

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend \_\_\_\_\_ Bill No. \_\_\_\_\_, Page \_\_\_\_\_, Section \_\_\_\_\_, Line \_\_\_\_\_,

2 by inserting immediately after said line the following:

3 "210.153. 1. There is hereby created in the department of  
 4 social services the "Child Abuse and Neglect Review Board", which  
 5 shall provide an independent review of child abuse and neglect  
 6 determinations in instances in which the alleged perpetrator is  
 7 aggrieved by the decision of the children's division. The  
 8 division may establish more than one board to assure timely  
 9 review of the determination. In providing an independent review,  
 10 the boards and their members shall act as unbiased finders of  
 11 fact and shall be independent of any control or interference by  
 12 the department of social services or employees of the department  
 13 of social services. The boards shall act independently so as to  
 14 assure that due process of the law is afforded to all parties  
 15 involved in the proceedings.

16 2. [The] Each board shall consist of nine members, who  
 17 shall be appointed by the governor with the advice and consent of  
 18 the senate[, and shall include:

- 19 (1) A physician, nurse or other medical professional;  
 20 (2) A licensed child or family psychologist, counselor or  
 21 social worker;  
 22 (3) An attorney who has acted as a guardian ad litem or

1 other attorney who has represented a subject of a child abuse and  
2 neglect report;

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

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

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

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

10 (3) A child advocate;

11 (4) A parent, foster parent or grandparent]. Each board  
12 member shall be a resident of the state of Missouri. The term of  
13 office of each board member shall be three years. At the time of  
14 their appointment, no more than five members of any board shall  
15 be of the same political party as the governor.

16 [4.] 3. The following persons may [participate in a child  
17 abuse and neglect review board review] offer testimony in review  
18 proceedings before the board:

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

21 (2) The alleged perpetrator, who may be represented pro se  
22 or be represented by legal counsel. The alleged perpetrator's  
23 presence is not required for the review to be conducted. The  
24 alleged perpetrator may submit a written statement for the  
25 board's consideration in lieu of personal appearance; [and]

26 (3) Witnesses and such other persons as the board may call  
27 for expert advice providing information on behalf of the child,  
28 the alleged perpetrator or the department. [Witnesses] Such  
29 persons shall only be allowed to attend that portion of the

1 review in which they are presenting information;

2 (4) A physician, nurse, or other medical professional;

3 (5) A licensed child or family psychologist, counselor, or  
4 social worker;

5 (6) An attorney who has acted as a guardian ad litem or  
6 other attorney who has represented a subject of a child abuse and  
7 neglect report;

8 (7) A representative from law enforcement or a juvenile  
9 office;

10 (8) A person from another profession or field who has an  
11 interest in child abuse or neglect;

12 (9) A college or university professor or elementary or  
13 secondary teacher;

14 (10) A child advocate; or

15 (11) A parent, foster parent, or grandparent.

16 [5.] 4. The members of the board shall serve without  
17 compensation, but shall receive reimbursement for reasonable and  
18 necessary expenses actually incurred in the performance of their  
19 duties.

20 [6.] 5. All records and information compiled, obtained,  
21 prepared or maintained by the child abuse and neglect review  
22 board in the course of any review shall be confidential  
23 information.

24 [7.] 6. The department shall promulgate rules and  
25 regulations governing the operation of the child abuse and  
26 neglect review board except as otherwise provided for in this  
27 section. These rules and regulations shall, at a minimum,  
28 [describe the length of terms] provide that all witnesses are  
29 subject to cross examination, describe the selection of the

1 chairperson, confidentiality, notification of parties and time  
2 frames for the completion of the review.

3 [8.] 7. Findings [of probable cause to suspect prior to  
4 August 28, 2004, or findings] by a preponderance of the evidence  
5 [after August 28, 2004,] of child abuse and neglect by the  
6 division which are substantiated by court adjudication shall not  
7 be heard by the child abuse and neglect review board.

8 8. No employee, former employee, contractor, or an  
9 immediate family member of an employee, former employee, or  
10 contractor of the department of social services shall serve on  
11 the board."; and

12 Further amend the title and enacting clause accordingly.

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