made personally by the delivery of an attested copy thereof to the person summoned. But if the juvenile court is satisfied after thorough investigation that it is impracticable to serve the summons personally, it may order service by registered mail to the last known address of the person.

2. Personal service shall be affected at least twenty-four hours before the time set for the hearing. Registered mail shall be mailed at least five days before the time of the hearing.

3. Service of summons may be made by any suitable person under the direction of the court.
(L. 1957 p. 642 § 211.110)

211.121. Failure to respond to summons, contempt — warrant for custodian of child. — If any person summoned by personal service fails without reasonable cause to appear, he may be proceeded against for contempt of court. In case the parties fail to obey the summons or, in any case, when it appears to the court that the service will be ineffectual, a capias may be issued for the parent or guardian or for the child.
(L. 1957 p. 642 § 211.120)

211.131. Taking child into custody, effect — notice to parents — jurisdiction attaches, when. — 1. When any child found violating any law or ordinance or whose behavior, environment or associations are injurious to his welfare or to the welfare of others or who is without proper care, custody or support is taken into custody, the taking into custody is not considered an arrest.

2. When a child is taken into custody, the parent, legal custodian or guardian of the child shall be notified as soon as possible.

3. The jurisdiction of the court attaches from the time the child is taken into custody.
(L. 1957 p. 642 § 211.130)

211.141. Child returned to parent, when, conditions — detention on order of court — detention without order, when. — 1. When a child is taken into custody as provided in section 211.131, the person taking the child into custody shall, unless it has been otherwise ordered by the court, return the child to his parent, guardian or legal custodian on the promise of such person to bring the child to court, if necessary, at a stated time or at such times as the court may direct. The court may also impose other conditions relating to activities of the child. If these additional conditions are not met, the court may order the child detained as provided in section 211.151. If additional conditions are imposed, the child shall be notified that failure to adhere to the conditions may result in the court imposing more restrictive conditions or ordering the detention of the child. If the person taking the child into custody believes it desirable, he may request the parent, guardian or legal custodian to sign a written promise to bring the child into court and acknowledging any additional conditions imposed on the child.

2. If the child is not released as provided in subsection 1, he may be conditionally released or detained in any place of detention specified in section 211.151 but only on order of the court specifying the reason for the conditional release or the detention. The parent, guardian or legal custodian of the child shall be notified of the terms of the conditional release or the place of detention as soon as possible.

3. The juvenile officer may conditionally release or detain a child for a period not to exceed twenty-four hours if it is impractical to obain a written order from the court because of the unreasonableness of the hour or the fact that it is a Sunday or holiday. The conditional release shall be as provided in subsection 1 of this section, and the detention shall be provided in section 211.151. A written record of such conditional release or detention shall be kept and a report in writing filed

with the court. In the event that the judge is absent from his circuit or is unable to act, the approval of another circuit judge of the same or adjoining circuit must be obtained as a conditon for continuing the conditional release or detention of a child for more than twenty-four hours.
(L. 1957 p. 642 § 211.140. A.L. 1980 S.B. 512, A.L. 1982 S.B. 497)

211.151. Places of detention — photographing and fingerprinting restrictions. — 1. Pending disposition of a case, the juvenile court may order in writing the detention of a child in one of the following places:

(1) A juvenile detention facility provided by the county;

(2) A shelter care facility, subject to the supervision of the court;

(3) A suitable place of detention maintained by an association having for one of its objects the care and protection of children;

(4) Such other suitable custody as the court may direct.

2. A child shall not be detained in a jail or other adult detention facility pending disposition of a case.

3. Neither fingerprints nor a photograph shall be taken of a child taken into custody for any purpose without the consent of the juvenile judge.

4. (1) As used in this section, the term "jail or other adult detention facility" means any locked facility administered by state, county or local law enforcement and correctional agencies, a primary purpose of which is to detain adults charged with violating a criminal law pending trial, including facilities of a temporary nature which do not hold persons after they have been formally charged, or to confine adults convicted of an offense. The term jail or other adult detention facility does not include a juvenile detention facility.

(2) As used in this section, the term "juvenile detention facility" means a place, institution, building or part thereof, set of buildings, which has been designated by the juvenile court as a place of detention for juveniles and which is operated, administered and staffed separately and independently of a jail or other detention facility for adults and used exclusively for the lawful custody and treatment of juveniles. The facility may be owned or operated by public or private agencies. A juvenile detention may be located in the same building or grounds as a jail or other adult detention facility if there is spatial separation between the facilities which prevents haphazard or accidental contact between juvenile and adult detainees; there is separation between juvenile and adult program activities; and there are separate juvenile and adult staff other than specialized support staff who have infrequent contact with detainees.

5. The provisions of this section shall become effective January 1, 1986.
(L. 1957 p. 642 § 211.150, A.L. 1982 S.B. 497, A.L. 1984 H.B. 1255)

211.156. Care and detention of certain children by county, contribution by state, when. — 1. Whenever a county shall own or operate an institution as a home for neglected and delinquent children, the state of Missouri shall pay to the county the sum of eight dollars per day toward the care and maintenance of each of these children, upon an order or voucher submitted to the state by the circuit court.

2. Whenever a child is detained as provided in section 211.151, the state shall pay to the county governing body the sum of eight dollars per day toward the care and maintenance of each such child upon a voucher or order submitted to the state by the circuit court. When submitting the voucher or order to the state, the circuit court shall certify that the child was detained only in a manner as provided by section 211.151.
(L. 1982 S.B. 497)

211.161. Court may require physical or mental examination of child — cost paid by county. — 1. The court may cause any child within its jurisdiction to be examined by a physician, psychiatrist or psychologist appointed by the court in order that the condition of the child may be given consideration in the disposition of his case. The expenses of the examination, when approved by the court, shall be paid by the county, except that the

county shall not be liable for the costs of examinations conducted by the department of mental health either directly or through contract.

2. The services of a state, county or municipality maintained hospital, institution, or psychiatric or health clinic may be used for the purpose of this examination and treatment.

3. A county may establish medical psychiatric and other facilities, upon request of the juvenile court, to provide proper services for the court in the diagnosis and treatment of children coming before it and these facilities shall be under the administration and control of the juvenile court. The juvenile court may appoint and fix the compensation of such professional and other personnel as it deems necessary to provide the court proper diagnostic, clinical and treatment services for children under its jurisdiction.

(L. 1957 p. 642 § 211.180, A.L. 1980 H.B. 1724)

211.171. Hearing procedure. — 1. The procedure to be followed at the hearing shall be determined by the juvenile court judge and may be as formal or informal as he considers desirable. He may take testimony and inquire into the habits, surroundings, conditions and tendencies of the child to enable the court to render such order or judgment as will best promote the welfare of the child and carry out the objectives of this chapter.

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

3. All cases of children shall be heard separately from the trial of cases against adults.

4. Stenographic notes or an authorized recording of the hearing shall be required if the court so orders or if requested by any party interested in the proceeding.

5. The general public shall be excluded and only such persons admitted as have a direct interest in the case or in the work of the court.

6. The practice and procedure customary in proceedings in equity shall govern all proceedings in the juvenile court.

(L. 1957 p. 642 § 211.190)

(1962) Proceedings of juvenile court making a child a ward of the court and placing her in the custody of her grandmother were in the nature of a civil action insofar as appellate procedure and review were concerned and appeal could have been dismissed for failure to comply with rules of civil procedure. In re M _____ L _____ J _____ (A.), 356 S.W. (2d) 508.

(1974) Held that burden of proof on voluntary nature of incriminating statement of juvenile is on party seeking introduction of the statement. In the interest of M _____ C _____ (A.), 504 S.W. (2d) 641.

211.181. Order for disposition or treatment of child — suspension of order and probation granted, when — community organization, immunity from liability, when — treatment team, members — long-range treatment plan, components, implementation, appellate review. — 1. When a child is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and

treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist, or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care, except that nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state.

Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provision of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care, except that nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recog-

nized or permitted under the laws of this state;

(5) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(6) Order the child to make restitution or reparation for the damage or loss caused by his offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(7) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under the subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

4. When custody of a child is legally placed in the department of social services or any of its divisions, the department shall immediately submit its proposed treatment plan for such child, as developed pursuant to subdivision (17) of subsection 1 of section 207.020, RSMo, to a professional evaluation team. Such a team shall be composed of a local juvenile officer, a representative of the department, a guardian ad litem, or court appointed special advocate, and where applicable, a school employee. The evaluation team shall develop a long-range permanency treatment plan for each child within thirty days of the date upon which the department was awarded custody. The long-range treatment plan will include the following components:

(1) Type of placement which will serve the best interest and special needs of a child and provide the least restrictive setting;

(2) Projected length of care needed by the child and the projected cost for providing such care;

(3) Services needed by the child and his family to facilitate reunification and the projected cost of such services;

(4) Certification from the division director or designee whether the placement and/or services recommended by the evaluation team are available.

The long-range permanency treatment plan shall be submitted to the court for consideration and approval prior to the court's final entry of a treatment order. In addition, a psychiatric or psychological evaluation shall be considered by the professional evaluation team and shall be submitted to the court for consideration for any child who, in the discretion of the professional evaluation team, could benefit from such an examination. The juvenile court judge may assess the cost of the examination to the family based on their ability to pay.

5. In ordering implementation of a permanency treatment plan, the judge shall not order treatment with a specific provider but may reasonably designate the scope and extent of the services to be provided by the department to the child subject to certification by the director of the division or designee that a provider and/or funds are available.

6. The department shall proceed to implement any long-range permanency plan within thirty days of its approval by the court. If the court fails to act upon a long-

range permanency treatment plan within fifteen days of its submission by the professional evaluation team, then such plan shall be implemented by the department as if approved by the court and shall remain in effect until otherwise ordered by the court.

7. The department may seek appellate review of any long-range permanency treatment plan it is required by court order or operation of law to implement.

(L. 1957 p. 642 § 211.200, A.L. 1974 H.B. 1475, A.L. 1980 S.B. 512, A.L. 1985 S.B. 323, A.L. 1987 S.B. 244)

211.182. — (Repealed L. 1987 S.B. 244 § A)

211.183. Order of disposition to include determination of efforts of division of family services — definition of "reasonable efforts" by division. — 1. In juvenile court proceedings regarding the removal of a child from his home, the order of disposition shall include a determination of whether the division of family services has made reasonable efforts to prevent or eliminate the need for removal of the child and, after removal, to make it possible for the child to return home. If the first contact with the family occurred during an emergency in which the child could not safely remain at home even with reasonable in-home services, the division shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.

2. "**Reasonable efforts**" means the exercise of reasonable diligence and care by the division to utilize all available services related to meeting the needs of the juvenile and the family.

3. In support of its determination of whether reasonable efforts have been made, the court shall enter findings, including a brief description of what preventive or reunification efforts were made and why further efforts could or could not have prevented or shortened the separation of the family. The division shall have the burden of demonstrating reasonable efforts.

4. The juvenile court may authorize the removal of the child even if the preventive and reunification efforts of the division have not been reasonable, but further efforts could not permit the child to remain at home.

5. Before a child may be removed from the parent, guardian, or custodian of the child by order of a juvenile court, excluding commitments to the division of youth services, the court shall in its orders:

(1) State whether removal of the child is necessary to protect the child and the reasons therefore;

(2) Describe the services available to the family before removal of the child, including in-home services;

(3) Describe the efforts made to provide those services relevant to the needs of the family before the removal of the child;

(4) State why efforts made to provide family services described did not prevent removal of the child; and

(5) State whether efforts made to prevent removal of the child were reasonable, based upon the needs of the family and child.

(L. 1985 H.B. 366, et al. § 4, A.L. 1987 S.B. 244)

211.191. State training school law to govern commitments. — Nothing in this chapter shall be construed to repeal any part of the law relating to the state training school for girls or the state training school for boys; and in all commitments to either of these institutions the law in reference to them shall govern.

(L. 1957 p. 642 § 211.400)

211.201. Commitment of children to department of mental health, duration — jurisdiction by court and department — extension of commitment, procedure. — 1. Notwithstanding the provisions of sections 211.151, 211.161 and 211.181, and any other provision of law contrary to this section, the juvenile court may not order that children be detained by, committed to or otherwise placed in the department of mental health for periods longer than thirty days except as provided in sections 211.201 to 211.207.

2. Notwithstanding any other provision of law to the contrary, a juvenile court loses jurisdiction of a child committed by it to the department of mental health unless, by the terms of its order committing the child to the department, the court expressly retains jurisdiction of the child.

3. If a child is to be detained beyond his eighteenth birthday in the custody of the department, the child may only be held pursuant to an express court order entered after a hearing within thirty days of the child's eighteenth birthday. The department shall notify the court thirty days before the child's eighteenth birthday that the department shall discharge the child unless the court sets the matter down for a hearing. If the court, on its own motion or motion of any interested party, believes the person should be detained; the court shall give proper notice of the hearing before the child's eighteenth birthday to the director of the department and other parties as required by law.
(L. 1957 p. 642 § 211.220, A.L. 1963 p. 388, A.L. 1979 H.B. 934, A.L. 1980 H.B. 1724)

211.202. Mentally disordered children, evaluation — disposition — review by court. — 1. If a child under the jurisdiction of the juvenile court appears to be mentally disordered, other than mentally retarded or developmentally disabled, the court, on its own motion or on the motion or petition of any interested party, may order the department of mental health to evaluate the child.

2. A mental health facility designated by the department of mental health shall perform within twenty days an evaluation of the child, on an outpatient basis if practicable, for the purpose of determining whether inpatient admission is appropriate because the following criteria are met:

(1) The child has a mental disorder other than mental retardation or developmental disability, as all these terms are defined in chapter 630, RSMo;

(2) The child requires inpatient care and treatment for the protection of himself or others;

(3) A mental health facility offers a program suitable for the child's needs;

(4) A mental health facility is the least restrictive environment as the term "least restrictive environment" is defined in chapter 630, RSMo.

3. If the facility determines, as a result of the evaluation, that it is appropriate to admit the child as an inpatient, the head of the mental health facility, or his designee, shall recommend the child for admission, subject to the availability of suitable accommodations, and send the juvenile court notice of the recommendation and a copy of the evaluation. Should the department evaluation recommend inpatient care, the child, his parent, guardian or counsel shall have the right to request an independent evaluation of the child. Within twenty days of the receipt of the notice and evaluation by the facility, or within twenty days of the receipt of the notice and evaluation from the independent examiner, the court may order, pursuant to a hearing, the child committed to the custody of the department of mental health for inpatient care and treatment, or may otherwise dispose of the matter; except, that no child shall be committed to a mental health facility under this section for other than care and treatment.

4. If the facility determines, as a result of the evaluation, that inpatient admission is not appropriate, the head of the mental health facility, or his designee, shall not recommend the child for admission as an inpatient. The head of the facility, or his designee, shall send to the court a notice that inpatient admission is not appropriate, along with a copy of the evaluation. If the child was evaluated on an inpatient basis, the juvenile court shall transfer the child from the department of mental health within twenty days of receipt of the notice and evaluation or set the matter for hearing within twenty days, giving notice of the hearing to the director of the facility as well as all others required by law.

5. If at any time the facility determines that it is no longer appropriate to provide inpatient care and treatment for the child committed by the juvenile court, but that such child appears to qualify for placement under section 630.610 RSMo, the head of the facility shall refer such child for placement. Subject to the availability of an appropriate placement, the department of mental health shall place any child who qualifies for placement under section 630.610, RSMo. If no appropriate placement is available, the department of mental health shall discharge the child or make such other arrangements as it may deem appropriate and consistent with the child's welfare and safety. Notice of the placement or discharge shall be sent to the juvenile court which first ordered the

child's detention.

6. The committing juvenile court shall conduct an annual review of the child's need for continued placement in the mental health facility.

(L. 1980 H.B. 1724)

211.203. Mentally retarded or developmentally disabled children, evaluation — disposition — review by court. — 1. If a child under the jurisdiction of the juvenile court appears to be mentally retarded or developmentally disabled, as these terms are defined in chapter 630, RSMo, the court, on its own motion or on the motion or petition of any interested party, may order the department of mental health to evaluate the child.

2. A regional center designated by the department of mental health shall perform within twenty days a comprehensive evaluation, as defined in chapter 633, RSMo, on an outpatient basis if practicable, for the purpose of determining the appropriateness of a referral to a mental retardation facility operated or funded by the department of mental health. If it is determined by the regional center, as a result of the evaluation, to be appropriate to refer such child to a department mental retardation facility under section 631.120, RSMo, or a private mental retardation facility under section 630.610, RSMo, the regional center shall refer the evaluation to the appropriate mental retardation facility.

3. If, as a result of reviewing the evaluation, the head of the mental retardation facility, or his designee, determines that it is appropriate to admit such child as a resident, the head of the mental retardation facility or his designee, shall recommend the child for admission, subject to availability of suitable accommodations. The head of the regional center, or his designee, shall send the juvenile court notice of the recommendation for admission by the mental retardation facility and a copy of the evaluation. Should the department evaluation recommend residential care and habilitation, the child, his parent, guardian or counsel shall have the right to request an independent evaluation of the child. Within twenty days of receipt of the notice and evaluation from the facility, or within twenty days of the receipt of the notice and evaluation from the independent examiner, the court may order, pursuant to a hearing, the child committed to the custody of the department of mental health for residential care and habilitation, or may otherwise dispose of the matter; except, that no child shall be committed to the department of mental health for other than residential care and habilitation. If the department proposes placement at, or transferring the child to a department facility other than that designated in the order of the juvenile court, the department shall conduct a due process hearing within six days of such placement or transfer during which the head of the initiating facility shall have the burden to show that the placement or transfer is appropriate for the medical needs of the child. The head of the facility shall notify the court ordering detention or commitment and the child's last known attorney of record of such placement or transfer.

4. If, as a result of the evaluation, the regional center determines that it is not appropriate to admit such child as a resident in a mental retardation facility, the regional center shall send a notice to the court that it is inappropriate to admit such child, along with a copy of the evaluation. If the child was evaluated on a residential basis, the juvenile court shall transfer the child from the department within five days of receiving the notice and evaluation or set the matter for hearing within twenty days, giving notice of the hearing to the director of the facility as well as all others required by law.

5. If at any time the mental retardation facility determines that it is no longer appropriate to provide residential habilitation for the child committed by the juvenile court, but that such child appears to qualify for placement under section 630.610, RSMo, the head of the facility shall refer such child for placement. Subject to the availability of an appropriate placement, the department shall place any child who qualifies for placement under section 620.610, RSMo. If no appropriate placement is available, the department shall discharge the child or make such other arrangements as it may deem appropriate and consistent with the child's welfare and safety. Notice of the placement or discharge shall be sent to the juvenile court which first ordered the child's deten-

tion.

6. The committing court shall conduct an annual review of the child's need for continued placement at the mental retardation facility.

(L. 1980 H.B. 1724)

211.206. Duties of department of mental health — discharge by department — notice — jurisdiction of court — 1. For each child committed to the department of mental health by the juvenile court, the director of the department of mental health, or his designee, shall prepare an individualized treatment or habilitation plan, as defined in chapter 620, RSMo, within thirty days of the admission for treatment or habilitation. The status of each child shall be reviewed at least once every thirty days. Copies of all individualized treatment plans, habilitation plans, and periodic reviews shall be sent to the committing juvenile court.

2. The department of mental health shall discharge a child committed to it by the juvenile court pursuant to sections 211.202 and 211.203 if the head of a mental health facility or mental retardation facility, or his designee, determines, in an evaluation or periodic review, that any of the following conditions are true:

(1) A child committed to a mental health facility no longer has a mental disorder other than mental retardation or developmental disability;

(2) A child committed to a mental retardation facility is not mentally retarded or developmentally disabled;

(3) The condition of the child is no longer such that, for the protection of the child or others, the child requires inpatient hospitalization or residential habilitation;

(4) The mental health facility or mental retardation facility does not offer a program which best meets the child's needs;

(5) The mental health facility or mental retardation facility does not provide the least restrictive environment, as defined in section 630.005, RSMo, which is consistent with the child's welfare and safety.

3. If the committing court specifically retained jurisdiction of the child by the terms of its order committing the child to the department of mental health, notice of the discharge, accompanied by a diagnosis and recommendations for placement of the child, shall be forwarded to the court at least twenty days before such discharge date. Unless within twenty days of receipt of notice of discharge the juvenile court orders the child to be brought before it for appropriate proceedings, jurisdiction of that court over the child shall terminate at the end of such twenty days.

(L. 1980 H.B. 1724)

211.207. Youth services division may request evaluation — procedure after evaluation — transfer of custody. — 1. If a child is committed to the divison of youth services and subsequently appears to be mentally disordered, as defined in chapter 630, RSMo, the division shall refer the child to the department of mental health for evaluation. The evaluation shall be performed within twenty days by a mental health facility or regional center operated by the department of mental health and, if practicable, on an outpatient basis, for the purpose of determining whether inpatient care at a mental health facility or residential habilitation in a mental retardation facility is appropriate because the child meets the criteria specified in subsection 2 of section 211.202 or in section 633.120, RSMo, respectively.

2. If, as a result of the evaluation, the director of the department of mental health, or his designee, determines that the child is not mentally disordered so as to require inpatient care and treatment in a mental health facility or residential habilitation in a mental retardation facility, the residential director, or his designee, shall so notify the director of the division of youth services. If the child was evaluated on an inpatient or residential basis, the child shall be returned to the division of youth services.

3. If the director of the department of mental health, or his designee, determines that the child requires inpatient care and treatment at a mental health facility operated by the department of mental health or residential habilitation in a mental retardation facility operated by the department of mental health, the director, or his designee, shall notify the director of the divison of youth services that admission is appropriate.

The director of the division may transfer the physical custody of the child to the department of mental health for admission to a department of mental health facility and the department of mental health shall accept the transfer subject to the availability of suitable accommodations.

4. The director of the department of mental health, or his designee, shall cause an individualized treatment or habilitation plan to be prepared by the mental health facility or mental retardation facility for each child. The mental health facility or mental retardation facility shall review the status of the child at least once every thirty days. If, as a result of any such review, it is determined that inpatient care and treatment at a mental health facility or residential habilitation in a mental retardation facility is no longer appropritate for the child because the child does not meet the criteria specified in subsection 2 of section 211.202, or in section 633.120, RSMo, respectively, the director of the department of mental health, or his designee, shall so notify the director of the division of youth services and shall return the child to the custody of the division.

5. If a child for any reason ceases to come under the jurisdiction of the division of youth services, he may be retained in a mental health facility or mental retardation facility only as otherwise provided by law.
(L. 1980 H.B. 1724)

211.211. Right to counsel before commitment to training schools. — Before any juvenile shall be committed to the division of youth services, he shall have the opportunity to have and be represented by counsel at a hearing held for that purpose.
(L. 1957 p. 642 § 211.215)
(1973) Held juvenile court has no power to suspend commitment order to state training school. In order to effectuate commitment order juvenile must actually be received by state training school. A lapse of four months between commitment order and actual transfer of juvenile to state training school without further hearing was denial of due process. In re A _____ N _____ (A.), 500 S.W. (2d) 284.

211.221. Religion considered in placing child. — In placing a child in or committing a child to the custody of an individual or of a private agency or institution, the court shall, whenever practicable, select either a person, or an agency or institution governed by persons of the same religious faith as that of the parents of such child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child or if the religious faith of the child is not ascertainable, then of the faith of either of the parents.
(L. 1957 p. 642 § 211.230)

211.231. Indeterminate commitments — exchange of information by court and institution or agency. — 1. All commitments made by the juvenile court shall be for an indeterminate period of time and shall not continue beyond the child's twenty-first birthday.

2. Whenever the court commits a child to an institution or agency, it shall transmit with the order of commitment a summary of its information concerning the child, and the institution or agency shall give to the court such information concerning the child as the court may require from time to time so long as the child is under the jurisdiction of the juvenile court. This information, together with all other records transmitted to the institution or agency, are privileged and for the benefit of the child only. They may be examined or subpoenaed only upon approval of the court which committed the child to the institution or agency.
(L. 1957 p. 642 § 211.210)

211.241. Court orders to parents for support of children, procedure — county to support, when. — 1. When the juvenile court finds a child to be within the purview of applicable provisions of section 211.031, it may, in the same or subsequent proceedings, either on its own motion or upon the application of any person, institution or agency having the custody of such child, order a proceeding to inquire into the ability of the parent of the child to support it or to contribute to its support. If the parent does not voluntarily appear for the proceeding, he shall be summoned in the same manner as in civil cases and the summons in the case may issue to

any county of the state.

2. If the court finds that the parent is able to support the child or to contribute to its support, the court may enter an order requiring the parent to support the child or to contribute to its support and to pay the costs of collecting the judgment.

3. The court may enforce the order by execution and the execution may issue on request of the juvenile officer or any person, agency or institution which has been awarded custody of the child. No deposit or bond for costs shall be required as a condition for the issuance or service of the execution. No property is exempt from execution upon a judgment or decree made under this section, and all wages or other sums due the parent is subject to garnishment or execution in any proceedings under this section.

4. Otherwise, the necessary support of the child shall, unless the court commits the child to a person or institution willing to receive it without charge, be paid out of the funds of the county but only upon approval of the judge of the juvenile court.

(L. 1957 p. 642 § 211.240)

(1979) Statutory authority to require and enforce contribution by parent for support of child under jurisdiction of juvenile court implies authority to adjudicate paternity. Miller v. Russell (A.), 593 S.W. (2d) 598.

211.251. Modification of court orders. — 1. A decree of the juvenile court made under the provisions of section 211.181 may be modified at any time on the court's own motion.

2. The parent, guardian, legal custodian, spouse, relative or next friend of a child committed to the custody of an institution or agency may, at any time, petition the court for a modification of the order of custody. The court may deny the petition without hearing or may, in its discretion, conduct a hearing upon the issues raised and may make any orders relative to the issues as it deems proper.

3. The authority of the juvenile court to modify a decree is subject to the provisions of chapter 219, RSMo.

(L. 1957 p. 642 § 211.250)

(1955) Where parent seeks modification of court's order after finding that children were neglected and award of custody of children to himself, his morals are to be considered and burden is on him to show benefit to children. Dansker v. Dansker (A.), 279 S.W. (2d) 505.

(1955) Motion of minor children by their natural parents to modify judgments finding them abandoned children and awarding their custody to third persons, should be granted where natural parents were fit persons to have custody and able to care for them. State v. Pogue (A.), 282 S.W. (2d) 582.

(1956) Adjudication by juvenile court that child was a neglected child under the juvenile court law does not permanently deprive parent of the right to custody and in adoption case court must find willful abandonment or neglect to provide proper care for one year before parent's consent to adoption is unnecessary. In re Slaughter (A.), 290 S.W. (2d) 408.

211.261. Appeals. — An appeal shall be allowed to the child from any final judgment, order of decree made under the provisions of this chapter and may be taken on the part of the child by its parent, guardian, legal custodian, spouse, relative or next friend. An appeal shall be allowed to a parent from any final judgment, order or decree made under the provisions of this chapter which adversely affects him. Notice of appeal shall be filed within thirty days after the final judgment, order or decree has been entered but neither the notice of appeal nor any motion filed subsequent to the final judgment acts as a supersedeas unless the court so orders.

(L. 1957 p. 642 § 211.260)

(1954) An appeal from a juvenile court judgment finding minor delinquent in that he committed burglary and larceny is not within the jurisdiction of the supreme court either as a case of felony or as a civil case where the state is a party. State v. Harold, 364 Mo. 1052, 271 S.W. (2d) 527.

(1955) Where information charged that nine minor children were neglected and judgment ordered one removed from parent's home and took questions as to the other children under advisement, the case was not disposed of and appeal was premature. State v. Couch (A.), 285 S.W. (2d) 42.

(1956) The determination of the status of the child and the determination of the question of commitment are separate and distinct proceedings, each terminating in a final judgment from which an appeal lies. In re Juvenile Delinquency Appeal (A.), 289 S.W. (2d) 436.

(1958) A juvenile proceeding is not a criminal case but partakes of a "civil" character so that on appeal reviewing court is not required to examine record in light of motion for new trial as required

by section 547.270, RSMo. In re C _____ (A.), 314 S.W. (2d) 756.

(1962) Appeal by parents from judgment terminating parental rights is authorized by section 211.261. In re Burgess (A.), 359 S.W. (2d) 484.

(1962) Father's appeal from order making minor sons wards of court and committing them to custody of division of welfare, filed more than 30 days after entry of final judgment, dismissed. In re R _____, S _____ and T _____ (A), 362 S.W. (2d) 642.

211.271. Court orders not to affect civil rights — not evidence, exception. — 1. No adjudication by the juvenile court upon the status of a child shall be deemed a conviction nor shall the adjudication operate to impose any of the civil disabilities ordinarily resulting from conviction nor shall the child be found guilty or be deemed a criminal by reason of the adjudication.

2. No child shall be charged with a crime or convicted unless the case is transferred to a court of general jurisdiction as provided in this chapter.

3. After a child is taken into custody as provided in section 211.131, all admissions, confessions, and statements by the child to the juvenile officer and juvenile court personnel and all evidence given in cases under this chapter, as well as all reports and records of the juvenile court, are not lawful or proper evidence against the child and shall not be used for any purpose whatsoever in any proceeding, civil or criminal, other than proceedings under this chapter.

4. The disposition made of a child and the evidence given in the court does not operate to disqualify the child in any future civil or military service application or appointment.

(L. 1957 p. 642 § 211.270, A.L. 1969, p. 353)

Bock, George, note — "Admissibility of juvenile's statements in criminal prosecution", Mo. L. Rev., Vol. 36, p. 382 (1971).

(1970) Statement made to juvenile officer by juvenile and considered by juvenile court in deciding whether juvenile should be tried as adult is not lawful or proper evidence against juvenile in any criminal, civil, or other proceeding. State v. Arbeiter (Mo.), 449 S.W. (2d) 627.

(1971) Refusal by trial court to allow defendant to impeach state's four principal witnesses, adults at time of trial, on the basis that each had previously committed an offense while a juvenile, which would have been a crime if committed by an adult, was upheld. State v. Williams (Mo.), 473 S.W. (2d) 388.

(1973) Held that Miranda warning must be understood by juvenile to be effectively waived. Juvenile has right to have parental protection at time of custodial interrogation. Failure to have an attorney or a natural parent, guardian or adult friend present during custodial questioning barred introduction of confession in juvenile proceedings. In re K.W.B. (A.), 500 S.W. (2d) 275.

(1974) Under subsection 3 of this section, subject to constitutional protections being observed, any statements, admissions or confessions obtained by juvenile officer from juvenile are admissible in proceedings under ch. 211 to determine "delinquency" which may lead to commitment to a state institution. In interest of M _____ C _____ (A.), 504 S.W. (2d) 641.

(1974) Held that failure to warn juvenile that he might be tried as an adult in connection with giving of Miranda warning was insufficient when juvenile was in fact tried as an adult and statement made to police was inadmissible. State v. McMillan (Mo.) 514 S.W. (2d) 528.

(1974) Held that failure to warn a defendant that he may be certified and tried as an adult will bar any admission made to juvenile court personnel and will prohibit use of physical evidence obtained as a result of such admission or statement in a subsequent trial as an adult. State v. Ross (A.) 516 S.W. (2d) 211.

(1975) Held that Davis v. Alaska, 415 U.S. 308, does not amount to a general condemnation of juvenile confidentiality provisions and that where testimony of witness was cumulative refusal to allow cross-examination on juvenile record to attack credibility was not a denial of the right of effective cross-examination. State v. Walters (A.), 528 S.W. (2d) 790.

(1984) Prohibition against the use of a juvenile's records in any civil or criminal proceeding is intended to protect the juvenile, and was held to have no application where the defendant in a wrongful death action sought the use of such records to rebut damage claims based on the death of the juvenile. Smith v. Harold's Supermarket, Inc. (Mo. App.), 685 S.W. (2d) 859.

211.281. Costs how adjudged, collected. — The costs of the proceedings in any case in the juvenile court may, in the discretion of the court, be adjudged against the parents of the child involved or the informing witness as provided in section 211.081, as the case may be, and collected as provided by law. All costs not so collected shall be paid by the county.

(L. 1957 p. 642 § 211.320)
(1976) Fees of appointed counsel in juvenile court matters are not "costs" and county is not required to pay appointed attorneys who represent indigent juveniles. State ex rel. Cain v. Mitchell (Mo.), 543 S.W. (2d) 785.

211.291. Juvenile courtroom in counties of first and second class — any judge of circuit may hold court, when. — 1. In counties of the first and second class and in the city of St. Louis, a courtroom, to be designated the juvenile courtroom, shall be provided by the county or circuit court of the county or city, as the case may be, for the hearing of cases under this chapter.

2. In case of the absence or inability of the judge of the juvenile court in any such county to hold court, any of the circuit judges in the judicial circuit may perform that duty.
(L. 1957 p. 642 § 211.280)

211.301. Juvenile court held in chambers or other room in counties of third and fourth class — transfer of judges. — 1. In counties of the third and fourth class, hearings may be conducted in the judge's chambers or in such other room or apartment as may be provided or designated by the judge of the juvenile court.

2. In case of absence or inability of the juvenile judge to hold court, he may request the supreme court to assign another circuit judge to perform that duty. Any juvenile judge having more than one county within his circuit, may, in his discretion, and in the interest of the welfare of the child involved, act upon a juvenile case arising within that circuit, irrespective of where, within the circuit, he may then be holding court.
(L. 1957 p. 642 § 211.290)

211.311. Clerk of circuit court to act for juvenile court. — The clerk of the circuit court shall act as the clerk of the juvenile court.
(L. 1957 p. 642 § 211.300, A.L. 1978 H.B. 1634)
Effective 1-2-79
Clerk of juvenile court (St. Louis county), RSMo 483.300

211.321. Juvenile court records — records of peace officers as to children — destruction of records. — 1. The proceedings of the juvenile court shall be entered in a book kept for that purpose and known as the juvenile records. These records as well as all information obtained and social records prepared in the discharge of official duty for the court shall not be open to inspection or their contents disclosed, except by order of the court to persons having a legitimate interest therein, unless a petition or motion to modify is sustained which charges the child with an offense which, if committed by an adult, would be a class A felony under the criminal code of Missouri, or capital murder, first degree murder, or second degree murder. In addition, whenever a report is required under section 557.026 RSMo, there shall also be included a complete list of certain violations of the juvenile code for which the defendant had been adjudicated a delinquent while a juvenile. This list shall be made available to the probation officer and shall be included in the presentence report. The violations to be included in the report are limited to the following: Rape, sodomy, murder, kidnapping, robbery, arson, burglary or any acts involving the rendering or threat of serious bodily harm. The supreme court may promulgate rules to be followed by the juvenile courts in separating the records.

2. Peace officers' records, if any are kept, of children shall be kept separate from the records of persons seventeen years of age or over and shall not be open to inspection or their contents disclosed, except by order of the court. This subsection does not apply to children who are transferred to courts of general jurisdiction as provided by section 211.071.

3. Nothing in this section shall be construed to prevent the release of information and data to persons or organizations authorized by law to compile statistics relating to juveniles. The court shall adopt procedures to protect the confidentiality of children's names and identities.

4. The court may, either on its own motion or upon application by the child or his representative, or upon application by the juvenile officer, enter an order to destroy all social histories, records and information, other than the official court file, and may

enter an order to seal the official court file, as well as all peace officers' records, at any time after the child finds that it is in the best interest of the child that such action or any part thereof be taken, unless the jurisdiction of the court is continued beyond the child's seventeenth birthday, in which event such action or any part thereof may be taken by the court at any time after the closing of the child's case.
(L. 1957 p. 642 § 211.310, A.L. 1969 H.B. 227, A.L. 1980 S.B. 512)

211.322. Reports on delinquency and prevention by court on request by division of youth services. — The juvenile division of each circuit court shall report statistics and information relating to the nature, extent and causes of and conditions contributing to the delinquency of children and information relating to the existence and effectiveness of delinquency prevention and rehabilitation programs operated by the courts, upon request of the division of youth services, to the division of youth services.
(L. 1982 H.B. 1171, 1173, 1306, 1643)

211.331. Detention facilities, superintendent, appointment, compensation — acquisition of land (counties of first and second class). — 1. In each county of the first and second classes and in the city of St. Louis, it is the duty of the county court, or, where there is no county court, such other authorized body to provide a place of detention for children coming within the provisions of this chapter. It is also the duty of the county court or other authorized body to provide offices for the personnel of the juvenile court.

2. The place of detention shall be so located and arranged that the child being detained does not come in contact, at any time or in any manner, with adults convicted or under arrest, and the care of children in detention shall approximate as closely as possible the care of children in good homes.

3. The place of detention shall be in charge of a superintendent. The judge of the juvenile court shall appoint and fix the compensation and maintenance of the superintendent and of any assistants or other personnel required to operate the detention facility. Such compensation and maintenance are payable out of funds of the county.

4. The county court or other governing body of the county is authorized to lease or to acquire by purchase, gift or devise land for such purpose, and to erect buildings thereon and to provide funds to equip and maintain the same for the subsistence and education of the children placed therein.
(L. 1957 p. 642 § 211.160)
(1979) County charter provision relating to power of a county official to control places of detention and correction for juveniles was without effect as statute placed control of such facilities in juvenile court. State of Mo. ex rel. St. Louis County v. Edwards, et al. (Mo.), 589 S.W. (2d) 283.

211.332. Detention facilities not required to be provided by certain second class counties — law applicable for facilities which are maintained in those counties. — Notwithstanding the provisions of section 211.331 or any other provision of law in conflict with the provisions of this section, no county which becomes a county of the second class after September 28, 1987, shall be required to provide a place of detention for children. The governing body of any such county may provide such a facility, and if it does so, then all provisions of law relating to the operation and support of such a facility by a county of second class shall be applicable.
((L. 1987 S.B. 65, et al.)
Effective 1-1-88

211.341. Detention facilities, how provided. Government (third and fourth class counties). — 1. Counties of the third and fourth classes within one judicial circuit, shall, upon the written recommendation of the circuit judge of that judicial circuit, establish a place of juvenile detention to serve all of the counties within the judicial circuit, and in like manner, the counties shall supply offices for the juvenile officers of that circuit. The recommendation of the circuit judge shall be made only after a hearing conducted by him, after thirty days' notice, to determine the need and feasibility of establishing such a place of detention within the judicial circuit. The provisions of section

211.331 apply as to the form of operation and means of maintenance of the place of detention, except that the total costs of establishment and operation of the places of detention shall be prorated among the several counties within that judicial circuit upon a ratio to be determined by a comparison of the respective populations of the counties. The point of location of the place of juvenile detention shall be determined by the circuit judge of the judicial circuit.

2. Circuit judges of any two or more adjoining judicial circuits after a hearing as provided in subsection 1 may, by agreement confirmed by judicial order, and in the interest of economy of administration, establish one place of juvenile detention to serve their respective judicial circuits. In such event, the circuit judges so agreeing shall jointly govern the affairs of the place of detention and the cost thereof shall be apportioned among the counties served in the manner provided for in subsection 1.

3. Any county of the third and fourth class desiring to provide its own place of juvenile detention may do so in the manner prescribed for counties of the first and second classes.

(L. 1957 p. 642 § 211.170)

211.351. Juvenile officers, appointment — costs paid, how. — 1. The juvenile court shall appoint a juvenile officer and other necessary juvenile court personnel to serve under the direction of the court 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 judicial circuit; or

(2) Circuit judges of any two or more adjoining circuits may, by agreement confirmed by judicial order, appoint 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. In the event a juvenile officer and other juvenile court personnel are appointed to serve as provided in subdivisions (1) and (2) of subsection 1, the total cost to the counties for the compensation of these persons shall be prorated among the several counties and upon a ratio to be determined by a comparison of the respective populations of the counties.

(L. 1957 p. 642 § 211.340)

211.361. Qualifications of juvenile officer, how determined — effect on persons now in office. — 1. Whenever the need arises for the appointment of a juvenile officer, the juvenile court shall either:

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

(2) Appoint any person over the age of twenty-one years who has completed satisfactorily four years of college education with a major in sociology or related subjects or who, in lieu of such academic training, has had four years of more experience in social work with juveniles in probation or allied services.

2. This section does not terminate the existing appointment nor present term of office of any juvenile officer or deputy juvenile officer in any county, but it applies to any appointment to be made after the existing appointment or term of office of any incumbent terminates or expires for any reason whatsoever.

(L. 1957 p. 642 § 211.350)

211.381. Compensation of juvenile court personnel — expenses. — 1. In each judicial circuit the following employees of the juvenile court shall annually receive as compensation the following accounts:

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

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

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

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

(5) Each deputy juvenile officer, class 3, beginning January 1, 1985, twelve thousand nine hundred fifty dollars; beginning January 1, 1986, fourteen thousand three hundred fifty dollars;

(6) Each deputy juvenile officer, class 4, beginning January 1, 1985, eleven thousand three hundred twenty dollars; beginning January 1, 1986, twelve thousand six hundred twenty dollars.

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

3. After January 1, 1986, each juvenile officer shall receive in addition to any salary provided by subsections 1 and 2 of this section any salary adjustments approved after September 28, 1985, pursuant to section 476.405, RSMo. After January 1, 1986, each chief deputy juvenile officer, chief officer assigned to courts of domestic relations and deputy juvenile officers shall receive in addition to any salary provided by subsections 1 and 2 of this section an amount equivalent to any salary adjustments approved after September 28, 1985, provided to employees of the judicial department pursuant to section 476.405, RSMo. Each such salary adjustment shall be applicable to the total compensation provided by subsections 1 and 2 and this subsection of this section.

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

5. Except for counties of the second class in circuits composed of a single county of the second class and counties of the second class in circuits composed of two counties of the second class, in second, third and fourth class counties the compensation for employees of the juvenile court provided by this section is the total amount of compensation the employee shall receive for duties pertaining to the juvenile court and includes the compensation provided by any other provison of law.

(L. 1957 p. 642 § 211.360, A.L. 1965 p. 362, A.L. 1967 p. 333, A.L. 1972 H.B. 1331, A.L. 1977 S.B. 121, A.L. 1982 S.B. 497, A.L. 1984 S.B. 694, A.L. 1984 S.B. 581, A.L. 1986 H.B. 1554)

211.393. State to pay juvenile officers, limitation — state to reimburse salaries of all other juvenile court personnel — phase-in program how computed — limitation — audit authorize. — 1. The salaries and expenses of all juvenile court personnel in circuits composed of a single county of the first or second class, in any circuit in which one county is a first class county, and in the city of St. Louis are payable monthly out of county or city funds, as the case may be, except that the salary of the juvenile officer of any such circuit in which he is engaged full time is payable in installments, as provided by law, by the state of Missouri, but not to exceed the annual sum provided pursuant to section 211.381. The payment by the state of Missouri shall be made to either the juvenile officer, or to the county or the city of St. Louis.

2. In circuits, other than those specified in subsection 1 of this section, the salaries and expenses are payable monthly out of the county funds and prorated among the several counties served upon a ratio determined by a comparison of the respective populations of the counties involved; except that, the salary of the juvenile officer of any such circuit in which he is engaged full time is payable in installments, as provided by law, by the state of Missouri, but not to exceed the annual sum provided pursuant to

section 211.381.

3. In any circuit specified in subsection 2 of this section the state shall, beginning on August 13, 1988, reimburse to the counties of the circuit the salary of a chief deputy juvenile officer and one deputy juvenile officer, class 1. The salaries of such officers, as provided in subsections 1, 2, and 3 of section 211.381, shall be reimbursed to the counties of the circuit by the state of Missouri.

4. In addition to any amount paid pursuant to subsection 1 of this section, the state shall also reimburse, subject to appropriations, the following percentages of the salaries of all other juvenile court personnel, excluding fringe benefits:

(1) In circuits composed of a single county of the first class or a circuit in which one county is a first class county or in the city of St. Louis, the state shall reimburse five percent beginning January 1, 1989, until December 31, 1989; ten percent beginning January 1, 1990, until December 31, 1990; fifteen percent beginning January 1, 1991, until December 31, 1991; twenty percent beginning January 1, 1992, until December 31, 1992; twenty-five percent beginning January 1, 1993, until December 31, 1993; thirty percent beginning January 1, 1994, until December 31, 1994; thirty-five percent beginning January 1, 1995, until December 31, 1995; forty percent beginning January 1, 1996, until December 31, 1996; forty-five percent beginning January 1, 1997, until December 31, 1997; and fifty percent beginning January 1, 1998;

(2) In all other circuits, the state shall make the reimbursement, subject to appropriations, in the following percentages or the amount paid pursuant to subsection 3 of this section, whichever is greater; five percent beginning January 1, 1989, until December 31, 1989; ten percent beginning January 1, 1990, until December 31, 1990; fifteen percent beginning January 1, 1991, until December 31, 1991; twenty percent beginning January 1, 1992, until December 31, 1992; twenty-five percent beginning January 1, 1993, until December 31, 1993; thirty percent beginning January 1, 1994, until December 31, 1994; thirty-five percent beginning January 1, 1995, until December 31, 1995; forty percent beginning January 1, 1996, until December 31, 1996; forty-five percent beginning January 1, 1997, until December 31, 1997; and fifty percent beginning January 1, 1998.

If a circuit is comprised of more than one county, any request for reimbursement shall also include a statement in a form as prescribed by the commissioner of administration to indicate how much of the reimbursement expenses of the juvenile court were paid by each county in the circuit.

5. The last reimbursement for salary increases under subsection 3 of this section as it existed immediately prior to August 13, 1988, shall be made for the period ending on December 31, 1988. After January 1, 1989, reimbursement shall be made to the counties for their actual personnel expenditures under the provisions of this section for each calendar year, however, no county shall receive any reimbursement in any amount less than the amount received by such county or the amount the county was entitled to receive, whichever was greater, for the period ending on December 31, 1988. The office of administration shall make payment for the reimbursment from appropriations made for that purpose on or before July fifteenth of each year following the calendar year in which the salaries were paid. If more than one county contributed to the expenses of a juvenile court, each of such counties shall be reimbursed in the same proportion as its contribution.

6. The term "salaries of all juvenile court personnel excluding fringe benefits" for which the state will reimburse the counties at the percentages specified in this section means the salary provided in subsections 1, 2, and 3 of section 211.381 for a chief deputy juvenile officer and one deputy juvenile officer, class 1, and all other full-time juvenile court personnel included in the initial county budget for calendar year 1988, but excluding all fringe benefits for such personnel. Each county shall file a copy of its initial 1988 budget with the office of administration. The office of administration shall submit the information from the budgets relating to full-time juvenile court personnel from each county to the general assembly. Increases in salary of such full-time juvenile court personnel may be made and paid by the various counties, but, except for the salary of a chief deputy officer and one deputy juvenile of-

ficer, class 1, where authorized, the state shall not reimburse the counties for such increases beyond the number of full-time juvenile court personnel authorized in initial county budgets for calendar year 1988, at the salary levels authorized in such budgets that are paid by the state plus any adjustments provided in subsections 2 and 3 of sections 211.381, unless an appropriation for such increased reimbursement is requested from the office of administration and made by the general assembly as separate, identifiable appropriation line items. All appropriations shall conform to the percentages specified in this section. All state funds for reimbursement of counties paid pursuant to the provisions of this section shall be used only for juvenile court personnel salaries and for no other purpose.

7. The state auditor may audit any county or judicial circuit to verify compliance with the requirements of subsections 4 to 6 of this section, including an audit of the 1988 budget of any county.

(L. 1965 p. 362, A.L. 1967 pp. 333, 335, A.L. 1972 H.B. 1331, A.L. 1977 S.B. 121, A.L. 1978 H.B. 1634, A.L. 1980 H.B. 1266, A.L. 1982 S.B. 497, A.L. 1984 S.B. 581, A.L. 1985 H.B. 366, et al., A.L. 1986 H.B. 1554 Revision, A.L. 1988 S.B. 622)

211.394. Juvenile court personnel compensation not limited by state contribution — increases, procedure — certain constitutional provision not applicable (Hancock Amendment). — 1. The provisions of subsection 5 of section 211.381 to the contrary notwithstanding, the salary determined pursuant to subsections 1, 2 and 3 of section 211.381 is a limit to the state contribution to the compensation paid to juvenile court personnel and is not a limit to the total compensation that may be paid. Any compensation above the amounts determined pursuant to the provisions of this subsection shall be approved by the judge of the juvenile court and the governing body of the city or county providing such additional compensation.

2. Any funds paid to the counties under the provisons of section 211.393 and this section shall not be considered to be a party of the total state revenue as defined in article X, section 18 of the Constitution of Missouri.

(L. 1988 S.B. 622 §§ 1 & 2)

211.401. Duties of juvenile officers — may make arrests — cooperation. — 1. The juvenile officer shall, under direction of the juvenile court:

(1) Make such investigations and furnish the court with such information and assistance as the judge may require;

(2) Keep a written record of such investigations and submit reports thereon to the judge;

(3) Take charge of children before and after the hearing as may be directed by the court;

(4) Perform such other duties and exercise such powers as the judge of the juvenile court may direct.

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

The juvenile officers or other persons acting as such in the several counties of the state shall cooperate with each other in carrying out the purposes and provisions of this chapter.

(L. 1957 p. 642 § 211.380)

211.411. Law enforcement officials to assist and cooperate with juvenile officers. — 1. It is the duty of circuit, prosecuting and city attorneys, and county counselors representing the state or a city in any court, to give the juvenile officer such aid and cooperation as may not be inconsistent with the duties of their offices.

2. It is the duty of police officers, sheriffs and other authorized persons taking a child into custody to give information of that fact immediately to the juvenile court or to the juvenile officer or one of his deputies and to furnish the juvenile court or the juvenile officer all the facts in their possession pertaining to the child, its parents, guardian or other persons interested in the child, together with the reasons for taking the child into custody.

3. It is the duty of all other public officials and departments to render all assistance and cooperation within their jurisdictional power which may further the objects of sections 211.011 to 211.431. The court is authorized to seek the cooperation of all societies and organizations having for their object the pro-

tection or aid of children and of any person or organization interested in the welfare of children.

(L. 1957 p. 642 § 211.390, A.L. 1978 H.B. 1634) Effective 1-2-79

211.421. Contributing to delinquency or interfering with orders of court. — 1. After any child has come under the care or control of the juvenile court as provided in this chapter, any person who thereafter encourages, aids, or causes the child to commit any act or engage in any conduct which would be injurious to his morals or health or who knowingly or negligently disobeys, violates or interferes with a lawful order of the court with relations to the child, is guilty of contempt of court, and shall be proceeded against as now provided by law and punished by imprisonment in the county jail for a term not exceeding six months or by a fine not exceeding five hundred dollars or by both such fine and imprisonment.

2. If it appears at a juvenile court hearing that any person seventeen years of age or over has violated section 559.360, RSMo, by contributing to the delinquency of a minor, the judge of the juvenile court shall refer the information to the prosecuting or circuit attorney, as the case may be, for appropriate proceedings.

(L. 1957 p. 642 § 211.330)

(1957) Conviction of defendent of contempt on charge that she negligently disobeyed orders of court as to children held improper because order allegedly disobeyed was one granting custody on certain conditions, and violation of condition could not be contempt and also because judgment was not responsible to charge, G _____ v. Souder (A.), 305 S.W. (2d) 883.

211.431. Violation of law, class A misdemeanor. — Any person seventeen years of age or over who willfully violates, neglects or refuses to obey or perform any lawful order of the court, or who violates any provision of this chapter is guilty of a class A misdemeanor.

(L. 1957 p. 642 § 211.410, A.L. 1982 S.B. 497)

TERMINATION OF PARENTAL RIGHTS

211.442. Definitions. — As used in sections 211.442 to 211.487, unless the context clearly indicates otherwise, the following terms mean:

(1) "CHILD", an individual under eighteen years of age;

(2) "MINOR", any person who has not attained the age of eighteen years;

(3) "PARENT", a biological parent or parents of a child, as well as, the husband of a natural mother at the time the child was conceived, or a parent or parents of a child by adoption, including both the mother and the putative father of a child. The putative father of a child shall have no legal relationship unless he, prior to the entry of a decree under sections 211.442 to 211.487, has acknowledged the child as his own by affirmatively asserting his paternity.

(L. 1978 H.B. 972 § 1, A.L. 1982 H.B. 1171, 1173, 1306 & 1643, A.L. 1985 H.B. 366 et al.)

211.443. Construction of Sections 211.442 to 211.487. — The provisions of sections 211.442 to 211.487 shall be construed so as to promote the best interests and welfare of the child as determined by the juvenile court in consideration of the following:

(1) The recognition and protection of the constitutional rights of all parties in the proceedings;

(2) The recognition and protection of the birth family relationship when possible and appropriate; and

(3) The entitlement of every child to a permanent and stable home.

(L. 1985 H.B. 366, et al. § 211.440)

211.444. Termination of parental rights upon consent of parent, when — execution of written consent — acknowledgement. — 1. The juvenile court may, upon petition of the juvenile officer, or the court before which a petition for adoption has been filed under the provisons of chapter 453, RSMo, may terminate the rights of a parent to a child if it finds that such termination is in the best interests of the child and the parent has consented in writing to the termination of his parental rights.

2. The written consent required by subsection 1 of this section may be executed before or after the institution of the proceedings,

and shall be acknowledged before a notary public or, in lieu of such acknowledgement, the signature of the person giving the written consent shall be witnessed by at least two adult persons whose signatures and addresses shall be plainly written thereon.

3. The written consent shall be valid and effective only after the child is at least two days old.

(L. 1985 H.B. 366, et al.)

211.447. Juvenile court may terminate parental rights, when — investigation to be made — grounds for termination. — 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and may file a petition to terminate parental rights. If it does not appear to the juvenile officer that a petition should be filed, he shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting to him the information in writing, and, if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer, if it finds that the termination is in the best interests of the child and when it appears by clear, cogent and convincing evidence that one or more of the following grounds for termination exist:

(1) The child has been abandoned. The court shall find that the child has been abandoned if, for a period of six months or longer for a child over one year of age or a period of sixty days or longer for a child under one year of age at the time of the filing of the petition;

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been adjudicated to have been abused or neglected. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody, and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for his physical, mental, or emotional health and development;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminished the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under

this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms.

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;*

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control.

3. When considering whether to terminate the parent-child relationship pursuant to subdivision (1), (2) or (3) of subsection 2 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

4. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

(L. 1978 H.B. 972 § 2, A.L. 1982 H.B. 1171, 1173, 1306 & 1643, A.L. 1985 H.B. 366, et al.)

*Word "or" appears in original rolls.

211.452. Petition for termination, when filed — contents — joinder of cases of more than one child. — 1. The petition for termination of parental rights shall be filed in the juvenile court which has prior jurisdiction over the child or, if no such prior jurisdiction exists, then the petition shall be filed where the child is, and shall include:

(1) The name, sex, date and place of birth, and residence of the child, if known after due and diligent search;

(2) If known after due and diligent search, the name, address and the date of birth of the parent;

(3) The name and address of the person holding legal or actual custody of the child, the guardian of the person of the child and the organization or agency holding legal or actual custody or providing care for the child;

(4) The facts on which termination is sought and the ground or grounds authorizing termination pursuant to section 211.447.

2. If there is more than one child in the family and a termination of parental rights petition is being or has been prepared for each child, the court may join the cases for disposition in one proceeding; provided, however, that joinder of the cases is found to be in the best interests of the child.

(L. 1978 H.B. 972 § 3, A.L. 1985 H.B. 366, et al.)

211.453. Service of summons, how made — when required — waived of summons or expenses. — 1. Service of summons shall be made as in other civil cases in the manner prescribed in section 506.150, RSMo. However, if service cannot be made as

prescribed in section 506.150, RSMo, and it is not waived, then the service shall be made by mail or publication as provided in section 506.160, RSMo.

2. Persons who shall be summoned and receive a copy of the petition shall include:

(1) The parent of the child, including a putative father who has acknowledged the child as his own by affirmatively asserting his paternity;

(2) The guardian of the person of the child;

(3) The person, agency or organization having custody of the child;

(4) The foster parent, relative or other person with whom the child has been placed; and

(5) Any other person whose presence the court deems necessary.

3. The court shall not require service in the case of a parent whose identity is unknown and cannot be ascertained, or cannot be located.

4. Any person required to receive summons may waive appearance or service of summons.

(L. 1982 H.B. 1171, 1173, 1306 & 1643 A.L. 1985 H.B. 366 et al.)

211.455. Procedure after filing of petition — determination of service — extension of time for service, when — investigation. — 1. Within thirty days after the filing of the petition, the juvenile officer shall meet with the court in order to determine that all parties have been served with summons and to request that the court order the investigation and social study.

2. If, at that time, all parties required to be served with summons have not been served, the court, in its discretion, may extend the time for service if the court finds that service may be forthcoming and that the best interest of the child would be served thereby.

3. The court shall order an investigation and social study except in cases filed under section 211.444. The investigation and social study shall be made by the juvenile officer, the state division of family services or a public or private agency authorized or licensed to care for children or any other competent person, as directed by the court, and a written report shall be made to the court to aid the court in determining whether the termination is in the best interests of the child. It shall include such matters as the parental background, the fitness and capacity of the parent to discharge parental responsibilities, the child's home, present adjustment, physical, emotional and mental condition, and such other facts as are pertinent to the determination. Parties and attorneys or guardians ad litem or volunteer advocates representing them before the court shall have access to the written report. All ordered evaluations and reports shall be made available to the parties and attorneys or guardians ad litem or volunteer advocates representing them before the court at least fifteen days prior to any dispositional hearing.

(L. 1985 H.B. 366, et al.)

211.457. (Repealed L. 1985 H.B. 366 et al. § A)

211.459. Dispositional hearing, when held — procedure — immunity for certain persons — privileged communication not to constitute grounds for excluding evidence. — 1. Within thirty days after the juvenile officer and the court have met pursuant to section 211.455, the court shall hold the dispositional hearing where the juvenile officer and any person on whom summons and the petition were served shall have the right and power to subpoena witnesses and present evidence. The court may require any and all investigating divison personnel connected with the particular case to testify without privilege and subject to the rules of cross-examination. Such witnesses shall receive as compensation the witness fee and mileage provided in civil cases.

2. Stenographic notes or an authorized recording of the hearing shall be required as in civil actions in the circuit court.

3. Any person, official or institution participating in good faith in the making of a report, the taking of photographs or the making of radiological examinations pursuant to sections 210.110 to 210.165 RSMo, or the removal or retention of a child pursuant to sections 210.110 to 210.165, RSMo, shall have immunity from all civil liability which might arise by reason of such actions.

All such persons, officials and institutions shall have the same immunity with respect to participation in any judicial proceeding resulting from a report made pursuant to sections 210.110 to 210.165, RSMo.

4. No legally recognized privileged communication, except that between priest, minister, or rabbi and parishioner, and attorney client, shall constitute grounds for excluding evidence at any proceeding for the termination of parental rights.
(L. 1985 H.B. 366, et al.)

211.462. Appointment of guardian ad item, when — rights of parent or guardian — ounty to pay court costs, exceptions. — 1. n all actions to terminate parental rights, if ot previously appointed pursuant to section 10.160, RSMo, a guardian ad litem shall be ppointed for the child as soon as practicable fter the filing of the petition.

2. The parent or guardian of the person of he child shall be notified of the right to have ounsel, and if they request counsel and are inancially unable to employ counsel, counsel hall be appointed by the court. Notice of his provision shall be contained in the sum- ons. When the parent is a minor or in- ompetent the court shall appoint a guardian d litem to represent such parent.

3. The guardian ad litem shall, during all stages of the proceedings:

(1) Be the legal representative of the child, nd may examine, cross-examine, subpoena witnesses and offer testimony. The guardian ad litem may also initiate an appeal of any disposition that he determines to be adverse to the best interests of the child;

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

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

4. Court costs shall be paid by the county in which the proceeding is instituted, except that the court may require the agency or person having or receiving legal or actual custody to pay the costs.
(L. 1978 H.B. 972 § 5, A.L. 1985 H.B. 366 et al.)

211.464. Foster parent and others may present evidence, when. — Where a child has been placed with a foster parent, with relatives or with other persons who are able and willing to permanently integrate the child into the family by adoption, if the court finds that it is in the best interest of the child, and court may provide the opportunity for such foster parent, relative or other person to present evidence for the consideration of the court.
(L. 1985 H.B. 366, et al.)

211.467. (Repealed L. 1985 H.B. 366 et al. § A)

211.472. (Repealed L. 1985 H.B. 366 et al. § A)

211.477. Order of termination, when issued — transfer of legal custody, to whom — alternatives to termination — power of court. — 1. If, after the dispositional hearing, the court finds that one or more of the grounds set out in section 211.447 exists or that the parent has consented to the termination pursuant to section 211.444 and that it is in the best interests of the child, the court may terminate the rights of the parent in and to the child. After ordering termination and after the consideration of the social study and report, the court shall transfer legal custody to:

(1) The division of family services;

(2) A private child-placing agency;

(3) A foster parent, relative or other person participating in the proceedings pursuant to section 211.464; or

(4) Any other person or agency the court deems suitable to care for the child.

2. If only one parent consents or if the conditions specified in section 211.447 are found to exist as to only one parent, the rights of only that parent with reference to the child may be terminated and the rights of the

other parent shall not be affected.

3. The court may order termination whether or not the child is in adoptive placement or an adoptive placement is available for the child.

4. If, after the dispositional hearing, the court finds that one or more of the grounds set out in section 211.447 exists, but that termination is not in the best interests of the child because the court finds that the child would benefit from the continued parent-child relationship or because the child is fourteen or more years of age and objects to the termination, the court may:

(1) Dismiss the petition and order that the child be returned to the custody of the parent;

(2) Retain jurisdiction of the case and order that the child be placed in the legal custody of the parent, the division, a private child-caring or placing agency, a foster parent, relative or other suitable person who is able to provide long-term care for the child. Any order of the court under this subdivision shall designate the period of time it shall remain in effect, with mandatory review by the court no later than six months thereafter. The court shall also specify what residual rights and responsibilities remain with the parent. Any individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the court; or

(3) Appoint a guardian under the provisions of chapter 475, RSMo.

5. Orders of the court issued pursuant to sections 211.442 to 211.487 shall recite the jurisdictional facts, factual findings on the existence of grounds for termination and that the best interests of the child are* served by the disposition stated in the order. The order shall be a final order after thirty days from the date of its entry for purposes of and subject to the rights of appeal.

(L. 1978 H.B. 972 § 8, A.L. 1985 H.B. 366, et al.)

*Word "is" appears in original rolls.

211.482. (Repealed L. 1985 H.B. 366 et al § A)

211.487. Application of sections 211.442 to 211.487 — what law to govern. — 1. Sections 211.442 to 211.487 apply to all proceedings commenced on or after September 28, 1985.

2. In any action for termination of parental rights pending prior to September 28, 1985, the law in effect at the time of the filing of the petition for termination of parental rights shall govern the hearing on such petition and any appeal therefrom.

(L. 1978 H.B. 972 § 10, A.L. 1985 H.B. 366 et al.)

211.492. (Repealed L. 1985 H.B. 366 et al. § A)

Chapter 219
YOUTH SERVICES

219.010 — (Repealed L. 1975 S.B. 170 § A)

219.011. Definitions. — 1. As used in sections 219.011 to 219. 086, unless the context clearly indicates otherwise, the following terms mean:

(1) **"After care supervision"**, treatment and control of children in the community under the jurisdiction of the division;

(2) **"Board"**, the state advisory board of youth services;

(3) **"Child"**, a person as defined in section 211.021, RSMo;

(4) **"Commit"**, to tranfer legal and physical custody;

(5) **"Community based treatment"**, a treatment program which is locally or regionally based;

(6) **"Department"**, the department of social services;

(7) **"Director"**, the director of the division of youth services;

(8) **"Division"**, the division of youth services.

2. When consistent with the intent of sec-

tions 219.011 to 219.086, the singular includes the plural, the plural the singular and he masculine the feminine.
(L. 1975 S.B. 170 § 1)

219.016. Responsibilities of division of youth services. — 1. The division is responsible within the terms of sections 219.011 to 219.086, for the prevention and control of uvenile delinquency and the rehabilitation f children.

2. The division shall be responsible for the development and administration of an effective statewide comprehensive program of youth services. This shall include, but not be limited to:

(1) Providing for the reception, classification, care, activities, education and ehabilitation of all children committed to the division;

(2) Administering the interstate compact n juveniles;

(3) Collecting statistics and information relating to the nature, extent, and causes of, and conditions contributing to the delinquency of children;

(4) Evaluating existence and effectiveness f delinquency prevention and rehabilitation programs;

(5) Preparing a master plan for the development of a statewide comprehensive system of delinquency prevention, control and rehabilitation services;

(6) Providing from funds specifically appropriated by the legislature for this purpose, financial subsidies to local units of government for the development of community based treatment services;

(7) Developing written instructional, informational, and standard setting materials relating to state and local delinquency prevention, control and rehabilitation programs, as herein provided;

(8) Cooperating with and assisting within the scope of sections 219.011 to 219.086, other public and voluntary agencies and organizations in the development and coordination of such programs; and

(9) Upon request:

(a) Assist local units of government in the development of community based treatment services; and

(b) Provide technical assistance and consultation to law enforcement officials, juvenile courts, and other community child care agencies.

3. The division shall be responsible for carrying out all functions, duties, and responsibilities pertaining to the prevention of juvenile delinquency as may be assigned to it by the director, including, but not limited to:

(1) Comprehensive planning and provision of technical assistance for statewide and local programs for the diversion of children from the juvenile justice system, to the extent that diversion can be safely accomplished with due regard to the safety of the community and the well-being of the children involved;

(2) Developing programs for the training and development of professional, paraprofessional, and volunteer personnel in this field;

(3) Cooperating with and assisting other agencies serving children and youth; and

(4) Promoting the strengthening and expansion of those programs which have been shown to be effective in reducing juvenile crime.

4. The division shall cause to be made and maintained full and complete written records of all studies and examinations and of the conclusions and recommendations based thereon; of all major decisions and orders concerning the disposition and treatment of every child with respect to whom the divison provides, or arranges to have provided care, treatment, and supervision pursuant to sections 219.011 to 219.086; and to maintain records of all business transactions necessary for proper conduct and maintenance of the division.

5. The division is authorized to enter into arrangements with the federal government for the receipt of federal funds to carry out the purposes of sections 219.011 to 219.086 and, for the achievement of that objective, may enter into contracts and agreements with and submit such plans and reports to the federal government as may be required and which are not contrary to the provisions of this or any other act.

6. The division, pursuant to regulations promulgated by it, shall establish comprehensive training programs for persons employed by it or to be employed by it in carrying out the provisions of sections 219.011 to 219.086 and for persons employed or to be

employed by agencies and organizations, both public and private, engaged in activities relating to the prevention of delinquency and the provision of care and treatment to delinquent children. Provided, however, that any rules or regulations made pursuant to this authority shall be submitted to the general assembly within the first thirty days of each annual session and any such rule or regulation may be rescinded by the general assembly by concurrent resolution. Failure to submit the rules and regulations as provided herein shall render said rule or regulation void.

7. The division may provide the costs of stipends and tuition, allowances for travel and subsistence expenses and, with respect to employees of the divison granted leave to undertake approved training, continuation of the salaries and other benefits of such employees.

8. The division may, at the request of the circuit court, provide or supplement juvenile court services for children in that circuit, the extent of the services to be specified by written agreement between the division and the court. Children who receive such services shall remain under the supervision of the juvenile court and shall not be committed to the division without full and proper hearing as provided under subdivision (1) of section 211.171, RSMo.

9. Upon the request of the division, with the written consent of the director of the department, the office of administration shall draw a warrant payable to the business manager of the division or any of its facilities, in an amount to be specified by the director of the department, not to exceed, however, the sum of four thousand dollars for each such facility. The sum shall be administered by the business manager as a revolving fund to be used in the payment of incidental expenses of the facility for which he has been appointed. All expenditures shall be made in accordance with rules and regulations established by the office of administration.

(L. 1975 S.B. 170 § 2, 3)

*Should be subsecton 1.

219.020 — (Repealed L. 1975 S.B. 170 § A)

219.021. Child may be committed to division, when — notice to court of release t aftercare supervision, contents, formal ob jections may be made, when — division t operate and maintain facilities and program — day release and vocational program authorized. — 1. Except as provided i subsections 2 and 3 of this section, any chil over twelve years of age may be committe to the custody of the division when th juvenile court determines a suitable com munity based treatment service does not ex ist, or has proven ineffective; and when th child is adjudicated pursuant to the provi sion of subdivision (3) of subsection 1 of sec tion 211.031, RSMo, or when the child is ad judicated pursuant to subdivision (2) o subsection 1 of section 211.031, RSMo, an is currently under court supervision for ad judication under subdivision (2) or (3) o subsection 1 of section 211.031, RSMo. Al children committed to the custody of th division shall be committed for an indeter minate period of time except that the divi sion shall not keep any child beyond his eigh teenth birth date. Notwithstanding any other provision of law to the contrary, th committing court shall review the treatmen plan to be provided by the division. The divi sion shall notify the court of original jurisdic tion from which the child was committed a least three weeks prior to the child's releas to aftercare supervision. The notificatio shall include a summary of the treatmen plan and progress of the child that ha resulted in the planned release. The cour may formally object to the director of th division in writing, stating its reasons in op position to the release. The director sha review the court's objection in consideration of its final approval for release. The court' written objection shall be made within a one week period after it receives notification o the division's planned release, otherwise th division may assume court agreement with the release. The division director's written response to the court shall occur within fiv working days of the court's objection and preferably prior to the release of the child. The divison shall not place a child directly into a precare setting immediately upon commitment from the court until it advises the court of such placement.

2. No child who has been diagnosed as

having a mental disease or a communicable or contagious disease shall be committed to the division; except the division may, by regulation, when facilities for the proper care and treatment of persons having such diseases are available at any of the facilities under its control, authorize the commitment of children having such diseases to it for treatment and training in such institution. Notice of any such regulation shall be promptly mailed to the judges and juvenile officers of all courts having jurisdiction of cases involving children.

3. When a child has been committed to the division, the division shall forthwith examine the individual and investigate all pertinent circumstances of his background for the purpose of facilitating the placement of the child in the most appropriate program or residential facility to assure the public safety and the rehabilitation of the child; except that, no child committed under the provisions of subdivision (2) of subsection 1 of section 211.031, RSMo, may be placed in the state training schools or regional facilities at Boonville or Chillicothe or in the W.E. Sears Youth Center at Poplar Bluff, or the Hogan Street Regional Youth Center at St. Louis, unless the juvenile is subsequently adjudicated under subdivision (3) of subsection 1 of section 211.031, RSMo.

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

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

6. Failure of the division to examine a child committed to it or to reexamine him within six months of a previous examination shall not of itself entitle the child to be discharged from the custody of the division but shall entitle the child, his parent, guardian, or agency to which the child may be placed by the division to petition for review as provided in section 219.051.

7. The division is hereby authorized to establish, build, repair, maintain, and operate, from funds appropriated or approved by the legislature for these purposes, facilities and programs necessary to implement the provisions of sections 219.011 to 219.086. Such facilities or programs may include, but not be limited to, the establishment and operation of training schools, maximum security facilities, park camps, regional facilities, group homes, family foster homes, aftercare, counseling services, educational services, and such other services as may be required to meet the needs of children committed to it. The division may terminate any facility or program no longer needed to meet the needs of children.

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

9. The division may establish and offer on-the-job vocational training to develop work habits and equip children committed to it with marketable skills. Such training shall not exceed eight hours per day. The division may provide for the payment of reasonable wages or allowances for work or tasks performed by a child committed to the division. For any work performed by a child committed to the division in any state park or park work camp, the state park board is hereby authorized, out of appropriations made to it, to pay wages not in excess of fifteen dollars per month to each child. All funds paid to the child in accordance with this section shall be

deposited with the director and not less than one-half of this amount shall be paid monthly to the child. The balance of such funds shall be held in trust by the director for payment to the child at the time of his release from a facility.

(L. 1975 S.B. 170 § 4, A.L. 1980 S.B. 512, A.L. 1981 H.B. 643, A.L. 1987 S.B. 244)

219.026. Release on aftercare supervision authorized—procedures authorized when child violates conditions of release—termination of supervision, when.—1. Subject to the provisions of subsection 1 of section 219.021, the division is authorized to release on aftercare supervision children committed to its control; to impose conditions upon which aftercare supervision is granted; to revoke and terminate aftercare supervision; and to discharge from legal custody. With respect to any child who has been placed on aftercare supervision, if, in the opinion of the child's aftercare supervisor or a designated employee of the division, the child is in substantial violation of the terms and condition of his release, such employee may:

(1) Notify the child and his parents or guardian of a hearing to determine if there is reasonable grounds to believe the child has violated the conditions of his release; and may also

(2) Take the child immediately into custody and place him in an appropriate residential child caring facility or detention facility or other appropriate program until a prompt determination as to the child's future care and treatment is made by the director, if the employee has reason to believe that permitting the child to remain in his own home would be dangerous to him or to the community or that the child is about to flee the jurisdiction of the court.

2. The hearing referred to in subdivision (1) of subsection 1 of this section shall be heard by an employee designated by the director, but not the employee requesting the hearing, and shall afford the child and his parents or guardian and their legal counsel, if any, full opportunity to be heard and to present any information as may be deemed relevant and shall be held as near as practicable to the child's county of residence.

3. The child or his parents or guardian may request a rehearing before the director as provided in section 219.051.

4. When called upon by any designate employee of the division, all peace officers shall assist in taking a child into custody pursuant to the provisions of this section.

5. All law enforcement agencies shall detain, upon request, children alleged by the division to have violated the conditions of aftercare supervision pending return of the child to the division. Detention of the child shall be in an appropriate facility and until a hearing is held, but in no event, longer than ten days.

6. The division shall terminate the supervision of any child placed on aftercare supervision upon determining the child is no longer in need of supervision or upon his eighteenth birthday. The division shall immediately notify, in writing, the child, his parents or guardian and the committing court of the termination of its supervision over the child.

(L. 1975 S.B. 170 § 5, A.L. 1987 S.B. 244)

219.030 — (Repealed L. 1975 S.B. 170 § A)

219.031. Director of division, how appointed, compensation and expenses. — 1. The division shall be administered by a director who shall be appointed by the director of the department.

2. The director shall be a resident of the state of Missouri while serving as director. The director shall have broad experience and demonstrated expertise in the development, operation, and administration of programs for children and shall be selected for his recognized ability, character and integrity.

3. Before entering upon his duties, the director shall take an oath of affirmation to support the Constitution of the United States and of the state of Missouri and to faithfully perform the duties of his office; and shall enter into good and sufficient corporate surety bond, conditioned upon the faithful performance of his duties, said bond to be approved by the attorney general as to form, and by the governor as to sufficiency; the premium on the bond to be paid by the state.

4. The director shall devote full time to his

fficial duties.

5. The director shall receive as his total mpensation an annual salary in an amount be determined by the department director nd shall be entitled to reimbursement for ctual and necessary expenses incurred in e performance of his official duties.
. 1975 S.B. 170 § 6)

219.036. Employment of division personnel merit system — annual report — master lan — written policy required — director of ivision to be agent of state to deal with ederal government. 1. The director subject to he supervision of the department director, hall employ all employees, as provided in hapter 36, RSMo, and is authorized to mploy in any appropriate capacity any per- on qualified under the provisions of sections 19.011 to 219.086 even though such person as previously been convicted of a crime.

2. The director shall set forth the duties nd responsibilities of all employees of the ivision.

3. The director shall prepare and update a aster plan covering a period of not less han five years outlining the structural, egislative, and program and facility changes ecessary for improvement of services to hildren committed to it.

4. The director shall also prepare an an- ual report which shall consist of a descrip- ion of progress made toward the achieve- nent of objectives contained in the master lan; a statistical analysis of juvenile delin- quency in Missouri, including, but not imited to, the number and rates of juvenile arrests, juvenile detentions, juvenile court eferrals and court dispositions for the entire tate and within the jurisdiction of each cir- uit.

5. The master plan and each subsequent annual report shall be transmitted to the governor, the legislature, the director of the department, the juvenile courts, and upon re- quest, to other interested persons and agen- ies.

6. All officers and employees of the state nd of every county and city shall furnish to he director, on an annual basis, such tatistics and other information within their nowledge and control as the director deems ecessary or proper to be collected pursuant to the provisions of sections 219.011 to 219.086.

7. The director shall establish written policy and procedures for the administration of the division and shall promulgate necessary rules and regulations which, together with any amendments thereto, shall be kept on file at the principal office of the division, shall constitute a public record and be subject to the inspection by any person at all reasonable times. Rule and regulation making power shall be subject to the provisions of section 219.016, subsection 6.

8. The director is hereby authorized to enter into contract with any qualified individual, agency, or institution for the purchase of services required to meet the needs of children committed to the division's charge, when it can be shown that the purchase of such services is more economical, effective or practical than for such services to be provided directly by the division. No contract shall be made under sections 219.011 to 219.086 contrary to the provisions of article 1, section 7 or article IX, section 8 of the constitution of Missouri.

9. The director is authorized to serve as an agent of the state in entering into agreements with the appropriate agency of the federal government to provide care and treatment for a child found by a federal court to be delinquent and committed to the custody of the Attorney General of the United States pursuant to the provisions of 18 USC 5031-5037, inclusive, as amended. Such agreement shall be upon such terms and conditions and shall provide for such compensation as may be mutually agreed upon between the division and the appropriate agency of the federal government. Funds received as compensation under such agreement shall be placed in the state treasury and shall be used, upon appropriation, by the division for carrying out the purposes of sections 219.011 to 219.086.
(L. 1975 S.B. 170 § 7)

219.040.—(Repealed L. 1975 S.B. 170 § A)

219.041. Incentive subsidy program authorized—advisory committee, how appointed—juvenile judge to submit report,

contents of—inspections by director—notice of noncompliance, how given—county to select services, costs how paid.— 1. To encourage the development of community based treatment services, the director is hereby authorized to administer an incentive subsidy program to assist local units of government in the development, implementation, and operation of community based treatment programs including, but not limited to, preventive or diversionary programs, probation services, community based treatment centers, and facilities for the detention, confinement, care and treatment of children under the purview of chapter 211, RSMo.

2. The director shall, pursuant to the administrative procedures act, chapter 536, RSMo, promulgate rules establishing standards of eligibility for local units of government to receive funds under sections 219.011 to 219.086. Rule and regulation making power shall be subject to the provisions of section 219.016, subsection 6.

3. In determining the purposes for which funds will be expended by the juvenile court judge, he shall appoint an advisory committee representative of the county's population. The committee shall actively participate in the formulation of plans for the proper expenditure of funds and shall cooperate and assist in the implementation of these plans. Members of the advisory committee shall receive no compensation.

4. The juvenile court judge shall submit to the director a written report containing a program description, method of implementation, and budget of all projects proposed to be funded under this provision. Upon approval of this report by the director, the county shall be eligible to receive subsidy.

5. The director shall visit or cause to be visited each program and facility funded by this provision, the purpose of such visits to be the examination of facilities, programs, books, and records. He shall make written recommendations for needed changes or improvements.

6. When the director shall determine that there are reasonable grounds to believe that a county is not in compliance with the operating standards established pursuant to subsection 2 of this section, at least thirty days' notice shall be given the county and a hearing shall be held to ascertain whether progress has been made toward compliance. The director may suspend all or a portion of any subsidy until the required standard of operation has been met.

7. Any county may purchase selected services from the division by contract as provided in sections 219.011 to 219.086. The director shall annually determine the costs of providing such services and all charges shall be deducted from the subsidy due and payable to the county concerned, provided that no contract shall exceed in cost the amount of subsidy to which the participating county is eligible.

8. Participating counties shall not diminish or reduce their level of spending for juvenile correctional programs in order to remain eligible to receive subsidy for the specific program being subsidized.
(L. 1975 S.B. 170 § 8)

219.046. Board — number, qualification terms, oath, duties. — 1. The board shall have such specific authority and responsibility as defined in sections 219.011 to 219.086 and the general authority to advise the director, the legislature and the general public on all matters pertaining to the purposes of sections 219.011 to 219.086 and the operation of the division. The board shall consist of fifteen members who shall be appointed by the director of the department.

2. The members shall be comprised of public officials, professionals and representatives of the general public who possess knowledge and experience in health, education, social, correctional, or legal services for children. The membership shall be representative of the various geographic regions and socioeconomic population of the state. Members of the board shall be residents of the state of Missouri. Not more than eight members of the board shall be from the same political party. The members of the board holding office on September 28, 1975, shall continue in office until the expiration of the term to which they were appointed. The director of the department shall appoint those members to be appointed after September 28, 1975, for staggered terms so not more than one-third of the terms of the board members shall expire in any one calen

ar year. The terms of the members first appointed after September 28, 1975, shall com..ence on July 1, 1976. As the terms of office f the members in office on September 28, 1975, and of the members appointed after eptember 28, 1975, expire, their successors hall be appointed for a term of four years.

3. Before entering upon their duties, ..embers of the board shall subscribe to an ath of affirmation to support the Constitution of the United States and of the state of issouri and to faithfully perform the duties f their office.

4. The board shall meet with the director a minimum of four times each year for the pur ose of reviewing the activities of the divi ion. The board or a committee thereof shall isit each facility of the division as frequently as it deems necessary and shall file a written report with the governor, director, director of the department and the legislative library regarding conditions they observed relating to the care and treatment of children assigned to the facility and any other matters pertinent in their judgment.
(L. 1975 S.B. 170 § 9)

219.050 — (Repealed L. 1975 S.B. 170 § A)

219.051. Right of petition — duty of director on receipt of petition. — 1. Any child committed to the division and the parent or guardian of such child shall be informed of their right to petition the director in accordance with promulgated rules and regulations for a hearing with respect to:

(1) The failure to examine such child in accordance with the provision of subsection 3 of section 219.021;

(2) The failure to reexamine such child within six months after a previous examination, in accordance with the provisions of subsection 5 of section 219.021;

(3) Any placement decision required to be made by the division pursuant to the provisions of sections 219.011 to 219.086;

(4) A request to the director for a rehearing from a determination of violations of the terms and conditions of a child's aftercare supervisions, as provided in section 219.026; and

(5) The taking of such child into custody for violations of the terms and conditions of his aftercare supervision as provided in section 219.026.

2. The director shall, within thirty days of the receipt of such petition, afford such child or his parents, guardian, or legal counsel an opportunity for a full and fair hearing, and render a decision on the petition within five days after the conclusion of such hearing.

3. Pending the determination by the director with respect to a petition for review filed pursuant to the provisions of subsection 1 of this section, the authority of the division to take such action, in accordance with the provisions of sections 219.011 to 219.086 with respect to such child, shall in no wise be affected.
(L. 1975 S.B. 170 § 10)

219.056. Health care standards to be established by division of health — educational standards to be established by department of elementary and secondary education. — 1. It shall be the duty of the division of health to set standards of health care in the facilities operated by the division, to inspect buildings from the standpoint of health, and to make periodic inspections and reports in writing to the director as to the conditions of health and sanitation in the facilities under the jurisdiction of the division. Any findings considered by the division of health to be detrimental to the health or welfare of a child committed to the division shall be immediately reported to the director and the director of the department with the date by which such condition must be corrected or eliminated.

2. It shall be the duty of the department of elementary and secondary education to set standards of education and school attendance in the facilities of the division, make periodic inspections and prepare evaluations of curricula, and to have such authority over the educational programs as the department has in its administration of the public school system. Reports of all such inspections and evaluations shall be sent to the director, the director of the department and the advisory board.
(L. 1975 S.B. 170 § 11)

219.060. — (Repealed L. 1975 S.B. 170 § A)

219.061. Aiding runaway, penalty — peace officers, duty of — records confidential, exceptions, penalty for divulging — division may sue for damages. — 1. Any person who knowingly permits or aids any child to run away from an institution under the control of the division or conceals the child with intent of enabling him to elude pursuit is guilty of a misdemeanor, and upon conviction, shall be punished as provided by law.

2. It shall be the duty of every law enforcement official, and any official who is designated by the division, to detain, with or without a warrant, any child who shall have run away from a facility and to hold him subject to the orders of the division.

3. Disclosure of any information contained in the records of the division relating to any child committed to it shall be made only in accordance with regulations prescribed by the division, provided that such regulations shall provide for full disclosure of such information to the parents or guardians, or if they be out of this state to the nearest immediate relative of such child, upon reasonable notice and demand. Any employee or officer of the division who shall communicate any such information in violation of any such regulations may be subject to immediate discharge.

4. For all damages to the division or to any property, real or personal, belonging thereto, actions may be maintained in the name of the division as such, and all damages levied in such actions shall be paid into the state treasury and, upon appropriation, shall be used by the division.
(L. 1975 S.B. 170 § 12)

219.066. Medical and dental treatment authorized, when. — 1. Except in case of emergency, the division shall not authorize or permit any major surgery to be performed upon or general anesthetic to be administered to any child committed to the division unless specific written consent thereto shall first have been obtained from the parent or guardian of such child, or, in the absence of such consent, from the court which vested legal custody of such child in the division or any court that has jurisdiction.

2. Upon the recommendation of an attending physician, psychiatrist, surgeon or dentist, the division may authorize medical, psychiatric, surgical, or dental care and treatment as may be required by the child. If the care and treatment is contrary to the religious tenets and beliefs of such child, the treatment of the child may be authorized by the division only upon the specific written consent of the parent or guardian of the child, or, in the absence of such consent upon the specific written order of the court which vested legal custody of the child in the division or any court that has jurisdiction.

3. When the child has been placed by the division in a residential child caring facility other than one administered by the division the person or persons administering such family shall have the authority to provide the child with necessary medical psychiatric, surgical, or dental care only to the extent that such authority has been delegated to such persons with respect to particular children and subject to the same limitations as are applicable to the division under sections 219.011 to 219.086.
(L. 1975 S.B. 170 § 13)

219.070 — (Repealed L. 1975 S.B. 170 §A)

219.071. Children to be segregated from criminals. — No child committed to the division and awaiting transfer to the custody of the division or who has been detained in accordance with subsection 5 of section 219.026 shall be transported or detained in association with criminals or vicious and dissolute persons.
(L. 1975 S.B. 170 § 14)

219.076. Children, how transported, transportation expenses, how paid. — In all cases in which children are committed to the division, the juvenile officer, or such person designated by him, shall deliver the children to the facility designated by the division and shall be allowed the necessary expenses incurred in such delivery for himself and the child and in returning therefrom, to be paid by the county.
(L. 1975 S.B. 170 § 15)

219.080. — (Repealed L. 1975 S.B. 170 §A)

219.081. Division to be relieved of custody, hen, procedure. — The division may, at any me, if it finds the child committed to it is in ed of care or treatment other than that hich it is equipped to provide, apply to the urt which committed such child for an der relieving it of custody of such child. he court must make a determination within n days and the court shall be vested with ll power to make such disposition of the ild as is authorized by law, including conued commitment. A copy of the order all be immediately sent to the director. . 1975 S.B. 170 § 16)

219.086. Transfer of child to another state, hen — expense of transfer, how paid. — henever it shall appear to the division that lans for the rehabilitation of any child comitted to it have been made by an apropriate agency of another state, the division may, with the written approval of the director of the department and the child's parents, deliver the child to the appropriate agency of such other state and authorize the payment of expenses incurred in connection with sending the child to such state. (L. 1975 S.B. 170 § 17)

219.090, 219.100, 219.110, 219.120, 219.130, 219.135, 219.140, 219.145, 219.150, 219.160, 219.170, 219.180, 219.190, 219.200, 219.210, 219.220 — (Repealed L. 1975 S.B. 170 § A)

219.230. — (Repealed L. 1975 S.B. 170 § A) (1974) Held constitutional as not denying due process. O _____ H _____ v. French (A.), 504 S.W. (2d) 269.

219.240, 219.250, 219.260, 219.270, 219.280, 219.290, 219.300, 219.310, 219.320, 219.330, 219.340. — (Repealed L. 1975 S.B. 170 § A)