SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR

SENATE BILL NO. 869

97TH GENERAL ASSEMBLY
2014

AN ACT
To repeal sections 21.771, 37.710, 105.271, 208.631, 208.636, 208.640, 208.643,
334.950, 453.073, and 453.074, RSMo, and to enact in lieu thereof eighteen
new sections relating to children, with an existing penalty provision and an
effective date.

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

Section A. Sections 21.771, 37.710, 105.271, 208.631, 208.636, 208.640,
334.950, 453.073, and 453.074, RSMo, are repealed and eighteen new sections
enacted in lieu thereof, to be known as sections 21.771, 37.710, 105.271, 208.631,
210.211, 211.171, 334.950, 453.073, and 453.074, to read as follows:

21.771. 1. There is established a joint committee of the general assembly
2 to be known as the "Joint Committee on Child Abuse and Neglect" to be composed
3 of seven members of the senate and seven members of the house of
4 representatives. The senate members of the joint committee shall be appointed
5 by the president pro tem and minority floor leader of the senate and the house
6 members shall be appointed by the speaker and minority floor leader of the house
7 of representatives. The appointment of each member shall continue during the
8 member's term of office as a member of the general assembly or until a successor
9 has been appointed to fill the member's place. No party shall be represented by
10 more than four members from the house of representatives nor more than four

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is
intended to be omitted in the law.
members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

(1) Make a continuing study and analysis of the state child abuse and neglect reporting and investigation system;

(2) Devise a plan for improving the structured decision making regarding the removal of a child from a home;

(3) Determine the additional personnel and resources necessary to adequately protect the children of this state and improve their welfare and the welfare of families;

(4) Address the need for additional foster care homes and to improve the quality of care provided to abused and neglected children in the custody of the state;

(5) Determine from its study and analysis the need for changes in statutory law; [and]

(6) Make any other recommendation to the general assembly necessary to provide adequate protections for the children of our state; and

(7) Make recommendations on how to improve abuse and neglect proceedings including examining the role of the judge, children's division, the juvenile officer, the guardian ad litem, and the foster parents.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairperson shall alternate between members of the house and senate every two years after the committee's organization.

4. The committee shall meet at least quarterly. The committee may meet at locations other than Jefferson City when the committee deems it necessary.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted
not later than the fifteenth of January of each year in which the general assembly
convenes in regular session and shall include any recommendations which the
committee may have for legislative action as well as any recommendations for
administrative or procedural changes in the internal management or organization
of state or local government agencies and departments. Copies of the report
containing such recommendations shall be sent to the appropriate directors of
state or local government agencies or departments included in the report.

8. The provisions of this section shall expire on January 15, 2018.

37.710. 1. The office shall have access to the following information:

   (1) The names and physical location of all children in protective services,
treatment, or other programs under the jurisdiction of the children’s division, the
department of mental health, and the juvenile court;
   (2) All written reports of child abuse and neglect; and
   (3) All current records required to be maintained pursuant to chapters 210
and 211.

2. The office shall have the authority:

   (1) To communicate privately by any means possible with any child under
protective services and anyone working with the child, including the family,
relatives, courts, employees of the department of social services and the
department of mental health, and other persons or entities providing treatment
and services;
   (2) To have access, including the right to inspect, copy and subpoena
records held by the clerk of the juvenile or family court, juvenile officers, law
enforcement agencies, institutions, public or private, and other agencies, or
persons with whom a particular child has been either voluntarily or otherwise
placed for care, or has received treatment within this state or in another state;
   (3) To work in conjunction with juvenile officers and guardians ad litem;
   (4) To file any findings or reports of the child advocate regarding the
parent or child with the court, and issue recommendations regarding the
disposition of an investigation, which may be provided to the court and to the
investigating agency;
   (5) To file amicus curiae briefs on behalf of the interests of the parent or
child, or to file such pleadings necessary to intervene on behalf of the
child at the appropriate judicial level using the resources of the office
of the attorney general;
   (6) To initiate meetings with the department of social services, the
department of mental health, the juvenile court, and juvenile officers;

(7) To take whatever steps are appropriate to see that persons are made aware of the services of the child advocate's office, its purpose, and how it can be contacted;

(8) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest;

(9) Subject to appropriation, to establish as needed local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner; and

(10) To mediate between alleged victims of sexual misconduct and school districts or charter schools as provided in subsection 1 of section 160.262.

3. For any information obtained from a state agency or entity under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity providing such information to the office of child advocate. For information obtained directly by the office of child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the children's division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report.

105.271. 1. [An] A foster or adoptive parent who is employed by the state of Missouri, its departments, agencies, or political subdivisions, may use his or her accrued sick leave, annual leave, or the same leave without pay granted to biological parents to take time off for purposes of arranging for the foster or adopted child's placement or caring for the child after placement. The employer shall not penalize an employee for requesting or obtaining time off according to this section.

2. The state of Missouri, its departments, and agencies shall, and political subdivisions may, provide for a leave sharing program to permit its employees to donate annual leave, overtime, or compensatory time to an employee who is arranging for a foster or adopted child's placement or caring for the child after placement, which has caused or
is likely to cause such employee to take leave without pay or to terminate employment. Such donated annual leave, overtime, or compensatory time may be transferable between employees in different departments, agencies, or political subdivisions of the state, with the agreement of the chief administrative officers of such departments, agencies, or political subdivisions.

3. Any donated annual leave, overtime, or compensatory time authorized under this section shall only be used by the recipient employee for purposes of arranging for the foster or adopted child’s placement or caring for the child after placement. Nothing in this section shall be construed as prohibiting a leave sharing program for other purposes.

4. All forms of paid leave available for use by the recipient employee shall be used prior to using donated annual leave, overtime, or compensatory time.

5. All donated annual leave, overtime, or compensatory time shall be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating annual leave, overtime, or compensatory time for purposes of the leave sharing program.

6. For purposes of this section, the phrase “foster or adoptive parent” refers to both those pursuing to foster or adopt a child and those who have a foster or adopted child placed in the home. The phrase “for purposes of arranging for the foster or adopted child’s placement or caring for the child after placement” includes, but is not limited to:

(1) Appointments with state officials, child placing agencies, social workers, health professionals, or attorneys;

(2) Court proceedings;

(3) Required travel;

(4) Training and licensure as a foster parent;

(5) Any periods of time during which foster or adoptive parents are ordered or required by the state, a child placing agency, or by a court to take time off from work to care for the foster or adopted child; or

(6) Any other activities necessary to allow the foster care or adoption to proceed.
7. A stepparent, as defined in section 453.015, who is employed by the state of Missouri, its departments, agencies, or political subdivisions, may use his or her accrued sick leave, annual leave or the same leave without pay granted to biological parents to take time off to care for his or her stepchild. The employer shall not penalize an employee for requesting or obtaining time off according to this section.

[3.] 8. The leave authorized by this section may be requested by the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child.

9. The commissioner of administration may promulgate rules as necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

208.631. 1. Notwithstanding any other provision of law to the contrary, the MO HealthNet division shall establish a program to pay for health care for uninsured children. Coverage pursuant to sections 208.631 to [208.659] 208.658 is subject to appropriation. The provisions of sections 208.631 to [208.569] 208.658, health care for uninsured children, shall be void and of no effect if there are no funds of the United States appropriated by Congress to be provided to the state on the basis of a state plan approved by the federal government under the federal Social Security Act. If funds are appropriated by the United States Congress, the department of social services is authorized to manage the state children's health insurance program (SCHIP) allotment in order to ensure that the state receives maximum federal financial participation. Children in households with incomes up to one hundred fifty percent of the federal poverty level may meet all Title XIX program guidelines as required by the Centers for Medicare and Medicaid Services. Children in households with incomes of one hundred fifty percent to three hundred percent of the federal poverty level shall continue to be eligible as they were and receive services as they did on June 30,
2. For the purposes of sections 208.631 to [208.659] 208.658, "children" are persons up to nineteen years of age. "Uninsured children" are persons up to nineteen years of age who are emancipated and do not have access to affordable employer-subsidized health care insurance or other health care coverage or persons whose parent or guardian have not had access to affordable employer-subsidized health care insurance or other health care coverage for their children [for six months] prior to application, are residents of the state of Missouri, and have parents or guardians who meet the requirements in section 208.636. A child who is eligible for MO HealthNet benefits as authorized in section 208.151 is not uninsured for the purposes of sections 208.631 to [208.659] 208.658.

208.636. Parents and guardians of uninsured children eligible for the program established in sections 208.631 to [208.657] 208.658 shall:

1. Furnish to the department of social services the uninsured child's Social Security number or numbers, if the uninsured child has more than one such number;
2. Cooperate with the department of social services in identifying and providing information to assist the state in pursuing any third-party insurance carrier who may be liable to pay for health care;
3. Cooperate with the department of social services, division of child support enforcement in establishing paternity and in obtaining support payments, including medical support; and
4. Demonstrate upon request their child's participation in wellness programs including immunizations and a periodic physical examination. This subdivision shall not apply to any child whose parent or legal guardian objects in writing to such wellness programs including immunizations and an annual physical examination because of religious beliefs or medical contraindications; and
5. Demonstrate annually that their total net worth does not exceed two hundred fifty thousand dollars in total value.

208.640. 1. Parents and guardians of uninsured children with incomes of more than one hundred fifty but less than three hundred percent of the federal poverty level who do not have access to affordable employer-sponsored health care insurance or other affordable health care coverage may obtain coverage for their children under this section. Health insurance plans that do not cover an eligible child's preexisting condition shall not be considered affordable employer-
sponsored health care insurance or other affordable health care coverage. For the
purposes of sections 208.631 to [208.659] 208.658, "affordable employer-sponsored
health care insurance or other affordable health care coverage" refers to health
insurance requiring a monthly premium of:

(1) Three percent of one hundred fifty percent of the federal poverty level
for a family of three for families with a gross income of more than one hundred
fifty and up to one hundred eighty-five percent of the federal poverty level for a
family of three;

(2) Four percent of one hundred eighty-five percent of the federal poverty
level for a family of three for a family with a gross income of more than one
hundred eighty-five and up to two hundred twenty-five percent of the federal
poverty level;

(3) Five percent of two hundred twenty-five percent of the federal poverty
level for a family of three for a family with a gross income of more than two
hundred twenty-five but less than three hundred percent of the federal poverty
level.

The parents and guardians of eligible uninsured children pursuant to this section
are responsible for a monthly premium as required by annual state appropriation;
provided that the total aggregate cost sharing for a family covered by these
sections shall not exceed five percent of such family's income for the years
involved. No co-payments or other cost sharing is permitted with respect to
benefits for well-baby and well-child care including age-appropriate
immunizations. Cost-sharing provisions for their children under sections 208.631
to [208.659] 208.658 shall not exceed the limits established by 42 U.S.C. Section
1397cc(e). If a child has exceeded the annual coverage limits for all health care
services, the child is not considered insured and does not have access to
affordable health insurance within the meaning of this section.

2. The department of social services shall study the expansion of a
presumptive eligibility process for children for medical assistance benefits.

208.643. 1. The department of social services shall implement policies
establishing a program to pay for health care for uninsured children by rules
promulgated pursuant to chapter 536, either statewide or in certain geographic
areas, subject to obtaining necessary federal approval and appropriation
authority. The rules may provide for a health care services package that includes
all medical services covered by section 208.152, except nonemergency
transportation.
2. Available income shall be determined by the department of social services by rule, which shall comply with federal laws and regulations relating to the state's eligibility to receive federal funds to implement the insurance program established in sections 208.631 to [208.657] 208.658.

208.646. There shall be a thirty-day waiting period after enrollment for uninsured children in families with an income of more than two hundred twenty-five percent of the federal poverty level before the child becomes eligible for insurance under the provisions of sections 208.631 to [208.660] 208.658. If the parent or guardian with an income of more than two hundred twenty-five percent of the federal poverty level fails to meet the co-payment or premium requirements, the child shall not be eligible for coverage under sections 208.631 to [208.660] 208.658 for [six months] ninety days after the department provides notice of such failure to the parent or guardian.

210.027. 1. For child-care providers who receive state or federal funds for providing child-care [services in the home] fee assistance, either by direct payment or through reimbursement to a child-care beneficiary, the department of social services shall:

(1) Establish publicly available website access to provider-specific information about any health and safety licensing or regulatory requirements for the providers, and including dates of inspections, history of violations, and compliance actions taken, as well as the consumer education information required under subdivision (12) of this section;

(2) Establish or designate one hotline for parents to submit complaints about child care providers;

(3) Be authorized to revoke the registration of a registered provider for due cause;

(4) Require providers to be at least eighteen years of age;

(5) Establish minimum requirements for building and physical premises to include:

(a) Compliance with state and local fire, health, and building codes, which shall include the ability to evacuate children in the case of an emergency; and

(b) Emergency preparedness and response planning.

Child care providers shall meet these minimum requirements prior to receiving federal assistance. Where there are no local ordinances or
regulations regarding smoke detectors, the department shall require providers, by rule, to install and maintain an adequate number of smoke detectors in the residence or other building where child care is provided;

[(4)] (6) Require providers to be tested for tuberculosis on the schedule required for employees in licensed facilities;

[(5)] (7) Require providers to notify parents if the provider does not have immediate access to a telephone;

[(6)] (8) Make providers aware of local opportunities for training in first aid and child care;

(9) Promulgate rules and regulations to define pre-service training requirements for child care providers and employees pursuant to applicable federal laws and regulations;

(10) Establish procedures for conducting unscheduled onsite monitoring of child care providers prior to receiving state or federal funds for providing child care services either by direct payment or through reimbursement to a child care beneficiary, and annually thereafter;

(11) Require child care providers who receive assistance under applicable federal laws and regulations to report to the department any serious injuries or death of children occurring in child care; and

(12) With input from statewide stakeholders such as parents, child care providers or administrators, and system advocate group, establish a transparent system of quality indicators appropriate to the provider setting that shall provide parents with a way to differentiate between child care providers available in their communities as required by federal rules. The system shall describe the standards used to assess the quality of child care providers. The system shall indicate whether the provider meets Missouri's registration or licensing standards, is in compliance with applicable health and safety requirements, and the nature of any violations related to registration or licensing requirements. The system shall also indicate if the provider utilizes curricula and if the provider is in compliance with staff educational requirements. Such system of quality indicators established under this subdivision with the input from stakeholders shall be promulgated by rules. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with
and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void. This subdivision shall not be construed as authorizing the operation, establishment, maintenance, or mandating or offering of incentives to participate in a quality rating system under section 161.216.

2. No state agency shall enforce the provisions of this section until October 1, 2015, or six months after the implementation of federal regulations mandating such provisions, whichever is later.

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

(1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;
(2) Promoting the preservation and reunification of children and families consistent with state and federal law;
(3) Providing due process for those accused of child abuse or neglect; and
(4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. The division shall utilize structured decision-making protocols for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the reported risk and injury to the child. The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports.

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes
under chapter 566 if the victim is a child less than eighteen years of age and the
perpetrator is twenty-one years of age or older, section 567.050 if the victim is a
child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050,
568.060, 568.080, or 568.090, section 573.025, 573.035, 573.037, or 573.040, or an
attempt to commit any such crimes. The division shall immediately communicate
all reports that merit investigation to its appropriate local office and any relevant
information as may be contained in the information system. The local division
staff shall determine, through the use of protocols developed by the division,
whether an investigation or the family assessment and services approach should
be used to respond to the allegation. The protocols developed by the division
shall give priority to ensuring the well-being and safety of the child.

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

5. The local office shall contact the appropriate law enforcement agency
immediately upon receipt of a report which division personnel determine merits
an investigation and provide such agency with a detailed description of the report
received. In such cases the local division office shall request the assistance of the
local law enforcement agency in all aspects of the investigation of the
complaint. The appropriate law enforcement agency shall either assist the
division in the investigation or provide the division, within twenty-four hours, an
explanation in writing detailing the reasons why it is unable to assist.

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

1. (a) No person is present in the home at the time of the home visit; and
   (b) The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;

2. The alleged perpetrator will be alerted regarding the attempted visit;

or

3. The family has a history of domestic violence or fleeing the community.

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

7. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct
observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

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

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

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

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

12. For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents,
the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

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

14. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

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

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

(3) Commence an immediate investigation if at any time during the family
assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

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

15. (1) Within [thirty] **forty-five** days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within [thirty] **forty-five** days, unless good cause for the failure to complete the investigation is specifically documented in the information system. **Good cause for failure to complete an investigation shall include**, but not be limited to:

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

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

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

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

(2) If [a child involved in a pending investigation dies] **a child fatality or near-fatality** is involved in a report of abuse or neglect, the
investigation shall remain open until the division's investigation surrounding [the death] such death or near-fatal injury is completed.

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

16. A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

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

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

(1) Nothing in this subsection shall prohibit the introduction of evidence
from independent sources to support the allegations that may have caused a
report to have been made; and
(2) The court may on its own motion, or shall if requested by a party to
the proceeding, make an inquiry not on the record with the children's division to
determine if such a report has been made.
If a report has been made, the court may stay the custody proceeding until the
children's division completes its investigation.
19. In any judicial proceeding involving the custody of a child where the
court determines that the child is in need of services under paragraph (d) of
subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the
child's parent, guardian or custodian shall not be entered into the registry.
20. The children's division is hereby granted the authority to promulgate
rules and regulations pursuant to the provisions of section 207.021 and chapter
536 to carry out the provisions of sections 210.109 to 210.183.
21. Any rule or portion of a rule, as that term is defined in section
536.010, that is created under the authority delegated in this section shall
become effective only if it complies with and is subject to all of the provisions of
chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
nonseverable and if any of the powers vested with the general assembly pursuant
to chapter 536 to review, to delay the effective date or to disapprove and annul
a rule are subsequently held unconstitutional, then the grant of rulemaking
authority and any rule proposed or adopted after August 28, 2000, shall be
invalid and void.
210.152. 1. All identifying information, including telephone reports
reported pursuant to section 210.145, relating to reports of abuse or neglect
received by the division shall be retained by the division and removed from the
records of the division as follows:
(1) For investigation reports contained in the central registry, identifying
information shall be retained by the division;
(2) (a) For investigation reports initiated against a person required to
report pursuant to section 210.115, where insufficient evidence of abuse or neglect
is found by the division and where the division determines the allegation of abuse
or neglect was made maliciously, for purposes of harassment or in retaliation for
the filing of a report by a person required to report, identifying information shall
be expunged by the division within forty-five days from the conclusion of the
investigation;
(b) For investigation reports, where insufficient evidence of abuse or
neglect is found by the division and where the division determines the allegation
of abuse or neglect was made maliciously, for purposes of harassment or in
retaliation for the filing of a report, identifying information shall be expunged by
the division within forty-five days from the conclusion of the investigation;
(c) For investigation reports initiated by a person required to report under
section 210.115, where insufficient evidence of abuse or neglect is found by the
division, identifying information shall be retained for five years from the
conclusion of the investigation. For all other investigation reports where
insufficient evidence of abuse or neglect is found by the division, identifying
information shall be retained for two years from the conclusion of the
investigation. Such reports shall include any exculpatory evidence known by the
division, including exculpatory evidence obtained after the closing of the case. At
the end of such time period, the identifying information shall be removed from
the records of the division and destroyed;
(3) For reports where the division uses the family assessment and services
approach, identifying information shall be retained by the division;
(4) For reports in which the division is unable to locate the child alleged
to have been abused or neglected, identifying information shall be retained for ten
years from the date of the report and then shall be removed from the records of
the division.
2. Within ninety days, or within one hundred twenty days in cases
involving sexual abuse, or until the division's investigation is complete
in cases involving a child fatality or near-fatality, after receipt of a report
of abuse or neglect that is investigated, the alleged perpetrator named in the
report and the parents of the child named in the report, if the alleged perpetrator
is not a parent, shall be notified in writing of any determination made by the
division based on the investigation. The notice shall advise either:
(1) That the division has determined by a probable cause finding prior to
August 28, 2004, or by a preponderance of the evidence after August 28, 2004,
that abuse or neglect exists and that the division shall retain all identifying
information regarding the abuse or neglect; that such information shall remain
confidential and will not be released except to law enforcement agencies,
prosecuting or circuit attorneys, or as provided in section 210.150; that the
alleged perpetrator has sixty days from the date of receipt of the notice to seek
reversal of the division's determination through a review by the child abuse and
neglect review board as provided in subsection 4 of this section; or

(2) That the division has not made a probable cause finding or determined by a preponderance of the evidence that abuse or neglect exists.

3. The children's division may reopen a case for review at the request of the alleged perpetrator, the alleged victim, or the office of the child advocate if new, specific, and credible evidence is obtained that the division's decision was based on fraud or misrepresentation of material facts relevant to the division's decision and there is credible evidence that absent such fraud or misrepresentation the division's decision would have been different. If the alleged victim is under the age of eighteen, the request for review may be made by the alleged victim's parent, legal custodian, or legal guardian. All requests to reopen an investigation for review shall be made within a reasonable time and not more than one year after the children's division made its decision. The division shall not reopen a case for review based on any information which the person requesting the review knew, should have known, or could by the exercise of reasonable care have known before the date of the division's final decision in the case, unless the person requesting the review shows by a preponderance of the evidence that he or she could not have provided such information to the division before the date of the division's final decision in the case. Any person, other than the office of the child advocate, who makes a request to reopen a case for review based on facts which the person knows to be false or misleading or who acts in bad faith or with the intent to harass the alleged victim or perpetrator shall not have immunity from any liability, civil or criminal, for providing the information and requesting that the division reopen the investigation. Any person who makes a request to reopen an investigation based on facts which the person knows to be false shall be guilty of a class A misdemeanor. The children's division shall not reopen an investigation under any circumstances while the case is pending before a court of this state nor when a court has entered a final judgment after de novo judicial review pursuant to this section.

4. Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts of the investigation are pending, the request for review shall be made within sixty
5. In any such action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination was supported by evidence of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys and those persons providing testimony on behalf of the parties.

6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County. The case may be assigned to the family court division where such a division has been established. The request for a judicial review shall be made within sixty days of notification of the decision of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

7. In any such action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested.

210.160. 1. In every case involving an abused or neglected child which results in a judicial proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

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

(2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent, and whose child is the subject of proceedings under sections 210.110 to 210.165, sections 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170.
2. The judge, either sua sponte or upon motion of a party, may appoint a guardian ad litem to appear for and represent an abused or neglected child involved in proceedings arising under subsection 6 of section 210.152.

[2.] 3. The guardian ad litem shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child's family members or placements of the child, and upon appointment by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Employees of the division, officers of the court, and employees of any agency involved shall fully inform the guardian ad litem of all aspects of the case of which they have knowledge or belief.

[3.] 4. The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and appoint another. The appointing judge shall have the authority to examine the general and criminal background of persons appointed as guardians ad litem, including utilization of the family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are appointed to represent. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

[4.] 5. The guardian ad litem may be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. However, no fees as a judgment shall be taxed against a party or parties who have not been found to have abused or neglected a child or children. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513.

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

[6.] 7. Any person appointed to perform guardian ad litem duties shall have completed a training program in permanency planning and shall advocate for timely court hearings whenever possible to attain permanency for a child as expeditiously as possible to reduce the effects that prolonged foster care may have on a child. A nonattorney volunteer advocate shall have access to a court appointed attorney guardian ad litem should the circumstances of the particular case so require.

210.183. 1. At the time of the initial investigation of a report of child abuse or neglect, the division employee conducting the investigation shall provide the alleged perpetrator with a written description of the investigation process. Such written notice shall be given substantially in the following form:

"The investigation is being undertaken by the Children's Division pursuant to the requirements of chapter 210 of the Revised Missouri Statutes in response to a report of child abuse or neglect. The identity of the person who reported the incident of abuse or neglect is confidential and may not even be known to the Division since the report could have been made anonymously.

This investigation is required by law to be conducted in order to enable the Children's Division to identify incidents of abuse or neglect in order to provide protective or preventive social services to families who are in need of such services.

The division shall make every reasonable attempt to complete the investigation within thirty days, except if a child involved in the pending investigation dies the investigation shall remain open until the division's investigation surrounding the death is completed. forty-five days, except for good cause which shall be documented, otherwise, within ninety days, or one hundred and twenty days after receipt of a report of abuse or
neglect involving sexual abuse, or when the division's investigation is complete in cases involving a child fatality or near-fatality, you will receive a letter from the Division which will inform you of one of the following:

1. That the Division has found insufficient evidence of abuse or neglect;
2. That there appears to be by a preponderance of the evidence reason to suspect the existence of child abuse or neglect in the judgment of the Division and that the Division will contact the family to offer social services.

If the Division finds by a preponderance of the evidence reason to believe child abuse or neglect has occurred or the case is substantiated by court adjudication, a record of the report and information gathered during the investigation will remain on file with the Division.

If you disagree with the determination of the Division and feel that there is insufficient reason to believe by a preponderance of the evidence that abuse or neglect has occurred, you have a right to request an administrative review at which time you may hire an attorney to represent you. If you request an administrative review on the issue, you will be notified of the date and time of your administrative review hearing by the child abuse and neglect review board. If the Division's decision is reversed by the child abuse and neglect review board, the Division records concerning the report and investigation will be updated to reflect such finding. If the child abuse and neglect review board upholds the Division's decision, an appeal may be filed in circuit court within sixty days of the child abuse and neglect review board's decision."

2. If the division uses the family assessment approach, the division shall at the time of the initial contact provide the parent of the child with the following information:

1. The purpose of the contact with the family;
2. The name of the person responding and his or her office telephone number;
3. The assessment process to be followed during the division's intervention with the family including the possible services available and expectations of the family.

210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health
and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or adoption to such person within the third degree shall not be considered in the total number of children being cared for;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;

(3) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(4) Any graded boarding school, summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;

(5) Any child-care facility maintained or operated under the exclusive control of a religious organization. When a nonreligious organization, having as its principal purpose the provision of child-care services, enters into an arrangement with a religious organization for the maintenance or operation of a child-care facility, the facility is not under the exclusive control of the religious organization;

(6) Any residential facility or day program licensed by the department of mental health pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005; and

(7) Any nursery school.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of this section.
3. Any child care facility not exempt from licensure shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed.

4. Any in-home licensed child care facility that is organized as a corporation, association, firm, partnership, proprietorship, limited liability company, or any other type of business entity in this state shall qualify for the exemption for related children for children who are related to the member of the corporation, association, firm, partnership, proprietorship, limited liability company, or other type of business entity who is responsible for the daily operation of the child care facility and who meets the requirements of the child care provider. If more than one member of the corporation, association, firm, partnership, proprietorship, limited liability company, or other type of business entity is responsible for the daily operation of the child care facility, the exemption for related children shall only be granted for children who are related to one of the members. All child care facilities under this subsection shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. A parent or guardian shall sign a written notice indicating he or she is aware of the licensure status of the facility. The facility shall keep a copy of this signed written notice on file. All child care facilities shall provide the parent or guardian enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies of the child care facility.

211.171. 1. The procedure to be followed at the hearing shall be determined by the juvenile court judge and may be as formal or informal as he or she considers desirable, consistent with constitutional and statutory requirements. The judge may take testimony and inquire into the habits, surroundings, conditions and tendencies of the child and the family to enable the court to render such order or judgment as will best promote the welfare of the child and carry out the objectives of this chapter.

2. The hearing may, in the discretion of the court, proceed in the absence of the child and may be adjourned from time to time.

3. The current foster parents of a child, or any preadoptive parent or
relative currently providing care for the child, shall be provided with notice of, and an opportunity to be heard in, any hearing to be held with respect to the child, **and a foster parent shall have standing to participate in all court hearings pertaining to a child in their care.** [This subsection shall not be construed to require that any such foster parent, preadoptive parent or relative providing care for a child be made a party to the case solely on the basis of such notice and opportunity to be heard.]

4. All cases of children shall be heard separately from the trial of cases against adults.

5. Stenographic notes or an authorized recording of the hearing shall be required if the court so orders or, if requested by any party interested in the proceeding.

6. The general public shall be excluded and only such persons admitted as have a direct interest in the case or in the work of the court except in cases where the child is accused of conduct which, if committed by an adult, would be considered a class A or B felony; or for conduct which would be considered a class C felony, if the child has previously been formally adjudicated for the commission of two or more unrelated acts which would have been class A, B or C felonies, if committed by an adult.

7. The practice and procedure customary in proceedings in equity shall govern all proceedings in the juvenile court; except that, the court shall not grant a continuance in such proceedings absent compelling extenuating circumstances, and in such cases, the court shall make written findings on the record detailing the specific reasons for granting a continuance.

8. The court shall allow the victim of any offense to submit a written statement to the court. The court shall allow the victim to appear before the court personally or by counsel for the purpose of making a statement, unless the court finds that the presence of the victim would not serve justice. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the child.

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

(1) "Child abuse medical resource centers", medical institutions affiliated with accredited children's hospitals or recognized institutions of higher education with accredited medical school programs that provide training, support,
mentoring, and peer review to SAFE CARE providers in Missouri;

(2) "SAFE CARE provider", a physician, advanced practice nurse, or
physician's assistant licensed in this state who provides medical diagnosis and
treatment to children suspected of being victims of abuse and who receives:

(a) Missouri-based initial intensive training regarding child maltreatment
from the SAFE CARE network;

(b) Ongoing update training on child maltreatment from the SAFE CARE
network;

(c) Peer review and new provider mentoring regarding the forensic
evaluation of children suspected of being victims of abuse from the SAFE CARE
network;

(3) "Sexual assault forensic examination child abuse resource education
network" or "SAFE CARE network", a network of SAFE CARE providers and
child abuse medical resource centers that collaborate to provide forensic
evaluations, medical training, support, mentoring, and peer review for SAFE
CARE providers for the medical evaluation of child abuse victims in this state to
improve outcomes for children who are victims of or at risk for child
maltreatment by enhancing the skills and role of the medical provider in a
multidisciplinary context.

2. Child abuse medical resource centers may collaborate directly or
through the use of technology with SAFE CARE providers to promote improved
services to children who are suspected victims of abuse that will need to have a
forensic medical evaluation conducted by providing specialized training for
forensic medical evaluations for children conducted in a hospital, child advocacy
center, or by a private health care professional without the need for a
collaborative agreement between the child abuse medical resource center and a
SAFE CARE provider.

3. SAFE CARE providers who are a part of the SAFE CARE network in
Missouri may collaborate directly or through the use of technology with other
SAFE CARE providers and child abuse medical resource centers to promote
improved services to children who are suspected victims of abuse that will need
to have a forensic medical evaluation conducted by providing specialized training
for forensic medical evaluations for children conducted in a hospital, child
advocacy center, or by a private health care professional without the need for a
collaborative agreement between the child abuse medical resource center and a
SAFE CARE provider.
4. The SAFE CARE network shall develop recommendations concerning medically based screening processes and forensic evidence collection for children who may be in need of an emergency examination following an alleged sexual assault. Such recommendations shall be provided to the SAFE CARE providers, child advocacy centers, hospitals and licensed practitioners that provide emergency examinations for children suspected of being victims of abuse.

5. The department of public safety shall establish rules and make payments to SAFE CARE providers, out of appropriations made for that purpose, who provide forensic examinations of persons under eighteen years of age who are alleged victims of physical abuse.

6. The department shall establish maximum reimbursement rates for charges submitted under this section, which shall reflect the reasonable cost of providing the forensic exam.

7. The department shall only reimburse providers for forensic evaluations and case reviews. The department shall not reimburse providers for medical procedures, facility fees, supplies or laboratory/radiology tests.

8. In order for the department to provide reimbursement, the child shall be the subject of a child abuse investigation or reported to the children’s division as a result of the examination.

9. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of the individual's status as a minor, and the consent of a parent or guardian of the minor is not required for such examination.

453.073. 1. The children's division is authorized to grant a subsidy to a child in one of the forms of allotment defined in section 453.065. Determination of the amount of monetary need is to be made by the division at the time of placement, if practicable, and in reference to the needs of the child, including consideration of the physical and mental condition, and age of the child in each case; provided, however, that the subsidy amount shall not exceed the expenses of foster care and medical care for foster children paid under the homeless, dependent and neglected foster care program.

2. Beginning January 1, 2015, subsidy agreements entered into under this section shall include a provision allowing for the suspension or redirection of subsidy payments in the event that the child has been:

   (1) Adjudicated dependent and made a ward of the court under
subdivision (1) of subsection 1 of section 211.031; and

(2) Removed from the physical or legal custody of the parent or parents by a court of competent jurisdiction.

3. The subsidy shall be paid for children who have been in the care and custody of the children's division under the homeless, dependent and neglected foster care program. In the case of a child who has been in the care and custody of a private child-caring or child-placing agency or in the care and custody of the division of youth services or the department of mental health, a subsidy shall be available from the children's division subsidy program in the same manner and under the same circumstances and conditions as provided for a child who has been in the care and custody of the children's division.

[3.] 4. Within thirty days after the authorization for the grant of a subsidy by the children's division, a written agreement shall be entered into by the division and the parents. The agreement shall set forth the following terms and conditions:

(1) The type of allotment;

(2) The amount of assistance payments;

(3) The services to be provided;

(4) The time period for which the subsidy is granted, if such period is reasonably ascertainable;

(5) The obligation of the parents to inform the division when they are no longer providing support to the child or when events affect the subsidy eligibility of the child;

(6) The eligibility of the child for Medicaid; and

(7) That the children's division may suspend or redirect subsidy payments under subsection 2 of this section.

453.074. 1. The children's division of family services shall have the following duties in the administration of the subsidy program:

(1) Notify all petitioners for adoption of the availability of subsidies for a child;

(2) Provide all petitioners for adoption with the rules and eligibility requirements for subsidies;

(3) Inform the parents of a child receiving a subsidy of reductions, suspensions, or redirections under subsection 2 of section 453.073, or other modifications in the terms and conditions of the written agreement;

(4) Establish procedures for the resolution of disputes involving the delay,
11 denial, **suspensions, or redirections under subsection 2 of section 453.073**, amount or type of subsidy;

13 (5) File an annual report to the legislature in the budget proposal on the adoption subsidy program, including but not limited to, the number and types of subsidies being paid, an accounting of state and federal funds expended, and a projection of future monetary needs to maintain the subsidy program;

17 (6) Comply with all federal laws relating to adoption subsidies in order to maintain the eligibility of the state of Missouri for federal funds.

2. The provisions of this section shall not apply to the adoption of a child by the spouse of a biological parent or an adoptive parent.

Section B. The repeal and reenactment of section 210.027 shall become effective upon the department of health and senior services providing notice to the revisor of statutes that the implementation of federal regulations mandating such provisions has occurred.