

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 869
97TH GENERAL ASSEMBLY

5745H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 21.771, 37.710, 210.027, 210.145, 210.152, 210.160, 210.183, 334.950, 453.073, and 453.074, RSMo, and to enact in lieu thereof ten new sections relating to children, with an existing penalty provision.

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

Section A. Sections 21.771, 37.710, 210.027, 210.145, 210.152, 210.160, 210.183, 2 334.950, 453.073, and 453.074, RSMo, are repealed and ten new sections enacted in lieu thereof, 3 to be known as sections 21.771, 37.710, 210.027, 210.145, 210.152, 210.160, 210.183, 334.950, 4 453.073, and 453.074, to read as follows:

21.771. 1. There is established a joint committee of the general assembly to be known 2 as the "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the 3 senate and seven members of the house of representatives. The senate members of the joint 4 committee shall be appointed by the president pro tem and minority floor leader of the senate and 5 the house members shall be appointed by the speaker and minority floor leader of the house of 6 representatives. The appointment of each member shall continue during the member's term of 7 office as a member of the general assembly or until a successor has been appointed to fill the 8 member's place. No party shall be represented by more than four members from the house of 9 representatives nor more than four members from the senate. A majority of the committee shall 10 constitute a quorum, but the concurrence of a majority of the members shall be required for the 11 determination of any matter within the committee's duties.

12 2. The joint committee shall:

13 (1) Make a continuing study and analysis of the state child abuse and neglect reporting 14 and investigation system;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (1) The names and physical location of all children in protective services, treatment, or
3 other programs under the jurisdiction of the children's division, the department of mental health,
4 and the juvenile court;

5 (2) All written reports of child abuse and neglect; and

6 (3) All current records required to be maintained pursuant to chapters 210 and 211.

7 2. The office shall have the authority:

8 (1) To communicate privately by any means possible with any child under protective
9 services and anyone working with the child, including the family, relatives, courts, employees
10 of the department of social services and the department of mental health, and other persons or
11 entities providing treatment and services;

12 (2) To have access, including the right to inspect, copy and subpoena records held by the
13 clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions,
14 public or private, and other agencies, or persons with whom a particular child has been either
15 voluntarily or otherwise placed for care, or has received treatment within this state or in another
16 state;

17 (3) To work in conjunction with juvenile officers and guardians ad litem;

18 (4) To file any findings or reports of the child advocate regarding the parent or child with
19 the court, and issue recommendations regarding the disposition of an investigation, which may
20 be provided to the court and to the investigating agency;

21 (5) To file amicus curiae briefs on behalf of the interests of the parent or child, **or to file**
22 **such pleadings necessary to intervene on behalf of the child at the appropriate judicial level**
23 **using the resources of the office of the attorney general;**

24 (6) To initiate meetings with the department of social services, the department of mental
25 health, the juvenile court, and juvenile officers;

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

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

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

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

38 3. For any information obtained from a state agency or entity under sections 37.700 to
39 37.730, the office of child advocate shall be subject to the same disclosure restrictions and
40 confidentiality requirements that apply to the state agency or entity providing such information

41 to the office of child advocate. For information obtained directly by the office of child advocate
42 under sections 37.700 to 37.730, the office of child advocate shall be subject to the same
43 disclosure restrictions and confidentiality requirements that apply to the children's division
44 regarding information obtained during a child abuse and neglect investigation resulting in an
45 unsubstantiated report.

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

4 (1) **Establish a publicly available website listing provider-specific information**
5 **about any health and safety licensing or regulatory requirements met by the provider**
6 **including dates of inspection, history of violations, and compliance actions taken;**

7 (2) **Establish or designate a hotline for parents to submit complaints about child**
8 **care providers;**

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

10 [(2)] (4) Require providers to be at least eighteen years of age;

11 [(3)] (5) **Establish minimum requirements for building and physical premises to**
12 **include: compliance with state and local fire, health, and building codes which must**
13 **include the ability to evacuate children in the case of an emergency, and emergency**
14 **preparedness and response planning. Providers must meet these minimum requirements**
15 **prior to receiving federal assistance.** Where there are no local ordinances or regulations
16 regarding smoke detectors, require providers, by rule, to install and maintain an adequate number
17 of smoke detectors in the residence where child care is provided;

18 [(4)] (6) Require providers to be tested for tuberculosis;

19 [(5)] (7) Require providers to notify parents if the provider does not have immediate
20 access to a telephone;

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

22 (8) **Make and promulgate necessary and reasonable rules and regulations to define**
23 **preservice training requirements for child care providers pursuant to applicable federal**
24 **laws and regulations;**

25 (9) **Establish procedures for conducting on-site monitoring of child care providers**
26 **prior to their receiving state or federal funds for providing child care services in the home**
27 **either by direct payment or through reimbursement to a child care beneficiary and**
28 **annually thereafter;**

29 (10) **Require providers that receive assistance under applicable federal regulations**
30 **and statutes to report any serious injuries or deaths of children occurring in child care to**
31 **the department;**

32 **(11) Establish a child care indicator system that shall provide parents with a way**
33 **to differentiate between child care providers as required by federal regulations. The**
34 **system shall indicate whether the provider meets Missouri’s registration or licensing**
35 **standards, is in compliance with applicable health and safety requirements, and if the**
36 **provider has any violations related to registration or licensing requirements. The system**
37 **also shall indicate if the provider utilizes a nationally recognized curricula and if the**
38 **provider is in compliance with staff educational requirements.**

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 child abuse or
3 neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families consistent with
5 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 receiving and
8 maintaining reports. This information system shall have the ability to receive reports over a
9 single, statewide toll-free number. Such information system shall maintain the results of all
10 investigations, family assessments and services, and other relevant information.

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

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

29 to respond to the allegation. The protocols developed by the division shall give priority to
30 ensuring the well-being and safety of the child.

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

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

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

59 (1) (a) No person is present in the home at the time of the home visit; and

60 (b) The alleged perpetrator resides in the home or the physical safety of the child may
61 be compromised if the alleged perpetrator becomes aware of the attempted visit;

62 (2) The alleged perpetrator will be alerted regarding the attempted visit; or

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

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

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

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

98 9. When a report has been made by a person required to report under section 210.115,
99 the division shall contact the person who made such report within forty-eight hours of the receipt

100 of the report in order to ensure that full information has been received and to obtain any
101 additional information or medical records, or both, that may be pertinent.

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

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

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

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

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

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

133 (2) Provide services which are voluntary and time-limited unless it is determined by the
134 division based on the assessment of risk that there will be a high risk of abuse or neglect if the
135 family refuses to accept the services. The division shall identify services for families where it

136 is determined that the child is at high risk of future abuse or neglect. The division shall
137 thoroughly document in the record its attempt to provide voluntary services and the reasons these
138 services are important to reduce the risk of future abuse or neglect to the child. If the family
139 continues to refuse voluntary services or the child needs to be protected, the division may
140 commence an investigation;

141 (3) Commence an immediate investigation if at any time during the family assessment
142 and services approach the division determines that an investigation, as delineated in sections
143 210.109 to 210.183, is required. The division staff who have conducted the assessment may
144 remain involved in the provision of services to the child and family;

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

147 15. **(1)** Within [thirty] **forty-five** days of an oral report of abuse or neglect, the local
148 office shall update the information in the information system. The information system shall
149 contain, at a minimum, the determination made by the division as a result of the investigation,
150 identifying information on the subjects of the report, those responsible for the care of the subject
151 child and other relevant dispositional information. The division shall complete all investigations
152 within [thirty] **forty-five** days, unless good cause for the failure to complete the investigation is
153 **specifically** documented in the information system. **Good cause for failure to complete an**
154 **investigation shall include, but not be limited to:**

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

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

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

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

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

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

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

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

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

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

203 (2) The court may on its own motion, or shall if requested by a party to the proceeding,
204 make an inquiry not on the record with the children's division to determine if such a report has
205 been made.

206 If a report has been made, the court may stay the custody proceeding until the children's division
207 completes its investigation.

208 19. In any judicial proceeding involving the custody of a child where the court
209 determines that the child is in need of services under paragraph (d) of subdivision (1) of
210 subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or
211 custodian shall not be entered into the registry.

212 20. The children's division is hereby granted the authority to promulgate rules and
213 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the
214 provisions of sections 210.109 to 210.183.

215 21. Any rule or portion of a rule, as that term is defined in section 536.010, that is
216 created under the authority delegated in this section shall become effective only if it complies
217 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
218 This section and chapter 536 are nonseverable and if any of the powers vested with the general
219 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
220 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
221 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
2 to section 210.145, relating to reports of abuse or neglect received by the division shall be
3 retained by the division and removed from the records of the division as follows:

4 (1) For investigation reports contained in the central registry, identifying information
5 shall be retained by the division;

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

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

17 (c) For investigation reports initiated by a person required to report under section
18 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying
19 information shall be retained for five years from the conclusion of the investigation. For all other
20 investigation reports where insufficient evidence of abuse or neglect is found by the division,
21 identifying information shall be retained for two years from the conclusion of the investigation.
22 Such reports shall include any exculpatory evidence known by the division, including

23 exculpatory evidence obtained after the closing of the case. At the end of such time period, the
24 identifying information shall be removed from the records of the division and destroyed;

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

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

30 2. Within ninety days, **or within one hundred twenty days in cases involving sexual**
31 **abuse, or until the division's investigation is complete in cases involving a child fatality or**
32 **near-fatality**, after receipt of a report of abuse or neglect that is investigated, the alleged
33 perpetrator named in the report and the parents of the child named in the report, if the alleged
34 perpetrator is not a parent, shall be notified in writing of any determination made by the division
35 based on the investigation. The notice shall advise either:

36 (1) That the division has determined by a probable cause finding prior to August 28,
37 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists
38 and that the division shall retain all identifying information regarding the abuse or neglect; that
39 such information shall remain confidential and will not be released except to law enforcement
40 agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged
41 perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's
42 determination through a review by the child abuse and neglect review board as provided in
43 subsection 4 of this section; or

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

46 3. The children's division may reopen a case for review at the request of the alleged
47 perpetrator, the alleged victim, or the office of the child advocate if new, specific, and credible
48 evidence is obtained that the division's decision was based on fraud or misrepresentation of
49 material facts relevant to the division's decision and there is credible evidence that absent such
50 fraud or misrepresentation the division's decision would have been different. If the alleged
51 victim is under the age of eighteen, the request for review may be made by the alleged victim's
52 parent, legal custodian, or legal guardian. All requests to reopen an investigation for review shall
53 be made within a reasonable time and not more than one year after the children's division made
54 its decision. The division shall not reopen a case for review based on any information which the
55 person requesting the review knew, should have known, or could by the exercise of reasonable
56 care have known before the date of the division's final decision in the case, unless the person
57 requesting the review shows by a preponderance of the evidence that he or she could not have
58 provided such information to the division before the date of the division's final decision in the

59 case. Any person, other than the office of the child advocate, who makes a request to reopen a
60 case for review based on facts which the person knows to be false or misleading or who acts in
61 bad faith or with the intent to harass the alleged victim or perpetrator shall not have immunity
62 from any liability, civil or criminal, for providing the information and requesting that the division
63 reopen the investigation. Any person who makes a request to reopen an investigation based on
64 facts which the person knows to be false shall be guilty of a class A misdemeanor. The
65 children's division shall not reopen an investigation under any circumstances while the case is
66 pending before a court of this state nor when a court has entered a final judgment after de novo
67 judicial review pursuant to this section.

68 4. Any person named in an investigation as a perpetrator who is aggrieved by a
69 determination of abuse or neglect by the division as provided in this section may seek an
70 administrative review by the child abuse and neglect review board pursuant to the provisions of
71 section 210.153. Such request for review shall be made within sixty days of notification of the
72 division's decision under this section. In those cases where criminal charges arising out of facts
73 of the investigation are pending, the request for review shall be made within sixty days from the
74 court's final disposition or dismissal of the charges.

75 5. In any such action for administrative review, the child abuse and neglect review board
76 shall sustain the division's determination if such determination was supported by evidence of
77 probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after
78 August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect
79 review board hearing shall be closed to all persons except the parties, their attorneys and those
80 persons providing testimony on behalf of the parties.

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

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

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

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

7 (2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent,
8 and whose child is the subject of proceedings under sections 210.110 to 210.165, sections
9 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170.

10 2. **The judge, either sua sponte or upon motion of a party, may appoint a guardian**
11 **ad litem to appear for and represent an abused or neglected child involved in proceedings**
12 **arising under subsection 6 of section 210.152.**

13 [2.] 3. The guardian ad litem shall be provided with all reports relevant to the case made
14 to or by any agency or person, shall have access to all records of such agencies or persons
15 relating to the child or such child's family members or placements of the child, and upon
16 appointment by the court to a case, shall be informed of and have the right to attend any and all
17 family support team meetings involving the child. Employees of the division, officers of the
18 court, and employees of any agency involved shall fully inform the guardian ad litem of all
19 aspects of the case of which they have knowledge or belief.

20 [3.] 4. The appointing judge shall require the guardian ad litem to faithfully discharge
21 such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem
22 and appoint another. The appointing judge shall have the authority to examine the general and
23 criminal background of persons appointed as guardians ad litem, including utilization of the
24 family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the
25 safety and welfare of the children such persons are appointed to represent. The judge in making
26 appointments pursuant to this section shall give preference to persons who served as guardian
27 ad litem for the child in the earlier proceeding, unless there is a reason on the record for not
28 giving such preference.

29 [4.] 5. The guardian ad litem may be awarded a reasonable fee for such services to be
30 set by the court. The court, in its discretion, may award such fees as a judgment to be paid by
31 any party to the proceedings or from public funds. However, no fees as a judgment shall be
32 taxed against a party or parties who have not been found to have abused or neglected a child or
33 children. Such an award of guardian fees shall constitute a final judgment in favor of the
34 guardian ad litem. Such final judgment shall be enforceable against the parties in accordance
35 with chapter 513.

36 [5.] 6. The court may designate volunteer advocates, who may or may not be attorneys
37 licensed to practice law, to assist in the performance of the guardian ad litem duties for the court.
38 Nonattorney volunteer advocates shall not provide legal representation. The court shall have the
39 authority to examine the general and criminal background of persons designated as volunteer
40 advocates, including utilization of the family care safety registry and access line pursuant to
41 sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are
42 designated to represent. The volunteer advocate shall be provided with all reports relevant to the
43 case made to or by any agency or person, shall have access to all records of such agencies or
44 persons relating to the child or such child's family members or placements of the child, and upon
45 designation by the court to a case, shall be informed of and have the right to attend any and all
46 family support team meetings involving the child. Any such designated person shall receive no
47 compensation from public funds. This shall not preclude reimbursement for reasonable
48 expenses.

49 [6.] 7. Any person appointed to perform guardian ad litem duties shall have completed
50 a training program in permanency planning and shall advocate for timely court hearings
51 whenever possible to attain permanency for a child as expeditiously as possible to reduce the
52 effects that prolonged foster care may have on a child. A nonattorney volunteer advocate shall
53 have access to a court appointed attorney guardian ad litem should the circumstances of the
54 particular case so require.

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

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

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

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

13 The division shall make every reasonable attempt to complete the investigation within
14 [thirty days, except if a child involved in the pending investigation dies the investigation shall
15 remain open until the division's investigation surrounding the death is completed.] **forty-five**
16 **days, except for good cause which shall be documented,** otherwise, within ninety days, **or one**
17 **hundred and twenty days after receipt of a report of abuse or neglect involving sexual**

18 **abuse, or when the division's investigation is complete in cases involving a child fatality or**
19 **near-fatality,** you will receive a letter from the Division which will inform you of one of the
20 following:

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

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

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

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

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

39 (1) The purpose of the contact with the family;

40 (2) The name of the person responding and his or her office telephone number;

41 (3) The assessment process to be followed during the division's intervention with the
42 family including the possible services available and expectations of the family.

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

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

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

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

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

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

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

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

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

34 4. The SAFE CARE network shall develop recommendations concerning medically
35 based screening processes and forensic evidence collection for children who may be in need of
36 an emergency examination following an alleged sexual assault. Such recommendations shall be
37 provided to the SAFE CARE providers, child advocacy centers, hospitals and licensed
38 practitioners that provide emergency examinations for children suspected of being victims of
39 abuse.

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

453.073. 1. The children's division is authorized to grant a subsidy to a child in one of
2 the forms of allotment defined in section 453.065. Determination of the amount of monetary
3 need is to be made by the division at the time of placement, if practicable, and in reference to the
4 needs of the child, including consideration of the physical and mental condition, and age of the

5 child in each case; provided, however, that the subsidy amount shall not exceed the expenses of
6 foster care and medical care for foster children paid under the homeless, dependent and neglected
7 foster care program.

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

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

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

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

22 [3.] **4.** Within thirty days after the authorization for the grant of a subsidy by the
23 children's division, a written agreement shall be entered into by the division and the parents. The
24 agreement shall set forth the following terms and conditions:

25 (1) The type of allotment;

26 (2) The amount of assistance payments;

27 (3) The services to be provided;

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

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

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

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

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

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

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

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

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

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

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

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

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