

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 850
99TH GENERAL ASSEMBLY

5434H.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 193.265, 210.145, 210.150, 210.152, 210.498, 453.015, 453.030, 453.080, 453.121, and 610.021, RSMo, and to enact in lieu thereof eleven new sections relating to records involving children, with penalty provisions.

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

Section A. Sections 193.265, 210.145, 210.150, 210.152, 210.498, 453.015, 453.030, 2 453.080, 453.121, and 610.021, RSMo, are repealed and eleven new sections enacted in lieu 3 thereof, to be known as sections 193.265, 210.145, 210.150, 210.151, 210.152, 210.498, 4 453.015, 453.030, 453.080, 453.121, and 610.021, to read as follows:

193.265. 1. For the issuance of a certification or copy of a death record, the applicant 2 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each 3 additional copy ordered at that time. For the issuance of a certification or copy of a birth, 4 marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. **No fee 5 shall be required or collected for a certification of birth, death, or marriage if the request 6 for certification is made by the children's division or division of youth services on behalf 7 of a child who has come under the jurisdiction of the juvenile court under section 211.031.** 8 All fees shall be deposited to the state department of revenue. Beginning August 28, 2004, for 9 each vital records fee collected, the director of revenue shall credit four dollars to the general 10 revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed 11 care cemetery audit fund, and three dollars for the first copy of death records and five dollars for 12 birth, marriage, divorce, and fetal death records shall be credited to the Missouri public services 13 health fund established in section 192.900. Money in the endowed care cemetery audit fund shall 14 be available by appropriation to the division of professional registration to pay its expenses in 15 administering sections 214.270 to 214.410. All interest earned on money deposited in the

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

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

33 2. For the issuance of a certification of a death record by the local registrar, the applicant
34 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each
35 additional copy ordered at that time. For the issuance of a certification or copy of a birth,
36 marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except
37 that, in any county with a charter form of government and with more than six hundred thousand
38 but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected
39 by the local registrar over and above any fees required by law when a certification or copy of any
40 marriage license or birth certificate is provided, with such donations collected to be forwarded
41 monthly by the local registrar to the county treasurer of such county and the donations so
42 forwarded to be deposited by the county treasurer into the housing resource commission fund to
43 assist homeless families and provide financial assistance to organizations addressing
44 homelessness in such county. The local registrar shall include a check-off box on the application
45 form for such copies. All fees, other than the donations collected in any county with a charter
46 form of government and with more than six hundred thousand but fewer than seven hundred
47 thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official
48 city or county health agency. A certified copy of a death record by the local registrar can only
49 be issued within twenty-four hours of receipt of the record by the local registrar.
50 Computer-generated certifications of death records may be issued by the local registrar after

51 twenty-four hours of receipt of the records. The fees paid to the official county health agency
52 shall be retained by the local agency for local public health purposes.

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

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

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

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

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

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

17 3. Upon receipt of a report, the division shall determine if the report merits investigation,
18 including reports which if true would constitute a suspected violation of any of the following:
19 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen
20 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,
21 or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the
22 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than
23 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or
24 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such
25 crimes. The division shall immediately communicate all reports that merit investigation to its
26 appropriate local office and any relevant information as may be contained in the information
27 system. The local division staff shall determine, through the use of protocols developed by the
28 division, whether an investigation or the family assessment and services approach should be used
29 to respond to the allegation. The protocols developed by the division shall give priority to
30 ensuring the well-being and safety of the child.

31 4. **The division may accept a report for investigation or family assessment if either**
32 **the child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the**
33 **incident occurred in Missouri.**

34 **5. If the division receives a report in which neither the child nor the alleged**
35 **perpetrator resides in Missouri or may be found in Missouri and the incident did not occur**
36 **in Missouri, the division shall document the report and communicate it to the appropriate**
37 **agency or agencies in the state where the child is believed to be located, along with any**
38 **relevant information or records as may be contained in the division's information system.**

39 **6.** When the child abuse and neglect hotline receives three or more calls, within a
40 seventy-two hour period, from one or more individuals concerning the same child, the division
41 shall conduct a review to determine whether the calls meet the criteria and statutory definition
42 for a child abuse and neglect report to be accepted. In conducting the review, the division shall
43 contact the hotline caller or callers in order to collect information to determine whether the calls
44 meet the criteria for harassment.

45 ~~[5-]~~ **7.** The local office shall contact the appropriate law enforcement agency
46 immediately upon receipt of a report which division personnel determine merits an investigation
47 and provide such agency with a detailed description of the report received. In such cases the
48 local division office shall request the assistance of the local law enforcement agency in all
49 aspects of the investigation of the complaint. The appropriate law enforcement agency shall
50 either assist the division in the investigation or provide the division, within twenty-four hours,
51 an explanation in writing detailing the reasons why it is unable to assist.

52 ~~[6-]~~ **8.** The local office of the division shall cause an investigation or family assessment
53 and services approach to be initiated in accordance with the protocols established in subsection
54 2 of this section, except in cases where the sole basis for the report is educational neglect. If the
55 report indicates that educational neglect is the only complaint and there is no suspicion of other
56 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the
57 report. If the report indicates the child is in danger of serious physical harm or threat to life, an
58 investigation shall include direct observation of the subject child within twenty-four hours of the
59 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct
60 observation. Callers to the child abuse and neglect hotline shall be instructed by the division's
61 hotline to call 911 in instances where the child may be in immediate danger. If the parents of the
62 child are not the alleged perpetrators, a parent of the child must be notified prior to the child
63 being interviewed by the division. No person responding to or investigating a child abuse and
64 neglect report shall call prior to a home visit or leave any documentation of any attempted visit,
65 such as business cards, pamphlets, or other similar identifying information if he or she has a
66 reasonable basis to believe the following factors are present:

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

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

- 70 (2) The alleged perpetrator will be alerted regarding the attempted visit; or
71 (3) The family has a history of domestic violence or fleeing the community.

72

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

87 ~~[7-]~~ **9.** The director of the division shall name at least one chief investigator for each
88 local division office, who shall direct the division response on any case involving a second or
89 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
90 investigator shall include verification of direct observation of the subject child by the division
91 and shall ensure information regarding the status of an investigation is provided to the public
92 school district liaison. The public school district liaison shall develop protocol in conjunction
93 with the chief investigator to ensure information regarding an investigation is shared with
94 appropriate school personnel. The superintendent of each school district shall designate a
95 specific person or persons to act as the public school district liaison. Should the subject child
96 attend a nonpublic school the chief investigator shall notify the school principal of the
97 investigation. Upon notification of an investigation, all information received by the public
98 school district liaison or the school shall be subject to the provisions of the federal Family
99 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34
100 C.F.R., Part 99.

101 ~~[8-]~~ **10.** The investigation shall include but not be limited to the nature, extent, and cause
102 of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect;
103 the names and conditions of other children in the home, if any; the home environment and the
104 relationship of the subject child to the parents or other persons responsible for the child's care;

105 any indication of incidents of physical violence against any other household or family member;
106 and other pertinent data.

107 ~~[9-]~~ **11.** When a report has been made by a person required to report under section
108 210.115, the division shall contact the person who made such report within forty-eight hours of
109 the receipt of the report in order to ensure that full information has been received and to obtain
110 any additional information or medical records, or both, that may be pertinent.

111 ~~[10-]~~ **12.** Upon completion of the investigation, if the division suspects that the report
112 was made maliciously or for the purpose of harassment, the division shall refer the report and
113 any evidence of malice or harassment to the local prosecuting or circuit attorney.

114 ~~[11-]~~ **13.** Multidisciplinary teams shall be used whenever conducting the investigation
115 as determined by the division in conjunction with local law enforcement. Multidisciplinary
116 teams shall be used in providing protective or preventive social services, including the services
117 of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court,
118 and other agencies, both public and private.

119 ~~[12-]~~ **14.** For all family support team meetings involving an alleged victim of child abuse
120 or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or
121 custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the
122 child shall be provided notice and be permitted to attend all such meetings. Family members,
123 other than alleged perpetrators, or other community informal or formal service providers that
124 provide significant support to the child and other individuals may also be invited at the discretion
125 of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal
126 guardian or custodian and the foster parents may request that other individuals, other than alleged
127 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
128 attends such team meetings, the division or the convenor of the meeting shall provide such
129 persons with notice of all such subsequent meetings involving the child. Families may determine
130 whether individuals invited at their discretion shall continue to be invited.

131 ~~[13-]~~ **15.** If the appropriate local division personnel determine after an investigation has
132 begun that completing an investigation is not appropriate, the division shall conduct a family
133 assessment and services approach. The division shall provide written notification to local law
134 enforcement prior to terminating any investigative process. The reason for the termination of
135 the investigative process shall be documented in the record of the division and the written
136 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
137 any investigation by law enforcement.

138 ~~[14-]~~ **16.** If the appropriate local division personnel determines to use a family
139 assessment and services approach, the division shall:

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

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

150 (3) Commence an immediate investigation if at any time during the family assessment
151 and services approach the division determines that an investigation, as delineated in sections
152 210.109 to 210.183, is required. The division staff who have conducted the assessment may
153 remain involved in the provision of services to the child and family;

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

156 ~~[15-]~~ 17. (1) Within forty-five days of an oral report of abuse or neglect, the local office
157 shall update the information in the information system. The information system shall contain,
158 at a minimum, the determination made by the division as a result of the investigation, identifying
159 information on the subjects of the report, those responsible for the care of the subject child and
160 other relevant dispositional information. The division shall complete all investigations within
161 forty-five days, unless good cause for the failure to complete the investigation is specifically
162 documented in the information system. Good cause for failure to complete an investigation shall
163 include, but not be limited to:

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

167 (b) The attorney general or the prosecuting or circuit attorney of the city or county in
168 which a criminal investigation is pending certifies in writing to the division that there is a
169 pending criminal investigation of the incident under investigation by the division and the issuing
170 of a decision by the division will adversely impact the progress of the investigation; or

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

175

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

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

180 (3) If the investigation is not completed within forty-five days, the information system
181 shall be updated at regular intervals and upon the completion of the investigation, which shall
182 be completed no later than ninety days after receipt of a report of abuse or neglect, or one
183 hundred twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until
184 the division's investigation is complete in cases involving a child fatality or near-fatality. The
185 information in the information system shall be updated to reflect any subsequent findings,
186 including any changes to the findings based on an administrative or judicial hearing on the
187 matter.

188 ~~[16-]~~ **18.** A person required to report under section 210.115 to the division and any
189 person making a report of child abuse or neglect made to the division which is not made
190 anonymously shall be informed by the division of his or her right to obtain information
191 concerning the disposition of his or her report. Such person shall receive, from the local office,
192 if requested, information on the general disposition of his or her report. Such person may
193 receive, if requested, findings and information concerning the case. Such release of information
194 shall be at the discretion of the director based upon a review of the reporter's ability to assist in
195 protecting the child or the potential harm to the child or other children within the family. The
196 local office shall respond to the request within forty-five days. The findings shall be made
197 available to the reporter within five days of the outcome of the investigation. If the report is
198 determined to be unsubstantiated, the reporter may request that the report be referred by the
199 division to the office of child advocate for children's protection and services established in
200 sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall
201 refer an unsubstantiated report of child abuse or neglect to the office of child advocate for
202 children's protection and services.

203 ~~[17-]~~ **19.** The division shall provide to any individual who is not satisfied with the
204 results of an investigation information about the office of child advocate and the services it may
205 provide under sections 37.700 to 37.730.

206 ~~[18-]~~ **20.** In any judicial proceeding involving the custody of a child the fact that a report
207 may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

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

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

214

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

217 ~~[19-]~~ **21.** In any judicial proceeding involving the custody of a child where the court
218 determines that the child is in need of services under paragraph (d) of subdivision (1) of
219 subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or
220 custodian shall not be entered into the registry.

221 **22. Nothing in this section shall prohibit the children's division from co-**
222 **investigating a report of child abuse or neglect or sharing records and information with**
223 **child welfare, law enforcement, or judicial officers of another state, territory, or nation**
224 **when the children's division determines it is appropriate to do so under the standard set**
225 **forth in subsection 4 of section 210.150 and when such receiving agency is exercising its**
226 **authority under law.**

227 ~~[20-]~~ **23.** The children's division is hereby granted the authority to promulgate rules and
228 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the
229 provisions of sections 210.109 to 210.183.

230 ~~[21-]~~ **24.** Any rule or portion of a rule, as that term is defined in section 536.010, that
231 is created under the authority delegated in this section shall become effective only if it complies
232 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
233 This section and chapter 536 are nonseverable and if any of the powers vested with the general
234 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
235 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
236 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.150. 1. The children's division shall ensure the confidentiality of all reports and
2 records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local
3 offices, the central registry, and other appropriate persons, officials, and institutions pursuant to
4 sections 210.109 to 210.183. To protect the rights of the family and the child named in the report
5 as a victim, the children's division shall establish guidelines which will ensure that any disclosure
6 of information concerning the abuse and neglect involving that child is made only to persons or
7 agencies that have a right to such information. The division may require persons to make written
8 requests for access to records maintained by the division. The division shall only release
9 information to persons who have a right to such information. The division shall notify persons
10 receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section

11 of the purpose for which the information is released and of the penalties for unauthorized
12 dissemination of information. Such information shall be used only for the purpose for which the
13 information is released.

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

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

19 (2) A physician or a designated agent who reasonably believes that the child being
20 examined may be abused or neglected;

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

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

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

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

46 (7) Any person engaged in a bona fide research purpose, with the permission of the
47 director; provided, however, that no information identifying the child named in the report as a
48 victim or the reporters shall be made available to the researcher, unless the identifying
49 information is essential to the research or evaluation and the child named in the report as a victim
50 or, if the child is less than eighteen years of age, through the child's parent, or guardian provides
51 written permission;

52 (8) Any child-care facility; child-placing agency; residential-care facility, including
53 group homes; juvenile courts; public or private elementary schools; public or private secondary
54 schools; or any other public or private agency exercising temporary supervision over a child or
55 providing or having care or custody of a child who may request an examination of the central
56 registry from the division for all employees and volunteers or prospective employees and
57 volunteers, who do or will provide services or care to children. Any agency or business
58 recognized by the division or business which provides training and places or recommends people
59 for employment or for volunteers in positions where they will provide services or care to children
60 may request the division to provide an examination of the central registry. Such agency or
61 business shall provide verification of its status as a recognized agency. Requests for
62 examinations shall be made to the division director or the director's designee in writing by the
63 chief administrative officer of the above homes, centers, public and private elementary schools,
64 public and private secondary schools, agencies, or courts. The division shall respond in writing
65 to that officer. The response shall include information pertaining to the nature and disposition
66 of any report or reports of abuse or neglect revealed by the examination of the central registry.
67 This response shall not include any identifying information regarding any person other than the
68 alleged perpetrator of the abuse or neglect;

69 (9) Any parent or legal guardian who inquires about a child abuse or neglect report
70 involving a specific person or child-care facility who does or may provide services or care to a
71 child of the person requesting the information. Request for examinations shall be made to the
72 division director or the director's designee, in writing, by the parent or legal guardian of the child
73 and shall be accompanied with a signed and notarized release form from the person who does
74 or may provide care or services to the child. The notarized release form shall include the full
75 name, date of birth and Social Security number of the person who does or may provide care or
76 services to a child. The response shall include information pertaining to the nature and
77 disposition of any report or reports of abuse or neglect revealed by the examination of the central
78 registry. This response shall not include any identifying information regarding any person other
79 than the alleged perpetrator of the abuse or neglect. The response shall be given within ten
80 working days of the time it was received by the division;

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

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

89 (12) Any child fatality review panel established pursuant to section 210.192 or any state
90 child fatality review panel established pursuant to section 210.195;

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

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

100 (1) Appropriate staff of the division;

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

109 (3) Any alleged perpetrator named in the report, but the names of reporters shall not be
110 furnished to persons in this category. Prior to the release of any identifying information, the
111 division shall determine if the release of such identifying information may place a person's life
112 or safety in danger. If the division makes the determination that a person's life or safety may be
113 in danger, the identifying information shall not be released. However, the investigation reports
114 will not be released to any alleged perpetrator with pending criminal charges arising out of the
115 facts and circumstances named in the investigation records until an indictment is returned or an
116 information filed;

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

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

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

123 (7) Any person engaged in bona fide research purpose, with the permission of the
124 director; provided, however, that no information identifying the subjects of the reports or the
125 reporters shall be made available to the researcher, unless the identifying information is essential
126 to the research or evaluation and the subject, or if a child, through the child's parent or guardian,
127 provides written permission.

128 **4. The division may share records, information, and findings with state or local**
129 **child welfare agency personnel and law enforcement agencies, including those located**
130 **outside the state of Missouri, or any agent of such entities, in the performance of their**
131 **official duties, upon a reasonable belief that such information is needed to protect a child**
132 **from abuse or neglect, or to assist such agency in providing child welfare services. This**
133 **may include, but shall not be limited to, substantiated or unsubstantiated reports of abuse**
134 **or neglect, family assessments, and any other documents or information the division deems**
135 **necessary for another agency to have access to in order to protect a child. Documents other**
136 **than substantiated reports and material from the files of substantiated reports shall be**
137 **shared under this subsection only if the department of social services has determined in**
138 **writing that the receiving agency is prohibited by law or if the receiving agency enters into**
139 **a memorandum of understanding with the division agreeing to refrain from sharing such**
140 **material with anyone other than the receiving agency, law enforcement, court personnel,**
141 **or in accordance with a court order issued after notice to affected parties and reasonable**
142 **opportunity to be heard.**

143 **5.** Any person who knowingly violates the provisions of this section, or who permits or
144 encourages the unauthorized dissemination of information contained in the information system
145 or the central registry and in reports and records made pursuant to sections 210.109 to 210.183,
146 shall be guilty of a class A misdemeanor.

147 ~~[5-]~~ **6.** Nothing in this section shall preclude the release of findings or information about
148 cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of
149 the director of the department of social services, based upon a review of the potential harm to
150 other children within the immediate family.

210.151. 1. The children's division, a juvenile officer, or a prosecuting or circuit
2 attorney may petition the circuit court for an order directing a parent or guardian of a

3 child who is the subject of an investigation of child abuse or neglect to present the child at
4 a place and time designated by the court to a children's division worker for a visual
5 assessment of the child's health and safety. A visual assessment may include a view of the
6 child's head or limbs that is unhindered by clothing or obstructions. No child shall be
7 required to answer questions without the consent of a parent or guardian during the visual
8 assessment unless such questioning is otherwise authorized by law. The court shall enter
9 an order under this section if the court determines that there is probable cause to believe
10 that the visual assessment is reasonably necessary for the completion of an investigation
11 or for the collection of evidence and doing so would be in the best interests of the child.

12 2. (1) Any person served with a petition and order under this section shall not be
13 required to file an answer, but may file an answer or a motion for a protective order or
14 other appropriate relief. At the time the order is served, the parent or guardian of the
15 child shall be advised, both orally and in writing, of his or her right to file an answer or
16 motion with the court.

17 (2) The answer or motion shall be filed at or before the time for production or
18 disclosure set out in the order. The answer or motion shall be in writing, but no particular
19 form shall be required. The clerk shall serve a copy of the answer or motion on the
20 director of the children's division or on the agency that applied for the order.

21 (3) The court shall expedite a hearing on the motion and shall issue its decision no
22 later than one business day after the date the motion is filed. The court may review the
23 motion in camera and stay implementation of the order once for up to three days.

24 (4) Any information that may reveal the identity of a hotline reporter shall not be
25 disclosed to anyone in any proceeding under this section unless otherwise allowed by law.

26 3. The petition for an order under this section shall be filed in the juvenile or family
27 court that has jurisdiction under section 211.031 or in the circuit court of the county:

28 (1) Where the child resides;

29 (2) Where the child may be found;

30 (3) Where the parent or legal guardian of the child resides or may be found; or

31 (4) Where the subject of the order may be located or found.

32

33 The court shall expedite all proceedings under this section so as to ensure the safety of the
34 child, the preservation of relevant evidence, the completion of child abuse and neglect
35 investigations within statutory time frames, and the provision of appropriate due process
36 to the parties involved.

37 4. Any person served with an order under this section who knowingly violates the
38 order shall be guilty of a class A misdemeanor.

39 **5. The time frames for the division to complete its investigation and notify the**
40 **alleged perpetrator of its decision set forth in sections 210.145, 210.152, and 210.183 shall**
41 **be tolled from the date that the division files a petition for an order until the order is**
42 **complied with in full, the order is withdrawn, or a court of competent jurisdiction quashes**
43 **the order.**

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

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

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

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

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

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

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

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

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

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

48 (1) That the division has determined by a probable cause finding prior to August 28,
49 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists
50 and that the division shall retain all ~~[identifying]~~ information regarding the abuse or neglect; that
51 such information shall remain confidential and will not be released except to law enforcement
52 agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged
53 perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's
54 determination through a review by the child abuse and neglect review board as provided in
55 subsection 4 of this section;

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

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

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

64 4. Any person named in an investigation as a perpetrator who is aggrieved by a
65 determination of abuse or neglect by the division as provided in this section may seek an
66 administrative review by the child abuse and neglect review board pursuant to the provisions of
67 section 210.153. Such request for review shall be made within sixty days of notification of the

68 division's decision under this section. In those cases where criminal charges arising out of facts
69 of the investigation are pending, the request for review shall be made within sixty days from the
70 court's final disposition or dismissal of the charges.

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

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

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

210.498. **1.** Any parent or legal guardian **of a child in foster care** may have access to
2 investigation records kept by the division regarding ~~[a decision for]~~ the denial ~~[of or the]~~ ,
3 suspension, or revocation of **[a] the license** ~~[to a specific person to operate or maintain]~~ of a
4 foster home ~~[if such specific person does or may provide services or care to a child of the person~~
5 ~~requesting the information]~~ **in which the child was placed.** The request for the release of such
6 information shall be made to the division director or the director's designee, in writing, by the
7 parent or legal guardian of the child and shall be accompanied **[with] by** a signed and notarized
8 release form from the person who does or may provide care or services to the child. The
9 notarized release form shall include the full name, date of birth and Social Security number of
10 the person who does or may provide care or services to a child. The response shall include only
11 information pertaining to the nature and disposition of any denial, suspension, or revocation of
12 a license to operate a foster home. This response shall not include any identifying information
13 regarding any person other than the person to whom a foster home license was denied,

14 suspended, or revoked. **The response shall not include financial, medical, or other personal**
15 **information relating to the foster home provider and the foster home provider's family**
16 **unless the division determines that the information is directly relevant to the disposition**
17 **of the investigation and report.** The response shall be given within ten working days of the
18 time it was received by the division.

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

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

29 **4. The division may disclose information and records pertaining to foster homes to**
30 **juvenile officers, courts, the office of child advocate, guardians ad litem, law enforcement**
31 **agencies, child welfare agencies, child placement agencies, prosecuting attorneys, and other**
32 **local, state, and federal government agencies that have a need for the information to**
33 **conduct their duties under law.**

34 **5. Information and records pertaining to the licensure of foster homes and the care**
35 **and treatment of children in foster homes shall be considered closed records under chapter**
36 **610 and may only be disclosed and utilized under this section.**

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

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

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

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

12 (4) "Putative father", the alleged or presumed father of a child including a person who
13 has filed a notice of intent to claim paternity with the putative father registry established in

14 section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant
15 to section 193.087;

16 ~~[(4)]~~ (5) "Stepparent", the spouse of a biological or adoptive parent. The term does not
17 include the state if the child is a ward of the state. The term does not include a person whose
18 parental rights have been terminated.

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

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

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

14 (1) The mother of the child; ~~and~~

15 (2) ~~[Only the]~~ **Any** man who:

16 (a) Is presumed to be the father pursuant to the subdivision (1), (2), or (3) of subsection
17 1 of section 210.822; or

18 (b) Has filed an action to establish his paternity in a court of competent jurisdiction no
19 later than fifteen days after the birth of the child and has served a copy of the petition on the
20 mother in accordance with section 506.100; or

21 (c) Filed with the putative father registry pursuant to section 192.016 a notice of intent
22 to claim paternity or an acknowledgment of paternity either prior to or within fifteen days after
23 the child's birth, and has filed an action to establish his paternity in a court of competent
24 jurisdiction no later than fifteen days after the birth of the child; ~~or~~ **and**

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

26

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

29 4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section
30 may be executed before or after **the birth of the child or before or after** the commencement
31 of the adoption proceedings, and shall be executed in front of a judge or acknowledged before

32 a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to
33 advise the consenting birth parent of the consequences of the consent. [~~In lieu of such~~
34 ~~acknowledgment~~] **If consent is executed before a notary public**, the signature of the person
35 giving such written consent shall be witnessed by the signatures of at least two adult persons
36 whose signatures and addresses shall be plainly written thereon. The two adult witnesses shall
37 not be the prospective adoptive parents or any attorney representing a party to the adoption
38 proceeding **other than the attorney representing the party signing the consent**. The notary
39 public [~~or witnesses~~] shall verify the identity of the party signing the consent. **Notwithstanding**
40 **any other provision of law to the contrary, a properly executed written consent under this**
41 **subsection shall be considered irrevocable.**

42 5. The written consent required in subdivision (1) of subsection 3 of this section by the
43 birth [~~parent~~] **mother** shall not be executed anytime before the child is forty-eight hours old.
44 Such written consent shall be executed in front of a judge or acknowledged before a notary
45 public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the
46 consenting party of the consequences of the consent. [~~In lieu of such acknowledgment~~] **If**
47 **consent is executed before a notary public**, the signature of the person giving such written
48 consent shall be witnessed by the signatures of at least two adult persons who are present at the
49 execution whose signatures and addresses shall be plainly written thereon and who determine
50 and certify that the consent is knowingly and freely given. The two adult witnesses shall not be
51 the prospective adoptive parents or any attorney representing a party to the adoption proceeding
52 **other than the attorney representing the party signing the consent**. The notary public [~~or~~
53 ~~witnesses~~] shall verify the identity of the party signing the consent.

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

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

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

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

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

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

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

76 11. A birth parent, including a birth parent less than eighteen years of age, shall have the
77 right to legal representation and payment of any reasonable legal fees incurred throughout the
78 adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

79 (1) A birth parent requests representation;

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

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

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

87 **13. The court shall receive and acknowledge a written consent to adoption properly**
88 **executed by a birth parent under this section if such consent is in the best interests of the**
89 **child.**

453.080. 1. The court shall conduct a hearing to determine whether the adoption shall
2 be finalized. **Out-of-state adoptive petitioners may appear by their attorney or by video or**
3 **telephone conference rather than in person.** During such hearing, the court shall ascertain
4 whether:

5 (1) The person sought to be adopted, if a child, has been in the lawful and actual custody
6 of the petitioner for a period of at least six months prior to entry of the adoption decree; except
7 that the six-month period may be waived if the person sought to be adopted is a child who is
8 under the prior and continuing jurisdiction of a court pursuant to chapter 211 and the person
9 desiring to adopt the child is the child's current foster parent. Lawful and actual custody shall
10 include a transfer of custody pursuant to the laws of this state, another state, a territory of the
11 United States, or another country;

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

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

16 (4) The court has received the recommendations of the guardian ad litem and has
17 received and reviewed the recommendations of the person placing the child, the person making
18 the assessment and the person making the postplacement assessment;

19 (5) ~~[There is compliance with the uniform child custody jurisdiction act, sections~~
20 ~~452.440 to 452.550;~~

21 ~~———(6)]~~ There is compliance with the Indian Child Welfare Act, if applicable;

22 [(7)] (6) There is compliance with the Interstate Compact on the Placement of Children
23 pursuant to section 210.620; and

24 [(8)] (7) It is fit and proper that such adoption should be made.

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

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

32 4. Before the completion of an adoption, the exchange of information among the parties
33 shall be at the discretion of the parties. **Prospective adoptive parents and birth parents may**
34 **enter into a written post adoption contact agreement to allow contact, communication, and**
35 **the exchange of photographs after the adoption between the adoptive parents and the birth**
36 **parents. The court shall not order any party to enter into a post adoption contact**
37 **agreement. The agreement shall be filed with and approved by the court at or before the**
38 **finalization of the adoption. The court shall approve an agreement only if the agreement**
39 **is in the best interests of the child. The court may enforce or modify an agreement made**
40 **under this subsection unless such enforcement or modification is not in the best interests**
41 **of the child. The agreement shall include:**

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

44 (2) **An acknowledgment by the adoptive parents that the agreement grants the birth**
45 **parents the right to seek to enforce the provisions of the post adoption contact agreement.**
46 **Remedies for a breach of the agreement shall include specific performance of the terms of**
47 **the agreement, provided that nothing in the agreement shall preclude a party seeking to**
48 **enforce the agreement from utilizing child welfare mediation before, or in addition to, the**
49 **commencement of a civil action for specific enforcement;**

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

52 **(4) An acknowledgment that the birth parent's consent to the adoption was not**
 53 **conditioned on the post adoption contact agreement and that acceptance of the agreement**
 54 **is fully voluntary.**

55

56 Upon completion of an adoption, further contact among the parties shall be at the discretion of
 57 the adoptive parents **or in accordance with a post adoption contact agreement executed**
 58 **under this subsection.** The court shall not have jurisdiction to deny ~~continuing contact~~
 59 ~~between the adopted person and the birth parent, or an adoptive parent and a birth parent.~~
 60 ~~Additionally, the court shall not have jurisdiction to deny~~ an exchange of identifying
 61 information between an adoptive parent and a birth parent.

62 5. Before the completion of an adoption, the court shall make available to the birth
 63 parent or parents a contact preference form developed by the state registrar pursuant to section
 64 193.128 and provided to the court by the department of health and senior services. If a birth
 65 parent chooses to complete the form, the clerk of the court shall send the form with the certificate
 66 of decree of adoption to the state registrar. Such form shall accompany the original birth
 67 certificate of the adopted person and may be updated by a birth parent at any time upon the
 68 request of the birth parent.

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

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

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

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

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

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

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

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

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

15 3. Nonidentifying information, if known, concerning undisclosed biological parents or
 16 siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive

17 parents, legal guardians, adopted adult or the adopted adult's lineal descendants if the adopted
18 adult is deceased, upon written request therefor.

19 4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is
20 deceased, may make a written request to the circuit court having original jurisdiction of such
21 adoption to secure and disclose information identifying the adopted adult's biological parents.
22 If the biological parents have consented to the release of identifying information under
23 subsection 8 of this section, the court shall disclose such identifying information to the adopted
24 adult or the adopted adult's lineal descendants if the adopted adult is deceased. If the biological
25 parents have not consented to the release of identifying information under subsection 8 of this
26 section, the court shall, within ten days of receipt of the request, notify in writing the
27 child-placing agency or juvenile court personnel having access to the information requested of
28 the request by the adopted adult or the adopted adult's lineal descendants.

29 5. Within three months after receiving notice of the request of the adopted adult, or the
30 adopted adult's lineal descendants, the child-placing agency or the juvenile court personnel shall
31 make reasonable efforts to notify the biological parents of the request of the adopted adult or the
32 adopted adult's lineal descendants. The child-placing agency or juvenile court personnel may
33 charge actual costs to the adopted adult or the adopted adult's lineal descendants for the cost of
34 making such search. All communications under this subsection are confidential. For purposes
35 of this subsection, "notify" means a personal and confidential contact with the biological parent
36 of the adopted adult, which initial contact shall be made by an employee of the child-placing
37 agency which processed the adoption, juvenile court personnel or some other licensed
38 child-placing agency designated by the child-placing agency or juvenile court. Nothing in this
39 section shall be construed to permit the disclosure of communications privileged pursuant to
40 section 491.060. At the end of three months, the child-placing agency or juvenile court
41 personnel shall file a report with the court stating that each biological parent that was located was
42 given the following information:

- 43 (1) The nature of the identifying information to which the agency has access;
- 44 (2) The nature of any nonidentifying information requested;
- 45 (3) The date of the request of the adopted adult or the adopted adult's lineal descendants;
- 46 (4) The right of the biological parent to file an affidavit with the court stating that the
47 identifying information should be disclosed;
- 48 (5) The effect of a failure of the biological parent to file an affidavit stating that the
49 identifying information should be disclosed.

50 6. If the child-placing agency or juvenile court personnel reports to the court that it has
51 been unable to notify the biological parent within three months, the identifying information shall
52 not be disclosed to the adopted adult or the adopted adult's lineal descendants. Additional

53 requests for the same or substantially the same information may not be made to the court within
54 one year from the end of the three-month period during which the attempted notification was
55 made, unless good cause is shown and leave of court is granted.

56 7. If, within three months, the child-placing agency or juvenile court personnel reports
57 to the court that it has notified the biological parent pursuant to subsection 5 of this section, the
58 court shall receive the identifying information from the child-placing agency. If an affidavit duly
59 executed by a biological parent authorizing the release of information is filed with the court or
60 if a biological parent is found to be deceased, the court shall disclose the identifying information
61 as to that biological parent to the adopted adult or the adopted adult's lineal descendants if the
62 adopted adult is deceased, provided that the other biological parent either:

63 (1) Is unknown;

64 (2) Is known but cannot be found and notified [~~pursuant to section 5 of this act~~] **under**
65 **subsection 5 of this section;**

66 (3) Is deceased; or

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

68

69 If the biological parent fails or refuses to file an affidavit with the court authorizing the release
70 of identifying information, then the identifying information shall not be released to the adopted
71 adult. No additional request for the same or substantially the same information may be made
72 within three years of the time the biological parent fails or refuses to file an affidavit authorizing
73 the release of identifying information.

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

79 9. The central office of the children's division within the department of social services
80 shall maintain a registry by which biological parents, adult siblings, and adoptive adults may
81 indicate their desire to be contacted by each other. The division may request such identification
82 for the registry as a party may possess to assure positive identifications. At the time of registry,
83 a biological parent or adult sibling may consent in writing to the release of identifying
84 information to an adopted adult. If such a consent has not been executed and the division
85 believes that a match has occurred on the registry between biological parents or adult siblings
86 and an adopted adult, an employee of the division shall make the confidential contact provided
87 in subsection 5 of this section with the biological parents or adult siblings and with the adopted
88 adult. If the division believes that a match has occurred on the registry between one biological

89 parent or adult sibling and an adopted adult, an employee of the division shall make the
90 confidential contact provided by subsection 5 of this section with the biological parent or adult
91 sibling. The division shall then attempt to make such confidential contact with the other
92 biological parent, and shall proceed thereafter to make such confidential contact with the adopted
93 adult only if the division determines that the other biological parent meets one of the conditions
94 specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult
95 may refuse to go forward with any further contact between the parties when contacted by the
96 division.

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

100 **11. All papers, records, and information known to or in the possession of an**
101 **adoptive parent or adoptive child that pertain to an adoption, regardless of whether they**
102 **are part of any permanent record or file, may be disclosed by the adoptive parent or**
103 **adoptive child. The provisions of this subsection shall not be construed to create a right**
104 **to have access to information not otherwise allowed under this section.**

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

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

19 (2) Leasing, purchase or sale of real estate by a public governmental body where public
20 knowledge of the transaction might adversely affect the legal consideration therefor. However,

21 any minutes, vote or public record approving a contract relating to the leasing, purchase or sale
22 of real estate by a public governmental body shall be made public upon execution of the lease,
23 purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public
25 governmental body when personal information about the employee is discussed or recorded.
26 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,
27 promote or discipline an employee of a public governmental body shall be made available with
28 a record of how each member voted to the public within seventy-two hours of the close of the
29 meeting where such action occurs; provided, however, that any employee so affected shall be
30 entitled to prompt notice of such decision during the seventy-two-hour period before such
31 decision is made available to the public. As used in this subdivision, the term "personal
32 information" means information relating to the performance or merit of individual employees;

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

34 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,
35 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or
36 treatment;

37 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including
38 records of individual test or examination scores; however, personally identifiable student records
39 maintained by public educational institutions shall be open for inspection by the parents,
40 guardian or other custodian of students under the age of eighteen years and by the parents,
41 guardian or other custodian and the student if the student is over the age of eighteen years;

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

44 (8) Welfare cases of identifiable individuals;

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

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

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

50 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals
51 and related documents or any documents related to a negotiated contract until a contract is
52 executed, or all proposals are rejected;

53 (13) Individually identifiable personnel records, performance ratings or records
54 pertaining to employees or applicants for employment, except that this exemption shall not apply
55 to the names, positions, salaries and lengths of service of officers and employees of public
56 agencies once they are employed as such, and the names of private sources donating or

57 contributing money to the salary of a chancellor or president at all public colleges and
58 universities in the state of Missouri and the amount of money contributed by the source;

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

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

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

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

67 (18) Operational guidelines, policies and specific response plans developed, adopted, or
68 maintained by any public agency responsible for law enforcement, public safety, first response,
69 or public health for use in responding to or preventing any critical incident which is or appears
70 to be terrorist in nature and which has the potential to endanger individual or public safety or
71 health. Financial records related to the procurement of or expenditures relating to operational
72 guidelines, policies or plans purchased with public funds shall be open. When seeking to close
73 information pursuant to this exception, the public governmental body shall affirmatively state
74 in writing that disclosure would impair the public governmental body's ability to protect the
75 security or safety of persons or real property, and shall in the same writing state that the public
76 interest in nondisclosure outweighs the public interest in disclosure of the records;

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

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

84 (b) When seeking to close information pursuant to this exception, the public
85 governmental body shall affirmatively state in writing that disclosure would impair the public
86 governmental body's ability to protect the security or safety of persons or real property, and shall
87 in the same writing state that the public interest in nondisclosure outweighs the public interest
88 in disclosure of the records;

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

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

95 (21) Records that identify the configuration of components or the operation of a
96 computer, computer system, computer network, or telecommunications network, and would
97 allow unauthorized access to or unlawful disruption of a computer, computer system, computer
98 network, or telecommunications network of a public governmental body. This exception shall
99 not be used to limit or deny access to otherwise public records in a file, document, data file or
100 database containing public records. Records related to the procurement of or expenditures
101 relating to such computer, computer system, computer network, or telecommunications network,
102 including the amount of moneys paid by, or on behalf of, a public governmental body for such
103 computer, computer system, computer network, or telecommunications network shall be open;

104 (22) Credit card numbers, personal identification numbers, digital certificates, physical
105 and virtual keys, access codes or authorization codes that are used to protect the security of
106 electronic transactions between a public governmental body and a person or entity doing business
107 with a public governmental body. Nothing in this section shall be deemed to close the record
108 of a person or entity using a credit card held in the name of a public governmental body or any
109 record of a transaction made by a person using a credit card or other method of payment for
110 which reimbursement is made by a public governmental body; ~~and~~

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

115 **(24) Records relating to foster home or kinship placements of children in foster care**
116 **under section 210.498.**

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