

FIRST REGULAR SESSION

HOUSE BILL NO. 788

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JOHNSON (90) (Sponsor) AND ROORDA (Co-sponsor).

Read 1st time March 15, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2052L.011

AN ACT

To repeal sections 210.117, 210.710, 210.720, and 211.038, RSMo, and to enact in lieu thereof four new sections relating to child protection.

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

Section A. Sections 210.117, 210.710, 210.720, and 211.038, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 210.117, 210.710, 210.720,
3 and 211.038, to read as follows:

210.117. **1.** No child taken into the custody of the state shall be reunited with a parent
2 or placed in a home in which the parent or any person residing in the home has been found guilty
3 of, or pled guilty to, a felony violation of chapter 566, RSMo, except for section 566.034, RSMo,
4 when a child was the victim, or a violation of section 568.020, 568.045, 568.060, 568.065,
5 568.070, 568.080, 568.090, or 568.175, RSMo, except for subdivision (1) of subsection 1 of
6 section 568.060, RSMo, when a child was the victim, or an offense committed in another state
7 when a child is the victim, that would be a felony violation of chapter 566, RSMo, except for
8 section 566.034, RSMo, or a violation of section 568.020, 568.045, 568.060, 568.065, 568.070,
9 568.080, 568.090, or 568.175, RSMo, except for subdivision (1) of subsection 1 of section
10 568.060, RSMo, if committed in Missouri; provided however, nothing in this section shall
11 preclude the division from exercising its discretion regarding the placement of a child in a home
12 in which the parent or any person residing in the home has been found guilty of or pled guilty
13 or nolo contendere to any offense excepted or excluded in this section.

14 **2. If a court of competent jurisdiction determines or the division determines, based**
15 **on a substantiated report of child abuse that is upheld by the child abuse and neglect**

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

16 **review board that a minor has abused another child, such minor shall be prohibited from**
17 **returning to or residing in any residence located within one thousand feet of the residence**
18 **of the abused child, or any child care facility or school that the abused child attends until**
19 **the abused child reaches eighteen years of age.**

210.710. 1. In the case of a child who has been committed to the care of an authorized
2 agency by a parent, guardian or relative and where such child has remained in the care of one or
3 more authorized agencies for a continuous period of six months, the agency shall petition the
4 juvenile court in the county where the child is present to review the status of the child. A written
5 report on the status of the child shall be presented to the court. The court shall then review the
6 status of the child and may hold a dispositional hearing thereon. The purpose of the dispositional
7 hearing shall be to determine whether or not the child should be continued in foster care or
8 whether the child should be returned to a parent, guardian or relative, or whether or not
9 proceedings should be instituted to terminate parental right and legally free such child for
10 adoption.

11 **2. If the child is in the care of an authorized agency based on an allegation that the**
12 **child has abused another child and the court determines that such abuse occurred, the**
13 **court shall not return the child to or permit the child to reside in any residence located**
14 **within one thousand feet of the residence of the abused child, or any child care facility or**
15 **school that the abused child attends until the abused child reaches eighteen years of age.**

210.720. 1. In the case of a child who has been placed in the custody of the division of
2 family services in accordance with subdivision (17) of subsection 1 of section 207.020, RSMo,
3 or another authorized agency by a court or who has been placed in foster care by a court, every
4 six months after the placement, the foster family, group home, agency, or child care institution
5 with which the child is placed shall file with the court a written report on the status of the child.
6 The court shall review the report and shall hold a permanency hearing within twelve months of
7 initial placement and at least annually thereafter. The permanency hearing shall be for the
8 purpose of determining in accordance with the best interests of the child a permanent plan for
9 the placement of the child, including whether or not the child should be continued in foster care
10 or whether the child should be returned to a parent, guardian or relative, or whether or not
11 proceedings should be instituted by either the juvenile officer or the division to terminate
12 parental rights and legally free such child for adoption.

13 2. In such permanency hearings the court shall consider all relevant factors including:
14 (1) The interaction and interrelationship of the child with the child's foster parents,
15 parents, siblings, and any other person who may significantly affect the child's best interests;
16 (2) The child's adjustment to his or her foster home, school and community;
17 (3) The mental and physical health of all individuals involved, including any history of

18 abuse of any individuals involved. **If the child is in the care of an authorized agency based**
19 **on an allegation that the child has abused another child and the court determines that such**
20 **abuse occurred, the court shall not return the child to or permit the child to reside in any**
21 **residence located within one thousand feet of the residence of the abused child, or any child**
22 **care facility or school that the abused child attends until the abused child reaches eighteen**
23 **years of age; and**

24 (4) The needs of the child for a continuing relationship with the child's parents and the
25 ability and willingness of parents to actively perform their functions as mother and father for the
26 needs of the child.

27 3. The judge shall make written findings of fact and conclusions of law in any order
28 pertaining to the placement of the child.

211.038. 1. No child under the jurisdiction of the juvenile court shall be reunited with
2 a parent or placed in a home in which the parent or any person residing in the home has been
3 found guilty of, or pled guilty to, a felony violation of chapter 566, RSMo, except for section
4 566.034, RSMo, when a child was the victim, or a violation of sections 568.020, 568.045,
5 568.060, 568.065, 568.070, 568.080, 568.090, and 568.175, RSMo, except for subdivision (1)
6 of subsection 1 of section 568.060, RSMo, when a child was the victim, or an offense committed
7 in another state when a child is the victim, that would be a felony violation of chapter 566,
8 RSMo, except for section 566.034, RSMo, or a violation of sections 568.020, 568.045, 568.060,
9 568.065, 568.070, 568.080, 568.090, and 568.175, RSMo, except for subdivision (1) of
10 subsection 1 of section 568.060, RSMo, if committed in Missouri; provided however, nothing
11 in this section shall preclude the juvenile court from exercising its discretion regarding the
12 placement of a child in a home in which the parent or any person residing in the home has been
13 found guilty of or pled guilty or nolo contendere to any offense excepted or excluded in this
14 section.

15 2. **If the juvenile court determines that a minor has abused another child, such**
16 **minor shall be prohibited from returning to or residing in any residence located within one**
17 **thousand feet of the residence of the abused child, or any child care facility or school that**
18 **the abused child attends until the abused child reaches eighteen years of age.**