

SECOND REGULAR SESSION

# SENATE BILL NO. 1106

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time February 7, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4641S.011

## AN ACT

To repeal sections 210.109, 210.110, 210.135, 210.145, 210.150, 210.152, 210.153, 210.183, and 210.903, RSMo, and to enact in lieu thereof nine new sections relating to child abuse and neglect, with penalty provisions.

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

Section A. Sections 210.109, 210.110, 210.135, 210.145, 210.150, 210.152, 210.153, 210.183, and 210.903, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 210.109, 210.110, 210.135, 210.145, 210.150, 210.152, 210.153, 210.183, and 210.903, to read as follows:

210.109. 1. The children's division shall establish a child protection system for the entire state.

2. The child protection system shall promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments and providing services in response to reports of child abuse or neglect. The system shall coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

3. In addition to any duties specified in section 210.145, in implementing the child protection system, the division shall:

(1) Maintain a central registry;

(2) Receive reports and establish and maintain an information system operating at all times, capable of receiving and maintaining reports;

(3) Attempt to obtain the name and address of any person making a report in all cases, after obtaining relevant information regarding the alleged abuse or neglect, although reports may be made anonymously; except that, reports by

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

17 mandatory reporters under section 210.115, including employees of the children's  
18 division, juvenile officers, and school personnel shall not be made anonymously,  
19 provided that the reporter shall be informed, at the time of the report, that the  
20 reporter's name and any other personally identifiable information shall be held  
21 as confidential and shall not be made public as provided under this section and  
22 section 211.319, RSMo;

23 (4) Upon receipt of a report, check with the information system to  
24 determine whether previous reports have been made regarding actual or  
25 suspected abuse or neglect of the subject child, of any siblings, and the  
26 perpetrator, and relevant dispositional information regarding such previous  
27 reports;

28 (5) Provide protective or preventive services to the family and child and  
29 to others in the home to prevent abuse or neglect, to safeguard their health and  
30 welfare, and to help preserve and stabilize the family whenever possible. The  
31 juvenile court shall cooperate with the division in providing such services;

32 (6) Collaborate with the community to identify comprehensive local  
33 services and assure access to those services for children and families where there  
34 is risk of abuse or neglect;

35 (7) Maintain a record which contains the facts ascertained which support  
36 the determination as well as the facts that do not support the determination;

37 (8) Whenever available and appropriate, contract for the provision of  
38 children's services through children's services providers and agencies in the  
39 community; except that the state shall be the sole provider of child abuse and  
40 neglect hotline services, the initial child abuse and neglect investigation, and the  
41 initial family assessment. The division shall attempt to seek input from child  
42 welfare service providers in completing the initial family assessment. In all legal  
43 proceedings involving children in the custody of the division, the division shall  
44 be represented in court by either division personnel or persons with whom the  
45 division contracts with for such legal representation. All children's services  
46 providers and agencies shall be subject to criminal background checks pursuant  
47 to chapter 43, RSMo, and shall submit names of all employees to the family care  
48 safety registry;

49 **(9) Maintain a criminal charges pending list and shall display**  
50 **prominently in the central registry the fact that such a list exists, how**  
51 **to access the list, and the definition of the list as contained in section**  
52 **210.110. It shall also prominently display at the same location on the**

53 **central registry and at the top of the criminal charges pending list the**  
54 **following language: "All persons charged are presumed innocent until**  
55 **found guilty in a court of law. The persons whose names appear on this**  
56 **list have NOT been found guilty in a court of law and are, therefore,**  
57 **presumed innocent." When the division learns that any person whose**  
58 **name is on the list has been acquitted, that person's name shall be**  
59 **removed immediately from the list.**

60 As used in this subsection, "report" includes any telephone call made pursuant  
61 to section 210.145.

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to  
2 210.183, the following terms mean:

3 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse  
4 inflicted on a child other than by accidental means by those responsible for the  
5 child's care, custody, and control, except that discipline including spanking,  
6 administered in a reasonable manner, shall not be construed to be abuse;

7 (2) "Assessment and treatment services for children under ten years old",  
8 an approach to be developed by the children's division which will recognize and  
9 treat the specific needs of at-risk and abused or neglected children under the age  
10 of ten. The developmental and medical assessment may be a broad physical,  
11 developmental, and mental health screening to be completed within thirty days  
12 of a child's entry into custody and every six months thereafter as long as the child  
13 remains in care. Screenings may be offered at a centralized location and include,  
14 at a minimum, the following:

15 (a) Complete physical to be performed by a pediatrician familiar with the  
16 effects of abuse and neglect on young children;

17 (b) Developmental, behavioral, and emotional screening in addition to  
18 early periodic screening, diagnosis, and treatment services, including a core set  
19 of standardized and recognized instruments as well as interviews with the child  
20 and appropriate caregivers. The screening battery may be performed by a  
21 licensed mental health professional familiar with the effects of abuse and neglect  
22 on young children, who will then serve as the liaison between all service  
23 providers in ensuring that needed services are provided. Such treatment services  
24 may include in-home services, out-of-home placement, intensive twenty-four-hour  
25 treatment services, family counseling, parenting training and other best practices.  
26 Children whose screenings indicate an area of concern may complete a  
27 comprehensive, in-depth health, psychodiagnostic, or developmental assessment

28 within sixty days of entry into custody;

29 (3) "Central registry", a registry of persons where the [division has found  
30 probable cause to believe prior to August 28, 2004, or by a preponderance of the  
31 evidence after August 28, 2004,] **child abuse and neglect review board has  
32 made a final determination by a preponderance of the evidence or the  
33 children's division has made a preliminary finding of abuse or neglect  
34 and the accused has not appealed that finding on the basis of a claim  
35 of a due process violation following the procedures set forth in section  
36 210.152**, or a court has substantiated through court adjudication that the  
37 individual has committed child abuse or neglect or the person has pled guilty or  
38 has been found guilty of a crime pursuant to section 565.020, 565.021, 565.023,  
39 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age,  
40 section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years  
41 of age, or other crime pursuant to chapter 566, RSMo, if the victim is a child less  
42 than eighteen years of age and the perpetrator is twenty-one years of age or older,  
43 section 567.050, RSMo, if the victim is a child less than eighteen years of age,  
44 section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo,  
45 section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes. Any  
46 persons placed on the registry prior to August 28, 2004, shall remain on the  
47 registry for the duration of time required by section 210.152;

48 (4) "Child", any person, regardless of physical or mental condition, under  
49 eighteen years of age;

50 (5) "Children's services providers and agencies", any public, quasi-public,  
51 or private entity with the appropriate and relevant training and expertise in  
52 delivering services to children and their families as determined by the children's  
53 division, and capable of providing direct services and other family services for  
54 children in the custody of the children's division or any such entities or agencies  
55 that are receiving state moneys for such services;

56 (6) "**Criminal charges pending list**", a list of persons who have  
57 **pending, unresolved charges of criminal abuse, neglect, sexual assault,  
58 rape, assault, or murder. The division shall develop a process by which  
59 the division obtains the names of such persons from the prosecuting  
60 attorney's or circuit attorney's office;**

61 (7) "Director", the director of the Missouri children's division within the  
62 department of social services;

63 [(7)] (8) "Division", the Missouri children's division within the

64 department of social services;

65       [(8)] (9) "Family assessment and services", an approach to be developed  
66 by the children's division which will provide for a prompt assessment of a child  
67 who has been reported to the division as a victim of abuse or neglect by a person  
68 responsible for that child's care, custody or control and of that child's family,  
69 including risk of abuse and neglect and, if necessary, the provision of  
70 community-based services to reduce the risk and support the family;

71       [(9)] (10) "Family support team meeting" or "team meeting", a meeting  
72 convened by the division or children's services provider in behalf of the family  
73 and/or child for the purpose of determining service and treatment needs,  
74 determining the need for placement and developing a plan for reunification or  
75 other permanency options, determining the appropriate placement of the child,  
76 evaluating case progress, and establishing and revising the case plan;

77       [(10)] (11) "Investigation", the collection of physical and verbal evidence  
78 to determine if a child has been abused or neglected;

79       [(11)] (12) "Jail or detention center personnel", employees and volunteers  
80 working in any premises or institution where incarceration, evaluation, care,  
81 treatment or rehabilitation is provided to persons who are being held under  
82 custody of the law;

83       [(12)] (13) "Neglect", failure to provide, by those responsible for the care,  
84 custody, and control of the child, the proper or necessary support, education as  
85 required by law, nutrition or medical, surgical, or any other care necessary for the  
86 child's well-being;

87       [(13)] (14) "Preponderance of the evidence", that degree of evidence that  
88 is of greater weight or more convincing than the evidence which is offered in  
89 opposition to it or evidence which as a whole shows the fact to be proved to be  
90 more probable than not;

91       [(14)] (15) "Probable cause", available facts when viewed in the light of  
92 surrounding circumstances which would cause a reasonable person to believe a  
93 child was abused or neglected;

94       [(15)] (16) "Report", the communication of an allegation of child abuse  
95 or neglect to the division pursuant to section 210.115;

96       [(16)] (17) "Those responsible for the care, custody, and control of the  
97 child", those included but not limited to the parents or guardian of a child, other  
98 members of the child's household, or those exercising supervision over a child for  
99 any part of a twenty-four-hour day. Those responsible for the care, custody and

100 control shall also include any adult who, based on relationship to the parents of  
101 the child, members of the child's household or the family, has access to the child.

210.135. Any person, official, or institution complying with the provisions  
2 of sections 210.110 to 210.165 in the making of a report, the taking of color  
3 photographs, or the making of radiologic examinations pursuant to sections  
4 210.110 to 210.165, or both such taking of color photographs and making of  
5 radiologic examinations, or the removal or retaining a child pursuant to sections  
6 210.110 to 210.165, or in cooperating with the division, or any other law  
7 enforcement agency, juvenile office, court, or child-protective service agency of  
8 this or any other state, in any of the activities pursuant to sections 210.110 to  
9 210.165, or any other allegation of child abuse, neglect or assault, pursuant to  
10 sections 568.045 to 568.060, RSMo, shall have immunity from any liability, civil  
11 or criminal, that otherwise might result by reason of such actions. Provided,  
12 however, **that any person, official or institution intentionally filing a false report**  
13 **or intentionally providing false information in a report, or acting in bad**  
14 **faith, or with ill intent, shall not have immunity from any liability, civil or**  
15 **criminal. Any such person, official, or institution shall have the same immunity**  
16 **subject to the same exceptions** with respect to participation in any judicial  
17 proceeding resulting from the report. **In any civil action brought against a**  
18 **person or institution for a false report, there shall be a rebuttable**  
19 **presumption that a false report of child abuse causes damage or injury**  
20 **to the reputation of the individual or institution against whom the**  
21 **report is made. In addition to any civil damages awarded, a prevailing**  
22 **plaintiff may obtain the reasonable costs of attorney's fees and costs**  
23 **expended defending the false charges in any administrative proceeding**  
24 **or judicial review proceeding.**

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

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

11 services, and other relevant information.

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

19           3. Upon receipt of a report, the division shall determine if the report  
20 merits investigation, including reports which if true would constitute a suspected  
21 violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or  
22 565.050, RSMo, if the victim is a child less than eighteen years of age, section  
23 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age,  
24 or other crimes under chapter 566, RSMo, if the victim is a child less than  
25 eighteen years of age and the perpetrator is twenty-one years of age or older,  
26 section 567.050, RSMo, if the victim is a child less than eighteen years of age,  
27 section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo,  
28 section 573.025, 573.035, 573.037, or 573.040, RSMo, or an attempt to commit any  
29 such crimes. The division shall immediately communicate all reports that merit  
30 investigation to its appropriate local office and any relevant information as may  
31 be contained in the information system. The local division staff shall determine,  
32 through the use of protocols developed by the division, whether an investigation  
33 or the family assessment and services approach should be used to respond to the  
34 allegation. The protocols developed by the division shall give priority to ensuring  
35 the well-being and safety of the child.

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

44           5. The local office of the division shall cause an investigation or family  
45 assessment and services approach to be initiated in accordance with the protocols  
46 established in subsection 2 of this section, except in cases where the sole basis for

47 the report is educational neglect. If the report indicates that educational neglect  
48 is the only complaint and there is no suspicion of other neglect or abuse, the  
49 investigation shall be initiated within seventy-two hours of receipt of the report.  
50 If the report indicates the child is in danger of serious physical harm or threat  
51 to life, an investigation shall include direct observation of the subject child within  
52 twenty-four hours of the receipt of the report. Local law enforcement shall take  
53 all necessary steps to facilitate such direct observation. If the parents of the  
54 child are not the alleged abusers, a parent of the child must be notified prior to  
55 the child being interviewed by the division. If the abuse is alleged to have  
56 occurred in a school or child-care facility the division shall not meet with the  
57 child in any school building or child-care facility building where abuse of such  
58 child is alleged to have occurred. When the child is reported absent from the  
59 residence, the location and the well-being of the child shall be verified. For  
60 purposes of this subsection, child-care facility shall have the same meaning as  
61 such term is defined in section 210.201.

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

78           7. The investigation shall include but not be limited to the nature, extent,  
79 and cause of the abuse or neglect; the identity and age of the person responsible  
80 for the abuse or neglect; the names and conditions of other children in the home,  
81 if any; the home environment and the relationship of the subject child to the  
82 parents or other persons responsible for the child's care; any indication of



83 incidents of physical violence against any other household or family member; and  
84 other pertinent data.

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

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

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

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

115           12. If the appropriate local division personnel determine after an  
116 investigation has begun that completing an investigation is not appropriate, the  
117 division shall conduct a family assessment and services approach. The division  
118 shall provide written notification to local law enforcement prior to terminating

119 any investigative process. The reason for the termination of the investigative  
120 process shall be documented in the record of the division and the written  
121 notification submitted to local law enforcement. Such notification shall not  
122 preclude nor prevent any investigation by law enforcement.

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

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

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

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

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

145           14. [Within thirty days of an oral report of abuse or neglect, the local  
146 office shall update the information in the information system. The information  
147 system shall contain, at a minimum, the determination made by the division as  
148 a result of the investigation, identifying information on the subjects of the report,  
149 those responsible for the care of the subject child and other relevant dispositional  
150 information. The division shall complete all investigations within thirty days,  
151 unless good cause for the failure to complete the investigation is documented in  
152 the information system. If a child involved in a pending investigation dies, the  
153 investigation shall remain open until the division's investigation surrounding the  
154 death is completed. If the investigation is not completed within thirty days, the

155 information system shall be updated at regular intervals and upon the completion  
156 of the investigation. The information in the information system shall be updated  
157 to reflect any subsequent findings, including any changes to the findings based  
158 on an administrative or judicial hearing on the matter.] **The division shall**  
159 **complete all investigations within thirty days. If the investigation is**  
160 **not completed in thirty days, the division shall promptly notify all**  
161 **parties to the investigation of its proposed extension and give reasons**  
162 **why the extension is necessary. Any party may object to the extension**  
163 **by filing an objection with the child abuse and neglect review board,**  
164 **which shall rule on the objection within seven days, and shall grant the**  
165 **extension only if it finds good cause to do so. If the extension is**  
166 **granted, the board shall set a new deadline for completion of the**  
167 **investigation which may only be extended by the division applying in**  
168 **writing with written notice to all parties, before the deadline expires,**  
169 **for its further extension for good cause shown. Should the extension**  
170 **not be granted, then the investigation will be deemed completed on the**  
171 **date the board denies the extension. Following the investigation, the**  
172 **division shall make a preliminary determination by a preponderance**  
173 **of the evidence as to whether abuse or neglect has likely occurred, and**  
174 **follow the procedures outlined in section 210.152. No determination of**  
175 **the division shall be entered in the central registry until:**

176       **(1) The alleged perpetrator fails to request review by the child**  
177 **abuse and neglect review board or trial de novo in the circuit court**  
178 **within the thirty-day period provided in subsection 3 of section 210.152;**  
179 **or**

180       **(2) A determination is made by the child abuse and neglect**  
181 **review board that abuse or neglect exists, subject to subdivisions (2)**  
182 **and (3) of subsection 5 of section 210.152.**

183       15. A person required to report under section 210.115 to the division and  
184 any person making a report of child abuse or neglect made to the division which  
185 is not made anonymously shall be informed by the division of his or her right to  
186 obtain information concerning the disposition of his or her report. Such person  
187 shall receive, from the local office, if requested, information on the general  
188 disposition of his or her report. Such person may receive, if requested, findings  
189 and information concerning the case. Such release of information shall be at the  
190 discretion of the director based upon a review of the reporter's ability to assist in  
191 protecting the child or the potential harm to the child or other children within the

192 family. The local office shall respond to the request within forty-five days. The  
193 findings shall be made available to the reporter within five days of the outcome  
194 of the investigation. If the report is determined to be unsubstantiated, the  
195 reporter may request that the report be referred by the division to the office of  
196 child advocate for children's protection and services established in sections 37.700  
197 to 37.730, RSMo. Upon request by a reporter under this subsection, the division  
198 shall refer an unsubstantiated report of child abuse or neglect to the office of  
199 child advocate for children's protection and services.

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

203           (1) Nothing in this subsection shall prohibit the introduction of evidence  
204 from independent sources to support the allegations that may have caused a  
205 report to have been made; and

206           (2) The court may on its own motion, or shall if requested by a party to  
207 the proceeding, make an inquiry not on the record with the children's division to  
208 determine if such a report has been made. If a report has been made, the court  
209 may stay the custody proceeding until the children's division completes its  
210 investigation.

211           17. In any judicial proceeding involving the custody of a child where the  
212 court determines that the child is in need of services pursuant to subdivision (d)  
213 of subsection 1 of section 211.031, RSMo, and has taken jurisdiction, the child's  
214 parent, guardian or custodian shall not be entered into the registry.

215           18. The children's division is hereby granted the authority to promulgate  
216 rules and regulations pursuant to the provisions of section 207.021, RSMo, and  
217 chapter 536, RSMo, to carry out the provisions of sections 210.109 to 210.183.

218           19. Any rule or portion of a rule, as that term is defined in section  
219 536.010, RSMo, that is created under the authority delegated in this section shall  
220 become effective only if it complies with and is subject to all of the provisions of  
221 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and  
222 chapter 536, RSMo, are nonseverable and if any of the powers vested with the  
223 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective  
224 date or to disapprove and annul a rule are subsequently held unconstitutional,  
225 then the grant of rulemaking authority and any rule proposed or adopted after  
226 August 28, 2000, shall be invalid and void.

210.150. 1. The children's division shall ensure the confidentiality of all

2 reports and records made pursuant to sections 210.109 to 210.183 and maintained  
3 by the division, its local offices, the central registry, and other appropriate  
4 persons, officials, and institutions pursuant to sections 210.109 to 210.183. To  
5 protect the rights of the family and the child named in the report as a victim **and**  
6 **the due process rights of the alleged perpetrator**, the children's division  
7 shall establish guidelines which will ensure that any disclosure of information  
8 concerning the abuse and neglect involving that child is made only to persons or  
9 agencies that have a right to such information. The division may require persons  
10 to make written requests for access to records maintained by the division. **Under**  
11 **no circumstances shall any information regarding an investigation be**  
12 **released to any persons, including but not limited to those persons**  
13 **listed in subsection 2 of this section, other than treating physicians,**  
14 **nurses, and hospitals for the sole purpose of providing medical**  
15 **treatment to the alleged victim and employees of the division, law**  
16 **enforcement agencies, or the juvenile offices who are participating in**  
17 **an investigation described in section 210.145, until either:**

18 (1) **The alleged perpetrator fails to request review by the child**  
19 **abuse and neglect review board or trial de novo in the circuit court**  
20 **within the thirty-day period provided under subsection 3 of section**  
21 **210.152; or**

22 (2) **A determination is made by the child abuse and neglect**  
23 **review board that abuse or neglect exists, subject to subdivisions (2)**  
24 **and (3) of subsection 5 of section 210.152.**

25 **Once permitted to release information under this subsection**, the division  
26 shall only release information to persons who have a right to such  
27 information. The division shall notify persons receiving information pursuant to  
28 subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for  
29 which the information is released and of the penalties for unauthorized  
30 dissemination of information. Such information shall be used only for the  
31 purpose for which the information is released.

32 2. Only the following persons shall have access to investigation records  
33 contained in the central registry:

34 (1) Appropriate federal, state or local criminal justice agency personnel,  
35 or any agent of such entity, with a need for such information under the law to  
36 protect children from abuse or neglect;

37 (2) A physician or a designated agent who reasonably believes that the

38 child being examined may be abused or neglected;

39 (3) Appropriate staff of the division and of its local offices, including  
40 interdisciplinary teams which are formed to assist the division in investigation,  
41 evaluation and treatment of child abuse and neglect cases or a multidisciplinary  
42 provider of professional treatment services for a child referred to the provider;

43 (4) Any child named in the report as a victim, or a legal representative,  
44 or the parent, if not the alleged perpetrator, or guardian of such person when  
45 such person is a minor, or is mentally ill or otherwise incompetent, but the names  
46 of reporters shall not be furnished to persons in this category. Prior to the  
47 release of any identifying information, the division shall determine if the release  
48 of such identifying information may place a person's life or safety in danger. If  
49 the division makes the determination that a person's life or safety may be in  
50 danger, the identifying information shall not be released. The division shall  
51 provide a method for confirming or certifying that a designee is acting on behalf  
52 of a subject;

53 (5) Any alleged perpetrator named in the report, but the names of  
54 reporters shall not be furnished to persons in this category. Prior to the release  
55 of any identifying information, the division shall determine if the release of such  
56 identifying information may place a person's life or safety in danger. If the  
57 division makes the determination that a person's life or safety may be in danger,  
58 the identifying information shall not be released. However, the investigation  
59 reports will not be released to any alleged perpetrator with pending criminal  
60 charges arising out of the facts and circumstances named in the investigation  
61 records until an indictment is returned or an information filed;

62 (6) A grand jury, juvenile officer, prosecuting attorney, law enforcement  
63 officer involved in the investigation of child abuse or neglect, juvenile court or  
64 other court conducting abuse or neglect or child protective proceedings or child  
65 custody proceedings, and other federal, state and local government entities, or  
66 any agent of such entity, with a need for such information in order to carry out  
67 its responsibilities under the law to protect children from abuse or neglect;

68 (7) Any person engaged in a bona fide research purpose, with the  
69 permission of the director; provided, however, that no information identifying the  
70 child named in the report as a victim [or], the reporters, **the alleged**  
71 **perpetrators, or witnesses** shall be made available to the researcher, unless  
72 the identifying information is essential to the research or evaluation and the child  
73 named in the report as a victim, if the child is less than eighteen years of age,

74 through the child's parent, or guardian provides written permission;

75 (8) Any child-care facility; child-placing agency; residential-care facility,  
76 including group homes; juvenile courts; public or private elementary schools;  
77 public or private secondary schools; or any other public or private agency  
78 exercising temporary supervision over a child or providing or having care or  
79 custody of a child who may request an examination of the central registry from  
80 the division for all employees and volunteers or prospective employees and  
81 volunteers, who do or will provide services or care to children. Any agency or  
82 business recognized by the division or business which provides training and  
83 places or recommends people for employment or for volunteers in positions where  
84 they will provide services or care to children may request the division to provide  
85 an examination of the central registry. Such agency or business shall provide  
86 verification of its status as a recognized agency. Requests for examinations shall  
87 be made to the division director or the director's designee in writing by the chief  
88 administrative officer of the above homes, centers, public and private elementary  
89 schools, public and private secondary schools, agencies, or courts. The division  
90 shall respond in writing to that officer. The response shall include information  
91 pertaining to the nature and disposition of any report or reports of abuse or  
92 neglect revealed by the examination of the central registry. This response shall  
93 not include any identifying information regarding any person other than the  
94 alleged perpetrator of the abuse or neglect;

95 (9) Any parent or legal guardian who inquires about a child abuse or  
96 neglect report involving a specific person or child-care facility who does or may  
97 provide services or care to a child of the person requesting the  
98 information. Request for examinations shall be made to the division director or  
99 the director's designee, in writing, by the parent or legal guardian of the child  
100 and shall be accompanied with a signed and notarized release form from the  
101 person who does or may provide care or services to the child. The notarized  
102 release form shall include the full name, date of birth and Social Security number  
103 of the person who does or may provide care or services to a child. The response  
104 shall include information pertaining to the nature and disposition of any report  
105 or reports of abuse or neglect revealed by the examination of the central  
106 registry. This response shall not include any identifying information regarding  
107 any person other than the alleged perpetrator of the abuse or neglect. The  
108 response shall be given within ten working days of the time it was received by the  
109 division;

110 (10) Any person who inquires about a child abuse or neglect report  
111 involving a specific child-care facility, child-placing agency, residential-care  
112 facility, public and private elementary schools, public and private secondary  
113 schools, juvenile court or other state agency. The information available to these  
114 persons is limited to the nature and disposition of any report contained in the  
115 central registry and shall not include any identifying information pertaining to  
116 any person mentioned in the report;

117 (11) Any state agency acting pursuant to statutes regarding a license of  
118 any person, institution, or agency which provides care for or services to children;

119 (12) Any child fatality review panel established pursuant to section  
120 210.192 or any state child fatality review panel established pursuant to section  
121 210.195[;

122 (13) Any person who is a tenure-track or full-time research faculty  
123 member at an accredited institution of higher education engaged in scholarly  
124 research, with the permission of the director. Prior to the release of any  
125 identifying information, the director shall require the researcher to present a plan  
126 for maintaining the confidentiality of the identifying information. The researcher  
127 shall be prohibited from releasing the identifying information of individual cases].

128 3. Only the following persons shall have access to records maintained by  
129 the division pursuant to section 210.152 [for which the division has received a  
130 report of child abuse and neglect and which the division has determined that  
131 there is insufficient evidence or] in which the division proceeded with the family  
132 assessment and services approach:

133 (1) Appropriate staff of the division;

134 (2) Any child named in the report as a victim, or a legal representative,  
135 or the parent or guardian of such person when such person is a minor, or is  
136 mentally ill or otherwise incompetent. The names or other identifying  
137 information of reporters shall not be furnished to persons in this category. Prior  
138 to the release of any identifying information, the division shall determine if the  
139 release of such identifying information may place a person's life or safety in  
140 danger. If the division makes the determination that a person's life or safety may  
141 be in danger, the identifying information shall not be released. The division shall  
142 provide for a method for confirming or certifying that a designee is acting on  
143 behalf of a subject;

144 (3) Any alleged perpetrator named in the report, but the names of  
145 reporters shall not be furnished to persons in this category. Prior to the release



146 of any identifying information, the division shall determine if the release of such  
147 identifying information may place a person's life or safety in danger. If the  
148 division makes the determination that a person's life or safety may be in danger,  
149 the identifying information shall not be released. However, the investigation  
150 reports will not be released to any alleged perpetrator with pending criminal  
151 charges arising out of the facts and circumstances named in the investigation  
152 records until an indictment is returned or an information filed;

153 (4) Any child fatality review panel established pursuant to section 210.192  
154 or any state child fatality review panel established pursuant to section 210.195;

155 (5) Appropriate criminal justice agency personnel or juvenile officer;

156 (6) Multidisciplinary agency or individual including a physician or  
157 physician's designee who is providing services to the child or family, with the  
158 consent of the parent or guardian of the child or legal representative of the child;

159 (7) Any person engaged in bona fide research purpose, with the  
160 permission of the director; provided, however, that no information identifying the  
161 subjects of the reports [or], the reporters, **the witnesses, or alleged**  
162 **perpetrators** shall be made available to the researcher, unless the identifying  
163 information is essential to the research or evaluation and the [subject] **child**,  
164 through the child's parent or guardian, provides written permission.

165 4. Any person who knowingly violates the provisions of this section, or  
166 who permits or encourages the unauthorized dissemination of information  
167 contained in the information system or the central registry and in reports and  
168 records made pursuant to sections 210.109 to 210.183, shall be guilty of a class  
169 A misdemeanor.

170 5. Nothing in this section shall preclude the release of findings or  
171 information about cases which resulted in a child fatality or near fatality. Such  
172 release is at the sole discretion of the director of the department of social services,  
173 based upon a review of the potential harm to other children within the immediate  
174 family.

210.152. 1. All identifying information, including telephone reports  
2 reported pursuant to section 210.145, relating to reports of abuse or neglect  
3 received by the division shall be retained by the division and removed from the  
4 records of the division as follows:

5 (1) For investigation reports contained in the central registry **as a result**  
6 **of a final determination under this section**, identifying information shall be  
7 retained by the division;

8           (2) (a) For investigation reports initiated against a person required to  
9 report pursuant to section 210.115, where insufficient evidence of abuse or neglect  
10 is found by the division and where the division determines the allegation of abuse  
11 or neglect was made maliciously, for purposes of harassment or in retaliation for  
12 the filing of a report by a person required to report, identifying information shall  
13 be expunged by the division within forty-five days from the conclusion of the  
14 investigation;

15           (b) For investigation reports, where insufficient evidence of abuse or  
16 neglect is found by the division and where the division determines the allegation  
17 of abuse or neglect was made maliciously, for purposes of harassment or in  
18 retaliation for the filing of a report, identifying information shall be expunged by  
19 the division within forty-five days from the conclusion of the investigation;

20           (c) For investigation reports initiated by a person required to report under  
21 section 210.115, where insufficient evidence of abuse or neglect is found by the  
22 division, identifying information shall be retained for five years from the  
23 conclusion of the investigation. For all other investigation reports where  
24 insufficient evidence of abuse or neglect is found by the division, identifying  
25 information shall be retained for two years from the conclusion of the  
26 investigation. Such reports shall include any exculpatory evidence known by the  
27 division, including exculpatory evidence obtained after the closing of the case. At  
28 the end of such time period, the identifying information shall be removed from  
29 the records of the division and destroyed;

30           (3) For reports where the division uses the family assessment and services  
31 approach, identifying information shall be retained by the division;

32           (4) For reports in which the division is unable to locate the child alleged  
33 to have been abused or neglected, identifying information shall be retained for ten  
34 years from the date of the report and then shall be removed from the records of  
35 the division;

36           **(5) (a) For reports in which a determination of abuse or neglect**  
37 **is not made under this section, identifying information shall be**  
38 **expunged by the division within forty-five days of the conclusion of the**  
39 **investigation or the final determination against a finding that abuse or**  
40 **neglect occurs. In cases where the division in writing finds a need to**  
41 **provide continuing services to a family in order to prevent conduct that**  
42 **may lead to future abuse, this subdivision shall not apply;**

43           **(b) Any person whose name is in the central registry as a result**

44 of a determination that is or was subsequently reversed by the child  
45 abuse and neglect review board or by a court may submit evidence of  
46 such reversal in writing to the director of the children's division. The  
47 director shall cause the relevant entry of such person's name to be  
48 removed from the central registry within thirty days after receiving  
49 such written evidence of reversal. The director shall notify the person  
50 in writing that the relevant entry has been removed. If the person is  
51 in the central registry on the basis of other determinations of abuse or  
52 neglect that were never reversed, such entries shall remain in the  
53 central registry after the relevant entry has been removed.

54 2. Within ten days following the preliminary determination of the  
55 division as described in subsection 14 of section 210.145 or ninety days  
56 after receipt of a report of abuse or neglect that is investigated, **whichever first**  
57 **occurs**, the alleged perpetrator named in the report and the parents of the child  
58 named in the report, if the alleged perpetrator is not a parent, shall be notified  
59 in writing of [any] **the preliminary** determination made by the division based  
60 on the investigation. The notice shall advise [either:

61 (1)] that the division has determined by a [probable cause finding prior  
62 to August 28, 2004, or by a] preponderance of the evidence [after August 28,  
63 2004], that abuse or neglect exists and that the division shall retain all  
64 identifying information regarding the abuse or neglect; that such information  
65 shall remain confidential and will not be released except to law enforcement  
66 agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that  
67 the alleged perpetrator has sixty days from the date of receipt of the notice to  
68 seek reversal of the division's determination through a review by the child abuse  
69 and neglect review board as provided in subsection 3 of this section]; or

70 (2) That the division has not made a probable cause finding or determined  
71 by a preponderance of the evidence that abuse or neglect exists] **or a trial de**  
72 **novo as provided in subsection 5 of this section.**

73 3. Any person named in an investigation as [a] **an alleged** perpetrator  
74 who is aggrieved by a determination of abuse or neglect by the division as  
75 provided in this section may seek **a trial de novo under subsection 5 of this**  
76 **section** or an administrative review by the child abuse and neglect review board  
77 pursuant to the provisions of **subsection 4 of this section** and section  
78 210.153. Such request for review shall be made within sixty days of notification  
79 of the division's decision under this section. **If an aggrieved party fails to**

80 **request a review of the division's preliminary determination by the**  
81 **child abuse and neglect review board or trial de novo within the sixty-**  
82 **day period allowed, the preliminary determination of the division shall**  
83 **be considered the final determination of abuse or neglect.** In those cases  
84 where criminal charges arising out of facts of the investigation are pending, the  
85 request for review shall be made within sixty days from the court's final  
86 disposition or dismissal of the charges.

87 **4. (1) If review by the child abuse and neglect review board is**  
88 **requested by the aggrieved party under subsection 3 of this section, the**  
89 **child abuse and neglect review board shall schedule a hearing within**  
90 **ninety days following such request.** In any [such] action for administrative  
91 review, the child abuse and neglect review board shall sustain the division's  
92 determination if such determination [was supported by evidence of probable cause  
93 prior to August 28, 2004, or] is supported by a preponderance of the evidence  
94 [after August 28, 2004, and is not against the weight of such evidence]. The child  
95 abuse and neglect review board hearing shall be closed to all persons except the  
96 parties, their attorneys and those persons providing testimony on behalf of the  
97 parties;

98 **(2) At no time following the alleged perpetrator's request for an**  
99 **administrative review by the child abuse and neglect review board**  
100 **shall either the alleged perpetrator or the division, or their legal**  
101 **representatives, have any ex parte contact with any member of the**  
102 **child abuse and neglect review board regarding the facts of the specific**  
103 **case in question. If any party to a child abuse and neglect review**  
104 **board proceeding submits written material on their behalf, the**  
105 **opposing party shall be simultaneously provided with a copy of each**  
106 **document submitted.**

107 **5. (1) If the alleged perpetrator is aggrieved by the preliminary decision**  
108 **of the division or the decision of the** child abuse and neglect review board,  
109 the alleged perpetrator may seek de novo judicial review in the circuit court in  
110 the county in which the alleged perpetrator resides and in circuits with split  
111 venue, in the venue in which the alleged perpetrator resides, or in Cole County.  
112 If the alleged perpetrator is not a resident of the state, proper venue shall be in  
113 Cole County. The case may be assigned to the family court division where such  
114 a division has been established. The request for a [judicial review] **trial de**  
115 **novo** shall be made within sixty days of **written** notification of the **preliminary**

116 decision **of the division or** of the child abuse and neglect review board decision.  
117 In reviewing such decisions, the circuit court shall provide the alleged perpetrator  
118 the opportunity to appear and present testimony. The alleged perpetrator may  
119 subpoena any witnesses except the alleged victim or the reporter. However, the  
120 circuit court shall have the discretion to allow the parties to submit the case upon  
121 a stipulated record[.];

122 **(2) An alleged perpetrator who files a request for a trial de novo**  
123 **may, simultaneously with such request, apply to the circuit court for a**  
124 **stay order preventing the division from entering the alleged**  
125 **perpetrator's name in the central registry. The circuit court may grant**  
126 **the stay order unless the division makes a showing that:**

127 **(a) The alleged abuse was sexual abuse;**

128 **(b) The alleged abuse caused serious physical injury to the**  
129 **alleged victim; and**

130 **(c) The alleged victim is likely to be subject to future abuse by**  
131 **the alleged perpetrator;**

132 **(3) The circuit court may dissolve any stay order granted under**  
133 **subdivision (2) of this subsection upon a showing that the facts and**  
134 **circumstances have changed or that the alleged perpetrator is engaging**  
135 **in deliberate delay of the proceedings;**

136 **(4) All trial de novo proceedings in circuit court shall be**  
137 **conducted in accordance with the Missouri criminal rules of evidence**  
138 **and the Missouri rules of civil procedure; except that, the circuit court**  
139 **shall have the discretion to allow the parties to submit the case upon**  
140 **a stipulated record;**

141 **(5) The court conducting judicial review shall grant reasonable**  
142 **attorney's fees and costs to the petitioner when the petitioner**  
143 **prevails. The only circumstances under which the reviewing court is**  
144 **not required to grant attorney's fees to a prevailing petitioner include**  
145 **the following:**

146 **(a) When the petitioner prevails based upon the death or**  
147 **unavailability of the alleged victim of abuse or neglect and the division**  
148 **was not aware of the death or unavailability of the alleged victim at the**  
149 **time of its initial determination regarding the allegation of abuse or**  
150 **neglect; or**

151 **(b) When the division otherwise consents to the petition of an**  
152 **alleged perpetrator within thirty days of service of the petition upon**

153 **the division;**

154 **(6) The court may grant attorney's fees and costs to the**  
155 **prevailing petitioner upon a finding by the court that the abuse or**  
156 **neglect allegations were without merit and that the division knew or**  
157 **should have known that the allegations were without merit following**  
158 **an investigation. The factors the court may consider in making such**  
159 **determination include, but are not limited to, the following:**

160 **(a) Whether the alleged perpetrator was subjected to criminal**  
161 **prosecution and, if so, the results of the criminal prosecution;**

162 **(b) The quality of the division's initial investigation, including**  
163 **but not limited to consideration of exculpatory evidence.**

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

210.153. 1. There is hereby created in the department of social services  
2 the "Child Abuse and Neglect Review Board", which shall provide an independent  
3 review of child abuse and neglect determinations in instances in which the  
4 alleged perpetrator is aggrieved by the decision of the children's division. The  
5 division may establish more than one board to assure timely review of the  
6 determination.

7 2. The board shall consist of nine members, who shall be appointed by the  
8 governor with the advice and consent of the senate, and [shall include] **no more**  
9 **than five members shall be of the same political party as the**  
10 **governor. Members shall serve for a term of three years. Of the nine**  
11 **members of the board, there shall be at least:**

12 (1) [A] **One physician, [nurse or other medical professional] who shall**  
13 **not be an employee of the state or any of its agencies or political**  
14 **subdivisions; and**

15 (2) [A licensed child or family psychologist, counselor or social worker;

16 (3) An attorney who has acted as a guardian ad litem or other attorney  
17 who has represented a subject of a child abuse and neglect report;

18 (4) A representative from law enforcement or a juvenile office.

19 3. Other members of the board may be selected from:

20 (1) A person from another profession or field who has an interest in child  
21 abuse or neglect;

22 (2) A college or university professor or elementary or secondary teacher;

23 (3) A child advocate;

24 (4) A parent, foster parent or grandparent.

25 **4.] Three attorneys, each of whom has engaged in the private**  
26 **practice of law in the state of Missouri for no less than ten years,**  
27 **including some experience in trial work. One such attorney member**  
28 **shall be selected annually by a majority vote of the members of the**  
29 **board to act as chairperson and to rule on issues of procedure, law, and**  
30 **evidence.**

31 **3.** The following persons may participate in a child abuse and neglect  
32 review board review:

33 (1) Appropriate children's division staff and legal counsel for the  
34 department;

35 (2) The alleged perpetrator, who may be represented pro se or be  
36 represented by legal counsel. The alleged perpetrator's presence is not required  
37 for the review to be conducted. The alleged perpetrator may submit a written  
38 statement for the board's consideration in lieu of personal appearance; and

39 (3) Witnesses providing information on behalf of the child, the alleged  
40 perpetrator or the department. Witnesses shall only be allowed to attend that  
41 portion of the review in which they are presenting **[information] evidence.**

42 **[5.] 4.** The members of the board shall serve without compensation, but  
43 shall receive reimbursement for reasonable and necessary expenses actually  
44 incurred in the performance of their duties.

45 **[6.] 5.** All records and information compiled, obtained, prepared or  
46 maintained by the child abuse and neglect review board in the course of any  
47 review shall be confidential information.

48 **[7.] 6.** The department shall promulgate rules and regulations governing  
49 the operation of the child abuse and neglect review board except as otherwise  
50 provided for in this section. These rules and regulations shall, at a minimum,  
51 describe **[the length of terms, the selection of the chairperson,] confidentiality,**  
52 **and notification of parties and time frames for the completion of the review**  
53 **consistent with the provisions of section 210.152.**

54 **[8.] 7.** Findings of probable cause to suspect prior to August 28, 2004,  
55 or findings by a preponderance of the evidence after August 28, 2004, of child  
56 abuse and neglect by the division which are substantiated by court adjudication  
57 shall not be heard by the child abuse and neglect review board.

210.183. 1. At the time of the initial investigation of a report of child

2 abuse or neglect, the division employee conducting the investigation shall provide  
3 the alleged perpetrator with a written description of the investigation  
4 process. Such written notice shall be given substantially in the following form:

5 "The investigation is being undertaken by the Children's Division pursuant  
6 to the requirements of chapter 210 of the Revised Missouri Statutes in response  
7 to a report of child abuse or neglect.

8 The identity of the person who reported the incident of abuse or neglect  
9 is confidential and may not even be known to the Division since the report could  
10 have been made anonymously.

11 This investigation is required by law to be conducted in order to enable the  
12 Children's Division to identify incidents of abuse or neglect in order to provide  
13 protective or preventive social services to families who are in need of such  
14 services. The division shall make every reasonable attempt to complete the  
15 investigation within thirty days, except if a child involved in the pending  
16 investigation dies, the investigation shall remain open until the division's  
17 investigation surrounding the death is completed. Otherwise, within ninety days  
18 you will receive a letter from the Division which will inform you of one of the  
19 following:

20 (1) That the Division has found insufficient evidence of abuse or neglect;  
21 or

22 (2) That [there appears to be] **a preliminary determination has been**  
23 **made** by a preponderance of the evidence **that there appears to be** reason to  
24 suspect the existence of child abuse or neglect in the judgment of the Division and  
25 that the Division will contact the family to offer social services.

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

30 If you disagree with the determination of the Division and feel that there  
31 is insufficient reason to believe by a preponderance of the evidence that abuse or  
32 neglect has occurred, you have a right to request **a trial de novo or an**  
33 administrative review at which time you may hire an attorney to represent you.  
34 If you request an administrative review on the issue, you will **receive a hearing**  
35 **within ninety days of your request. You will** be notified of the date and  
36 time of your administrative review hearing by the child abuse and neglect review  
37 board. If the Division's decision is reversed by the child abuse and neglect review



38 board, the Division records concerning the report and investigation will be  
39 updated to reflect such finding. If the child abuse and neglect review board  
40 upholds the Division's decision, an appeal may be filed in circuit court within  
41 sixty days of the child abuse and neglect review board's decision."

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

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

210.903. 1. To protect children, the elderly, and disabled individuals in  
2 this state, and to promote family and community safety by providing information  
3 concerning family caregivers, there is hereby established within the department  
4 of health and senior services a "Family Care Safety Registry and Access Line"  
5 which shall be available by January 1, 2001.

6 2. The family care safety registry shall contain information on child-care  
7 workers', elder-care workers', and personal-care workers' background and on  
8 child-care, elder-care and personal-care providers through:

9 (1) The patrol's criminal record check system pursuant to section 43.540,  
10 RSMo, including state and national information, to the extent possible;

11 (2) (a) Probable cause findings of abuse and neglect prior to August 28,  
12 2004, or findings of abuse and neglect by a preponderance of the evidence after  
13 August 28, 2004, pursuant to sections 210.109 to 210.183 and, as of January 1,  
14 2003, financial exploitation of the elderly or disabled, pursuant to section  
15 570.145, RSMo;

16 (b) **Any person whose name is in the registry under paragraph**  
17 **(a) of this subdivision and whose appeal of the finding of abuse or**  
18 **neglect was reversed by the child abuse and neglect review board or a**  
19 **court may submit evidence of such reversal in writing to the director**  
20 **of the department of health and senior services. The director shall**  
21 **cause the relevant entry of such person's name to be removed from the**  
22 **family care safety registry within thirty days after receiving such**  
23 **written evidence of reversal. The director shall notify the person in**

24 **writing that the relevant entry has been removed. If the person is in**  
25 **the family care safety registry on the basis of other determinations of**  
26 **abuse or neglect that were never reversed, such entries shall remain in**  
27 **the central registry after the relevant entry has been removed;**

28 (3) The division of aging's employee disqualification list pursuant to  
29 section 660.315, RSMo;

30 (4) As of January 1, 2003, the department of mental health's employee  
31 disqualification registry;

32 (5) Foster parent licensure denials, revocations and involuntary  
33 suspensions pursuant to section 210.496;

34 (6) Child-care facility license denials, revocations and suspensions  
35 pursuant to sections 210.201 to 210.259;

36 (7) Residential living facility and nursing home license denials,  
37 revocations, suspensions and probationary status pursuant to chapter 198, RSMo;  
38 and

39 (8) As of January 1, 2004, a check of the patrol's Missouri uniform law  
40 enforcement system (MULES) for sexual offender registrations pursuant to  
41 section 589.400, RSMo.

✓

Bill  
Copy