

FIRST REGULAR SESSION

HOUSE BILL NO. 833

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEELY.

1567H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 211.183, RSMo, and to enact in lieu thereof one new section relating to parental visitation.

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

Section A. Section 211.183, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.183, to read as follows:

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

2. "Reasonable efforts" means the exercise of reasonable diligence and care by the division to utilize all available services, **including parental-child visitation**, related to meeting the needs of the juvenile and the family. In determining reasonable efforts to be made and in making such reasonable efforts, the child's present and ongoing health and safety shall be the paramount consideration.

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

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.

17 4. A parent's noncompliance with a case plan shall not be the sole basis for
18 suspending parental visitation. Before suspending parental visitation, the court shall hear
19 the recommendation of the family support team. If the court determines that parental
20 visitation shall be suspended, it shall make specific findings as to how suspending parental
21 visitation is in the best interest of the child and why supervised visitation is not a safe or
22 possible option.

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

26 ~~[5-]~~ 6. Before a child may be removed from the parent, guardian, or custodian of the
27 child by order of a juvenile court, excluding commitments to the division of youth services, the
28 court shall in its orders:

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

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

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

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

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

39 ~~[6-]~~ 7. If continuation of reasonable efforts, as described in this section, is determined
40 by the division to be inconsistent with establishing a permanent placement for the child, the
41 division shall take such steps as are deemed necessary by the division, including seeking
42 modification of any court order to modify the permanency plan for the child.

43 ~~[7-]~~ 8. The division shall not be required to make reasonable efforts, as defined in this
44 section, but has the discretion to make reasonable efforts if a court of competent jurisdiction has
45 determined that:

46 (1) The parent has subjected the child to a severe act or recurrent acts of physical,
47 emotional or sexual abuse toward the child, including an act of incest; or

48 (2) The parent has:

49 (a) Committed murder of another child of the parent;

50 (b) Committed voluntary manslaughter of another child of the parent;

51 (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or
52 voluntary manslaughter; or

53 (d) Committed a felony assault that resulted in serious bodily injury to the child or to
54 another child of the parent; or

55 (3) The parent's parental rights to a sibling have been involuntarily terminated.

56 [~~8.~~] **9.** If the court determines that reasonable efforts, as described in this section, are not
57 required to be made by the division, the court shall hold a permanency hearing within thirty days
58 after the court has made such determination. The division shall complete whatever steps are
59 necessary to finalize the permanent placement of the child.

60 [~~9.~~] **10.** The division may concurrently engage in reasonable efforts, as described in this
61 section, while engaging in such other measures as are deemed appropriate by the division to
62 establish a permanent placement for the child.

✓