

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 43

AN ACT

To repeal sections 210.112, 210.145, 210.160, 210.560, 210.565, 210.762, 211.032, 211.211, 211.261, and 211.462, RSMo, and to enact in lieu thereof fifteen new sections relating to child protection.

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

Section A. Sections 210.112, 210.145, 210.160, 210.560, 210.565, 210.762, 211.032, 211.211, 211.261, and 211.462, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 210.112, 210.119, 210.145, 210.160, 210.560, 210.565, 210.762, 211.032, 211.211, 211.261, 211.462, 477.700, 477.705, 477.710, and 477.715, to read as follows:

210.112. 1. It is the policy of this state and its agencies to implement a foster care and child protection and welfare system focused on providing the highest quality of services and outcomes for children and their families. The department of social services shall implement such system subject to the following principles:

(1) The safety and welfare of children is paramount;

(2) All providers of direct services to children and their families will be evaluated in a uniform, transparent, objective, and consistent basis based on an evaluation tool established in this section;

(3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes, and such services shall be tracked and routinely evaluated through a quality assurance program;

(4) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of

19 services possible which shall be consistent with federal and
20 state standards;

21 (5) Resources and efforts shall be committed to pursue
22 the best possible opportunity for a successful outcome for
23 each child. Successful outcomes may include preparing youth
24 for a productive and successful life as an adult outside the
25 foster care system, such as independent living. For those
26 providers that work with children requiring intensive twenty-
27 four-hour treatment services, successful outcomes shall be
28 based on the least restrictive alternative possible based on
29 the child's needs as well as the quality of care received;
30 and

31 (6) All service providers shall prioritize methods of
32 reducing or eliminating a child's need for residential
33 treatment through community-based services and supports.

34 2. (1) In conjunction with the response and
35 evaluation team established under subsection 3 of this
36 section, as well as other individuals the division deems
37 appropriate, the division shall establish an evaluation tool
38 that complies with state and federal guidelines.

39 (2) The evaluation tool shall include metrics
40 supporting best practices for case management and service
41 provision including, but not limited to, the frequency of
42 face-to-face visits with the child.

43 (3) There shall be a mechanism whereby providers may
44 propose different evaluation metrics on a case-by-case basis
45 if such case may have circumstances far beyond those that
46 would be expected. Such cases shall be evaluated by the
47 response and evaluation team under subsection 3 of this
48 section.

49 (4) Data regarding all evaluation metrics shall be
50 collected by the division on a monthly basis, and the
51 division shall issue a quarterly report regarding the

52 evaluation data for each provider, both public and private,
53 by county. The response and evaluation team shall determine
54 how to aggregate cases for the division and large
55 contractors so that performance and outcomes may be compared
56 effectively while also protecting confidentiality. Such
57 reports shall be made public and shall include information
58 by county.

59 (5) The standards and metrics developed through this
60 evaluation tool shall be used to evaluate competitive bids
61 for future contracts established under subsection 4 of this
62 section.

63 3. The division shall create a response and evaluation
64 team. Membership of the team shall be composed of five
65 staff members from the division with experience in foster
66 care appointed by the director of the division; five
67 representatives, one from each contract region for foster
68 care case management contracts under this section, who shall
69 be annually rotated among contractors in each region, which
70 shall appoint the agency; two experts working in either
71 research or higher education on issues relating to child
72 welfare and foster care appointed by the director of the
73 division and who shall be actively working for either an
74 academic institution or policy foundation; one juvenile
75 officer or a Missouri juvenile justice director to be
76 appointed by the Missouri Juvenile Justice Association; and
77 one juvenile or family court judge appointed by the supreme
78 court. The division shall provide the necessary staffing
79 for the team's operations. All members shall be appointed
80 and the team shall meet for the first time before January 1,
81 2021. The team shall:

82 (1) Review the evaluation tool and metrics set forth
83 in subsection 2 of this section on a semiannual basis to
84 determine any adjustments needed or issues that could affect

85 the quality of such tools and approve or deny on a case-by-
86 case basis:

87 (a) Cases that a provider feels are anomalous and
88 should not be part of developing the case management tool
89 under subsection 2 of this section;

90 (b) Alternative evaluation metrics recommended by
91 providers based on the best interests of the child under
92 subsections 2 and 5 of this section; or

93 (c) Review and recommend any structure for incentives
94 or other reimbursement strategies under subsection 6 of this
95 section;

96 (2) Develop and execute periodic provider evaluations
97 of cases managed by the division and children service
98 providers contracted with the state to provide foster care
99 case management services, in the field under the evaluation
100 tool created under subsection 2 of this section to ensure
101 basic requirements of the program are met, which shall
102 include, but are not limited to, random file review to
103 ensure documentation shows required visits and case
104 management plan notes; and

105 (3) Develop a system for reviewing and working with
106 providers identified under subdivision (2) of this
107 subsection or providers who request such assistance from the
108 division who show signs of performance weakness to ensure
109 technical assistance and other services are offered to
110 assist the providers in achieving successful outcomes for
111 their cases.

112 4. The children's division and any other state agency
113 deemed necessary by the division shall, in consultation with
114 service providers and other relevant parties, enter into and
115 implement contracts with qualified children's services
116 providers and agencies to provide a comprehensive and
117 deliberate system of service delivery for children and their

118 families. Contracts shall be awarded through a competitive
119 process and provided by qualified public and private not-for-
120 profit or limited liability corporations owned exclusively
121 by not-for-profit corporations children's services providers
122 and agencies which have:

123 (1) A proven record of providing child welfare
124 services within the state of Missouri which shall be
125 consistent with the federal standards, but not less than the
126 standards and policies used by the children's division as of
127 January 1, 2004; and

128 (2) The ability to provide a range of child welfare
129 services including, but not limited to, case management
130 services, family-centered services, foster and adoptive
131 parent recruitment and retention, residential care, in-home
132 services, foster care services, adoption services, relative
133 care case management, planned permanent living services, and
134 family reunification services.

135 No contracts under this section shall be issued for services
136 related to the child abuse and neglect hotline,
137 investigations of alleged abuse and neglect, and initial
138 family assessments. Any contracts entered into by the
139 division shall be in accordance with all federal laws and
140 regulations, and shall seek to maximize federal funding.
141 Children's services providers and agencies under contract
142 with the division shall be subject to all federal, state,
143 and local laws and regulations relating to the provision of
144 such services, and shall be subject to oversight and
145 inspection by appropriate state agencies to assure
146 compliance with standards which shall be consistent with the
147 federal standards.

148 5. The division shall accept as prima facie evidence
149 of completion of the requirements for licensure under
150 sections 210.481 to 210.511 proof that an agency is

151 accredited by any of the following nationally recognized
152 bodies: the Council on Accreditation of Services, Children
153 and Families, Inc.; the Joint Commission on Accreditation of
154 Hospitals; or the Commission on Accreditation of
155 Rehabilitation Facilities.

156 6. Payment to the children's services providers and
157 agencies shall be made based on the reasonable costs of
158 services, including responsibilities necessary to execute
159 the contract. Any reimbursement increases made through
160 enhanced appropriations for services shall be allocated to
161 providers regardless of whether the provider is public or
162 private. Such increases shall be considered additive to the
163 existing contracts. In addition to payments reflecting the
164 cost of services, contracts shall include incentives
165 provided in recognition of performance based on the
166 evaluation tool created under subsection 2 of this section
167 and the corresponding savings for the state. The response
168 and evaluation team under subsection 3 of this section shall
169 review a formula to distribute such payments, as recommended
170 by the division.

171 7. The division shall consider immediate actions that
172 are in the best interests of the children served including,
173 but not limited to, placing the agency on a corrective plan,
174 halting new referrals, transferring cases to other
175 performing providers, or terminating the provider's
176 contract. The division shall take steps necessary to
177 evaluate the nature of the issue and act accordingly in the
178 most timely fashion possible.

179 8. By July 1, 2021, the children's division shall
180 promulgate and have in effect rules to implement the
181 provisions of this section and, pursuant to this section,
182 shall define implementation plans and dates. Any rule or
183 portion of a rule, as that term is defined in section

184 536.010, that is created under the authority delegated in
185 this section shall become effective only if it complies with
186 and is subject to all of the provisions of chapter 536 and,
187 if applicable, section 536.028. This section and chapter
188 536 are nonseverable and if any of the powers vested with
189 the general assembly pursuant to chapter 536 to review, to
190 delay the effective date, or to disapprove and annul a rule
191 are subsequently held unconstitutional, then the grant of
192 rulemaking authority and any rule proposed or adopted after
193 August 28, 2004, shall be invalid and void.

194 9. A provision in a service provider contract in which
195 the state is indemnified, held harmless, or insured for
196 damages, claims, losses, or expenses arising from any
197 injury, including, but not limited to, bodily injury, mental
198 anguish, property damage, or economic or noneconomic damages
199 or loss caused by or resulting from the state's negligence,
200 in whole or in part, shall be void as against public policy
201 and unenforceable. As used in this subsection, "service
202 provider contract" means a contract, agreement, or
203 understanding between a provider of services and the
204 division regarding the provision of services.

210.119. 1. The department of social services shall
2 establish a program to provide a comprehensive system of
3 service delivery, education, and residential care for youth
4 with severe behavioral challenges. In order to be eligible
5 for services under this program, youth shall:

- 6 (1) Be in the custody of the children's division;
 - 7 (2) Be under twenty-one years of age; and
 - 8 (3) Be determined by a team within the department to
9 have needs that cannot be met by existing state programs.
- 10 Such determination shall include any assessment necessary to
11 maximize resources for the youth.

12 2. The department shall be authorized to enter into
13 any contracts necessary to implement this program, including
14 contracts for program operations with a qualified service
15 provider or consortium of qualified service providers.
16 Qualified service providers shall be certified, licensed, or
17 accredited in their respective fields of service, based in
18 this state, and not-for-profit entities with proven
19 experience in the areas for which they shall provide
20 services, as well as meet any additional requirements set by
21 the department designed to meet the best interests of the
22 children they serve.

23 3. The department shall be authorized to enter into
24 memoranda of understanding with any facility or campus under
25 state ownership that is appropriate for the program and the
26 youth being served.

27 4. A qualified service provider providing services to
28 youth under this section, regardless of whether the youth
29 are in the physical care of the qualified service provider,
30 shall have qualified immunity from civil liability for
31 providing such services to the same extent that the
32 children's division has qualified immunity from civil
33 liability when the division or department directly provides
34 such services. No award for damages on any claim against a
35 qualified service provider providing services to youth under
36 this section, regardless of whether the youth are in the
37 physical care of the qualified service provider, shall
38 exceed the maximum amount of liability limitations against
39 public entities under section 537.610.

40 5. The department may promulgate such rules and
41 regulations as are necessary to implement the provisions of
42 this section. Any rule or portion of a rule, as that term
43 is defined in section 536.010, that is created under the
44 authority delegated in this section shall become effective

45 only if it complies with and is subject to all of the
46 provisions of chapter 536 and, if applicable, section
47 536.028. This section and chapter 536 are nonseverable and
48 if any of the powers vested with the general assembly
49 pursuant to chapter 536 to review, to delay the effective
50 date, or to disapprove and annul a rule are subsequently
51 held unconstitutional, then the grant of rulemaking
52 authority and any rule proposed or adopted after August 28,
53 2025, shall be invalid and void.

210.145. 1. The division shall develop protocols
2 which give priority to:

3 (1) Ensuring the well-being and safety of the child in
4 instances where child abuse or neglect has been alleged;

5 (2) Promoting the preservation and reunification of
6 children and families consistent with state and federal law;

7 (3) Providing due process for those accused of child
8 abuse or neglect; and

9 (4) Maintaining an information system operating at all
10 times, capable of receiving and maintaining reports. This
11 information system shall have the ability to receive reports
12 over a single, statewide toll-free number. Such information
13 system shall maintain the results of all investigations,
14 family assessments and services, and other relevant
15 information.

16 2. (1) The division shall utilize structured decision-
17 making protocols, including a standard risk assessment that
18 shall be completed within seventy-two hours of the report of
19 abuse or neglect, for classification purposes of all child
20 abuse and neglect reports. The protocols developed by the
21 division shall give priority to ensuring the well-being and
22 safety of the child. All child abuse and neglect reports
23 shall be initiated within twenty-four hours and shall be
24 classified based upon the reported risk and injury to the

25 child. The division shall promulgate rules regarding the
26 structured decision-making protocols to be utilized for all
27 child abuse and neglect reports.

28 (2) The director of the division and the office of
29 state courts administrator shall develop a joint safety
30 assessment tool before December 31, 2020, and such tool
31 shall be implemented before January 1, 2022. The safety
32 assessment tool shall replace the standard risk assessment
33 required under subdivision (1) of this subsection and shall
34 also be completed within seventy-two hours of the report of
35 abuse or neglect.

36 3. Upon receipt of a report, the division shall
37 determine if the report merits investigation, including
38 reports which if true would constitute a suspected violation
39 of any of the following: section 565.020, 565.021, 565.023,
40 565.024, or 565.050 if the victim is a child less than
41 eighteen years of age, section 566.030 or 566.060 if the
42 victim is a child less than eighteen years of age, or other
43 crimes under chapter 566 if the victim is a child less than
44 eighteen years of age and the perpetrator is twenty-one
45 years of age or older, section 567.050 if the victim is a
46 child less than eighteen years of age, section 568.020,
47 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205,
48 section 573.025, 573.035, 573.037, or 573.040, or an attempt
49 to commit any such crimes. The division shall immediately
50 communicate all reports that merit investigation to its
51 appropriate local office and any relevant information as may
52 be contained in the information system. The local division
53 staff shall determine, through the use of protocols
54 developed by the division, whether an investigation or the
55 family assessment and services approach should be used to
56 respond to the allegation. The protocols developed by the

57 division shall give priority to ensuring the well-being and
58 safety of the child.

59 4. The division may accept a report for investigation
60 or family assessment if either the child or alleged
61 perpetrator resides in Missouri, may be found in Missouri,
62 or if the incident occurred in Missouri.

63 5. If the division receives a report in which neither
64 the child nor the alleged perpetrator resides in Missouri or
65 may be found in Missouri and the incident did not occur in
66 Missouri, the division shall document the report and
67 communicate it to the appropriate agency or agencies in the
68 state where the child is believed to be located, along with
69 any relevant information or records as may be contained in
70 the division's information system.

71 6. When the child abuse and neglect hotline receives
72 three or more calls, within a seventy-two hour period, from
73 one or more individuals concerning the same child, the
74 division shall conduct a review to determine whether the
75 calls meet the criteria and statutory definition for a child
76 abuse and neglect report to be accepted. In conducting the
77 review, the division shall contact the hotline caller or
78 callers in order to collect information to determine whether
79 the calls meet the criteria for harassment.

80 7. The local office shall contact the appropriate law
81 enforcement agency immediately upon receipt of a report
82 which division personnel determine merits an investigation
83 and provide such agency with a detailed description of the
84 report received. In such cases the local division office
85 shall request the assistance of the local law enforcement
86 agency in all aspects of the investigation of the
87 complaint. The appropriate law enforcement agency shall
88 either assist the division in the investigation or provide

89 the division, within twenty-four hours, an explanation in
90 writing detailing the reasons why it is unable to assist.

91 8. The local office of the division shall cause an
92 investigation or family assessment and services approach to
93 be initiated in accordance with the protocols established in
94 subsection 2 of this section, except in cases where the sole
95 basis for the report is educational neglect. If the report
96 indicates that educational neglect is the only complaint and
97 there is no suspicion of other neglect or abuse, the
98 investigation shall be initiated within seventy-two hours of
99 receipt of the report. If the report indicates the child is
100 in danger of serious physical harm or threat to life, an
101 investigation shall include direct observation of the
102 subject child within twenty-four hours of the receipt of the
103 report. Local law enforcement shall take all necessary
104 steps to facilitate such direct observation. Callers to the
105 child abuse and neglect hotline shall be instructed by the
106 division's hotline to call 911 in instances where the child
107 may be in immediate danger. If the parents of the child are
108 not the alleged perpetrators, a parent of the child must be
109 notified prior to the child being interviewed by the
110 division. No person responding to or investigating a child
111 abuse and neglect report shall call prior to a home visit or
112 leave any documentation of any attempted visit, such as
113 business cards, pamphlets, or other similar identifying
114 information if he or she has a reasonable basis to believe
115 the following factors are present:

116 (1) (a) No person is present in the home at the time
117 of the home visit; and

118 (b) The alleged perpetrator resides in the home or the
119 physical safety of the child may be compromised if the
120 alleged perpetrator becomes aware of the attempted visit;

121 (2) The alleged perpetrator will be alerted regarding
122 the attempted visit; or

123 (3) The family has a history of domestic violence or
124 fleeing the community.

125 If the alleged perpetrator is present during a visit by the
126 person responding to or investigating the report, such
127 person shall provide written material to the alleged
128 perpetrator informing him or her of his or her rights
129 regarding such visit, including but not limited to the right
130 to contact an attorney. The alleged perpetrator shall be
131 given a reasonable amount of time to read such written
132 material or have such material read to him or her by the
133 case worker before the visit commences, but in no event
134 shall such time exceed five minutes; except that, such
135 requirement to provide written material and reasonable time
136 to read such material shall not apply in cases where the
137 child faces an immediate threat or danger, or the person
138 responding to or investigating the report is or feels
139 threatened or in danger of physical harm. If the abuse is
140 alleged to have occurred in a school or child care facility
141 the division shall not meet with the child in any school
142 building or child-care facility building where abuse of such
143 child is alleged to have occurred. When the child is
144 reported absent from the residence, the location and the
145 well-being of the child shall be verified. For purposes of
146 this subsection, "child care facility" shall have the same
147 meaning as such term is defined in section 210.201.

148 9. The director of the division shall name at least
149 one chief investigator for each local division office, who
150 shall direct the division response on any case involving a
151 second or subsequent incident regarding the same subject
152 child or perpetrator. The duties of a chief investigator
153 shall include verification of direct observation of the

154 subject child by the division and shall ensure information
155 regarding the status of an investigation is provided to the
156 public school district liaison. The public school district
157 liaison shall develop protocol in conjunction with the chief
158 investigator to ensure information regarding an
159 investigation is shared with appropriate school personnel.
160 The superintendent of each school district shall designate a
161 specific person or persons to act as the public school
162 district liaison. Should the subject child attend a
163 nonpublic school the chief investigator shall notify the
164 school principal of the investigation. Upon notification of
165 an investigation, all information received by the public
166 school district liaison or the school shall be subject to
167 the provisions of the federal Family Educational Rights and
168 Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal
169 rule 34 C.F.R. Part 99.

170 10. The investigation shall include but not be limited
171 to the nature, extent, and cause of the abuse or neglect;
172 the identity and age of the person responsible for the abuse
173 or neglect; the names and conditions of other children in
174 the home, if any; the home environment and the relationship
175 of the subject child to the parents or other persons
176 responsible for the child's care; any indication of
177 incidents of physical violence against any other household
178 or family member; and other pertinent data.

179 11. When a report has been made by a person required
180 to report under section 210.115, the division shall contact
181 the person who made such report within forty-eight hours of
182 the receipt of the report in order to ensure that full
183 information has been received and to obtain any additional
184 information or medical records, or both, that may be
185 pertinent.

186 12. Upon completion of the investigation, if the
187 division suspects that the report was made maliciously or
188 for the purpose of harassment, the division shall refer the
189 report and any evidence of malice or harassment to the local
190 prosecuting or circuit attorney.

191 13. Multidisciplinary teams shall be used whenever
192 conducting the investigation as determined by the division
193 in conjunction with local law enforcement.
194 Multidisciplinary teams shall be used in providing
195 protective or preventive social services, including the
196 services of law enforcement, a liaison of the local public
197 school, the juvenile officer, the juvenile court, and other
198 agencies, both public and private.

199 14. For all family support team meetings involving an
200 alleged victim of child abuse or neglect, the parents, legal
201 counsel for the parents, foster parents, the legal guardian
202 or custodian of the child, the guardian ad litem for the
203 child, the child's counsel, and the volunteer advocate for
204 the child shall be provided notice and be permitted to
205 attend all such meetings. Family members, other than
206 alleged perpetrators, or other community informal or formal
207 service providers that provide significant support to the
208 child and other individuals may also be invited at the
209 discretion of the parents of the child. In addition, the
210 parents, the legal counsel for the parents, the legal
211 guardian or custodian and the foster parents may request
212 that other individuals, other than alleged perpetrators, be
213 permitted to attend such team meetings. Once a person is
214 provided notice of or attends such team meetings, the
215 division or the convenor of the meeting shall provide such
216 persons with notice of all such subsequent meetings
217 involving the child. Families may determine whether

218 individuals invited at their discretion shall continue to be
219 invited.

220 15. If the appropriate local division personnel
221 determine after an investigation has begun that completing
222 an investigation is not appropriate, the division shall
223 conduct a family assessment and services approach. The
224 division shall provide written notification to local law
225 enforcement prior to terminating any investigative process.
226 The reason for the termination of the investigative process
227 shall be documented in the record of the division and the
228 written notification submitted to local law enforcement.
229 Such notification shall not preclude nor prevent any
230 investigation by law enforcement.

231 16. If the appropriate local division personnel
232 determines to use a family assessment and services approach,
233 the division shall:

234 (1) Assess any service needs of the family. The
235 assessment of risk and service needs shall be based on
236 information gathered from the family and other sources;

237 (2) Provide services which are voluntary and time-
238 limited unless it is determined by the division based on the
239 assessment of risk that there will be a high risk of abuse
240 or neglect if the family refuses to accept the services.
241 The division shall identify services for families where it
242 is determined that the child is at high risk of future abuse
243 or neglect. The division shall thoroughly document in the
244 record its attempt to provide voluntary services and the
245 reasons these services are important to reduce the risk of
246 future abuse or neglect to the child. If the family
247 continues to refuse voluntary services or the child needs to
248 be protected, the division may commence an investigation;

249 (3) Commence an immediate investigation if at any time
250 during the family assessment and services approach the

251 division determines that an investigation, as delineated in
252 sections 210.109 to 210.183, is required. The division
253 staff who have conducted the assessment may remain involved
254 in the provision of services to the child and family;

255 (4) Document at the time the case is closed, the
256 outcome of the family assessment and services approach, any
257 service provided and the removal of risk to the child, if it
258 existed.

259 17. (1) Within forty-five days of an oral report of
260 abuse or neglect, the local office shall update the
261 information in the information system. The information
262 system shall contain, at a minimum, the determination made
263 by the division as a result of the investigation,
264 identifying information on the subjects of the report, those
265 responsible for the care of the subject child and other
266 relevant dispositional information. The division shall
267 complete all investigations within forty-five days, unless
268 good cause for the failure to complete the investigation is
269 specifically documented in the information system. Good
270 cause for failure to complete an investigation shall
271 include, but not be limited to:

272 (a) The necessity to obtain relevant reports of
273 medical providers, medical examiners, psychological testing,
274 law enforcement agencies, forensic testing, and analysis of
275 relevant evidence by third parties which has not been
276 completed and provided to the division;

277 (b) The attorney general or the prosecuting or circuit
278 attorney of the city or county in which a criminal
279 investigation is pending certifies in writing to the
280 division that there is a pending criminal investigation of
281 the incident under investigation by the division and the
282 issuing of a decision by the division will adversely impact
283 the progress of the investigation; or

284 (c) The child victim, the subject of the investigation
285 or another witness with information relevant to the
286 investigation is unable or temporarily unwilling to provide
287 complete information within the specified time frames due to
288 illness, injury, unavailability, mental capacity, age,
289 developmental disability, or other cause.

290 The division shall document any such reasons for failure to
291 complete the investigation.

292 (2) If a child fatality or near-fatality is involved
293 in a report of abuse or neglect, the investigation shall
294 remain open until the division's investigation surrounding
295 such death or near-fatal injury is completed.

296 (3) If the investigation is not completed within forty-
297 five days, the information system shall be updated at
298 regular intervals and upon the completion of the
299 investigation, which shall be completed no later than ninety
300 days after receipt of a report of abuse or neglect, or one
301 hundred twenty days after receipt of a report of abuse or
302 neglect involving sexual abuse, or until the division's
303 investigation is complete in cases involving a child
304 fatality or near-fatality. The information in the
305 information system shall be updated to reflect any
306 subsequent findings, including any changes to the findings
307 based on an administrative or judicial hearing on the matter.

308 18. A person required to report under section 210.115
309 to the division and any person making a report of child
310 abuse or neglect made to the division which is not made
311 anonymously shall be informed by the division of his or her
312 right to obtain information concerning the disposition of
313 his or her report. Such person shall receive, from the
314 local office, if requested, information on the general
315 disposition of his or her report. Such person may receive,
316 if requested, findings and information concerning the case.

317 Such release of information shall be at the discretion of
318 the director based upon a review of the reporter's ability
319 to assist in protecting the child or the potential harm to
320 the child or other children within the family. The local
321 office shall respond to the request within forty-five days.
322 The findings shall be made available to the reporter within
323 five days of the outcome of the investigation. If the
324 report is determined to be unsubstantiated, the reporter may
325 request that the report be referred by the division to the
326 office of child advocate for children's protection and
327 services established in sections 37.700 to 37.730. Upon
328 request by a reporter under this subsection, the division
329 shall refer an unsubstantiated report of child abuse or
330 neglect to the office of child advocate for children's
331 protection and services.

332 19. The division shall provide to any individual who
333 is not satisfied with the results of an investigation
334 information about the office of child advocate and the
335 services it may provide under sections 37.700 to 37.730.

336 20. In any judicial proceeding involving the custody
337 of a child the fact that a report may have been made
338 pursuant to sections 210.109 to 210.183 shall not be
339 admissible. However:

340 (1) Nothing in this subsection shall prohibit the
341 introduction of evidence from independent sources to support
342 the allegations that may have caused a report to have been
343 made; and

344 (2) The court may on its own motion, or shall if
345 requested by a party to the proceeding, make an inquiry not
346 on the record with the children's division to determine if
347 such a report has been made.

348 If a report has been made, the court may stay the custody
349 proceeding until the children's division completes its
350 investigation.

351 21. Nothing in this chapter shall be construed to
352 prohibit the children's division from coinvestigating a
353 report of child abuse or neglect or sharing records and
354 information with child welfare, law enforcement, or judicial
355 officers of another state, territory, or nation if the
356 children's division determines it is appropriate to do so
357 under the standard set forth in subsection 4 of section
358 210.150 and if such receiving agency is exercising its
359 authority under the law.

360 22. In any judicial proceeding involving the custody
361 of a child where the court determines that the child is in
362 need of services under paragraph (d) of subdivision (1) of
363 subsection 1 of section 211.031 and has taken jurisdiction,
364 the child's parent, guardian or custodian shall not be
365 entered into the registry.

366 23. The children's division is hereby granted the
367 authority to promulgate rules and regulations pursuant to
368 the provisions of section 207.021 and chapter 536 to carry
369 out the provisions of sections 210.109 to 210.183.

370 24. Any rule or portion of a rule, as that term is
371 defined in section 536.010, that is created under the
372 authority delegated in this section shall become effective
373 only if it complies with and is subject to all of the
374 provisions of chapter 536 and, if applicable, section
375 536.028. This section and chapter 536 are nonseverable and
376 if any of the powers vested with the general assembly
377 pursuant to chapter 536 to review, to delay the effective
378 date or to disapprove and annul a rule are subsequently held
379 unconstitutional, then the grant of rulemaking authority and

380 any rule proposed or adopted after August 28, 2000, shall be
381 invalid and void.

210.160. 1. Subject to the provisions of subsection 3
2 of this section, In every case involving an abused or
3 neglected child which results in a judicial proceeding, the
4 judge shall appoint a guardian ad litem to appear for and
5 represent:

6 (1) A child who is the subject of proceedings pursuant
7 to sections 210.110 to 210.165 except proceedings under
8 subsection 6 of section 210.152, sections 210.700 to
9 210.760, sections 211.442 to 211.487, or sections 453.005 to
10 453.170, or proceedings to determine custody or visitation
11 rights under sections 452.375 to 452.410; or

12 (2) A parent who is a minor, or who is a mentally ill
13 person or otherwise incompetent, and whose child is the
14 subject of proceedings under sections 210.110 to 210.165,
15 sections 210.700 to 210.760, sections 211.442 to 211.487, or
16 sections 453.005 to 453.170.

17 2. The judge, either sua sponte or upon motion of a
18 party, may appoint a guardian ad litem to appear for and
19 represent an abused or neglected child involved in
20 proceedings arising under subsection 6 of section 210.152.

21 3. (1) Beginning January 1, 2028, the judge shall
22 appoint counsel for a child who is at least fourteen but
23 less than eighteen years of age and who is the subject of
24 proceedings under sections 210.110 to 210.165 except
25 proceedings under subsection 6 of section 210.152, sections
26 210.700 to 210.760, or sections 211.442 to 211.487. A judge
27 may implement the provisions of this subsection at any time
28 before January 1, 2028, pursuant to a pilot project
29 implemented under section 477.715, and, if doing so, shall
30 not be required to appoint a guardian ad litem and child's

31 counsel concurrently unless the judge finds it necessary in
32 accordance with subdivision (3) of this subsection.

33 (2) Counsel shall represent the child at all stages of
34 the proceeding, including appeal. The child and the child's
35 parent or guardian shall not be represented by the same
36 counsel.

37 (3) A guardian ad litem appointed for a child under
38 this section shall transition to serving as the child's
39 counsel upon the child's fourteenth birthday, provided that
40 the proceeding for which the guardian ad litem was appointed
41 is ongoing. The transition shall occur unless the judge
42 finds it necessary to continue the guardian ad litem
43 appointment due to the child's diminished capacity, in which
44 case the guardian ad litem shall continue to serve in that
45 capacity and the judge may appoint a separate child's
46 counsel for the child.

47 (4) The judge may appoint the same attorney to serve
48 as guardian ad litem for children in a sibling group who are
49 under fourteen years of age as the attorney serving as
50 child's counsel for any sibling at least fourteen but less
51 than eighteen years of age; provided that the attorney or
52 judge does not find a conflict of interest in such
53 appointment.

54 (5) Either sua sponte or upon the motion of a party,
55 the judge shall issue an order of appointment for the
56 child's counsel within thirty days of the child's fourteenth
57 birthday and the counsel shall notify the parties of the
58 change in appointment.

59 4. The guardian ad litem and child's counsel shall be
60 provided with all reports relevant to the case made to or by
61 any agency or person, shall have access to all records of
62 such agencies or persons relating to the child or such
63 child's family members or placements of the child, and upon

64 appointment by the court to a case, shall be informed of and
65 have the right to attend any and all family support team
66 meetings involving the child. Employees of the division,
67 officers of the court, and employees of any agency involved
68 shall fully inform the guardian ad litem and child's counsel
69 of all aspects of the case of which they have knowledge or
70 belief.

71 [4.] 5. The appointing judge shall require the
72 guardian ad litem or the child's counsel to faithfully
73 discharge such guardian ad litem's or the counsel's duties,
74 and upon failure to do so shall discharge such guardian ad
75 litem or counsel and appoint another. The appointing judge
76 shall have the authority to examine the general and criminal
77 background of persons appointed as guardians ad litem and
78 children's counsel, including utilization of the family care
79 safety registry and access line pursuant to sections 210.900
80 to 210.937, to ensure the safety and welfare of the children
81 such persons are appointed to represent. The judge in
82 making appointments pursuant to this section shall give
83 preference to persons who served as guardian ad litem or
84 child's counsel for the child in the earlier proceeding,
85 unless there is a reason on the record for not giving such
86 preference.

87 [5.] 6. The guardian ad litem and the child's counsel
88 may be awarded a reasonable fee for such services to be set
89 by the court. The court, in its discretion, may award such
90 fees as a judgment to be paid by any party to the
91 proceedings or from public funds. However, no fees as a
92 judgment shall be taxed against a party or parties who have
93 not been found to have abused or neglected a child or
94 children. Such an award of guardian fees or attorney fees
95 shall constitute a final judgment in favor of the guardian
96 ad litem or child's counsel. Such final judgment shall be

97 enforceable against the parties in accordance with chapter
98 513.

99 [6.] 7. The court may designate volunteer advocates,
100 who may or may not be attorneys licensed to practice law, to
101 assist in the performance of the guardian ad litem duties
102 for the court. Nonattorney volunteer advocates shall not
103 provide legal representation. The court shall have the
104 authority to examine the general and criminal background of
105 persons designated as volunteer advocates, including
106 utilization of the family care safety registry and access
107 line pursuant to sections 210.900 to 210.937, to ensure the
108 safety and welfare of the children such persons are
109 designated to represent. The volunteer advocate shall be
110 provided with all reports relevant to the case made to or by
111 any agency or person, shall have access to all records of
112 such agencies or persons relating to the child or such
113 child's family members or placements of the child, and upon
114 designation by the court to a case, shall be informed of and
115 have the right to attend any and all family support team
116 meetings involving the child. Any such designated person
117 shall receive no compensation from public funds. This shall
118 not preclude reimbursement for reasonable expenses.

119 [7.] 8. Any person appointed to perform guardian ad
120 litem or children's counsel duties shall have completed a
121 training program in permanency planning and shall advocate
122 for timely court hearings whenever possible to attain
123 permanency for a child as expeditiously as possible to
124 reduce the effects that prolonged foster care may have on a
125 child. A nonattorney volunteer advocate shall have access
126 to a court appointed attorney guardian ad litem or child's
127 counsel should the circumstances of the particular case so
128 require.

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

3 (1) "Child", any child placed in the legal custody of
4 the division under chapter 211;

5 (2) "Division", the children's division of the
6 department of social services of the state of Missouri;

7 (3) "Money", any legal tender, note, draft,
8 certificate of deposit, stocks, bond or check;

9 (4) "Vested right", a legal right that is more than a
10 mere expectancy and may be reduced to a present monetary
11 value.

12 2. The child, the child's parents, any fiduciary or
13 any representative payee holding or receiving money that are
14 vested rights solely for or on behalf of a child are jointly
15 and severally liable for funds expended by the division to
16 or on behalf of the child. The liability of any person,
17 except a parent of the child, shall be limited to the money
18 received in his or her fiduciary or representative
19 capacity. The Missouri state government shall not require a
20 trustee or a financial institution acting as a trustee to
21 exercise any discretionary powers in the operation of a
22 trust.

23 3. The division may accept an appointment to serve as
24 representative payee or fiduciary, or in a similar capacity
25 for payments to a child under any public or private benefit
26 arrangement. Money so received shall be governed by this
27 section to the extent that laws and regulations governing
28 payment of such benefits provide otherwise.

29 4. Any money received by the division on behalf of a
30 child shall be accounted for in the name of the child. Any
31 money in the account of a child may be expended by the
32 division for care or services for the child. The division
33 shall by rule adopted under chapter 536 establish procedures

34 for the accounting of the money and the protection of the
35 money against theft, loss or misappropriation.

36 5. The division shall deposit money with a financial
37 institution. Any earnings attributable to the money in the
38 account of a child shall be credited to that child's
39 account. The division shall receive bids from banking
40 corporations, associations or trust companies which desire
41 to be selected as depositories of children's moneys for the
42 division.

43 6. The division may accept funds which a parent,
44 guardian or other person wishes to provide for the use or
45 benefit of the child. The use and deposit of such funds
46 shall be governed by this section and any additional
47 directions given by the provider of the funds.

48 7. Each child for whose benefit funds have been
49 received by the division [and], the guardian ad litem of
50 such child, and the child's counsel shall be furnished
51 annually with a statement listing all transactions involving
52 the funds which have been deposited on the child's behalf,
53 to include each receipt and disbursement.

54 8. The division shall use all proper diligence to
55 dispose of the balance of money accumulated in the child's
56 account when the child is released from the care and custody
57 of the division or the child dies. When the child is
58 deceased the balance shall be disposed of as provided by law
59 for descent and distribution. If, after the division has
60 diligently used such methods and means as considered
61 reasonable to refund such funds, there shall remain any
62 money, the owner of which is unknown to the division, or if
63 known, cannot be located by the division, in each and every
64 such instance such money shall escheat and vest in the state
65 of Missouri, and the director and officials of the division
66 shall pay the same to the state director of the department

67 of revenue, taking a receipt therefor, who shall deposit the
68 money in the state treasury to be credited to a fund to be
69 designated as "escheat".

70 9. Within five years after money has been paid into
71 the state treasury, any person who appears and claims the
72 money may file a petition in the circuit court of Cole
73 County, Missouri, stating the nature of the claim and
74 praying that such money be paid to him. A copy of the
75 petition shall be served upon the director of the department
76 of revenue who shall file an answer to the same. The court
77 shall proceed to examine the claim and the allegations and
78 proof, and if it finds that such person is entitled to any
79 money so paid into the state treasury, it shall order the
80 commissioner of administration to issue a warrant on the
81 state treasurer for the amount of such claim, but without
82 interest or costs. A certified copy of the order shall be
83 sufficient voucher for issuing a warrant; provided, that
84 either party may appeal from the decision of the court in
85 the same manner as provided by law in other civil actions.

86 10. All moneys paid into the state treasury under the
87 provisions of this section after remaining there unclaimed
88 for five years shall escheat and vest absolutely in the
89 state and be credited to the state treasury, and all persons
90 shall be forever barred and precluded from setting up title
91 or claim to any such funds.

92 11. Nothing in this section shall be deemed to apply
93 to funds regularly due the state of Missouri for the support
94 and maintenance of children in the care and custody of the
95 division or collected by the state of Missouri as
96 reimbursement for state funds expended on behalf of the
97 child.

210.565. 1. Whenever a child is placed in a foster
2 home and the court has determined pursuant to subsection 4

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

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

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

22 (2) "Relative", a grandparent or any other person
23 related to another by blood or affinity or a person who is
24 not so related to the child but has a close relationship
25 with the child or the child's family. A foster parent or
26 kinship caregiver with whom a child has resided for nine
27 months or more is a person who has a close relationship with
28 the child. The status of a grandparent shall not be
29 affected by the death or the dissolution of the marriage of
30 a son or daughter;

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

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

- 37 (1) Grandparents;
- 38 (2) Adult siblings or parents of siblings;
- 39 (3) Relatives; and
- 40 (4) Any foster parent who is currently licensed and
41 capable of accepting placement of the child.

42 4. The preference for placement and first
43 consideration for grandparents or preference for placement
44 with other relatives created by this section shall only
45 apply where the court finds that placement with such
46 grandparents or other relatives is not contrary to the best
47 interest of the child considering all circumstances. If the
48 court finds that it is contrary to the best interest of a
49 child to be placed with grandparents or other relatives, the
50 court shall make specific findings on the record detailing
51 the reasons why the best interests of the child necessitate
52 placement of the child with persons other than grandparents
53 or other relatives. Absent evidence to the contrary, the
54 court may presume that continuation of the child's placement
55 with his or her current caregivers is in the child's best
56 interests.

57 5. Recognizing the critical nature of sibling bonds
58 for children, the children's division shall make reasonable
59 efforts to place siblings in the same foster care, kinship,
60 guardianship, or adoptive placement, unless doing so would
61 be contrary to the safety or well-being of any of the
62 siblings. If siblings are not placed together, the
63 children's division shall make reasonable efforts to provide
64 frequent visitation or other ongoing interaction between the
65 siblings, unless this interaction would be contrary to a
66 sibling's safety or well-being.

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

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

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

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

210.762. 1. When a child is taken into custody by a
2 juvenile officer or law enforcement official under
3 subdivision (1) of subsection 1 of section 211.031 and
4 initially placed with the division, the division may make a
5 temporary placement and shall arrange for a family support
6 team meeting prior to or within twenty-four hours following
7 the protective custody hearing held under section 211.032.
8 After a child is in the division's custody and a temporary
9 placement has been made, the division shall arrange an
10 additional family support team meeting prior to taking any

11 action relating to the placement of such child; except that,
12 when the welfare of a child in the custody of the division
13 requires an immediate or emergency change of placement, the
14 division may make a temporary placement and shall schedule a
15 family support team meeting within seventy-two hours. The
16 requirement for a family support team meeting shall not
17 apply when the parent has consented in writing to the
18 termination of his or her parental rights in conjunction
19 with a placement in a licensed child-placing agency under
20 subsection 6 of section 453.010.

21 2. The parents, the legal counsel for the parents, the
22 foster parents, the legal guardian or custodian of the
23 child, the guardian ad litem for the child, the child's
24 counsel, and the volunteer advocate, and any designee of the
25 parent that has written authorization shall be notified and
26 invited to participate in all family support team meetings.
27 The family support team meeting may include such other
28 persons whose attendance at the meeting may assist the team
29 in making appropriate decisions in the best interests of the
30 child. If the division finds that it is not in the best
31 interest of a child to be placed with relatives, the
32 division shall make specific findings in the division's
33 report detailing the reasons why the best interests of the
34 child necessitate placement of the child with persons other
35 than relatives.

36 3. The division shall use the form created in
37 subsection 2 of section 210.147 to be signed upon the
38 conclusion of the meeting pursuant to subsection 1 of this
39 section confirming that all involved parties are aware of
40 the team's decision regarding the custody and placement of
41 the child. Any dissenting views must be recorded and
42 attested to on such form.

43 4. The case manager shall be responsible for including
44 such form with the case records of the child.

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

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

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

 4. The court shall hold an adjudication hearing no
29 later than sixty days after the child has been taken into
30 custody. The court shall notify the parties in writing of
31

32 the specific date, time, and place of such hearing. If at
33 such hearing the court determines that sufficient cause
34 exists for the child to remain in the custody of the state,
35 the court shall conduct a dispositional hearing no later
36 than ninety days after the child has been taken into custody
37 and shall conduct review hearings regarding the
38 reunification efforts made by the division every ninety to
39 one hundred twenty days for the first year the child is in
40 the custody of the division. After the first year, review
41 hearings shall be held as necessary, but in no event less
42 than once every six months for as long as the child is in
43 the custody of the division.

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

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

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

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

58 (2) Upon request of the foster family, the guardian ad
59 litem, the child's counsel, or the volunteer advocate and
60 whenever possible, the child shall be permitted to continue
61 to attend the same school that the child was enrolled in and
62 attending at the time the child was taken into custody by
63 the division. The division, in consultation with the
64 department of elementary and secondary education, shall

65 establish the necessary procedures to implement the
66 provisions of this subsection.

211.211. 1. A child is entitled to be represented by
2 counsel in all proceedings under subdivision (2) or (3) of
3 subsection 1 of section 211.031 and by a guardian ad litem
4 in all proceedings under subdivision (1) of subsection 1 of
5 section 211.031, except as otherwise provided in subsection
6 3 of section 210.160 when the child shall be represented by
7 counsel and the provisions of section 210.160 shall apply to
8 the appointment of such counsel. Counsel appointed under
9 subsection 3 of section 210.160 shall not be waived.

10 2. The court shall appoint counsel for a child prior
11 to the filing of a petition if a request is made therefor to
12 the court and the court finds that the child is the subject
13 of a juvenile court proceeding and that the child making the
14 request is indigent.

15 3. (1) When a petition has been filed under
16 subdivision (2) or (3) of subsection 1 of section 211.031,
17 the court may appoint counsel for the child except if
18 private counsel has entered his or her appearance on behalf
19 of the child or if counsel has been waived in accordance
20 with law; except that, counsel shall not be waived for any
21 proceeding specified under subsection 10 of this section
22 unless the child has had the opportunity to meaningfully
23 consult with counsel and the court has conducted a hearing
24 on the record.

25 (2) If a child waives his or her right to counsel,
26 such waiver shall be made in open court and be recorded and
27 in writing and shall be made knowingly, intelligently, and
28 voluntarily. In determining whether a child has knowingly,
29 intelligently, and voluntarily waived his or her right to
30 counsel, the court shall look to the totality of the
31 circumstances including, but not limited to, the child's

32 age, intelligence, background, and experience generally and
33 in the court system specifically; the child's emotional
34 stability; and the complexity of the proceedings.

35 4. When a petition has been filed and the child's
36 custodian appears before the court without counsel, the
37 court shall appoint counsel for the custodian if it finds:

38 (1) That the custodian is indigent; and

39 (2) That the custodian desires the appointment of
40 counsel; and

41 (3) That a full and fair hearing requires appointment
42 of counsel for the custodian.

43 5. Counsel shall be allowed a reasonable time in which
44 to prepare to represent his client.

45 6. Counsel shall serve for all stages of the
46 proceedings, including appeal, unless relieved by the court
47 for good cause shown. If no appeal is taken, services of
48 counsel are terminated following the entry of an order of
49 disposition.

50 7. The child and his custodian may be represented by
51 the same counsel except where a conflict of interest
52 exists. Where it appears to the court that a conflict
53 exists, it shall order that the child and his custodian be
54 represented by separate counsel, and it shall appoint
55 counsel if required by subsection 3 or 4 of this section.

56 8. When a petition has been filed, a child may waive
57 his or her right to counsel only with the approval of the
58 court and if such waiver is not prohibited under subsection
59 10 of this section. If a child waives his or her right to
60 counsel for any proceeding except proceedings under
61 subsection 10 of this section, the waiver shall only apply
62 to that proceeding. In any subsequent proceeding, the child
63 shall be informed of his or her right to counsel.

64 9. Waiver of counsel by a child may be withdrawn at
65 any stage of the proceeding, in which event the court shall
66 appoint counsel for the child if required by subsection 3 of
67 this section.

68 10. A child's right to be represented by counsel shall
69 not be waived in any of the following proceedings:

70 (1) At any contested detention hearing under Missouri
71 supreme court rule 127.08 where the petitioner alleges that
72 the child violated any law that, if committed by an adult,
73 would be a felony unless an agreement is otherwise reached;

74 (2) At a certification hearing under section 211.071
75 or a dismissal hearing under Missouri supreme court rule
76 129.04;

77 (3) At an adjudication hearing under Missouri supreme
78 court rule 128.02 for any felony offense or at any detention
79 hearing arising from a misdemeanor or felony motion to
80 modify or revoke, including the acceptance of an admission;

81 (4) At a dispositional hearing under Missouri supreme
82 court rule 128.03; or

83 (5) At a hearing on a motion to modify or revoke
84 supervision under subdivision (2) or (3) of subsection 1 of
85 section 211.031.

211.261. 1. An appeal shall be allowed to the child
2 from any final judgment, order or decree made under the
3 provisions of this chapter and may be taken on the part of
4 the child by its parent, guardian, legal custodian, spouse,
5 relative or next friend. An appeal shall be allowed to a
6 parent from any final judgment, order or decree made under
7 the provisions of this chapter which adversely affects him.
8 An appeal shall be allowed to the juvenile officer from any
9 final judgment, order or decree made under this chapter,
10 except that no such appeal shall be allowed concerning a
11 final determination pursuant to subdivision (3) of

12 subsection 1 of section 211.031. Notice of appeal shall be
13 filed within thirty days after the final judgment, order or
14 decree has been entered but neither the notice of appeal nor
15 any motion filed subsequent to the final judgment acts as a
16 supersedeas unless the court so orders.

17 2. Notwithstanding the provisions of subsection 1 of
18 this section, an appeal shall be allowed to the:

19 (1) Juvenile officer from any order suppressing
20 evidence, a confession or an admission, in proceedings under
21 subdivision (3) of subsection 1 of section 211.031; or

22 (2) Parent, guardian ad litem, child's counsel, or
23 juvenile officer from any order changing or modifying the
24 placement of a child.

25 3. The appeal provided for in subsection 2 of this
26 section shall be an interlocutory appeal, filed in the
27 appropriate district of the Missouri court of appeals.
28 Notice of such interlocutory appeal shall be filed within
29 three days of the entry of the order of trial court; the
30 time limits applicable to such appeal shall be the same as
31 in interlocutory appeals allowed to the state in criminal
32 cases.

211.462. 1. In all actions to terminate parental
2 rights, if not previously appointed pursuant to section
3 210.160, a guardian ad litem or child's counsel shall be
4 appointed for the child as soon as practicable after the
5 filing of the petition.

6 2. The parent or guardian of the person of the child
7 shall be notified of the right to have counsel, and if they
8 request counsel and are financially unable to employ
9 counsel, counsel shall be appointed by the court. Notice of
10 this provision shall be contained in the summons. When the
11 parent is a minor or incompetent the court shall appoint a
12 guardian ad litem to represent such parent.

13 3. The guardian ad litem or child's counsel shall,
14 during all stages of the proceedings:

15 (1) Be the legal representative of the child, and may
16 examine, cross-examine, subpoena witnesses and offer
17 testimony. The guardian ad litem or child's counsel may
18 also initiate an appeal of any disposition that he
19 determines to be adverse to the best interests of the child;

20 (2) Be an advocate for the child during the
21 dispositional hearing and aid in securing a permanent
22 placement plan for the child. To ascertain the child's
23 wishes, feelings, attachments, and attitudes, he shall
24 conduct all necessary interviews with persons, other than
25 the parent, having contact with or knowledge of the child
26 and, if appropriate, with the child;

27 (3) Protect the rights, interest and welfare of a
28 minor or incompetent parent by exercising the powers and
29 duties enumerated in subdivisions (1) and (2) of this
30 subsection.

31 4. Court costs shall be paid by the county in which
32 the proceeding is instituted, except that the court may
33 require the agency or person having or receiving legal or
34 actual custody to pay the costs.

477.700. 1. There is hereby created the "Child and
2 Family Legal Representation Coordinating Commission" within
3 the judicial branch, which shall be composed of nine members
4 appointed by the chief justice of the Missouri supreme
5 court. At least three members of the coordinating
6 commission shall be attorneys licensed to practice law in
7 this state, who have a minimum of five years of experience
8 representing children as counsel or guardians ad litem. At
9 least one member shall be a former foster youth with direct
10 experience navigating the foster care system in this state.
11 At least one member shall be a resident of this state who

12 has no direct professional affiliation with the legal or
13 child welfare system, but who has demonstrated commitment to
14 child advocacy and protection. The chief justice shall
15 designate one member to serve as chair and one member as
16 vice chair. The vice chair shall preside in the absence of
17 the chair.

18 2. The members of the coordinating commission shall
19 serve for terms of four years and until their successors are
20 appointed and qualified; except that, of the initial members
21 appointed, three shall serve terms of one year, three shall
22 serve terms of two years, and three shall serve terms of
23 four years, as designated by the chief justice. If a
24 vacancy occurs, the chief justice shall appoint a
25 replacement, who shall serve the unexpired portion of the
26 term. Members of the coordinating commission may succeed
27 themselves.

28 3. Members of the coordinating commission shall serve
29 without compensation, but shall be reimbursed out of funds
30 appropriated for this purpose for actual and reasonable
31 expenses incurred in the performance of their duties.

32 4. The Missouri supreme court may adopt such rules as
33 it deems appropriate to govern the procedures and operations
34 of the coordinating commission.

477.705. In addition to any duties or responsibilities
2 assigned to it by the Missouri supreme court, the
3 coordinating commission established under section 477.700
4 shall have the following duties:

5 (1) To work cooperatively with the various judicial
6 circuits, judicial personnel, attorneys, and other state
7 departments or agencies and form partnerships to ensure
8 uniform, high-quality legal representation for children or
9 families involved in legal proceedings in this state;

10 (2) To make recommendations to the Missouri supreme
11 court concerning the establishment or modification, by court
12 rule, of minimum training requirements and practice
13 standards for attorneys seeking to serve as guardians ad
14 litem, children's counsel, or parent's counsel, including,
15 but not limited to, appropriate maximum caseloads, minimum
16 responsibilities and duties, and practice guidelines;

17 (3) To make recommendations to the Missouri supreme
18 court concerning high-quality, accessible training
19 throughout the state for persons seeking to serve as
20 guardians ad litem, children's counsel, or parent's counsel,
21 as well as for judicial personnel who regularly hear matters
22 involving children and families;

23 (4) To develop, coordinate, and evaluate any pilot
24 project established by the Missouri supreme court relating
25 to guardians ad litem, children's counsel, or parent's
26 counsel, including the development of measures to assess and
27 document the various models of representation and the
28 outcomes achieved by each, including collaborative models
29 with local court-appointed special advocate programs, as
30 well as the implementation of the child's counsel provisions
31 of section 210.160;

32 (5) To seek to enhance existing funding sources and to
33 study the availability or development of new funding sources
34 for the provision of uniform, high-quality legal
35 representation for children or families involved in legal
36 proceedings in this state;

37 (6) To apply for and accept any funds that may be
38 offered or that may become available from gifts,
39 contributions, grants, bequests, or other aid received from
40 federal, private, or other sources, which moneys shall be
41 deposited in the child and family legal representation fund
42 established in section 477.710; and

43 (7) To provide a report to the governor, the general
44 assembly, and the supreme court of Missouri with
45 recommendations to improve legal representation for parents
46 and children subject to juvenile court jurisdiction under
47 subdivision (1) of subsection 1 of section 211.031.

477.710. 1. There is hereby established in the state
2 treasury the "Child and Family Legal Representation Fund".
3 The state treasurer shall credit to and deposit in the child
4 and family legal representation fund all moneys that may be
5 appropriated to it by the general assembly and also any
6 gifts, contributions, grants, bequests, or other aid
7 received from federal, private, or other sources.

8 2. The state treasurer shall invest moneys in the fund
9 in the same manner as surplus state funds are invested
10 pursuant to section 30.260. Any interest and moneys earned
11 on such investments shall be credited to the fund.

12 3. The coordinating commission established under
13 section 477.700 shall administer and disburse moneys in the
14 child and family representation fund to judicial circuits
15 for the purpose of improving or providing uniform, high-
16 quality legal representation for children or families
17 involved in legal proceedings in this state, including the
18 payment of reasonable fees approved by a court for the
19 appointment of a guardian ad litem, children's counsel, or
20 parent's counsel.

21 4. Notwithstanding the provisions of section 33.080 to
22 the contrary, any moneys remaining in the fund at the end of
23 the biennium shall not revert to the credit of the general
24 revenue fund.

477.715. 1. Notwithstanding the provisions of section
2 210.160 or any other provision of law to the contrary, in
3 any circuit participating in a pilot project established by
4 the Missouri supreme court relating to guardians ad litem,

5 children's counsel, or parent's counsel, where the
6 provisions of subdivision (1) of subsection 1 of section
7 210.160 require that the judge appoint a guardian ad litem
8 for a child, the judge may instead appoint a child's counsel
9 to represent any child who is fourteen years of age or older
10 at all stages of the proceeding, including appeal, without
11 the additional appointment of a guardian ad litem. The
12 child and the child's parent or guardian shall not be
13 represented by the same counsel.

14 2. The provisions of this section shall expire on
15 January 1, 2028.