

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend _____ Senate Bill No. 850, Page 1, Section Title , Line 3,

2 by striking all of said line and inserting in lieu thereof the
3 following: "to records involving children."; and

4 Further amend said bill, page 4, section 210.152, line 102,
5 by inserting after all of said line the following:

6 "210.498. 1. Any parent or legal guardian of a child in
7 foster care may have access to investigation records kept by the
8 division regarding [a decision for] the denial [of or the],
9 suspension, or revocation of [a] the license [to a specific
10 person to operate or maintain] of a foster home [if such specific
11 person does or may provide services or care to a child of the
12 person requesting the information] in which the child was placed.

13 The request for the release of such information shall be made to
14 the division director or the director's designee, in writing, by
15 the parent or legal guardian of the child and shall be
16 accompanied [with] by a signed and notarized release form from
17 the person who does or may provide care or services to the child.
18 The notarized release form shall include the full name, date of
19 birth and Social Security number of the person who does or may
20 provide care or services to a child. The response shall include
21 only information pertaining to the nature and disposition of any

1 denial, suspension, or revocation of a license to operate a
2 foster home. This response shall not include any identifying
3 information regarding any person other than the person to whom a
4 foster home license was denied, suspended, or revoked. The
5 response shall not include financial, medical, or other personal
6 information relating to the foster home provider and the foster
7 home provider's family unless the division determines that the
8 information is directly relevant to the disposition of the
9 investigation and report. The response shall be given within ten
10 working days of the time it was received by the division.

11 2. The division may disclose or utilize information and
12 records relating to foster homes in its discretion and as needed
13 for the administration of the foster care program including, but
14 not limited to, the licensure of foster homes and for the
15 protection, care, and safety of children who are or who may be
16 placed in foster care.

17 3. Upon written request, the director of the department of
18 social services shall authorize the disclosure of information and
19 findings pertaining to foster homes in cases of child fatalities
20 or near-fatalities to courts, juvenile officers, law enforcement
21 agencies, and prosecuting and circuit attorneys that have a need
22 for the information to conduct their duties under law. Nothing
23 in this subsection shall otherwise preclude the disclosure of
24 such information as provided for under subsection 5 of section
25 210.150.

26 4. The division may disclose information and records
27 pertaining to foster homes to juvenile officers, courts, the
28 office of child advocate, guardians ad litem, law enforcement
29 agencies, child welfare agencies, child placement agencies,

1 prosecuting attorneys, and other local, state, and federal
2 government agencies that have a need for the information to
3 conduct their duties under law.

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

8 453.121. 1. As used in this section, unless the context
9 clearly indicates otherwise, the following terms mean:

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

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

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

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

18 (5) "Identifying information", information which includes
19 the name, date of birth, place of birth and last known address of
20 the biological parent;

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

23 (7) "Nonidentifying information", information concerning
24 the physical description, nationality, religious background and
25 medical history of the biological parent or sibling.

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

29 3. Nonidentifying information, if known, concerning

1 undisclosed biological parents or siblings shall be furnished by
2 the child-placing agency or the juvenile court to the adoptive
3 parents, legal guardians, adopted adult or the adopted adult's
4 lineal descendants if the adopted adult is deceased, upon written
5 request therefor.

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

21 5. Within three months after receiving notice of the
22 request of the adopted adult, or the adopted adult's lineal
23 descendants, the child-placing agency or the juvenile court
24 personnel shall make reasonable efforts to notify the biological
25 parents of the request of the adopted adult or the adopted
26 adult's lineal descendants. The child-placing agency or juvenile
27 court personnel may charge actual costs to the adopted adult or
28 the adopted adult's lineal descendants for the cost of making
29 such search. All communications under this subsection are

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

13 (1) The nature of the identifying information to which the
14 agency has access;

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

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

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

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

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

1 court within one year from the end of the three-month period
2 during which the attempted notification was made, unless good
3 cause is shown and leave of court is granted.

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

15 (1) Is unknown;

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

18 (3) Is deceased; or

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

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

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

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

18 610.021. Except to the extent disclosure is otherwise
19 required by law, a public governmental body is authorized to
20 close meetings, records and votes, to the extent they relate to
21 the following:

22 (1) Legal actions, causes of action or litigation involving
23 a public governmental body and any confidential or privileged
24 communications between a public governmental body or its
25 representatives and its attorneys. However, any minutes, vote or
26 settlement agreement relating to legal actions, causes of action
27 or litigation involving a public governmental body or any agent
28 or entity representing its interests or acting on its behalf or
29 with its authority, including any insurance company acting on

1 behalf of a public government body as its insured, shall be made
2 public upon final disposition of the matter voted upon or upon
3 the signing by the parties of the settlement agreement, unless,
4 prior to final disposition, the settlement agreement is ordered
5 closed by a court after a written finding that the adverse impact
6 to a plaintiff or plaintiffs to the action clearly outweighs the
7 public policy considerations of section 610.011, however, the
8 amount of any moneys paid by, or on behalf of, the public
9 governmental body shall be disclosed; provided, however, in
10 matters involving the exercise of the power of eminent domain,
11 the vote shall be announced or become public immediately
12 following the action on the motion to authorize institution of
13 such a legal action. Legal work product shall be considered a
14 closed record;

15 (2) Leasing, purchase or sale of real estate by a public
16 governmental body where public knowledge of the transaction might
17 adversely affect the legal consideration therefor. However, any
18 minutes, vote or public record approving a contract relating to
19 the leasing, purchase or sale of real estate by a public
20 governmental body shall be made public upon execution of the
21 lease, purchase or sale of the real estate;

22 (3) Hiring, firing, disciplining or promoting of particular
23 employees by a public governmental body when personal information
24 about the employee is discussed or recorded. However, any vote
25 on a final decision, when taken by a public governmental body, to
26 hire, fire, promote or discipline an employee of a public
27 governmental body shall be made available with a record of how
28 each member voted to the public within seventy-two hours of the
29 close of the meeting where such action occurs; provided, however,

1 that any employee so affected shall be entitled to prompt notice
2 of such decision during the seventy-two-hour period before such
3 decision is made available to the public. As used in this
4 subdivision, the term "personal information" means information
5 relating to the performance or merit of individual employees;

6 (4) The state militia or national guard or any part
7 thereof;

8 (5) Nonjudicial mental or physical health proceedings
9 involving identifiable persons, including medical, psychiatric,
10 psychological, or alcoholism or drug dependency diagnosis or
11 treatment;

12 (6) Scholastic probation, expulsion, or graduation of
13 identifiable individuals, including records of individual test or
14 examination scores; however, personally identifiable student
15 records maintained by public educational institutions shall be
16 open for inspection by the parents, guardian or other custodian
17 of students under the age of eighteen years and by the parents,
18 guardian or other custodian and the student if the student is
19 over the age of eighteen years;

20 (7) Testing and examination materials, before the test or
21 examination is given or, if it is to be given again, before so
22 given again;

23 (8) Welfare cases of identifiable individuals;

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

27 (10) Software codes for electronic data processing and
28 documentation thereof;

29 (11) Specifications for competitive bidding, until either

1 the specifications are officially approved by the public
2 governmental body or the specifications are published for bid;

3 (12) Sealed bids and related documents, until the bids are
4 opened; and sealed proposals and related documents or any
5 documents related to a negotiated contract until a contract is
6 executed, or all proposals are rejected;

7 (13) Individually identifiable personnel records,
8 performance ratings or records pertaining to employees or
9 applicants for employment, except that this exemption shall not
10 apply to the names, positions, salaries and lengths of service of
11 officers and employees of public agencies once they are employed
12 as such, and the names of private sources donating or
13 contributing money to the salary of a chancellor or president at
14 all public colleges and universities in the state of Missouri and
15 the amount of money contributed by the source;

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

17 (15) Meetings and public records relating to scientific and
18 technological innovations in which the owner has a proprietary
19 interest;

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

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

27 (18) Operational guidelines, policies and specific response
28 plans developed, adopted, or maintained by any public agency
29 responsible for law enforcement, public safety, first response,

1 or public health for use in responding to or preventing any
2 critical incident which is or appears to be terrorist in nature
3 and which has the potential to endanger individual or public
4 safety or health. Financial records related to the procurement
5 of or expenditures relating to operational guidelines, policies
6 or plans purchased with public funds shall be open. When seeking
7 to close information pursuant to this exception, the public
8 governmental body shall affirmatively state in writing that
9 disclosure would impair the public governmental body's ability to
10 protect the security or safety of persons or real property, and
11 shall in the same writing state that the public interest in
12 nondisclosure outweighs the public interest in disclosure of the
13 records;

14 (19) Existing or proposed security systems and structural
15 plans of real property owned or leased by a public governmental
16 body, and information that is voluntarily submitted by a
17 nonpublic entity owning or operating an infrastructure to any
18 public governmental body for use by that body to devise plans for
19 protection of that infrastructure, the public disclosure of which
20 would threaten public safety:

21 (a) Records related to the procurement of or expenditures
22 relating to security systems purchased with public funds shall be
23 open;

24 (b) When seeking to close information pursuant to this
25 exception, the public governmental body shall affirmatively state
26 in writing that disclosure would impair the public governmental
27 body's ability to protect the security or safety of persons or
28 real property, and shall in the same writing state that the
29 public interest in nondisclosure outweighs the public interest in

1 disclosure of the records;

2 (c) Records that are voluntarily submitted by a nonpublic
3 entity shall be reviewed by the receiving agency within ninety
4 days of submission to determine if retention of the document is
5 necessary in furtherance of a state security interest. If
6 retention is not necessary, the documents shall be returned to
7 the nonpublic governmental body or destroyed;

8 (20) The portion of a record that identifies security
9 systems or access codes or authorization codes for security
10 systems of real property;

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

25 (22) Credit card numbers, personal identification numbers,
26 digital certificates, physical and virtual keys, access codes or
27 authorization codes that are used to protect the security of
28 electronic transactions between a public governmental body and a
29 person or entity doing business with a public governmental body.

1 Nothing in this section shall be deemed to close the record of a
2 person or entity using a credit card held in the name of a public
3 governmental body or any record of a transaction made by a person
4 using a credit card or other method of payment for which
5 reimbursement is made by a public governmental body; [and]

6 (23) Records submitted by an individual, corporation, or
7 other business entity to a public institution of higher education
8 in connection with a proposal to license intellectual property or
9 perform sponsored research and which contains sales projections
10 or other business plan information the disclosure of which may
11 endanger the competitiveness of a business; and

12 (24) Records relating to foster home or kinship placements
13 of children in foster care under section 210.498."; and

14 Further amend the title and enacting clause accordingly.