

## CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 819

AN ACT

To repeal sections 191.737, 191.739, 193.265, 210.003, 210.101, 210.102, 210.103, 210.110, 210.112, 210.115, 210.145, 210.152, 210.487, 210.498, 211.447, 431.056, 453.015, 453.030, 453.080, 453.121, 475.024, 556.036, 556.037, and 610.021, RSMo, and to enact in lieu thereof twenty-six new sections relating to the protection of children.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 191.737, 191.739, 193.265, 210.003,  
2   210.101, 210.102, 210.103, 210.110, 210.112, 210.115, 210.145,  
3   210.152, 210.487, 210.498, 211.447, 431.056, 453.015, 453.030,  
4   453.080, 453.121, 475.024, 556.036, 556.037, and 610.021, RSMo,  
5   are repealed and twenty-six new sections enacted in lieu thereof,  
6   to be known as sections 37.940, 191.737, 191.739, 193.265,  
7   210.003, 210.102, 210.110, 210.112, 210.115, 210.145, 210.152,  
8   210.487, 210.498, 210.1030, 211.447, 431.056, 453.015, 453.030,  
9   453.080, 453.121, 475.600, 475.602, 475.604, 556.036, 556.037,  
10   and 610.021, to read as follows:

11       37.940. 1. There is hereby established within the office  
12   of administration the "Social Innovation Grant Program". The  
13   governor shall designate an individual to serve as the executive  
14   director of the social innovation grant program, who shall  
15   establish and oversee the program. For purposes of this section,  
16   the following terms mean:

1       (1) "Critical state concern", instances or circumstances in  
2 which the state of Missouri is currently, and will likely be in  
3 the future, responsible for the costs associated with a  
4 particular act of the state through annual appropriations. The  
5 programs for which the costs are associated may not be optimal  
6 for reducing the overall scope of the problem to the greatest  
7 extent while limiting the exposure of the state budget;

8       (2) "Demonstration project", a project selected by the  
9 social innovation grant team in response to the grant team's  
10 request for proposals process;

11       (3) "Social innovation grant", a grant awarded to a  
12 nonprofit organization with experience in the area of critical  
13 state concern to design a short-term demonstration project based  
14 on evidence and best practices that can be replicated to optimize  
15 state funding and services for populations and programs  
16 identified as areas of critical state concern.

17       2. Areas of critical state concern include, but are not  
18 limited to:

19       (1) Families in generational child welfare;

20       (2) Opioid-addicted pregnant women; and

21       (3) Children in residential treatment with behavioral  
22 issues where the children were not removed from the family due to  
23 abuse or neglect.

24  
25       The office of administration or the general assembly may identify  
26 additional critical state concerns that could potentially be  
27 addressed through the social innovation grant program.

28       3. For any critical state concern for which a social

1 innovation grant is being utilized, the executive director shall  
2 establish a "Social Innovation Grant Team" to be comprised of:

3 (1) Individuals working in governmental agencies  
4 responsible for the oversight of programs related to the critical  
5 state concern;

6 (2) Persons working in the nonprofit sector with practical  
7 field experience related to the critical state concern; and

8 (3) Academic leaders in research and study related to the  
9 critical state concern.

10 4. The social innovation grant team shall be charged with:

11 (1) Formulating a request for proposals for social  
12 innovation grants;

13 (2) Evaluating responsive proposals and selecting those  
14 bids for demonstration projects that provide the greatest  
15 opportunity for addressing the critical state concern in a cost-  
16 effective and replicable way; and

17 (3) Monitoring demonstration projects and evaluating them  
18 based on the objectives outlined in the request for proposals,  
19 the program's outline, the project's impact on the critical state  
20 concern, and the project's ability to be replicated on a cost-  
21 effective basis.

22 5. Demonstration projects shall be operated over a period  
23 of time sufficient to impact the population served by the project  
24 based on the parameters and objectives outlined in the request  
25 for proposals. Grantees, at a minimum, shall be nonprofit  
26 organizations with experience working with the population  
27 identified as a critical state concern.

28 6. Upon the conclusion of a demonstration project, the

1 social innovation grant team shall compile all relevant data and  
2 submit a report to the general assembly:

3 (1) Evaluating the project's effectiveness in impacting the  
4 critical state concern;

5 (2) Assessing, based on the actual experience of the  
6 project, the likely ease of statewide deployment in a methodology  
7 consistent with the execution of the project and identifying  
8 possible barriers to deployment;

9 (3) Analyzing the likely cost of statewide deployment; and

10 (4) Identifying funding strategies for statewide  
11 deployment, which may include scaling based on savings  
12 reinvestment or outside capital investments.

13 7. The social innovation grant team shall identify methods  
14 to fund the social innovation grant program, including state  
15 partnerships with nonprofit organizations and foundations. The  
16 executive director of the social innovation grant program shall  
17 identify sustainability models for deploying successful  
18 demonstration projects.

19 8. All social innovation grants shall be subject to  
20 appropriation.

21 9. The office of administration may promulgate rules and  
22 regulations to implement the provisions of this section. Any  
23 rule or portion of a rule, as that term is defined in section  
24 536.010, that is created under the authority delegated in this  
25 section shall become effective only if it complies with and is  
26 subject to all of the provisions of chapter 536 and, if  
27 applicable, section 536.028. This section and chapter 536 are  
28 nonseverable, and if any of the powers vested with the general

1 assembly pursuant to chapter 536 to review, to delay the  
2 effective date, or to disapprove and annul a rule are  
3 subsequently held unconstitutional, then the grant of rulemaking  
4 authority and any rule proposed or adopted after August 28, 2018,  
5 shall be invalid and void.

6 10. Under section 23.253 of the Missouri sunset act:

7 (1) The provisions of the new program authorized under this  
8 section shall automatically sunset six years after the effective  
9 date of this section unless reauthorized by an act of the general  
10 assembly;

11 (2) If such program is reauthorized, the program authorized  
12 under this section shall automatically sunset twelve years after  
13 the effective date of the reauthorization of this section; and

14 (3) This section shall terminate on September first of the  
15 calendar year immediately following the calendar year in which  
16 the program authorized under this section is sunset.

17 191.737. 1. Notwithstanding the physician-patient  
18 privilege, any physician or health care provider may refer to the  
19 **[department of health and senior services]** children's division  
20 families in which children may have been exposed to a controlled  
21 substance listed in section 195.017, schedules I, II and III, or  
22 alcohol as evidenced by:

23 (1) Medical documentation of signs and symptoms consistent  
24 with controlled substances or alcohol exposure in the child at  
25 birth; or

26 (2) Results of a confirmed toxicology test for controlled  
27 substances performed at birth on the mother or the child; and

28 (3) A written assessment made or approved by a physician,

1 health care provider, or by the children's division which  
2 documents the child as being at risk of abuse or neglect.

3 2. Nothing in this section shall preclude a physician or  
4 other mandated reporter from reporting abuse or neglect of a  
5 child as required pursuant to the provisions of section 210.115.

6 3. [Upon notification pursuant to subsection 1 of this  
7 section, the department of health and senior services shall offer  
8 service coordination services to the family. The department of  
9 health and senior services shall coordinate social services,  
10 health care, mental health services, and needed education and  
11 rehabilitation services. Service coordination services shall be  
12 initiated within seventy-two hours of notification. The  
13 department of health and senior services shall notify the  
14 department of social services and the department of mental health  
15 within seventy-two hours of initial notification.

16 4.] Any physician or health care provider complying with  
17 the provisions of this section, in good faith, shall have  
18 immunity from any civil liability that might otherwise result by  
19 reason of such actions.

20 [5.] 4. Referral and associated documentation provided for  
21 in this section shall be confidential and shall not be used in  
22 any criminal prosecution.

23 191.739. 1. The department of social services shall  
24 provide protective services for children that meet the criteria  
25 established in section 191.737. In addition the department of  
26 social services may provide preventive services for children that  
27 meet the criteria established in section 191.737.

28 2. No department shall cease providing services for any

1 child exposed to substances as set forth in section 191.737  
2 wherein a physician or health care provider has made or approved  
3 a written assessment which documents the child as being at risk  
4 of abuse or neglect until [such] a physician or health care  
5 provider[, or his designee,] authorizes such file to be closed.

6 193.265. 1. For the issuance of a certification or copy of  
7 a death record, the applicant shall pay a fee of thirteen dollars  
8 for the first certification or copy and a fee of ten dollars for  
9 each additional copy ordered at that time. For the issuance of a  
10 certification or copy of a birth, marriage, divorce, or fetal  
11 death record, the applicant shall pay a fee of fifteen dollars.  
12 No fee shall be required or collected for a certification of  
13 birth, death, or marriage if the request for certification is  
14 made by the children's division, the division of youth services,  
15 a guardian ad litem, or a juvenile officer on behalf of a child  
16 or person under twenty-one years of age who has come under the  
17 jurisdiction of the juvenile court under section 211.031. All  
18 fees shall be deposited to the state department of revenue.  
19 Beginning August 28, 2004, for each vital records fee collected,  
20 the director of revenue shall credit four dollars to the general  
21 revenue fund, five dollars to the children's trust fund, one  
22 dollar shall be credited to the endowed care cemetery audit fund,  
23 and three dollars for the first copy of death records and five  
24 dollars for birth, marriage, divorce, and fetal death records  
25 shall be credited to the Missouri public services health fund  
26 established in section 192.900. Money in the endowed care  
27 cemetery audit fund shall be available by appropriation to the  
28 division of professional registration to pay its expenses in

1 administering sections 214.270 to 214.410. All interest earned  
2 on money deposited in the endowed care cemetery audit fund shall  
3 be credited to the endowed care cemetery fund. Notwithstanding  
4 the provisions of section 33.080 to the contrary, money placed in  
5 the endowed care cemetery audit fund shall not be transferred and  
6 placed to the credit of general revenue until the amount in the  
7 fund at the end of the biennium exceeds three times the amount of  
8 the appropriation from the endowed care cemetery audit fund for  
9 the preceding fiscal year. The money deposited in the public  
10 health services fund under this section shall be deposited in a  
11 separate account in the fund, and moneys in such account, upon  
12 appropriation, shall be used to automate and improve the state  
13 vital records system, and develop and maintain an electronic  
14 birth and death registration system. For any search of the files  
15 and records, when no record is found, the state shall be entitled  
16 to a fee equal to the amount for a certification of a vital  
17 record for a five-year search to be paid by the applicant. For  
18 the processing of each legitimation, adoption, court order or  
19 recording after the registrant's twelfth birthday, the state  
20 shall be entitled to a fee equal to the amount for a  
21 certification of a vital record. Except whenever a certified  
22 copy or copies of a vital record is required to perfect any claim  
23 of any person on relief, or any dependent of any person who was  
24 on relief for any claim upon the government of the state or  
25 United States, the state registrar shall, upon request, furnish a  
26 certified copy or so many certified copies as are necessary,  
27 without any fee or compensation therefor.

28 2. For the issuance of a certification of a death record by



1 the local registrar, the applicant shall pay a fee of thirteen  
2 dollars for the first certification or copy and a fee of ten  
3 dollars for each additional copy ordered at that time. For the  
4 issuance of a certification or copy of a birth, marriage,  
5 divorce, or fetal death record, the applicant shall pay a fee of  
6 fifteen dollars; except that, in any county with a charter form  
7 of government and with more than six hundred thousand but fewer  
8 than seven hundred thousand inhabitants, a donation of one dollar  
9 may be collected by the local registrar over and above any fees  
10 required by law when a certification or copy of any marriage  
11 license or birth certificate is provided, with such donations  
12 collected to be forwarded monthly by the local registrar to the  
13 county treasurer of such county and the donations so forwarded to  
14 be deposited by the county treasurer into the housing resource  
15 commission fund to assist homeless families and provide financial  
16 assistance to organizations addressing homelessness in such  
17 county. The local registrar shall include a check-off box on the  
18 application form for such copies. All fees, other than the  
19 donations collected in any county with a charter form of  
20 government and with more than six hundred thousand but fewer than  
21 seven hundred thousand inhabitants for marriage licenses and  
22 birth certificates, shall be deposited to the official city or  
23 county health agency. A certified copy of a death record by the  
24 local registrar can only be issued within twenty-four hours of  
25 receipt of the record by the local registrar. Computer-generated  
26 certifications of death records may be issued by the local  
27 registrar after twenty-four hours of receipt of the records. The  
28 fees paid to the official county health agency shall be retained

1 by the local agency for local public health purposes.

2 210.003. 1. No child shall be permitted to enroll in or  
3 attend any public, private or parochial day care center,  
4 preschool or nursery school caring for ten or more children  
5 unless such child has been adequately immunized against vaccine-  
6 preventable childhood illnesses specified by the department of  
7 health and senior services in accordance with recommendations of  
8 the Centers for Disease Control and Prevention Advisory Committee  
9 on Immunization Practices (ACIP). The parent or guardian of such  
10 child shall provide satisfactory evidence of the required  
11 immunizations.

12 2. A child who has not completed all immunizations  
13 appropriate for his or her age may enroll, if:

14 (1) Satisfactory evidence is produced that such child has  
15 begun the process of immunization. The child may continue to  
16 attend as long as the immunization process is being accomplished  
17 according to the ACIP/Missouri department of health and senior  
18 services recommended schedule; [or]

19 (2) The parent or guardian has signed and placed on file  
20 with the day care administrator a statement of exemption which  
21 may be either of the following:

22 (a) A medical exemption, by which a child shall be exempted  
23 from the requirements of this section upon certification by a  
24 licensed physician that such immunization would seriously  
25 endanger the child's health or life; or

26 (b) A parent or guardian exemption, by which a child shall  
27 be exempted from the requirements of this section if one parent  
28 or guardian files a written objection to immunization with the

1 day care administrator; or

2 (3) The child is homeless or in the custody of the  
3 children's division and cannot provide satisfactory evidence of  
4 the required immunizations. Satisfactory evidence shall be  
5 presented within thirty days of enrollment and shall confirm  
6 either that the child has completed all immunizations appropriate  
7 for his or her age or has begun the process of immunization. If  
8 the child has begun the process of immunization, he or she may  
9 continue to attend as long as the process is being accomplished  
10 according to the schedule recommended by the department of health  
11 and senior services.

12  
13 Exemptions shall be accepted by the day care administrator when  
14 the necessary information as determined by the department of  
15 health and senior services is filed with the day care  
16 administrator by the parent or guardian. Exemption forms shall  
17 be provided by the department of health and senior services.

18 3. In the event of an outbreak or suspected outbreak of a  
19 vaccine-preventable disease within a particular facility, the  
20 administrator of the facility shall follow the control measures  
21 instituted by the local health authority or the department of  
22 health and senior services or both the local health authority and  
23 the department of health and senior services, as established in  
24 Rule 19 CSR 20-20.040, "Measures for the Control of Communicable,  
25 Environmental and Occupational Diseases".

26 4. The administrator of each public, private or parochial  
27 day care center, preschool or nursery school shall cause to be  
28 prepared a record of immunization of every child enrolled in or

1 attending a facility under his or her jurisdiction. An annual  
2 summary report shall be made by January fifteenth showing the  
3 immunization status of each child enrolled, using forms provided  
4 for this purpose by the department of health and senior services.  
5 The immunization records shall be available for review by  
6 department of health and senior services personnel upon request.

7 5. For purposes of this section, satisfactory evidence of  
8 immunization means a statement, certificate or record from a  
9 physician or other recognized health facility or personnel,  
10 stating that the required immunizations have been given to the  
11 child and verifying the type of vaccine and the month, day and  
12 year of administration.

13 6. Nothing in this section shall preclude any political  
14 subdivision from adopting more stringent rules regarding the  
15 immunization of preschool children.

16 7. All public, private, and parochial day care centers,  
17 preschools, and nursery schools shall notify the parent or  
18 guardian of each child at the time of initial enrollment in or  
19 attendance at the facility that the parent or guardian may  
20 request notice of whether there are children currently enrolled  
21 in or attending the facility for whom an immunization exemption  
22 has been filed. Beginning December 1, 2015, all public, private,  
23 and parochial day care centers, preschools, and nursery schools  
24 shall notify the parent or guardian of each child currently  
25 enrolled in or attending the facility that the parent or guardian  
26 may request notice of whether there are children currently  
27 enrolled in or attending the facility for whom an immunization  
28 exemption has been filed. Any public, private, or parochial day

1 care center, preschool, or nursery school shall notify the parent  
2 or guardian of a child enrolled in or attending the facility,  
3 upon request, of whether there are children currently enrolled in  
4 or attending the facility for whom an immunization exemption has  
5 been filed.

6 210.102. 1. [It shall be the duty of the Missouri  
7 children's services commission to:

8 (1) Make recommendations which will encourage greater  
9 interagency coordination, cooperation, more effective utilization  
10 of existing resources and less duplication of effort in  
11 activities of state agencies which affect the legal rights and  
12 well-being of children in Missouri;

13 (2) Develop an integrated state plan for the care provided  
14 to children in this state through state programs;

15 (3) Develop a plan to improve the quality of children's  
16 programs statewide. Such plan shall include, but not be limited  
17 to:

18 (a) Methods for promoting geographic availability and  
19 financial accessibility for all children and families in need of  
20 such services;

21 (b) Program recommendations for children's services which  
22 include child development, education, supervision, health and  
23 social services;

24 (4) Design and implement evaluation of the activities of  
25 the commission in fulfilling the duties as set out in this  
26 section;

27 (5) Report annually to the governor with five copies each  
28 to the house of representatives and senate about its activities

1 including, but not limited to the following:

2 (a) A general description of the activities pertaining to  
3 children of each state agency having a member on the commission;

4 (b) A general description of the plans and goals, as they  
5 affect children, of each state agency having a member on the  
6 commission;

7 (c) Recommendations for statutory and appropriation  
8 initiatives to implement the integrated state plan;

9 (d) A report from the commission regarding the state of  
10 children in Missouri.

11 2.] There is hereby established within the [children's  
12 services commission] department of social services the  
13 "Coordinating Board for Early Childhood", which shall constitute  
14 a body corporate and politic, and shall include but not be  
15 limited to the following members:

16 (1) A representative from the governor's office;

17 (2) A representative from each of the following  
18 departments: health and senior services, mental health, social  
19 services, and elementary and secondary education;

20 (3) A representative of the judiciary;

21 (4) A representative of the family and community trust  
22 board (FACT);

23 (5) A representative from the head start program;

24 (6) Nine members appointed by the governor with the advice  
25 and consent of the senate who are representatives of the groups,  
26 such as business, philanthropy, civic groups, faith-based  
27 organizations, parent groups, advocacy organizations, early  
28 childhood service providers, and other stakeholders.

1 The coordinating board may make all rules it deems necessary to  
2 enable it to conduct its meetings, elect its officers, and set  
3 the terms and duties of its officers. The coordinating board  
4 shall elect from amongst its members a chairperson, vice  
5 chairperson, a secretary-reporter, and such other officers as it  
6 deems necessary. Members of the board shall serve without  
7 compensation but may be reimbursed for actual expenses necessary  
8 to the performance of their official duties for the board.

9 [3.] 2. The coordinating board for early childhood shall  
10 have the power to:

11 (1) Develop a comprehensive statewide long-range strategic  
12 plan for a cohesive early childhood system;

13 (2) Confer with public and private entities for the purpose  
14 of promoting and improving the development of children from birth  
15 through age five of this state;

16 (3) Identify legislative recommendations to improve  
17 services for children from birth through age five;

18 (4) Promote coordination of existing services and programs  
19 across public and private entities;

20 (5) Promote research-based approaches to services and  
21 ongoing program evaluation;

22 (6) Identify service gaps and advise public and private  
23 entities on methods to close such gaps;

24 (7) Apply for and accept gifts, grants, appropriations,  
25 loans, or contributions to the coordinating board for early  
26 childhood fund from any source, public or private, and enter into  
27 contracts or other transactions with any federal or state agency,  
28 any private organizations, or any other source in furtherance of

1 the purpose of [subsections 2 and 3] subsection 1 of this section  
2 and this subsection, and take any and all actions necessary to  
3 avail itself of such aid and cooperation;

4 (8) Direct disbursements from the coordinating board for  
5 early childhood fund as provided in this section;

6 (9) Administer the coordinating board for early childhood  
7 fund and invest any portion of the moneys not required for  
8 immediate disbursement in obligations of the United States or any  
9 agency or instrumentality of the United States, in obligations of  
10 the state of Missouri and its political subdivisions, in  
11 certificates of deposit and time deposits, or other obligations  
12 of banks and savings and loan associations, or in such other  
13 obligations as may be prescribed by the board;

14 (10) Purchase, receive, take by grant, gift, devise,  
15 bequest or otherwise, lease, or otherwise acquire, own, hold,  
16 improve, employ, use, and otherwise deal with real or personal  
17 property or any interests therein, wherever situated;

18 (11) Sell, convey, lease, exchange, transfer or otherwise  
19 dispose of all or any of its property or any interest therein,  
20 wherever situated;

21 (12) Employ and fix the compensation of an executive  
22 director and such other agents or employees as it considers  
23 necessary;

24 (13) Adopt, alter, or repeal by its own bylaws, rules, and  
25 regulations governing the manner in which its business may be  
26 transacted;

27 (14) Adopt and use an official seal;

28 (15) Assess or charge fees as the board determines to be



1 reasonable to carry out its purposes;

2 (16) Make all expenditures which are incident and necessary  
3 to carry out its purposes;

4 (17) Sue and be sued in its official name;

5 (18) Take such action, enter into such agreements, and  
6 exercise all functions necessary or appropriate to carry out the  
7 duties and purposes set forth in this section.

8 [4.] 3. There is hereby created the "Coordinating Board for  
9 Early Childhood Fund" which shall consist of the following:

10 (1) Any moneys appropriated by the general assembly for use  
11 by the board in carrying out the powers set out in subsections [2  
12 and 3] 1 and 2 of this section;

13 (2) Any moneys received from grants or which are given,  
14 donated, or contributed to the fund from any source;

15 (3) Any moneys received as fees authorized under  
16 subsections [2 and 3] 1 and 2 of this section;

17 (4) Any moneys received as interest on deposits or as  
18 income on approved investments of the fund;

19 (5) Any moneys obtained from any other available source.  
20

21 Notwithstanding the provisions of section 33.080 to the contrary,  
22 any moneys remaining in the coordinating board for early  
23 childhood fund at the end of the biennium shall not revert to the  
24 credit of the general revenue fund

25 210.110. As used in sections 210.109 to 210.165, and  
26 sections 210.180 to 210.183, the following terms mean:

27 (1) "Abuse", any physical injury, sexual abuse, or  
28 emotional abuse inflicted on a child other than by accidental

1 means by those responsible for the child's care, custody, and  
2 control, except that discipline including spanking, administered  
3 in a reasonable manner, shall not be construed to be abuse.  
4 Victims of abuse shall also include any victims of sex  
5 trafficking or severe forms of trafficking as those terms are  
6 defined in 22 U.S.C. 78 Section 7102(9)-(10);

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

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

20 (b) Developmental, behavioral, and emotional screening in  
21 addition to early periodic screening, diagnosis, and treatment  
22 services, including a core set of standardized and recognized  
23 instruments as well as interviews with the child and appropriate  
24 caregivers. The screening battery may be performed by a licensed  
25 mental health professional familiar with the effects of abuse and  
26 neglect on young children, who will then serve as the liaison  
27 between all service providers in ensuring that needed services  
28 are provided. Such treatment services may include in-home

1 services, out-of-home placement, intensive twenty-four-hour  
2 treatment services, family counseling, parenting training and  
3 other best practices.

4  
5 Children whose screenings indicate an area of concern may  
6 complete a comprehensive, in-depth health, psychodiagnostic, or  
7 developmental assessment within sixty days of entry into custody;

8 (3) "Central registry", a registry of persons where the  
9 division has found probable cause to believe prior to August 28,  
10 2004, or by a preponderance of the evidence after August 28,  
11 2004, or a court has substantiated through court adjudication  
12 that the individual has committed child abuse or neglect or the  
13 person has pled guilty or has been found guilty of a crime  
14 pursuant to section 565.020, 565.021, 565.023, 565.024, 565.050,  
15 566.030, 566.060, or 567.050 if the victim is a child less than  
16 eighteen years of age, or any other crime pursuant to chapter 566  
17 if the victim is a child less than eighteen years of age and the  
18 perpetrator is twenty-one years of age or older, a crime under  
19 section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080,  
20 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or  
21 573.205, or an attempt to commit any such crimes. Any persons  
22 placed on the registry prior to August 28, 2004, shall remain on  
23 the registry for the duration of time required by section  
24 210.152;

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

27 (5) "Children's services providers and agencies", any  
28 public, quasi-public, or private entity with the appropriate and

1 relevant training and expertise in delivering services to  
2 children and their families as determined by the children's  
3 division, and capable of providing direct services and other  
4 family services for children in the custody of the children's  
5 division or any such entities or agencies that are receiving  
6 state moneys for such services;

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

9 (7) "Division", the Missouri children's division within the  
10 department of social services;

11 (8) "Family assessment and services", an approach to be  
12 developed by the children's division which will provide for a  
13 prompt assessment of a child who has been reported to the  
14 division as a victim of abuse or neglect by a person responsible  
15 for that child's care, custody or control and of that child's  
16 family, including risk of abuse and neglect and, if necessary,  
17 the provision of community-based services to reduce the risk and  
18 support the family;

19 (9) "Family support team meeting" or "team meeting", a  
20 meeting convened by the division or children's services provider  
21 in behalf of the family and/or child for the purpose of  
22 determining service and treatment needs, determining the need for  
23 placement and developing a plan for reunification or other  
24 permanency options, determining the appropriate placement of the  
25 child, evaluating case progress, and establishing and revising  
26 the case plan;

27 (10) "Investigation", the collection of physical and verbal  
28 evidence to determine if a child has been abused or neglected;

1           (11) "Jail or detention center personnel", employees and  
2 volunteers working in any premises or institution where  
3 incarceration, evaluation, care, treatment or rehabilitation is  
4 provided to persons who are being held under custody of the law;

5           (12) "Neglect", failure to provide, by those responsible  
6 for the care, custody, and control of the child, the proper or  
7 necessary support, education as required by law, nutrition or  
8 medical, surgical, or any other care necessary for the child's  
9 well-being. Victims of neglect shall also include any victims of  
10 sex trafficking or severe forms of trafficking as those terms are  
11 defined in 22 U.S.C. 78 Section 7102(9)-(10);

12           (13) "Preponderance of the evidence", that degree of  
13 evidence that is of greater weight or more convincing than the  
14 evidence which is offered in opposition to it or evidence which  
15 as a whole shows the fact to be proved to be more probable than  
16 not;

17           (14) "Probable cause", available facts when viewed in the  
18 light of surrounding circumstances which would cause a reasonable  
19 person to believe a child was abused or neglected;

20           (15) "Report", the communication of an allegation of child  
21 abuse or neglect to the division pursuant to section 210.115;

22           (16) "Those responsible for the care, custody, and control  
23 of the child", includes, but is not limited to:

24           (a) The parents or legal guardians of a child;

25           (b) Other members of the child's household;

26           (c) Those exercising supervision over a child for any part  
27 of a twenty-four-hour day;

28           (d) Any person who has access to the child based on

1 relationship to the parents of the child or members of the  
2 child's household or the family; or

3 (e) Any person who takes control of the child by deception,  
4 force, or coercion.

5 210.112. 1. It is the policy of this state and its  
6 agencies to implement a foster care and child protection and  
7 welfare system focused on providing the highest quality of  
8 services and outcomes for children and their families. The  
9 department of social services shall implement such system subject  
10 to the following principles:

11 (1) The safety and welfare of children is paramount;

12 (2) Providers of direct services to children and their  
13 families will be evaluated in a uniform and consistent basis;

14 (3) Services to children and their families shall be  
15 provided in a timely manner to maximize the opportunity for  
16 successful outcomes; and

17 (4) Any provider of direct services to children and  
18 families shall have the appropriate and relevant training,  
19 education, and expertise to provide the highest quality of  
20 services possible which shall be consistent with the federal  
21 standards, but not less than the standards and policies used by  
22 the children's division as of January 1, 2004.

23 2. On or before July 1, 2005, and subject to  
24 appropriations, the children's division and any other state  
25 agency deemed necessary by the division shall, in consultation  
26 with the community and providers of services, enter into and  
27 implement contracts with qualified children's services providers  
28 and agencies to provide a comprehensive and deliberate system of

1 service delivery for children and their families. Contracts  
2 shall be awarded through a competitive process and provided by  
3 children's services providers and agencies currently contracting  
4 with the state to provide such services and by public and private  
5 not-for-profit or limited liability corporations owned  
6 exclusively by not-for-profit corporations children's services  
7 providers and agencies which have:

8 (1) A proven record of providing child welfare services  
9 within the state of Missouri which shall be consistent with the  
10 federal standards, but not less than the standards and policies  
11 used by the children's division as of January 1, 2004; and

12 (2) The ability to provide a range of child welfare  
13 services, which may include case management services,  
14 family-centered services, foster and adoptive parent recruitment  
15 and retention, residential care, in-home services, foster care  
16 services, adoption services, relative care case management,  
17 planned permanent living services, and family reunification  
18 services.

19  
20 No contracts shall be issued for services related to the child  
21 abuse and neglect hotline, investigations of alleged abuse and  
22 neglect, and initial family assessments. Any contracts entered  
23 into by the division shall be in accordance with all federal laws  
24 and regulations, and shall not result in the loss of federal  
25 funding. Such children's services providers and agencies under  
26 contract with the division shall be subject to all federal,  
27 state, and local laws and regulations relating to the provision  
28 of such services, and shall be subject to oversight and

1 inspection by appropriate state agencies to assure compliance  
2 with standards which shall be consistent with the federal  
3 standards, but not less than the standards and policies used by  
4 the children's division as of January 1, 2004.

5 3. In entering into and implementing contracts under  
6 subsection 2 of this section, the division shall consider and  
7 direct their efforts towards geographic areas of the state,  
8 including Greene County, where eligible direct children's  
9 services providers and agencies are currently available and  
10 capable of providing a broad range of services, including case  
11 management services, family-centered services, foster and  
12 adoptive parent recruitment and retention, residential care,  
13 family preservation services, foster care services, adoption  
14 services, relative care case management, other planned living  
15 arrangements, and family reunification services consistent with  
16 federal guidelines. Nothing in this subsection shall prohibit  
17 the division from contracting on an as-needed basis for any  
18 individual child welfare service listed above.

19 4. The contracts entered into under this section shall  
20 assure that:

21 (1) Child welfare services shall be delivered to a child  
22 and the child's family by professionals who have substantial and  
23 relevant training, education, or competencies otherwise  
24 demonstrated in the area of children and family services;

25 (2) Children's services providers and agencies shall be  
26 evaluated by the division based on objective, consistent, and  
27 performance-based criteria;

28 (3) Any case management services provided shall be subject



1 to a case management plan established under subsection 5 of this  
2 section which is consistent with all relevant federal guidelines.  
3 The case management plan shall focus on attaining permanency in  
4 children's living conditions to the greatest extent possible and  
5 shall include concurrent planning and independent living where  
6 appropriate in accordance with the best interests of each child  
7 served and considering relevant factors applicable to each  
8 individual case as provided by law, including:

9 (a) The interaction and interrelationship of a child with  
10 the child's foster parents, biological or adoptive parents,  
11 siblings, and any other person who may significantly affect the  
12 child's best interests;

13 (b) A child's adjustment to his or her foster home, school,  
14 and community;

15 (c) The mental and physical health of all individuals  
16 involved, including any history of abuse of or by any individuals  
17 involved;

18 (d) The needs of the child for a continuing relationship  
19 with the child's biological or adoptive parents and the ability  
20 and willingness of the child's biological or adoptive parents to  
21 actively perform their functions as parents with regard to the  
22 needs of the child; and

23 (e) For any child [under ten years old], treatment services  
24 may be available as defined in section 210.110. Assessments, as  
25 defined in section 210.110, may occur to determine which  
26 treatment services best meet the child's psychological and social  
27 needs. When the assessment indicates that a child's needs can be  
28 best resolved by intensive twenty-four-hour treatment services,

1 the division will locate, contract, and place the child with the  
2 appropriate organizations. This placement will be viewed as the  
3 least restrictive for the child based on the assessment;

4 (4) The delivery system shall have sufficient flexibility  
5 to take into account children and families on a case-by-case  
6 basis;

7 (5) The delivery system shall provide a mechanism for the  
8 assessment of strategies to work with children and families  
9 immediately upon entry into the system to maximize permanency and  
10 successful outcome in the shortest time possible and shall  
11 include concurrent planning. Outcome measures for private and  
12 public agencies shall be equal for each program; and

13 (6) Payment to the children's services providers and  
14 agencies shall be made based on the reasonable costs of services,  
15 including responsibilities necessary to execute the contract.  
16 Contracts shall provide incentives in addition to the costs of  
17 services provided in recognition of accomplishment of the case  
18 goals and the corresponding cost savings to the state. The  
19 division shall promulgate rules to implement the provisions of  
20 this subdivision.

21 5. Contracts entered into under this section shall require  
22 that a case management plan consistent with all relevant federal  
23 guidelines shall be developed for each child at the earliest time  
24 after the initial investigation, but in no event longer than  
25 ~~[fourteen]~~ thirty days after the initial investigation or  
26 referral to the contractor by the division. Such case management  
27 plan shall be presented to the court and be the foundation of  
28 service delivery to the child and family. The case management

1 plan shall, at a minimum, include:

2 (1) An outcome target based on the child and family  
3 situation achieving permanency or independent living, where  
4 appropriate;

5 (2) Services authorized and necessary to facilitate the  
6 outcome target;

7 (3) Time frames in which services will be delivered; and

8 (4) Necessary evaluations and reporting.  
9

10 In addition to any visits and assessments required under case  
11 management, services to be provided by a public or private  
12 children's services provider under the specific case management  
13 plan may include family-centered services, foster and adoptive  
14 parent recruitment and retention, residential care, in-home  
15 services, foster care services, adoption services, relative care  
16 case services, planned permanent living services, and family  
17 reunification services. In all cases, an appropriate level of  
18 services shall be provided to the child and family after  
19 permanency is achieved to assure a continued successful outcome.

20 6. By December 1, 2018, the division shall convene a task  
21 force to review the recruitment, licensing and retention of  
22 foster and adoptive parents statewide. In addition to  
23 representatives of the division and department, the task force  
24 shall include representatives of the private sector and  
25 faith-based community which provide recruitment and licensure  
26 services. The purpose of the task force shall and will be to  
27 study the extent to which changes in the system of recruiting,  
28 licensing, and retaining foster and adoptive parents would

1 enhance the effectiveness of the system statewide. The task  
2 force shall develop a report of its findings with recommendations  
3 by December 1, [2011] 2019, and provide copies of the report to  
4 the general assembly, to the joint committee on child abuse and  
5 neglect under section 21.771, and to the governor.

6 7. On or before July 15, 2006, and each July fifteenth  
7 thereafter that the project is in operation, the division shall  
8 submit a report to the general assembly which shall include:

9 (1) Details about the specifics of the contracts, including  
10 the number of children and families served, the cost to the state  
11 for contracting such services, the current status of the children  
12 and families served, an assessment of the quality of services  
13 provided and outcomes achieved, and an overall evaluation of the  
14 project; and

15 (2) Any recommendations regarding the continuation or  
16 possible statewide implementation of such project; and

17 (3) Any information or recommendations directly related to  
18 the provision of direct services for children and their families  
19 that any of the contracting children's services providers and  
20 agencies request to have included in the report.

21 8. The division shall accept as prima facie evidence of  
22 completion of the requirements for licensure under sections  
23 210.481 to 210.511 proof that an agency is accredited by any of  
24 the following nationally recognized bodies: the Council on  
25 Accreditation of Services, Children and Families, Inc.; the Joint  
26 Commission on Accreditation of Hospitals; or the Commission on  
27 Accreditation of Rehabilitation Facilities. The division shall  
28 not require any further evidence of qualification for licensure

1 if such proof of voluntary accreditation is submitted.

2 9. By February 1, 2005, the children's division shall  
3 promulgate and have in effect rules to implement the provisions  
4 of this section and, pursuant to this section, shall define  
5 implementation plans and dates. Any rule or portion of a rule,  
6 as that term is defined in section 536.010, that is created under  
7 the authority delegated in this section shall become effective  
8 only if it complies with and is subject to all of the provisions  
9 of chapter 536 and, if applicable, section 536.028. This section  
10 and chapter 536 are nonseverable and if any of the powers vested  
11 with the general assembly pursuant to chapter 536 to review, to  
12 delay the effective date, or to disapprove and annul a rule are  
13 subsequently held unconstitutional, then the grant of rulemaking  
14 authority and any rule proposed or adopted after August 28, 2004,  
15 shall be invalid and void.

16 210.115. 1. When any physician, medical examiner, coroner,  
17 dentist, chiropractor, optometrist, podiatrist, resident, intern,  
18 nurse, hospital or clinic personnel that are engaged in the  
19 examination, care, treatment or research of persons, and any  
20 other health practitioner, psychologist, mental health  
21 professional, social worker, day care center worker or other  
22 child-care worker, juvenile officer, probation or parole officer,  
23 jail or detention center personnel, teacher, principal or other  
24 school official, minister as provided by section 352.400, peace  
25 officer or law enforcement official, volunteer or personnel of a  
26 community service program that offers support services for  
27 families in crisis to assist in the delegation of any powers  
28 regarding the care and custody of a child by a properly executed

1 power of attorney pursuant to sections 475.600 to 475.604, or  
2 other person with responsibility for the care of children has  
3 reasonable cause to suspect that a child has been or may be  
4 subjected to abuse or neglect or observes a child being subjected  
5 to conditions or circumstances which would reasonably result in  
6 abuse or neglect, that person shall immediately report to the  
7 division in accordance with the provisions of sections 210.109 to  
8 210.183. No internal investigation shall be initiated until such  
9 a report has been made. As used in this section, the term  
10 "abuse" is not limited to abuse inflicted by a person responsible  
11 for the child's care, custody and control as specified in section  
12 210.110, but shall also include abuse inflicted by any other  
13 person.

14 2. If two or more members of a medical institution who are  
15 required to report jointly have knowledge of a known or suspected  
16 instance of child abuse or neglect, a single report may be made  
17 by a designated member of that medical team. Any member who has  
18 knowledge that the member designated to report has failed to do  
19 so shall thereafter immediately make the report. Nothing in this  
20 section, however, is meant to preclude any person from reporting  
21 abuse or neglect.

22 3. The reporting requirements under this section are  
23 individual, and no supervisor or administrator may impede or  
24 inhibit any reporting under this section. No person making a  
25 report under this section shall be subject to any sanction,  
26 including any adverse employment action, for making such report.  
27 Every employer shall ensure that any employee required to report  
28 pursuant to subsection 1 of this section has immediate and

1     unrestricted access to communications technology necessary to  
2     make an immediate report and is temporarily relieved of other  
3     work duties for such time as is required to make any report  
4     required under subsection 1 of this section.

5             4. Notwithstanding any other provision of sections 210.109  
6     to 210.183, any child who does not receive specified medical  
7     treatment by reason of the legitimate practice of the religious  
8     belief of the child's parents, guardian, or others legally  
9     responsible for the child, for that reason alone, shall not be  
10    found to be an abused or neglected child, and such parents,  
11    guardian or other persons legally responsible for the child shall  
12    not be entered into the central registry. However, the division  
13    may accept reports concerning such a child and may subsequently  
14    investigate or conduct a family assessment as a result of that  
15    report. Such an exception shall not limit the administrative or  
16    judicial authority of the state to ensure that medical services  
17    are provided to the child when the child's health requires it.

18            5. In addition to those persons and officials required to  
19    report actual or suspected abuse or neglect, any other person may  
20    report in accordance with sections 210.109 to 210.183 if such  
21    person has reasonable cause to suspect that a child has been or  
22    may be subjected to abuse or neglect or observes a child being  
23    subjected to conditions or circumstances which would reasonably  
24    result in abuse or neglect.

25            6. Any person or official required to report pursuant to  
26    this section, including employees of the division, who has  
27    probable cause to suspect that a child who is or may be under the  
28    age of eighteen, who is eligible to receive a certificate of live

1 birth, has died shall report that fact to the appropriate medical  
2 examiner or coroner. If, upon review of the circumstances and  
3 medical information, the medical examiner or coroner determines  
4 that the child died of natural causes while under medical care  
5 for an established natural disease, the coroner, medical examiner  
6 or physician shall notify the division of the child's death and  
7 that the child's attending physician shall be signing the death  
8 certificate. In all other cases, the medical examiner or coroner  
9 shall accept the report for investigation, shall immediately  
10 notify the division of the child's death as required in section  
11 58.452 and shall report the findings to the child fatality review  
12 panel established pursuant to section 210.192.

13 7. Any person or individual required to report may also  
14 report the suspicion of abuse or neglect to any law enforcement  
15 agency or juvenile office. Such report shall not, however, take  
16 the place of reporting to the division.

17 8. If an individual required to report suspected instances  
18 of abuse or neglect pursuant to this section has reason to  
19 believe that the victim of such abuse or neglect is a resident of  
20 another state or was injured as a result of an act which occurred  
21 in another state, the person required to report such abuse or  
22 neglect may, in lieu of reporting to the Missouri children's  
23 division, make such a report to the child protection agency of  
24 the other state with the authority to receive such reports  
25 pursuant to the laws of such other state. If such agency accepts  
26 the report, no report is required to be made, but may be made, to  
27 the children's division.

28 210.145. 1. The division shall develop protocols which



1 give priority to:

2 (1) Ensuring the well-being and safety of the child in  
3 instances where child abuse or neglect has been alleged;

4 (2) Promoting the preservation and reunification of  
5 children and families consistent with state and federal law;

6 (3) Providing due process for those accused of child abuse  
7 or neglect; and

8 (4) Maintaining an information system operating at all  
9 times, capable of receiving and maintaining reports. This  
10 information system shall have the ability to receive reports over  
11 a single, statewide toll-free number. Such information system  
12 shall maintain the results of all investigations, family  
13 assessments and services, and other relevant information.

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

23 3. Upon receipt of a report, the division shall determine  
24 if the report merits investigation, including reports which if  
25 true would constitute a suspected violation of any of the  
26 following: section 565.020, 565.021, 565.023, 565.024, or  
27 565.050 if the victim is a child less than eighteen years of age,  
28 section 566.030 or 566.060 if the victim is a child less than

1 eight years of age, or other crimes under chapter 566 if the  
2 victim is a child less than eighteen years of age and the  
3 perpetrator is twenty-one years of age or older, section 567.050  
4 if the victim is a child less than eighteen years of age, section  
5 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205,  
6 section 573.025, 573.035, 573.037, or 573.040, or an attempt to  
7 commit any such crimes. The division shall immediately  
8 communicate all reports that merit investigation to its  
9 appropriate local office and any relevant information as may be  
10 contained in the information system. The local division staff  
11 shall determine, through the use of protocols developed by the  
12 division, whether an investigation or the family assessment and  
13 services approach should be used to respond to the allegation.  
14 The protocols developed by the division shall give priority to  
15 ensuring the well-being and safety of the child.

16 4. The division may accept a report for investigation or  
17 family assessment if either the child or alleged perpetrator  
18 resides in Missouri, may be found in Missouri, or if the incident  
19 occurred in Missouri.

20 5. If the division receives a report in which neither the  
21 child nor the alleged perpetrator resides in Missouri or may be  
22 found in Missouri and the incident did not occur in Missouri, the  
23 division shall document the report and communicate it to the  
24 appropriate agency or agencies in the state where the child is  
25 believed to be located, along with any relevant information or  
26 records as may be contained in the division's information system.

27 6. When the child abuse and neglect hotline receives three  
28 or more calls, within a seventy-two hour period, from one or more

1 individuals concerning the same child, the division shall conduct  
2 a review to determine whether the calls meet the criteria and  
3 statutory definition for a child abuse and neglect report to be  
4 accepted. In conducting the review, the division shall contact  
5 the hotline caller or callers in order to collect information to  
6 determine whether the calls meet the criteria for harassment.

7 [5.] 7. The local office shall contact the appropriate law  
8 enforcement agency immediately upon receipt of a report which  
9 division personnel determine merits an investigation and provide  
10 such agency with a detailed description of the report received.  
11 In such cases the local division office shall request the  
12 assistance of the local law enforcement agency in all aspects of  
13 the investigation of the complaint. The appropriate law  
14 enforcement agency shall either assist the division in the  
15 investigation or provide the division, within twenty-four hours,  
16 an explanation in writing detailing the reasons why it is unable  
17 to assist.

18 [6.] 8. The local office of the division shall cause an  
19 investigation or family assessment and services approach to be  
20 initiated in accordance with the protocols established in  
21 subsection 2 of this section, except in cases where the sole  
22 basis for the report is educational neglect. If the report  
23 indicates that educational neglect is the only complaint and  
24 there is no suspicion of other neglect or abuse, the  
25 investigation shall be initiated within seventy-two hours of  
26 receipt of the report. If the report indicates the child is in  
27 danger of serious physical harm or threat to life, an  
28 investigation shall include direct observation of the subject

1 child within twenty-four hours of the receipt of the report.  
2 Local law enforcement shall take all necessary steps to  
3 facilitate such direct observation. Callers to the child abuse  
4 and neglect hotline shall be instructed by the division's hotline  
5 to call 911 in instances where the child may be in immediate  
6 danger. If the parents of the child are not the alleged  
7 perpetrators, a parent of the child must be notified prior to the  
8 child being interviewed by the division. No person responding to  
9 or investigating a child abuse and neglect report shall call  
10 prior to a home visit or leave any documentation of any attempted  
11 visit, such as business cards, pamphlets, or other similar  
12 identifying information if he or she has a reasonable basis to  
13 believe the following factors are present:

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

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

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

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

23  
24 If the alleged perpetrator is present during a visit by the  
25 person responding to or investigating the report, such person  
26 shall provide written material to the alleged perpetrator  
27 informing him or her of his or her rights regarding such visit,  
28 including but not limited to the right to contact an attorney.

1 The alleged perpetrator shall be given a reasonable amount of  
2 time to read such written material or have such material read to  
3 him or her by the case worker before the visit commences, but in  
4 no event shall such time exceed five minutes; except that, such  
5 requirement to provide written material and reasonable time to  
6 read such material shall not apply in cases where the child faces  
7 an immediate threat or danger, or the person responding to or  
8 investigating the report is or feels threatened or in danger of  
9 physical harm. If the abuse is alleged to have occurred in a  
10 school or child care facility the division shall not meet with  
11 the child in any school building or child-care facility building  
12 where abuse of such child is alleged to have occurred. When the  
13 child is reported absent from the residence, the location and the  
14 well-being of the child shall be verified. For purposes of this  
15 subsection, "child care facility" shall have the same meaning as  
16 such term is defined in section 210.201.

17 [7.] 9. The director of the division shall name at least  
18 one chief investigator for each local division office, who shall  
19 direct the division response on any case involving a second or  
20 subsequent incident regarding the same subject child or  
21 perpetrator. The duties of a chief investigator shall include  
22 verification of direct observation of the subject child by the  
23 division and shall ensure information regarding the status of an  
24 investigation is provided to the public school district liaison.  
25 The public school district liaison shall develop protocol in  
26 conjunction with the chief investigator to ensure information  
27 regarding an investigation is shared with appropriate school  
28 personnel. The superintendent of each school district shall

1 designate a specific person or persons to act as the public  
2 school district liaison. Should the subject child attend a  
3 nonpublic school the chief investigator shall notify the school  
4 principal of the investigation. Upon notification of an  
5 investigation, all information received by the public school  
6 district liaison or the school shall be subject to the provisions  
7 of the federal Family Educational Rights and Privacy Act (FERPA),  
8 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

9 [8.] 10. The investigation shall include but not be limited  
10 to the nature, extent, and cause of the abuse or neglect; the  
11 identity and age of the person responsible for the abuse or  
12 neglect; the names and conditions of other children in the home,  
13 if any; the home environment and the relationship of the subject  
14 child to the parents or other persons responsible for the child's  
15 care; any indication of incidents of physical violence against  
16 any other household or family member; and other pertinent data.

17 [9.] 11. When a report has been made by a person required  
18 to report under section 210.115, the division shall contact the  
19 person who made such report within forty-eight hours of the  
20 receipt of the report in order to ensure that full information  
21 has been received and to obtain any additional information or  
22 medical records, or both, that may be pertinent.

23 [10.] 12. Upon completion of the investigation, if the  
24 division suspects that the report was made maliciously or for the  
25 purpose of harassment, the division shall refer the report and  
26 any evidence of malice or harassment to the local prosecuting or  
27 circuit attorney.

28 [11.] 13. Multidisciplinary teams shall be used whenever

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

7 [12.] 14. For all family support team meetings involving an  
8 alleged victim of child abuse or neglect, the parents, legal  
9 counsel for the parents, foster parents, the legal guardian or  
10 custodian of the child, the guardian ad litem for the child, and  
11 the volunteer advocate for the child shall be provided notice and  
12 be permitted to attend all such meetings. Family members, other  
13 than alleged perpetrators, or other community informal or formal  
14 service providers that provide significant support to the child  
15 and other individuals may also be invited at the discretion of  
16 the parents of the child. In addition, the parents, the legal  
17 counsel for the parents, the legal guardian or custodian and the  
18 foster parents may request that other individuals, other than  
19 alleged perpetrators, be permitted to attend such team meetings.  
20 Once a person is provided notice of or attends such team  
21 meetings, the division or the convenor of the meeting shall  
22 provide such persons with notice of all such subsequent meetings  
23 involving the child. Families may determine whether individuals  
24 invited at their discretion shall continue to be invited.

25 [13.] 15. If the appropriate local division personnel  
26 determine after an investigation has begun that completing an  
27 investigation is not appropriate, the division shall conduct a  
28 family assessment and services approach. The division shall

1 provide written notification to local law enforcement prior to  
2 terminating any investigative process. The reason for the  
3 termination of the investigative process shall be documented in  
4 the record of the division and the written notification submitted  
5 to local law enforcement. Such notification shall not preclude  
6 nor prevent any investigation by law enforcement.

7 [14.] 16. If the appropriate local division personnel  
8 determines to use a family assessment and services approach, the  
9 division shall:

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

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

25 (3) Commence an immediate investigation if at any time  
26 during the family assessment and services approach the division  
27 determines that an investigation, as delineated in sections  
28 210.109 to 210.183, is required. The division staff who have



1 conducted the assessment may remain involved in the provision of  
2 services to the child and family;

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

6 [15.] 17. (1) Within forty-five days of an oral report of  
7 abuse or neglect, the local office shall update the information  
8 in the information system. The information system shall contain,  
9 at a minimum, the determination made by the division as a result  
10 of the investigation, identifying information on the subjects of  
11 the report, those responsible for the care of the subject child  
12 and other relevant dispositional information. The division shall  
13 complete all investigations within forty-five days, unless good  
14 cause for the failure to complete the investigation is  
15 specifically documented in the information system. Good cause  
16 for failure to complete an investigation shall include, but not  
17 be limited to:

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

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

1 investigation; or

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

8  
9 The division shall document any such reasons for failure to  
10 complete the investigation.

11 (2) If a child fatality or near-fatality is involved in a  
12 report of abuse or neglect, the investigation shall remain open  
13 until the division's investigation surrounding such death or  
14 near-fatal injury is completed.

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

26 [16.] 18. A person required to report under section 210.115  
27 to the division and any person making a report of child abuse or  
28 neglect made to the division which is not made anonymously shall

1 be informed by the division of his or her right to obtain  
2 information concerning the disposition of his or her report.  
3 Such person shall receive, from the local office, if requested,  
4 information on the general disposition of his or her report.  
5 Such person may receive, if requested, findings and information  
6 concerning the case. Such release of information shall be at the  
7 discretion of the director based upon a review of the reporter's  
8 ability to assist in protecting the child or the potential harm  
9 to the child or other children within the family. The local  
10 office shall respond to the request within forty-five days. The  
11 findings shall be made available to the reporter within five days  
12 of the outcome of the investigation. If the report is determined  
13 to be unsubstantiated, the reporter may request that the report  
14 be referred by the division to the office of child advocate for  
15 children's protection and services established in sections 37.700  
16 to 37.730. Upon request by a reporter under this subsection, the  
17 division shall refer an unsubstantiated report of child abuse or  
18 neglect to the office of child advocate for children's protection  
19 and services.

20 [17.] 19. The division shall provide to any individual who  
21 is not satisfied with the results of an investigation information  
22 about the office of child advocate and the services it may  
23 provide under sections 37.700 to 37.730.

24 [18.] 20. In any judicial proceeding involving the custody  
25 of a child the fact that a report may have been made pursuant to  
26 sections 210.109 to 210.183 shall not be admissible. However:

27 (1) Nothing in this subsection shall prohibit the  
28 introduction of evidence from independent sources to support the

1     allegations that may have caused a report to have been made; and

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

6  
7     If a report has been made, the court may stay the custody  
8     proceeding until the children's division completes its  
9     investigation.

10            21. Nothing in this chapter shall be construed to prohibit  
11 the children's division from coinvestigating a report of child  
12 abuse or neglect or sharing records and information with child  
13 welfare, law enforcement, or judicial officers of another state,  
14 territory, or nation if the children's division determines it is  
15 appropriate to do so under the standard set forth in subsection 4  
16 of section 210.150 and if such receiving agency is exercising its  
17 authority under the law.

18            [19.] 22.   In any judicial proceeding involving the custody  
19     of a child where the court determines that the child is in need  
20     of services under paragraph (d) of subdivision (1) of subsection  
21     1 of section 211.031 and has taken jurisdiction, the child's  
22     parent, guardian or custodian shall not be entered into the  
23     registry.

24            [20.] 23.   The children's division is hereby granted the  
25     authority to promulgate rules and regulations pursuant to the  
26     provisions of section 207.021 and chapter 536 to carry out the  
27     provisions of sections 210.109 to 210.183.

28            [21.] 24.   Any rule or portion of a rule, as that term is

1 defined in section 536.010, that is created under the authority  
2 delegated in this section shall become effective only if it  
3 complies with and is subject to all of the provisions of chapter  
4 536 and, if applicable, section 536.028. This section and  
5 chapter 536 are nonseverable and if any of the powers vested with  
6 the general assembly pursuant to chapter 536 to review, to delay  
7 the effective date or to disapprove and annul a rule are  
8 subsequently held unconstitutional, then the grant of rulemaking  
9 authority and any rule proposed or adopted after August 28, 2000,  
10 shall be invalid and void.

11 210.152. 1. All [identifying] information, including  
12 telephone reports reported pursuant to section 210.145, relating  
13 to reports of abuse or neglect received by the division shall be  
14 retained by the division [and] or removed from the records of the  
15 division as follows:

16 (1) For investigation reports contained in the central  
17 registry, [identifying] the report and all information shall be  
18 retained by the division;

19 (2) (a) For investigation reports initiated against a  
20 person required to report pursuant to section 210.115, where  
21 insufficient evidence of abuse or neglect is found by the  
22 division and where the division determines the allegation of  
23 abuse or neglect was made maliciously, for purposes of  
24 harassment, or in retaliation for the filing of a report by a  
25 person required to report, identifying information shall be  
26 expunged by the division within forty-five days from the  
27 conclusion of the investigation;

28 (b) For investigation reports, where insufficient evidence

1 of abuse or neglect is found by the division and where the  
2 division determines the allegation of abuse or neglect was made  
3 maliciously, for purposes of harassment, or in retaliation for  
4 the filing of a report, identifying information shall be expunged  
5 by the division within forty-five days from the conclusion of the  
6 investigation;

7 (c) For investigation reports initiated by a person  
8 required to report under section 210.115, where insufficient  
9 evidence of abuse or neglect is found by the division,  
10 identifying information shall be retained for ~~[five]~~ ten years  
11 from the conclusion of the investigation. For all other  
12 investigation reports where insufficient evidence of abuse or  
13 neglect is found by the division, identifying information shall  
14 be retained for ~~[two]~~ five years from the conclusion of the  
15 investigation. Such reports shall include any exculpatory  
16 evidence known by the division, including exculpatory evidence  
17 obtained after the closing of the case. At the end of such time  
18 period, the identifying information shall be removed from the  
19 records of the division and destroyed;

20 (d) For investigation reports where the identification of  
21 the specific perpetrator or perpetrators cannot be substantiated  
22 and the division has specific evidence to determine that a child  
23 was abused or neglected, the division shall retain the report and  
24 all ~~[identifying]~~ information but shall not place an unknown  
25 perpetrator on the central registry. The division shall retain  
26 all ~~[identifying]~~ information ~~[for the purpose of utilizing such~~  
27 information in subsequent investigations or family assessments of  
28 the same child, the child's family, or members of the child's

household]. The division shall retain and disclose information and findings in the same manner as the division retains and discloses family assessments. If the division made a finding of abuse or neglect against an unknown perpetrator prior to August 28, 2017, the division shall remove the unknown perpetrator from the central registry but shall retain and utilize all [identifying] information as otherwise provided in this section;

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

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

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

(1) That the division has determined by a probable cause finding prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that the division shall retain all [identifying] information

1 regarding the abuse or neglect; that such information shall  
2 remain confidential and will not be released except to law  
3 enforcement agencies, prosecuting or circuit attorneys, or as  
4 provided in section 210.150; that the alleged perpetrator has  
5 sixty days from the date of receipt of the notice to seek  
6 reversal of the division's determination through a review by the  
7 child abuse and neglect review board as provided in subsection 4  
8 of this section;

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

12 (3) The division has been unable to determine the identity  
13 of the perpetrator of the abuse or neglect. The notice shall  
14 also inform the child's parents and legal guardian that the  
15 division shall retain, utilize, and disclose all information and  
16 findings as provided in family assessment and services cases.

17 3. The children's division may reopen a case for review if  
18 new, specific, and credible evidence is obtained.

19 4. Any person named in an investigation as a perpetrator  
20 who is aggrieved by a determination of abuse or neglect by the  
21 division as provided in this section may seek an administrative  
22 review by the child abuse and neglect review board pursuant to  
23 the provisions of section 210.153. Such request for review shall  
24 be made within sixty days of notification of the division's  
25 decision under this section. In those cases where criminal  
26 charges arising out of facts of the investigation are pending,  
27 the request for review shall be made within sixty days from the  
28 court's final disposition or dismissal of the charges.



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

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

27          7. In any such action for administrative review, the child  
28 abuse and neglect review board shall notify the child or the

1 parent, guardian or legal representative of the child that a  
2 review has been requested.

3 210.487. 1. When conducting investigations of persons for  
4 the purpose of foster parent licensing, the division shall:

5 (1) Conduct a search for all persons over the age of  
6 seventeen in the applicant's household and for any child less  
7 than seventeen years of age residing in the applicant's home who  
8 the division has determined has been certified as an adult for  
9 the commission of a crime for evidence of full orders of  
10 protection. The office of state courts administrator shall allow  
11 access to the automated court information system by the division.  
12 The clerk of each court contacted by the division shall provide  
13 the division information within ten days of a request; [and]

14 (2) Obtain [three sets of] fingerprints for any person over  
15 the age of seventeen in the applicant's household and for any  
16 child less than seventeen years of age residing in the  
17 applicant's home who the division has determined has been  
18 certified as an adult for the commission of a crime in the same  
19 manner set forth in subsection 2 of section 210.482. [One set of  
20 fingerprints shall be used by the highway patrol to search the  
21 criminal history repository, one set shall be forwarded to the  
22 Federal Bureau of Investigation for searching the federal  
23 criminal history files, and one set shall be forwarded to and  
24 retained by the division.] The highway patrol shall assist the  
25 division and provide the criminal fingerprint background  
26 information, upon request, in accordance with the provisions of  
27 section 43.540; and

28 (3) Determine whether any person over the age of seventeen

1 residing in the home and any child less than seventeen years of  
2 age residing in the applicant's home who the division has  
3 determined has been certified as an adult for the commission of a  
4 crime is listed on the child abuse and neglect registry. For any  
5 children less than seventeen years of age residing in the  
6 applicant's home, the children's division shall inquire of the  
7 applicant whether any children less than seventeen years of age  
8 residing in the home have ever been certified as an adult and  
9 been convicted of or pled guilty or nolo contendere to any crime.

10 2. After the initial investigation is completed under  
11 subsection 1 of this section:

12 (1) No person who submits fingerprints under subsection 1  
13 of this section or section 210.482 shall be required to submit  
14 additional fingerprints under this section or section 210.482  
15 unless the original fingerprints retained by the division are  
16 lost or destroyed; [and]

17 (2) The highway patrol shall provide ongoing electronic  
18 updates to criminal history background checks of those persons  
19 previously submitted as part of the licensing or approval process  
20 under subsection 1 of this section. Ongoing electronic updates  
21 for such persons and for those in their households shall  
22 terminate when such persons cease to be applicant or licensed  
23 foster parents; and

24 (3) The children's division and the department of health  
25 and senior services may waive the requirement for a fingerprint  
26 background check for any subsequent recertification.

27 3. Subject to appropriation, the total cost of  
28 fingerprinting required by this section may be paid by the state,

1 including reimbursement of persons incurring fingerprinting costs  
2 under this section.

3 4. The division may make arrangements with other executive  
4 branch agencies to obtain any investigative background  
5 information.

6 5. The division may promulgate rules that are necessary to  
7 implement the provisions of this section. Any rule or portion of  
8 a rule, as that term is defined in section 536.010, that is  
9 created under the authority delegated in this section shall  
10 become effective only if it complies with and is subject to all  
11 of the provisions of chapter 536 and, if applicable, section  
12 536.028. This section and chapter 536 are nonseverable and if  
13 any of the powers vested with the general assembly pursuant to  
14 chapter 536 to review, to delay the effective date, or to  
15 disapprove and annul a rule are subsequently held  
16 unconstitutional, then the grant of rulemaking authority and any  
17 rule proposed or adopted after August 28, 2004, shall be invalid  
18 and void.

19 210.498. 1. Any parent or legal guardian of a child in  
20 foster care may have access to investigation records kept by the  
21 division regarding [a decision for] the denial [of or the],  
22 suspension, or revocation of [a] the license [to a specific  
23 person to operate or maintain] of a foster home [if such specific  
24 person does or may provide services or care to a child of the  
25 person requesting the information] in which the child was placed.  
26 The request for the release of such information shall be made to  
27 the division director or the director's designee, in writing, by  
28 the parent or legal guardian of the child and shall be

1 accompanied [with] by a signed and notarized release form from  
2 the person who does or may provide care or services to the child.  
3 The notarized release form shall include the full name, date of  
4 birth and Social Security number of the person who does or may  
5 provide care or services to a child. The response shall include  
6 only information pertaining to the nature and disposition of any  
7 denial, suspension, or revocation of a license to operate a  
8 foster home. This response shall not include any identifying  
9 information regarding any person other than the person to whom a  
10 foster home license was denied, suspended, or revoked. The  
11 response shall not include financial, medical, or other personal  
12 information relating to the foster home provider or the foster  
13 home provider's family unless the division determines that the  
14 information is directly relevant to the disposition of the  
15 investigation and report. The response shall be given within ten  
16 working days of the time it was received by the division.

17 2. The division may disclose or utilize information and  
18 records relating to foster homes in its discretion and as needed  
19 for the administration of the foster care program including, but  
20 not limited to, the licensure of foster homes and for the  
21 protection, care, and safety of children who are or who may be  
22 placed in foster care.

23 3. Upon written request, the director of the department of  
24 social services shall authorize the disclosure of information and  
25 findings pertaining to foster homes in cases of child fatalities  
26 or near-fatalities to courts, juvenile officers, law enforcement  
27 agencies, and prosecuting and circuit attorneys that have a need  
28 for the information to conduct their duties under law. Nothing

1 in this subsection shall otherwise preclude the disclosure of  
2 such information as provided for under subsection 5 of section  
3 210.150.

4 4. The division may disclose information and records  
5 pertaining to foster homes to juvenile officers, courts, the  
6 office of child advocate, guardians ad litem, law enforcement  
7 agencies, child welfare agencies, child placement agencies,  
8 prosecuting attorneys, and other local, state, and federal  
9 government agencies that have a need for the information to  
10 conduct their duties under law.

11 5. Information and records pertaining to the licensure of  
12 foster homes and the care and treatment of children in foster  
13 homes shall be considered closed records under chapter 610 and  
14 may only be disclosed and utilized under this section.

15 210.1030. 1. There is hereby created the "Trauma-Informed  
16 Care for Children and Families Task Force". The mission of the  
17 task force shall be to promote the healthy development of  
18 children and their families living in Missouri communities by  
19 promoting comprehensive trauma-informed children and family  
20 support systems and interagency cooperation.

21 2. The task force shall consist of the following members:

22 (1) The directors, or their designees, of the departments  
23 of elementary and secondary education, health and senior  
24 services, mental health, social services, public safety, and  
25 corrections;

26 (2) The director, or his or her designee, of the office of  
27 child advocate;

28 (3) Six members from the private sector with knowledge of

1 trauma-informed care methods, two of whom shall be appointed by  
2 the speaker of the house of representatives, one of whom shall be  
3 appointed by the minority leader of the house of representatives,  
4 two of whom shall be appointed by the president pro tempore of  
5 the senate, and one of whom shall be appointed by the minority  
6 leader of the senate;

7 (4) Two members of the house of representatives appointed  
8 by the speaker of the house of representatives and one member of  
9 the house of representatives appointed by the minority leader of  
10 the house of representatives;

11 (5) Two members of the senate appointed by the president  
12 pro tempore of the senate and one member of the senate appointed  
13 by the minority leader of the senate; and

14 (6) The executive director, or his or her designee, of the  
15 Missouri Juvenile Justice Association.

16 3. The task force shall incorporate evidence-based and  
17 evidence-informed best practices including, but not limited to,  
18 the Missouri Model: A Developmental Framework for Trauma-  
19 Informed, with respect to:

20 (1) Early identification of children and youth and their  
21 families, as appropriate, who have experienced or are at risk of  
22 experiencing trauma;

23 (2) The expeditious referral of such children and youth and  
24 their families, as appropriate, who require specialized services  
25 to the appropriate trauma-informed support services, including  
26 treatment, in accordance with applicable privacy laws; and

27 (3) The implementation of trauma-informed approaches and  
28 interventions in child and youth-serving schools, organizations,

1 homes, and other settings to foster safe, stable, and nurturing  
2 environments and relationships that prevent and mitigate the  
3 effects of trauma.

4 4. The department of social services shall provide such  
5 research, clerical, technical, and other services as the task  
6 force may require in the performance of its duties.

7 5. The task force, its members, and any staff assigned to  
8 the task force shall receive reimbursement for their actual and  
9 necessary expenses incurred in attending meetings of the task  
10 force or any subcommittee thereof.

11 6. The task force shall meet within two months of August  
12 28, 2018.

13 7. The task force shall report a summary of its activities  
14 and any recommendations for legislation to the general assembly  
15 and to the joint committee on child abuse and neglect under  
16 section 21.771 by January 1, 2019.

17 8. The task force shall terminate on January 1, 2019.

18 211.447. 1. Any information that could justify the filing  
19 of a petition to terminate parental rights may be referred to the  
20 juvenile officer by any person. The juvenile officer shall make  
21 a preliminary inquiry and if it appears that the information  
22 could justify the filing of a petition, the juvenile officer may  
23 take further action, including filing a petition. If it does not  
24 appear to the juvenile officer that a petition should be filed,  
25 such officer shall so notify the informant in writing within  
26 thirty days of the referral. Such notification shall include the  
27 reasons that the petition will not be filed.

28 2. Except as provided for in subsection 4 of this section,



1 a petition to terminate the parental rights of the child's parent  
2 or parents shall be filed by the juvenile officer or the  
3 division, or if such a petition has been filed by another party,  
4 the juvenile officer or the division shall seek to be joined as a  
5 party to the petition, when:

6 (1) Information available to the juvenile officer or the  
7 division establishes that the child has been in foster care for  
8 at least fifteen of the most recent twenty-two months; or

9 (2) A court of competent jurisdiction has determined the  
10 child to be an abandoned infant. For purposes of this  
11 subdivision, an "infant" means any child one year of age or under  
12 at the time of filing of the petition. The court may find that  
13 an infant has been abandoned if:

14 (a) The parent has left the child under circumstances that  
15 the identity of the child was unknown and could not be  
16 ascertained, despite diligent searching, and the parent has not  
17 come forward to claim the child; or

18 (b) The parent has, without good cause, left the child  
19 without any provision for parental support and without making  
20 arrangements to visit or communicate with the child, although  
21 able to do so; or

22 (c) The parent has voluntarily relinquished a child under  
23 section 210.950; or

24 (3) A court of competent jurisdiction has determined that  
25 the parent has:

26 (a) Committed murder of another child of the parent; or

27 (b) Committed voluntary manslaughter of another child of  
28 the parent; or

1 (c) Aided or abetted, attempted, conspired or solicited to  
2 commit such a murder or voluntary manslaughter; or

3 (d) Committed a felony assault that resulted in serious  
4 bodily injury to the child or to another child of the parent; or

5 (4) The parent has been found guilty of or pled guilty to a  
6 felony violation of chapters 566 or 573 when the child or any  
7 child in the family was a victim, or a violation of sections  
8 568.020 or 568.065 when the child or any child in the family was  
9 a victim. As used in this subdivision, a "child" means any  
10 person who was under eighteen years of age at the time of the  
11 crime and who resided with such parent or was related within the  
12 third degree of consanguinity or affinity to such parent.

13 3. A termination of parental rights petition shall be filed  
14 by the juvenile officer or the division, or if such a petition  
15 has been filed by another party, the juvenile officer or the  
16 division shall seek to be joined as a party to the petition,  
17 within sixty days of the judicial determinations required in  
18 subsection 2 of this section, except as provided in subsection 4  
19 of this section. Failure to comply with this requirement shall  
20 not deprive the court of jurisdiction to adjudicate a petition  
21 for termination of parental rights which is filed outside of  
22 sixty days.

23 4. If grounds exist for termination of parental rights  
24 pursuant to subsection 2 of this section, the juvenile officer or  
25 the division may, but is not required to, file a petition to  
26 terminate the parental rights of the child's parent or parents  
27 if:

28 (1) The child is being cared for by a relative; or

1           (2) There exists a compelling reason for determining that  
2 filing such a petition would not be in the best interest of the  
3 child, as documented in the permanency plan which shall be made  
4 available for court review; or

5           (3) The family of the child has not been provided such  
6 services as provided for in section 211.183.

7           5. The juvenile officer or the division may file a petition  
8 to terminate the parental rights of the child's parent when it  
9 appears that one or more of the following grounds for termination  
10 exist:

11           (1) The child has been abandoned. For purposes of this  
12 subdivision a "child" means any child over one year of age at the  
13 time of filing of the petition. The court shall find that the  
14 child has been abandoned if, for a period of six months or  
15 longer:

16           (a) The parent has left the child under such circumstances  
17 that the identity of the child was unknown and could not be  
18 ascertained, despite diligent searching, and the parent has not  
19 come forward to claim the child; or

20           (b) The parent has, without good cause, left the child  
21 without any provision for parental support and without making  
22 arrangements to visit or communicate with the child, although  
23 able to do so;

24           (2) The child has been abused or neglected. In determining  
25 whether to terminate parental rights pursuant to this  
26 subdivision, the court shall consider and make findings on the  
27 following conditions or acts of the parent:

28           (a) A mental condition which is shown by competent evidence

1 either to be permanent or such that there is no reasonable  
2 likelihood that the condition can be reversed and which renders  
3 the parent unable to knowingly provide the child the necessary  
4 care, custody and control;

5 (b) Chemical dependency which prevents the parent from  
6 consistently providing the necessary care, custody and control of  
7 the child and which cannot be treated so as to enable the parent  
8 to consistently provide such care, custody and control;

9 (c) A severe act or recurrent acts of physical, emotional  
10 or sexual abuse toward the child or any child in the family by  
11 the parent, including an act of incest, or by another under  
12 circumstances that indicate that the parent knew or should have  
13 known that such acts were being committed toward the child or any  
14 child in the family; or

15 (d) Repeated or continuous failure by the parent, although  
16 physically or financially able, to provide the child with  
17 adequate food, clothing, shelter, or education as defined by law,  
18 or other care and control necessary for the child's physical,  
19 mental, or emotional health and development.

20 Nothing in this subdivision shall be construed to permit  
21 discrimination on the basis of disability or disease;

22 (3) The child has been under the jurisdiction of the  
23 juvenile court for a period of one year, and the court finds that  
24 the conditions which led to the assumption of jurisdiction still  
25 persist, or conditions of a potentially harmful nature continue  
26 to exist, that there is little likelihood that those conditions  
27 will be remedied at an early date so that the child can be  
28 returned to the parent in the near future, or the continuation of

1 the parent-child relationship greatly diminishes the child's  
2 prospects for early integration into a stable and permanent home.  
3 In determining whether to terminate parental rights under this  
4 subdivision, the court shall consider and make findings on the  
5 following:

6 (a) The terms of a social service plan entered into by the  
7 parent and the division and the extent to which the parties have  
8 made progress in complying with those terms;

9 (b) The success or failure of the efforts of the juvenile  
10 officer, the division or other agency to aid the parent on a  
11 continuing basis in adjusting his circumstances or conduct to  
12 provide a proper home for the child;

13 (c) A mental condition which is shown by competent evidence  
14 either to be permanent or such that there is no reasonable  
15 likelihood that the condition can be reversed and which renders  
16 the parent unable to knowingly provide the child the necessary  
17 care, custody and control;

18 (d) Chemical dependency which prevents the parent from  
19 consistently providing the necessary care, custody and control  
20 over the child and which cannot be treated so as to enable the  
21 parent to consistently provide such care, custody and control; or

22 (4) [The parent has been found guilty or pled guilty to a  
23 felony violation of chapter 566 when the child or any child in  
24 the family was a victim, or a violation of section 568.020 when  
25 the child or any child in the family was a victim. As used in  
26 this subdivision, a "child" means any person who was under  
27 eighteen years of age at the time of the crime and who resided  
28 with such parent or was related within the third degree of

1 consanguinity or affinity to such parent; or

2 (5)] The child was conceived and born as a result of an act  
3 of forcible rape or rape in the first degree. When the  
4 biological father has pled guilty to, or is convicted of, the  
5 forcible rape or rape in the first degree of the birth mother,  
6 such a plea or conviction shall be conclusive evidence supporting  
7 the termination of the biological father's parental rights; or

8 [(6)] (5) (a) The parent is unfit to be a party to the  
9 parent and child relationship because of a consistent pattern of  
10 committing a specific abuse including, but not limited to,  
11 specific conditions directly relating to the parent and child  
12 relationship which are determined by the court to be of a  
13 duration or nature that renders the parent unable for the  
14 reasonably foreseeable future to care appropriately for the  
15 ongoing physical, mental, or emotional needs of the child.

16 (b) It is presumed that a parent is unfit to be a party to  
17 the parent and child relationship upon a showing that:

18 a. Within a three-year period immediately prior to the  
19 termination adjudication, the parent's parental rights to one or  
20 more other children were involuntarily terminated pursuant to  
21 subsection 2 or 4 of this section or subdivision (1), (2), or  
22 (3)[, or (4)] of this subsection or similar laws of other states;

23 b. If the parent is the birth mother and within eight hours  
24 after the child's birth, the child's birth mother tested positive  
25 and over .08 blood alcohol content pursuant to testing under  
26 section 577.020 for alcohol, or tested positive for cocaine,  
27 heroin, methamphetamine, a controlled substance as defined in  
28 section 195.010, or a prescription drug as defined in section

1 196.973, excepting those controlled substances or prescription  
2 drugs present in the mother's body as a result of medical  
3 treatment administered to the mother, and the birth mother is the  
4 biological mother of at least one other child who was adjudicated  
5 an abused or neglected minor by the mother or the mother has  
6 previously failed to complete recommended treatment services by  
7 the children's division through a family-centered services case;

8 c. If the parent is the birth mother and at the time of the  
9 child's birth or within eight hours after a child's birth the  
10 child tested positive for alcohol, cocaine, heroin,  
11 methamphetamine, a controlled substance as defined in section  
12 195.010, or a prescription drug as defined in section 196.973,  
13 excepting those controlled substances or prescription drugs  
14 present in the mother's body as a result of medical treatment  
15 administered to the mother, and the birth mother is the  
16 biological mother of at least one other child who was adjudicated  
17 an abused or neglected minor by the mother or the mother has  
18 previously failed to complete recommended treatment services by  
19 the children's division through a family-centered services case;  
20 or

21 d. Within a three-year period immediately prior to the  
22 termination adjudication, the parent has pled guilty to or has  
23 been convicted of a felony involving the possession,  
24 distribution, or manufacture of cocaine, heroin, or  
25 methamphetamine, and the parent is the biological parent of at  
26 least one other child who was adjudicated an abused or neglected  
27 minor by such parent or such parent has previously failed to  
28 complete recommended treatment services by the children's

1 division through a family-centered services case.

2 6. The juvenile court may terminate the rights of a parent  
3 to a child upon a petition filed by the juvenile officer or the  
4 division, or in adoption cases, by a prospective parent, if the  
5 court finds that the termination is in the best interest of the  
6 child and when it appears by clear, cogent and convincing  
7 evidence that grounds exist for termination pursuant to  
8 subsection 2, 4 or 5 of this section.

9 7. When considering whether to terminate the parent-child  
10 relationship pursuant to subsection 2 or 4 of this section or  
11 subdivision (1), (2), or (3) [or (4)] of subsection 5 of this  
12 section, the court shall evaluate and make findings on the  
13 following factors, when appropriate and applicable to the case:

14 (1) The emotional ties to the birth parent;

15 (2) The extent to which the parent has maintained regular  
16 visitation or other contact with the child;

17 (3) The extent of payment by the parent for the cost of  
18 care and maintenance of the child when financially able to do so  
19 including the time that the child is in the custody of the  
20 division or other child-placing agency;

21 (4) Whether additional services would be likely to bring  
22 about lasting parental adjustment enabling a return of the child  
23 to the parent within an ascertainable period of time;

24 (5) The parent's disinterest in or lack of commitment to  
25 the child;

26 (6) The conviction of the parent of a felony offense that  
27 the court finds is of such a nature that the child will be  
28 deprived of a stable home for a period of years; provided,



1     however, that incarceration in and of itself shall not be grounds  
2     for termination of parental rights;

3             (7) Deliberate acts of the parent or acts of another of  
4     which the parent knew or should have known that subjects the  
5     child to a substantial risk of physical or mental harm.

6             8. The court may attach little or no weight to infrequent  
7     visitations, communications, or contributions. It is irrelevant  
8     in a termination proceeding that the maintenance of the parent-  
9     child relationship may serve as an inducement for the parent's  
10    rehabilitation.

11            9. In actions for adoption pursuant to chapter 453, the  
12    court may hear and determine the issues raised in a petition for  
13    adoption containing a prayer for termination of parental rights  
14    filed with the same effect as a petition permitted pursuant to  
15    subsection 2, 4, or 5 of this section.

16            10. The disability or disease of a parent shall not  
17    constitute a basis for a determination that a child is a child in  
18    need of care, for the removal of custody of a child from the  
19    parent, or for the termination of parental rights without a  
20    specific showing that there is a causal relation between the  
21    disability or disease and harm to the child.

22            431.056. 1. A minor shall be qualified and competent to  
23    contract for housing, employment, purchase of an automobile,  
24    receipt of a student loan, admission to high school or  
25    postsecondary school, obtaining medical care, establishing a bank  
26    account, admission to a shelter for victims of domestic violence,  
27    as [defined in section] that phrase is used in sections 455.200  
28    to 455.220, a rape crisis center, as defined in section 455.003,

1 or a homeless shelter, and receipt of services as a victim of  
2 domestic violence or sexual [abuse] assault, as such terms are  
3 defined in section 455.010, including but not limited to  
4 counseling, court advocacy, financial assistance, and other  
5 advocacy services, if:

6 (1) The minor is sixteen or seventeen years of age; and

7 (2) The minor is homeless, as defined in subsection 1 of  
8 section 167.020, or a victim of domestic violence, as defined in  
9 section ~~[455.200]~~ 455.010, unless the child is under the  
10 supervision of the children's division or the jurisdiction of the  
11 juvenile court; and

12 (3) The minor is self-supporting, such that the minor is  
13 without the physical or financial support of a parent or legal  
14 guardian; and

15 (4) The minor's parent or legal guardian has consented to  
16 the minor living independent of the parents' or guardians'  
17 control. Consent may be expressed or implied, such that:

18 (a) Expressed consent is any verbal or written statement  
19 made by the parents or guardian of the minor displaying approval  
20 or agreement that the minor may live independently of the  
21 parent's or guardian's control;

22 (b) Implied consent is any action made by the parent or  
23 guardian of the minor that indicates the parent or guardian is  
24 unwilling or unable to adequately care for the minor. Such  
25 actions may include, but are not limited to:

26 a. Barring the minor from the home or otherwise indicating  
27 that the minor is not welcome to stay;

28 b. Refusing to provide any or all financial support for the

1 minor; or

2 c. Abusing or neglecting the minor, as defined in section  
3 210.110 or committing an act or acts of domestic violence against  
4 the minor, as defined in section 455.010.

5 2. A minor who is sixteen years of age or older and who is  
6 in the legal custody of the children's division pursuant to an  
7 order of a court of competent jurisdiction shall be qualified and  
8 competent to contract for the purchase of automobile insurance  
9 with the consent of the children's division or the juvenile  
10 court. The minor shall be responsible for paying the costs of  
11 the insurance premiums and shall be liable for damages caused by  
12 his or her negligent operation of a motor vehicle. No state  
13 department, foster parent, or entity providing case management of  
14 children on behalf of a department shall be responsible for  
15 paying any insurance premiums nor liable for any damages of any  
16 kind as a result of the operation of a motor vehicle by the  
17 minor.

18 3. A minor who is sixteen years of age or older and who is  
19 in the legal custody of the children's division pursuant to an  
20 order of a court of competent jurisdiction shall be qualified and  
21 competent to contract for the opening of a checking or savings  
22 bank account with the consent of the children's division or the  
23 juvenile court. The minor shall be responsible for paying all  
24 banking related costs associated with the checking or savings  
25 account and shall be liable for any and all penalties should he  
26 or she violate a banking agreement. No state department, foster  
27 parent, or entity providing case management of children on behalf  
28 of a department shall be responsible for paying any bank fees nor

1 liable for any and all penalties related to violation of a  
2 banking agreement.

3 453.015. As used in sections 453.010 to 453.400, the  
4 following terms mean:

5 (1) "Minor" or "child", any person who has not attained the  
6 age of eighteen years or any person in the custody of the  
7 children's division who has not attained the age of twenty-one;

8 (2) "Parent", a birth parent or parents of a child,  
9 including the putative father of the child, as well as the  
10 husband of a birth mother at the time the child was conceived, or  
11 a parent or parents of a child by adoption. The putative father  
12 shall have no legal relationship unless he has acknowledged the  
13 child as his own by affirmatively asserting his paternity;

14 (3) "Post adoption contact agreement", a voluntary written  
15 agreement executed by one or both of a child's birth parents and  
16 each adoptive parent describing future contact between the  
17 parties to the agreement and the child; provided, that such  
18 agreement shall be approved by the court under subsection 4 of  
19 section 453.080;

20 (4) "Putative father", the alleged or presumed father of a  
21 child including a person who has filed a notice of intent to  
22 claim paternity with the putative father registry established in  
23 section 192.016 and a person who has filed a voluntary  
24 acknowledgment of paternity pursuant to section 193.087;

25 [(4)] (5) "Stepparent", the spouse of a biological or  
26 adoptive parent. The term does not include the state if the  
27 child is a ward of the state. The term does not include a person  
28 whose parental rights have been terminated.

1           453.030. 1. In all cases the approval of the court of the  
2 adoption shall be required and such approval shall be given or  
3 withheld as the welfare of the person sought to be adopted may,  
4 in the opinion of the court, demand.

5           2. The written consent of the person to be adopted shall be  
6 required in all cases where the person sought to be adopted is  
7 fourteen years of age or older, except where the court finds that  
8 such child has not sufficient mental capacity to give the same.  
9 In a case involving a child under fourteen years of age, the  
10 guardian ad litem shall ascertain the child's wishes and feelings  
11 about his or her adoption by conducting an interview or  
12 interviews with the child, if appropriate based on the child's  
13 age and maturity level, which shall be considered by the court as  
14 a factor in determining if the adoption is in the child's best  
15 interests.

16           3. With the exceptions specifically enumerated in section  
17 453.040, when the person sought to be adopted is under the age of  
18 eighteen years, the written consent of the following persons  
19 shall be required and filed in and made a part of the files and  
20 record of the proceeding:

21           (1) The mother of the child; [and]

22           (2) [Only the] Any man who:

23           (a) Is presumed to be the father pursuant to [the]  
24 subdivision (1), (2), or (3) of subsection 1 of section 210.822;  
25 or

26           (b) Has filed an action to establish his paternity in a  
27 court of competent jurisdiction no later than fifteen days after  
28 the birth of the child and has served a copy of the petition on

1 the mother in accordance with section 506.100; or

2 (c) Filed with the putative father registry pursuant to  
3 section 192.016 a notice of intent to claim paternity or an  
4 acknowledgment of paternity either prior to or within fifteen  
5 days after the child's birth, and has filed an action to  
6 establish his paternity in a court of competent jurisdiction no  
7 later than fifteen days after the birth of the child; **[or]** and

8 (3) The child's current adoptive parents or other legally  
9 recognized mother and father.

10 Upon request by the petitioner and within one business day of  
11 such request, the clerk of the local court shall verify whether  
12 such written consents have been filed with the court.

13 4. The written consent required in subdivisions (2) and (3)  
14 of subsection 3 of this section may be executed before or after  
15 the birth of the child or before or after the commencement of the  
16 adoption proceedings, and shall be executed in front of a judge  
17 or acknowledged before a notary public. If consent is executed  
18 in front of a judge, it shall be the duty of the judge to advise  
19 the consenting birth parent of the consequences of the consent.  
20 In lieu of such acknowledgment, the signature of the person  
21 giving such written consent shall be witnessed by the signatures  
22 of at least two adult persons whose signatures and addresses  
23 shall be plainly written thereon. The two adult witnesses shall  
24 not be the prospective adoptive parents or any attorney  
25 representing a party to the adoption proceeding other than the  
26 attorney representing the party signing the consent. The notary  
27 public or witnesses shall verify the identity of the party  
28 signing the consent. Notwithstanding any other provision of law

1 to the contrary, a properly executed written consent under this  
2 subsection shall be considered irrevocable.

3         5. The written consent required in subdivision (1) of  
4 subsection 3 of this section by the birth ~~[parent]~~ mother shall  
5 not be executed anytime before the child is forty-eight hours  
6 old. Such written consent shall be executed in front of a judge  
7 or acknowledged before a notary public. If consent is executed  
8 in front of a judge, it shall be the duty of the judge to advise  
9 the consenting party of the consequences of the consent. In lieu  
10 of ~~[such]~~ acknowledgment before a notary public, the signature of  
11 the person giving such written consent shall be witnessed by the  
12 signatures of at least two adult persons who are present at the  
13 execution whose signatures and addresses shall be plainly written  
14 thereon and who determine and certify that the consent is  
15 knowingly and freely given. The two adult witnesses shall not be  
16 the prospective adoptive parents or any attorney representing a  
17 party to the adoption proceeding other than the attorney  
18 representing the party signing the consent. The notary public or  
19 witnesses shall verify the identity of the party signing the  
20 consent.

21         6. A consent is final when executed, unless the consenting  
22 party, prior to a final decree of adoption, alleges and proves by  
23 clear and convincing evidence that the consent was not freely and  
24 voluntarily given. The burden of proving the consent was not  
25 freely and voluntarily given shall rest with the consenting  
26 party. Consents in all cases shall have been executed not more  
27 than six months prior to the date the petition for adoption is  
28 filed.

1           7. A consent form shall be developed through rules and  
2 regulations promulgated by the department of social services. No  
3 rule or portion of a rule promulgated under the authority of this  
4 section shall become effective unless it has been promulgated  
5 pursuant to the provisions of chapter 536. If a written consent  
6 is obtained after August 28, 1997, but prior to the development  
7 of a consent form by the department and the written consent  
8 complies with the provisions of subsection 8 of this section,  
9 such written consent shall be deemed valid.

10          8. However, the consent form must specify that:

11           (1) The birth parent understands the importance of  
12 identifying all possible fathers of the child and may provide the  
13 names of all such persons; and

14           (2) The birth parent understands that if he denies  
15 paternity, but consents to the adoption, he waives any future  
16 interest in the child.

17          9. The written consent to adoption required by subsection 3  
18 and executed through procedures set forth in subsection 5 of this  
19 section shall be valid and effective even though the parent  
20 consenting was under eighteen years of age, if such parent was  
21 represented by a guardian ad litem, at the time of the execution  
22 thereof.

23          10. Where the person sought to be adopted is eighteen years  
24 of age or older, his or her written consent alone to his or her  
25 adoption shall be sufficient.

26          11. A birth parent, including a birth parent less than  
27 eighteen years of age, shall have the right to legal  
28 representation and payment of any reasonable legal fees incurred



1 throughout the adoption process. In addition, the court may  
2 appoint an attorney to represent a birth parent if:

3 (1) A birth parent requests representation;

4 (2) The court finds that hiring an attorney to represent  
5 such birth parent would cause a financial hardship for the birth  
6 parent; and

7 (3) The birth parent is not already represented by counsel.

8 12. Except in cases where the court determines that the  
9 adoptive parents are unable to pay reasonable attorney fees and  
10 appoints pro bono counsel for the birth parents, the court shall  
11 order the costs of the attorney fees incurred pursuant to  
12 subsection 11 of this section to be paid by the prospective  
13 adoptive parents or the child-placing agency.

14 13. The court shall receive and acknowledge a written  
15 consent to adoption properly executed by a birth parent under  
16 this section when such consent is in the best interests of the  
17 child.

18 453.080. 1. The court shall conduct a hearing to determine  
19 whether the adoption shall be finalized. If their attorney  
20 appears in person, out-of-state adoptive petitioners may appear  
21 by video conference. During such hearing, the court shall  
22 ascertain whether:

23 (1) The person sought to be adopted, if a child, has been  
24 in the lawful and actual custody of the petitioner for a period  
25 of at least six months prior to entry of the adoption decree;  
26 except that the six-month period may be waived if the person  
27 sought to be adopted is a child who is under the prior and  
28 continuing jurisdiction of a court pursuant to chapter 211 and

1 the person desiring to adopt the child is the child's current  
2 foster parent. Lawful and actual custody shall include a  
3 transfer of custody pursuant to the laws of this state, another  
4 state, a territory of the United States, or another country;

5 (2) The court has received and reviewed a postplacement  
6 assessment on the monthly contacts with the adoptive family  
7 pursuant to section 453.077, except for good cause shown in the  
8 case of a child adopted from a foreign country;

9 (3) The court has received and reviewed an updated  
10 financial affidavit;

11 (4) The court has received the recommendations of the  
12 guardian ad litem and has received and reviewed the  
13 recommendations of the person placing the child, the person  
14 making the assessment and the person making the postplacement  
15 assessment;

16 (5) [There is compliance with the uniform child custody  
17 jurisdiction act, sections 452.440 to 452.550;

18 (6)] There is compliance with the Indian Child Welfare Act,  
19 if applicable;

20 [(7)] (6) There is compliance with the Interstate Compact  
21 on the Placement of Children pursuant to section 210.620; and

22 [(8)] (7) It is fit and proper that such adoption should be  
23 made.

24 2. If a petition for adoption has been filed pursuant to  
25 section 453.010 and a transfer of custody has occurred pursuant  
26 to section 453.110, the court may authorize the filing for  
27 finalization in another state if the adoptive parents are  
28 domiciled in that state.

1           3. If the court determines the adoption should be  
2 finalized, a decree shall be issued setting forth the facts and  
3 ordering that from the date of the decree the adoptee shall be  
4 for all legal intents and purposes the child of the petitioner or  
5 petitioners. The court may decree that the name of the person  
6 sought to be adopted be changed, according to the prayer of the  
7 petition.

8           4. Before the completion of an adoption, the exchange of  
9 information among the parties shall be at the discretion of the  
10 parties. Prospective adoptive parents and birth parents may  
11 enter into a written post adoption contact agreement to allow  
12 contact, communication, and the exchange of photographs after the  
13 adoption between the adoptive parents and the birth parents. The  
14 court shall not order any party to enter into a post adoption  
15 contact agreement. The agreement shall be filed with and approved  
16 by the court at or before the finalization of the adoption. The  
17 court shall approve an agreement only if the agreement is in the  
18 best interests of the child. The court may enforce or modify an  
19 agreement made under this subsection unless such enforcement or  
20 modification is not in the best interests of the child. The  
21 agreement shall include:

22           (1) An acknowledgment by the birth parents that the  
23 adoption is irrevocable, even if the adoptive parents do not  
24 abide by the post adoption contact agreement;

25           (2) An acknowledgment by the adoptive parents that the  
26 agreement grants the birth parents the right to seek to enforce  
27 the provisions of the post adoption contact agreement. Remedies  
28 for a breach of the agreement shall include specific performance

1 of the terms of the agreement; provided, that nothing in the  
2 agreement shall preclude a party seeking to enforce the agreement  
3 from utilizing child welfare mediation before, or in addition to,  
4 the commencement of a civil action for specific enforcement;

5 (3) An acknowledgment that the post adoption contact  
6 agreement shall be filed with and approved by the court in order  
7 to be enforceable; and

8 (4) An acknowledgment that the birth parents' consent to  
9 the adoption was not conditioned on the post adoption contact  
10 agreement and that acceptance of the agreement is fully  
11 voluntary.

12  
13 Upon completion of an adoption, further contact among the parties  
14 shall be at the discretion of the adoptive parents or in  
15 accordance with a post adoption contact agreement executed under  
16 this subsection. The court shall not have jurisdiction to deny  
17 [continuing contact between the adopted person and the birth  
18 parent, or an adoptive parent and a birth parent. Additionally,  
19 the court shall not have jurisdiction to deny] an exchange of  
20 identifying information between an adoptive parent and a birth  
21 parent.

22 5. Before the completion of an adoption, the court shall  
23 make available to the birth parent or parents a contact  
24 preference form developed by the state registrar pursuant to  
25 section 193.128 and provided to the court by the department of  
26 health and senior services. If a birth parent chooses to  
27 complete the form, the clerk of the court shall send the form  
28 with the certificate of decree of adoption to the state

1 registrar. Such form shall accompany the original birth  
2 certificate of the adopted person and may be updated by a birth  
3 parent at any time upon the request of the birth parent.

4 453.121. 1. As used in this section, unless the context  
5 clearly indicates otherwise, the following terms mean:

6 (1) "Adopted adult", any adopted person who is eighteen  
7 years of age or over;

8 (2) "Adopted child", any adopted person who is less than  
9 eighteen years of age;

10 (3) "Adult sibling", any brother or sister of the whole or  
11 half blood who is eighteen years of age or over;

12 (4) "Biological parent", the natural and biological mother  
13 or father of the adopted child;

14 (5) "Identifying information", information which includes  
15 the name, date of birth, place of birth and last known address of  
16 the biological parent;

17 (6) "Lineal descendant", a legal descendant of a person as  
18 defined in section 472.010;

19 (7) "Nonidentifying information", information concerning  
20 the physical description, nationality, religious background and  
21 medical history of the biological parent or sibling.

22 2. All papers, records, and information pertaining to an  
23 adoption whether part of any permanent record or file may be  
24 disclosed only in accordance with this section.

25 3. Nonidentifying information, if known, concerning  
26 undisclosed biological parents or siblings shall be furnished by  
27 the child-placing agency or the juvenile court to the adoptive  
28 parents, legal guardians, adopted adult or the adopted adult's

1 lineal descendants if the adopted adult is deceased, upon written  
2 request therefor.

3 4. An adopted adult, or the adopted adult's lineal  
4 descendants if the adopted adult is deceased, may make a written  
5 request to the circuit court having original jurisdiction of such  
6 adoption to secure and disclose information identifying the  
7 adopted adult's biological parents. If the biological parents  
8 have consented to the release of identifying information under  
9 subsection 8 of this section, the court shall disclose such  
10 identifying information to the adopted adult or the adopted  
11 adult's lineal descendants if the adopted adult is deceased. If  
12 the biological parents have not consented to the release of  
13 identifying information under subsection 8 of this section, the  
14 court shall, within ten days of receipt of the request, notify in  
15 writing the child-placing agency or juvenile court personnel  
16 having access to the information requested of the request by the  
17 adopted adult or the adopted adult's lineal descendants.

18 5. Within three months after receiving notice of the  
19 request of the adopted adult, or the adopted adult's lineal  
20 descendants, the child-placing agency or the juvenile court  
21 personnel shall make reasonable efforts to notify the biological  
22 parents of the request of the adopted adult or the adopted  
23 adult's lineal descendants. The child-placing agency or juvenile  
24 court personnel may charge actual costs to the adopted adult or  
25 the adopted adult's lineal descendants for the cost of making  
26 such search. All communications under this subsection are  
27 confidential. For purposes of this subsection, "notify" means a  
28 personal and confidential contact with the biological parent of

1 the adopted adult, which initial contact shall be made by an  
2 employee of the child-placing agency which processed the  
3 adoption, juvenile court personnel or some other licensed child-  
4 placing agency designated by the child-placing agency or juvenile  
5 court. Nothing in this section shall be construed to permit the  
6 disclosure of communications privileged pursuant to section  
7 491.060. At the end of three months, the child-placing agency or  
8 juvenile court personnel shall file a report with the court  
9 stating that each biological parent that was located was given  
10 the following information:

11 (1) The nature of the identifying information to which the  
12 agency has access;

13 (2) The nature of any nonidentifying information requested;

14 (3) The date of the request of the adopted adult or the  
15 adopted adult's lineal descendants;

16 (4) The right of the biological parent to file an affidavit  
17 with the court stating that the identifying information should be  
18 disclosed;

19 (5) The effect of a failure of the biological parent to  
20 file an affidavit stating that the identifying information should  
21 be disclosed.

22 6. If the child-placing agency or juvenile court personnel  
23 reports to the court that it has been unable to notify the  
24 biological parent within three months, the identifying  
25 information shall not be disclosed to the adopted adult or the  
26 adopted adult's lineal descendants. Additional requests for the  
27 same or substantially the same information may not be made to the  
28 court within one year from the end of the three-month period

1 during which the attempted notification was made, unless good  
2 cause is shown and leave of court is granted.

3 7. If, within three months, the child-placing agency or  
4 juvenile court personnel reports to the court that it has  
5 notified the biological parent pursuant to subsection 5 of this  
6 section, the court shall receive the identifying information from  
7 the child-placing agency. If an affidavit duly executed by a  
8 biological parent authorizing the release of information is filed  
9 with the court or if a biological parent is found to be deceased,  
10 the court shall disclose the identifying information as to that  
11 biological parent to the adopted adult or the adopted adult's  
12 lineal descendants if the adopted adult is deceased, provided  
13 that the other biological parent either:

14 (1) Is unknown;

15 (2) Is known but cannot be found and notified pursuant to  
16 [section 5 of this act] subsection 5 of this section;

17 (3) Is deceased; or

18 (4) Has filed with the court an affidavit authorizing  
19 release of identifying information.

20 If the biological parent fails or refuses to file an affidavit  
21 with the court authorizing the release of identifying  
22 information, then the identifying information shall not be  
23 released to the adopted adult. No additional request for the  
24 same or substantially the same information may be made within  
25 three years of the time the biological parent fails or refuses to  
26 file an affidavit authorizing the release of identifying  
27 information.

28 8. Any adopted adult whose adoption was finalized in this



1 state or whose biological parents had their parental rights  
2 terminated in this state may request the court to secure and  
3 disclose identifying information concerning an adult sibling.  
4 Identifying information pertaining exclusively to the adult  
5 sibling, whether part of the permanent record of a file in the  
6 court or in an agency, shall be released only upon consent of  
7 that adult sibling.

8 9. The central office of the children's division within the  
9 department of social services shall maintain a registry by which  
10 biological parents, adult siblings, and adoptive adults may  
11 indicate their desire to be contacted by each other. The  
12 division may request such identification for the registry as a  
13 party may possess to assure positive identifications. At the  
14 time of registry, a biological parent or adult sibling may  
15 consent in writing to the release of identifying information to  
16 an adopted adult. If such a consent has not been executed and  
17 the division believes that a match has occurred on the registry  
18 between biological parents or adult siblings and an adopted  
19 adult, an employee of the division shall make the confidential  
20 contact provided in subsection 5 of this section with the  
21 biological parents or adult siblings and with the adopted adult.  
22 If the division believes that a match has occurred on the  
23 registry between one biological parent or adult sibling and an  
24 adopted adult, an employee of the division shall make the  
25 confidential contact provided by subsection 5 of this section  
26 with the biological parent or adult sibling. The division shall  
27 then attempt to make such confidential contact with the other  
28 biological parent, and shall proceed thereafter to make such

1 confidential contact with the adopted adult only if the division  
2 determines that the other biological parent meets one of the  
3 conditions specified in subsection 7 of this section. The  
4 biological parent, adult sibling, or adopted adult may refuse to  
5 go forward with any further contact between the parties when  
6 contacted by the division.

7 10. The provisions of this section, except as provided in  
8 subsection 5 of this section governing the release of identifying  
9 and nonidentifying adoptive information apply to adoptions  
10 completed before and after August 13, 1986.

11 11. All papers, records, and information known to or in the  
12 possession of an adoptive parent or adoptive child that pertain  
13 to an adoption, regardless of whether part of any permanent  
14 record or file, may be disclosed by the adoptive parent or  
15 adoptive child. The provisions of this subsection shall not be  
16 construed to create a right to have access to information not  
17 otherwise allowed under this section.

18 475.600. Sections 475.600, 475.602, and 475.604 shall be  
19 known and may be cited as the "Supporting and Strengthening  
20 Families Act".

21 475.602. 1. A parent or legal custodian of a child may, by  
22 a properly executed power of attorney as provided under section  
23 475.604, delegate to an attorney-in-fact for a period not to  
24 exceed one year, except as provided under subsection 7 of this  
25 section, any of the powers regarding the care and custody of the  
26 child, except the power to consent to marriage or adoption of the  
27 child, the performance or inducement of an abortion on or for the  
28 child, or the termination of parental rights to the child. A

1 delegation of powers under this section shall not be construed to  
2 change or modify any parental or legal rights, obligations, or  
3 authority established by an existing court order or deprive the  
4 parent or legal custodian of any parental or legal rights,  
5 obligations, or authority regarding the custody, visitation, or  
6 support of the child.

7 2. The parent or legal custodian of the child shall have  
8 the authority to revoke or withdraw the power of attorney  
9 authorized in subsection 1 of this section at any time. Except  
10 as provided in subsection 7 of this section, if the delegation of  
11 authority lasts longer than one year, the parent or legal  
12 custodian of the child shall execute a new power of attorney for  
13 each additional year that the delegation exists. If a parent  
14 withdraws or revokes the power of attorney, the child shall be  
15 returned to the custody of the parents as soon as reasonably  
16 possible.

17 3. Unless the authority is revoked or withdrawn by the  
18 parent or legal custodian, the attorney-in-fact shall exercise  
19 parental or legal authority on a continuous basis without  
20 compensation for the duration of the power of attorney authorized  
21 by subsection 1 of this section and shall not be subject to any  
22 statutes dealing with the licensing or regulation of foster care  
23 homes.

24 4. Except as otherwise provided by law, if a parent or  
25 legal custodian uses a community service program that offers  
26 support services for families in crisis to assist in the  
27 delegation of any powers regarding the care and custody of a  
28 child by a properly executed power of attorney, then the

1 execution of a power of attorney by such parent or legal  
2 custodian as authorized in subsection 1 of this section shall not  
3 constitute abandonment as provided in sections 568.030 and  
4 568.032, or abuse or neglect as provided in sections 210.110 and  
5 568.060, unless the parent or legal guardian fails to take  
6 custody of the child or execute a new power of attorney after the  
7 one-year time limit has elapsed. It shall be a violation of  
8 section 453.110 for any parent or legal custodian to execute a  
9 power of attorney with the intention of permanently avoiding or  
10 divesting himself or herself of parental or legal responsibility  
11 for the care of the child.

12 5. Under a delegation of powers as authorized by subsection  
13 1 of this section, the child or children subject to the power of  
14 attorney shall not be considered placed in foster care as  
15 otherwise defined in law and the parties shall not be subject to  
16 any of the requirements or licensing regulations for foster care  
17 or other regulations relating to community care for children.

18 6. If a parent or legal custodian uses a community service  
19 program that offers support services for families in crisis to  
20 assist in the delegation of any powers regarding the care and  
21 custody of a child by a properly executed power of attorney, then  
22 the community service program shall ensure that a background  
23 check is completed for the attorney-in-fact and any adult members  
24 of his or her household prior to the placement of the child. A  
25 community service program shall not place a child or children  
26 with an attorney-in-fact when he or she or any adult member of  
27 his or her household is found to be on the sex offender registry  
28 as established pursuant to sections 589.400 to 589.425, or the

1 child abuse and neglect registry, as established pursuant to  
2 section 210.109, or has pled guilty or nolo contendere to or is  
3 found guilty of a felony offense under federal or state law. If  
4 a community service program has reasonable cause to suspect that  
5 a parent or legal custodian is executing a power of attorney  
6 under this section with the intention of permanently avoiding or  
7 divesting himself or herself of parental or legal responsibility  
8 for the care of the child, the community service program shall  
9 notify the Missouri children's division within the department of  
10 social services, and the division shall conduct an investigation  
11 of the parent or legal guardian to determine if there is a  
12 violation of section 453.110. A background check performed under  
13 this section shall include:

14 (1) A national and state fingerprint-based criminal history  
15 check;

16 (2) A sex offender registry, as established pursuant to  
17 sections 589.400 to 589.425, check; and

18 (3) A child abuse and neglect registry, as established  
19 pursuant to section 210.109, check.

20 7. A parent or legal custodian who is a member of the Armed  
21 Forces of the United States including any reserve component  
22 thereof, the commissioned corps of the National Oceanic and  
23 Atmospheric Administration, the Public Health Service of the  
24 United States Department of Health and Human Services detailed by  
25 proper authority for duty with the Armed Forces of the United  
26 States, or who is required to enter or serve in the active  
27 military service of the United States under a call or order of  
28 the President of the United States or to serve on state active

1 duty may delegate the powers designated in subsection 1 of this  
2 section for a period longer than one year if on active duty  
3 service. The term of delegation shall not exceed the term of  
4 active duty service plus thirty days.

5 8. Nothing in this section shall conflict or set aside the  
6 preexisting residency requirements under section 167.020. An  
7 attorney-in-fact to whom powers are delegated under a power of  
8 attorney authorized by this section shall make arrangements to  
9 ensure that the child attends classes at an appropriate school.  
10 If enrollment is at a public school, attendance shall be based  
11 upon residency or waiver of such residency requirements by the  
12 school.

13 9. If enrolled at any school, as soon as reasonably  
14 possible upon execution of a power of attorney for the temporary  
15 care of a child as authorized under this section, the child's  
16 school shall be notified of the existence of the power of  
17 attorney and be provided a copy of the power of attorney as well  
18 as the contact information for the attorney-in-fact. While the  
19 power of attorney is in force, the school shall communicate with  
20 both the attorney-in-fact and any parent or legal custodian with  
21 parental or legal rights, obligations, or authority regarding the  
22 custody, visitation, or support of the child. The school shall  
23 also be notified of the expiration, termination, or revocation of  
24 the power of attorney as soon as reasonably possible following  
25 such expiration, termination, or revocation and shall no longer  
26 communicate with the attorney-in-fact regarding the child upon  
27 the receipt of such notice.

28 10. No delegation of powers under this section shall

1 operate to modify a child's eligibility for benefits the child is  
2 receiving at the time of the execution of the power of attorney  
3 including, but not limited to, eligibility for free or reduced  
4 lunch, health care costs, or other social services, except as may  
5 be inconsistent with federal or state law governing the relevant  
6 program or benefit.

7 475.604. Any form for the delegation of powers authorized  
8 under section 475.602 shall be witnessed by a notary public and  
9 contain the following information:

10 (1) The full name of any child for whom parental and legal  
11 authority is being delegated;

12 (2) The date of birth of any child for whom parental and  
13 legal authority is being delegated;

14 (3) The full name and signature of the attorney-in-fact;

15 (4) The address and telephone number of the attorney-in-  
16 fact;

17 (5) The full name and signature of the parent or legal  
18 guardian;

19 (6) One of the following statements:

20 (a) "I delegate to the attorney-in-fact all of my power and  
21 authority regarding the care, custody, and property of each minor  
22 child named above including, but not limited to, the right to  
23 enroll the child in school, inspect and obtain copies of  
24 education and other records concerning the child, the right to  
25 give or withhold any consent or waiver with respect to school  
26 activities, medical and dental treatment, and any other activity,  
27 function, or treatment that may concern the child. This  
28 delegation shall not include the power or authority to consent to

1 marriage or adoption of the child, the performance or inducement  
2 of an abortion on or for the child, or the termination of  
3 parental rights to the child."; or

4 (b) "I delegate to the attorney-in-fact the following  
5 specific powers and responsibilities (insert list). This  
6 delegation shall not include the power or authority to consent to  
7 marriage or adoption of the child, the performance or inducement  
8 of an abortion on or for the child, or the termination of  
9 parental rights to the child."; and

10 (7) A description of the time for which the delegation is  
11 being made and an acknowledgment that the delegation may be  
12 revoked at any time.

13 556.036. 1. A prosecution for murder, rape in the first  
14 degree, forcible rape, attempted rape in the first degree,  
15 attempted forcible rape, sodomy in the first degree, forcible  
16 sodomy, attempted sodomy in the first degree, attempted forcible  
17 sodomy, or any class A felony may be commenced at any time.

18 2. Except as otherwise provided in this section,  
19 prosecutions for other offenses must be commenced within the  
20 following periods of limitation:

21 (1) For any felony, three years, except as provided in  
22 subdivision (4) of this subsection;

23 (2) For any misdemeanor, one year;

24 (3) For any infraction, six months;

25 (4) For any violation of section 569.040, when classified  
26 as a class B felony, or any violation of section 569.050 or  
27 569.055, five years.

28 3. If the period prescribed in subsection 2 of this section



1 has expired, a prosecution may nevertheless be commenced for:

2 (1) Any offense a material element of which is either fraud  
3 or a breach of fiduciary obligation within one year after  
4 discovery of the offense by an aggrieved party or by a person who  
5 has a legal duty to represent an aggrieved party and who is  
6 himself or herself not a party to the offense, but in no case  
7 shall this provision extend the period of limitation by more than  
8 three years. As used in this subdivision, the term "person who  
9 has a legal duty to represent an aggrieved party" shall mean the  
10 attorney general or the prosecuting or circuit attorney having  
11 jurisdiction pursuant to section 407.553, for purposes of  
12 offenses committed pursuant to sections 407.511 to 407.556; and

13 (2) Any offense based upon misconduct in office by a public  
14 officer or employee at any time when the person is in public  
15 office or employment or within two years thereafter, but in no  
16 case shall this provision extend the period of limitation by more  
17 than three years; and

18 (3) Any offense based upon an intentional and willful  
19 fraudulent claim of child support arrearage to a public servant  
20 in the performance of his or her duties within one year after  
21 discovery of the offense, but in no case shall this provision  
22 extend the period of limitation by more than three years.

23 4. An offense is committed either when every element  
24 occurs, or, if a legislative purpose to prohibit a continuing  
25 course of conduct plainly appears, at the time when the course of  
26 conduct or the person's complicity therein is terminated. Time  
27 starts to run on the day after the offense is committed.

28 5. A prosecution is commenced for a misdemeanor or

1     infraction when the information is filed and for a felony when  
2     the complaint or indictment is filed.

3             6. The period of limitation does not run:

4             (1) During any time when the accused is absent from the  
5     state, but in no case shall this provision extend the period of  
6     limitation otherwise applicable by more than three years; [or]

7             (2) During any time when the accused is concealing himself  
8     or herself from justice either within or without this state; [or]

9             (3) During any time when a prosecution against the accused  
10    for the offense is pending in this state; [or]

11            (4) During any time when the accused is found to lack  
12    mental fitness to proceed pursuant to section 552.020; or

13            (5) During any period of time after which a DNA profile is  
14    developed from evidence collected in relation to the commission  
15    of a crime and included in a published laboratory report until  
16    the date upon which the accused is identified by name based upon  
17    a match between that DNA evidence profile and the known DNA  
18    profile of the accused. For purposes of this section, the term  
19    "DNA profile" means the collective results of the DNA analysis of  
20    an evidence sample.

21            556.037. 1. Notwithstanding the provisions of section  
22    556.036, prosecutions for unlawful sexual offenses involving a  
23    person eighteen years of age or under [must be commenced within  
24    thirty years after the victim reaches the age of eighteen unless  
25    the prosecutions are for rape in the first degree, forcible rape,  
26    attempted rape in the first degree, attempted forcible rape,  
27    sodomy in the first degree, forcible sodomy, kidnapping,  
28    kidnapping in the first degree, attempted sodomy in the first

1 degree, or attempted forcible sodomy in which case such  
2 prosecutions] may be commenced at any time.

3 2. For purposes of this section, "sexual offenses" include,  
4 but are not limited to, all offenses for which registration is  
5 required under sections 589.400 to 589.425.

6 610.021. Except to the extent disclosure is otherwise  
7 required by law, a public governmental body is authorized to  
8 close meetings, records and votes, to the extent they relate to  
9 the following:

10 (1) Legal actions, causes of action or litigation involving  
11 a public governmental body and any confidential or privileged  
12 communications between a public governmental body or its  
13 representatives and its attorneys. However, any minutes, vote or  
14 settlement agreement relating to legal actions, causes of action  
15 or litigation involving a public governmental body or any agent  
16 or entity representing its interests or acting on its behalf or  
17 with its authority, including any insurance company acting on  
18 behalf of a public government body as its insured, shall be made  
19 public upon final disposition of the matter voted upon or upon  
20 the signing by the parties of the settlement agreement, unless,  
21 prior to final disposition, the settlement agreement is ordered  
22 closed by a court after a written finding that the adverse impact  
23 to a plaintiff or plaintiffs to the action clearly outweighs the  
24 public policy considerations of section 610.011, however, the  
25 amount of any moneys paid by, or on behalf of, the public  
26 governmental body shall be disclosed; provided, however, in  
27 matters involving the exercise of the power of eminent domain,  
28 the vote shall be announced or become public immediately

1 following the action on the motion to authorize institution of  
2 such a legal action. Legal work product shall be considered a  
3 closed record;

4 (2) Leasing, purchase or sale of real estate by a public  
5 governmental body where public knowledge of the transaction might  
6 adversely affect the legal consideration therefor. However, any  
7 minutes, vote or public record approving a contract relating to  
8 the leasing, purchase or sale of real estate by a public  
9 governmental body shall be made public upon execution of the  
10 lease, purchase or sale of the real estate;

11 (3) Hiring, firing, disciplining or promoting of particular  
12 employees by a public governmental body when personal information  
13 about the employee is discussed or recorded. However, any vote  
14 on a final decision, when taken by a public governmental body, to  
15 hire, fire, promote or discipline an employee of a public  
16 governmental body shall be made available with a record of how  
17 each member voted to the public within seventy-two hours of the  
18 close of the meeting where such action occurs; provided, however,  
19 that any employee so affected shall be entitled to prompt notice  
20 of such decision during the seventy-two-hour period before such  
21 decision is made available to the public. As used in this  
22 subdivision, the term "personal information" means information  
23 relating to the performance or merit of individual employees;

24 (4) The state militia or national guard or any part  
25 thereof;

26 (5) Nonjudicial mental or physical health proceedings  
27 involving identifiable persons, including medical, psychiatric,  
28 psychological, or alcoholism or drug dependency diagnosis or

1 treatment;

2 (6) Scholastic probation, expulsion, or graduation of  
3 identifiable individuals, including records of individual test or  
4 examination scores; however, personally identifiable student  
5 records maintained by public educational institutions shall be  
6 open for inspection by the parents, guardian or other custodian  
7 of students under the age of eighteen years and by the parents,  
8 guardian or other custodian and the student if the student is  
9 over the age of eighteen years;

10 (7) Testing and examination materials, before the test or  
11 examination is given or, if it is to be given again, before so  
12 given again;

13 (8) Welfare cases of identifiable individuals;

14 (9) Preparation, including any discussions or work product,  
15 on behalf of a public governmental body or its representatives  
16 for negotiations with employee groups;

17 (10) Software codes for electronic data processing and  
18 documentation thereof;

19 (11) Specifications for competitive bidding, until either  
20 the specifications are officially approved by the public  
21 governmental body or the specifications are published for bid;

22 (12) Sealed bids and related documents, until the bids are  
23 opened; and sealed proposals and related documents or any  
24 documents related to a negotiated contract until a contract is  
25 executed, or all proposals are rejected;

26 (13) Individually identifiable personnel records,  
27 performance ratings or records pertaining to employees or  
28 applicants for employment, except that this exemption shall not

1 apply to the names, positions, salaries and lengths of service of  
2 officers and employees of public agencies once they are employed  
3 as such, and the names of private sources donating or  
4 contributing money to the salary of a chancellor or president at  
5 all public colleges and universities in the state of Missouri and  
6 the amount of money contributed by the source;

7 (14) Records which are protected from disclosure by law;

8 (15) Meetings and public records relating to scientific and  
9 technological innovations in which the owner has a proprietary  
10 interest;

11 (16) Records relating to municipal hotlines established for  
12 the reporting of abuse and wrongdoing;

13 (17) Confidential or privileged communications between a  
14 public governmental body and its auditor, including all auditor  
15 work product; however, all final audit reports issued by the  
16 auditor are to be considered open records pursuant to this  
17 chapter;

18 (18) Operational guidelines, policies and specific response  
19 plans developed, adopted, or maintained by any public agency  
20 responsible for law enforcement, public safety, first response,  
21 or public health for use in responding to or preventing any  
22 critical incident which is or appears to be terrorist in nature  
23 and which has the potential to endanger individual or public  
24 safety or health. Financial records related to the procurement  
25 of or expenditures relating to operational guidelines, policies  
26 or plans purchased with public funds shall be open. When seeking  
27 to close information pursuant to this exception, the public  
28 governmental body shall affirmatively state in writing that

1 disclosure would impair the public governmental body's ability to  
2 protect the security or safety of persons or real property, and  
3 shall in the same writing state that the public interest in  
4 nondisclosure outweighs the public interest in disclosure of the  
5 records;

6 (19) Existing or proposed security systems and structural  
7 plans of real property owned or leased by a public governmental  
8 body, and information that is voluntarily submitted by a  
9 nonpublic entity owning or operating an infrastructure to any  
10 public governmental body for use by that body to devise plans for  
11 protection of that infrastructure, the public disclosure of which  
12 would threaten public safety:

13 (a) Records related to the procurement of or expenditures  
14 relating to security systems purchased with public funds shall be  
15 open;

16 (b) When seeking to close information pursuant to this  
17 exception, the public governmental body shall affirmatively state  
18 in writing that disclosure would impair the public governmental  
19 body's ability to protect the security or safety of persons or  
20 real property, and shall in the same writing state that the  
21 public interest in nondisclosure outweighs the public interest in  
22 disclosure of the records;

23 (c) Records that are voluntarily submitted by a nonpublic  
24 entity shall be reviewed by the receiving agency within ninety  
25 days of submission to determine if retention of the document is  
26 necessary in furtherance of a state security interest. If  
27 retention is not necessary, the documents shall be returned to  
28 the nonpublic governmental body or destroyed;

1           (20) The portion of a record that identifies security  
2 systems or access codes or authorization codes for security  
3 systems of real property;

4           (21) Records that identify the configuration of components  
5 or the operation of a computer, computer system, computer  
6 network, or telecommunications network, and would allow  
7 unauthorized access to or unlawful disruption of a computer,  
8 computer system, computer network, or telecommunications network  
9 of a public governmental body. This exception shall not be used  
10 to limit or deny access to otherwise public records in a file,  
11 document, data file or database containing public records.  
12 Records related to the procurement of or expenditures relating to  
13 such computer, computer system, computer network, or  
14 telecommunications network, including the amount of moneys paid  
15 by, or on behalf of, a public governmental body for such  
16 computer, computer system, computer network, or  
17 telecommunications network shall be open;

18           (22) Credit card numbers, personal identification numbers,  
19 digital certificates, physical and virtual keys, access codes or  
20 authorization codes that are used to protect the security of  
21 electronic transactions between a public governmental body and a  
22 person or entity doing business with a public governmental body.  
23 Nothing in this section shall be deemed to close the record of a  
24 person or entity using a credit card held in the name of a public  
25 governmental body or any record of a transaction made by a person  
26 using a credit card or other method of payment for which  
27 reimbursement is made by a public governmental body; [and]

28           (23) Records submitted by an individual, corporation, or



1 other business entity to a public institution of higher education  
2 in connection with a proposal to license intellectual property or  
3 perform sponsored research and which contains sales projections  
4 or other business plan information the disclosure of which may  
5 endanger the competitiveness of a business; and

6 (24) Records relating to foster home or kinship placements  
7 of children in foster care under section 210.498.

8 [210.101. 1. There is hereby established the  
9 "Missouri Children's Services Commission", which shall  
10 be composed of the following members:

11 (1) The director or the director's designee of  
12 the following departments: corrections, elementary and  
13 secondary education, higher education, health and  
14 senior services, labor and industrial relations, mental  
15 health, public safety, and social services;

16 (2) One judge of a family or juvenile court, who  
17 shall be appointed by the chief justice of the supreme  
18 court;

19 (3) Two members, one from each political party,  
20 of the house of representatives, who shall be appointed  
21 by the speaker of the house of representatives;

22 (4) Two members, one from each political party,  
23 of the senate, who shall be appointed by the president  
24 pro tempore of the senate;

25  
26 All members shall serve for as long as they hold the  
27 position which made them eligible for appointment to  
28 the Missouri children's services commission under this  
29 subsection. All members shall serve without  
30 compensation but may be reimbursed for all actual and  
31 necessary expenses incurred in the performance of their  
32 official duties for the commission.

33 2. All meetings of the Missouri children's  
34 services commission shall be open to the public and  
35 shall, for all purposes, be deemed open public meetings  
36 under the provisions of sections 610.010 to 610.030.  
37 The Missouri children's services commission shall meet  
38 no less than once every two months. Notice of all  
39 meetings of the commission shall be given to the  
40 general assembly in the same manner required for  
41 notifying the general public of meetings of the general  
42 assembly.

43 3. The Missouri children's services commission  
44 may make all rules it deems necessary to enable it to  
45 conduct its meetings, elect its officers, and set the

1 terms and duties of its officers.

2 4. The commission shall elect from amongst its  
3 members a chairman, vice chairman, a secretary-  
4 reporter, and such other officers as it deems  
5 necessary.

6 5. The services of the personnel of any agency  
7 from which the director or deputy director is a member  
8 of the commission shall be made available to the  
9 commission at the discretion of such director or deputy  
10 director. All meetings of the commission shall be held  
11 in the state of Missouri.

12 6. The officers of the commission may hire an  
13 executive director. Funding for the executive director  
14 may be provided from the Missouri children's services  
15 commission fund or other sources provided by law.

16 7. The commission, by majority vote, may invite  
17 individuals representing local and federal agencies or  
18 private organizations and the general public to serve  
19 as ex officio members of the commission. Such  
20 individuals shall not have a vote in commission  
21 business and shall serve without compensation but may  
22 be reimbursed for all actual and necessary expenses  
23 incurred in the performance of their official duties  
24 for the commission.]

25  
26 [210.103. 1. There is established in the state  
27 treasury a special fund, to be known as the "Missouri  
28 Children's Services Commission Fund". The state  
29 treasurer shall credit to and deposit in the Missouri  
30 children's services commission fund all amounts which  
31 may be received from general revenue, grants, gifts,  
32 bequests, the federal government, or other sources  
33 granted or given for the purposes of sections 210.101  
34 and 210.102.

35 2. The state treasurer shall invest moneys in the  
36 Missouri children's services commission fund in the  
37 same manner as surplus state funds are invested  
38 pursuant to section 30.260. All earnings resulting  
39 from the investment of moneys in the Missouri  
40 children's services commission fund shall be credited  
41 to the Missouri children's services commission fund.

42 3. The administration of the Missouri children's  
43 services commission fund, including, but not limited  
44 to, the disbursement of funds therefrom, shall be as  
45 prescribed by the Missouri children's services  
46 commission in its bylaws.

47 4. The provisions of section 33.080, requiring  
48 all unexpended balances remaining in various state  
49 funds to be transferred and placed to the credit of the  
50 ordinary revenue of this state at the end of each  
51 biennium, shall not apply to the Missouri children's

1 services commission fund.

2 5. Amounts received in the fund shall only be  
3 used by the commission for purposes authorized under  
4 sections 210.101 and 210.102.]  
5

6 [475.024. A parent of a minor, by a properly  
7 executed power of attorney, may delegate to another  
8 individual, for a period not exceeding one year, any of  
9 his or her powers regarding care or custody of the  
10 minor child, except his or her power to consent to  
11 marriage or adoption of the minor child.]  
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20 Mike Cunningham

Jim Neely