

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 693**  
**99TH GENERAL ASSEMBLY**

4531H.02C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, 221.044, 475.050, and 475.075, RSMo, and to enact in lieu thereof twenty-three new sections relating to court proceedings, with penalty provisions and a delayed effective date for certain sections.

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

Section A. Sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071,  
2 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431,  
3 221.044, 475.050, and 475.075, RSMo, are repealed and twenty-three new sections enacted in  
4 lieu thereof, to be known as sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061,  
5 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425,  
6 211.431, 211.435, 221.044, 475.050, 475.075, 488.315, and 558.003, to read as follows:

- 211.021. [±] As used in this chapter, unless the context clearly requires otherwise:
- 2 (1) "Adult" means a person [~~seventeen~~] **eighteen** years of age or older [~~except for~~  
3 ~~seventeen-year-old children as defined in this section~~];
- 4 (2) "Child" means any person under [~~seventeen~~] **eighteen** years of age [~~and shall mean,~~  
5 ~~in addition, any person over seventeen but not yet eighteen years of age alleged to have~~  
6 ~~committed a status offense~~];
- 7 (3) "Juvenile court" means the juvenile division or divisions of the circuit court of the  
8 county, or judges while hearing juvenile cases assigned to them;
- 9 (4) "Legal custody" means the right to the care, custody and control of a child and the  
10 duty to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline  
11 of a child. Legal custody may be taken from a parent only by court action and if the legal

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 custody is taken from a parent without termination of parental rights, the parent's duty to provide  
13 support continues even though the person having legal custody may provide the necessities of  
14 daily living;

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

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

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

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

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

25 (7) "Status offense", any offense as described in subdivision (2) of subsection 1 of  
26 section 211.031.

27 ~~[2. The amendments to subsection 1 of this section, as provided for in this act, shall not  
28 take effect until such time as appropriations by the general assembly for additional juvenile  
29 officer full-time equivalents and deputy juvenile officer full-time equivalents shall exceed by one  
30 million nine hundred thousand dollars the amount spent by the state for such officers in fiscal  
31 year 2007 and appropriations by the general assembly to single first class counties for juvenile  
32 court personnel costs shall exceed by one million nine hundred thousand dollars the amount  
33 spent by the state for such juvenile court personnel costs in fiscal year 2007 and notice of such  
34 appropriations has been given to the revisor of statutes.]~~

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,  
13 custody 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;

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

20 (2) Involving any child who may be a resident of or found within the county and who is  
21 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~~] **eighteen** years, in which cases jurisdiction may be taken by  
39 the court of the circuit in which the child or person resides or may be found or in which the  
40 violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction  
41 over any child fifteen years of age who is alleged to have violated a state or municipal traffic  
42 ordinance or regulation, the violation of which does not constitute a felony, and except that the  
43 juvenile court shall have concurrent jurisdiction with the municipal court over any child who is  
44 alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall  
45 have concurrent jurisdiction with the circuit court on any child who is alleged to have violated  
46 a state or 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]~~ **eighteen** years of age.

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

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

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

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

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

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

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

82 3. In any proceeding involving any child ~~[or person seventeen years of age]~~ taken into  
83 custody in a county other than the county of the child's residence ~~[or the residence of a person~~  
84 ~~seventeen years of age]~~, the juvenile court of the county of the child's residence ~~[or the residence~~

85 ~~of a person seventeen years of age]~~ shall be notified of such taking into custody within seventy-  
86 two hours.

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

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

211.032. 1. Except as otherwise provided in a circuit participating in a pilot project  
2 established by the Missouri supreme court, when a child ~~[or person seventeen years of age]~~,  
3 alleged to be in need of care and treatment pursuant to subdivision (1) of subsection 1 of section  
4 211.031, is taken into custody, the juvenile or family court shall notify the parties of the right to  
5 have a protective custody hearing. Such notification shall be in writing.

6 2. Upon request from any party, the court shall hold a protective custody hearing. Such  
7 hearing shall be held within three days of the request for a hearing, excluding Saturdays, Sundays  
8 and legal holidays. For circuits participating in a pilot project established by the Missouri  
9 supreme court, the parties shall be notified at the status conference of their right to request a  
10 protective custody hearing.

11 3. No later than February 1, 2005, the Missouri supreme court shall require a mandatory  
12 court proceeding to be held within three days, excluding Saturdays, Sundays, and legal holidays,  
13 in all cases under subdivision (1) of subsection 1 of section 211.031. The Missouri supreme  
14 court shall promulgate rules for the implementation of such mandatory court proceedings and  
15 may consider recommendations from any pilot projects established by the Missouri supreme  
16 court regarding such proceedings. Nothing in this subsection shall prevent the Missouri supreme  
17 court from expanding pilot projects prior to the implementation of this subsection.

18 4. The court shall hold an adjudication hearing no later than sixty days after the child has  
19 been taken into custody. The court shall notify the parties in writing of the specific date, time,  
20 and place of such hearing. If at such hearing the court determines that sufficient cause exists for  
21 the child to remain in the custody of the state, the court shall conduct a dispositional hearing no  
22 later than ninety days after the child has been taken into custody and shall conduct review  
23 hearings regarding the reunification efforts made by the division every ninety to one hundred

24 twenty days for the first year the child is in the custody of the division. After the first year,  
25 review hearings shall be held as necessary, but in no event less than once every six months for  
26 as long as the child is in the custody of the division.

27 5. At all hearings held pursuant to this section the court may receive testimony and other  
28 evidence relevant to the necessity of detaining the child out of the custody of the parents,  
29 guardian or custodian.

30 6. By January 1, 2005, the supreme court shall develop rules regarding the effect of  
31 untimely hearings.

32 7. If the placement of any child in the custody of the children's division will result in the  
33 child attending a school other than the school the child was attending when taken into custody:

34 (1) The child's records from such school shall automatically be forwarded to the school  
35 that the child is transferring to upon notification within two business days by the division; or

36 (2) Upon request of the foster family, the guardian ad litem, or the volunteer advocate  
37 and whenever possible, the child shall be permitted to continue to attend the same school that  
38 the child was enrolled in and attending at the time the child was taken into custody by the  
39 division. The division, in consultation with the department of elementary and secondary  
40 education, shall establish the necessary procedures to implement the provisions of this  
41 subsection.

211.033. 1. No person under the age of ~~[seventeen]~~ **eighteen** years, except those  
2 transferred to the court of general jurisdiction under the provisions of section 211.071 shall be  
3 detained in a jail or other adult detention facility as that term is defined in section 211.151. A  
4 traffic court judge may request the juvenile court to order the commitment of a person under the  
5 age of ~~[seventeen]~~ **eighteen** to a juvenile detention facility.

6 2. Nothing in this section shall be construed as creating any civil or criminal liability for  
7 any law enforcement officer, juvenile officer, school personnel, or court personnel for any action  
8 taken or failure to take any action involving a minor child who remains under the jurisdiction of  
9 the juvenile court under this section if such action or failure to take action is based on a good  
10 faith belief by such officer or personnel that the minor child is not under the jurisdiction of the  
11 juvenile court.

12 ~~[3. The amendments to subsection 2 of this section, as provided for in this act, shall not~~  
13 ~~take effect until such time as the provisions of section 211.021 shall take effect in accordance~~  
14 ~~with subsection 2 of section 211.021.]~~

211.041. When jurisdiction over the person of a child has been acquired by the juvenile  
2 court under the provisions of this chapter in proceedings coming within the applicable provisions  
3 of section 211.031, the jurisdiction of the child may be retained for the purpose of this chapter  
4 until he or she has attained the age of twenty-one years, except in cases where he or she is

5 committed to and received by the division of youth services, unless jurisdiction has been returned  
6 to the committing court by provisions of chapter 219 through requests of the court to the division  
7 of youth services and except in any case where he or she has not paid an assessment imposed in  
8 accordance with section 211.181 or in cases where the judgment for restitution entered in  
9 accordance with section 211.185 has not been satisfied. Every child over whose person the  
10 juvenile court retains jurisdiction shall be prosecuted under the general law for any violation of  
11 a state law or of a municipal ordinance which he or she commits after he or she becomes  
12 ~~seventeen~~ **eighteen** years of age. The juvenile court shall have no jurisdiction with respect to  
13 any such violation and, so long as it retains jurisdiction of the child, shall not exercise its  
14 jurisdiction in such a manner as to conflict with any other court's jurisdiction as to any such  
15 violation.

211.061. 1. When a child is taken into custody with or without warrant for an offense,  
2 the child, together with any information concerning the child and the personal property found in  
3 the child's possession, shall be taken immediately and directly before the juvenile court or  
4 delivered to the juvenile officer or person acting for ~~him~~ **the child**.

5 2. If any person is taken before a circuit or associate circuit judge not assigned to  
6 juvenile court or a municipal judge, and it is then, or at any time thereafter, ascertained that he  
7 or she was under the age of ~~seventeen~~ **eighteen** years at the time he or she is alleged to have  
8 committed the offense, or that he or she is subject to the jurisdiction of the juvenile court as  
9 provided by this chapter, it is the duty of the judge forthwith to transfer the case or refer the  
10 matter to the juvenile court, and direct the delivery of such person, together with information  
11 concerning him or her and the personal property found in his or her possession, to the juvenile  
12 officer or person acting as such.

13 3. When the juvenile court is informed that a child is in detention it shall examine the  
14 reasons therefor and shall immediately:

15 (1) Order the child released; or

16 (2) Order the child continued in detention until a detention hearing is held. An order to  
17 continue the child in detention shall only be entered upon the filing of a petition or motion to  
18 modify and a determination by the court that probable cause exists to believe that the child has  
19 committed acts specified in the petition or motion that bring the child within the jurisdiction of  
20 the court under subdivision (2) or (3) of subsection 1 of section 211.031.

21 4. A juvenile shall not remain in detention for a period greater than twenty-four hours  
22 unless the court orders a detention hearing. If such hearing is not held within three days,  
23 excluding Saturdays, Sundays and legal holidays, the juvenile shall be released from detention  
24 unless the court for good cause orders the hearing continued. The detention hearing shall be held  
25 within the judicial circuit at a date, time and place convenient to the court. Notice of the date,

26 time and place of a detention hearing, and of the right to counsel, shall be given to the juvenile  
27 and his or her custodian in person, by telephone, or by such other expeditious method as is  
28 available.

211.071. 1. If a petition alleges that a child between the ages of twelve and [~~seventeen~~]  
2 **eighteen** has committed an offense which would be considered a felony if committed by an  
3 adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the  
4 child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child  
5 may be transferred to the court of general jurisdiction and prosecuted under the general law;  
6 except that if a petition alleges that any child has committed an offense which would be  
7 considered first degree murder under section 565.020, second degree murder under section  
8 565.021, first degree assault under section 565.050, forcible rape under section 566.030 as it  
9 existed prior to August 28, 2013, rape in the first degree under section 566.030, forcible sodomy  
10 under section 566.060 as it existed prior to August 28, 2013, sodomy in the first degree under  
11 section 566.060, first degree robbery under section 569.020 **as it existed prior to January 1,**  
12 **2017, or first degree robbery under section 570.023,** [ø] distribution of drugs under section  
13 195.211 **as it existed prior to January 1, 2017, or the manufacturing of a controlled**  
14 **substance under section 579.055,** or has committed two or more prior unrelated offenses which  
15 would be felonies if committed by an adult, the court shall order a hearing, and may in its  
16 discretion, dismiss the petition and transfer the child to a court of general jurisdiction for  
17 prosecution under the general law.

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

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

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



33           5. The juvenile officer may consult with the office of prosecuting attorney concerning  
34 any offense for which the child could be certified as an adult under this section. The prosecuting  
35 or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile  
36 officer, statements of witnesses and all other records or reports relating to the offense alleged to  
37 have been committed by the child. The prosecuting or circuit attorney shall have access to the  
38 disposition records of the child when the child has been adjudicated pursuant to subdivision (3)  
39 of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information  
40 regarding the child and the offense until the juvenile court at a judicial hearing has determined  
41 that the child is not a proper subject to be dealt with under the provisions of this chapter.

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

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

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

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

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

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

56           (6) The sophistication and maturity of the child as determined by consideration of his  
57 **or her** home and environmental situation, emotional condition and pattern of living;

58           (7) The age of the child;

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

60           (9) Whether or not the child can benefit from the treatment or rehabilitative programs  
61 available to the juvenile court; and

62           (10) Racial disparity in certification.

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

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

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

67           (3) Findings showing that the hearing was held in the presence of the child and his **or**  
68 **her** counsel; and

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

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

72 9. When a petition has been dismissed thereby permitting a child to be prosecuted under  
73 the general law and the prosecution of the child results in a conviction, the jurisdiction of the  
74 juvenile court over that child is forever terminated, except as provided in subsection 10 of this  
75 section, for an act that would be a violation of a state law or municipal ordinance.

76 10. If a petition has been dismissed thereby permitting a child to be prosecuted under the  
77 general law and the child is found not guilty by a court of general jurisdiction, the juvenile court  
78 shall have jurisdiction over any later offense committed by that child which would be considered  
79 a misdemeanor or felony if committed by an adult, subject to the certification provisions of this  
80 section.

81 11. If the court does not dismiss the petition to permit the child to be prosecuted under  
82 the general law, it shall set a date for the hearing upon the petition as provided in section  
83 211.171.

211.073. 1. The court shall, in a case when the offender is under ~~seventeen~~ **eighteen**  
2 years ~~and six months~~ of age and has been transferred to a court of general jurisdiction pursuant  
3 to section 211.071, and whose prosecution results in a conviction or a plea of guilty, consider  
4 dual jurisdiction of both the criminal and juvenile codes, as set forth in this section. The court  
5 is authorized to impose a juvenile disposition under this chapter and simultaneously impose an  
6 adult criminal sentence, the execution of which shall be suspended pursuant to the provisions of  
7 this section. Successful completion of the juvenile disposition ordered shall be a condition of  
8 the suspended adult criminal sentence. The court may order an offender into the custody of the  
9 division of youth services pursuant to this section:

10 (1) Upon agreement of the division of youth services; and

11 (2) If the division of youth services determines that there is space available in a facility  
12 designed to serve offenders sentenced under this section. If the division of youth services agrees  
13 to accept a youth and the court does not impose a juvenile disposition, the court shall make  
14 findings on the record as to why the division of youth services was not appropriate for the  
15 offender prior to imposing the adult criminal sentence.

16 2. If there is probable cause to believe that the offender has violated a condition of the  
17 suspended sentence or committed a new offense, the court shall conduct a hearing on the  
18 violation charged, unless the offender waives such hearing. If the violation is established and  
19 found the court may continue or revoke the juvenile disposition, impose the adult criminal  
20 sentence, or enter such other order as it may see fit.

21           3. When an offender has received a suspended sentence pursuant to this section and the  
22 division determines the child is beyond the scope of its treatment programs, the division of youth  
23 services may petition the court for a transfer of custody of the offender. The court shall hold a  
24 hearing and shall:

25           (1) Revoke the suspension and direct that the offender be taken into immediate custody  
26 of the department of corrections; or

27           (2) Direct that the offender be placed on probation.

28           4. When an offender who has received a suspended sentence reaches the age of  
29 ~~seventeen~~ **eighteen**, the court shall hold a hearing. The court shall:

30           (1) Revoke the suspension and direct that the offender be taken into immediate custody  
31 of the department of corrections;

32           (2) Direct that the offender be placed on probation; or

33           (3) Direct that the offender remain in the custody of the division of youth services if the  
34 division agrees to such placement.

35           5. The division of youth services shall petition the court for a hearing before it releases  
36 an offender who comes within subsection 1 of this section at any time before the offender  
37 reaches the age of twenty-one years. The court shall:

38           (1) Revoke the suspension and direct that the offender be taken into immediate custody  
39 of the department of corrections; or

40           (2) Direct that the offender be placed on probation.

41           6. If the suspension of the adult criminal sentence is revoked, all time served by the  
42 offender under the juvenile disposition shall be credited toward the adult criminal sentence  
43 imposed.

211.081. 1. Whenever any person informs the juvenile officer in writing that a child  
2 appears to be within the purview of applicable provisions of section 211.031 ~~[or that a person~~  
3 ~~seventeen years of age appears to be within the purview of the provisions of subdivision (1) of~~  
4 ~~subsection 1 of section 211.031]~~, the juvenile officer shall make or cause to be made a  
5 preliminary inquiry to determine the facts and to determine whether or not the interests of the  
6 public or of the child ~~[or person seventeen years of age]~~ require that further action be taken. On  
7 the basis of this inquiry, the juvenile officer may make such informal adjustment as is practicable  
8 without a petition or file a petition. Any other provision of this chapter to the contrary  
9 notwithstanding, the juvenile court shall not make any order for disposition of a child ~~[or person~~  
10 ~~seventeen years of age]~~ which would place or commit the child ~~[or person seventeen years of~~  
11 ~~age]~~ to any location outside the state of Missouri without first receiving the approval of the  
12 children's division.

13           2. Placement in any institutional setting shall represent the least restrictive appropriate  
14 placement for the child [~~or person seventeen years of age~~] and shall be recommended based upon  
15 a psychological or psychiatric evaluation or both. Prior to entering any order for disposition of  
16 a child [~~or person seventeen years of age~~] which would order residential treatment or other  
17 services inside the state of Missouri, the juvenile court shall enter findings which include the  
18 recommendation of the psychological or psychiatric evaluation or both; and certification from  
19 the division director or designee as to whether a provider or funds or both are available,  
20 including a projection of their future availability. If the children's division indicates that funding  
21 is not available, the division shall recommend and make available for placement by the court an  
22 alternative placement for the child [~~or person seventeen years of age~~]. The division shall have  
23 the burden of demonstrating that they have exercised due diligence in utilizing all available  
24 services to carry out the recommendation of the evaluation team and serve the best interest of the  
25 child [~~or person seventeen years of age~~]. The judge shall not order placement or an alternative  
26 placement with a specific provider but may reasonably designate the scope and type of the  
27 services which shall be provided by the department to the child [~~or person seventeen years of~~  
28 ~~age~~].

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

211.091. 1. The petition shall be entitled "In the interest of ....., a child under  
2 [~~seventeen~~] **eighteen** years of age" [~~or "In the interest of ....., a child seventeen years of age"~~  
3 ~~or "In the interest of ....., a person seventeen years of age"~~ as appropriate to the subsection  
4 of section 211.031 that provides the basis for the filing of the petition].

5           2. The petition shall set forth plainly:

6           (1) The facts which bring the child [~~or person seventeen years of age~~] within the  
7 jurisdiction of the court;

8           (2) The full name, birth date, and residence of the child [~~or person seventeen years of~~  
9 ~~age~~];

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

11           (4) The name and residence of his or her legal guardian if there be one, of the person  
12 having custody of the child [~~or person seventeen years of age~~] or of the nearest known relative  
13 if no parent or guardian can be found; and

14           (5) Any other pertinent data or information.

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

17           4. Prior to the voluntary dismissal of a petition filed under this section, the juvenile  
18 officer shall assess the impact of such dismissal on the best interests of the child, and shall take  
19 all actions practicable to minimize any negative impact.

          211.101. 1. After a petition has been filed, unless the parties appear voluntarily, the  
2 juvenile court shall issue a summons in the name of the state of Missouri requiring the person  
3 who has custody of the child [~~or person seventeen years of age~~] to appear personally and, unless  
4 the court orders otherwise, to bring the child [~~or person seventeen years of age~~] before the court,  
5 at the time and place stated.

6           2. If the person so summoned is other than a parent or guardian of the child [~~or person~~  
7 ~~seventeen years of age~~], then the parent or guardian or both shall also be notified of the pendency  
8 of the case and of the time and place appointed.

9           3. If it appears that the child [~~or person seventeen years of age~~] is in such condition or  
10 surroundings that his or her welfare requires that his or her custody be immediately assumed by  
11 the court, the judge may order, by endorsement upon the summons, the officer serving it to take  
12 the child [~~or person seventeen years of age~~] into custody at once.

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

          211.161. 1. The court may cause any child [~~or person seventeen years of age~~] within its  
2 jurisdiction to be examined by a physician, psychiatrist or psychologist appointed by the court  
3 in order that the condition of the child [~~or person seventeen years of age~~] may be given  
4 consideration in the disposition of his **or her** case. The expenses of the examination when  
5 approved by the court shall be paid by the county, except that the county shall not be liable for  
6 the costs of examinations conducted by the department of mental health either directly or through  
7 contract.

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

10           3. A county may establish medical, psychiatric and other facilities, upon request of the  
11 juvenile court, to provide proper services for the court in the diagnosis and treatment of children  
12 [~~or persons seventeen years of age~~] coming before it and these facilities shall be under the  
13 administration and control of the juvenile court. The juvenile court may appoint and fix the  
14 compensation of such professional and other personnel as it deems necessary to provide the court  
15 proper diagnostic, clinical and treatment services for children [~~or persons seventeen years of age~~]  
16 under its jurisdiction.

          211.181. 1. When a child [~~or person seventeen years of age~~] is found by the court to  
2 come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the  
3 court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the

4 child ~~[or person seventeen years of age]~~, and the court may, by order duly entered, proceed as  
5 follows:

6 (1) Place the child ~~[or person seventeen years of age]~~ under supervision in his **or her**  
7 own home or in the custody of a relative or other suitable person after the court or a public  
8 agency or institution designated by the court conducts an investigation of the home, relative or  
9 person and finds such home, relative or person to be suitable and upon such conditions as the  
10 court may require;

11 (2) Commit the child ~~[or person seventeen years of age]~~ to the custody of:

12 (a) A public agency or institution authorized by law to care for children or to place them  
13 in family homes; except that, such child ~~[or person seventeen years of age]~~ may not be  
14 committed to the department of social services, division of youth services;

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

17 (c) An association, school or institution willing to receive the child ~~[or person seventeen~~  
18 ~~years of age]~~ in another state if the approval of the agency in that state which administers the  
19 laws relating to importation of children into the state has been secured; or

20 (d) The juvenile officer;

21 (3) Place the child ~~[or person seventeen years of age]~~ in a family home;

22 (4) Cause the child ~~[or person seventeen years of age]~~ to be examined and treated by a  
23 physician, psychiatrist or psychologist and when the health or condition of the child ~~[or person~~  
24 ~~seventeen years of age]~~ requires it, cause the child ~~[or person seventeen years of age]~~ to be placed  
25 in a public or private hospital, clinic or institution for treatment and care; except that, nothing  
26 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment  
27 of a child ~~[or person seventeen years of age]~~ whose parents or guardian in good faith are  
28 providing other remedial treatment recognized or permitted under the laws of this state;

29 (5) The court may order, pursuant to subsection 2 of section 211.081, that the child  
30 receive the necessary services in the least restrictive appropriate environment including home  
31 and community-based services, treatment and support, based on a coordinated, individualized  
32 treatment plan. The individualized treatment plan shall be approved by the court and developed  
33 by the applicable state agencies responsible for providing or paying for any and all appropriate  
34 and necessary services, subject to appropriation, and shall include which agencies are going to  
35 pay for and provide such services. Such plan must be submitted to the court within thirty days  
36 and the child's family shall actively participate in designing the service plan for the child ~~[or~~  
37 ~~person seventeen years of age]~~;

38 (6) The department of social services, in conjunction with the department of mental  
39 health, shall apply to the United States Department of Health and Human Services for such

40 federal waivers as required to provide services for such children, including the acquisition of  
41 community-based services waivers. 2. When a child is found by the court to come within the  
42 provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and  
43 upon making a finding of fact upon which it exercises its jurisdiction over the child, the court  
44 may, by order duly entered, proceed as follows:

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

49 (2) Commit the child to the custody of:

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

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

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

59 (d) The juvenile officer;

60 (3) Place the child in a family home;

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

67 (5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.

68

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

73 3. When a child is found by the court to come within the provisions of subdivision (3)  
74 of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon

75 which it exercises its jurisdiction over the child, and the court may, by order duly entered,  
76 proceed as follows:

77 (1) Place the child under supervision in his or her own home or in custody of a relative  
78 or other suitable person after the court or a public agency or institution designated by the court  
79 conducts an investigation of the home, relative or person and finds such home, relative or person  
80 to be suitable and upon such conditions as the court may require; provided that, no child who has  
81 been adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-  
82 related offense which if committed by an adult would be considered a felony offense pursuant  
83 to chapter 566, RSMo, including but not limited to rape, forcible sodomy, child molestation, and  
84 sexual abuse, and in which the victim was a child, shall be placed in any residence within one  
85 thousand feet of the residence of the abused child of that offense until the abused child reaches  
86 the age of eighteen, and provided further that the provisions of this subdivision regarding  
87 placement within one thousand feet of the abused child shall not apply when the abusing child  
88 and the abused child are siblings or children living in the same home;

89 (2) Commit the child to the custody of:

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

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

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

97 (d) The juvenile officer;

98 (3) Beginning January 1, 1996, the court may make further directions as to placement  
99 with the division of youth services concerning the child's length of stay. The length of stay order  
100 may set forth a minimum review date;

101 (4) Place the child in a family home;

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

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



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

118 (8) Order the child to a term of community service under the supervision of the court or  
119 of an organization selected by the court. Every person, organization, and agency, and each  
120 employee thereof, charged with the supervision of a child under this subdivision, or who benefits  
121 from any services performed as a result of an order issued under this subdivision, shall be  
122 immune from any suit by the child ordered to perform services under this subdivision, or any  
123 person deriving a cause of action from such child, if such cause of action arises from the  
124 supervision of the child's performance of services under this subdivision and if such cause of  
125 action does not arise from an intentional tort. A child ordered to perform services under this  
126 subdivision shall not be deemed an employee within the meaning of the provisions of chapter  
127 287, RSMo, nor shall the services of such child be deemed employment within the meaning of  
128 the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a  
129 commitment to any state agency, may be suspended and the child placed on probation subject  
130 to such conditions as the court deems reasonable. After a hearing, probation may be revoked and  
131 the suspended order executed;

132 (9) When a child has been adjudicated to have violated a municipal ordinance or to have  
133 committed an act that would be a misdemeanor if committed by an adult, assess an amount of  
134 up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been  
135 adjudicated to have committed an act that would be a felony if committed by an adult, assess an  
136 amount of up to fifty dollars to be paid by the child to the clerk of the court.

137 4. Beginning January 1, 1996, the court may set forth in the order of commitment the  
138 minimum period during which the child shall remain in the custody of the division of youth  
139 services. No court order shall require a child to remain in the custody of the division of youth  
140 services for a period which exceeds the child's eighteenth birth date except upon petition filed  
141 by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any  
142 order of commitment of a child to the custody of the division of youth services, the division shall  
143 determine the appropriate program or placement pursuant to subsection 3 of section 219.021,  
144 RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody  
145 of the division of youth services before the child completes the length of stay determined by the

146 court in the commitment order unless the committing court orders otherwise. The director of the  
147 division of youth services may at any time petition the court for a review of a child's length of  
148 stay commitment order, and the court may, upon a showing of good cause, order the early  
149 discharge of the child from the custody of the division of youth services. The division may  
150 discharge the child from the division of youth services without a further court order after the  
151 child completes the length of stay determined by the court or may retain the child for any period  
152 after the completion of the length of stay in accordance with the law.

153 5. When an assessment has been imposed under the provisions of subsection 2 or 3 of  
154 this section, the assessment shall be paid to the clerk of the court in the circuit where the  
155 assessment is imposed by court order, to be deposited in a fund established for the sole purpose  
156 of payment of judgments entered against children in accordance with section 211.185.

211.321. 1. Records of juvenile court proceedings as well as all information obtained  
2 and social records prepared in the discharge of official duty for the court shall not be open to  
3 inspection or their contents disclosed, except by order of the court to persons having a legitimate  
4 interest therein, unless a petition or motion to modify is sustained which charges the child with  
5 an offense which, if committed by an adult, would be a class A felony under the criminal code  
6 of Missouri, or capital murder, first degree murder, or second degree murder or except as  
7 provided in subsection 2 of this section. In addition, whenever a report is required under section  
8 557.026, there shall also be included a complete list of certain violations of the juvenile code for  
9 which the defendant had been adjudicated a delinquent while a juvenile. This list shall be made  
10 available to the probation officer and shall be included in the presentence report. The violations  
11 to be included in the report are limited to the following: rape, sodomy, murder, kidnapping,  
12 robbery, arson, burglary or any acts involving the rendering or threat of serious bodily harm. The  
13 supreme court may promulgate rules to be followed by the juvenile courts in separating the  
14 records.

15 2. In all proceedings under subdivision (2) of subsection 1 of section 211.031, the  
16 records of the juvenile court as well as all information obtained and social records prepared in  
17 the discharge of official duty for the court shall be kept confidential and shall be open to  
18 inspection only by order of the judge of the juvenile court or as otherwise provided by statute.  
19 In all proceedings under subdivision (3) of subsection 1 of section 211.031 the records of the  
20 juvenile court as well as all information obtained and social records prepared in the discharge  
21 of official duty for the court shall be kept confidential and may be open to inspection without  
22 court order only as follows:

23 (1) The juvenile officer is authorized at any time:

24 (a) To provide information to or discuss matters concerning the child, the violation of  
25 law or the case with the victim, witnesses, officials at the child's school, law enforcement

26 officials, prosecuting attorneys, any person or agency having or proposed to have legal or actual  
27 care, custody or control of the child, or any person or agency providing or proposed to provide  
28 treatment of the child. Information received pursuant to this paragraph shall not be released to  
29 the general public, but shall be released only to the persons or agencies listed in this paragraph;

30 (b) To make public information concerning the offense, the substance of the petition, the  
31 status of proceedings in the juvenile court and any other information which does not specifically  
32 identify the child or the child's family;

33 (2) After a child has been adjudicated delinquent pursuant to subdivision (3) of  
34 subsection 1 of section 211.031, for an offense which would be a felony if committed by an  
35 adult, the records of the dispositional hearing and proceedings related thereto shall be open to  
36 the public to the same extent that records of criminal proceedings are open to the public.  
37 However, the social summaries, investigations or updates in the nature of presentence  
38 investigations, and status reports submitted to the court by any treating agency or individual after  
39 the dispositional order is entered shall be kept confidential and shall be opened to inspection only  
40 by order of the judge of the juvenile court;

41 (3) As otherwise provided by statute;

42 (4) In all other instances, only by order of the judge of the juvenile court.

43 3. Peace officers' records, if any are kept, of children shall be kept separate from the  
44 records of persons ~~seventeen~~ **eighteen** years of age or over and shall not be open to inspection  
45 or their contents disclosed, except by order of the court. This subsection does not apply to  
46 children who are transferred to courts of general jurisdiction as provided by section 211.071 or  
47 to juveniles convicted under the provisions of sections 578.421 to 578.437. This subsection does  
48 not apply to the inspection or disclosure of the contents of the records of peace officers for the  
49 purpose of pursuing a civil forfeiture action pursuant to the provisions of section 195.140.

50 4. Nothing in this section shall be construed to prevent the release of information and  
51 data to persons or organizations authorized by law to compile statistics relating to juveniles. The  
52 court shall adopt procedures to protect the confidentiality of children's names and identities.

53 5. The court may, either on its own motion or upon application by the child or his **or her**  
54 representative, or upon application by the juvenile officer, enter an order to destroy all social  
55 histories, records, and information, other than the official court file, and may enter an order to  
56 seal the official court file, as well as all peace officers' records, at any time after the child has  
57 reached his ~~seventeenth~~ **or her eighteenth** birthday if the court finds that it is in the best  
58 interest of the child that such action or any part thereof be taken, unless the jurisdiction of the  
59 court is continued beyond the child's ~~seventeenth~~ **eighteenth** birthday, in which event such  
60 action or any part thereof may be taken by the court at any time after the closing of the child's  
61 case.

62           6. Nothing in this section shall be construed to prevent the release of general information  
63 regarding the informal adjustment or formal adjudication of the disposition of a child's case to  
64 a victim or a member of the immediate family of a victim of any offense committed by the child.  
65 Such general information shall not be specific as to location and duration of treatment or  
66 detention or as to any terms of supervision.

67           7. Records of juvenile court proceedings as well as all information obtained and social  
68 records prepared in the discharge of official duty for the court shall be disclosed to the child  
69 fatality review panel reviewing the child's death pursuant to section 210.192 unless the juvenile  
70 court on its own motion, or upon application by the juvenile officer, enters an order to seal the  
71 records of the victim child.

211.421. 1. After any child has come under the care or control of the juvenile court as  
2 provided in this chapter, any person who thereafter encourages, aids, or causes the child to  
3 commit any act or engage in any conduct which would be injurious to the child's morals or health  
4 or who knowingly or negligently disobeys, violates or interferes with a lawful order of the court  
5 with relation to the child, is guilty of contempt of court, and shall be proceeded against as now  
6 provided by law and punished by imprisonment in the county jail for a term not exceeding six  
7 months or by a fine not exceeding five hundred dollars or by both such fine and imprisonment.

8           2. If it appears at a juvenile court hearing that any person [~~seventeen~~] **eighteen** years of  
9 age or over has violated section 568.045 or 568.050, RSMo, by endangering the welfare of a  
10 child, the judge of the juvenile court shall refer the information to the prosecuting or circuit  
11 attorney, as the case may be, for appropriate proceedings.

211.425. 1. Any person who has been adjudicated a delinquent by a juvenile court for  
2 committing or attempting to commit a sex-related offense which if committed by an adult would  
3 be considered a felony offense pursuant to chapter 566 including, but not limited to, rape,  
4 forcible sodomy, child molestation and sexual abuse, shall be considered a juvenile sex offender  
5 and shall be required to register as a juvenile sex offender by complying with the registration  
6 requirements provided for in this section, unless such juvenile adjudicated as a delinquent is  
7 fourteen years of age or older at the time of the offense and the offense adjudicated would be  
8 considered a felony under chapter 566 if committed by an adult, which is equal to or more severe  
9 than aggravated sexual abuse under 18 U.S.C. Section 2241, including any attempt or conspiracy  
10 to commit such offense, in which case, the juvenile shall be required to register as an adult sexual  
11 offender under sections 589.400 to 589.425. This requirement shall also apply to any person  
12 who is or has been adjudicated a juvenile delinquent in any other state or federal jurisdiction for  
13 committing, attempting to commit, or conspiring to commit offenses which would be proscribed  
14 herein.

15           2. Any state agency having supervision over a juvenile required to register as a juvenile  
16 sex offender or any court having jurisdiction over a juvenile required to register as a juvenile sex  
17 offender, or any person required to register as a juvenile sex offender, shall, within ten days of  
18 the juvenile offender moving into any county of this state, register with the juvenile office of the  
19 county. If such juvenile offender changes residence or address, the state agency, court or person  
20 shall inform the juvenile office within ten days of the new residence or address and shall also be  
21 required to register with the juvenile office of any new county of residence. Registration shall  
22 be accomplished by completing a registration form similar to the form provided for in section  
23 589.407. Such form shall include, but is not limited to, the following:

24           (1) A statement in writing signed by the juvenile, giving the juvenile's name, address,  
25 Social Security number, phone number, school in which enrolled, place of employment, offense  
26 which requires registration, including the date, place, and a brief description of such offense, date  
27 and place of adjudication regarding such offense, and age and gender of the victim at the time  
28 of the offense; and

29           (2) The fingerprints and a photograph of the juvenile.

30           3. Juvenile offices shall maintain the registration forms of those juvenile offenders in  
31 their jurisdictions who register as required by this section. Information contained on the  
32 registration forms shall be kept confidential and may be released by juvenile offices to only those  
33 persons and agencies who are authorized to receive information from juvenile court records as  
34 provided by law, including, but not limited to, those specified in section 211.321. State agencies  
35 having custody of juveniles who fall within the registration requirements of this section shall  
36 notify the appropriate juvenile offices when such juvenile offenders are being transferred to a  
37 location falling within the jurisdiction of such juvenile offices.

38           4. Any juvenile who is required to register pursuant to this section but fails to do so or  
39 who provides false information on the registration form is subject to disposition pursuant to this  
40 chapter. Any person [~~seventeen~~] **eighteen** years of age or over who commits such violation is  
41 guilty of a class A misdemeanor as provided for in section 211.431.

42           5. Any juvenile to whom the registration requirement of this section applies shall be  
43 informed by the official in charge of the juvenile's custody, upon the juvenile's discharge or  
44 release from such custody, of the requirement to register pursuant to this section. Such official  
45 shall obtain the address where such juvenile expects to register upon being discharged or released  
46 and shall report the juvenile's name and address to the juvenile office where the juvenile [~~will~~]  
47 **shall** be required to register. This requirement to register upon discharge or release from custody  
48 does not apply in situations where the juvenile is temporarily released under guard or direct  
49 supervision from a detention facility or similar custodial facility.

50 6. The requirement to register as a juvenile sex offender shall terminate upon the juvenile  
51 offender reaching age twenty-one, unless such juvenile offender is required to register as an adult  
52 offender pursuant to section 589.400.

211.431. Any person [~~seventeen~~] **eighteen** years of age or over who willfully violates,  
2 neglects or refuses to obey or perform any lawful order of the court, or who violates any  
3 provision of this chapter is guilty of a class A misdemeanor.

**211.435. 1. There is hereby created in the state treasury the "Juvenile Justice  
2 Preservation Fund", which shall consist of moneys collected under subsection 2 of this  
3 section and sections 488.315 and 558.003, any gifts, bequests, and donations, and any other  
4 moneys appropriated by the general assembly. The state treasurer shall be custodian of  
5 the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve  
6 disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in  
7 the fund shall be used solely for the administration of the juvenile justice system.  
8 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining  
9 in the fund at the end of the biennium shall not revert to the credit of the general revenue  
10 fund. The state treasurer shall invest moneys in the fund in the same manner as other  
11 funds are invested. Any interest and moneys earned on such investments shall be credited  
12 to the fund. The provisions of this subsection shall expire on August 28, 2024.**

**13 2. For all traffic violations of any county ordinance or any violation of traffic laws  
14 of this state, including an infraction, in which a person has pled guilty, there shall be  
15 assessed as costs a surcharge in the amount of two dollars. No such surcharge shall be  
16 collected in any proceeding involving a violation of an ordinance or state law when the  
17 proceeding or defendant has been dismissed by the court or when costs are to be paid by  
18 the state, county or municipality. Such surcharge shall be collected and disbursed by the  
19 clerk of the court as provided by sections 488.010 to 488.020. The surcharge collected  
20 under this section shall be paid into the state treasury to the credit of the juvenile justice  
21 preservation fund created in this section. The provisions of this subsection shall expire if  
22 the provisions of subsection 1 of this section expire.**

221.044. No person under the age of [~~seventeen~~] **eighteen** years, except those transferred  
2 to the court of general jurisdiction under the provisions of section 211.071, shall be detained in  
3 a jail or other adult detention facility as that term is defined in section 211.151. A traffic court  
4 judge may request the juvenile court to order the commitment of a person under the age of  
5 [~~seventeen~~] **eighteen** to a juvenile detention facility.

475.050. 1. Before appointing any other eligible person as guardian of an incapacitated  
2 person, or conservator of a disabled person, the court shall [~~consider the suitability of appointing  
3 any of~~] **appoint and give priority to** the following persons, **as listed**, who **are qualified under**

4 **section 475.055, suitable, and** appear to be willing to serve, **and such persons shall be**  
5 **determined by the court to be deficient in his or her ability to serve prior to the court**  
6 **selecting another eligible person as guardian or conservator:**

7 (1) If the incapacitated or disabled person is, at the time of the hearing, able to make and  
8 communicate a reasonable choice, any eligible person nominated by the person;

9 (2) Any eligible person nominated in a durable power of attorney executed by the  
10 incapacitated or disabled person, or in an instrument in writing signed by the incapacitated or  
11 disabled person and by two witnesses who signed at the incapacitated or disabled person's  
12 request, before the inception of the person's incapacity or disability, at a time within five years  
13 before the hearing when the person was able to make and communicate a reasonable choice;

14 (3) The spouse, parents, adult children, adult brothers and sisters and other close adult  
15 relatives of the incapacitated or disabled person;

16 (4) Any other eligible person or, with respect to the estate only, any eligible organization  
17 or corporation, nominated in a duly probated will of such a spouse or relative executed within  
18 five years before the hearing.

19 **2. If the claim is made that a person given priority in subsection 1 of this section is**  
20 **deficient due to substandard living conditions, then the court shall require an investigation**  
21 **of and report concerning the current or proposed living conditions of the incapacitated**  
22 **person by the department of health and senior services prior to making a determination.**  
23 **In order to find a person given priority deficient due to substandard living conditions, the**  
24 **court shall make the findings that the current or proposed living conditions of the**  
25 **incapacitated person are dangerous or unsanitary and materially affect the life, health, or**  
26 **safety of the incapacitated person.**

27 **3.** Except for good cause shown, the court shall make its appointment in accordance with  
28 the incapacitated or disabled person's most recent valid nomination of an eligible person  
29 qualified to serve as guardian of the person or conservator of the estate. In the event there is not  
30 brought to the attention of the court any such valid nomination executed within five years before  
31 the hearing, then the court shall give consideration to the most recent valid nomination brought  
32 to its attention, but the court shall not be required to follow such nomination.

33 **4. When the incapacitated or disabled person is in the custody of the children's**  
34 **division, then the court shall review and consider the incapacitated or disabled person's**  
35 **juvenile court file when selecting an eligible person as guardian or conservator in**  
36 **accordance with subsection 1 of this section.**

475.075. 1. Except as otherwise provided in section 475.062, when a petition for the  
2 appointment of a guardian ad litem, guardian or conservator against any person, hereinafter

3 referred to as the respondent, is filed on grounds other than minority, the court, if satisfied that  
4 there is good cause for the exercise of its jurisdiction, shall promptly set the petition for hearing.

5         2. The respondent shall be served in person with the following: A copy of the petition;  
6 a written notice stating the time and place the proceeding will be heard by the court, the name  
7 and address of appointed counsel, and the names and addresses of the witnesses who may be  
8 called to testify in support of the petition; and with a copy of the respondent's rights as set forth  
9 in subsections 7 and 8 of this section. The notice shall be signed by the judge or clerk of the  
10 court and served in person on the respondent a reasonable time before the date set for the  
11 hearing. The petition shall state the names and addresses of the spouse, parents, children who  
12 have reached eighteen, any person serving as his guardian, conservator, limited guardian or  
13 limited conservator, any person having power to act in a fiduciary capacity with respect to any  
14 of the respondent's financial resources, and any person having his care and custody known to the  
15 petitioner. Each person so listed shall be served with like notice [~~in any manner permitted by~~  
16 ~~section 472.100~~] **by certified mail, addressed to the person to be notified, with all postage**  
17 **charges prepaid, and return receipt requested.** If no such spouse, parent or child is known,  
18 notice shall be given to at least one of his closest relatives who has reached eighteen. **A copy**  
19 **of the notice shall also be published in a newspaper having general circulation within the**  
20 **county in which the court is held. The notice shall be published at least seven days prior**  
21 **to the petition hearing date. If there is no newspaper published in the county, then notice**  
22 **shall be published in a newspaper published in an adjoining county which has a general**  
23 **circulation within the county in which the court is held.**

24         3. Upon the filing of a petition under the provisions of subsection 1 of this section or for  
25 the approval on behalf of the respondent of a transaction pursuant to section 475.092 or for the  
26 rendition of emergency medical treatment under the provisions of section 475.123, the court shall  
27 immediately appoint an attorney to represent the respondent in the proceeding. The attorney  
28 shall visit his client prior to the hearing. If the client is capable of understanding the matter in  
29 question or of contributing to the advancement of the client's interest, the attorney shall obtain  
30 from the client all possible aid. If the disability of a client compels the attorney to make  
31 decisions for the client, the attorney shall consider all circumstances then prevailing and act with  
32 care to safeguard and advance the interests of the client. The court shall allow a reasonable  
33 attorney's fee for the services rendered, to be taxed as costs of the proceeding. The  
34 court-appointed attorney may be permitted to withdraw if the respondent employs private counsel  
35 who enters an appearance on behalf of said person.

36         4. The court may direct that the respondent be examined by a physician or licensed  
37 psychologist or other appropriate professional designated by the court, and may allow a  
38 reasonable fee for the services rendered, to be taxed as costs in the proceeding. The



39 court-appointed physician, licensed psychologist or other professional shall, prior to  
40 examination, explain to the respondent in simple language, the following:

41 (1) Incapacity or disability as defined in section 475.010;

42 (2) That the purpose of the examination is to produce evidence which may be used to  
43 determine whether the respondent is incapacitated, disabled or partially incapacitated or disabled;

44 (3) That respondent has the right to remain silent;

45 (4) That anything respondent says may be used at the court hearing, and in making the  
46 determination of incapacity or disability.

47 5. The court-appointed physician, licensed psychologist or other professional shall  
48 submit his report in writing to the court and to counsel for all parties.

49 6. If prima facie proof of partial or complete incapacity or disability is made, a physician  
50 or licensed psychologist is competent and may be compelled to testify as to information acquired  
51 from the respondent, despite otherwise applicable testimonial privileges. Evidence received  
52 under this subsection which would otherwise be privileged may not be used in any other civil  
53 action or criminal proceeding without the consent of the holder of the privilege.

54 7. The petitioner has the burden of proving incapacity, partial incapacity, disability, or  
55 partial disability by clear and convincing evidence.

56 8. The respondent shall have the following rights in addition to those elsewhere  
57 specified:

58 (1) The right to be represented by an attorney;

59 (2) The right to have a jury trial;

60 (3) The right to present evidence in his behalf;

61 (4) The right to cross-examine witnesses who testify against him;

62 (5) The right to remain silent;

63 (6) The right to have the hearing opened or closed to the public as he elects;

64 (7) The right to a hearing conducted in accordance with the rules of evidence in civil  
65 proceedings, except as modified by this chapter;

66 (8) The right to be present at the hearing.

67 9. If the court finds that the respondent possesses capacity to meet his essential  
68 requirements for food, clothing, shelter, safety and other care or that he possesses the ability to  
69 manage his financial resources, it shall deny the petition. On the other hand, if the court finds that  
70 the capacity of the respondent to receive and evaluate information or to communicate decisions  
71 is impaired to such an extent as to render him incapable of meeting some or all of his essential  
72 requirements for food, clothing, shelter, safety or other care so that serious physical injury,  
73 illness, or disease is likely to occur, or that the ability of the respondent to receive and evaluate  
74 information or to communicate decisions is impaired to such an extent so as to render him unable

75 to manage some or all of his financial resources, it shall make and recite in its order detailed  
76 findings of fact stating:

77 (1) The extent of his physical and mental incapacity to care for his person;

78 (2) The extent of his physical and mental disability to manage his financial resources;

79 (3) Whether or not he requires placement in a supervised living situation and, if so, the  
80 degree of supervision needed;

81 (4) Whether or not his financial resources require supervision and, if so, the nature and  
82 extent of supervision needed.

83 10. If the court finds the respondent to be in some degree incapacitated or disabled, or  
84 both, the court, in determining the degree of supervision necessary, shall apply the least  
85 restrictive environment principle as defined in this chapter and shall not restrict his personal  
86 liberty or his freedom to manage his financial resources to any greater extent than is necessary  
87 to protect his person and his financial resources. The court shall consider whether or not the  
88 respondent may be fully protected by the rendition of temporary protective services provided by  
89 a private or public agency or agencies; or by the appointment of a guardian or conservator ad  
90 litem; or by the appointment of a limited guardian or conservator; or, as a last resort, by the  
91 appointment of a guardian or conservator. The limitations imposed upon the authority of the  
92 guardian or conservator as set forth in the findings of the court shall be stated in the letters of the  
93 guardian or conservator and shall be set forth in the notice of first publication of letters of  
94 conservatorship granted.

95 11. If an alleged incapacitated or disabled person has no guardian or conservator and an  
96 emergency exists which presents a substantial risk that serious physical harm will occur to his  
97 person or irreparable damage will occur to his property because of his failure or inability to  
98 provide for his essential human needs or to protect his property, the court may, with notice to  
99 such person's attorney, as provided in subsection 3 of this section, and service of notice upon  
100 such person as provided in subsection 2 of this section, and, with or without notice to other  
101 persons interested in the proceeding, after hearing, appoint a guardian or conservator ad litem  
102 for a specified period not to exceed thirty days and for specified purposes. Orders appointing the  
103 guardian or conservator ad litem may be modified upon motion and hearing. After hearing and  
104 a showing of continuing emergency need, orders appointing the guardian or conservator ad litem  
105 may be extended from time to time, not to exceed thirty days each. A guardian or conservator  
106 ad litem may be removed at any time and shall make any report the court requires. Proceedings  
107 under this subsection shall not be employed as alternative to proceedings for the involuntary  
108 detention and treatment of a mentally ill person under the provisions of chapter 632.

**488.315. 1. In addition to all other costs associated with civil actions, there shall be  
2 assessed and collected a surcharge of three dollars and fifty cents in all civil actions filed**

3 **in the state. The clerk responsible for collecting court costs in civil cases shall collect and**  
4 **disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be**  
5 **payable to the juvenile justice preservation fund under subsection 1 of section 211.435.**

6 **2. The provisions of this section shall expire if the provisions of subsection 1 of**  
7 **section 211.435 expire.**

**558.003. The prosecuting attorney shall have discretion to charge an offender**  
2 **convicted of an offense in which the victim was a child a fine of up to five hundred dollars**  
3 **for each offense. Such fine shall be deposited in the juvenile justice preservation fund,**  
4 **created under section 211.435. The provisions of this section shall expire if the provisions**  
5 **of subsection 1 of section 211.435 expire.**

Section B. The repeal and reenactment of sections 211.021, 211.031, 211.032, 211.033,  
2 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321,  
3 211.421, 211.425, 211.431, and 221.044 of this act shall become effective on January 1, 2021.

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