

Title: Child Welfare Manual
Section 7: Glossary/Reference
Chapter 34: Laws Relating To Custody, Placement And Visitation Of Children
Under The Jurisdiction Of Juvenile Court
Effective Date: November 15, 2005

Section 7 Overview:

Section 7 is the glossary and reference chapters. The terms in this glossary are legal, medical, psychological, and practice terms commonly used by Children's Division (CD). However, some of the definitions may not reflect the meaning that the general public uses. The reference material follows the glossary. The reference chapters are on a variety of subjects that supplement the policy and procedures covered in this manual.

Chapter 34 Overview

This chapter summarizes the laws that have an effect on custody, placement and visitation of children under the jurisdiction of Juvenile Court.

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Chapter Memoranda History: (prior to 01-31-07)

CD04-79, CD05-35, CD05-68

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34.1 Abuse Of A Minor By A Minor

Pursuant to Section 210.117 RSMo.; Section 210.710 RSMo.; Section 210.720 RSMo.; and Section 211.038 RSMo., “if a court of competent jurisdiction determines, or the Children’s Division determines by a substantiated report of child abuse that is upheld by the Child Abuse and Neglect Review Board, that a minor abuses another child, that minor cannot return to or reside in any residence within 1000 feet of the residence of the abused child, or any child care facility or school the abused child attends until the abused child is eighteen years old. **These provisions shall not apply if the abuse is between siblings or when the abusing child and the abused child are children living in the same home,** which means that it would not directly effect reunification of efforts in those situations.

Situations in which the above provisions do apply may present significant difficulties for workers who are working toward reunification; making placement decisions or enrolling children in Division custody in child care or in school. For example, if the abuse occurred in a small town where there is only one elementary and high school. It might be necessary for a family to relocate to another town or home school in order to comply with this provision.

In order for workers to make informed decisions about placing, reunifying or enrolling children in Division custody in school or child care they will need to know:

- The CA/N or juvenile history of all children in Division custody as victims or perpetrators in incidents of juvenile on juvenile abuse;
- The identity and place of residence of the victims or perpetrators who were also involved in the case;

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34.2 Chapter 566 RSMo. Sexual Offenses

Felony violations of the Chapter 566 RSMo. offenses listed below against a parent or any person residing in the home, when a child was a victim, will prohibit a child under the jurisdiction of the Juvenile Court from ever being reunited with that parent or placed in a home when the parent or any person residing in the home has committed that violation.

Sections	Offense
566.030	Forcible rape
566.032	Statutory rape, first degree, penalties.
566.040	Sexual assault, penalties.
566.060	Forcible sodomy, penalties.
566.062	Statutory sodomy, first degree, penalties.
566.064	Statutory sodomy, second degree, penalty.
566.067	Child molestation, first degree, penalties
566.068	Child molestation, second degree, penalties.
566.070	Deviate sexual assault, penalty.
566.083	Sexual misconduct involving a child, penalty.
566.090	Sexual misconduct, first degree, penalties.
566.100	Sexual abuse, penalties.
566.111	Unlawful sex with animal, penalties.
566,151	Enticement of a child, penalties.
566.203	Abusing an individual through forced labor—penalty.
566.206	Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor—penalty.
566.212	Sexual trafficking of a child—penalty.
566.215	Contributing to human trafficking—penalty

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Memoranda History:

34.3 Chapter 568 RSMo. Offenses Against The Family

Any violations of the Chapter 568 RSMo. offenses listed below against a parent or any person residing in the home when a child was the victim, will prohibit a child under the jurisdiction of the Juvenile Court from ever being reunited with that parent or placed in a home when the parent or any person residing in the home has committed that violation.

Sections	Offense
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568.020.	Incest.
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568.060.1(2)	Abuse of a child, penalty. – Only for subsection 1(2) Photographs or films a child less than eighteen years old engaging in a prohibited sexual act or in the simulation of such an act or who causes or knowingly permits a child to engage in a prohibited sexual act or in the simulation of such an act for the purpose of photographing or filming the act.
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568.065.	Genital mutilation of a female child, penalty--affirmative defenses
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568.080.	Child used in sexual performance, penalties.
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568.090.	Promoting sexual performance by a child, penalties.
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568.175.	Trafficking in children--elements of crime--penalty.
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For all other violations listed in Chapter 566 and 568 RSMo. not listed above, the Children's Division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any of the violations of the offenses listed in chapters 566 and 568, RSMo, or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568, RSMo, if committed in Missouri.

To view entire chapters click on the following links:

Related Subject: Chapter 566 RSMo. Sexual Offenses:

<http://www.moga.state.mo.us/statutes/c566.htm>

Related Subject: Chapter 568 RSMo. Offenses Against the Family:

<http://www.moga.state.mo.us/statutes/c568.htm>

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