

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 804,  
2 Page 1, in the Title, Line 8, by deleting the words "criminal judicial proceedings" and inserting in  
3 lieu thereof the word "crime"; and  
4

5 Further amend said bill and page, Section A, Line 8, by inserting after all of said section and line  
6 the following:  
7

8 "84.514. The chief of police, with the approval of the board, may appoint a police officer to  
9 serve as lieutenant colonel on matters relating to homeland security. Notwithstanding the provisions  
10 of section 84.510 to the contrary, such position shall be a new position and in addition to the number  
11 of lieutenant colonels authorized under section 84.510. The lieutenant colonel authorized under this  
12 section shall be responsible for matters relating to homeland security as determined by the chief and  
13 be entitled to the same rank, privileges, and compensation afforded all other lieutenant colonels  
14 within the department.

15 210.565. 1. Whenever a child is placed in a foster home and the court has determined  
16 pursuant to subsection 4 of this section that foster home placement with relatives is not contrary to  
17 the best interest of the child, the children's division shall give foster home placement to relatives of  
18 the child. Notwithstanding any rule of the division to the contrary, the children's division shall  
19 make diligent efforts to locate the grandparents of the child and determine whether they wish to be  
20 considered for placement of the child. Grandparents who request consideration shall be given  
21 preference and first consideration for foster home placement of the child. If more than one  
22 grandparent requests consideration, the family support team shall make recommendations to the  
23 juvenile or family court about which grandparent should be considered for placement.

24 2. As used in this section, the [term] following terms shall mean:

25 (1) "Kin" or "kinship", a person who is related to the child by blood or affinity beyond the  
26 third degree, or a person who is not so related to the child but has a close relationship with the child  
27 or the child's family, including but not limited to godparents, neighbors, teachers, or close family  
28 friends; and

29 (2) "Relative" [means], a grandparent or any other person related to another by blood or  
30 affinity within the third degree. The status of a grandparent shall not be affected by the death or the  
31 dissolution of the marriage of a son or daughter.

32 3. The following shall be the order or preference for placement of a child under this section:

33 (1) Grandparents and relatives;

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Select Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 (2) [A trusted adult that has a preexisting relationship with the child, such as a godparent,  
2 teacher, neighbor, or fellow parishioner] Kin, who voluntarily [agrees] agree to care for the child;  
3 and

4 (3) Any foster parent who is currently licensed and capable of accepting placement of the  
5 child.

6 4. The preference for placement and first consideration for grandparents or preference for  
7 placement with other relatives created by this section shall only apply where the court finds that  
8 placement with such grandparents or other relatives is not contrary to the best interest of the child  
9 considering all circumstances. If the court finds that it is contrary to the best interest of a child to be  
10 placed with grandparents or other relatives, the court shall make specific findings on the record  
11 detailing the reasons why the best interests of the child necessitate placement of the child with  
12 persons other than grandparents or other relatives.

13 5. Recognizing the critical nature of sibling bonds for children, the children's division shall  
14 make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive  
15 placement, unless doing so would be contrary to the safety or well-being of any of the siblings. If  
16 siblings are not placed together, the children's division shall make reasonable efforts to provide  
17 frequent visitation or other ongoing interaction between the siblings, unless this interaction would  
18 be contrary to a sibling's safety or well-being.

19 6. The age of the child's grandparent or other relative shall not be the only factor that the  
20 children's division takes into consideration when it makes placement decisions and  
21 recommendations to the court about placing the child with such grandparent or other relative.

22 7. For any Native American child placed in protective custody, the children's division shall  
23 comply with the placement requirements set forth in 25 U.S.C. Section 1915.

24 8. A grandparent [or], other relative, or kin may, on a case-by-case basis, have standards for  
25 licensure not related to safety waived for specific children in care that would otherwise impede  
26 licensing of the [grandparent's or relative's] home of the grandparent, relative, or kin. In addition,  
27 any person receiving a preference may be licensed in an expedited manner if a child is placed under  
28 such person's care.

29 9. When placed in the home of a grandparent, other relative, or kin, foster children of the  
30 opposite sex who are siblings shall be permitted to sleep in the same room if doing so would be in  
31 the children's best interests and presents no safety concerns.

32 10. The guardian ad litem shall ascertain the child's wishes and feelings about his or her  
33 placement by conducting an interview or interviews with the child, if appropriate based on the  
34 child's age and maturity level, which shall be considered as a factor in placement decisions and  
35 recommendations, but shall not supersede the preference for relative placement created by this  
36 section or be contrary to the child's best interests."; and  
37

38 Further amend said bill, Page 3, Section 211.059, Line 45, by inserting after all of said section and  
39 line the following:  
40

41 "211.171. 1. The procedure to be followed at the hearing shall be determined by the  
42 juvenile court judge and may be as formal or informal as he or she considers desirable, consistent  
43 with constitutional and statutory requirements. The judge may take testimony and inquire into the  
44 habits, surroundings, conditions and tendencies of the child and the family to enable the court to  
45 render such order or judgment as will best promote the welfare of the child and carry out the  
46 objectives of this chapter.

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

3. The current foster parents of a child, or any preadoptive parent or relative currently providing care for the child, shall be provided with notice of, and an opportunity to be heard in, any hearing to be held with respect to the child, and a foster parent shall have standing to participate in all court hearings pertaining to a child in their care. In a juvenile court case proceeding under subdivisions (1) or (2) of subsection 1 of section 211.031, a foster parent, relative, or kin as defined in section 210.565 with whom a child has been placed for at least three months shall have the right to intervene as a party. The court may dismiss the intervening foster parent, relative, or kin from the case if he or she no longer has the child in their care. The court shall not dismiss an intervening foster parent, relative, or kin for the sole purpose of terminating the foster parent, relative, or kin relationship. Nothing in this section shall be construed to authorize the court to join a foster parent as a party to the case without the foster parent's consent. No state or local agency or other governmental body shall be liable for the legal fees or associated costs incurred by the foster parent, relative, or kin intervening under this subsection.

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

5. 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.

6. 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 except in cases where the child is accused of conduct which, if committed by an adult, would be considered a class A or B felony; or for conduct which would be considered a class C felony, if the child has previously been formally adjudicated for the commission of two or more unrelated acts which would have been class A, B or C felonies, if committed by an adult.

7. The practice and procedure customary in proceedings in equity shall govern all proceedings in the juvenile court; except that, the court shall not grant a continuance in such proceedings absent compelling extenuating circumstances, and in such cases, the court shall make written findings on the record detailing the specific reasons for granting a continuance.

[8.] 7. The court shall allow the victim of any offense to submit a written statement to the court. The court shall allow the victim to appear before the court personally or by counsel for the purpose of making a statement, unless the court finds that the presence of the victim would not serve justice. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the child."; and

Further amend said bill, Page 3, Section 211.436, Line 9, by inserting after all of said section and line the following:

211.464. [1. 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, the court shall provide the opportunity for such foster parent, relative or other person to present evidence for the consideration of the court.

2.] Current foster parents or other legal custodians who are not seeking to adopt the child shall be given an opportunity to testify at all hearings regarding the child. Upon the filing of a petition concerning a minor child who is in the care of foster parents or other legal custodians, the court shall give notice to such foster parents or legal custodians of the filing, any future hearings held on such petition and their opportunity to testify at any subsequent hearings held in relation to such petition, unless such notice and opportunity is waived by such foster or custodial parent."; and

Further amend said bill, Page 5, Section 221.111, Line 42, by inserting after all of said section and

1 line the following:  
2

3 "302.535. 1. Any person aggrieved by a decision of the department may file a petition for  
4 trial de novo by the circuit court. The burden of proof shall be on the state to adduce the evidence.  
5 Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not as an appeal  
6 of an administrative decision pursuant to chapter 536. The petition shall be filed in the circuit court  
7 of the county where the arrest occurred. The case shall be decided by the judge sitting without a  
8 jury. Until January 1, 2002, the presiding judge of the circuit court may assign a traffic judge,  
9 pursuant to section 479.500, RSMo 1994, a circuit judge or an associate circuit judge to hear such  
10 petition. After January 1, 2002, pursuant to local court rule pursuant to article V, section 15 of the  
11 Missouri Constitution, the case may be assigned to a circuit judge or an associate circuit judge, or to  
12 a traffic judge pursuant to section 479.500.

13 2. The filing of a petition for trial de novo shall [not] result in a stay of the suspension or  
14 revocation order and, beginning June 1, 2017, the department shall issue a temporary driving permit  
15 which shall be valid until a final order is issued following the date of the disposition of the petition  
16 for a trial de novo. [A restricted driving privilege as defined in section 302.010 shall be issued in  
17 accordance with subsection 2 of section 302.525, if the person's driving record shows no prior  
18 alcohol-related enforcement contact during the immediately preceding five years. Such restricted  
19 driving privilege shall terminate on the date of the disposition of the petition for trial de novo.

20 3. In addition to the restricted driving privilege as permitted in subsection 2 of this section,  
21 the department may upon the filing of a petition for trial de novo issue a restricted driving privilege  
22 as defined in section 302.010. In determining whether to issue such a restrictive driving privilege,  
23 the department shall consider the number and the seriousness of prior convictions and the entire  
24 driving record of the driver.

25 4. Such time of restricted driving privilege pending disposition of trial de novo shall be  
26 counted toward any time of restricted driving privilege imposed pursuant to section 302.525.  
27 Nothing in this subsection shall be construed to prevent a person from maintaining his restricted  
28 driving privilege for an additional sixty days in order to meet the conditions imposed by section  
29 302.540 for reinstating a person's driver's license.]; and  
30

31 Further amend said bill, Section 578.040, Page 13, Line 22, by inserting after all of said section and  
32 line the following:  
33

34 "Section B. The repeal and reenactment of section 302.535 of this act shall become effective  
35 on June 1, 2017."; and  
36

37 Further amend said bill by amending the title, enacting clause, and intersectional references  
38 accordingly.