

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: August 7, 2014
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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 1-31-07)

[CD04-79](#), [CD05-35](#), [CD05-68](#)

Memoranda History:

CD14-50

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 Sexual Offenses; Crimes Against the Family; and Pornography and Related Crimes

In Section 210.117, Missouri law prohibits a child, who has been taken into custody, from being returned to the home of a parent or being placed with the parent who has been found guilty of certain crimes, when a child was the victim.

In section 211.038, Missouri law prohibits a child, who is under the jurisdiction of the juvenile court, from being returned to the home of a parent or being placed with the parent who has been found guilty and a child was the victim of this same list of offenses.

This list now includes:

<u>Statute #</u>	<u>Description</u>
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When found guilty of a Felony Violation the following offenses apply:

- | | |
|---------|--|
| 566.030 | Rape in the 1st degree |
| 566.031 | Rape in the 2nd degree |
| 566.032 | Statutory rape 1 st degree |
| 566.060 | Sodomy in the 1 st degree |
| 566.061 | Sodomy in the 2nd degree |
| 566.062 | Statutory sodomy in the first degree |
| 566.064 | Sodomy in the 2nd degree |
| 566.067 | Child molestation in the first degree |
| 566.068 | Child molestation in the 2nd degree |
| 566.069 | Child molestation in the 3rd degree |
| 566.071 | Child molestation in the 4th degree |
| 566.083 | Sexual misconduct involving a child |
| 566.100 | Sexual abuse in the 1st degree |
| 566.101 | Sexual abuse in the 2nd degree |
| 566.111 | Sex with an animal, sexual conduct with an animal. |
| 566.151 | A person 21 years of age or older commits the offense of enticement of a child |
| 566.203 | Abusing an individual through forced labor |
| 566.206 | Trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor |
| 566.209 | Trafficking for the purposes of sexual exploitation |

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566.212 Sexual trafficking of a child in the second degree

566.215 Contributing to human trafficking through the misuse of documentation

When found guilty of any violation the following offenses apply:

568.020 Incest

568.060 Abuse or neglect of a child, (*Applies only when such abuse is sexual in nature*)

568.065 Genital mutilation

568.175; Trafficking in children

573.200 Use of a child in a sexual performance

573.205 Promoting a sexual performance by a child

When found guilty of these offenses, which applied prior to August 28th, 2013.

566.040 Sexual Assault

566.070 Deviate sexual assault

566.090 Sexual misconduct 1st

When found guilty of this offense, which applied prior to August 28th, 2017.

568.080 Child used in sexual performance

568.090 Promoting sexual performance by a child, penalties.

For all other violations of offenses in chapters 566 and 568 not specifically listed in subsection 1 of this section 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, if committed in Missouri, the 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 any such offense. (Sections 210.117.3 and 211.038.3)

If the juvenile court determines that a child has abused another child, such abusing child shall be prohibited from returning to or residing in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends, until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings or children living in the same home. (Sections 210.117.4 and 211.038.4)

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