

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1877
98TH GENERAL ASSEMBLY

5404S.05T

2016

AN ACT

To repeal sections 210.110, 210.180, 211.031, and 211.036, RSMo, and to enact in lieu thereof twelve new sections relating to the children's division.

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

Section A. Sections 210.110, 210.180, 211.031, and 211.036, RSMo, are repealed and
2 twelve new sections enacted in lieu thereof, to be known as sections 210.110, 210.118, 210.146,
3 210.154, 210.180, 210.660, 210.665, 210.670, 210.675, 210.680, 211.031, and 211.036, to read
4 as follows:

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the
2 following terms mean:

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

7 (2) "Assessment and treatment services for children under ten years old", an approach
8 to be developed by the children's division which will recognize and treat the specific needs of
9 at-risk and abused or neglected children under the age of ten. The developmental and medical
10 assessment may be a broad physical, developmental, and mental health screening to be
11 completed within thirty days of a child's entry into custody and every six months thereafter as

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.

12 long as the child remains in care. Screenings may be offered at a centralized location and
13 include, at a minimum, the following:

14 (a) Complete physical to be performed by a pediatrician familiar with the effects of abuse
15 and neglect on young children;

16 (b) Developmental, behavioral, and emotional screening in addition to early periodic
17 screening, diagnosis, and treatment services, including a core set of standardized and recognized
18 instruments as well as interviews with the child and appropriate caregivers. The screening
19 battery may be performed by a licensed mental health professional familiar with the effects of
20 abuse and neglect on young children, who will then serve as the liaison between all service
21 providers in ensuring that needed services are provided. Such treatment services may include
22 in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family
23 counseling, parenting training and other best practices. Children whose screenings indicate an
24 area of concern may complete a comprehensive, in-depth health, psychodiagnostic, or
25 developmental assessment within sixty days of entry into custody;

26 (3) "Central registry", a registry of persons where the division has found probable cause
27 to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004,
28 or a court has substantiated through court adjudication that the individual has committed child
29 abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to
30 section 565.020, 565.021, 565.023, 565.024 [or], 565.050, **566.030, 566.060, or 567.050** if the
31 victim is a child less than eighteen years of age[, section 566.030 or 566.060 if the victim is a
32 child less than eighteen years of age], or **any** other crime pursuant to chapter 566 if the victim
33 is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older,
34 [section 567.050 if the victim is a child less than eighteen years of age,] **a crime under** section
35 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, [or] 568.090, [section] **573.023, 573.025**
36 [or], 573.035, **573.037, 573.040, 573.200, or 573.205**, or an attempt to commit any such crimes.
37 Any persons placed on the registry prior to August 28, 2004, shall remain on the registry for the
38 duration of time required by section 210.152;

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

41 (5) "Children's services providers and agencies", any public, quasi-public, or private
42 entity with the appropriate and relevant training and expertise in delivering services to children
43 and their families as determined by the children's division, and capable of providing direct
44 services and other family services for children in the custody of the children's division or any
45 such entities or agencies that are receiving state moneys for such services;

46 (6) "Director", the director of the Missouri children's division within the department of
47 social services;

48 (7) "Division", the Missouri children's division within the department of social services;

49 (8) "Family assessment and services", an approach to be developed by the children's
50 division which will provide for a prompt assessment of a child who has been reported to the
51 division as a victim of abuse or neglect by a person responsible for that child's care, custody or
52 control and of that child's family, including risk of abuse and neglect and, if necessary, the
53 provision of community-based services to reduce the risk and support the family;

54 (9) "Family support team meeting" or "team meeting", a meeting convened by the
55 division or children's services provider in behalf of the family and/or child for the purpose of
56 determining service and treatment needs, determining the need for placement and developing a
57 plan for reunification or other permanency options, determining the appropriate placement of the
58 child, evaluating case progress, and establishing and revising the case plan;

59 (10) "Investigation", the collection of physical and verbal evidence to determine if a
60 child has been abused or neglected;

61 (11) "Jail or detention center personnel", employees and volunteers working in any
62 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is
63 provided to persons who are being held under custody of the law;

64 (12) "Neglect", failure to provide, by those responsible for the care, custody, and control
65 of the child, the proper or necessary support, education as required by law, nutrition or medical,
66 surgical, or any other care necessary for the child's well-being;

67 (13) "Preponderance of the evidence", that degree of evidence that is of greater weight
68 or more convincing than the evidence which is offered in opposition to it or evidence which as
69 a whole shows the fact to be proved to be more probable than not;

70 (14) "Probable cause", available facts when viewed in the light of surrounding
71 circumstances which would cause a reasonable person to believe a child was abused or
72 neglected;

73 (15) "Report", the communication of an allegation of child abuse or neglect to the
74 division pursuant to section 210.115;

75 (16) "Those responsible for the care, custody, and control of the child", those included
76 but not limited to the parents or guardian of a child, other members of the child's household, or
77 those exercising supervision over a child for any part of a twenty-four-hour day. Those
78 responsible for the care, custody and control shall also include any adult who, based on
79 relationship to the parents of the child, members of the child's household or the family, has
80 access to the child.

**210.118. 1. Except for actions under the uniform parentage act, sections 210.817
2 to 210.852, in any action under chapter 210 or 211 in which the court finds by a
3 preponderance of the evidence that a party is responsible for child abuse or neglect, as**

4 those terms are defined in section 210.110, the clerk shall send a certified copy of the
5 judgment or order to the children's division and to the appropriate prosecuting attorney.
6 Upon receipt of the order, the children's division shall list the individual as a perpetrator
7 of child abuse or neglect in the central registry.

8 2. In every case in which the person has pled guilty to or been found guilty of:

9 (1) A crime under section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030,
10 566.060, or 567.050 and the victim is a child under eighteen years of age;

11 (2) Any other crime in chapter 566 if the victim is a child under eighteen years of
12 age and the perpetrator is twenty-one years of age or older;

13 (3) A crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080,
14 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205; or

15 (4) An attempt to commit any such crimes;

16

17 the court shall enter an order directing the children's division to list the individual as a
18 perpetrator of child abuse or neglect in the central registry. The clerk shall send a certified
19 copy of the order to the children's division. Upon receipt of the order, the children's
20 division shall list the individual as a perpetrator of child abuse or neglect in the central
21 registry.

210.146. 1. Upon receipt of a report of child abuse or neglect concerning a child
2 three years of age or younger and the children's division's determination that such report
3 merits an investigation, such investigation shall include an evaluation of the child by a
4 SAFE CARE provider, as defined in section 334.950, or a review of the child's case file and
5 photographs of the child's injuries by a SAFE CARE provider.

6 2. When a SAFE CARE provider makes a diagnosis that a child three years of age
7 or younger has been subjected to physical abuse, including but not limited to symptoms
8 indicative of abusive bruising, fractures, burns, abdominal injuries, or head trauma, and
9 reports such diagnosis to the children's division, the division shall immediately submit a
10 referral to the juvenile officer. The referral shall include the division's recommendations
11 to the juvenile officer regarding the care, safety, and placement of the child and the reasons
12 for those recommendations.

210.154. 1. There is hereby created within the department of social services the
2 "Missouri Task Force on the Prevention of Infant Abuse and Neglect" to study and make
3 recommendations to the governor and general assembly concerning the prevention of
4 infant abuse and neglect in Missouri. The task force shall consist of the following nine
5 members:

6 **(1) Two members of the senate from different political parties, appointed by the**
7 **president pro tempore of the senate;**

8 **(2) Two members of the house of representatives from different political parties,**
9 **appointed by the speaker of the house of representatives;**

10 **(3) The director of the department of social services, or his or her designee;**

11 **(4) The director of the department of health and senior services, or his or her**
12 **designee;**

13 **(5) A SAFE CARE provider as described in section 334.950;**

14 **(6) A representative of a child advocacy organization specializing in prevention of**
15 **child abuse and neglect; and**

16 **(7) A representative of a licensed Missouri hospital or licensed Missouri birthing**
17 **center.**

18

19 **Members of the task force, other than the legislative members and the directors of state**
20 **departments, shall be appointed by the governor with the advice and consent of the senate**
21 **by September 15, 2016.**

22 **2. A majority vote of a quorum of the task force is required for any action.**

23 **3. The task force shall elect a chair and vice-chair at its first meeting, which shall**
24 **be convened by the director of the department of social services, or his or her designee, no**
25 **later than October 1, 2016. Meetings may be held by telephone or video conference at the**
26 **discretion of the chair.**

27 **4. Members shall serve on the task force without compensation but may, subject**
28 **to appropriations, be reimbursed for actual and necessary expenses incurred in the**
29 **performance of their official duties as members of the task force.**

30 **5. On or before December 31, 2016, the task force shall submit a report on its**
31 **findings and recommendations to the governor and general assembly.**

32 **6. The task shall develop recommendations to reduce infant abuse and neglect,**
33 **including but not limited to:**

34 **(1) Sharing information between the children's division and hospitals and birthing**
35 **centers for the purpose of identifying newborn infants who may be at risk of abuse and**
36 **neglect; and**

37 **(2) Training division employees and medical providers to recognize the signs of**
38 **infant child abuse and neglect.**

39

40 **The recommendations may include proposals for specific statutory and regulatory changes**
41 **and methods to foster cooperation between state and local governmental bodies, medical**
42 **providers, and child welfare agencies.**

43 **7. The task force shall expire on January 1, 2017, or upon submission of a report**
44 **as provided for under subsection 5 of this section.**

210.180. Each employee of the division who is responsible for the investigation or
2 family assessment of reports of suspected child abuse or neglect shall receive not less than forty
3 hours of preservice training on the identification and treatment of child abuse and neglect. In
4 addition to such preservice training such employee shall also receive not less than twenty hours
5 of in-service training each year on the subject of the identification and treatment of child abuse
6 and neglect. **Such annual training shall include at least four hours of medical forensics**
7 **relating to child abuse and neglect as approved by the SAFE CARE network described in**
8 **section 334.950.**

210.660. As used in sections 210.660 to 210.680, the following terms shall mean:

2 **(1) "Age- or developmentally-appropriate activities":**

3 **(a) Activities or items that are generally accepted as suitable for children of the**
4 **same chronological age or level of maturity or that are determined to be developmentally-**
5 **appropriate for a child, based on the development of cognitive, emotional, physical, and**
6 **behavioral capacities that are typical for an age or age group; and**

7 **(b) In the case of a specific child, activities, or items that are suitable for the child**
8 **based on the developmental stages attained by the child with respect to the cognitive,**
9 **emotional, physical, and behavioral capacities of the child;**

10 **(2) "Caregiver", a foster parent, relative, or kinship provider with whom a child**
11 **in foster care has been placed or a designated official for a child care institution in which**
12 **a child in foster care has been placed;**

13 **(3) "Division", the Missouri children's division within the department of social**
14 **services;**

15 **(4) "Reasonable and prudent parent standard", the standard characterized by**
16 **careful and sensible parental decisions that maintain the health, safety, and best interests**
17 **of a child while at the same time encouraging the emotional and developmental growth of**
18 **the child, that a caregiver shall use when determining whether to allow a child in foster**
19 **care under the responsibility of the state to participate in extracurricular, enrichment,**
20 **cultural, and social activities.**

210.665. 1. Except as otherwise provided in subsection 8 of this section, the court
2 **and all parties to a case under chapter 211 involving a child in care shall defer to the**

3 reasonable decisions of the child's designated caregiver involving the child's participation
4 in extracurricular, enrichment, cultural, and social activities.

5 2. A caregiver shall use the reasonable and prudent parent standard when making
6 decisions relating to the activity of the child.

7 3. The division or a contracted agency thereof shall designate at least one onsite
8 caregiver who has authority to apply the reasonable and prudent parent standard for each
9 child placed in its custody.

10 4. The caregiver shall consider:

11 (1) The child's age, maturity, and developmental level;

12 (2) The overall health and safety of the child;

13 (3) Potential risk factors and appropriateness of the activity;

14 (4) The best interests of the child;

15 (5) Promoting, where safe and as appropriate, normal childhood experiences; and

16 (6) Any other relevant factors based on the caregiver's knowledge of the child.

17 5. Caregivers shall receive training with regard to the reasonable and prudent
18 parent standard as required by the division. The training shall include:

19 (1) Knowledge and skills relating to the developmental stages of the cognitive,
20 emotional, physical, and behavioral capacities of a child;

21 (2) Knowledge and skills relating to applying the standard to decisions, including
22 but not limited to whether to allow the child to engage in social, extracurricular,
23 enrichment, cultural, and social activities, such as sports, field trips, and overnight
24 activities lasting one or more days; and

25 (3) Knowledge and skills relating to decisions, including but not limited to the
26 signing of permission slips and arranging of transportation for the child to and from
27 extracurricular, enrichment, and social activities.

28 6. A caregiver shall not be liable for harm caused to a child while participating in
29 an activity chosen by the caregiver, provided the caregiver acted in accordance with the
30 reasonable and prudent parent standard.

31 7. No court shall order the division or a contracted agency thereof to provide
32 funding for activities chosen by the caregiver.

33 8. A caregiver's decisions with regard to the child may be overturned by the court
34 only if, upon notice and a hearing, the court finds by clear and convincing evidence the
35 reasonable and prudent parent standard has been violated. The caregiver shall have the
36 right to receive notice, to attend the hearing, and to present evidence at the hearing.

210.670. 1. Children in foster care under the responsibility of the state who have attained the age of fourteen shall be consulted in the development of, revision of, or addition to their case plan.

2. The children may choose individuals to participate as members of the family support team. The division may reject members chosen by the child if the division has good cause to believe the individual would not act in the best interests of the child. The child may designate one member to be his or her advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child.

3. The child shall receive:

(1) A document which describes the rights of the child with respect to education, health, visitation, court participation, the child's right to documents pursuant to subsection 4 of this section, and the child's right to stay safe and avoid exploitation; and

(2) A signed acknowledgment by the child indicating he or she has been provided with a copy of the document, and the child's rights contained in the document have been explained to the child in an age- and developmentally-appropriate manner.

4. If a child is leaving foster care by reason of having attained eighteen years of age or such greater age as the state has elected, the division shall provide the child with an official or certified copy of his or her United States birth certificate, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records, and a driver's license or identification card issued by the state, unless the child has been in foster care for less than six months and unless the child is ineligible to receive such documents.

210.675. 1. No child in foster care under the responsibility of the state under the age of sixteen shall have a permanency plan of another planned permanent living arrangement.

2. For children with a permanency plan of another planned permanent living arrangement, the court shall make the following findings of fact and conclusions of law at each permanency hearing:

(1) The division's intensive, ongoing, and unsuccessful efforts to return the child home or to secure a placement for the child with a fit and willing relative, such as adult siblings, a legal guardian, or an adoptive parent, including efforts to utilize search technology, like social media, to find biological family members of the child;

(2) The child's desired permanency outcome;

(3) A judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child, including compelling reasons why it continues not to be in the best interests of the child to:

- 15 **(a) Return home;**
16 **(b) Be placed for adoption;**
17 **(c) Be placed with a legal guardian; or**
18 **(d) Be placed with a fit and willing relative; and**
19 **(4) The division's efforts to ensure:**

20 **(a) The child's foster family home child care institution is following the reasonable**
21 **and prudent parent standard; and**

22 **(b) The child has regular, ongoing opportunities to engage in age- or**
23 **developmentally-appropriate activities, including consulting with the child in an age-**
24 **appropriate manner about the opportunities of the child to participate in the activities.**

210.680. The division shall adopt regulations to implement the requirements of
2 **sections 210.660 to 210.675. Any rule or portion of a rule, as that term is defined in section**
3 **536.010 that is created under the authority delegated in this section shall become effective**
4 **only if it complies with and is subject to all of the provisions of chapter 536, and, if**
5 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
6 **the powers vested with the general assembly pursuant to chapter 536, to review, to delay**
7 **the effective date, or to disapprove and annul a rule are subsequently held**
8 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
9 **after August 28, 2016, shall be invalid and void.**

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family
2 court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have
3 exclusive original jurisdiction in proceedings:

4 (1) Involving any child or person seventeen years of age who may be a resident of or
5 found within the county and who is alleged to be in need of care and treatment because:

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

12 (b) The child or person seventeen years of age is otherwise without proper care, custody
13 or support; [or]

14 (c) The child or person seventeen years of age was living in a room, building or other
15 structure at the time such dwelling was found by a court of competent jurisdiction to be a public
16 nuisance pursuant to section 195.130; **or**

17 (d) The child or person seventeen years of age is a child in need of mental health services
18 and the parent, guardian or custodian is unable to afford or access appropriate mental health
19 treatment or care for the child;

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

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

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

26 (c) The child is habitually absent from his or her home without sufficient cause,
27 permission, or justification; [or]

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

30 (e) The child is charged with an offense not classified as criminal, or with an offense
31 applicable only to children; except that, the juvenile court shall not have jurisdiction over any
32 child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance
33 or regulation, the violation of which does not constitute a felony, or any child who is alleged to
34 have violated a state or municipal ordinance or regulation prohibiting possession or use of any
35 tobacco product;

36 (3) Involving any child who is alleged to have violated a state law or municipal
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior
38 to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of
39 the circuit in which the child or person resides or may be found or in which the violation is
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child
41 fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or
42 regulation, the violation of which does not constitute a felony, and except that the juvenile court
43 shall have concurrent jurisdiction with the municipal court over any child who is alleged to have
44 violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent
45 jurisdiction with the circuit court on any child who is alleged to have violated a state or
46 municipal ordinance or regulation prohibiting possession or use of any tobacco product;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child or person seventeen years of age to the guardianship
49 of the department of social services as provided by law; [and]

50 (6) Involving an order of protection pursuant to chapter 455 when the respondent is less
51 than seventeen years of age; **and**

52 **(7) Involving any youth for whom a petition to return the youth to children's**
53 **division custody has been filed under section 211.036.**

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

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

61 (2) Upon the motion of any party or on its own motion prior to final disposition on the
62 pending matter, the court in which a proceeding is commenced may transfer the proceeding of
63 a child or person seventeen years of age to the court located in the county of the child's residence
64 or the residence of the person seventeen years of age, or the county in which the offense pursuant
65 to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

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

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

76 (5) Upon motion of any child or person seventeen years of age or his or her parent, the
77 court having jurisdiction shall grant one change of judge pursuant to Missouri supreme court
78 rules;

79 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or
80 person seventeen years of age, certified copies of all legal and social documents and records
81 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the
82 transfer.

83 3. In any proceeding involving any child or person seventeen years of age taken into
84 custody in a county other than the county of the child's residence or the residence of a person
85 seventeen years of age, the juvenile court of the county of the child's residence or the residence
86 of a person seventeen years of age shall be notified of such taking into custody within
87 seventy-two hours.

88 4. When an investigation by a juvenile officer pursuant to this section reveals that the
89 only basis for action involves an alleged violation of section 167.031 involving a child who
90 alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child
91 to verify that the child is being home schooled and not in violation of section 167.031 before
92 making a report of such a violation. Any report of a violation of section 167.031 made by a
93 juvenile officer regarding a child who is being home schooled shall be made to the prosecuting
94 attorney of the county where the child legally resides.

95 5. The disability or disease of a parent shall not constitute a basis for a determination that
96 a child is a child in need of care or for the removal of custody of a child from the parent without
97 a specific showing that there is a causal relation between the disability or disease and harm to
98 the child.

 211.036. 1. If a youth under the age of twenty-one is released from the custody of the
2 children's division and after such release it appears that it would be in such youth's best interest
3 to have his or her custody returned to the children's division, the juvenile officer, the children's
4 division or the youth may petition the court to return custody of such youth to the division until
5 the youth is twenty-one years of age. **The petition shall be filed in the court that previously**
6 **exercised authority over the youth under section 211.031, in the court in the county where**
7 **the youth resides, or in the court of an adjacent county. In deciding if it is in the best**
8 **interests of the youth to be returned to the custody of the children's division under this**
9 **section, the court shall consider the following factors:**

10 (1) **The circumstances of the youth;**

11 (2) **Whether the children's division has services or programs in place that will**
12 **benefit the youth and assist the youth in transitioning to self-sufficiency; and**

13 (3) **Whether the youth has the commitment to fully cooperate with the children's**
14 **division in developing and implementing a case plan.**

15

16 **The court shall not return a youth to the custody of the children's division who has been**
17 **committed to the custody of another agency; who is under a legal guardianship; or who has**
18 **pled guilty to or been found guilty of a felony criminal offense.**

19 2. **The youth shall cooperate with the case plan developed for the youth by the**
20 **children's division in consultation with the youth.**

21 3. **For purposes of this section, a "youth" is any person eighteen years of age or**
22 **older and under twenty-one years of age who was in the custody of the children's division**
23 **in foster care at any time in the two-year period preceding the youth's eighteenth birthday.**

24 4. **The court may, upon motion of the children's division or the youth, terminate**
25 **care and supervision before the youth's twenty-first birthday if the court finds the**

26 **children's division does not have services available for the youth, the youth no longer needs**
27 **services, or if the youth declines to cooperate with the case plan.**

28 **5. The youth, at the youth's discretion, may request to be appointed a guardian ad**
29 **litem. If a guardian ad litem is appointed, he or she shall serve under section 210.160.**

30 **6. The court shall hold review hearings as necessary, but in no event less than once**
31 **every six months for as long as the youth is in the custody of the children's division.**

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