

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 189

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUSE.

Pre-filed December 23, 1998, and 1,000 copies ordered printed.

Read 2nd time January 18, 1999, and referred to the Committee on Aging, Families an Mental Health.

Reported from the Committee February 9, 1999, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up February 23, 1999. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

S0847.01P

AN ACT

To repeal sections 71.190, 71.740, 210.010, 210.020, 210.360, 210.370, 210.380, 210.390, 210.400, 210.410, 210.420, 210.430, 210.440, 210.450, 210.460, 210.470, 211.191, 542.220, 542.230 and 559.341, RSMo 1994, relating to children and minors.

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

Section A. Sections 71.190, 71.740, 210.010, 210.020, 210.360, 210.370, 210.380, 210.390, 210.400, 210.410, 210.420, 210.430, 210.440, 210.450, 210.460, 210.470, 211.191, 542.220, 542.230 and 559.341, RSMo 1994, are repealed, to read as follows:

[71.190. In cities wherein not more than three incorporated societies for the prevention of cruelty to children and animals, known as humane societies, exist, and the same city having the metropolitan police system, it shall be the duty of the board of police commissioners of said city to appoint one special officer to each of said societies.]

[71.740. Any city, town or village in this state existing by virtue of the present general law, or by any local or special law, may, by ordinance or act, prohibit the sale, within its corporate limits, of cigarettes or cigarette wrappers to minors--any charter provision to the contrary notwithstanding; and such city, town or village may provide punishment or fines for any person, persons or corporation violating any ordinance

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

authorized by this section.]

[210.010. No association incorporated under the laws of any other state than the state of Missouri shall place any child in any family home within the boundaries of the state of Missouri, either with or without indenture, or for adoption, unless the said association shall have furnished the division of family services with such guarantee as they may require that no child shall be brought into the state of Missouri by such society or its agents having any contagious or incurable disease or being of feeble mind or of vicious character, and that said association will promptly receive and remove from the state any child brought into the state of Missouri by its agents which shall become a public charge within the period of five years after being brought into this state.]

[210.020. Any person who shall receive to be placed in a home, or shall place in a home any child in behalf of any association incorporated in any other state than the state of Missouri, which shall not have complied with the requirements of section 210.010, shall, upon conviction, be punished by imprisonment in jail not more than thirty days, or by fine of not less than five nor more than one hundred dollars, or by both such fine and imprisonment.]

[210.360. Any seven or more persons, resident of this state, who may organize in the manner provided for in section 352.060, RSMo, or who may have organized under the general laws of the state relating to corporations, for the purpose of establishing, maintaining and carrying on a training school for minors, shall have, under their corporate name assumed, all the powers, rights and privileges of corporations of this state, not for pecuniary profit; provided, however, that any persons organized, or who may hereafter organize as above set forth, desiring to avail themselves of the provisions of sections 210.360 to 210.470, shall first obtain the consent of the governor thereto in writing which consent must be filed in the office of the secretary of state.]

[210.370. The object of training schools for minors shall be to provide a home and proper training school for such minors as may be committed to their charge; and they shall be maintained by voluntary contributions, excepting as provided in section 210.470.]

[210.380. Any responsible person, a resident of any county of this state or any city not in a county in this state, may petition any division of the circuit court of such city or county, to inquire into the alleged dependency of any minor then within such city or county, and every minor who shall come within the following descriptions shall be considered a "dependent minor", viz.: Every minor who frequents any street, alley or other place for the purpose of begging or receiving alms, or who shall have no permanent place of abode, proper parental care or guardianship, or sufficient means of subsistence; or who from some other cause shall be a wanderer through the streets or alleys, or other public places; or who shall live with or frequent the company of, or consort with, reputed thieves

or other vicious persons. The petition shall also state the home of the father and mother of the minor, if living and if known, or if either be dead, the name of the survivor, if known; and if neither the father nor mother of the minor be living, or to be found in the county, or their names to be ascertained, then the name of the guardian, if there be one. If there be a parent living, whose name can be ascertained, or a guardian, the petition shall set forth not only the dependency of the minor, but shall also show that the parents, or parent or guardian, are, or is, not fit persons or person to have the custody of such minor. Such petition shall be verified by oath upon the belief of the petitioner, and upon being filed, the judge shall have the minor named in the petition brought before him for the purpose of determining the application in said petition, and the courts for this purpose shall be considered always open.]

[210.390. Upon the filing of such petition the clerk of the court shall issue a writ to the sheriff of the county or city aforesaid, directing him to bring such minor before the court, who shall be entitled to a private trial, to which only the parties to the case shall be admitted; or such court may order a jury to be summoned to ascertain whether such minor is dependent as alleged in said petition, and also to find if the other allegations are true, and if found to be such, they shall also find his or her age in their verdict; and when such minor shall be without counsel, it shall be the duty of the court to assign counsel for him or her; and if the jury shall find that the minor named in the petition is a dependent minor, and that the other material facts set forth in the petition are true, and if, in the opinion of the judge, he or she is a fit person to be sent to a training school for minors, the judge shall enter an order that such minor be committed to a training school for minors in the county as aforesaid, if there be such in the county or city, but if there be no such school in the county or city, then to any training school for minors elsewhere in the state, to be in such school kept and maintained until he or she shall arrive at the age of majority, unless sooner discharged therefrom in the manner provided in section 210.450. Before the hearing aforesaid, notice shall be given to the parent or guardian of the minor, if to be found in the county or city, of the proceedings about to be instituted, and they may appear and resist the same.]

[210.400. If the court finds as in section 210.390 it shall further order of record that such minor has no guardian, or that his guardian or parent, or parents, is or are not fit person or persons to have the custody of such minor, as the case may be, and the court shall thereupon appoint a guardian of the custody and tuition of such minor, and no bond shall be required of such guardian, and such guardian shall permit such minor to be placed under the care and in the custody of such training school for minors, as provided in sections 210.360 to 210.470.]

[210.410. 1. A warrant shall thereupon be issued in duplicate by the clerk to some

suitable person, a resident of the state to be designated by the judge, authorizing him or her to take in charge and care the dependent minor named in said order; and convey him to the training school for minors to which he or she is to be committed; and said warrant shall be substantially as follows:

State of Missouri,

City of , ss

County of

State of Missouri to

You are hereby authorized to take forthwith into your charge and care, aged years, who has been declared a dependent boy or girl (as the case may be), and convey him or her (as the case may be) to the training school for minors; and of this warrant you are commanded to make due return to this court after its execution.

Witness my hand and seal of the court of, this day of, A.D.

.....

2. This warrant, with the receipt thereon, shall be returned to the clerk, to be filed by him with the other papers relating to the case, and this warrant shall be a sufficient and competent authority for the proper officers and agents of the training school for minors to which it is directed to receive, keep and detain the person therein named, and a duplicate copy thereof shall be delivered to the superintendent or other proper officer of such school, to be kept by him at the school, which duplicate shall have thereon a full copy of all endorsements made upon the one returned to court, and to be recorded by him in a book kept for that purpose, and said book shall always be open to the inspection of any person.]

[210.420. Upon receiving the dependent minor, the superintendent of the school shall endorse upon the warrant referred to in section 210.410 a receipt, as follows:

(As the case may be) training school for minors. Received this ... day of, A.D. 19.., the boy or girl (as the case may be) named in this warrant.

Seal of school.

....., superintendent.]

[210.430. The officers and managers of any training school for minors in this state shall receive into such school all minors not idiotic and not afflicted with a contagious disease, committed thereto under the provisions of sections 210.360 to 210.470, shall have the exclusive custody, care and guardianship of such minors, shall provide for their support and comfort, instruct them in such useful knowledge as may be suited to their years and capacities, and shall cause them to be taught or trained in some trade or industrial pursuit. And for the purpose of their education and training, and that they may assist in their own support, they shall be required to perform such tasks suitable to their

years as may be prescribed by such officers and managers, and as may be reasonable and proper.]

[210.440. 1. Minors committed under the provisions of this section and sections 210.360 to 210.430 and 210.450 to 210.470, to a training school for minors, may be placed by the officers and managers of the school in the home of any good citizen, upon such terms and for such purpose and time as may be agreed upon, or they may be given to any suitable person of good character who will adopt them. Any disposition made of any minor under this section and sections 210.360 to 210.430, and 210.450 to 210.470 shall not bind him beyond his majority.

2. The officers and managers shall have a supervising care over such minor after he shall be so put out, to see that he is properly treated and cared for; and in case a minor is cruelly treated or neglected, or the terms upon which he shall have been put out to any person be not observed, then the officers and managers shall take and receive such minor again into the custody, care and protection of the training school. The officers and managers may reclaim any minor put out to any person under the terms of this section, and sections 210.360 to 210.430 and 210.450 to 210.470 without the consent of the person to whom the minor may be so put out, whenever, in the judgment of the officers and managers, the minor shall be cruelly treated, neglected in training, proper instructions or otherwise, or not properly cared for.]

[210.450. Any minor committed to a training school for minors under the provisions of sections 210.360 to 210.470 may be discharged therefrom at any time in accordance with the rules thereof, when, in the judgment of the officers and managers, the good of the minor or the good of the school would be promoted by such discharge, and the governor may at any time order the discharge of any minor committed to a training school under the provisions of said sections.]

[210.460. The court committing minors to a training school under the provisions of sections 210.360 to 210.470 shall have power at any time after making such commitment, upon proper showing, to order the discharge of the minor or his or her restoration to his or her parents, and shall also have power generally to make all orders relative to minors committed by such court, in order to apply the benefits of said sections to such minors, and for the purpose of reclaiming such minors the court may send its writ to any county in this state. Appeals as in other cases shall be allowed from all final orders made by such court under sections 210.360 to 210.470.]

[210.470. No training school organized under the provisions of sections 210.360 to 210.470 shall receive any appropriation from the state. Any school receiving such appropriation shall not be entitled to the benefit of the provisions of sections 210.360 to 210.470; provided, that any county in this state may, in the discretion of the county

commission of such county, send any boy of the class defined in section 210.380 to such training school at the expense of the county, and such county shall be allowed to pay the sum of ten dollars per month for the support and maintenance of any such boy at such training school, to be paid quarterly in advance, and the sheriff, constable, marshal, or other person charged with the delivery of any boy to such training school, shall be allowed for such delivery the necessary traveling expenses of himself and such boy and a reasonable per diem, which account shall be allowed by the county commission, if correct, when presented to the commission.]

[211.191. Nothing in this chapter shall be construed to repeal any part of the law relating to the state training school for girls or the state training school for boys; and in all commitments to either of these institutions the law in reference to them shall govern.]

[542.220. Any mayor or chief associate circuit judge of any town or city, being apprehensive of a riot or riotous assemblage within such town or city, may, by proclamation, require all minors to keep within doors for any length of time not exceeding three days, during that period of each astronomical day of twenty-four hours which intervenes between the end of one hour after sunset and the beginning of one hour before sunrise; and all minors offending against such proclamation may be forthwith arrested, and on conviction may be imprisoned in the house of correction of such city, or other safe place of confinement, to be prescribed by ordinance of such city, for a period not exceeding thirty days.]

[542.230. The legislative bodies of any incorporated town or city within this state may, by ordinance, direct the mode of proceeding against minors for a violation of section 542.220, and may vary the punishment, so that they do not affix to the simple offense of disobeying the same a greater punishment than a fine not exceeding one hundred dollars, or an imprisonment in the house of correction of such city not exceeding six weeks, or by both such fine and imprisonment.]

[559.341. 1. The parole board, by a majority thereof, shall, subject to law, have the exclusive government, regulation and control of all institutions belonging to the county used as homes for neglected and delinquent children, including detention homes, and homes and institutions and schools of whatever kind owned, used or operated by the county, for the detention, care, maintenance, teaching, punishment or reformation of neglected and delinquent children in the county, and all similar institutions hereafter established or operated or controlled by such county and of all persons who are now, or who hereafter shall be, legally sent to any of the institutions mentioned or referred to in this section, or who shall be committed to the custody of the board. The board shall make and enforce such laws, rules and regulations as they may from time to time deem expedient, necessary and proper in the management of such institutions, or persons now, or hereafter,

legally sent to such institutions, or legally committed to the board, and the board shall be vested with and possessed of all powers and duties necessary and proper to enable the board to carry out fully and effectually the intent and purposes of this law.

2. The board shall employ and at all times control such clerks, superintendents, matrons, physicians, teachers, trade foremen, guards and all other employees, as the board, from time to time shall deem necessary and proper for the efficient administration of the institutions. The compensation, wages and salaries of such clerks, superintendents, matrons, physicians, teachers, trade foremen, guards and all other employees, together with all the expenses deemed by the board to be necessary and proper, shall be so certified by the parole board to the county commission of the county, and the county commission shall pay the same out of the county treasury of the county as provided by law, except that nothing in this law shall be construed as affecting or applying to any institutions or property owned or conducted or operated or controlled by any religious, sectarian or accredited social society, or organization, or individual.]

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