

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 198
102ND GENERAL ASSEMBLY

0788H.04C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 43.400, 43.401, 136.055, 167.019, 167.126, 190.600, 190.603, 190.606, 190.612, 193.265, 208.072, 210.113, 210.203, 210.305, 210.493, 210.565, 210.841, 211.221, 302.178, 302.181, 452.705, 452.730, 452.885, 487.110, 568.050, 701.336, 701.340, 701.342, 701.344, and 701.348, RSMo, and to enact in lieu thereof fifty-four new sections relating to vulnerable persons, with penalty provisions.

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

Section A. Sections 43.400, 43.401, 136.055, 167.019, 167.126, 190.600, 190.603, 190.606, 190.612, 193.265, 208.072, 210.113, 210.203, 210.305, 210.493, 210.565, 210.841, 211.221, 302.178, 302.181, 452.705, 452.730, 452.885, 487.110, 568.050, 701.336, 701.340, 701.342, 701.344, and 701.348, RSMo, are repealed and fifty-four new sections enacted in lieu thereof, to be known as sections 43.400, 43.401, 136.055, 163.063, 167.019, 167.027, 167.126, 190.600, 190.603, 190.606, 190.612, 190.613, 191.240, 191.1820, 191.1825, 191.1830, 191.1835, 191.1840, 191.1845, 191.1850, 191.1855, 193.265, 208.072, 210.203, 210.305, 210.493, 210.565, 210.795, 210.841, 210.1360, 211.221, 302.178, 302.181, 452.705, 452.730, 452.885, 452.1100, 452.1102, 452.1104, 452.1106, 452.1108, 452.1110, 452.1112, 452.1114, 452.1118, 452.1120, 452.1122, 487.110, 568.050, 701.336, 701.340, 701.342, 701.344, and 701.348, to read as follows:

43.400. As used in sections 43.400 to 43.410, the following terms mean:

(1) "Missing child" or "missing juvenile", any person who is under the age of ~~seventeen~~ **eighteen** years or who is in foster care regardless of the person's age or who is an emancipated minor as defined in section 302.178, a homeless youth as defined in section 167.020, or an unaccompanied minor as defined in section 210.121, whose

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.

6 temporary or permanent residence is in the state of Missouri or who is believed to be within
7 the state of Missouri, whose location has not been determined, and who has been reported as
8 missing to a law enforcement agency;

9 (2) "Missing child report", a report prepared on a standard form supplied by the
10 Missouri state highway patrol for the use by private citizens and law enforcement agencies to
11 report missing children or missing juvenile information to the Missouri state highway patrol;

12 (3) "Missing person", a person who is missing and meets one of the following
13 characteristics:

14 (a) Is physically or mentally disabled to the degree that the person is dependent upon
15 an agency or another individual;

16 (b) Is missing under circumstances indicating that the missing person's safety may be
17 in danger;

18 (c) Is missing under involuntary or unknown circumstances; subject to the provisions
19 of (a), (b), (d), (e), and (f) of this subsection;

20 (d) Is a child or juvenile runaway from the residence of a parent, legal guardian, or
21 custodian;

22 (e) Is a child and is missing under circumstances indicating that the person was or is
23 in the presence of or under the control of a party whose presence or control was or is in
24 violation of a permanent or temporary court order and fourteen or more days have elapsed,
25 during which time the party has failed to file any pleading with the court seeking modification
26 of the permanent or temporary court order;

27 (f) Is missing under circumstances indicating that the person was or is in the presence
28 of or under the control of a party whose presence or control was or is in violation of a
29 permanent or temporary court order and there are reasonable grounds to believe that the
30 person may be taken outside of the United States;

31 (4) "Patrol", the Missouri state highway patrol;

32 (5) "Registrar", the state registrar of vital statistics.

43.401. 1. The reporting of missing persons by law enforcement agencies, private
2 citizens, and the responsibilities of the patrol in maintaining accurate records of missing
3 persons are as follows:

4 (1) A person may file a complaint of a missing person with a law enforcement agency
5 having jurisdiction. The complaint shall include, but need not be limited to, the following
6 information:

7 (a) The name of the complainant;

8 (b) The name, address, and phone number of the guardian, if any, of the missing
9 person;

10 (c) The relationship of the complainant to the missing person;

11 (d) The name, age, address, and all identifying characteristics of the missing person;

12 (e) The length of time the person has been missing; and

13 (f) All other information deemed relevant by either the complainant or the law
14 enforcement agency;

15 (2) A report of the complaint of a missing person shall be immediately entered into
16 the Missouri uniform law enforcement system (MULES) and the National Crime Information
17 Center (NCIC) system by the law enforcement agency receiving the complaint, and
18 disseminated to other law enforcement agencies who may come in contact with or be
19 involved in the investigation or location of a missing person;

20 (3) A law enforcement agency with which a complaint of a missing child has been
21 filed shall prepare, as soon as practicable, a standard missing child report. The missing child
22 report shall be maintained as a record by the reporting law enforcement agency during the
23 course of an active investigation;

24 (4) Upon the location of a missing person, or the determination by the law
25 enforcement agency of jurisdiction that the person is no longer missing, the law enforcement
26 agency which reported the missing person shall immediately remove the record of the missing
27 person from the MULES and NCIC files.

28 2. No law enforcement agency shall prevent an immediate active investigation on the
29 basis of an agency rule which specifies an automatic time limitation for a missing person
30 investigation.

31 **3. Any agency or placement provider with the care and custody of a child who is**
32 **missing shall file a missing child complaint with the appropriate law enforcement**
33 **agency within two hours of determining the child to be missing. The law enforcement**
34 **agency shall immediately submit information as to the missing child to the National**
35 **Center for Missing and Exploited Children (NCMEC) including, but not limited to, the**
36 **name, date of birth, sex, race, height, weight, and eye and hair color of the child; a**
37 **recent photograph of the child; and the date and location of the last known contact with**
38 **the child. The law enforcement agency shall institute a proper investigation and search**
39 **for the missing child and maintain contact with the agency or placement provider**
40 **making the missing child complaint. The missing child's entry shall not be removed**
41 **from any database or system until the child is found or the case is closed.**

136.055. 1. **Except as provided in subsection 8 of this section,** any person who is
2 selected or appointed by the state director of revenue as provided in subsection 2 of this
3 section to act as an agent of the department of revenue, whose duties shall be the processing
4 of motor vehicle title and registration transactions and the collection of sales and use taxes
5 when required under sections 144.070 and 144.440, and who receives no salary from the

6 department of revenue, shall be authorized to collect from the party requiring such services
7 additional fees as compensation in full and for all services rendered on the following basis:

8 (1) For each motor vehicle or trailer registration issued, renewed or transferred, six
9 dollars and twelve dollars for those licenses sold or biennially renewed pursuant to section
10 301.147;

11 (2) For each application or transfer of title, six dollars;

12 (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's
13 license issued for a period of three years or less, six dollars and twelve dollars for licenses or
14 instruction permits issued or renewed for a period exceeding three years;

15 (4) For each notice of lien processed, six dollars;

16 (5) Notary fee or electronic transmission per processing, two dollars.

17 2. The director of revenue shall award fee office contracts under this section through
18 a competitive bidding process. The competitive bidding process shall give priority to
19 organizations and entities that are exempt from taxation under Section 501(c)(3), 501(c)(6), or
20 501(c)(4), except those civic organizations that would be considered action organizations
21 under 26 C.F.R. Section 1.501 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as
22 amended, with special consideration given to those organizations and entities that reinvest a
23 minimum of seventy-five percent of the net proceeds to charitable organizations in Missouri,
24 and political subdivisions, including but not limited to, municipalities, counties, and fire
25 protection districts. The director of the department of revenue may promulgate rules and
26 regulations necessary to carry out the provisions of this subsection. Any rule or portion of a
27 rule, as that term is defined in section 536.010, that is created under the authority delegated in
28 this subsection shall become effective only if it complies with and is subject to all of the
29 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
30 are nonseverable and if any of the powers vested with the general assembly pursuant to
31 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
32 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
33 proposed or adopted after August 28, 2009, shall be invalid and void.

34 3. All fees collected by a tax-exempt organization may be retained and used by the
35 organization.

36 4. All fees charged shall not exceed those in this section. The fees imposed by this
37 section shall be collected by all permanent offices and all full-time or temporary offices
38 maintained by the department of revenue.

39 5. Any person acting as agent of the department of revenue for the sale and issuance
40 of registrations, licenses, and other documents related to motor vehicles shall have an
41 insurable interest in all license plates, licenses, tabs, forms and other documents held on
42 behalf of the department.

43 6. The fees authorized by this section shall not be collected by motor vehicle dealers
44 acting as agents of the department of revenue under section 32.095 or those motor vehicle
45 dealers authorized to collect and remit sales tax under subsection 10 of section 144.070.

46 7. Notwithstanding any other provision of law to the contrary, the state auditor may
47 audit all records maintained and established by the fee office in the same manner as the
48 auditor may audit any agency of the state, and the department shall ensure that this audit
49 requirement is a necessary condition for the award of all fee office contracts. No confidential
50 records shall be divulged in such a way to reveal personally identifiable information.

51 **8. The fees described in subsection 1 of this section shall not be collected from**
52 **any person who qualifies as a homeless child or homeless youth, as defined in subsection**
53 **1 of section 167.020, or as an unaccompanied youth as defined in 42 U.S.C. Section**
54 **11434a(6). Such person's status as a homeless child or youth or unaccompanied youth**
55 **shall be verified by a letter signed by one of the following persons:**

56 **(1) A director or designee of a governmental or nonprofit agency that receives**
57 **public or private funding to provide services to homeless persons;**

58 **(2) A local education agency liaison for homeless children and youth designated**
59 **under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or**

60 **(3) A licensed attorney representing the minor in any legal matter.**

163.063. 1. As used in this section, the following words mean:

2 **(1) "Nonresident pupil", a child who:**

3 **(a) At the time such child is admitted to a residential care facility, is domiciled in**
4 **one school district in Missouri but resides in a residential care facility located in another**
5 **school district in Missouri as a result of placement arranged by or approved by the**
6 **department of mental health or the department of social services or placement arranged**
7 **by or ordered by a court of competent jurisdiction;**

8 **(b) Receives care or treatment in such residential care facility that is not within**
9 **the school district in which the child's domicile is located;**

10 **(c) Is unable to attend school in either the school district in which such domicile**
11 **is located or the school district in which such residential care facility is located because**
12 **such child:**

13 **a. May be a safety risk; or**

14 **b. Has behavioral conditions that support the need to educate such child on such**
15 **residential care facility's site or campus; and**

16 **(d) Is being provided all required educational services within such residential**
17 **care facility;**

18 **(2) "Residential care facility", any residential care facility required to be**
19 **licensed under sections 210.481 to 210.536, or a similar facility.**

20 **2. For purposes of calculating federal aid and state aid distributions for**
21 **nonresident pupils, as the term "nonresident pupil" is defined in subdivision (1) of**
22 **subsection 1 of this section, pursuant to the provisions of this chapter, a nonresident**
23 **pupil who receives all of such pupil's required educational services on-site at a**
24 **residential care facility shall be included in the average daily attendance of the following**
25 **school district that results in the greatest total amount of state and federal aid to the**
26 **district in which the residential care facility is located:**

27 **(1) The school district of such pupil's domicile prior to placement in a residential**
28 **care facility; or**

29 **(2) The school district of such pupil's residence following placement in a**
30 **residential care facility.**

31 **3. Any educational costs incurred by a residential care facility that are not**
32 **remitted under this section may be reimbursed as provided in section 167.126.**

33 **4. Educational costs incurred by a residential care facility for a child who was**
34 **not enrolled in a school district in Missouri at the time the child was admitted to such**
35 **residential care facility shall be reimbursed as provided in section 167.126.**

36 **5. No provision of this section shall be construed to prevent a residential care**
37 **facility and a school district from mutually agreeing to a financial arrangement that**
38 **deviates from the provisions of this section.**

167.019. 1. **(1) A child-placing agency, as defined under section 210.481, shall**
2 **promote educational stability for foster care children by considering the child's school**
3 **attendance area when making placement decisions. The foster care pupil shall have the right**
4 **to remain enrolled in and attend his or her school of origin pending resolution of school**
5 **placement disputes or to return to a previously attended school in an adjacent district.**

6 **(2) In the event that a best interest determination is not completed within ten**
7 **days of a child's being placed in a foster care placement that is located in a school**
8 **district other than the child's domicile school district prior to such placement, it shall be**
9 **deemed that enrollment in the school district where the child resides as a result of such**
10 **placement shall be in the best interest of the child for the purpose of the required best**
11 **interest determination. This subdivision shall apply only to cases where the distance**
12 **between the child's residential address as a result of the foster care placement and the**
13 **school building that was the child's previous school in their domicile district is more**
14 **than ten miles, or fifteen miles if the child is receiving service from a special school**
15 **district established under the provisions of sections 162.670 to 162.999.**

16 **2. Each school district shall accept for credit full or partial course work satisfactorily**
17 **completed by a pupil while attending a public school, nonpublic school, or nonsectarian**
18 **school in accordance with district policies or regulations.**

19 3. If a pupil completes the graduation requirements of his or her school district of
20 residence while under the jurisdiction of the juvenile court as described in chapter 211, the
21 school district of residence shall issue a diploma to the pupil.

22 4. School districts shall ensure that if a pupil in foster care is absent from school due
23 to a decision to change the placement of a pupil made by a court or child placing agency, or
24 due to a verified court appearance or related court-ordered activity, the grades and credits of
25 the pupil shall be calculated as of the date the pupil left school, and no lowering of his or her
26 grades shall occur as a result of the absence of the pupil under these circumstances.

27 5. School districts, subject to federal law, shall be authorized to permit access of pupil
28 school records to any child placing agency for the purpose of fulfilling educational case
29 management responsibilities required by the juvenile officer or by law and to assist with the
30 school transfer or placement of a pupil.

31 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
32 created under the authority delegated in this section shall become effective only if it complies
33 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
34 This section and chapter 536 are nonseverable and if any of the powers vested with the
35 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
36 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
37 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid
38 and void.

**167.027. 1. As used in this section, "student special education record" means the
2 following:**

3 **(1) An individualized education program, or IEP, as such term is defined in 20
4 U.S.C. Section 1401, as amended;**

5 **(2) An individualized family service plan, or IFSP, as such term is defined in 20
6 U.S.C. Section 1401, as amended;**

7 **(3) A 504 plan created under Section 504 of the federal Rehabilitation Act of
8 1973, 29 U.S.C. Section 794, as amended;**

9 **(4) A record produced for a child with a disability, as such term is defined in 20
10 U.S.C. Section 1401, as amended; and**

11 **(5) Other records produced for a child under the federal Individuals with
12 Disabilities Education Act (IDEA), as amended.**

13 **2. For the 2023-24 school year and all subsequent school years, a student's most
14 recent special education record shall be deemed a permanent record and shall be
15 maintained as a part of a child's cumulative scholastic record.**

16 **3. Notwithstanding any other provision of law, rule, regulation, or policy to the**
17 **contrary, no school district or public school shall destroy a child's most recent student**
18 **special education record.**

 167.126. 1. **(1) The following children shall have the right to educational services**
2 **as provided in subdivision (2) of this section:**

3 **(a) Children** who are admitted to programs or facilities of the department of mental
4 health ~~[or]~~; **and**

5 **(b) Children** whose domicile is one school district in Missouri but who reside in
6 another school district in Missouri as a result of:

7 **a.** Placement arranged by or approved by the department of mental health~~[;]~~ **or the**
8 department of social services ~~[or]~~;

9 **b.** Placement arranged by or ordered by a court of competent jurisdiction; **or**

10 **c. Admittance under a physician's order because of a determination of medical**
11 **necessity for a diagnosed mental illness.**

12 **(2) Children described in subdivision (1) of this subsection** shall have a right to be
13 provided the educational services as provided by law and shall not be denied admission to any
14 appropriate regular public school or special school district program or program operated by
15 the state board of education, as the case may be, where the child actually resides because of
16 such admission or placement; provided, however, that nothing in this section shall prevent the
17 department of mental health, the department of social services or a court of competent
18 jurisdiction from otherwise providing or procuring educational services for such child.

19 2. Each school district or special school district constituting the domicile of any child
20 for whom educational services are provided or procured under this section shall pay toward
21 the per-pupil costs for educational services for such child. A school district which is not a
22 special school district shall pay an amount equal to the average sum produced per child by the
23 local tax effort of the district of domicile. A special school district shall pay an amount not to
24 exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

25 3. When educational services have been provided by the school district or special
26 school district in which a child actually resides, including a child who temporarily resides in a
27 children's hospital licensed under chapter 197 **or a psychiatric residential treatment**
28 **facility**, for rendering health care services to children under the age of eighteen for more than
29 three days, other than the district of domicile, the amounts as provided in subsection 2 of this
30 section for which the domiciliary school district or special school district is responsible shall
31 be paid by such district directly to the serving district. The school district, or special school
32 district, as the case may be, shall send a written voucher for payment to the regular or special
33 district constituting the domicile of the child served and the domiciliary school district or
34 special school district receiving such voucher shall pay the district providing or procuring the

35 services an amount not to exceed the average sum produced per child by the local tax efforts
36 of the domiciliary districts. In the event the responsible district fails to pay the appropriate
37 amount to the district within ninety days after a voucher is submitted, the state department of
38 elementary and secondary education shall deduct the appropriate amount due from the next
39 payments of any state financial aid due that district and shall pay the same to the appropriate
40 district.

41 4. In cases where a child whose domicile is in one district is placed in programs or
42 facilities operated by the department of mental health or resides in another district pursuant to
43 assignment by that department [~~or~~], is placed by the department of social services or a court
44 of competent jurisdiction into any type of publicly contracted residential site in Missouri, **or**
45 **is admitted under a physician's order because of a determination of medical necessity**
46 **for a diagnosed mental illness**, the department of elementary and secondary education shall,
47 as soon as funds are appropriated, pay the serving district from funds appropriated for that
48 purpose the amount by which the per-pupil costs of the educational services exceeds the
49 amounts received from the domiciliary district except that any other state money received by
50 the serving district by virtue of rendering such service shall reduce the balance due.

51 5. Institutions providing a place of residence for children whose parents or guardians
52 do not reside in the district in which the institution is located shall have authority to enroll
53 such children in a program in the district or special district in which the institution is located
54 and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section.
55 The provisions of this subsection shall not apply to placement authorized pursuant to
56 subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in
57 the district or special district. "Institution" as used in this subsection means a facility
58 organized under the laws of Missouri for the purpose of providing care and treatment of
59 juveniles.

60 6. Children residing in institutions providing a place of residence for three or more
61 such children whose domicile is not in the state of Missouri may be admitted to schools or
62 programs provided on a contractual basis between the school district, special district or state
63 department or agency and the proper department or agency, or persons in the state where
64 domicile is maintained. Such contracts shall not be permitted to place any financial burden
65 whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

66 7. For purposes of this section the domicile of the child shall be the school district
67 where the child would have been educated if the child had not been placed in a different
68 school district. No provision of this section shall be construed to deny any child domiciled in
69 Missouri appropriate and necessary, gratuitous public services.

70 8. For the purpose of distributing state aid under section 163.031, a child receiving
71 educational services provided by the district in which the child actually resides, other than the

72 district of domicile, shall be included in average daily attendance, as defined under section
73 163.011, of the district providing the educational services for the child.

74 9. Each school district or special school district where the child actually resides, other
75 than the district of domicile, may receive payment from the department of elementary and
76 secondary education, in lieu of receiving the local tax effort from the domiciliary school
77 district. Such payments from the department shall be subject to appropriation and shall only
78 be made for children that have been placed in a school other than the domiciliary school
79 district by a state agency [~~or~~], a court of competent jurisdiction, **or by being admitted under**
80 **a physician's order because of a determination of medical necessity for a diagnosed**
81 **mental illness** and from whom excess educational costs are billed to the department of
82 elementary and secondary education.

190.600. 1. Sections 190.600 to 190.621 shall be known and may be cited as the
2 "Outside the Hospital Do-Not-Resuscitate Act".

3 2. As used in sections 190.600 to 190.621, unless the context clearly requires
4 otherwise, the following terms shall mean:

5 (1) "Attending physician":

6 (a) A physician licensed under chapter 334 selected by or assigned to a patient who
7 has primary responsibility for treatment and care of the patient; or

8 (b) If more than one physician shares responsibility for the treatment and care of a
9 patient, one such physician who has been designated the attending physician by the patient or
10 the patient's representative shall serve as the attending physician;

11 (2) "Cardiopulmonary resuscitation" or "CPR", emergency medical treatment
12 administered to a patient in the event of the patient's cardiac or respiratory arrest, and shall
13 include cardiac compression, endotracheal intubation and other advanced airway
14 management, artificial ventilation, defibrillation, administration of cardiac resuscitation
15 medications, and related procedures;

16 (3) "Department", the department of health and senior services;

17 (4) "Emergency medical services personnel", paid or volunteer firefighters, law
18 enforcement officers, first responders, emergency medical technicians, or other emergency
19 service personnel acting within the ordinary course and scope of their professions, but
20 excluding physicians;

21 (5) "Health care facility", any institution, building, or agency or portion thereof,
22 private or public, excluding federal facilities and hospitals, whether organized for profit or
23 not, used, operated, or designed to provide health services, medical treatment, or nursing,
24 rehabilitative, or preventive care to any person or persons. Health care facility includes but is
25 not limited to ambulatory surgical facilities, health maintenance organizations, home health
26 agencies, hospices, infirmaries, renal dialysis centers, long-term care facilities licensed under

27 sections 198.003 to 198.186, medical assistance facilities, mental health centers, outpatient
28 facilities, public health centers, rehabilitation facilities, and residential treatment facilities;

29 (6) "Hospital", a place devoted primarily to the maintenance and operation of
30 facilities for the diagnosis, treatment, or care for not less than twenty-four consecutive hours
31 in any week of three or more nonrelated individuals suffering from illness, disease, injury,
32 deformity, or other abnormal physical conditions; or a place devoted primarily to provide for
33 not less than twenty-four consecutive hours in any week medical or nursing care for three or
34 more nonrelated individuals. Hospital does not include any long-term care facility licensed
35 under sections 198.003 to 198.186;

36 (7) "Outside the hospital do-not-resuscitate identification" or "outside the hospital
37 DNR identification", a standardized identification card, bracelet, or necklace of a single color,
38 form, and design as described by rule of the department that signifies that the patient's
39 attending physician has issued an outside the hospital do-not-resuscitate order for the patient
40 and has documented the grounds for the order in the patient's medical file;

41 (8) "Outside the hospital do-not-resuscitate order" or "outside the hospital DNR
42 order", a written physician's order signed by the patient and the attending physician, or the
43 patient's representative and the attending physician, in a form promulgated by rule of the
44 department which authorizes emergency medical services personnel to withhold or withdraw
45 cardiopulmonary resuscitation from the patient in the event of cardiac or respiratory arrest;

46 (9) "Outside the hospital do-not-resuscitate protocol" or "outside the hospital DNR
47 protocol", a standardized method or procedure promulgated by rule of the department for the
48 withholding or withdrawal of cardiopulmonary resuscitation by emergency medical services
49 personnel from a patient in the event of cardiac or respiratory arrest;

50 (10) "Patient", a person eighteen years of age or older who is not incapacitated, as
51 defined in section 475.010, and who is otherwise competent to give informed consent to an
52 outside the hospital do-not-resuscitate order at the time such order is issued, and who, with his
53 or her attending physician, has executed an outside the hospital do-not-resuscitate order under
54 sections 190.600 to 190.621. A person who has a patient's representative shall also be a
55 patient for the purposes of sections 190.600 to 190.621, if the person or the person's patient's
56 representative has executed an outside the hospital do-not-resuscitate order under sections
57 190.600 to 190.621. **A person under eighteen years of age shall also be a patient for**
58 **purposes of sections 190.600 to 190.621 if the person has had a do-not-resuscitate order**
59 **issued on his or her behalf under the provisions of section 191.250;**

60 (11) "Patient's representative":

61 (a) An attorney in fact designated in a durable power of attorney for health care for a
62 patient determined to be incapacitated under sections 404.800 to 404.872; or

63 (b) A guardian or limited guardian appointed under chapter 475 to have responsibility
64 for an incapacitated patient.

190.603. 1. A patient or patient's representative and the patient's attending physician
2 may execute an outside the hospital do-not-resuscitate order. An outside the hospital do-not-
3 resuscitate order shall not be effective unless it is executed by the patient or patient's
4 representative and the patient's attending physician, and it is in the form promulgated by rule
5 of the department.

6 2. **A patient under eighteen years of age is not authorized to execute an outside**
7 **the hospital do-not-resuscitate order for himself or herself but may have a do-not-**
8 **resuscitate order issued on his or her behalf by one parent or legal guardian or by a**
9 **juvenile or family court under the provisions of section 191.250. Such do-not-resuscitate**
10 **order shall also function as an outside the hospital do-not-resuscitate order for the**
11 **purposes of sections 190.600 to 190.621 unless such do-not-resuscitate order authorized**
12 **under the provisions of section 191.250 states otherwise.**

13 3. If an outside the hospital do-not-resuscitate order has been executed, it shall be
14 maintained as the first page of a patient's medical record in a health care facility unless
15 otherwise specified in the health care facility's policies and procedures.

16 [3-] 4. An outside the hospital do-not-resuscitate order shall be transferred with the
17 patient when the patient is transferred from one health care facility to another health care
18 facility. If the patient is transferred outside of a hospital, the outside the hospital DNR form
19 shall be provided to any other facility, person, or agency responsible for the medical care of
20 the patient or to the patient or patient's representative.

190.606. The following persons and entities shall not be subject to civil, criminal, or
2 administrative liability and are not guilty of unprofessional conduct for the following acts or
3 omissions that follow discovery of an outside the hospital do-not-resuscitate identification
4 upon a patient **or a do-not-resuscitate order functioning as an outside the hospital do-not-**
5 **resuscitate order for a patient under eighteen years of age**, or upon being presented with
6 an outside the hospital do-not-resuscitate order [~~from Missouri, another state, the District of~~
7 ~~Columbia, or a territory of the United States~~]; provided that the acts or omissions are done in
8 good faith and in accordance with the provisions of sections 190.600 to 190.621 and the
9 provisions of an outside the hospital do-not-resuscitate order executed under sections 190.600
10 to 190.621:

11 (1) Physicians, persons under the direction or authorization of a physician, emergency
12 medical services personnel, or health care facilities that cause or participate in the
13 withholding or withdrawal of cardiopulmonary resuscitation from such patient; and

14 (2) Physicians, persons under the direction or authorization of a physician, emergency
15 medical services personnel, or health care facilities that provide cardiopulmonary

16 resuscitation to such patient under an oral or written request communicated to them by the
17 patient or the patient's representative.

190.612. 1. Emergency medical services personnel are authorized to comply with the
2 outside the hospital do-not-resuscitate protocol when presented with an outside the hospital
3 do-not-resuscitate identification or an outside the hospital do-not-resuscitate order. However,
4 emergency medical services personnel shall not comply with an outside the hospital do-not-
5 resuscitate order or the outside the hospital do-not-resuscitate protocol when the patient or
6 patient's representative expresses to such personnel in any manner, before or after the onset of
7 a cardiac or respiratory arrest, the desire to be resuscitated.

8 2. ~~Emergency medical services personnel are authorized to comply with the outside~~
9 ~~the hospital do-not-resuscitate protocol when presented with an outside the hospital do-not-~~
10 ~~resuscitate order from another state, the District of Columbia, or a territory of the United~~
11 ~~States if such order is on a standardized written form:~~

12 ~~(1) Signed by the patient or the patient's representative and a physician who is~~
13 ~~licensed to practice in the other state, the District of Columbia, or the territory of the United~~
14 ~~States; and~~

15 ~~(2) Such form has been previously reviewed and approved by the department of~~
16 ~~health and senior services to authorize emergency medical services personnel to withhold or~~
17 ~~withdraw cardiopulmonary resuscitation from the patient in the event of a cardiac or~~
18 ~~respiratory arrest.~~

19
20 ~~Emergency medical services personnel shall not comply with an outside the hospital do-not-~~
21 ~~resuscitate order from another state, the District of Columbia, or a territory of the United~~
22 ~~States or the outside the hospital do-not-resuscitate protocol when the patient or patient's~~
23 ~~representative expresses to such personnel in any manner, before or after the onset of a~~
24 ~~cardiac or respiratory arrest, the desire to be resuscitated.]~~

25 **(1) Except as provided in subdivision (2) of this subsection, emergency medical**
26 **services personnel are authorized to comply with the outside the hospital do-not-**
27 **resuscitate protocol when presented with a do-not-resuscitate order functioning as an**
28 **outside the hospital do-not-resuscitate order for a patient under eighteen years of age if**
29 **such do-not-resuscitate order has been authorized by one parent or legal guardian or by**
30 **a juvenile or family court under the provisions of section 191.250.**

31 **(2) Emergency medical services personnel shall not comply with a do-not-**
32 **resuscitate order or the outside the hospital do-not-resuscitate protocol when the patient**
33 **under eighteen years of age, either parent of such patient, the patient's legal guardian,**
34 **or the juvenile or family court expresses to such personnel in any manner, before or**

35 **after the onset of a cardiac or respiratory arrest, the desire for the patient to be**
36 **resuscitated.**

37 3. If a physician or a health care facility other than a hospital admits or receives a
38 patient with an outside the hospital do-not-resuscitate identification or an outside the hospital
39 do-not-resuscitate order, and the patient or patient's representative has not expressed or does
40 not express to the physician or health care facility the desire to be resuscitated, and the
41 physician or health care facility is unwilling or unable to comply with the outside the hospital
42 do-not-resuscitate order, the physician or health care facility shall take all reasonable steps to
43 transfer the patient to another physician or health care facility where the outside the hospital
44 do-not-resuscitate order will be complied with.

190.613. 1. A patient or patient's representative and the patient's attending
2 **physician may execute an outside the hospital do-not-resuscitate order through the**
3 **presentation of a properly executed outside the hospital do-not-resuscitate order from**
4 **another state, the District of Columbia, or a territory of the United States, or a**
5 **Transportable Physician Orders for Patient Preferences (TPOPP)/Physician Orders for**
6 **Life-Sustaining Treatment (POLST) form containing a specific do-not-resuscitate**
7 **section.**

8 2. Any outside the hospital do-not-resuscitate form identified from another state,
9 the District of Columbia, or a territory of the United States, or a TPOPP/POLST form
10 shall:

11 (1) Have been previously reviewed and approved by the department as in
12 compliance with the provisions of sections 190.600 to 190.615;

13 (2) Not be accepted for a patient under eighteen years of age, except as allowed
14 under section 191.250; and

15 (3) Not be effective during such time as the patient is pregnant as set forth in
16 section 190.609.

17

18 A patient or patient's representative may express to emergency medical services
19 personnel, at any time and by any means, the intent to revoke the outside the hospital
20 do-not-resuscitate order.

21 3. The provisions of section 190.606 shall apply to the good faith acts or
22 omissions of emergency medical services personnel under this section.

191.240. 1. For purposes of this section, the following terms mean:

2 (1) "Health care provider", the same meaning given to the term in section
3 191.900;

4 (2) "Patient examination", a prostate, anal, or pelvic examination.

5 **2. A health care provider, or any student or trainee under the supervision of a**
6 **health care provider, shall not knowingly perform a patient examination upon an**
7 **anesthetized or unconscious patient in a health care facility unless:**

8 **(1) The patient or a person authorized to make health care decisions for the**
9 **patient has given specific informed consent to the patient examination;**

10 **(2) The patient examination is necessary for diagnostic or treatment purposes;**
11 **or**

12 **(3) The collection of evidence through a forensic examination, as defined under**
13 **subsection 8 of section 595.220, for a suspected sexual assault on the anesthetized or**
14 **unconscious patient is necessary because the evidence will be lost or because the patient**
15 **is unable to give informed consent due to a medical condition.**

16 **3. A health care provider shall notify a patient of any patient examination**
17 **performed under subsection 2 of this section.**

18 **4. A health care provider who violates the provisions of this section, or who**
19 **supervises a student or trainee who violates the provisions of this section, shall be**
20 **subject to discipline by any licensing board that licenses the health care provider.**

191.1820. 1. Sections 191.1820 to 191.1855 shall be known and may be cited as
2 **the "Missouri Parkinson's Disease Registry Act".**

3 **2. For purposes of sections 191.1820 to 191.1855, the following terms mean:**

4 **(1) "Advisory committee", the Parkinson's disease registry advisory committee**
5 **established in section 191.1830 to assist in the development and implementation of the**
6 **registry;**

7 **(2) "Medical university", the University of Missouri and any other medical**
8 **research university in the state that enters into a memorandum of understanding with**
9 **the University of Missouri if deemed appropriate by the University of Missouri;**

10 **(3) "Parkinson's disease", a chronic and progressive neurologic disorder that:**
11 **(a) Results from deficiency of the neurotransmitter dopamine as the**
12 **consequence of specific degenerative changes in the area of the brain called the basal**
13 **ganglia;**

14 **(b) Is characterized by tremor at rest, slow movements, muscle rigidity, stooped**
15 **posture, and unsteady or shuffling gait; and**

16 **(c) Includes motor and nonmotor symptoms and side effects including, but not**
17 **limited to, autonomic dysfunction, thinking and mood changes, and other physical**
18 **changes;**

19 **(4) "Parkinsonism", any condition that causes a combination of the movement**
20 **abnormalities observed in Parkinson's disease, such as tremor at rest, slow movement,**
21 **muscle rigidity, impaired speech, or muscle stiffness, with symptoms often overlapping,**

22 and that may evolve from what appears to be Parkinson's disease. The term
23 "parkinsonism" shall include, but not be limited to, multiple system atrophy, dementia
24 with Lewy bodies, corticobasal degeneration, and progressive supranuclear palsy;

25 (5) "Registry", the registry established by the medical university in section
26 191.1825.

191.1825. 1. Beginning January 1, 2024, the medical university shall establish a
2 registry to collect data on the incidence of Parkinson's disease in Missouri and other
3 epidemiological data as required in sections 191.1820 to 191.1855. The database and
4 system of collection and dissemination of information shall be under the direction of the
5 medical university. The medical university may enter into contracts, grants, or other
6 agreements as are necessary for the implementation of the registry.

7 2. The registry shall become functional and able to collect reporting data twelve
8 months after the effective date of this section.

9 3. All patients diagnosed with Parkinson's disease or parkinsonism, as
10 determined by the advice of the advisory committee, shall be notified in writing and
11 orally about the collection of information and patient data on Parkinson's disease and
12 parkinsonism. If a patient does not wish to participate in the collection of data for
13 purposes of research in the registry, the patient shall affirmatively opt out in writing
14 after an opportunity to review relevant documents and ask questions. No patient shall
15 be forced to participate in the registry.

191.1830. 1. Within ninety days of the effective date of this section, the medical
2 university shall establish the "Parkinson's Disease Registry Advisory Committee",
3 which shall assist in the development and implementation of the registry, determine the
4 data to be collected, and generally advise the medical university.

5 2. The committee shall be composed of at least the following members:

- 6 (1) A neurologist;
- 7 (2) A movement disorder specialist;
- 8 (3) A primary care provider;
- 9 (4) A physician informaticist;
- 10 (5) A patient living with Parkinson's disease;
- 11 (6) A public health professional;
- 12 (7) A population health researcher familiar with registries; and
- 13 (8) A Parkinson's disease researcher.

191.1835. 1. The medical university shall establish, with the advice of the
2 advisory committee, a system for the collection and dissemination of information
3 determining the incidence and prevalence of Parkinson's disease and parkinsonism.

4 **2. (1) Parkinson's disease and parkinsonism shall be designated as diseases**
5 **required to be reported to the registry. Beginning twelve months after the effective date**
6 **of this section, all cases of Parkinson's disease and parkinsonism diagnosed or treated in**
7 **this state shall be reported to the registry.**

8 **(2) Notwithstanding the provisions of subdivision (1) of this subsection, the mere**
9 **incidence of a patient with Parkinson's disease or parkinsonism shall be the sole**
10 **required information for the registry for any patient who chooses not to participate as**
11 **described in section 191.1825. No further data shall be reported to the registry for**
12 **patients who choose not to participate.**

13 **3. The medical university may create, review, and revise a list of data points**
14 **required to be collected as part of the mandated reporting of Parkinson's disease and**
15 **parkinsonism under this section. Any such list shall include, but not be limited to,**
16 **necessary triggering diagnostic conditions consistent with the latest International**
17 **Statistical Classification of Diseases and Related Health Problems and resulting case**
18 **data on issues including, but not limited to, diagnosis, treatment, and survival.**

19 **4. At least ninety days before reporting to the registry is required under this**
20 **section, the medical university shall publish on its website a notice about the mandatory**
21 **reporting of Parkinson's disease and parkinsonism and may also provide such notice to**
22 **professional associations representing physicians, nurse practitioners, and hospitals.**

23 **5. Beginning twelve months after the effective date of this section, any hospital,**
24 **facility, physician, surgeon, physician assistant, or nurse practitioner diagnosing or**
25 **responsible for providing primary treatment to patients with Parkinson's disease or**
26 **patients with parkinsonism shall report each case of Parkinson's disease and each case**
27 **of parkinsonism to the registry in a format prescribed by the medical university.**

28 **6. The medical university shall be authorized to enter into data-sharing**
29 **contracts with data-reporting entities and their associated electronic medical record**
30 **system vendors to securely and confidentially receive information related to Parkinson's**
31 **disease testing, diagnosis, and treatment.**

32 **7. The medical university may implement and administer this section through a**
33 **bulletin or similar instruction to providers without the need for regulatory action.**

191.1840. The medical university may enter into agreements to furnish data
2 **collected in the registry to other states' Parkinson's disease registries, federal**
3 **Parkinson's disease control agencies, local health officers, or health researchers for**
4 **the study of Parkinson's disease. Before confidential information is disclosed to those**
5 **agencies, officers, researchers, or out-of-state registries, the requesting entity shall agree**
6 **in writing to maintain the confidentiality of the information and, if a researcher, shall:**

7 **(1) Obtain approval of the researcher's institutional review board for the**
8 **protection of human subjects established in accordance with 45 CFR 46; and**

9 **(2) Provide documentation to the medical university that demonstrates to the**
10 **medical university's satisfaction that the researcher has established the procedures and**
11 **ability to maintain the confidentiality of the information.**

191.1845. 1. Except as otherwise provided in sections 191.1820 to 191.1855, all
2 **information collected under sections 191.1820 to 191.1855 shall be confidential. For**
3 **purposes of sections 191.1820 to 191.1855, this information shall be referred to as**
4 **confidential information.**

5 **2. To ensure privacy, the medical university shall use a coding system for the**
6 **registry that removes any identifying information about patients.**

7 **3. Notwithstanding any other provision of law, a disclosure authorized under**
8 **sections 191.1820 to 191.1855 shall include only the information necessary for the stated**
9 **purpose of the requested disclosure, shall be used for the approved purpose, and shall**
10 **not be further disclosed.**

11 **4. Provided the security of confidential information has been documented, the**
12 **furnishing of confidential information to the medical university or its authorized**
13 **representatives in accordance with sections 191.1820 to 191.1855 shall not expose any**
14 **person, agency, or entity furnishing the confidential information to liability and shall**
15 **not be considered a waiver of any privilege or a violation of a confidential relationship.**

16 **5. The medical university shall maintain an accurate record of all persons given**
17 **access to confidential information. The record shall include the name of the person**
18 **authorizing access; the name, title, address, and organizational affiliation of the person**
19 **given access; dates of access; and the specific purpose for which the confidential**
20 **information is to be used. The record of access shall be open to public inspection during**
21 **normal operating hours of the medical university.**

22 **6. (1) Notwithstanding any other provision of law, confidential information shall**
23 **not be available for subpoena and shall not be disclosed, discoverable, or compelled to**
24 **be produced in any civil, criminal, administrative, or other proceeding. Confidential**
25 **information shall not be deemed admissible as evidence in any civil, criminal,**
26 **administrative, or other tribunal or court for any reason.**

27 **(2) This subsection shall not be construed to prohibit the publication by the**
28 **medical university of reports and statistical compilations that do not in any way identify**
29 **individual cases or individual sources of information.**

30 **(3) Notwithstanding the restrictions in this subsection, the individual to whom**
31 **the information pertains shall have access to his or her own information.**

191.1850. Sections 191.1820 to 191.1855 do not preempt the authority of facilities or individuals providing diagnostic or treatment services to patients with Parkinson's disease or parkinsonism to maintain their own facility-based registries for Parkinson's disease or parkinsonism.

191.1855. 1. Before January 1, 2025, and before January first every year thereafter, the medical university shall provide a report to the general assembly that includes:

(1) A program summary update for that year on the incidence and prevalence of Parkinson's disease in the state by county;

(2) The number of records that have been included and reported to the registry; and

(3) Demographic information, such as a breakdown of patients by age, gender, and race.

2. The medical university shall also publish the annual report required under this section in a downloadable format on its website or on the registry's webpage.

193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court under section 211.031. All fees collected under this subsection shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, one dollar for each certification or copy of death records to the Missouri state coroners' training fund established in section 58.208, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public health services fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three

23 times the amount of the appropriation from the endowed care cemetery audit fund for the
24 preceding fiscal year. The money deposited in the public health services fund under this
25 section shall be deposited in a separate account in the fund, and moneys in such account, upon
26 appropriation, shall be used to automate and improve the state vital records system, and
27 develop and maintain an electronic birth and death registration system. For any search of the
28 files and records, when no record is found, the state shall be entitled to a fee equal to the
29 amount for a certification of a vital record for a five-year search to be paid by the applicant.
30 For the processing of each legitimation, adoption, court order or recording after the
31 registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a
32 certification of a vital record. Except whenever a certified copy or copies of a vital record is
33 required to perfect any claim of any person on relief, or any dependent of any person who was
34 on relief for any claim upon the government of the state or United States, the state registrar
35 shall, upon request, furnish a certified copy or so many certified copies as are necessary,
36 without any fee or compensation therefor.

37 2. For the issuance of a certification of a death record by the local registrar, the
38 applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of
39 eleven dollars for each additional copy ordered at that time. For each fee collected under this
40 subsection, one dollar shall be deposited to the state department of revenue and the remainder
41 shall be deposited to the official city or county health agency. The director of revenue shall
42 credit all fees deposited to the state department of revenue under this subsection to the
43 Missouri state coroners' training fund established in section 58.208.

44 3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal
45 death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a
46 charter form of government and with more than six hundred thousand but fewer than seven
47 hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar
48 over and above any fees required by law when a certification or copy of any marriage license
49 or birth certificate is provided, with such donations collected to be forwarded monthly by the
50 local registrar to the county treasurer of such county and the donations so forwarded to be
51 deposited by the county treasurer into the housing resource commission fund to assist
52 homeless families and provide financial assistance to organizations addressing homelessness
53 in such county. The local registrar shall include a check-off box on the application form for
54 such copies. All fees collected under this subsection, other than the donations collected in
55 any county with a charter form of government and with more than six hundred thousand but
56 fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates,
57 shall be deposited to the official city or county health agency.

58 4. A certified copy of a death record by the local registrar can only be issued within
59 twenty-four hours of receipt of the record by the local registrar. Computer-generated

60 certifications of death records may be issued by the local registrar after twenty-four hours of
61 receipt of the records. The fees paid to the official county health agency shall be retained by
62 the local agency for local public health purposes.

63 5. No fee under this section shall be required or collected from a parent or guardian of
64 a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or an
65 unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for the issuance of a
66 certification, or copy of such certification, of birth of such child or youth. An unaccompanied
67 youth shall be eligible to receive a certification or copy of his or her own birth record without
68 the consent or signature of his or her parent or guardian; provided, that only one certificate
69 under this provision shall be provided without cost to the unaccompanied or homeless youth.
70 For the issuance of any additional certificates, the statutory fee shall be paid.

71 **6. (1) Notwithstanding any provision of law to the contrary, no fee shall be**
72 **required or collected for a certification of birth if the request is made by a victim of**
73 **domestic violence or abuse, as those terms are defined in section 455.010, and the victim**
74 **provides documentation signed by an employee, agent, or volunteer of a victim service**
75 **provider, an attorney, or a health care or mental health professional, from whom the**
76 **victim has sought assistance relating to the domestic violence or abuse. Such**
77 **documentation shall state that, under penalty of perjury, the employee, agent, or**
78 **volunteer of a victim service provider, the attorney, or the health care or mental health**
79 **professional believes that the victim has been involved in an incident of domestic**
80 **violence or abuse.**

81 **(2) A victim may be eligible only one time for a fee waiver under this subsection.**

208.072. 1. A completed application for medical assistance for services described in
2 section 208.152 shall be approved or denied within thirty days from submission to the family
3 support division or its successor.

4 2. The MO HealthNet division shall remit to a licensed nursing home operator the
5 Medicaid payment for a newly admitted Medicaid resident in a licensed long-term care
6 facility within forty-five days of the resident's date of admission.

7 **3. In accordance with 42 CFR 435.907(a), as amended, if the applicant is a minor**
8 **or incapacitated, the family support division or its successor shall accept an application**
9 **from someone acting responsibly for the applicant.**

210.203. The department of elementary and secondary education shall maintain a
2 record of substantiated, signed parental complaints against child care facilities licensed
3 pursuant to this chapter, and shall make such complaints and findings available to the public
4 upon request. **No information identifying reporters of such complaints shall be made**
5 **available to the public as part of such requests.**

210.305. 1. When an initial emergency placement of a child is deemed necessary, the children's division shall immediately begin a diligent search to locate, contact, and place the child with a grandparent or grandparents or a relative or relatives of the child, subject to subsection 3 of section 210.565 regarding preference of placement, except when the children's division determines that placement with a grandparent or grandparents or a relative or relatives is not in the best interest of the child and subject to the provisions of section 210.482 regarding background checks for emergency placements. If emergency placement of a child with grandparents or relatives is deemed not to be in the best interest of the child, the children's division shall document in writing the reason for denial and shall have just cause to deny the emergency placement. The children's division shall continue the search for other relatives until the division locates the relatives of the child for placement or the court excuses further search. Prior to placement of the child in any emergency placement, the division shall assure that the child's physical needs are met.

2. For purposes of this section, the following terms shall mean:

(1) "Diligent search", an exhaustive effort to identify and locate the grandparents or relatives whose identity or location is unknown. **"Diligent search" shall include, but is not limited to:**

(a) Interviews with the child's parent during the course of an investigation, while child protective services are provided, and while such child is in care;

(b) Interviews with the child;

(c) Interviews with identified grandparents or relatives throughout the case;

(d) Interviews with any other person who is likely to have information about the identity or location of the person being sought;

(e) Comprehensive searches of databases available to the children's division and likely to result in identifying and locating the person being sought;

(f) Appropriate inquiry during the course of hearings in the case; and

(g) Any other reasonable means that are likely to identify grandparents, relatives, or other persons who have demonstrated an ongoing commitment to the child;

(2) "Emergency placement", those limited instances when the children's division is placing for an initial placement a child in the home of private individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary caretaker.

3. A diligent search shall be made to locate, contact, and notify the grandparent or grandparents of the child within three hours from the time the emergency placement is deemed necessary for the child. During such three-hour time period, the child may be placed in an emergency placement. If a grandparent or grandparents of the child cannot be located within the three-hour period, the child may be temporarily placed in emergency placement;

38 except that, after the emergency placement is deemed necessary, the children's division shall
39 continue a diligent search to contact, locate, and place the child with a grandparent or
40 grandparents, or other relatives, with first consideration given to a grandparent for placement,
41 subject to subsection 3 of section 210.565 regarding preference of placement.

42 4. A diligent search shall be made to locate, contact, and notify the relative or
43 relatives of the child within thirty days from the time the emergency placement is deemed
44 necessary for the child. The children's division shall continue the search for the relative or
45 relatives until the division locates the relative or relatives of the child for placement, **for six**
46 **months following the child's out-of-home placement**, or the court excuses further search,
47 **whichever occurs first. The department shall resume search efforts if ordered by the**
48 **court, a change in the child's placement occurs, or a party shows that continuing the**
49 **search is in the best interests of the child.** The children's division, or an entity under
50 contract with the division, shall use all sources of information, including any known parent or
51 relative, to attempt to locate an appropriate relative as placement.

52 5. ~~[Search progress under subsection 3 or 4 of this section shall be reported at each~~
53 ~~court hearing until the grandparents or relatives are either located or the court excuses further~~
54 ~~search.]~~ **The children's division shall file with the court information regarding attempts**
55 **made under this section within thirty days from the date the child was removed from his**
56 **or her home, or as otherwise required by the court, and at each periodic review hearing.**
57 **Such information shall include:**

58 (1) **A detailed narrative explaining the division's efforts to find and consider**
59 **each potential placement and the specific outcome;**

60 (2) **The names of and relevant information about grandparents and relatives of**
61 **the child;**

62 (3) **Steps taken by the division to locate and contact grandparents and relatives**
63 **of the child;**

64 (4) **Responses received from grandparents and relatives of the child;**

65 (5) **Dates of each attempted or completed contact with a grandparent or relative**
66 **of the child;**

67 (6) **Reasons why a grandparent or relative of the child was not considered for**
68 **emergency or permanent placement of the child; and**

69 (7) **All efforts for placement of the child through an interstate compact**
70 **agreement under section 210.620, including:**

71 (a) **The names of grandparents or relatives of the child who were considered for**
72 **an interstate placement;**

73 (b) **Any pending placement of the child through an interstate compact**
74 **agreement; and**

75 (c) All potential out-of-state placements outside of an interstate compact
76 agreement and the reasons such placements have not been initiated.

77

78 If an out-of-state placement option exists and the division has failed to file a request with
79 the receiving state under the requirements of an interstate compact agreement under
80 section 210.620, the court shall enter a finding that the division has not made a due
81 diligence search and shall order the division to file a request with the receiving state
82 under the terms of the interstate compact.

83 6. All grandparents or relatives to the child identified in a diligent search
84 required by this section, subject to exceptions due to family or domestic violence or
85 other safety concerns, shall be provided with notice, via certified mail as appropriate,
86 that includes, but is not limited to:

87 (1) A specification that an alleged dependent child has been or is being removed
88 from his or her parental custody;

89 (2) An explanation of the options a grandparent or relative has to participate in
90 the care and placement of the alleged dependent child and any options that may be lost
91 by failing to respond to the notice;

92 (3) A description of the process for becoming a licensed foster family home and
93 the additional services and supports available for children placed in approved foster
94 homes;

95 (4) A description of any financial assistance for which a grandparent or relative
96 may be eligible; and

97 (5) An explanation that any response received after thirty days or willful failure
98 to respond upon receiving a notice may result in the grandparent or relative of the child
99 not being considered for placement.

100 7. If a grandparent or relative entitled to notice under this section fails to
101 respond to the division, responds and declines to be considered as placement for the
102 child, or is otherwise presently prevented from being considered as placement for the
103 child and later petitions the court for a change in placement, such person shall provide
104 evidence that such change is in the child's best interests.

105 8. Nothing in this section shall be construed or interpreted to interfere with or
106 supersede laws related to parental rights or judicial authority.

210.493. 1. As used in this section, the following terms mean:

2 (1) "Applicant", any individual who applies or is required to successfully
3 complete the background check requirements for employment or presence at a licensed
4 residential care facility, license-exempt residential care facility, or child placing agency.

5 For the purposes of background checks conducted by the Missouri state highway patrol,
6 the term "applicant" is further defined in section 43.540;

7 (2) "Contractor", a person who contracts to do work for or supply goods to a
8 licensed residential care facility, license-exempt residential care facility, or child placing
9 agency;

10 (3) "Employee", an individual who works in the service of a licensed residential
11 care facility, license-exempt residential care facility, or child placing agency under an
12 express or implied contract for hire, whether written or unwritten or full time or part
13 time, under which the licensed residential care facility, license-exempt residential care
14 facility, or child placing agency has the right to control, in whole or in part, the details of
15 the individual's work performance;

16 (4) "Owner", an individual who holds an equity interest in a licensed residential
17 care facility, license-exempt residential care facility, or child placing agency;

18 (5) "Volunteer", an individual who performs a service for or on behalf of a
19 licensed residential care facility, license-exempt residential care facility, or child placing
20 agency of the individual's own free will without obligation or without any expectation of
21 a reward or compensation.

22 [~~Officers, managers,~~] 2. Contractors, volunteers with access to children, **and**
23 employees[~~, and other support staff~~] of licensed residential care facilities and licensed child
24 placing agencies in accordance with sections 210.481 to 210.536; owners of such residential
25 care facilities who will have access to the facilities; and owners of such child placing agencies
26 who will have access to children shall submit fingerprints and any information that the
27 department requires to complete the background checks, as specified in regulations
28 established by the department, to the Missouri state highway patrol for the purpose of
29 conducting state and federal fingerprint-based background checks.

30 [~~2. Officers, managers,~~] 3. Contractors, volunteers with access to children, **and**
31 employees[~~, and other support staff~~] of residential care facilities subject to the notification
32 requirements under sections 210.1250 to 210.1286; any person eighteen years of age or older
33 who resides at or on the property of such residential care facility; any person who has
34 unsupervised contact with a resident of the residential care facility; and owners of such
35 residential care facilities who will have access to the facilities shall submit fingerprints and
36 any information that the department requires to complete the background checks, as specified
37 in regulations established by the department, to the Missouri state highway patrol for the
38 purpose of conducting state and federal fingerprint-based background checks.

39 [~~3-~~] 4. A background check shall include:

40 (1) A **state and** Federal Bureau of Investigation fingerprint check;

41 (2) A search of the [~~National Crime Information Center's~~] National Sex Offender
42 Registry; and

43 (3) A search of the following registries, repositories, or databases in Missouri, the
44 state where the applicant resides, and each state where such applicant resided during the
45 preceding five years:

46 (a) The state criminal registry or repository, with the use of fingerprints being
47 required in the state where the applicant resides and optional in other states;

48 (b) The state sex offender registry or repository;

49 (c) The state family care safety registry; and

50 (d) The state-based child abuse and neglect registry and database.

51 [~~4-~~] 5. For the purposes this section and notwithstanding any other provision of law,
52 "department" means the department of social services.

53 [~~5-~~] 6. The department shall be responsible for background checks as part of a
54 residential care facility or child placing agency application for licensure, renewal of licensure,
55 or for license monitoring.

56 [~~6-~~] 7. The department shall be responsible for background checks for residential care
57 facilities subject to the notification requirements of sections 210.1250 to 210.1286.

58 [~~7-~~] 8. Fingerprint cards and any required fees shall be sent to the Missouri state
59 highway patrol's central repository. The fingerprints shall be used for searching the state
60 criminal records repository and shall also be forwarded to the Federal Bureau of Investigation
61 for a federal criminal records search under section 43.540. The Missouri state highway patrol
62 shall notify the department of any criminal history record information or lack of criminal
63 history record information discovered on the individual. Notwithstanding the provisions of
64 section 610.120, all records related to any criminal history information discovered shall be
65 accessible and available to the department.

66 [~~8-~~] 9. Fingerprints submitted to the Missouri state highway patrol for the purpose of
67 conducting state and federal fingerprint-based background checks under this section shall be
68 valid for a period of five years.

69 [~~9-~~] 10. The department shall provide the results of the background check to the
70 applicant in a statement that indicates whether the applicant is eligible or ineligible for
71 employment or presence at the licensed residential care facility or licensed child placing
72 agency. The department shall not reveal to the residential care facility or the child placing
73 agency any disqualifying offense or other related information regarding the applicant. The
74 applicant shall have the opportunity to appeal an ineligible finding.

75 [~~10-~~] 11. The department shall provide the results of the background check to the
76 applicant in a statement that indicates whether the applicant is eligible or ineligible for
77 employment or presence at the residential care facility subject to the notification requirements

78 of sections 210.1250 to 210.1286. The department shall not reveal to the residential care
79 facility any disqualifying offense or other related information regarding the applicant. The
80 applicant shall have the opportunity to appeal an ineligible finding.

81 ~~[11.]~~ **12.** An applicant shall be ineligible if the applicant:

82 (1) Refuses to consent to the background check as required by this section;

83 (2) Knowingly makes a materially false statement in connection with the background
84 check as required by this section;

85 (3) Is registered, or is required to be registered, on a state sex offender registry or
86 repository or the National Sex Offender Registry;

87 (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to
88 210.183 or any other finding of child abuse or neglect based on any other state's registry or
89 database; or

90 (5) Has pled guilty or nolo contendere to or been found guilty of:

91 (a) Any felony for an offense against the person as defined in chapter 565;

92 (b) Any other offense against the person involving the endangerment of a child as
93 prescribed by law;

94 (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;

95 (d) Any misdemeanor or felony for an offense against the family as defined in chapter
96 568;

97 (e) Burglary in the first degree as defined in section 569.160;

98 (f) Any misdemeanor or felony for robbery as defined in chapter 570;

99 (g) Any misdemeanor or felony for pornography or related offense as defined in
100 chapter 573;

101 (h) Any felony for arson as defined in chapter 569;

102 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use
103 of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in
104 section 571.070, or the unlawful possession of an explosive as defined in section 571.072;

105 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or
106 574.125;

107 (k) A felony drug-related offense committed during the preceding five years; or

108 (l) Any similar offense in any federal, state, or other court of similar jurisdiction of
109 which the department has knowledge.

110 ~~[12.]~~ **13.** Any person aggrieved by a decision of the department shall have the right to
111 seek an administrative review. The review shall be filed with the department within fourteen
112 days from the mailing of the notice of ineligibility. Any decision not timely appealed shall be
113 final.

114 ~~[13:]~~ 14. Any required fees shall be paid by the individual applicant, facility, or
115 agency.

116 ~~[14:]~~ 15. The department is authorized to promulgate rules, including emergency
117 rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is
118 defined in section 536.010, that is created under the authority delegated in this section shall
119 become effective only if it complies with and is subject to all of the provisions of chapter 536
120 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any
121 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
122 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
123 the grant of rulemaking authority and any rule proposed or adopted after July 14, 2021, shall
124 be invalid and void.

210.565. 1. Whenever a child is placed in a foster home and the court has determined
2 pursuant to subsection 4 of this section that foster home placement with relatives is not
3 contrary to the best interest of the child, the children's division shall give foster home
4 placement to relatives of the child. Notwithstanding any rule of the division to the contrary
5 **and under section 210.305**, the children's division shall complete a diligent search to locate
6 and notify the grandparents, adult siblings, parents of siblings of the child, and all other
7 relatives and determine whether they wish to be considered for placement of the child.
8 Grandparents who request consideration shall be given preference and first consideration for
9 foster home placement of the child. If more than one grandparent requests consideration, the
10 family support team shall make recommendations to the juvenile or family court about which
11 grandparent should be considered for placement.

12 2. As used in this section, the following terms shall mean:

13 (1) "Adult sibling", any brother or sister of whole or half-blood who is at least
14 eighteen years of age;

15 (2) "Relative", a grandparent or any other person related to another by blood or
16 affinity or a person who is not so related to the child but has a close relationship with the child
17 or the child's family. **A foster parent or kinship caregiver with whom a child has resided**
18 **for nine months or more is a person who has a close relationship with the child.** The
19 status of a grandparent shall not be affected by the death or the dissolution of the marriage of
20 a son or daughter;

21 (3) "Sibling", one of two or more individuals who have one or both parents in
22 common through blood, marriage, or adoption, including siblings as defined by the child's
23 tribal code or custom.

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

26 (1) Grandparents;

- 27 (2) Adult siblings or parents of siblings;
28 (3) Relatives ~~[related by blood or affinity within the third degree]; and~~
29 (4) ~~[Other relatives; and~~
30 ~~(5)]~~ Any foster parent who is currently licensed and capable of accepting placement
31 of the child.

32 4. The preference for placement and first consideration for grandparents or preference
33 for placement with other relatives created by this section shall only apply where the court
34 finds that placement with such grandparents or other relatives is not contrary to the best
35 interest of the child considering all circumstances. If the court finds that it is contrary to the
36 best interest of a child to be placed with grandparents or other relatives, the court shall make
37 specific findings on the record detailing the reasons why the best interests of the child
38 necessitate placement of the child with persons other than grandparents or other relatives.
39 **Absent evidence to the contrary, the court may presume that continuation of the child's**
40 **placement with his or her current caregivers is in the child's best interests.**

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

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

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

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

57 9. The guardian ad litem shall ascertain the child's wishes and feelings about his or
58 her placement by conducting an interview or interviews with the child, if appropriate based
59 on the child's age and maturity level, which shall be considered as a factor in placement
60 decisions and recommendations, but shall not supersede the preference for relative placement
61 created by this section or be contrary to the child's best interests.

**210.795. 1. (1) A child in the care and custody of the children's division whose
2 physical whereabouts are unknown to the division, the child's physical custodian, or**

3 **contracted service providers shall be considered missing and the case manager or**
4 **placement provider shall immediately inform a law enforcement agency having**
5 **jurisdiction and the National Center for Missing and Exploited Children within two**
6 **hours of discovery that the child is missing.**

7 **(2) The case manager shall document the report number and any relevant**
8 **information in the child's record.**

9 **(3) Within twenty-four hours of a report being made under this subsection, the**
10 **department shall inform and obtain information about the child's disappearance from**
11 **the child's parents, known relatives, out-of-home caregivers, attorney, guardian or**
12 **guardian ad litem, court appointed special advocate, juvenile officer, or Indian tribe, as**
13 **applicable, or from any other person known to the department who may have relevant**
14 **information regarding the child's disappearance.**

15 **(4) The case manager shall:**

16 **(a) Within one week and monthly thereafter, maintain contact with the child's**
17 **family members, friends, school faculty, and service providers and with any other**
18 **person or agency involved in the child's case;**

19 **(b) Document ongoing efforts to locate the child; and**

20 **(c) Continue contacting law enforcement about the missing child and shall make**
21 **quarterly reports to the court about the status of the child and efforts to locate the child.**

22

23 **The department shall contact law enforcement every seven days and document the**
24 **information provided and any information received.**

25 **(5) The division shall not petition the court for a release of jurisdiction for the**
26 **child or stop searching for the child while the child is missing until the child reaches the**
27 **age of twenty-one.**

28 **2. The division shall maintain protocols, including appropriate trainings, for**
29 **conducting ongoing searches for children missing from care. Such protocols shall**
30 **include preventative measures to identify and mitigate risk to children who are at**
31 **increased risk for running away or disappearing or of being victims of trafficking as**
32 **defined under section 566.200.**

33 **3. The division shall ensure that each child in the care and custody of the division**
34 **has an updated photograph in the child's record.**

35 **4. When a child is located, the department shall:**

36 **(1) Inform all law enforcement agencies and organizations involved in the child's**
37 **case; and**

38 **(2) Have in-person contact with the child within twenty-four hours after the**
39 **child is located to assess the child's health, experiences while absent, the appropriateness**

40 **of the child returning to the child's current placement, and the factors that contributed**
41 **to the child's absence.**

42 **5. Any employee or contractor with the children's division, child welfare**
43 **agencies, other state agencies, or schools shall, upon becoming aware that an**
44 **emancipated minor as defined in section 302.178, a homeless youth as defined in**
45 **section 167.020, or an unaccompanied minor as defined in section 210.121 is missing,**
46 **inform the appropriate law enforcement agency and the National Center for Missing**
47 **and Exploited Children within twenty-four hours.**

48 **6. Within twenty-four hours of a missing child being found, the division shall**
49 **assess whether the child was a victim of trafficking and determine any factors that**
50 **caused the child to go missing.**

51 **7. The legislature may require an annual independent audit of the department's**
52 **compliance with this section.**

210.841. 1. The judgment or order of the court determining the existence or
2 nonexistence of the parent and child relationship is determinative for all purposes.

3 2. If the judgment or order of the court varies with the child's birth certificate, the
4 court shall order that an amended birth registration be made pursuant to section 210.849.

5 3. The judgment or order shall contain the Social Security number of each party and
6 may contain any other provision directed against the appropriate party to the proceeding
7 concerning:

8 (1) The duty of support;

9 (2) The custody and guardianship of the child;

10 (3) Visitation privileges with the child;

11 (4) The furnishing of bond or other security for the payment of the judgment; or

12 (5) Any matter in the best interest of the child. The judgment or order may direct the
13 father to pay the reasonable expenses of the mother's pregnancy and confinement.

14 4. Support judgments or orders ordinarily shall be for periodic payments. In the best
15 interests of the child, a lump sum payment or the purchase of an annuity may be ordered in
16 lieu of periodic payments of support. The court may limit the father's liability for past support
17 of the child to the proportion of the expenses already incurred that the court deems just.

18 5. There shall be a rebuttable presumption that the amount of support that would
19 result from the application of supreme court rule 88.01 is the correct amount of child support
20 to be awarded. A written finding or specific finding on the record that the application of
21 supreme court rule 88.01 would be unjust or inappropriate in a particular case, after
22 considering all relevant factors including the factors in subsection 6 of this section, shall be
23 sufficient to rebut the presumption in the case.

24 6. In determining the amount to be paid by a parent for support of the child and the
25 period during which the duty of support is owed, the court shall consider all relevant facts,
26 including:

- 27 (1) The needs of the child;
- 28 (2) The standard of living and circumstances of the parents;
- 29 (3) The relative financial means of the parents;
- 30 (4) The earning ability of the parents;
- 31 (5) The need and capacity of the child for education, including higher education;
- 32 (6) The age of the child;
- 33 (7) The financial resources and earning capacity of the child;
- 34 (8) The responsibility of the parents for the support of other children;
- 35 (9) The value of the services contributed by the custodial parent; and
- 36 (10) The standard of living and circumstances of the family prior to the dissolution of
37 marriage of parents or during the period of cohabitation of the parents.

38 7. Any award for periodic child support may be retroactive to the date of service of
39 the original petition upon the obligor.

40 **8. The court shall apply the provisions of subsection 3 of section 452.375 when**
41 **determining whether a party shall have custody, guardianship, or unsupervised**
42 **visitation of a child under this section.**

210.1360. 1. Any personally identifiable information regarding any child under
2 **eighteen years of age receiving child care from any provider or applying for or receiving**
3 **any services through a state program shall not be subject to disclosure except as**
4 **otherwise provided by law.**

5 **2. This section shall not prohibit any state agency from disclosing personally**
6 **identifiable information to governmental entities or its agents, vendors, and contractors**
7 **in connection to matters relating to its official duties.**

8 **3. This section shall not prevent a parent or legal guardian from accessing the**
9 **parent's or legal guardian's child's records.**

 211.221. In placing a child in or committing a child to the custody of an individual or
2 of a private agency or institution the court, **children's division, or any child placing agency**
3 **contracting with the state to provide foster care services** shall whenever practicable select
4 either a person, or an agency or institution governed by persons of the same religious faith as
5 that of the parents of such child, or in case of a difference in the religious faith of the parents,
6 then of the religious faith of the child or if the religious faith of the child is not ascertainable,
7 then of the faith of either of the parents.

 302.178. 1. Any person between the ages of sixteen and eighteen years who is
2 qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the

3 director shall issue, an intermediate driver's license entitling the applicant, while having such
4 license in his or her possession, to operate a motor vehicle of the appropriate class upon the
5 highways of this state in conjunction with the requirements of this section. An intermediate
6 driver's license shall be readily distinguishable from a license issued to those over the age of
7 eighteen. All applicants for an intermediate driver's license shall:

- 8 (1) Successfully complete the examination required by section 302.173;
- 9 (2) Pay the fee required by subsection 4 of this section;
- 10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of
11 section 302.130 for at least a six-month period or a valid license from another state; and
- 12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a
13 federal residential job training program, a driving instructor employed by a federal residential
14 job training program, sign the application stating that the applicant has completed at least
15 forty hours of supervised driving experience under a temporary instruction permit issued
16 pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the
17 person over twenty-one years of age who supervised such driving. For purposes of this
18 section, the term "emancipated minor" means a person who is at least sixteen years of age, but
19 less than eighteen years of age, who:
 - 20 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to
21 section 451.080;
 - 22 (b) Has been declared emancipated by a court of competent jurisdiction;
 - 23 (c) Enters active duty in the Armed Forces;
 - 24 (d) Has written consent to the emancipation from the custodial parent or legal
25 guardian; [or]
 - 26 (e) Through employment or other means provides for such person's own food, shelter
27 and other cost-of-living expenses; **or**
 - 28 **(f) Qualifies as a homeless child or homeless youth, as defined in subsection 1 of**
29 **section 167.020, or as an unaccompanied youth as defined in 42 U.S.C. Section 11434a**
30 **(6), and whose status as such is verified as provided under subsection 10 of this section;**
- 31 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525
32 during the preceding twelve months; and
- 33 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
34 section 302.302, within the preceding six months.

35 2. An intermediate driver's license grants the licensee the same privileges to operate
36 that classification of motor vehicle as a license issued pursuant to section 302.177, except that
37 no person shall operate a motor vehicle on the highways of this state under such an
38 intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless
39 accompanied by a person described in subsection 1 of section 302.130; except the licensee

40 may operate a motor vehicle without being accompanied if the travel is to or from a school or
41 educational program or activity, a regular place of employment or in emergency situations as
42 defined by the director by regulation.

43 3. Each intermediate driver's license shall be restricted by requiring that the driver
44 and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt
45 restriction shall not apply to a person operating a motorcycle. For the first six months after
46 issuance of the intermediate driver's license, the holder of the license shall not operate a motor
47 vehicle with more than one passenger who is under the age of nineteen who is not a member
48 of the holder's immediate family. As used in this subsection, an intermediate driver's license
49 holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the
50 driver, including adopted or foster children residing in the same household of the intermediate
51 driver's license holder. After the expiration of the first six months, the holder of an
52 intermediate driver's license shall not operate a motor vehicle with more than three passengers
53 who are under nineteen years of age and who are not members of the holder's immediate
54 family. The passenger restrictions of this subsection shall not be applicable to any
55 intermediate driver's license holder who is operating a motor vehicle being used in
56 agricultural work-related activities.

57 4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an
58 intermediate driver's license shall be five dollars and such license shall be valid for a period of
59 two years. **Such fee shall be waived for any person qualifying as an emancipated minor
60 under subdivision (4) of subsection 1 of this section.**

61 5. Any intermediate driver's licensee accumulating six or more points in a twelve-
62 month period may be required to participate in and successfully complete a driver-
63 improvement program approved by the state highways and transportation commission. The
64 driver-improvement program ordered by the director of revenue shall not be used in lieu of
65 point assessment.

66 6. (1) An intermediate driver's licensee who has, for the preceding twelve-month
67 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no
68 traffic convictions for which points are assessed, upon reaching the age of eighteen years or
69 within the thirty days immediately preceding their eighteenth birthday may apply for and
70 receive without further examination, other than a vision test as prescribed by section 302.173,
71 a license issued pursuant to this chapter granting full driving privileges. Such person shall
72 pay the required fee for such license as prescribed in section 302.177.

73 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,
74 such license shall remain valid for the five business days immediately following the
75 expiration date. In no case shall a licensee whose intermediate driver's license expires on a
76 Saturday, Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid

77 driver's license if such offense occurred within five business days immediately following an
78 expiration date that occurs on a Saturday, Sunday, or legal holiday.

79 (3) The director of revenue shall deny an application for a full driver's license until
80 the person has had no traffic convictions for which points are assessed for a period of twelve
81 months prior to the date of application for license or until the person is eligible to apply for a
82 six-year driver's license as provided for in section 302.177, provided the applicant is
83 otherwise eligible for full driving privileges. An intermediate driver's license shall expire
84 when the licensee is eligible and receives a full driver's license as prescribed in subdivision
85 (1) of this section.

86 7. No person upon reaching the age of eighteen years whose intermediate driver's
87 license and driving privilege is denied, suspended, cancelled or revoked in this state or any
88 other state for any reason may apply for a full driver's license until such license or driving
89 privilege is fully reinstated. Any such person whose intermediate driver's license has been
90 revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of
91 reinstatement of the revocation from the director, pass the complete driver examination, apply
92 for a new license, and pay the proper fee before again operating a motor vehicle upon the
93 highways of this state.

94 8. A person shall be exempt from the intermediate licensing requirements if the
95 person has reached the age of eighteen years and meets all other licensing requirements.

96 9. Any person who violates any of the provisions of this section relating to
97 intermediate drivers' licenses or the provisions of section 302.130 relating to temporary
98 instruction permits is guilty of an infraction, and no points shall be assessed to his or her
99 driving record for any such violation.

100 10. **A person's status as a homeless child or youth or unaccompanied youth**
101 **under paragraph (f) of subdivision (4) of subsection 1 of this section shall be verified by**
102 **a letter signed by one of the following persons:**

103 (1) **A director or designee of a governmental or nonprofit agency that receives**
104 **public or private funding to provide services to homeless persons;**

105 (2) **A local education agency liaison for homeless children and youth designated**
106 **under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or**

107 (3) **A licensed attorney representing the minor in any legal matter.**

108 11. Any rule or portion of a rule, as that term is defined in section 536.010, that is
109 created under the authority delegated in this section shall become effective only if it complies
110 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
111 This section and chapter 536 are nonseverable and if any of the powers vested with the
112 general assembly pursuant to chapter 536 to review, to delay the effective date or to
113 disapprove and annul a rule are subsequently held unconstitutional, then the grant of

114 rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid
115 and void.

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to
2 302.340 shall be in such form as the director shall prescribe, but the license shall be a card
3 made of plastic or other comparable material. All licenses shall be manufactured of materials
4 and processes that will prohibit, as nearly as possible, the ability to reproduce, alter,
5 counterfeit, forge, or duplicate any license without ready detection. The license shall also
6 bear the expiration date of the license, the classification of the license, the name, date of birth,
7 residence address including the county of residence or a code number corresponding to such
8 county established by the department, and brief description and colored digitized image of the
9 licensee, and a facsimile of the signature of the licensee. The director shall provide by
10 administrative rule the procedure and format for a licensee to indicate on the back of the
11 license together with the designation for an anatomical gift as provided in section 194.240 the
12 name and address of the person designated pursuant to sections 404.800 to 404.865 as the
13 licensee's attorney in fact for the purposes of a durable power of attorney for health care
14 decisions. No license shall be valid until it has been so signed by the licensee. If any portion
15 of the license is prepared by a private firm, any contract with such firm shall be made in
16 accordance with the competitive purchasing procedures as established by the state director of
17 the division of purchasing.

18 2. All digital images produced for licenses shall become the property of the
19 department of revenue.

20 3. The license issued shall be carried at all times by the holder thereof while driving a
21 motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or
22 any police officer or peace officer, or any other duly authorized person, for inspection when
23 demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her
24 license to any duly authorized officer shall be presumptive evidence that such person is not a
25 duly licensed operator.

26 4. The director of revenue shall not issue a license without a facial digital image of
27 the license applicant, except as provided pursuant to subsection 7 of this section. A digital
28 image of the applicant's full facial features shall be taken in a manner prescribed by the
29 director. No digital image shall be taken wearing anything which cloaks the facial features of
30 the individual.

31 5. The department of revenue may issue a temporary license or a full license without
32 the photograph or with the last photograph or digital image in the department's records to
33 members of the Armed Forces, except that where such temporary license is issued it shall be
34 valid only until the applicant shall have had time to appear and have his or her picture taken
35 and a license with his or her photograph issued.

36 6. The department of revenue shall issue upon request a nondriver's license card
37 containing essentially the same information and photograph or digital image, except as
38 provided pursuant to subsection 7 of this section, as the driver's license upon payment of six
39 dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after
40 issuance. A person who has passed his or her seventieth birthday shall upon application be
41 issued a nonexpiring nondriver's license card. Notwithstanding any other provision of this
42 chapter, a nondriver's license containing a concealed carry endorsement shall expire three
43 years from the date the certificate of qualification was issued pursuant to section 571.101, as
44 section 571.101 existed prior to August 28, 2013. The fee for nondriver's licenses issued for a
45 period exceeding three years is six dollars or three dollars for nondriver's licenses issued for a
46 period of three years or less. The nondriver's license card shall be used for identification
47 purposes only and shall not be valid as a license. **No fee shall be required or collected from**
48 **a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or**
49 **unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for a first nondriver's**
50 **license card issued under this subsection. Such person's status as a homeless child or**
51 **youth or unaccompanied youth shall be verified by a letter signed by one of the**
52 **following persons:**

53 (1) **A director or designee of a governmental or nonprofit agency that receives**
54 **public or private funding to provide services to homeless persons;**

55 (2) **A local education agency liaison for homeless children and youth designated**
56 **under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or**

57 (3) **A licensed attorney representing the minor in any legal matter.**

58 7. If otherwise eligible, an applicant may receive a driver's license or nondriver's
59 license without a photograph or digital image of the applicant's full facial features except that
60 such applicant's photograph or digital image shall be taken and maintained by the director and
61 not printed on such license. In order to qualify for a license without a photograph or digital
62 image pursuant to this section the applicant must:

63 (1) Present a form provided by the department of revenue requesting the applicant's
64 photograph be omitted from the license or nondriver's license due to religious affiliations.
65 The form shall be signed by the applicant and another member of the religious tenant
66 verifying the photograph or digital image exemption on the license or nondriver's license is
67 required as part of their religious affiliation. The required signatures on the prescribed form
68 shall be properly notarized;

69 (2) Provide satisfactory proof to the director that the applicant has been a United
70 States citizen for at least five years and a resident of this state for at least one year, except that
71 an applicant moving to this state possessing a valid driver's license from another state without
72 a photograph shall be exempt from the one-year state residency requirement. The director

73 may establish rules necessary to determine satisfactory proof of citizenship and residency
74 pursuant to this section;

75 (3) Applications for a driver's license or nondriver's license without a photograph or
76 digital image must be made in person at a license office determined by the director. The
77 director is authorized to limit the number of offices that may issue a driver's or nondriver's
78 license without a photograph or digital image pursuant to this section.

79 8. The department of revenue shall make available, at one or more locations within
80 the state, an opportunity for individuals to have their full facial photograph taken by an
81 employee of the department of revenue, or their designee, who is of the same sex as the
82 individual being photographed, in a segregated location.

83 9. Beginning July 1, 2005, the director shall not issue a driver's license or a
84 nondriver's license for a period that exceeds an applicant's lawful presence in the United
85 States. The director may, by rule or regulation, establish procedures to verify the lawful
86 presence of the applicant and establish the duration of any driver's license or nondriver's
87 license issued under this section.

88 10. (1) Notwithstanding any biometric data restrictions contained in section 302.170,
89 the department of revenue is hereby authorized to design and implement a secure digital
90 driver's license program that allows applicants applying for a driver's license in accordance
91 with this chapter to obtain a secure digital driver's license in addition to the physical card-
92 based license specified in this section.

93 (2) A digital driver's license as described in this subsection shall be accepted for all
94 purposes for which a license, as defined in section 302.010, is used.

95 (3) The department may contract with one or more entities to develop the secure
96 digital driver's license system. The department or entity may develop a mobile software
97 application capable of being utilized through a person's electronic device to access the
98 person's secure digital driver's license.

99 (4) The department shall suspend, disable, or terminate a person's participation in the
100 secure digital driver's license program if:

101 (a) The person's driving privilege is suspended, revoked, denied, withdrawn, or
102 cancelled as provided in this chapter; or

103 (b) The person reports that the person's electronic device has been lost, stolen, or
104 compromised.

105 11. The director of the department of revenue may promulgate rules as necessary for
106 the implementation of this section. Any rule or portion of a rule, as that term is defined in
107 section 536.010 that is created under the authority delegated in this section shall become
108 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
109 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the

110 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
111 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
112 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,
113 shall be invalid and void.

452.705. As used in sections 452.700 to 452.930:

- 2 (1) "Abandoned" means left without provision for reasonable and necessary care or
3 supervision;
- 4 (2) "Child" means an individual who has not attained eighteen years of age;
- 5 (3) "Child custody determination" means a judgment, decree, or other order of a court
6 providing for the legal custody, physical custody, or visitation with respect to a child. The
7 term includes a permanent, temporary, initial, or modification order. The term shall not
8 include an order relating to child support or other monetary obligation of an individual;
- 9 (4) "Child custody proceeding" means a proceeding in which legal custody, physical
10 custody, or visitation with respect to a child is an issue. The term includes a proceeding for
11 divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of
12 parental rights, and protection from domestic violence in which the issue may appear. The
13 term shall not include a proceeding involving juvenile delinquency, contractual emancipation,
14 or enforcement under sections 452.850 to 452.915;
- 15 (5) "Commencement" means the filing of the first pleading in a proceeding;
- 16 (6) "Court" means an entity authorized under the law of a state to establish, enforce,
17 or modify a child custody determination;
- 18 (7) "Decree" or "custody decree" means a custody determination contained in a
19 judicial decree or order made in a custody proceeding, and includes an initial decree and a
20 modification decree;
- 21 (8) "Home state" means the state in which a child has lived with a parent or a person
22 acting as a parent for at least six consecutive months immediately prior to the commencement
23 of a child custody proceeding. In the case of a child less than six months of age, the term
24 means the state in which the child has lived from birth with any of the persons mentioned. A
25 period of temporary absence of any of the mentioned persons is part of such period;
- 26 (9) "Initial determination" means the first child custody determination concerning a
27 particular child;
- 28 (10) "Issuing court" means the court making a child custody determination for which
29 enforcement is sought under sections 452.700 to 452.930;
- 30 (11) "Issuing state" means the state in which a child custody determination is made;
- 31 (12) "Litigant" means a person, including a parent, grandparent, or stepparent, who
32 claims a right to custody or visitation with respect to a child;

33 (13) "Modification" means a child custody determination that changes, replaces,
34 supersedes or is otherwise made after a previous determination concerning the same child,
35 whether or not it is made by the court that made the previous determination;

36 (14) "Person" includes government, a governmental subdivision, agency or
37 instrumentality, or any other legal or commercial entity;

38 (15) "Person acting as a parent" means a person, other than a parent, who:

39 (a) Has physical custody of the child or has had physical custody for a period of six
40 consecutive months, including any temporary absence, within one year immediately prior to
41 the commencement of a child custody proceeding; and

42 (b) Has been awarded legal custody by a court or claims a right to legal custody under
43 the law of this state;

44 (16) "Physical custody" means the physical care and supervision of a child;

45 (17) "State" means a state of the United States, the District of Columbia, Puerto Rico,
46 the United States Virgin Islands, or any territory or insular possession subject to the
47 jurisdiction of the United States;

48 (18) "Warrant" means an order issued by a court authorizing law enforcement officers
49 to take physical custody of a child;

50 (19) **"Wrongful removal" means the taking of a child that breaches rights of**
51 **custody or visitation given or recognized under the law of this state.**

452.730. 1. A court of this state may communicate with a court in another state
2 concerning a proceeding arising under sections 452.700 to 452.930 **or arising under sections**
3 **452.1100 to 452.1122.**

4 2. The court may allow the parties to participate in the communication. If the parties
5 are not able to participate in the communication, the parties shall be given the opportunity to
6 present facts and legal arguments before a decision on jurisdiction is made.

7 3. A communication between courts on schedules, calendars, court records, and
8 similar matters may occur without informing the parties. A record need not be made of such
9 communication.

10 4. Except as provided in subsection 3 of this section, a record shall be made of the
11 communication. The parties shall be informed promptly of the communication and granted
12 access to the record.

13 5. For the purposes of this section, "record" means information that is inscribed on a
14 tangible medium, or that which is stored in an electronic or other medium and is retrievable in
15 perceivable form. A record includes notes or transcripts of a court reporter who listened to a
16 conference call between the courts, an electronic recording of a telephone call, a
17 memorandum or an electronic record of the communication between the courts, or a
18 memorandum or an electronic record made by a court after the communication.

452.885. 1. **(1)** Upon the filing of a petition seeking enforcement of a child custody determination~~], the petitioner may file]~~ **with** a verified application for the issuance of a warrant to take physical custody of the child **or upon the filing of a petition under sections 452.1100 to 452.1122, the court may issue an ex parte warrant to take physical custody of the child if the court finds, upon review of the petition or verified application or upon the testimony of the petitioner or other witnesses, that** the child is likely to suffer serious imminent physical harm or **there is a credible risk that the child is imminently likely to suffer wrongful removal [from this state].**

(2) Prior to issuing a warrant in response to a petition filed under sections 452.1100 to 452.1122 and before determining the placement of the child after the warrant is executed, the court may order a search of the relevant databases of the National Crime Information Center system and similar state databases to determine if the petitioner or respondent has a history of domestic violence, stalking, or child abuse or neglect.

~~2. [If the court, upon the testimony of the petitioner or other witnesses, finds that the child is likely to suffer serious imminent physical harm or be imminently removed from this state, the court may issue a warrant to take physical custody of the child. The petition shall be heard on the next judicial day after the warrant is executed. The warrant shall include the statements required under subsection 2 of section 452.870.~~

~~3.]~~ A warrant to take physical custody of a child shall:

(1) Recite the facts **upon** which a ~~[conclusion]~~ **determination** of serious imminent physical harm or **a credible risk of imminent wrongful** removal from the jurisdiction is based;

(2) Direct law enforcement officers to take physical custody of the child immediately; ~~and]~~

(3) **State the date and time for the hearing on the petition;**

(4) Provide for the **safe interim** placement of the child pending **further order of the court or final relief; and**

(5) **Include the statements required under subsection 2 of section 452.870 if a warrant is issued in response to a petition seeking enforcement of a child custody determination.**

~~[4.]~~ **3.** The respondent shall be served with the petition, warrant and order immediately after the child is taken into physical custody.

4. The respondent shall be afforded an opportunity to be heard at the earliest possible time after the ex parte warrant is executed but no later than the next judicial day unless a hearing on that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible.

38 **5. If the court finds, after a hearing, that a petitioner sought a warrant under**
39 **subsection 1 of this section for the purpose of harassment or in bad faith, the court may**
40 **award the respondent reasonable attorney's fees, costs, and expenses.**

41 ~~5-~~ **6. A warrant to take physical custody of a child, issued by this state or another**
42 **state, is enforceable throughout this state. If the court finds on the basis of the testimony of**
43 **the petitioner or other witness that a less intrusive remedy is not effective, the court may**
44 **authorize law enforcement officers to enter private property to take physical custody of the**
45 **child. If required by the exigency of the case, the court may authorize law enforcement**
46 **officers to make a forcible entry at any hour.**

47 ~~6-~~ **7. The court may impose conditions on the placement of a child to ensure the**
48 **appearance of the child and the child's custodian.**

49 **8. This section does not affect the availability of relief allowed under the laws of**
50 **this state other than sections 452.700 to 452.930 and sections 452.1100 to 452.1122.**

452.1100. Sections 452.1100 to 452.1122 may be cited as the "Uniform Child
2 **Abduction Prevention Act".**

452.1102. In sections 452.1100 to 452.1122:

2 **(1) "Abduction" means the wrongful removal or wrongful retention of a child;**

3 **(2) "Child" means an unemancipated individual who is less than eighteen years**
4 **of age;**

5 **(3) "Child abduction prevention measures" means measures and conditions that**
6 **are reasonably calculated to prevent the abduction of a child, including provisions of**
7 **subsections 3, 4, and 5 of section 452.1114, and other measures that the court deems**
8 **appropriate to prevent the abduction of a child;**

9 **(4) "Child-custody determination" means a judgment, decree, or other order of**
10 **a court providing for the legal custody, physical custody, or visitation with respect to a**
11 **child. The term includes a permanent, temporary, initial, and modification order;**

12 **(5) "Child custody proceeding" means a proceeding in which legal custody,**
13 **physical custody, or visitation with respect to a child is at issue. The term includes a**
14 **proceeding for divorce, dissolution of marriage, separation, neglect, abuse, dependency,**
15 **guardianship, paternity, termination of parental rights, or protection from domestic**
16 **violence;**

17 **(6) "Court" means an entity authorized under the law of a state to establish,**
18 **enforce, or modify a child-custody determination;**

19 **(7) "Petition" includes a motion or its equivalent;**

20 **(8) "Record" means information that is inscribed on a tangible medium or that**
21 **is stored in an electronic or other medium and is retrievable in perceivable form;**

22 **(9) "State" means a state of the United States, the District of Columbia, Puerto**
23 **Rico, the United States Virgin Islands, or any territory or insular possession subject to**
24 **the jurisdiction of the United States. The term includes a federally recognized Indian**
25 **tribe or nation;**

26 **(10) "Travel document" means records relating to a travel itinerary, including**
27 **travel tickets, passes, reservations for transportation, or accommodations. The term**
28 **does not include a passport or visa;**

29 **(11) "Warrant" means an order issued by a court authorizing law enforcement**
30 **officers to take physical custody of a child;**

31 **(12) "Wrongful removal" means the taking of a child that breaches rights of**
32 **custody or visitation given or recognized under the law of this state;**

33 **(13) "Wrongful retention" means the keeping or concealing of a child that**
34 **breaches rights of custody or visitation given or recognized under the law of this state.**

452.1104. Sections 452.730, 452.735, and 452.820 of the uniform child custody
2 **jurisdiction and enforcement act apply to cooperation and communications among**
3 **courts in proceedings under sections 452.1100 to 452.1122.**

452.1106. 1. A court on its own motion may order abduction prevention
2 **measures in a child custody proceeding if the court finds that the evidence establishes a**
3 **credible risk of abduction of the child.**

4 **2. A party to a child custody determination or another individual or entity**
5 **having a right under the law of this state or any other state to seek a child custody**
6 **determination for the child may file a petition seeking abduction prevention measures to**
7 **protect the child under sections 452.1100 to 452.1122.**

8 **3. A prosecutor or public authority designated under section 452.910 may seek a**
9 **warrant to take physical custody of a child under section 452.885 or other appropriate**
10 **prevention measures.**

452.1108. 1. A petition under sections 452.1100 to 452.1122 may be filed only in a
2 **court that has jurisdiction to make a child custody determination with respect to the**
3 **child at issue under sections 452.700 to 452.930.**

4 **2. A court of this state has temporary emergency jurisdiction under section**
5 **452.755 if the court finds a credible risk of abduction.**

452.1110. A petition under sections 452.1100 to 452.1122 must be verified and
2 **include a copy of any existing child custody determination, if available. The petition**
3 **must specify the risk factors for abduction, including the relevant factors described in**
4 **section 452.1112. Subject to subsection 5 of section 452.780, if reasonably ascertainable,**
5 **the petition must contain:**

6 **(1) The name, date of birth, and sex of the child;**

- 7 **(2) The customary address and current physical location of the child;**
8 **(3) The identity, customary address, and current physical location of the**
9 **respondent;**
10 **(4) A statement of whether a prior action to prevent abduction or domestic**
11 **violence has been filed by a party or other individual or entity having custody of the**
12 **child, and the date, location, and disposition of the action;**
13 **(5) A statement of whether a party to the proceeding has been arrested for a**
14 **crime related to domestic violence, stalking, or child abuse or neglect, and the date,**
15 **location, and disposition of the case; and**
16 **(6) Any other information required to be submitted to the court for a child**
17 **custody determination under section 452.780.**

452.1112. 1. In determining whether there is a credible risk of abduction of a
2 **child, the court shall consider any evidence that the petitioner or respondent:**

- 3 **(1) Has previously abducted or attempted to abduct the child;**
4 **(2) Has threatened to abduct the child;**
5 **(3) Has recently engaged in activities that may indicate a planned abduction,**
6 **including:**
7 **(a) Abandoning employment;**
8 **(b) Selling a primary residence;**
9 **(c) Terminating a lease;**
10 **(d) Closing bank or other financial management accounts, liquidating assets,**
11 **hiding or destroying financial documents, or conducting any unusual financial**
12 **activities;**
13 **(e) Applying for a passport or visa or obtaining travel documents for the**
14 **respondent, a family member, or the child; or**
15 **(f) Seeking to obtain the child's birth certificate or school or medical records;**
16 **(4) Has engaged in domestic violence, stalking, or child abuse or neglect;**
17 **(5) Has refused to follow a child custody determination;**
18 **(6) Lacks strong familial, financial, emotional, or cultural ties to the state or the**
19 **United States;**
20 **(7) Has strong familial, financial, emotional, or cultural ties to another state or**
21 **country;**
22 **(8) Is likely to take the child to a country that:**
23 **(a) Is not a party to the Hague Convention on the Civil Aspects of International**
24 **Child Abduction and does not provide for the extradition of an abducting parent or for**
25 **the return of an abducted child;**

26 **(b) Is a party to the Hague Convention on the Civil Aspects of International**
27 **Child Abduction but:**

28 **a. The Hague Convention on the Civil Aspects of International Child Abduction**
29 **is not in force between the United States and that country;**

30 **b. Is noncompliant according to the most recent compliance report issued by the**
31 **United States Department of State; or**

32 **c. Lacks legal mechanisms for immediately and effectively enforcing a return**
33 **order under the Hague Convention on the Civil Aspects of International Child**
34 **Abduction;**

35 **(c) Poses a risk that the child's physical or emotional health or safety would be**
36 **endangered in the country because of specific circumstances relating to the child or**
37 **because of human rights violations committed against children;**

38 **(d) Has laws or practices that would:**

39 **a. Enable the respondent, without due cause, to prevent the petitioner from**
40 **contacting the child;**

41 **b. Restrict the petitioner from freely traveling to or exiting from the country**
42 **because of the petitioner's sex, nationality, marital status, or religion; or**

43 **c. Restrict the child's ability legally to leave the country after the child reaches**
44 **the age of majority because of a child's sex, nationality, or religion;**

45 **(e) Is included by the United States Department of State on a current list of state**
46 **sponsors of terrorism;**

47 **(f) Does not have an official United States diplomatic presence in the country; or**

48 **(g) Is engaged in active military action or war, including a civil war, to which the**
49 **child may be exposed;**

50 **(9) Is undergoing a change in immigration or citizenship status that would**
51 **adversely affect the respondent's ability to remain in the United States legally;**

52 **(10) Has had an application for United States citizenship denied;**

53 **(11) Has forged or presented misleading or false evidence on government forms**
54 **or supporting documents to obtain or attempt to obtain a passport, a visa, travel**
55 **documents, a Social Security card, a driver's license, or other government-issued**
56 **identification card or has made a misrepresentation to the United States government;**

57 **(12) Has used multiple names to attempt to mislead or defraud; or**

58 **(13) Has engaged in any other conduct the court considers relevant to the risk of**
59 **abduction.**

60 **2. In the hearing on a petition under sections 452.1100 to 452.1122, the court**
61 **shall consider any evidence that the respondent believed in good faith that the**
62 **respondent's conduct was necessary to avoid imminent harm to the child or respondent**

63 and any other evidence that may be relevant to whether the respondent may be
64 permitted to remove or retain the child.

452.1114. 1. If a petition is filed under sections 452.1100 to 452.1122, the court
2 may enter an order that must include:

3 (1) The basis for the court's exercise of jurisdiction;

4 (2) The manner in which notice and opportunity to be heard were given to the
5 persons entitled to notice of the proceeding;

6 (3) A detailed description of each party's custody and visitation rights and
7 residential arrangements for the child;

8 (4) A provision stating that a violation of the order may subject the party in
9 violation to civil and criminal penalties; and

10 (5) Identification of the child's country of habitual residence at the time of the
11 issuance of the order.

12 2. If, at a hearing on a petition under sections 452.1100 to 452.1122 or on the
13 court's own motion, the court after reviewing the evidence finds a credible risk of
14 abduction of the child, the court shall enter an abduction prevention order. The order
15 must include the provisions required by subsection 1 of this section and measures and
16 conditions, including those in subsections 3, 4, and 5 of this section, that are reasonably
17 calculated to prevent abduction of the child, giving due consideration to the potential
18 harm to the child from an abduction, the legal and practical difficulties of returning the
19 child to the jurisdiction if abducted, and the reasons for the potential abduction,
20 including evidence of domestic violence, stalking, or child abuse or neglect.

21 3. An abduction prevention order may include one or more of the following:

22 (1) An imposition of travel restrictions that require that a party traveling with
23 the child outside a designated geographical area provide the other party with the
24 following:

25 (a) The travel itinerary of the child;

26 (b) A list of physical addresses and telephone numbers at which the child can be
27 reached at specified times; and

28 (c) Copies of all travel documents;

29 (2) A prohibition of the respondent directly or indirectly:

30 (a) Removing the child from this state, the United States, or another geographic
31 area without permission of the court or the petitioner's written consent;

32 (b) Removing or retaining the child in violation of a child custody
33 determination;

34 (c) Removing the child from school or a child care or similar facility; or

35 **(d) Approaching the child at any location other than a site designated for**
36 **supervised visitation;**

37 **(3) A requirement that a party register the order in another state as a**
38 **prerequisite to allowing the child to travel to that state;**

39 **(4) With regard to the child's passport:**

40 **(a) A direction that the petitioner place the child's name in the United States**
41 **Department of State's Child Passport Issuance Alert Program;**

42 **(b) A requirement that the respondent surrender to the court or the petitioner's**
43 **attorney any United States or foreign passport issued in the child's name, including a**
44 **passport issued in the name of both the parent and the child; and**

45 **(c) A prohibition upon the respondent from applying on behalf of the child for a**
46 **new or replacement passport or visa;**

47 **(5) As a prerequisite to exercising custody or visitation, a requirement that the**
48 **respondent provide:**

49 **(a) To the United States Department of State Office of Children's Issues and the**
50 **relevant foreign consulate or embassy, an authenticated copy of the order detailing**
51 **passport and travel restrictions for the child;**

52 **(b) To the court:**

53 **a. Proof that the respondent has provided the information in paragraph (a) of**
54 **this subdivision; and**

55 **b. An acknowledgment in a record from the relevant foreign consulate or**
56 **embassy that no passport application has been made, or passport issued, on behalf of the**
57 **child;**

58 **(c) To the petitioner, proof of registration with the United States Embassy or**
59 **other United States diplomatic presence in the destination country and with the Central**
60 **Authority for the Hague Convention on the Civil Aspects of International Child**
61 **Abduction, if that Convention is in effect between the United States and the destination**
62 **country, unless one of the parties objects; and**

63 **(d) A written waiver under 5 U.S.C. Section 552a of the Privacy Act of 1974, as**
64 **amended, with respect to any document, application, or other information pertaining to**
65 **the child authorizing its disclosure to the court and the petitioner; and**

66 **(6) Upon the petitioner's request, a requirement that the respondent obtain an**
67 **order from the relevant foreign country containing terms identical to the child custody**
68 **determination issued in the United States.**

69 **4. In an abduction prevention order, the court may impose conditions on the**
70 **exercise of custody or visitation that:**

71 **(1) Limit visitation or require that visitation with the child by the respondent be**
 72 **supervised until the court finds that supervision is no longer necessary and order the**
 73 **respondent to pay the costs of supervision;**

74 **(2) Require the respondent to post a bond or provide other security in an**
 75 **amount sufficient to serve as a financial deterrent to abduction, the proceeds of which**
 76 **may be used to pay for the reasonable expenses of recovery of the child, including**
 77 **reasonable attorneys' fees and costs if there is an abduction; and**

78 **(3) Require the respondent to obtain education on the potentially harmful effects**
 79 **to the child from abduction.**

80 **5. To prevent imminent abduction of a child, a court may:**

81 **(1) Issue a warrant to take physical custody of the child;**

82 **(2) Direct the use of law enforcement to take any action reasonably necessary to**
 83 **locate the child, obtain return of the child, or enforce a custody determination under**
 84 **sections 452.1100 to 452.1122 or the law of this state other than sections 452.1100 to**
 85 **452.1122; or**

86 **(3) Grant any other relief allowed under the law of this state other than sections**
 87 **452.1100 to 452.1122.**

88 **6. The remedies provided in sections 452.1100 to 452.1122 are cumulative and do**
 89 **not affect the availability of other remedies to prevent abduction.**

452.1118. An abduction prevention order remains in effect until the earliest of:

2 **(1) The time stated in the order;**

3 **(2) The emancipation of the child;**

4 **(3) The child's attaining eighteen years of age; or**

5 **(4) The time the order is modified, revoked, vacated, or superseded by a court**
 6 **with jurisdiction under sections 452.740, 452.745, and 452.750 and applicable law of this**
 7 **state.**

452.1120. In applying and construing sections 452.1100 to 452.1122,
 2 **consideration must be given to the need to promote uniformity of the law with**
 3 **respect to its subject matter among states that enact it.**

452.1122. Sections 452.1100 to 452.1122 modifies, limits, and supersedes the
 2 **federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section**
 3 **7001, et seq., but does not modify, limit, or supersede Section 101(c) of the act, 15 U.S.C.**
 4 **Section 7001(c), or authorize electronic delivery of any of the notices described in**
 5 **Section 103(b) of that act, 15 U.S.C. Section 7003(b).**

487.110. The uniform child custody jurisdiction and enforcement act, as enacted in
 2 **sections [452.440 to 452.550] 452.700 to 452.930, shall apply to all child custody**
 3 **proceedings, as defined in section 452.705, in the family court.**

568.050. 1. A person commits the offense of endangering the welfare of a child in the
2 second degree if he or she:

3 (1) With criminal negligence:

4 (a) Acts in a manner that creates a substantial risk to the life, body or health of a child
5 less than seventeen years of age; or

6 (b) **Leaves a child under eight years of age unattended in a motor vehicle and**
7 **such child suffers injuries or dies as a result of being left unattended in the motor**
8 **vehicle; or**

9 (2) Knowingly encourages, aids or causes a child less than seventeen years of age to
10 engage in any conduct which causes or tends to cause the child to come within the provisions
11 of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of
12 section 211.031; or

13 (3) Being a parent, guardian or other person legally charged with the care or custody
14 of a child less than seventeen years of age, recklessly fails or refuses to exercise reasonable
15 diligence in the care or control of such child to prevent him or her from coming within the
16 provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision
17 (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

18 (4) Knowingly encourages, aids or causes a child less than seventeen years of age to
19 enter into any room, building or other structure which is a public nuisance as defined in
20 section 579.105.

21 2. Nothing in this section shall be construed to mean the welfare of a child is
22 endangered for the sole reason that he or she is being provided nonmedical remedial treatment
23 recognized and permitted under the laws of this state.

24 3. The offense of endangering the welfare of a child in the second degree is a class A
25 misdemeanor unless the offense is committed as part of an act or series of acts performed by
26 two or more persons as part of an established or prescribed pattern of activity, in which case
27 the offense is a class E felony.

701.336. 1. The department of health and senior services shall cooperate with the
2 federal government in implementing subsections (d) and (e) of 15 U.S.C. Section 2685 to
3 establish public education activities and an information clearinghouse regarding childhood
4 lead poisoning. The department may develop additional educational materials on lead
5 hazards to children, lead poisoning prevention, lead poisoning screening, lead abatement and
6 disposal, and on health hazards during abatement.

7 2. The department of health and senior services and the department of social services,
8 in collaboration with related not-for-profit organizations, health maintenance organizations,
9 and the Missouri consolidated health care plan, shall devise an educational strategy to
10 increase the number of children who are tested for lead poisoning under the Medicaid

11 program. ~~[The goal of the educational strategy is to have seventy five percent of the children~~
12 ~~who receive Medicaid tested for lead poisoning. The educational strategy shall be~~
13 ~~implemented over a three year period and shall be in accordance with all federal laws and~~
14 ~~regulations.]~~

15 3. The children's division, in collaboration with the department of health and senior
16 services, shall regularly inform eligible clients of the availability and desirability of lead
17 screening and treatment services, including those available through the early and periodic
18 screening, diagnosis, and treatment (EPSDT) component of the Medicaid program.

701.340. 1. ~~[Beginning January 1, 2002,]~~ The department of health and senior
2 services shall, subject to appropriations, implement a childhood lead testing program ~~[which~~
3 ~~requires every child less than six years of age to be tested for lead poisoning]~~ in accordance
4 with the provisions of sections 701.340 to 701.349. **Every medical provider who serves**
5 **children shall annually provide education to all parents and guardians of children under**
6 **four years of age regarding lead hazards to children and shall annually provide the**
7 **option to test every child under four years of age for lead poisoning with the consent of**
8 **the parent or guardian.** In coordination with the department of health and senior services,
9 every health care facility serving children ~~[less than six]~~ **under four** years of age, including
10 but not limited to hospitals and clinics licensed pursuant to chapter 197, shall take appropriate
11 steps to ensure that ~~[their patients receive]~~ **the medical providers in the facility offer** such
12 lead poisoning testing **in accordance with the provisions of this section.**

13 2. The test for lead poisoning shall consist of a blood sample that shall be sent for
14 analysis to a laboratory licensed pursuant to the federal Clinical Lab Improvement Act
15 (CLIA). The department of health and senior services shall, by rule, determine the blood test
16 protocol to be used.

17 3. Nothing in sections 701.340 to 701.349 shall be construed to require a child to
18 undergo lead testing whose parent or guardian objects to the testing ~~[in a written statement~~
19 ~~that states the parent's or guardian's reason for refusing such testing].~~

701.342. 1. The department of health and senior services shall, using factors
2 established by the department, including but not limited to the geographic index from data
3 from testing reports, identify geographic areas in the state that are at high risk for lead
4 poisoning. ~~[All children less than six years of age who reside or spend more than ten hours a~~
5 ~~week in an area identified as high risk by the department shall be tested annually for lead~~
6 ~~poisoning.]~~

7 2. Every child ~~[less than]~~ **under** six years of age ~~[not residing or spending more than~~
8 ~~ten hours a week in geographic areas identified as high risk by the department]~~ shall be
9 assessed annually using a questionnaire to determine whether such child is at high risk for
10 lead poisoning. The department, in collaboration with the department of social services, shall

11 develop the questionnaire, which shall follow the recommendations of the federal Centers for
12 Disease Control and Prevention. The department may modify the questionnaire to broaden
13 the scope of the high-risk category. Local boards or commissions of health may add
14 questions to the questionnaire.

15 3. Every child deemed to be at high risk for lead poisoning according to the
16 questionnaire developed pursuant to subsection 2 of this section shall, **with the consent of a**
17 **parent or guardian**, be tested using a blood sample.

18 4. ~~[Any child deemed to be at high risk for lead poisoning pursuant to this section~~
19 ~~who resides in housing currently undergoing renovations may be tested at least once every six~~
20 ~~months during the renovation and once after the completion of the renovation.~~

21 5.] Any laboratory providing test results for lead poisoning pursuant to sections
22 701.340 to 701.349 shall notify the department of the test results of any child tested for lead
23 poisoning as required in section 701.326. Any child who tests positive for lead poisoning
24 shall receive follow-up testing in accordance with rules established by the department. The
25 department shall, by rule, establish the methods and intervals of follow-up testing and
26 treatment for such children.

27 ~~[6.]~~ 5. When the department is notified of a case of lead poisoning, the department
28 shall require the testing of all other children ~~[less than]~~ **under** six years of age, and any other
29 children or persons at risk, as determined by the director, who are residing or have recently
30 resided in the household of the lead-poisoned child.

701.344. 1. In geographic areas determined to be of high risk for lead poisoning as
2 set forth in section 701.342, every child care facility, as defined in section 210.201, and every
3 child care facility affiliated with a school system, a business organization or a nonprofit
4 organization shall, within thirty days of enrolling a child **twelve months of age or older and**
5 **under five years of age**, require the child's parent or guardian to provide evidence of lead
6 poisoning testing in the form of a statement from the health care professional that
7 administered the test or provide a written statement that states the ~~[parent's or guardian's~~
8 ~~reason for refusing]~~ **parent or guardian refused** such testing. If there is no evidence of
9 testing, the person in charge of the facility shall provide the parent or guardian with
10 information about lead poisoning and locations in the area where the child can be tested.
11 When a parent or guardian cannot obtain such testing, the person in charge of the facility may
12 arrange for the child to be tested by a local health officer with the consent of the child's parent
13 or guardian. At the beginning of each year of enrollment in such facility, the parent or
14 guardian shall provide proof of testing in accordance with the provisions of sections 701.340
15 to 701.349 and any rules promulgated thereunder.

16 2. No child shall be denied access to education or child care because of failure to
17 comply with the provisions of sections 701.340 to 701.349.

701.348. Nothing in sections 701.340 to 701.349 shall prohibit a political subdivision
2 of this state [~~or~~], a local board of health, **or a state agency** from enacting and enforcing
3 ordinances, rules or laws for the prevention, detection and control of lead poisoning which
4 provide the same or more stringent provisions as sections 701.340 to 701.349, or the rules
5 promulgated thereunder.

~~[210.113. It is the intent and goal of the general assembly to have the
2 department attain accreditation by the Council for Accreditation for Families
3 and Children's Services within five years of August 28, 2004.]~~

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