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Vernon's Annotated Missouri Statutes [Currentness](#)

Title XII. Public Health and Welfare

[Chapter 211. Juvenile Courts \(Refs & Annos\)](#)

→ **211.032. Child or person seventeen years of age, protective custody hearing**

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

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

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

4. The court shall hold an adjudication hearing no later than sixty days after the child has been taken into custody. The court shall notify the parties in writing of the specific date, time, and place of such hearing. If at such hearing the court determines that sufficient cause exists for the child to remain in the custody of the state, the court shall conduct a dispositional hearing no later than ninety days after the child has been taken into custody and shall conduct review hearings regarding the reunification efforts made by the division every ninety to one hundred twenty days for the first year the child is in the custody of the division. After the first year, review hearings shall be held as necessary, but in no event less than once every six months for as long as the child is in the custody of the division.

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

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

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

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


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

CREDIT(S)

(L.1995, S.B. No. 174, § A. Amended by L.2004, H.B. No. 1453, § A, eff. July 1, 2004.)

LIBRARY REFERENCES

2004 Main Volume

[Infants](#)  [203, 204.](#)
 Westlaw Topic No. [211.](#)
[C.J.S. Infants §§ 51 to 52, 62, 64 to 67.](#)

RESEARCH REFERENCES

2009 Electronic Update.

Treatises and Practice Aids

21A MO Practice Series § 19.5, Abuse and Neglect -- Detention Hearings/Notice.

NOTES OF DECISIONS


Case or controversy [2](#)
 Construction and application [1](#)


1. Construction and application

A child custody hearing in deprivation proceeding is bifurcated into the adjudication phase, in which the Circuit Court determines whether or not the juvenile officer established that the Circuit Court should assume jurisdiction over the child, and the dispositional phase, in which the circuit court determines the disposition or treatment

that it should order for the juvenile. [In re J.L.R. \(App. W.D. 2008\) 2008 WL 2495688](#). [Infants](#)  194.1

2. Case or controversy

Mother's speculative assertion that Circuit Court's finding she was a threat to her child had the potential of harming her employment opportunities did not present a live and current legal controversy preventing mootness, in mother's appeal seeking return of her child found to be deprived of proper care pursued after the child had already been returned to her. [In re J.L.R. \(App. W.D. 2008\) 2008 WL 2495688](#). [Infants](#)  247

Circuit Court's continuing jurisdiction during adjudication and dispositional phases of deprivation case did not create live controversy preventing mootness of mother's appeal from dispositional order transferring custody of a child found deprived of proper care to the Department of Social Services' Children's Division, where the Circuit Court had terminated its jurisdiction and restored the child to mother's custody. [In re J.L.R. \(App. W.D. 2008\) 2008 WL 2495688](#). [Infants](#)  247

V. A. M. S. 211.032, MO ST 211.032

Statutes are current with emergency legislation approved through June 26, 2009 of the 2009 First Regular Session of the 95th General Assembly, Constitution are current through November 4, 2008 General Election.

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