

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 850

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time January 3, 2018, and ordered printed.

Read 2nd time January 22, 2018, and referred to the Committee on Seniors, Families and Children.

Reported from the Committee February 22, 2018, with recommendation that the bill do pass.

Taken up for Perfection March 14, 2018. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

5434S.01P

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## 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.

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*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A. Sections 193.265, 210.145, 210.150, 210.152, 210.498, 453.015, 453.030, 453.080, 453.121, and 610.021, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 193.265, 210.145, 210.150, 210.151, 210.152, 210.498, 453.015, 453.030, 453.080,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 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. **No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division or division of youth services on behalf of a child who has come under the jurisdiction of the juvenile court under section 211.031.** All fees shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12 to the general revenue fund, five dollars to the children's trust fund, one dollar  
13 shall be credited to the endowed care cemetery audit fund, and three dollars for  
14 the first copy of death records and five dollars for birth, marriage, divorce, and  
15 fetal death records shall be credited to the Missouri public services health fund  
16 established in section 192.900. Money in the endowed care cemetery audit fund  
17 shall be available by appropriation to the division of professional registration to  
18 pay its expenses in administering sections 214.270 to 214.410. All interest  
19 earned on money deposited in the endowed care cemetery audit fund shall be  
20 credited to the endowed care cemetery fund. Notwithstanding the provisions of  
21 section 33.080 to the contrary, money placed in the endowed care cemetery audit  
22 fund shall not be transferred and placed to the credit of general revenue until the  
23 amount in the fund at the end of the biennium exceeds three times the amount  
24 of the appropriation from the endowed care cemetery audit fund for the preceding  
25 fiscal year. The money deposited in the public health services fund under this  
26 section shall be deposited in a separate account in the fund, and moneys in such  
27 account, upon appropriation, shall be used to automate and improve the state  
28 vital records system, and develop and maintain an electronic birth and death  
29 registration system. For any search of the files and records, when no record is  
30 found, the state shall be entitled to a fee equal to the amount for a certification  
31 of a vital record for a five-year search to be paid by the applicant. For the  
32 processing of each legitimation, adoption, court order or recording after the  
33 registrant's twelfth birthday, the state shall be entitled to a fee equal to the  
34 amount for a certification of a vital record. Except whenever a certified copy or  
35 copies of a vital record is required to perfect any claim of any person on relief, or  
36 any dependent of any person who was on relief for any claim upon the  
37 government of the state or United States, the state registrar shall, upon request,  
38 furnish a certified copy or so many certified copies as are necessary, without any  
39 fee or compensation therefor.

40         2. For the issuance of a certification of a death record by the local  
41 registrar, the applicant shall pay a fee of thirteen dollars for the first certification  
42 or copy and a fee of ten dollars for each additional copy ordered at that time. For  
43 the issuance of a certification or copy of a birth, marriage, divorce, or fetal death  
44 record, the applicant shall pay a fee of fifteen dollars; except that, in any county  
45 with a charter form of government and with more than six hundred thousand but  
46 fewer than seven hundred thousand inhabitants, a donation of one dollar may be  
47 collected by the local registrar over and above any fees required by law when a

48 certification or copy of any marriage license or birth certificate is provided, with  
49 such donations collected to be forwarded monthly by the local registrar to the  
50 county treasurer of such county and the donations so forwarded to be deposited  
51 by the county treasurer into the housing resource commission fund to assist  
52 homeless families and provide financial assistance to organizations addressing  
53 homelessness in such county. The local registrar shall include a check-off box on  
54 the application form for such copies. All fees, other than the donations collected  
55 in any county with a charter form of government and with more than six hundred  
56 thousand but fewer than seven hundred thousand inhabitants for marriage  
57 licenses and birth certificates, shall be deposited to the official city or county  
58 health agency. A certified copy of a death record by the local registrar can only  
59 be issued within twenty-four hours of receipt of the record by the local  
60 registrar. Computer-generated certifications of death records may be issued by  
61 the local registrar after twenty-four hours of receipt of the records. The fees paid  
62 to the official county health agency shall be retained by the local agency for local  
63 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  
3 child abuse or neglect has been alleged;  
4 (2) Promoting the preservation and reunification of children and families  
5 consistent with 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  
8 receiving and maintaining reports. This information system shall have the ability  
9 to receive reports over a single, statewide toll-free number. Such information  
10 system shall maintain the results of all investigations, family assessments and  
11 services, and other relevant information.

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

19 3. Upon receipt of a report, the division shall determine if the report  
20 merits investigation, including reports which if true would constitute a suspected

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

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

39 **5. The division may accept a report if the child has recently**  
40 **resided in Missouri, but he or she is currently located in another state**  
41 **and the reported incident occurred outside of Missouri. If the report**  
42 **appears credible, the division shall immediately communicate such**  
43 **report to the appropriate agency or agencies in the state where the**  
44 **child is believed to be located, along with any relevant information as**  
45 **may be contained in the division's information system.**

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

53 **[5.] 7.** The local office shall contact the appropriate law enforcement  
54 agency immediately upon receipt of a report which division personnel determine  
55 merits an investigation and provide such agency with a detailed description of the  
56 report received. In such cases the local division office shall request the assistance

57 of the local law enforcement agency in all aspects of the investigation of the  
58 complaint. The appropriate law enforcement agency shall either assist the  
59 division in the investigation or provide the division, within twenty-four hours, an  
60 explanation in writing detailing the reasons why it is unable to assist.

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

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

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

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

85 or

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

87 If the alleged perpetrator is present during a visit by the person responding to or  
88 investigating the report, such person shall provide written material to the alleged  
89 perpetrator informing him or her of his or her rights regarding such visit,  
90 including but not limited to the right to contact an attorney. The alleged  
91 perpetrator shall be given a reasonable amount of time to read such written  
92 material or have such material read to him or her by the case worker before the

93 visit commences, but in no event shall such time exceed five minutes; except that,  
94 such requirement to provide written material and reasonable time to read such  
95 material shall not apply in cases where the child faces an immediate threat or  
96 danger, or the person responding to **or** investigating the report is or feels  
97 threatened or in danger of physical harm. If the abuse is alleged to have occurred  
98 in a school or child care facility the division shall not meet with the child in any  
99 school building or child-care facility building where abuse of such child is alleged  
100 to have occurred. When the child is reported absent from the residence, the  
101 location and the well-being of the child shall be verified. For purposes of this  
102 subsection, "child care facility" shall have the same meaning as such term is  
103 defined in section 210.201.

104       **[7.] 9.** The director of the division shall name at least one chief  
105 investigator for each local division office, who shall direct the division response  
106 on any case involving a second or subsequent incident regarding the same subject  
107 child or perpetrator. The duties of a chief investigator shall include verification  
108 of direct observation of the subject child by the division and shall ensure  
109 information regarding the status of an investigation is provided to the public  
110 school district liaison. The public school district liaison shall develop protocol in  
111 conjunction with the chief investigator to ensure information regarding an  
112 investigation is shared with appropriate school personnel. The superintendent  
113 of each school district shall designate a specific person or persons to act as the  
114 public school district liaison. Should the subject child attend a nonpublic school  
115 the chief investigator shall notify the school principal of the investigation. Upon  
116 notification of an investigation, all information received by the public school  
117 district liaison or the school shall be subject to the provisions of the federal  
118 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g,  
119 and federal rule 34 C.F.R., Part 99.

120       **[8.] 10.** The investigation shall include but not be limited to the nature,  
121 extent, and cause of the abuse or neglect; the identity and age of the person  
122 responsible for the abuse or neglect; the names and conditions of other children  
123 in the home, if any; the home environment and the relationship of the subject  
124 child to the parents or other persons responsible for the child's care; any  
125 indication of incidents of physical violence against any other household or family  
126 member; and other pertinent data.

127       **[9.] 11.** When a report has been made by a person required to report  
128 under section 210.115, the division shall contact the person who made such report

129 within forty-eight hours of the receipt of the report in order to ensure that full  
130 information has been received and to obtain any additional information or  
131 medical records, or both, that may be pertinent.

132 [10.] 12. Upon completion of the investigation, if the division suspects  
133 that the report was made maliciously or for the purpose of harassment, the  
134 division shall refer the report and any evidence of malice or harassment to the  
135 local prosecuting or circuit attorney.

136 [11.] 13. Multidisciplinary teams shall be used whenever conducting the  
137 investigation as determined by the division in conjunction with local law  
138 enforcement. Multidisciplinary teams shall be used in providing protective or  
139 preventive social services, including the services of law enforcement, a liaison of  
140 the local public school, the juvenile officer, the juvenile court, and other agencies,  
141 both public and private.

142 [12.] 14. For all family support team meetings involving an alleged  
143 victim of child abuse or neglect, the parents, legal counsel for the parents, foster  
144 parents, the legal guardian or custodian of the child, the guardian ad litem for  
145 the child, and the volunteer advocate for the child shall be provided notice and  
146 be permitted to attend all such meetings. Family members, other than alleged  
147 perpetrators, or other community informal or formal service providers that  
148 provide significant support to the child and other individuals may also be invited  
149 at the discretion of the parents of the child. In addition, the parents, the legal  
150 counsel for the parents, the legal guardian or custodian and the foster parents  
151 may request that other individuals, other than alleged perpetrators, be permitted  
152 to attend such team meetings. Once a person is provided notice of or attends  
153 such team meetings, the division or the convenor of the meeting shall provide  
154 such persons with notice of all such subsequent meetings involving the  
155 child. Families may determine whether individuals invited at their discretion  
156 shall continue to be invited.

157 [13.] 15. If the appropriate local division personnel determine after an  
158 investigation has begun that completing an investigation is not appropriate, the  
159 division shall conduct a family assessment and services approach. The division  
160 shall provide written notification to local law enforcement prior to terminating  
161 any investigative process. The reason for the termination of the investigative  
162 process shall be documented in the record of the division and the written  
163 notification submitted to local law enforcement. Such notification shall not  
164 preclude nor prevent any investigation by law enforcement.

165           [14.] **16.** If the appropriate local division personnel determines to use a  
166 family assessment and services approach, the division shall:

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

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

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

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

187           [15.] **17.** (1) Within forty-five days of an oral report of abuse or neglect,  
188 the local office shall update the information in the information system. The  
189 information system shall contain, at a minimum, the determination made by the  
190 division as a result of the investigation, identifying information on the subjects  
191 of the report, those responsible for the care of the subject child and other relevant  
192 dispositional information. The division shall complete all investigations within  
193 forty-five days, unless good cause for the failure to complete the investigation is  
194 specifically documented in the information system. Good cause for failure to  
195 complete an investigation shall include, but not be limited to:

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

200           (b) The attorney general or the prosecuting or circuit attorney of the city

201 or county in which a criminal investigation is pending certifies in writing to the  
202 division that there is a pending criminal investigation of the incident under  
203 investigation by the division and the issuing of a decision by the division will  
204 adversely impact the progress of the investigation; or

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

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

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

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

224 [16.] 18. A person required to report under section 210.115 to the  
225 division and any person making a report of child abuse or neglect made to the  
226 division which is not made anonymously shall be informed by the division of his  
227 or her right to obtain information concerning the disposition of his or her  
228 report. Such person shall receive, from the local office, if requested, information  
229 on the general disposition of his or her report. Such person may receive, if  
230 requested, findings and information concerning the case. Such release of  
231 information shall be at the discretion of the director based upon a review of the  
232 reporter's ability to assist in protecting the child or the potential harm to the  
233 child or other children within the family. The local office shall respond to the  
234 request within forty-five days. The findings shall be made available to the  
235 reporter within five days of the outcome of the investigation. If the report is  
236 determined to be unsubstantiated, the reporter may request that the report be

237 referred by the division to the office of child advocate for children's protection and  
238 services established in sections 37.700 to 37.730. Upon request by a reporter  
239 under this subsection, the division shall refer an unsubstantiated report of child  
240 abuse or neglect to the office of child advocate for children's protection and  
241 services.

242 [17.] 19. The division shall provide to any individual who is not satisfied  
243 with the results of an investigation information about the office of child advocate  
244 and the services it may provide under sections 37.700 to 37.730.

245 [18.] 20. In any judicial proceeding involving the custody of a child the  
246 fact that a report may have been made pursuant to sections 210.109 to 210.183  
247 shall not be admissible. However:

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

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

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

256 [19.] 21. In any judicial proceeding involving the custody of a child where  
257 the court determines that the child is in need of services under paragraph (d) of  
258 subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the  
259 child's parent, guardian or custodian shall not be entered into the registry.

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

267 [20.] 23. The children's division is hereby granted the authority to  
268 promulgate rules and regulations pursuant to the provisions of section 207.021  
269 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

270 [21.] 24. Any rule or portion of a rule, as that term is defined in section  
271 536.010, that is created under the authority delegated in this section shall  
272 become effective only if it complies with and is subject to all of the provisions of

273 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
274 nonseverable and if any of the powers vested with the general assembly pursuant  
275 to chapter 536 to review, to delay the effective date or to disapprove and annul  
276 a rule are subsequently held unconstitutional, then the grant of rulemaking  
277 authority and any rule proposed or adopted after August 28, 2000, shall be  
278 invalid and void.

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

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

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

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

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

27 (4) Any child named in the report as a victim, or a legal representative,  
28 or the parent, if not the alleged perpetrator, or guardian of such person when  
29 such person is a minor, or is mentally ill or otherwise incompetent, but the names  
30 of reporters shall not be furnished to persons in this category. Prior to the

31 release of any identifying information, the division shall determine if the release  
32 of such identifying information may place a person's life or safety in danger. If  
33 the division makes the determination that a person's life or safety may be in  
34 danger, the identifying information shall not be released. The division shall  
35 provide a method for confirming or certifying that a designee is acting on behalf  
36 of a subject;

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

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

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

59 (8) Any child-care facility; child-placing agency; residential-care facility,  
60 including group homes; juvenile courts; public or private elementary schools;  
61 public or private secondary schools; or any other public or private agency  
62 exercising temporary supervision over a child or providing or having care or  
63 custody of a child who may request an examination of the central registry from  
64 the division for all employees and volunteers or prospective employees and  
65 volunteers, who do or will provide services or care to children. Any agency or  
66 business recognized by the division or business which provides training and

67 places or recommends people for employment or for volunteers in positions where  
68 they will provide services or care to children may request the division to provide  
69 an examination of the central registry. Such agency or business shall provide  
70 verification of its status as a recognized agency. Requests for examinations shall  
71 be made to the division director or the director's designee in writing by the chief  
72 administrative officer of the above homes, centers, public and private elementary  
73 schools, public and private secondary schools, agencies, or courts. The division  
74 shall respond in writing to that officer. The response shall include information  
75 pertaining to the nature and disposition of any report or reports of abuse or  
76 neglect revealed by the examination of the central registry. This response shall  
77 not include any identifying information regarding any person other than the  
78 alleged perpetrator of the abuse or neglect;

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

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

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

103 (12) Any child fatality review panel established pursuant to section  
104 210.192 or any state child fatality review panel established pursuant to section  
105 210.195;

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

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

117 (1) Appropriate staff of the division;

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

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

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

139 (5) Appropriate criminal justice agency personnel or juvenile officer;  
140 (6) Multidisciplinary agency or individual including a physician or  
141 physician's designee who is providing services to the child or family, with the  
142 consent of the parent or guardian of the child or legal representative of the child;  
143 (7) Any person engaged in bona fide research purpose, with the  
144 permission of the director; provided, however, that no information identifying the  
145 subjects of the reports or the reporters shall be made available to the researcher,  
146 unless the identifying information is essential to the research or evaluation and  
147 the subject, or if a child, through the child's parent or guardian, provides written  
148 permission.

149 **4. The division may share records, information, and findings with**  
150 **federal, state, or local child welfare agency personnel and law**  
151 **enforcement agencies, including those located outside the state of**  
152 **Missouri, or any agent of such entities, in the performance of their**  
153 **official duties, upon a reasonable belief that such information is needed**  
154 **to protect a child from abuse or neglect, or to assist such agency in**  
155 **providing child welfare services. This may include, but shall not be**  
156 **limited to, substantiated or unsubstantiated reports of abuse or neglect,**  
157 **family assessments, and any other documents or information the**  
158 **division deems necessary for another agency to have access to in order**  
159 **to protect a child. Unsubstantiated reports may be shared only if the**  
160 **children's division reasonably believes the receiving entity will prevent**  
161 **the unauthorized dissemination of the information contained therein.**

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

167 **[5.] 6.** Nothing in this section shall preclude the release of findings or  
168 information about cases which resulted in a child fatality or near fatality. Such  
169 release is at the sole discretion of the director of the department of social services,  
170 based upon a review of the potential harm to other children within the immediate  
171 family.

**210.151. 1. The children's division, a juvenile officer, or a**  
**2 prosecuting or circuit attorney may petition the circuit court for an**  
**3 order directing a parent, guardian, or other person with care, custody,**

4 or control of a child who is the subject of an investigation of child  
5 abuse or neglect to present the child at a place and time designated by  
6 the court to a SAFE CARE provider, as defined in section 334.950, for  
7 a sexual assault forensic examination or a child physical abuse forensic  
8 examination, or to a child assessment center, as described in section  
9 210.001, for an interview. During an interview at a child assessment  
10 center, a video recording of any interview with the child at the center  
11 shall be made and preserved and shall be admissible in evidence in  
12 accordance with Missouri supreme court rules and the provisions of  
13 chapters 490, 491, 492, 510, 545, and 595.

14 (1) The court shall enter an order under this section if the court  
15 determines that there is probable cause to believe that the child has  
16 been abused or neglected, the examination or interview is reasonably  
17 necessary for the completion of an investigation or for the collection of  
18 evidence, and doing so would be in the best interests of the child.

19 (2) The petition and order may be made on an ex parte basis  
20 when it is reasonable to believe that providing notice may place the  
21 child at risk of further abuse or neglect, when it is reasonable to  
22 believe that providing notice may cause the child to be removed from  
23 the state of Missouri or the jurisdiction of the court, or if it is  
24 reasonable to believe that evidence relevant to the investigation will be  
25 unavailable if the order is not entered.

26 2. Any person served with a petition and order under this section  
27 shall not be required to file an answer, but may file an answer or a  
28 motion for a protective order or other appropriate relief. At the time  
29 the order is served, the parent, guardian, or person with care, custody,  
30 or control of the child shall be advised, both orally and in writing, of  
31 his or her right to file an answer or motion with the court.

32 (1) The answer or motion shall be filed at or before the time for  
33 production or disclosure set out in the order. The answer or motion  
34 shall be in writing, but no particular form shall be required. The clerk  
35 shall serve a copy of the answer or motion on the director of the  
36 children's division or on the agency that applied for the order.

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

41           **(3) Any information that may reveal the identity of a hotline**  
42 **reporter shall not be disclosed to anyone in any proceeding under this**  
43 **section unless otherwise allowed by law.**

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

47           **(1) Where the child resides;**

48           **(2) Where the child may be found;**

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

51           **(4) Where the alleged perpetrator of the child abuse or neglect**  
52 **resides or may be found;**

53           **(5) Where the subject of the order may be located or found;**

54           **(6) In Cole County, if none of the other venue provisions of this**  
55 **section apply.**

56 **The court shall expedite all proceedings under this section so as to**  
57 **ensure the safety of the child, the preservation of relevant evidence,**  
58 **the completion of child abuse and neglect investigations within**  
59 **statutory timeframes, and the provision of appropriate due process to**  
60 **the parties involved.**

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

63           **5. The timeframes for the division to complete its investigation**  
64 **and notify the alleged perpetrator of its decision set forth in sections**  
65 **210.145, 210.152, and 210.183 shall be tolled from the date that the**  
66 **division files a petition for an order until the order is complied with in**  
67 **full, the order is withdrawn, or a court of competent jurisdiction**  
68 **quashes the order.**

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

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

7           (2) (a) For investigation reports initiated against a person required to  
8 report pursuant to section 210.115, where insufficient evidence of abuse or neglect  
9 is found by the division and where the division determines the allegation of abuse

10 or neglect was made maliciously, for purposes of harassment or in retaliation for  
11 the filing of a report by a person required to report, identifying information shall  
12 be expunged by the division within forty-five days from the conclusion of the  
13 investigation;

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

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

29 (d) For investigation reports where the identification of the specific  
30 perpetrator or perpetrators cannot be substantiated and the division has specific  
31 evidence to determine that a child was abused or neglected, the division shall  
32 retain the report and all [identifying] information but shall not place an unknown  
33 perpetrator on the central registry. [The division shall retain all identifying  
34 information for the purpose of utilizing such information in subsequent  
35 investigations or family assessments of the same child, the child's family, or  
36 members of the child's household.] The division shall retain and disclose  
37 information and findings in the same manner as the division retains and discloses  
38 family assessments. If the division made a finding of abuse or neglect against an  
39 unknown perpetrator prior to August 28, 2017, the division shall remove the  
40 unknown perpetrator from the central registry but shall retain and utilize all  
41 [identifying] information as otherwise provided in this section;

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

44 (4) For reports in which the division is unable to locate the child alleged  
45 to have been abused or neglected, [identifying] information shall be retained for

46 [ten] **eighteen** years from the date of the report and then shall be removed from  
47 the records [of] **by** the division.

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

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

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

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

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

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

80         5. In any such action for administrative review, the child abuse and  
81 neglect review board shall sustain the division's determination if such

82 determination was supported by evidence of probable cause prior to August 28,  
83 2004, or is supported by a preponderance of the evidence after August 28, 2004,  
84 and is not against the weight of such evidence. The child abuse and neglect  
85 review board hearing shall be closed to all persons except the parties, their  
86 attorneys and those persons providing testimony on behalf of the parties.

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

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

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

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

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

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

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

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

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

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

6 (2) "Parent", a birth parent or parents of a child, including the putative  
7 father of the child, as well as the husband of a birth mother at the time the child

8 was conceived, or a parent or parents of a child by adoption. The putative father  
9 shall have no legal relationship unless he has acknowledged the child as his own  
10 by affirmatively asserting his paternity;

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

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

20 [(4)] (5) "Stepparent", the spouse of a biological or adoptive parent. The  
21 term does not include the state if the child is a ward of the state. The term does  
22 not include a person whose parental rights have been terminated.

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

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

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

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

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

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

20 (b) Has filed an action to establish his paternity in a court of competent  
21 jurisdiction no later than fifteen days after the birth of the child and has served

22 a copy of the petition on the mother in accordance with section 506.100; or

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

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

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

33 4. The written consent required in subdivisions (2) and (3) of subsection  
34 3 of this section may be executed before or after **the birth of the child or**  
35 **before or after** the commencement of the adoption proceedings, and shall be  
36 executed in front of a judge or acknowledged before a notary public. If consent  
37 is executed in front of a judge, it shall be the duty of the judge to advise the  
38 consenting birth parent of the consequences of the consent. In lieu of such  
39 acknowledgment, the signature of the person giving such written consent shall  
40 be witnessed by the signatures of at least two adult persons whose signatures and  
41 addresses shall be plainly written thereon. The two adult witnesses shall not be  
42 the prospective adoptive parents or any attorney representing a party to the  
43 adoption proceeding **other than the attorney representing the party**  
44 **signing the consent**. The notary public or witnesses shall verify the identity  
45 of the party signing the consent. **Notwithstanding any other provision of**  
46 **law to the contrary, a properly executed written consent under this**  
47 **subsection shall be considered irrevocable.**

48 5. The written consent required in subdivision (1) of subsection 3 of this  
49 section by the birth **[parent] mother** shall not be executed anytime before the  
50 child is forty-eight hours old. Such written consent shall be executed in front of  
51 a judge or acknowledged before a notary public. If consent is executed in front  
52 of a judge, it shall be the duty of the judge to advise the consenting party of the  
53 consequences of the consent. In lieu of **[such] acknowledgment before a notary**  
54 **public**, the signature of the person giving such written consent shall be  
55 witnessed by the signatures of at least two adult persons who are present at the  
56 execution whose signatures and addresses shall be plainly written thereon and  
57 who determine and certify that the consent is knowingly and freely given. The

58 two adult witnesses shall not be the prospective adoptive parents or any attorney  
59 representing a party to the adoption proceeding **other than the attorney**  
60 **representing the party signing the consent.** The notary public or witnesses  
61 shall verify the identity of the party signing the consent.

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

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

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

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

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

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

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

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

92 (1) A birth parent requests representation;

93 (2) The court finds that hiring an attorney to represent such birth parent

94 would cause a financial hardship for the birth parent; and

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

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

101 **13. The court shall receive and acknowledge a written consent**  
102 **to adoption properly executed by a birth parent under this section**  
103 **when such consent is in the best interests of the child.**

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

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

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

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

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

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

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

24 [(7)] (6) There is compliance with the Interstate Compact on the  
25 Placement of Children pursuant to section 210.620; and

26 [(8)] (7) It is fit and proper that such adoption should be made.

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

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

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

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

52           (2) **An acknowledgment by the adoptive parents that the**  
53 **agreement grants the birth parents the right to seek to enforce the**  
54 **provisions of the post adoption contact agreement. Remedies for a**  
55 **breach of the agreement shall include specific performance of the terms**  
56 **of the agreement; provided, that nothing in the agreement shall**  
57 **preclude a party seeking to enforce the agreement from utilizing child**  
58 **welfare mediation before, or in addition to, the commencement of a**  
59 **civil action for specific enforcement;**

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

63           (4) **An acknowledgment that the birth parent's consent to the**

64 **adoption was not conditioned on the post adoption contact agreement**  
65 **and that acceptance of the agreement is fully voluntary.**

66 Upon completion of an adoption, further contact among the parties shall be at the  
67 discretion of the adoptive parents **or in accordance with a post adoption**  
68 **contact agreement executed under this subsection.** The court shall not  
69 have jurisdiction to deny [continuing contact between the adopted person and the  
70 birth parent, or an adoptive parent and a birth parent. Additionally, the court  
71 shall not have jurisdiction to deny] an exchange of identifying information  
72 between an adoptive parent and a birth parent.

73 5. Before the completion of an adoption, the court shall make available to  
74 the birth parent or parents a contact preference form developed by the state  
75 registrar pursuant to section 193.128 and provided to the court by the department  
76 of health and senior services. If a birth parent chooses to complete the form, the  
77 clerk of the court shall send the form with the certificate of decree of adoption to  
78 the state registrar. Such form shall accompany the original birth certificate of  
79 the adopted person and may be updated by a birth parent at any time upon the  
80 request of the birth parent.

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

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

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

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

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

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

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

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

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

20 section.

21           3. Nonidentifying information, if known, concerning undisclosed biological  
22 parents or siblings shall be furnished by the child-placing agency or the juvenile  
23 court to the adoptive parents, legal guardians, adopted adult or the adopted  
24 adult's lineal descendants if the adopted adult is deceased, upon written request  
25 therefor.

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

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

54           (1) The nature of the identifying information to which the agency has  
55 access;

- 56 (2) The nature of any nonidentifying information requested;
- 57 (3) The date of the request of the adopted adult or the adopted adult's  
58 lineal descendants;
- 59 (4) The right of the biological parent to file an affidavit with the court  
60 stating that the identifying information should be disclosed;
- 61 (5) The effect of a failure of the biological parent to file an affidavit  
62 stating that the identifying information should be disclosed.
- 63 6. If the child-placing agency or juvenile court personnel reports to the  
64 court that it has been unable to notify the biological parent within three months,  
65 the identifying information shall not be disclosed to the adopted adult or the  
66 adopted adult's lineal descendants. Additional requests for the same or  
67 substantially the same information may not be made to the court within one year  
68 from the end of the three-month period during which the attempted notification  
69 was made, unless good cause is shown and leave of court is granted.
- 70 7. If, within three months, the child-placing agency or juvenile court  
71 personnel reports to the court that it has notified the biological parent pursuant  
72 to subsection 5 of this section, the court shall receive the identifying information  
73 from the child-placing agency. If an affidavit duly executed by a biological parent  
74 authorizing the release of information is filed with the court or if a biological  
75 parent is found to be deceased, the court shall disclose the identifying information  
76 as to that biological parent to the adopted adult or the adopted adult's lineal  
77 descendants if the adopted adult is deceased, provided that the other biological  
78 parent either:
- 79 (1) Is unknown;
- 80 (2) Is known but cannot be found and notified pursuant to [section 5 of  
81 this act] **subsection 5 of this section**;
- 82 (3) Is deceased; or
- 83 (4) Has filed with the court an affidavit authorizing release of identifying  
84 information.
- 85 If the biological parent fails or refuses to file an affidavit with the court  
86 authorizing the release of identifying information, then the identifying  
87 information shall not be released to the adopted adult. No additional request for  
88 the same or substantially the same information may be made within three years  
89 of the time the biological parent fails or refuses to file an affidavit authorizing the  
90 release of identifying information.
- 91 8. Any adopted adult whose adoption was finalized in this state or whose

92 biological parents had their parental rights terminated in this state may request  
93 the court to secure and disclose identifying information concerning an adult  
94 sibling. Identifying information pertaining exclusively to the adult sibling,  
95 whether part of the permanent record of a file in the court or in an agency, shall  
96 be released only upon consent of that adult sibling.

97         9. The central office of the children's division within the department of  
98 social services shall maintain a registry by which biological parents, adult  
99 siblings, and adoptive adults may indicate their desire to be contacted by each  
100 other. The division may request such identification for the registry as a party  
101 may possess to assure positive identifications. At the time of registry, a biological  
102 parent or adult sibling may consent in writing to the release of identifying  
103 information to an adopted adult. If such a consent has not been executed and the  
104 division believes that a match has occurred on the registry between biological  
105 parents or adult siblings and an adopted adult, an employee of the division shall  
106 make the confidential contact provided in subsection 5 of this section with the  
107 biological parents or adult siblings and with the adopted adult. If the division  
108 believes that a match has occurred on the registry between one biological parent  
109 or adult sibling and an adopted adult, an employee of the division shall make the  
110 confidential contact provided by subsection 5 of this section with the biological  
111 parent or adult sibling. The division shall then attempt to make such  
112 confidential contact with the other biological parent, and shall proceed thereafter  
113 to make such confidential contact with the adopted adult only if the division  
114 determines that the other biological parent meets one of the conditions specified  
115 in subsection 7 of this section. The biological parent, adult sibling, or adopted  
116 adult may refuse to go forward with any further contact between the parties when  
117 contacted by the division.

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

121         **11. All papers, records, and information known to or in the**  
122 **possession of an adoptive parent or adoptive child that pertain to an**  
123 **adoption, whether or not part of any permanent record or file, may be**  
124 **disclosed by the adoptive parent or adoptive child. The provisions of**  
125 **this subsection shall not be construed to create a right to have access**  
126 **to information not otherwise allowed under this section.**

610.021. Except to the extent disclosure is otherwise required by law, a

2 public governmental body is authorized to close meetings, records and votes, to  
3 the extent they relate to the following:

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

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

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

- 38 (4) The state militia or national guard or any part thereof;
- 39 (5) Nonjudicial mental or physical health proceedings involving  
40 identifiable persons, including medical, psychiatric, psychological, or alcoholism  
41 or drug dependency diagnosis or treatment;
- 42 (6) Scholastic probation, expulsion, or graduation of identifiable  
43 individuals, including records of individual test or examination scores; however,  
44 personally identifiable student records maintained by public educational  
45 institutions shall be open for inspection by the parents, guardian or other  
46 custodian of students under the age of eighteen years and by the parents,  
47 guardian or other custodian and the student if the student is over the age of  
48 eighteen years;
- 49 (7) Testing and examination materials, before the test or examination is  
50 given or, if it is to be given again, before so given again;
- 51 (8) Welfare cases of identifiable individuals;
- 52 (9) Preparation, including any discussions or work product, on behalf of  
53 a public governmental body or its representatives for negotiations with employee  
54 groups;
- 55 (10) Software codes for electronic data processing and documentation  
56 thereof;
- 57 (11) Specifications for competitive bidding, until either the specifications  
58 are officially approved by the public governmental body or the specifications are  
59 published for bid;
- 60 (12) Sealed bids and related documents, until the bids are opened; and  
61 sealed proposals and related documents or any documents related to a negotiated  
62 contract until a contract is executed, or all proposals are rejected;
- 63 (13) Individually identifiable personnel records, performance ratings or  
64 records pertaining to employees or applicants for employment, except that this  
65 exemption shall not apply to the names, positions, salaries and lengths of service  
66 of officers and employees of public agencies once they are employed as such, and  
67 the names of private sources donating or contributing money to the salary of a  
68 chancellor or president at all public colleges and universities in the state of  
69 Missouri and the amount of money contributed by the source;
- 70 (14) Records which are protected from disclosure by law;
- 71 (15) Meetings and public records relating to scientific and technological  
72 innovations in which the owner has a proprietary interest;
- 73 (16) Records relating to municipal hotlines established for the reporting

74 of abuse and wrongdoing;

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

79 (18) Operational guidelines, policies and specific response plans  
80 developed, adopted, or maintained by any public agency responsible for law  
81 enforcement, public safety, first response, or public health for use in responding  
82 to or preventing any critical incident which is or appears to be terrorist in nature  
83 and which has the potential to endanger individual or public safety or  
84 health. Financial records related to the procurement of or expenditures relating  
85 to operational guidelines, policies or plans purchased with public funds shall be  
86 open. When seeking to close information pursuant to this exception, the public  
87 governmental body shall affirmatively state in writing that disclosure would  
88 impair the public governmental body's ability to protect the security or safety of  
89 persons or real property, and shall in the same writing state that the public  
90 interest in nondisclosure outweighs the public interest in disclosure of the  
91 records;

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

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

100 (b) When seeking to close information pursuant to this exception, the  
101 public governmental body shall affirmatively state in writing that disclosure  
102 would impair the public governmental body's ability to protect the security or  
103 safety of persons or real property, and shall in the same writing state that the  
104 public interest in nondisclosure outweighs the public interest in disclosure of the  
105 records;

106 (c) Records that are voluntarily submitted by a nonpublic entity shall be  
107 reviewed by the receiving agency within ninety days of submission to determine  
108 if retention of the document is necessary in furtherance of a state security  
109 interest. If retention is not necessary, the documents shall be returned to the

110 nonpublic governmental body or destroyed;

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

113 (21) Records that identify the configuration of components or the  
114 operation of a computer, computer system, computer network, or  
115 telecommunications network, and would allow unauthorized access to or unlawful  
116 disruption of a computer, computer system, computer network, or  
117 telecommunications network of a public governmental body. This exception shall  
118 not be used to limit or deny access to otherwise public records in a file, document,  
119 data file or database containing public records. Records related to the  
120 procurement of or expenditures relating to such computer, computer system,  
121 computer network, or telecommunications network, including the amount of  
122 moneys paid by, or on behalf of, a public governmental body for such computer,  
123 computer system, computer network, or telecommunications network shall be  
124 open;

125 (22) Credit card numbers, personal identification numbers, digital  
126 certificates, physical and virtual keys, access codes or authorization codes that  
127 are used to protect the security of electronic transactions between a public  
128 governmental body and a person or entity doing business with a public  
129 governmental body. Nothing in this section shall be deemed to close the record  
130 of a person or entity using a credit card held in the name of a public  
131 governmental body or any record of a transaction made by a person using a credit  
132 card or other method of payment for which reimbursement is made by a public  
133 governmental body; [and]

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

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

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