

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1414

AN ACT

To repeal sections 193.265, 208.151, 210.025, 210.109, 210.112, 210.135, 210.145, 210.150, 210.160, 210.201, 210.211, 210.221, 210.252, 210.254, 210.566, 210.1080, 211.171, 431.056, and 453.121, RSMo, and to enact in lieu thereof twenty new sections relating to protection of children, with an existing penalty provision.

---

---

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

1           Section A. Sections 193.265, 208.151, 210.025, 210.109,  
2 210.112, 210.135, 210.145, 210.150, 210.160, 210.201, 210.211,  
3 210.221, 210.252, 210.254, 210.566, 210.1080, 211.171, 431.056,  
4 and 453.121, RSMo, are repealed and twenty new sections enacted  
5 in lieu thereof, to be known as sections 193.265, 208.151,  
6 210.109, 210.112, 210.123, 210.135, 210.145, 210.150, 210.160,  
7 210.201, 210.211, 210.221, 210.252, 210.254, 210.566, 210.1080,  
8 211.135, 211.171, 431.056, and 453.121, to read as follows:

9           193.265. 1. For the issuance of a certification or copy of  
10 a death record, the applicant shall pay a fee of thirteen dollars  
11 for the first certification or copy and a fee of ten dollars for  
12 each additional copy ordered at that time. For the issuance of a

1 certification or copy of a birth, marriage, divorce, or fetal  
2 death record, the applicant shall pay a fee of fifteen dollars.  
3 No fee shall be required or collected for a certification of  
4 birth, death, or marriage if the request for certification is  
5 made by the children's division, the division of youth services,  
6 a guardian ad litem, or a juvenile officer on behalf of a child  
7 or person under twenty-one years of age who has come under the  
8 jurisdiction of the juvenile court under section 211.031. All  
9 fees shall be deposited to the state department of revenue.  
10 Beginning August 28, 2004, for each vital records fee collected,  
11 the director of revenue shall credit four dollars to the general  
12 revenue fund, five dollars to the children's trust fund, one  
13 dollar shall be credited to the endowed care cemetery audit fund,  
14 and three dollars for the first copy of death records and five  
15 dollars for birth, marriage, divorce, and fetal death records  
16 shall be credited to the Missouri public services health fund  
17 established in section 192.900. Money in the endowed care  
18 cemetery audit fund shall be available by appropriation to the  
19 division of professional registration to pay its expenses in  
20 administering sections 214.270 to 214.410. All interest earned  
21 on money deposited in the endowed care cemetery audit fund shall  
22 be credited to the endowed care cemetery fund. Notwithstanding  
23 the provisions of section 33.080 to the contrary, money placed in  
24 the endowed care cemetery audit fund shall not be transferred and  
25 placed to the credit of general revenue until the amount in the  
26 fund at the end of the biennium exceeds three times the amount of  
27 the appropriation from the endowed care cemetery audit fund for  
28 the preceding fiscal year. The money deposited in the public

1 health services fund under this section shall be deposited in a  
2 separate account in the fund, and moneys in such account, upon  
3 appropriation, shall be used to automate and improve the state  
4 vital records system, and develop and maintain an electronic  
5 birth and death registration system. For any search of the files  
6 and records, when no record is found, the state shall be entitled  
7 to a fee equal to the amount for a certification of a vital  
8 record for a five-year search to be paid by the applicant. For  
9 the processing of each legitimation, adoption, court order or  
10 recording after the registrant's twelfth birthday, the state  
11 shall be entitled to a fee equal to the amount for a  
12 certification of a vital record. Except whenever a certified  
13 copy or copies of a vital record is required to perfect any claim  
14 of any person on relief, or any dependent of any person who was  
15 on relief for any claim upon the government of the state or  
16 United States, the state registrar shall, upon request, furnish a  
17 certified copy or so many certified copies as are necessary,  
18 without any fee or compensation therefor.

19 2. For the issuance of a certification of a death record by  
20 the local registrar, the applicant shall pay a fee of thirteen  
21 dollars for the first certification or copy and a fee of ten  
22 dollars for each additional copy ordered at that time. For the  
23 issuance of a certification or copy of a birth, marriage,  
24 divorce, or fetal death record, the applicant shall pay a fee of  
25 fifteen dollars; except that, in any county with a charter form  
26 of government and with more than six hundred thousand but fewer  
27 than seven hundred thousand inhabitants, a donation of one dollar  
28 may be collected by the local registrar over and above any fees

1 required by law when a certification or copy of any marriage  
2 license or birth certificate is provided, with such donations  
3 collected to be forwarded monthly by the local registrar to the  
4 county treasurer of such county and the donations so forwarded to  
5 be deposited by the county treasurer into the housing resource  
6 commission fund to assist homeless families and provide financial  
7 assistance to organizations addressing homelessness in such  
8 county. The local registrar shall include a check-off box on the  
9 application form for such copies. All fees, other than the  
10 donations collected in any county with a charter form of  
11 government and with more than six hundred thousand but fewer than  
12 seven hundred thousand inhabitants for marriage licenses and  
13 birth certificates, shall be deposited to the official city or  
14 county health agency. A certified copy of a death record by the  
15 local registrar can only be issued within twenty-four hours of  
16 receipt of the record by the local registrar. Computer-generated  
17 certifications of death records may be issued by the local  
18 registrar after twenty-four hours of receipt of the records. The  
19 fees paid to the official county health agency shall be retained  
20 by the local agency for local public health purposes.

21 3. No fee under this section shall be required or collected  
22 from a parent or guardian of a homeless child or homeless youth,  
23 as defined in subsection 1 of section 167.020, or an  
24 unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6),  
25 for the issuance of a certification, or copy of such  
26 certification, of birth of such child or youth. An unaccompanied  
27 youth shall be eligible to receive a certification or copy of his  
28 or her own birth record without the consent or signature of his

1 or her parent or guardian; provided, that only one certificate  
2 under this provision shall be provided without cost to the  
3 unaccompanied or homeless youth. For the issuance of any  
4 additional certificates, the statutory fee shall be paid.

5 208.151. 1. Medical assistance on behalf of needy persons  
6 shall be known as "MO HealthNet". For the purpose of paying MO  
7 HealthNet benefits and to comply with Title XIX, Public Law  
8 89-97, 1965 amendments to the federal Social Security Act (42  
9 U.S.C. Section 301, et seq.) as amended, the following needy  
10 persons shall be eligible to receive MO HealthNet benefits to the  
11 extent and in the manner hereinafter provided:

12 (1) All participants receiving state supplemental payments  
13 for the aged, blind and disabled;

14 (2) All participants receiving aid to families with  
15 dependent children benefits, including all persons under nineteen  
16 years of age who would be classified as dependent children except  
17 for the requirements of subdivision (1) of subsection 1 of  
18 section 208.040. Participants eligible under this subdivision  
19 who are participating in treatment court, as defined in section  
20 478.001, shall have their eligibility automatically extended  
21 sixty days from the time their dependent child is removed from  
22 the custody of the participant, subject to approval of the  
23 Centers for Medicare and Medicaid Services;

24 (3) All participants receiving blind pension benefits;

25 (4) All persons who would be determined to be eligible for  
26 old age assistance benefits, permanent and total disability  
27 benefits, or aid to the blind benefits under the eligibility  
28 standards in effect December 31, 1973, or less restrictive

1 standards as established by rule of the family support division,  
2 who are sixty-five years of age or over and are patients in state  
3 institutions for mental diseases or tuberculosis;

4 (5) All persons under the age of twenty-one years who would  
5 be eligible for aid to families with dependent children except  
6 for the requirements of subdivision (2) of subsection 1 of  
7 section 208.040, and who are residing in an intermediate care  
8 facility, or receiving active treatment as inpatients in  
9 psychiatric facilities or programs, as defined in 42 U.S.C.  
10 Section 1396d, as amended;

11 (6) All persons under the age of twenty-one years who would  
12 be eligible for aid to families with dependent children benefits  
13 except for the requirement of deprivation of parental support as  
14 provided for in subdivision (2) of subsection 1 of section  
15 208.040;

16 (7) All persons eligible to receive nursing care benefits;

17 (8) All participants receiving family foster home or  
18 nonprofit private child-care institution care, subsidized  
19 adoption benefits and parental school care wherein state funds  
20 are used as partial or full payment for such care;

21 (9) All persons who were participants receiving old age  
22 assistance benefits, aid to the permanently and totally disabled,  
23 or aid to the blind benefits on December 31, 1973, and who  
24 continue to meet the eligibility requirements, except income, for  
25 these assistance categories, but who are no longer receiving such  
26 benefits because of the implementation of Title XVI of the  
27 federal Social Security Act, as amended;

28 (10) Pregnant women who meet the requirements for aid to

1 families with dependent children, except for the existence of a  
2 dependent child in the home;

3 (11) Pregnant women who meet the requirements for aid to  
4 families with dependent children, except for the existence of a  
5 dependent child who is deprived of parental support as provided  
6 for in subdivision (2) of subsection 1 of section 208.040;

7 (12) Pregnant women or infants under one year of age, or  
8 both, whose family income does not exceed an income eligibility  
9 standard equal to one hundred eighty-five percent of the federal  
10 poverty level as established and amended by the federal  
11 Department of Health and Human Services, or its successor agency;

12 (13) Children who have attained one year of age but have  
13 not attained six years of age who are eligible for medical  
14 assistance under 6401 of P.L. 101-239 (Omnibus Budget  
15 Reconciliation Act of 1989). The family support division shall  
16 use an income eligibility standard equal to one hundred  
17 thirty-three percent of the federal poverty level established by  
18 the Department of Health and Human Services, or its successor  
19 agency;

20 (14) Children who have attained six years of age but have  
21 not attained nineteen years of age. For children who have  
22 attained six years of age but have not attained nineteen years of  
23 age, the family support division shall use an income assessment  
24 methodology which provides for eligibility when family income is  
25 equal to or less than equal to one hundred percent of the federal  
26 poverty level established by the Department of Health and Human  
27 Services, or its successor agency. As necessary to provide MO  
28 HealthNet coverage under this subdivision, the department of

1 social services may revise the state MO HealthNet plan to extend  
2 coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to  
3 children who have attained six years of age but have not attained  
4 nineteen years of age as permitted by paragraph (2) of subsection  
5 (n) of 42 U.S.C. Section 1396d using a more liberal income  
6 assessment methodology as authorized by paragraph (2) of  
7 subsection (r) of 42 U.S.C. Section 1396a;

8 (15) The family support division shall not establish a  
9 resource eligibility standard in assessing eligibility for  
10 persons under subdivision (12), (13) or (14) of this subsection.  
11 The MO HealthNet division shall define the amount and scope of  
12 benefits which are available to individuals eligible under each  
13 of the subdivisions (12), (13), and (14) of this subsection, in  
14 accordance with the requirements of federal law and regulations  
15 promulgated thereunder;

16 (16) Notwithstanding any other provisions of law to the  
17 contrary, ambulatory prenatal care shall be made available to  
18 pregnant women during a period of presumptive eligibility  
19 pursuant to 42 U.S.C. Section 1396r-1, as amended;

20 (17) A child born to a woman eligible for and receiving MO  
21 HealthNet benefits under this section on the date of the child's  
22 birth shall be deemed to have applied for MO HealthNet benefits  
23 and to have been found eligible for such assistance under such  
24 plan on the date of such birth and to remain eligible for such  
25 assistance for a period of time determined in accordance with  
26 applicable federal and state law and regulations so long as the  
27 child is a member of the woman's household and either the woman  
28 remains eligible for such assistance or for children born on or

1 after January 1, 1991, the woman would remain eligible for such  
2 assistance if she were still pregnant. Upon notification of such  
3 child's birth, the family support division shall assign a MO  
4 HealthNet eligibility identification number to the child so that  
5 claims may be submitted and paid under such child's  
6 identification number;

7 (18) Pregnant women and children eligible for MO HealthNet  
8 benefits pursuant to subdivision (12), (13) or (14) of this  
9 subsection shall not as a condition of eligibility for MO  
10 HealthNet benefits be required to apply for aid to families with  
11 dependent children. The family support division shall utilize an  
12 application for eligibility for such persons which eliminates  
13 information requirements other than those necessary to apply for  
14 MO HealthNet benefits. The division shall provide such  
15 application forms to applicants whose preliminary income  
16 information indicates that they are ineligible for aid to  
17 families with dependent children. Applicants for MO HealthNet  
18 benefits under subdivision (12), (13) or (14) of this subsection  
19 shall be informed of the aid to families with dependent children  
20 program and that they are entitled to apply for such benefits.  
21 Any forms utilized by the family support division for assessing  
22 eligibility under this chapter shall be as simple as practicable;

23 (19) Subject to appropriations necessary to recruit and  
24 train such staff, the family support division shall provide one  
25 or more full-time, permanent eligibility specialists to process  
26 applications for MO HealthNet benefits at the site of a health  
27 care provider, if the health care provider requests the placement  
28 of such eligibility specialists and reimburses the division for

1 the expenses including but not limited to salaries, benefits,  
2 travel, training, telephone, supplies, and equipment of such  
3 eligibility specialists. The division may provide a health care  
4 provider with a part-time or temporary eligibility specialist at  
5 the site of a health care provider if the health care provider  
6 requests the placement of such an eligibility specialist and  
7 reimburses the division for the expenses, including but not  
8 limited to the salary, benefits, travel, training, telephone,  
9 supplies, and equipment, of such an eligibility specialist. The  
10 division may seek to employ such eligibility specialists who are  
11 otherwise qualified for such positions and who are current or  
12 former welfare participants. The division may consider training  
13 such current or former welfare participants as eligibility  
14 specialists for this program;

15 (20) Pregnant women who are eligible for, have applied for  
16 and have received MO HealthNet benefits under subdivision (2),  
17 (10), (11) or (12) of this subsection shall continue to be  
18 considered eligible for all pregnancy-related and postpartum MO  
19 HealthNet benefits provided under section 208.152 until the end  
20 of the sixty-day period beginning on the last day of their  
21 pregnancy. Pregnant women receiving substance abuse treatment  
22 within sixty days of giving birth shall, subject to  
23 appropriations and any necessary federal approval, be eligible  
24 for MO HealthNet benefits for substance abuse treatment and  
25 mental health services for the treatment of substance abuse for  
26 no more than twelve additional months, as long as the woman  
27 remains adherent with treatment. The department of mental health  
28 and the department of social services shall seek any necessary

1   waivers or state plan amendments from the Centers for Medicare  
2   and Medicaid Services and shall develop rules relating to  
3   treatment plan adherence. No later than fifteen months after  
4   receiving any necessary waiver, the department of mental health  
5   and the department of social services shall report to the house  
6   of representatives budget committee and the senate appropriations  
7   committee on the compliance with federal cost neutrality  
8   requirements;

9       (21) Case management services for pregnant women and young  
10   children at risk shall be a covered service. To the greatest  
11   extent possible, and in compliance with federal law and  
12   regulations, the department of health and senior services shall  
13   provide case management services to pregnant women by contract or  
14   agreement with the department of social services through local  
15   health departments organized under the provisions of chapter 192  
16   or chapter 205 or a city health department operated under a city  
17   charter or a combined city-county health department or other  
18   department of health and senior services designees. To the  
19   greatest extent possible the department of social services and  
20   the department of health and senior services shall mutually  
21   coordinate all services for pregnant women and children with the  
22   crippled children's program, the prevention of intellectual  
23   disability and developmental disability program and the prenatal  
24   care program administered by the department of health and senior  
25   services. The department of social services shall by regulation  
26   establish the methodology for reimbursement for case management  
27   services provided by the department of health and senior  
28   services. For purposes of this section, the term "case

1 management" shall mean those activities of local public health  
2 personnel to identify prospective MO HealthNet-eligible high-risk  
3 mothers and enroll them in the state's MO HealthNet program,  
4 refer them to local physicians or local health departments who  
5 provide prenatal care under physician protocol and who  
6 participate in the MO HealthNet program for prenatal care and to  
7 ensure that said high-risk mothers receive support from all  
8 private and public programs for which they are eligible and shall  
9 not include involvement in any MO HealthNet prepaid, case-managed  
10 programs;

11 (22) By January 1, 1988, the department of social services  
12 and the department of health and senior services shall study all  
13 significant aspects of presumptive eligibility for pregnant women  
14 and submit a joint report on the subject, including projected  
15 costs and the time needed for implementation, to the general  
16 assembly. The department of social services, at the direction of  
17 the general assembly, may implement presumptive eligibility by  
18 regulation promulgated pursuant to chapter 207;

19 (23) All participants who would be eligible for aid to  
20 families with dependent children benefits except for the  
21 requirements of paragraph (d) of subdivision (1) of section  
22 208.150;

23 (24) (a) All persons who would be determined to be  
24 eligible for old age assistance benefits under the eligibility  
25 standards in effect December 31, 1973, as authorized by 42 U.S.C.  
26 Section 1396a(f), or less restrictive methodologies as contained  
27 in the MO HealthNet state plan as of January 1, 2005; except  
28 that, on or after July 1, 2005, less restrictive income

1 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2),  
2 may be used to change the income limit if authorized by annual  
3 appropriation;

4 (b) All persons who would be determined to be eligible for  
5 aid to the blind benefits under the eligibility standards in  
6 effect December 31, 1973, as authorized by 42 U.S.C. Section  
7 1396a(f), or less restrictive methodologies as contained in the  
8 MO HealthNet state plan as of January 1, 2005, except that less  
9 restrictive income methodologies, as authorized in 42 U.S.C.  
10 Section 1396a(r)(2), shall be used to raise the income limit to  
11 one hundred percent of the federal poverty level;

12 (c) All persons who would be determined to be eligible for  
13 permanent and total disability benefits under the eligibility  
14 standards in effect December 31, 1973, as authorized by 42 U.S.C.  
15 Section 1396a(f); or less restrictive methodologies as contained  
16 in the MO HealthNet state plan as of January 1, 2005; except  
17 that, on or after July 1, 2005, less restrictive income  
18 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2),  
19 may be used to change the income limit if authorized by annual  
20 appropriations. Eligibility standards for permanent and total  
21 disability benefits shall not be limited by age;

22 (25) Persons who have been diagnosed with breast or  
23 cervical cancer and who are eligible for coverage pursuant to 42  
24 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be  
25 eligible during a period of presumptive eligibility in accordance  
26 with 42 U.S.C. Section 1396r-1;

27 (26) Persons who are in foster care under the  
28 responsibility of the state of Missouri on the date such persons

1 attained the age of eighteen years, or at any time during the  
2 thirty-day period preceding their eighteenth birthday, or persons  
3 who received foster care for at least six months in another  
4 state, are residing in Missouri, and are at least eighteen years  
5 of age, without regard to income or assets, if such persons:

6 (a) Are under twenty-six years of age;

7 (b) Are not eligible for coverage under another mandatory  
8 coverage group; and

9 (c) Were covered by Medicaid while they were in foster  
10 care;

11 (27) Any homeless child or homeless youth, as those terms  
12 are defined in section 167.020, subject to approval of a state  
13 plan amendment by the Centers for Medicare and Medicaid Services.

14 2. Rules and regulations to implement this section shall be  
15 promulgated in accordance with chapter 536. Any rule or portion  
16 of a rule, as that term is defined in section 536.010, that is  
17 created under the authority delegated in this section shall  
18 become effective only if it complies with and is subject to all  
19 of the provisions of chapter 536 and, if applicable, section  
20 536.028. This section and chapter 536 are nonseverable and if  
21 any of the powers vested with the general assembly pursuant to  
22 chapter 536 to review, to delay the effective date or to  
23 disapprove and annul a rule are subsequently held  
24 unconstitutional, then the grant of rulemaking authority and any  
25 rule proposed or adopted after August 28, 2002, shall be invalid  
26 and void.

27 3. After December 31, 1973, and before April 1, 1990, any  
28 family eligible for assistance pursuant to 42 U.S.C. Section 601,

1 et seq., as amended, in at least three of the last six months  
2 immediately preceding the month in which such family became  
3 ineligible for such assistance because of increased income from  
4 employment shall, while a member of such family is employed,  
5 remain eligible for MO HealthNet benefits for four calendar  
6 months following the month in which such family would otherwise  
7 be determined to be ineligible for such assistance because of  
8 income and resource limitation. After April 1, 1990, any family  
9 receiving aid pursuant to 42 U.S.C. Section 601, et seq., as  
10 amended, in at least three of the six months immediately  
11 preceding the month in which such family becomes ineligible for  
12 such aid, because of hours of employment or income from  
13 employment of the caretaker relative, shall remain eligible for  
14 MO HealthNet benefits for six calendar months following the month  
15 of such ineligibility as long as such family includes a child as  
16 provided in 42 U.S.C. Section 1396r-6. Each family which has  
17 received such medical assistance during the entire six-month  
18 period described in this section and which meets reporting  
19 requirements and income tests established by the division and  
20 continues to include a child as provided in 42 U.S.C. Section  
21 1396r-6 shall receive MO HealthNet benefits without fee for an  
22 additional six months. The MO HealthNet division may provide by  
23 rule and as authorized by annual appropriation the scope of MO  
24 HealthNet coverage to be granted to such families.

25 4. When any individual has been determined to be eligible  
26 for MO HealthNet benefits, such medical assistance will be made  
27 available to him or her for care and services furnished in or  
28 after the third month before the month in which he made

1 application for such assistance if such individual was, or upon  
2 application would have been, eligible for such assistance at the  
3 time such care and services were furnished; provided, further,  
4 that such medical expenses remain unpaid.

5 5. The department of social services may apply to the  
6 federal Department of Health and Human Services for a MO  
7 HealthNet waiver amendment to the Section 1115 demonstration  
8 waiver or for any additional MO HealthNet waivers necessary not  
9 to exceed one million dollars in additional costs to the state,  
10 unless subject to appropriation or directed by statute, but in no  
11 event shall such waiver applications or amendments seek to waive  
12 the services of a rural health clinic or a federally qualified  
13 health center as defined in 42 U.S.C. Section 1396d(1)(1) and (2)  
14 or the payment requirements for such clinics and centers as  
15 provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless  
16 such waiver application is approved by the oversight committee  
17 created in section 208.955. A request for such a waiver so  
18 submitted shall only become effective by executive order not  
19 sooner than ninety days after the final adjournment of the  
20 session of the general assembly to which it is submitted, unless  
21 it is disapproved within sixty days of its submission to a  
22 regular session by a senate or house resolution adopted by a  
23 majority vote of the respective elected members thereof, unless  
24 the request for such a waiver is made subject to appropriation or  
25 directed by statute.

26 6. Notwithstanding any other provision of law to the  
27 contrary, in any given fiscal year, any persons made eligible for  
28 MO HealthNet benefits under subdivisions (1) to (22) of

1 subsection 1 of this section shall only be eligible if annual  
2 appropriations are made for such eligibility. This subsection  
3 shall not apply to classes of individuals listed in 42 U.S.C.  
4 Section ~~1396a(a)(10)(A)(I)~~ 1396a(a)(10)(A)(i).

5 210.109. 1. The children's division shall establish a  
6 child protection system for the entire state.

7 2. The child protection system shall promote the safety of  
8 children and the integrity and preservation of their families by  
9 conducting investigations or family assessments and providing  
10 services in response to reports of child abuse or neglect. The  
11 system shall coordinate community resources and provide  
12 assistance or services to children and families identified to be  
13 at risk, and to prevent and remedy child abuse and neglect.

14 3. In addition to any duties specified in section 210.145,  
15 in implementing the child protection system, the division shall:

16 (1) Maintain a central registry;

17 (2) Receive reports and establish and maintain an  
18 information system operating at all times, capable of receiving  
19 and maintaining reports;

20 (3) Attempt to obtain the name and address of any person  
21 making a report in all cases, after obtaining relevant  
22 information regarding the alleged abuse or neglect, although  
23 reports may be made anonymously; except that, reports by  
24 mandatory reporters under section 210.115, including employees of  
25 the children's division, juvenile officers, and school personnel  
26 shall not be made anonymously, provided that the reporter shall  
27 be informed, at the time of the report, that the reporter's name  
28 and any other personally identifiable information shall be held

1 as confidential and shall not be made public as provided under  
2 this section and section 211.319;

3 (4) Upon receipt of a report, check with the information  
4 system to determine whether previous reports have been made  
5 regarding actual or suspected abuse or neglect of the subject  
6 child, of any siblings, and the perpetrator, and relevant  
7 dispositional information regarding such previous reports;

8 (5) Provide protective or preventive services to the family  
9 and child and to others in the home to prevent abuse or neglect,  
10 to safeguard their health and welfare, and to help preserve and  
11 stabilize the family whenever possible. The juvenile court shall  
12 cooperate with the division in providing such services;

13 (6) Collaborate with the community to identify  
14 comprehensive local services and assure access to those services  
15 for children and families where there is risk of abuse or  
16 neglect;

17 (7) Maintain a record which contains the facts ascertained  
18 which support the determination as well as the facts that do not  
19 support the determination;

20 (8) Whenever available and appropriate, contract for the  
21 provision of children's services through children's services  
22 providers and agencies in the community; except that the state  
23 shall be the sole provider of child abuse and neglect hotline  
24 services, the initial child abuse and neglect investigation, and  
25 the initial family assessment. The division shall attempt to  
26 seek input from child welfare service providers in completing the  
27 initial family assessment. In all legal proceedings involving  
28 children in the custody of the division, the division shall be

1 represented in court by either division personnel or persons with  
2 whom the division contracts with for such legal representation.  
3 All children's services providers and agencies shall be subject  
4 to criminal background checks pursuant to chapter 43 and shall  
5 submit names of all employees to the family care safety registry;  
6 and

7 (9) Upon receipt of a report, attempt to ascertain whether  
8 the suspected perpetrator or any person responsible for the care,  
9 custody, and control of the subject child is a member of the  
10 Armed Forces, as defined in section 41.030.

11 As used in this subsection, "report" includes any telephone call  
12 made pursuant to section 210.145.

13 210.112. 1. It is the policy of this state and its  
14 agencies to implement a foster care and child protection and  
15 welfare system focused on providing the highest quality of  
16 services and outcomes for children and their families. The  
17 department of social services shall implement such system subject  
18 to the following principles:

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

20 (2) All providers of direct services to children and their  
21 families will be evaluated in a uniform, transparent, objective,  
22 and consistent basis based on an evaluation tool established in  
23 this section;

24 (3) Services to children and their families shall be  
25 provided in a timely manner to maximize the opportunity for  
26 successful outcomes, and such services shall be tracked and  
27 routinely evaluated through a quality assurance program; [and]

28 (4) Any provider of direct services to children and

1 families shall have the appropriate and relevant training,  
2 education, and expertise to provide the highest quality of  
3 services possible which shall be consistent with [the] federal  
4 and state standards [, but not less than the standards and  
5 policies used by the children's division as of January 1, 2004];

6 (5) Resources and efforts shall be committed to pursue the  
7 best possible opportunity for a successful outcome for each  
8 child. Successful outcomes may include preparing youth for a  
9 productive and successful life as an adult outside the foster  
10 care system, such as independent living. For those providers  
11 that work with children requiring intensive twenty-four-hour  
12 treatment services, successful outcomes shall be based on the  
13 least restrictive alternative possible based on the child's needs  
14 as well as the quality of care received; and

15 (6) All service providers shall prioritize methods of  
16 reducing or eliminating a child's need for residential treatment  
17 through community-based services and supports.

18 2. (1) In conjunction with the response and evaluation  
19 team established under subsection 3 of this section, as well as  
20 other individuals the division deems appropriate, the division  
21 shall establish an evaluation tool that complies with state and  
22 federal guidelines.

23 (2) The evaluation tool shall include metrics supporting  
24 best practices for case management and service provision  
25 including, but not limited to, the frequency of face-to-face  
26 visits with the child.

27 (3) There shall be a mechanism whereby providers may  
28 propose different evaluation metrics on a case-by-case basis if

1 such case may have circumstances far beyond those that would be  
2 expected. Such cases shall be evaluated by the response and  
3 evaluation team under subsection 3 of this section.

4 (4) Data regarding all evaluation metrics shall be  
5 collected by the division on a monthly basis, and the division  
6 shall issue a quarterly report regarding the evaluation data for  
7 each provider, both public and private, by county. The response  
8 and evaluation team shall determine how to aggregate cases for  
9 the division and large contractors so that performance and  
10 outcomes may be compared effectively while also protecting  
11 confidentiality. Such reports shall be made public and shall  
12 include information by county.

13 (5) The standards and metrics developed through this  
14 evaluation tool shall be used to evaluate competitive bids for  
15 future contracts established under subsection 4 of this section.

16 3. The division shall create a response and evaluation  
17 team. Membership of the team shall be composed of five staff  
18 members from the division with experience in foster care  
19 appointed by the director of the division; five representatives,  
20 one from each contract region for foster care case management  
21 contracts under this section, who shall be annually rotated among  
22 contractors in each region, which shall appoint the agency; two  
23 experts working in either research or higher education on issues  
24 relating to child welfare and foster care appointed by the  
25 director of the division and who shall be actively working for  
26 either an academic institution or policy foundation; one  
27 juvenile officer or a Missouri juvenile justice director to be  
28 appointed by the Missouri juvenile justice association; and one

1 juvenile or family court judge appointed by the supreme court.  
2 The division shall provide the necessary staffing for the team's  
3 operations. All members shall be appointed, and the team shall  
4 meet for the first time before January 1, 2021. The team shall:

5 (1) Review the evaluation tool and metrics set forth in  
6 subsection 2 of this section on a semiannual basis to determine  
7 any adjustments needed or issues that could affect the quality of  
8 such tools and approve or deny on a case-by-case basis:

9 (a) Cases that a provider feels are anomalous and should  
10 not be part of developing the case management tool under  
11 subsection 2 of this section;

12 (b) Alternative evaluation metrics recommended by providers  
13 based on the best interests of the child under subsections 2 and  
14 5 of this section; or

15 (c) Review and recommend any structure for incentives or  
16 other reimbursement strategies under subsection 6 of this  
17 section;

18 (2) Develop and execute periodic provider evaluations of  
19 cases managed by the division and children service providers  
20 contracted with the state to provide foster care case management  
21 services, in the field under the evaluation tool created under  
22 subsection 2 of this section to ensure basic requirements of the  
23 program are met, which shall include, but are not limited to,  
24 random file review to ensure documentation shows required visits  
25 and case management plan notes; and

26 (3) Develop a system for reviewing and working with  
27 providers identified under subdivision (2) of this subsection or  
28 providers who request such assistance from the division, who show

1 signs of performance weakness to ensure technical assistance and  
2 other services are offered to assist the providers in achieving  
3 successful outcomes for their cases.

4 4. [On or before July 1, 2005, and subject to  
5 appropriations,] The children's division and any other state  
6 agency deemed necessary by the division shall, in consultation  
7 with [the community and] service providers [of services] and  
8 other relevant parties, enter into and implement contracts with  
9 qualified children's services providers and agencies to provide a  
10 comprehensive and deliberate system of service delivery for  
11 children and their families. Contracts shall be awarded through  
12 a competitive process and provided by [children's services  
13 providers and agencies currently contracting with the state to  
14 provide such services and by] qualified public and private not-  
15 for-profit or limited liability corporations owned exclusively by  
16 not-for-profit corporations children's services providers and  
17 agencies which have:

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

22 (2) The ability to provide a range of child welfare  
23 services[, which may include] including, but not limited to, case  
24 management services, family-centered services, foster and  
25 adoptive parent recruitment and retention, residential care, in-  
26 home services, foster care services, adoption services, relative  
27 care case management, planned permanent living services, and  
28 family reunification services.

1 No contracts under this section shall be issued for services  
2 related to the child abuse and neglect hotline, investigations of  
3 alleged abuse and neglect, and initial family assessments. Any  
4 contracts entered into by the division shall be in accordance  
5 with all federal laws and regulations, and shall [not result in  
6 the loss of] seek to maximize federal funding. [Such] Children's  
7 services providers and agencies under contract with the division  
8 shall be subject to all federal, state, and local laws and  
9 regulations relating to the provision of such services, and shall  
10 be subject to oversight and inspection by appropriate state  
11 agencies to assure compliance with standards which shall be  
12 consistent with the federal standards[, but not less than the  
13 standards and policies used by the children's division as of  
14 January 1, 2004.

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

1           4. The contracts entered into under this section shall  
2 assure that:

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

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

10          (3) Any case management services provided shall be subject  
11 to a case management plan established under subsection 5 of this  
12 section which is consistent with all relevant federal guidelines.  
13 The case management plan shall focus on attaining permanency in  
14 children's living conditions to the greatest extent possible and  
15 shall include concurrent planning and independent living where  
16 appropriate in accordance with the best interests of each child  
17 served and considering relevant factors applicable to each  
18 individual case as provided by law, including:

19           (a) The interaction and interrelationship of a child with  
20 the child's foster parents, biological or adoptive parents,  
21 siblings, and any other person who may significantly affect the  
22 child's best interests;

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

25           (c) The mental and physical health of all individuals  
26 involved, including any history of abuse of or by any individuals  
27 involved;

28           (d) The needs of the child for a continuing relationship

1 with the child's biological or adoptive parents and the ability  
2 and willingness of the child's biological or adoptive parents to  
3 actively perform their functions as parents with regard to the  
4 needs of the child; and

5 (e) For any child, treatment services may be available as  
6 defined in section 210.110. Assessments, as defined in section  
7 210.110, may occur to determine which treatment services best  
8 meet the child's psychological and social needs. When the  
9 assessment indicates that a child's needs can be best resolved by  
10 intensive twenty-four-hour treatment services, the division will  
11 locate, contract, and place the child with the appropriate  
12 organizations. This placement will be viewed as the least  
13 restrictive for the child based on the assessment;

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

17 (5) The delivery system shall provide a mechanism for the  
18 assessment of strategies to work with children and families  
19 immediately upon entry into the system to maximize permanency and  
20 successful outcome in the shortest time possible and shall  
21 include concurrent planning. Outcome measures for private and  
22 public agencies shall be equal for each program; and

23 (6) Payment to the children's services providers and  
24 agencies shall be made based on the reasonable costs of services,  
25 including responsibilities necessary to execute the contract.  
26 Contracts shall provide incentives in addition to the costs of  
27 services provided in recognition of accomplishment of the case  
28 goals and the corresponding cost savings to the state. The

1 division shall promulgate rules to implement the provisions of  
2 this subdivision.

3 5. Contracts entered into under this section shall require  
4 that a case management plan consistent with all relevant federal  
5 guidelines shall be developed for each child at the earliest time  
6 after the initial investigation, but in no event longer than  
7 thirty days after the initial investigation or referral to the  
8 contractor by the division. Such case management plan shall be  
9 presented to the court and be the foundation of service delivery  
10 to the child and family. The case management plan shall, at a  
11 minimum, include:

12 (1) An outcome target based on the child and family  
13 situation achieving permanency or independent living, where  
14 appropriate;

15 (2) Services authorized and necessary to facilitate the  
16 outcome target;

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

18 (4) Necessary evaluations and reporting.

19  
20 In addition to any visits and assessments required under case  
21 management, services to be provided by a public or private  
22 children's services provider under the specific case management  
23 plan may include family-centered services, foster and adoptive  
24 parent recruitment and retention, residential care, in-home  
25 services, foster care services, adoption services, relative care  
26 case services, planned permanent living services, and family  
27 reunification services. In all cases, an appropriate level of  
28 services shall be provided to the child and family after

1 permanency is achieved to assure a continued successful outcome.

2 6. By December 1, 2018, the division shall convene a task  
3 force to review the recruitment, licensing and retention of  
4 foster and adoptive parents statewide. In addition to  
5 representatives of the division and department, the task force  
6 shall include representatives of the private sector and faith-  
7 based community which provide recruitment and licensure services.  
8 The purpose of the task force shall and will be to study the  
9 extent to which changes in the system of recruiting, licensing,  
10 and retaining foster and adoptive parents would enhance the  
11 effectiveness of the system statewide. The task force shall  
12 develop a report of its findings with recommendations by December  
13 1, 2019, and provide copies of the report to the general  
14 assembly, to the joint committee on child abuse and neglect under  
15 section 21.771, and to the governor.

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

19 (1) Details about the specifics of the contracts, including  
20 the number of children and families served, the cost to the state  
21 for contracting such services, the current status of the children  
22 and families served, an assessment of the quality of services  
23 provided and outcomes achieved, and an overall evaluation of the  
24 project; and

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

27 (3) Any information or recommendations directly related to  
28 the provision of direct services for children and their families

1 that any of the contracting children's services providers "and  
2 agencies request to have included in the report].

3 [8.] 5. The division shall accept as prima facie evidence  
4 of completion of the requirements for licensure under sections  
5 210.481 to 210.511 proof that an agency is accredited by any of  
6 the following nationally recognized bodies: the Council on  
7 Accreditation of Services, Children and Families, Inc.; the Joint  
8 Commission on Accreditation of Hospitals; or the Commission on  
9 Accreditation of Rehabilitation Facilities. [The division shall  
10 not require any further evidence of qualification for licensure  
11 if such proof of voluntary accreditation is submitted.]

12 6. Payment to the children's services providers and  
13 agencies shall be made based on the reasonable costs of services,  
14 including responsibilities necessary to execute the contract.  
15 Any reimbursement increases made through enhanced appropriations  
16 for services shall be allocated to providers regardless of  
17 whether the provider is public or private. Such increases shall  
18 be considered additive to the existing contracts. In addition to  
19 payments reflecting the cost of services, contracts shall include  
20 incentives provided in recognition of performance based on the  
21 evaluation tool created under subsection 2 of this section and  
22 the corresponding savings for the state. The response and  
23 evaluation team under subsection 3 of this section shall review a  
24 formula to distribute such payments, as recommended by the  
25 division.

26 7. The division shall consider immediate actions that are  
27 in the best interests of the children served including, but not  
28 limited to, placing the agency on a corrective plan, halting new

1 referrals, transferring cases to other performing providers, or  
2 terminating the provider's contract. The division shall take  
3 steps necessary to evaluate the nature of the issue and act  
4 accordingly in the most timely fashion possible.

5 [9.] 8. By [February 1, 2005] July 1, 2021, the children's  
6 division shall promulgate and have in effect rules to implement  
7 the provisions of this section and, pursuant to this section,  
8 shall define implementation plans and dates. Any rule or portion  
9 of a rule, as that term is defined in section 536.010, that is  
10 created under the authority delegated in this section shall  
11 become effective only if it complies with and is subject to all  
12 of the provisions of chapter 536 and, if applicable, section  
13 536.028. This section and chapter 536 are nonseverable and if  
14 any of the powers vested with the general assembly pursuant to  
15 chapter 536 to review, to delay the effective date, or to  
16 disapprove and annul a rule are subsequently held  
17 unconstitutional, then the grant of rulemaking authority and any  
18 rule proposed or adopted after August 28, 2004, shall be invalid  
19 and void.

20 210.123. 1. As used in this section, the following terms  
21 and phrases mean:

22 (1) "Relative", as that term is defined in section 210.565.  
23 Such relative shall be an adult;

24 (2) "Temporary alternative placement agreement", a  
25 voluntary agreement between the division, a relative of the  
26 child, and the parent or guardian of the child to provide a  
27 temporary, out of home placement for a child if the parent or  
28 guardian is temporarily unable to provide care or support for the

1 child and the child is not in imminent danger of death or serious  
2 bodily injury, or being sexually abused such that the division  
3 determines that a referral to the juvenile office with a  
4 recommendation to file a petition or to remove the child is not  
5 appropriate. The agreement shall be reduced to writing within  
6 three business days. The written agreement shall be signed by  
7 the parent or guardian, the relative, and the authorized  
8 representative of the division. A temporary alternative  
9 placement agreement shall be valid for no more than ninety days.  
10 If the agreement shall be extended beyond ninety days, then,  
11 before the expiration of the ninety-day period, the division  
12 shall send a referral to the juvenile officer to make a  
13 determination whether to file a petition, to set the matter for a  
14 preliminary child welfare hearing, or to take other appropriate  
15 action as the juvenile officer deems necessary. The temporary  
16 alternative placement agreement shall include:

17 (a) A plan for return of the child to the child's parent or  
18 legal guardian within the time specified under the agreement, or  
19 diligent implementation of an alternative, legal arrangement for  
20 the safe care, custody, and control of the child including, but  
21 not limited to, execution of a power of attorney under section  
22 475.602, an affidavit for relative caretaker under section  
23 431.058, legal guardianship, the entry of an order of child  
24 protection, or entry of temporary or permanent legal custody  
25 arrangements by a court of competent jurisdiction;

26 (b) A requirement that the parties cooperate with the  
27 division and participate in all services offered by the division;

28 (c) A notice to all parties that the division will notify

1 the juvenile officer that a temporary alternative placement  
2 agreement has been implemented, that a copy of the agreement will  
3 be provided to the juvenile officer, that the temporary  
4 alternative placement agreement is not binding on the juvenile  
5 officer, and the division retains the authority to refer the case  
6 to the juvenile officer with a recommendation for further action  
7 at any time;

8 (d) Identifying the behaviorally specific changes that the  
9 parent or guardian of the child shall make to ensure that the  
10 child's safety and welfare can be assured before the child is  
11 returned to the home;

12 (e) Identifying the services that the division shall offer  
13 the parents and the child to address the reasons the child is  
14 being placed out of the home;

15 (f) Requiring that the child reside in the state of  
16 Missouri for the duration of the agreement; and

17 (g) That the agreement is voluntary and that the parent or  
18 guardian may withdraw from the agreement upon five days' written  
19 notice.

20 2. As provided in this section, the division may enter into  
21 a temporary alternative placement agreement with parents and  
22 legal guardians of a minor child who cannot safely remain in the  
23 child's home on a temporary basis. The purpose of such agreement  
24 is to mitigate trauma to the child and to enable the division to  
25 make reasonable efforts to assure the safety of a child in a  
26 placement familiar to the child, and to give the child and the  
27 child's family an opportunity to develop and implement a plan to  
28 assure the stability and well-being of the child in the short

1 term. The child shall reside in the state of Missouri for the  
2 duration of the temporary alternative placement agreement unless  
3 the child requires medical treatment in another state that is not  
4 reasonably available within the state of Missouri.

5 3. (1) The division shall conduct a walk-through of the  
6 relative's home where the child will be staying and conduct a  
7 background check of the relative and any adult household member  
8 before determining whether the relative is suitable.

9 (2) The background check shall include a check of the  
10 central registry, the sexual offender registry, the department of  
11 social services's family care safety registry, any state courts  
12 automated case management system, and the records of the division  
13 to determine if circumstances exist that indicate the child shall  
14 not be safe if placed in the home. The division may, in its  
15 discretion, follow up with a fingerprint-based criminal  
16 background check.

17 (3) The suitable relative shall be a resident of the state  
18 of Missouri and shall remain a resident of the state of Missouri  
19 for the duration of the agreement.

20 4. (1) The division may only enter into a temporary  
21 alternative placement agreement if:

22 (a) The child cannot remain safely in the home of the  
23 child's parent or legal guardian;

24 (b) It is not apparent that the child is otherwise in  
25 imminent danger of death, serious physical injury, or being  
26 sexually abused such that an immediate referral to the juvenile  
27 officer with a recommendation to remove the child and initiate  
28 juvenile court proceedings is appropriate;

1       (c) There is a relative who is ready, willing, and able to  
2 provide safe care for the child on a temporary basis;

3       (d) The division has reasonably available services for the  
4 child and family to support and supervise the implementation of  
5 the agreement;

6       (e) The child's parent or legal guardian voluntarily enters  
7 into the agreement; and

8       (f) The child's parent or legal guardian executes all  
9 necessary documents and consents to implement the agreement.

10       (2) The fact that the parent or legal guardian has been  
11 advised that the division or juvenile officer may take additional  
12 action within his or her authority under law shall not constitute  
13 a basis for claiming that the parent or legal guardian's  
14 agreement is not voluntary or was coerced.

15       (3) The parent or guardian shall give at least five days'  
16 written notice of intent to terminate the agreement to the  
17 division and the relative placement provider. The agreement  
18 shall remain in effect until the termination of the agreement is  
19 effective.

20       5. (1) The relative shall have the authority to make the  
21 day-to-day decisions for the care of the child during the  
22 agreement, as provided in the agreement, and shall further have  
23 the authority to make educational and medical decisions for the  
24 child as provided in this section.

25       (2) The relative shall consult with the child's parents,  
26 legal guardian, and the division before making decisions  
27 pertaining to the child other than routine, day-to-day decisions  
28 necessary to care for the child.

1       (3) The division shall provide a notice to the relative on  
2 a form promulgated by the division for use in notifying schools,  
3 medical care providers, and others that the suitable relative or  
4 adult has the temporary authority to make these decisions.  
5 Individuals and institutions, including schools and medical care  
6 providers, acting upon the authority of such notice shall be  
7 immune from liability for acting upon the authority as set forth  
8 in the letter.

9       6. (1) The division shall closely monitor, track, and  
10 document the implementation of the provisions of the temporary  
11 alternative placement agreement for the duration of the  
12 agreement.

13       (2) The division shall have personal contact with the child  
14 as may be appropriate to ensure that the temporary alternative  
15 placement agreement is being safely implemented, but in no event  
16 less than two times each month. At least one personal contact  
17 with the child shall be in the child's alternative placement.

18       (3) The division shall schedule a team decision making  
19 meeting within ten days of the execution of a temporary  
20 alternative placement agreement and at least once every month  
21 thereafter for the duration of the agreement.

22       (4) Within ten days of the execution of a temporary  
23 alternative placement agreement, the division shall open a family  
24 centered services case and keep the case open for the duration of  
25 the agreement.

26       (5) No later than ten days before the termination of the  
27 temporary alternative placement agreement, the division shall  
28 submit a written report to the juvenile office. The division

1 shall provide a copy of the report to the placement provider and  
2 the child's parent or guardian. The report shall include a copy  
3 of the agreement, a specific description of the steps taken to  
4 complete the agreement, and a recommendation to the juvenile  
5 officer about whether further action may be necessary.

6 7. If the parent or guardian does not agree to the  
7 temporary alternative placement agreement, the division shall  
8 refer the matter to the juvenile officer for appropriate action  
9 as determined by the juvenile officer.

10 8. All parties to the temporary alternative care agreement  
11 shall exercise diligent efforts to implement the agreement. The  
12 suitable relative and the parents or guardians shall fully  
13 cooperate with the division.

14 9. If the division determines that the goals of the  
15 temporary alternative placement agreement are not accomplished  
16 within the time period specified in the agreement and the safety  
17 or wellbeing of the child cannot be assured if the child were to  
18 return home, the division shall refer the case to the juvenile  
19 officer.

20 10. A temporary alternative placement agreement may be  
21 executed in conjunction with the informal adjustment process  
22 through the juvenile office.

23 11. The juvenile officer shall not be bound by the terms of  
24 a temporary alternative placement agreement, unless the juvenile  
25 officer is a signatory to the agreement, and the juvenile officer  
26 may exercise discretion to take appropriate action within the  
27 juvenile officer's authority under law. However, the juvenile  
28 officer shall take into consideration the provisions of and the

1 implementation of the agreement when taking action under such  
2 authority.

3 12. The division shall promulgate regulations to implement  
4 the provisions of this section. This section shall not be  
5 effective until the regulations are promulgated.

6 210.135. 1. Any person, official, or institution complying  
7 with the provisions of sections 210.110 to 210.165 in the making  
8 of a report, the taking of color photographs, or the making of  
9 radiologic examinations pursuant to sections 210.110 to 210.165,  
10 or both such taking of color photographs and making of radiologic  
11 examinations, or the removal or retaining a child pursuant to  
12 sections 210.110 to 210.165, or in cooperating with the division,  
13 or any other law enforcement agency, juvenile office, court, or  
14 child-protective service agency of this or any other state, in  
15 any of the activities pursuant to sections 210.110 to 210.165, or  
16 any other allegation of child abuse, neglect or assault, pursuant  
17 to sections 568.045 to 568.060, shall have immunity from any  
18 liability, civil or criminal, that otherwise might result by  
19 reason of such actions. Provided, however, any person, official  
20 or institution intentionally filing a false report, acting in bad  
21 faith, or with ill intent, shall not have immunity from any  
22 liability, civil or criminal. Any such person, official, or  
23 institution shall have the same immunity with respect to  
24 participation in any judicial proceeding resulting from the  
25 report.

26 2. An employee, including a contracted employee, of a  
27 state-funded child assessment center, as provided for in  
28 subsection 2 of section 210.001, shall be immune from any civil

1 liability that arises from the employee's participation in the  
2 investigation process and services by the child assessment  
3 center, unless such person acted in bad faith. This subsection  
4 shall not displace or limit any other immunity provided by law.

5 3. Any person, who is not a school district employee, who  
6 makes a report to any employee of the school district of child  
7 abuse by a school employee shall have immunity from any  
8 liability, civil or criminal, that otherwise might result because  
9 of such report. Provided, however, that any such person who  
10 makes a false report, knowing that the report is false, or who  
11 acts in bad faith or with ill intent in making such report shall  
12 not have immunity from any liability, civil or criminal. Any  
13 such person shall have the same immunity with respect to  
14 participation in any judicial proceeding resulting from the  
15 report.

16 **[3.]** 4. In a case involving the death or serious injury of  
17 a child after a report has been made under sections 210.109 to  
18 210.165, the division shall conduct a preliminary evaluation in  
19 order to determine whether a review of the ability of the circuit  
20 manager or case worker or workers to perform their duties  
21 competently is necessary. The preliminary evaluation shall  
22 examine:

23 (1) The hotline worker or workers who took any reports  
24 related to such case;

25 (2) The division case worker or workers assigned to the  
26 investigation of such report; and

27 (3) The circuit manager assigned to the county where the  
28 report was investigated.

1 Any preliminary evaluation shall be completed no later than three  
2 days after the child's death. If the division determines a  
3 review and assessment is necessary, it shall be completed no  
4 later than three days after the child's death.

5 210.145. 1. The division shall develop protocols which  
6 give priority to:

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

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

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

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

19 2. (1) The division shall utilize structured  
20 decision-making protocols, including a standard risk assessment  
21 that shall be completed within seventy-two hours of the report of  
22 abuse or neglect, for classification purposes of all child abuse  
23 and neglect reports. The protocols developed by the division  
24 shall give priority to ensuring the well-being and safety of the  
25 child. All child abuse and neglect reports shall be initiated  
26 within twenty-four hours and shall be classified based upon the  
27 reported risk and injury to the child. The division shall  
28 promulgate rules regarding the structured decision-making

1 protocols to be utilized for all child abuse and neglect reports.

2 (2) The director of the division and the office of state  
3 courts administrator shall develop a joint safety assessment tool  
4 before December 31, 2020, and such tool shall be implemented  
5 before January 1, 2022. The safety assessment tool shall replace  
6 the standard risk assessment required under subdivision (1) of  
7 this subsection and shall also be completed within seventy-two  
8 hours of the report of abuse or neglect.

9 3. Upon receipt of a report, the division shall determine  
10 if the report merits investigation, including reports which if  
11 true would constitute a suspected violation of any of the  
12 following: section 565.020, 565.021, 565.023, 565.024, or  
13 565.050 if the victim is a child less than eighteen years of age,  
14 section 566.030 or 566.060 if the victim is a child less than  
15 eighteen years of age, or other crimes under chapter 566 if the  
16 victim is a child less than eighteen years of age and the  
17 perpetrator is twenty-one years of age or older, section 567.050  
18 if the victim is a child less than eighteen years of age, section  
19 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205,  
20 section 573.025, 573.035, 573.037, or 573.040, or an attempt to  
21 commit any such crimes. The division shall immediately  
22 communicate all reports that merit investigation to its  
23 appropriate local office and any relevant information as may be  
24 contained in the information system. The local division staff  
25 shall determine, through the use of protocols developed by the  
26 division, whether an investigation or the family assessment and  
27 services approach should be used to respond to the allegation.  
28 The protocols developed by the division shall give priority to

1 ensuring the well-being and safety of the child.

2 4. The division may accept a report for investigation or  
3 family assessment if either the child or alleged perpetrator  
4 resides in Missouri, may be found in Missouri, or if the incident  
5 occurred in Missouri.

6 5. If the division receives a report in which neither the  
7 child nor the alleged perpetrator resides in Missouri or may be  
8 found in Missouri and the incident did not occur in Missouri, the  
9 division shall document the report and communicate it to the  
10 appropriate agency or agencies in the state where the child is  
11 believed to be located, along with any relevant information or  
12 records as may be contained in the division's information system.

13 6. When the child abuse and neglect hotline receives three  
14 or more calls, within a seventy-two hour period, from one or more  
15 individuals concerning the same child, the division shall conduct  
16 a review to determine whether the calls meet the criteria and  
17 statutory definition for a child abuse and neglect report to be  
18 accepted. In conducting the review, the division shall contact  
19 the hotline caller or callers in order to collect information to  
20 determine whether the calls meet the criteria for harassment.

21 7. The local office shall contact the appropriate law  
22 enforcement agency immediately upon receipt of a report which  
23 division personnel determine merits an investigation and provide  
24 such agency with a detailed description of the report received.  
25 In such cases the local division office shall request the  
26 assistance of the local law enforcement agency in all aspects of  
27 the investigation of the complaint. The appropriate law  
28 enforcement agency shall either assist the division in the

1 investigation or provide the division, within twenty-four hours,  
2 an explanation in writing detailing the reasons why it is unable  
3 to assist.

4 8. The local office of the division shall cause an  
5 investigation or family assessment and services approach to be  
6 initiated in accordance with the protocols established in  
7 subsection 2 of this section, except in cases where the sole  
8 basis for the report is educational neglect. If the report  
9 indicates that educational neglect is the only complaint and  
10 there is no suspicion of other neglect or abuse, the  
11 investigation shall be initiated within seventy-two hours of  
12 receipt of the report. If the report indicates the child is in  
13 danger of serious physical harm or threat to life, an  
14 investigation shall include direct observation of the subject  
15 child within twenty-four hours of the receipt of the report.  
16 Local law enforcement shall take all necessary steps to  
17 facilitate such direct observation. Callers to the child abuse  
18 and neglect hotline shall be instructed by the division's hotline  
19 to call 911 in instances where the child may be in immediate  
20 danger. If the parents of the child are not the alleged  
21 perpetrators, a parent of the child must be notified prior to the  
22 child being interviewed by the division. No person responding to  
23 or investigating a child abuse and neglect report shall call  
24 prior to a home visit or leave any documentation of any attempted  
25 visit, such as business cards, pamphlets, or other similar  
26 identifying information if he or she has a reasonable basis to  
27 believe the following factors are present:

28 (1) (a) No person is present in the home at the time of

1 the home visit; and

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

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

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

9

10 If the alleged perpetrator is present during a visit by the  
11 person responding to or investigating the report, such person  
12 shall provide written material to the alleged perpetrator  
13 informing him or her of his or her rights regarding such visit,  
14 including but not limited to the right to contact an attorney.  
15 The alleged perpetrator shall be given a reasonable amount of  
16 time to read such written material or have such material read to  
17 him or her by the case worker before the visit commences, but in  
18 no event shall such time exceed five minutes; except that, such  
19 requirement to provide written material and reasonable time to  
20 read such material shall not apply in cases where the child faces  
21 an immediate threat or danger, or the person responding to or  
22 investigating the report is or feels threatened or in danger of  
23 physical harm. If the abuse is alleged to have occurred in a  
24 school or child care facility the division shall not meet with  
25 the child in any school building or child-care facility building  
26 where abuse of such child is alleged to have occurred. When the  
27 child is reported absent from the residence, the location and the  
28 well-being of the child shall be verified. For purposes of this

1 subsection, "child care facility" shall have the same meaning as  
2 such term is defined in section 210.201.

3 9. The director of the division shall name at least one  
4 chief investigator for each local division office, who shall  
5 direct the division response on any case involving a second or  
6 subsequent incident regarding the same subject child or  
7 perpetrator. The duties of a chief investigator shall include  
8 verification of direct observation of the subject child by the  
9 division and shall ensure information regarding the status of an  
10 investigation is provided to the public school district liaison.  
11 The public school district liaison shall develop protocol in  
12 conjunction with the chief investigator to ensure information  
13 regarding an investigation is shared with appropriate school  
14 personnel. The superintendent of each school district shall  
15 designate a specific person or persons to act as the public  
16 school district liaison. Should the subject child attend a  
17 nonpublic school the chief investigator shall notify the school  
18 principal of the investigation. Upon notification of an  
19 investigation, all information received by the public school  
20 district liaison or the school shall be subject to the provisions  
21 of the federal Family Educational Rights and Privacy Act (FERPA),  
22 20 U.S.C. Section 1232g, and federal rule 34 C.F.R. Part 99.

23 10. The investigation shall include but not be limited to  
24 the nature, extent, and cause of the abuse or neglect; the  
25 identity and age of the person responsible for the abuse or  
26 neglect; the names and conditions of other children in the home,  
27 if any; the home environment and the relationship of the subject  
28 child to the parents or other persons responsible for the child's

1 care; any indication of incidents of physical violence against  
2 any other household or family member; and other pertinent data.

3 11. When a report has been made by a person required to  
4 report under section 210.115, the division shall contact the  
5 person who made such report within forty-eight hours of the  
6 receipt of the report in order to ensure that full information  
7 has been received and to obtain any additional information or  
8 medical records, or both, that may be pertinent.

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

14 13. Multidisciplinary teams shall be used whenever  
15 conducting the investigation as determined by the division in  
16 conjunction with local law enforcement. Multidisciplinary teams  
17 shall be used in providing protective or preventive social  
18 services, including the services of law enforcement, a liaison of  
19 the local public school, the juvenile officer, the juvenile  
20 court, and other agencies, both public and private.

21 14. For all family support team meetings involving an  
22 alleged victim of child abuse or neglect, the parents, legal  
23 counsel for the parents, foster parents, the legal guardian or  
24 custodian of the child, the guardian ad litem for the child, and  
25 the volunteer advocate for the child shall be provided notice and  
26 be permitted to attend all such meetings. Family members, other  
27 than alleged perpetrators, or other community informal or formal  
28 service providers that provide significant support to the child

1 and other individuals may also be invited at the discretion of  
2 the parents of the child. In addition, the parents, the legal  
3 counsel for the parents, the legal guardian or custodian and the  
4 foster parents may request that other individuals, other than  
5 alleged perpetrators, be permitted to attend such team meetings.  
6 Once a person is provided notice of or attends such team  
7 meetings, the division or the convenor of the meeting shall  
8 provide such persons with notice of all such subsequent meetings  
9 involving the child. Families may determine whether individuals  
10 invited at their discretion shall continue to be invited.

11 15. If the appropriate local division personnel determine  
12 after an investigation has begun that completing an investigation  
13 is not appropriate, the division shall conduct a family  
14 assessment and services approach. The division shall provide  
15 written notification to local law enforcement prior to  
16 terminating any investigative process. The reason for the  
17 termination of the investigative process shall be documented in  
18 the record of the division and the written notification submitted  
19 to local law enforcement. Such notification shall not preclude  
20 nor prevent any investigation by law enforcement.

21 16. If the appropriate local division personnel determines  
22 to use a family assessment and services approach, the division  
23 shall:

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

27 (2) Provide services which are voluntary and time-limited  
28 unless it is determined by the division based on the assessment

1 of risk that there will be a high risk of abuse or neglect if the  
2 family refuses to accept the services. The division shall  
3 identify services for families where it is determined that the  
4 child is at high risk of future abuse or neglect. The division  
5 shall thoroughly document in the record its attempt to provide  
6 voluntary services and the reasons these services are important  
7 to reduce the risk of future abuse or neglect to the child. If  
8 the family continues to refuse voluntary services or the child  
9 needs to be protected, the division may commence an  
10 investigation;

11 (3) Commence an immediate investigation if at any time  
12 during the family assessment and services approach the division  
13 determines that an investigation, as delineated in sections  
14 210.109 to 210.183, is required. The division staff who have  
15 conducted the assessment may remain involved in the provision of  
16 services to the child and family;

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

20 17. (1) Within forty-five days of an oral report of abuse  
21 or neglect, the local office shall update the information in the  
22 information system. The information system shall contain, at a  
23 minimum, the determination made by the division as a result of  
24 the investigation, identifying information on the subjects of the  
25 report, those responsible for the care of the subject child and  
26 other relevant dispositional information. The division shall  
27 complete all investigations within forty-five days, unless good  
28 cause for the failure to complete the investigation is

1 specifically documented in the information system. Good cause  
2 for failure to complete an investigation shall include, but not  
3 be limited to:

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

9 (b) The attorney general or the prosecuting or circuit  
10 attorney of the city or county in which a criminal investigation  
11 is pending certifies in writing to the division that there is a  
12 pending criminal investigation of the incident under  
13 investigation by the division and the issuing of a decision by  
14 the division will adversely impact the progress of the  
15 investigation; or

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

22  
23 The division shall document any such reasons for failure to  
24 complete the investigation.

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

1 (3) If the investigation is not completed within forty-five  
2 days, the information system shall be updated at regular  
3 intervals and upon the completion of the investigation, which  
4 shall be completed no later than ninety days after receipt of a  
5 report of abuse or neglect, or one hundred twenty days after  
6 receipt of a report of abuse or neglect involving sexual abuse,  
7 or until the division's investigation is complete in cases  
8 involving a child fatality or near-fatality. The information in  
9 the information system shall be updated to reflect any subsequent  
10 findings, including any changes to the findings based on an  
11 administrative or judicial hearing on the matter.

12 18. A person required to report under section 210.115 to  
13 the division and any person making a report of child abuse or  
14 neglect made to the division which is not made anonymously shall  
15 be informed by the division of his or her right to obtain  
16 information concerning the disposition of his or her report.  
17 Such person shall receive, from the local office, if requested,  
18 information on the general disposition of his or her report.  
19 Such person may receive, if requested, findings and information  
20 concerning the case. Such release of information shall be at the  
21 discretion of the director based upon a review of the reporter's  
22 ability to assist in protecting the child or the potential harm  
23 to the child or other children within the family. The local  
24 office shall respond to the request within forty-five days. The  
25 findings shall be made available to the reporter within five days  
26 of the outcome of the investigation. If the report is determined  
27 to be unsubstantiated, the reporter may request that the report  
28 be referred by the division to the office of child advocate for

1 children's protection and services established in sections 37.700  
2 to 37.730. Upon request by a reporter under this subsection, the  
3 division shall refer an unsubstantiated report of child abuse or  
4 neglect to the office of child advocate for children's protection  
5 and services.

6 19. The division shall provide to any individual who is not  
7 satisfied with the results of an investigation information about  
8 the office of child advocate and the services it may provide  
9 under sections 37.700 to 37.730.

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

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

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

20  
21 If a report has been made, the court may stay the custody  
22 proceeding until the children's division completes its  
23 investigation.

24 21. Nothing in this chapter shall be construed to prohibit  
25 the children's division from coinvestigating a report of child  
26 abuse or neglect or sharing records and information with child  
27 welfare, law enforcement, or judicial officers of another state,  
28 territory, or nation if the children's division determines it is

1 appropriate to do so under the standard set forth in subsection 4  
2 of section 210.150 and if such receiving agency is exercising its  
3 authority under the law.

4 22. In any judicial proceeding involving the custody of a  
5 child where the court determines that the child is in need of  
6 services under paragraph (d) of subdivision (1) of subsection 1  
7 of section 211.031 and has taken jurisdiction, the child's  
8 parent, guardian or custodian shall not be entered into the  
9 registry.

10 23. The children's division is hereby granted the authority  
11 to promulgate rules and regulations pursuant to the provisions of  
12 section 207.021 and chapter 536 to carry out the provisions of  
13 sections 210.109 to 210.183.

14 24. Any rule or portion of a rule, as that term is defined  
15 in section 536.010, that is created under the authority delegated  
16 in this section shall become effective only if it complies with  
17 and is subject to all of the provisions of chapter 536 and, if  
18 applicable, section 536.028. This section and chapter 536 are  
19 nonseverable and if any of the powers vested with the general  
20 assembly pursuant to chapter 536 to review, to delay the  
21 effective date or to disapprove and annul a rule are subsequently  
22 held unconstitutional, then the grant of rulemaking authority and  
23 any rule proposed or adopted after August 28, 2000, shall be  
24 invalid and void.

25 210.150. 1. The children's division shall ensure the  
26 confidentiality of all reports and records made pursuant to  
27 sections 210.109 to 210.183 and maintained by the division, its  
28 local offices, the central registry, and other appropriate

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

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

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

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

25 (3) Appropriate staff of the division and of its local  
26 offices, including interdisciplinary teams which are formed to  
27 assist the division in investigation, evaluation and treatment of  
28 child abuse and neglect cases or a multidisciplinary provider of

1 professional treatment services for a child referred to the  
2 provider;

3 (4) Any child named in the report as a victim, or a legal  
4 representative, or the parent, if not the alleged perpetrator, or  
5 guardian of such person when such person is a minor, or is  
6 mentally ill or otherwise incompetent, but the names of reporters  
7 shall not be furnished to persons in this category. Prior to the  
8 release of any identifying information, the division shall  
9 determine if the release of such identifying information may  
10 place a person's life or safety in danger. If the division makes  
11 the determination that a person's life or safety may be in  
12 danger, the identifying information shall not be released. The  
13 division shall provide a method for confirming or certifying that  
14 a designee is acting on behalf of a subject;

15 (5) Any alleged perpetrator named in the report, but the  
16 names of reporters shall not be furnished to persons in this  
17 category. Prior to the release of any identifying information,  
18 the division shall determine if the release of such identifying  
19 information may place a person's life or safety in danger. If  
20 the division makes the determination that a person's life or  
21 safety may be in danger, the identifying information shall not be  
22 released. However, the investigation reports will not be  
23 released to any alleged perpetrator with pending criminal charges  
24 arising out of the facts and circumstances named in the  
25 investigation records until an indictment is returned or an  
26 information filed;

27 (6) A grand jury, juvenile officer, prosecuting attorney,  
28 law enforcement officer involved in the investigation of child

1 abuse or neglect, juvenile court or other court conducting abuse  
2 or neglect or child protective proceedings or child custody  
3 proceedings, and other federal, state and local government  
4 entities, or any agent of such entity, with a need for such  
5 information in order to carry out its responsibilities under the  
6 law to protect children from abuse or neglect;

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

15 (8) Any child-care facility; child-placing agency;  
16 residential-care facility, including group homes; juvenile  
17 courts; public or private elementary schools; public or private  
18 secondary schools; or any other public or private agency  
19 exercising temporary supervision over a child or providing or  
20 having care or custody of a child who may request an examination  
21 of the central registry from the division for all employees and  
22 volunteers or prospective employees and volunteers, who do or  
23 will provide services or care to children. Any agency or  
24 business recognized by the division or business which provides  
25 training and places or recommends people for employment or for  
26 volunteers in positions where they will provide services or care  
27 to children may request the division to provide an examination of  
28 the central registry. Such agency or business shall provide

1 verification of its status as a recognized agency. Requests for  
2 examinations shall be made to the division director or the  
3 director's designee in writing by the chief administrative  
4 officer of the above homes, centers, public and private  
5 elementary schools, public and private secondary schools,  
6 agencies, or courts. The division shall respond in writing to  
7 that officer. The response shall include information pertaining  
8 to the nature and disposition of any report or reports of abuse  
9 or neglect revealed by the examination of the central registry.  
10 This response shall not include any identifying information  
11 regarding any person other than the alleged perpetrator of the  
12 abuse or neglect;

13 (9) Any parent or legal guardian who inquires about a child  
14 abuse or neglect report involving a specific person or child-care  
15 facility who does or may provide services or care to a child of  
16 the person requesting the information. Request for examinations  
17 shall be made to the division director or the director's  
18 designee, in writing, by the parent or legal guardian of the  
19 child and shall be accompanied with a signed and notarized  
20 release form from the person who does or may provide care or  
21 services to the child. The notarized release form shall include  
22 the full name, date of birth and Social Security number of the  
23 person who does or may provide care or services to a child. The  
24 response shall include information pertaining to the nature and  
25 disposition of any report or reports of abuse or neglect revealed  
26 by the examination of the central registry. This response shall  
27 not include any identifying information regarding any person  
28 other than the alleged perpetrator of the abuse or neglect. The

1 response shall be given within ten working days of the time it  
2 was received by the division;

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

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

14 (12) Any child fatality review panel established pursuant  
15 to section 210.192 or any state child fatality review panel  
16 established pursuant to section 210.195;

17 (13) Any person who is a tenure-track or full-time research  
18 faculty member at an accredited institution of higher education  
19 engaged in scholarly research, with the permission of the  
20 director. Prior to the release of any identifying information,  
21 the director shall require the researcher to present a plan for  
22 maintaining the confidentiality of the identifying information.  
23 The researcher shall be prohibited from releasing the identifying  
24 information of individual cases; and

25 (14) Appropriate staff of the United States Department of  
26 Defense including, but not limited to, authorized family advocacy  
27 program staff or any other staff authorized to receive and  
28 respond to reports requested under 10 U.S.C. Section 1787, in

1 cases where a report has been made and the suspected perpetrator  
2 or any person responsible for the care, custody, and control of  
3 the subject child is a member of the Armed Forces, as defined in  
4 section 41.030.

5 3. Only the following persons shall have access to records  
6 maintained by the division pursuant to section 210.152 for which  
7 the division has received a report of child abuse and neglect and  
8 which the division has determined that there is insufficient  
9 evidence or in which the division proceeded with the family  
10 assessment and services approach:

11 (1) Appropriate staff of the division;

12 (2) Any child named in the report as a victim, or a legal  
13 representative, or the parent or guardian of such person when  
14 such person is a minor, or is mentally ill or otherwise  
15 incompetent. The names or other identifying information of  
16 reporters shall not be furnished to persons in this category.  
17 Prior to the release of any identifying information, the division  
18 shall determine if the release of such identifying information  
19 may place a person's life or safety in danger. If the division  
20 makes the determination that a person's life or safety may be in  
21 danger, the identifying information shall not be released. The  
22 division shall provide for a method for confirming or certifying  
23 that a designee is acting on behalf of a subject;

24 (3) Any alleged perpetrator named in the report, but the  
25 names of reporters shall not be furnished to persons in this  
26 category. Prior to the release of any identifying information,  
27 the division shall determine if the release of such identifying  
28 information may place a person's life or safety in danger. If

1 the division makes the determination that a person's life or  
2 safety may be in danger, the identifying information shall not be  
3 released. However, the investigation reports will not be  
4 released to any alleged perpetrator with pending criminal charges  
5 arising out of the facts and circumstances named in the  
6 investigation records until an indictment is returned or an  
7 information filed;

8 (4) Any child fatality review panel established pursuant to  
9 section 210.192 or any state child fatality review panel  
10 established pursuant to section 210.195;

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

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

17 (7) Any person engaged in bona fide research purpose, with  
18 the permission of the director; provided, however, that no  
19 information identifying the subjects of the reports or the  
20 reporters shall be made available to the researcher, unless the  
21 identifying information is essential to the research or  
22 evaluation and the subject, or if a child, through the child's  
23 parent or guardian, provides written permission; and

24 (8) Appropriate staff of the United States Department of  
25 Defense including, but not limited to, authorized family advocacy  
26 program staff or any other staff authorized to receive and  
27 respond to reports requested under 10 U.S.C. Section 1787, in  
28 cases where a report has been made and the suspected perpetrator

1 or any person responsible for the care, custody, and control of  
2 the subject child is a member of the Armed Forces, as defined in  
3 section 41.030.

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

10 5. Nothing in this section shall preclude the release of  
11 findings or information about cases which resulted in a child  
12 fatality or near fatality. Such release is at the sole  
13 discretion of the director of the department of social services,  
14 based upon a review of the potential harm to other children  
15 within the immediate family.

16 6. Notwithstanding any provisions of this section or  
17 chapter to the contrary, if the division receives a report and  
18 ascertains that a suspected perpetrator or any person responsible  
19 for the care, custody, and control of the subject child is a  
20 member of the Armed Forces, as defined in section 41.030, the  
21 division shall report its findings to the most relevant family  
22 advocacy program authorized by the United States Department of  
23 Defense or any other relevant person authorized by the United  
24 States Department of Defense to receive reports under 10 U.S.C.  
25 Section 1787.

26 210.160. 1. In every case involving an abused or neglected  
27 child which results in a judicial proceeding, the judge shall  
28 appoint a guardian ad litem to appear for and represent:

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

7 (2) A parent who is a minor, or who is a mentally ill  
8 person or otherwise incompetent, and whose child is the subject  
9 of proceedings under sections 210.110 to 210.165, sections  
10 210.700 to 210.760, sections 211.442 to 211.487, or sections  
11 453.005 to 453.170.

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

16 3. The guardian ad litem shall establish a relationship  
17 with the child and shall meet face-to-face with the child in a  
18 private setting at a time and place that allows the guardian ad  
19 litem to observe the child and ascertain the child's wishes,  
20 safety and placement needs, and the need for further meetings and  
21 investigation. Such initial interview shall take place within  
22 seven business days following the receipt of notification of the  
23 appointment by the guardian ad litem and receipt of information  
24 pertaining to the custody and location of the child. The court  
25 may also grant leave to conduct the meeting with the child via  
26 two-way interactive video technology. The time during which the  
27 initial interview shall occur may be extended or waived in its  
28 entirety, by leave of the court, or may be shortened by the court

1 sua sponte, if doing so would be in the best interests of the  
2 child when considering the child's age, maturity, and other  
3 compelling circumstances. The child's current placement or legal  
4 custodian shall cooperate with the guardian ad litem to schedule  
5 the initial meeting and take all steps necessary to effectuate  
6 the meeting. The guardian ad litem shall continue to maintain  
7 contact with the child for the duration of the appointment. The  
8 provisions of this subsection shall not apply to proceedings  
9 initiated pursuant to chapters 452 or 455.

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

21 [4.] 5. The appointing judge shall require the guardian ad  
22 litem to faithfully discharge such guardian ad litem's duties,  
23 and upon failure to do so shall discharge such guardian ad litem  
24 and appoint another. The appointing judge shall have the  
25 authority to examine the general and criminal background of  
26 persons appointed as guardians ad litem, including utilization of  
27 the family care safety registry and access line pursuant to  
28 sections 210.900 to 210.937, to ensure the safety and welfare of

1 the children such persons are appointed to represent. The judge  
2 in making appointments pursuant to this section shall give  
3 preference to persons who served as guardian ad litem for the  
4 child in the earlier proceeding, unless there is a reason on the  
5 record for not giving such preference.

6 [5.] 6. The guardian ad litem may be awarded a reasonable  
7 fee for such services to be set by the court. The court, in its  
8 discretion, may award such fees as a judgment to be paid by any  
9 party to the proceedings or from public funds. However, no fees  
10 as a judgment shall be taxed against a party or parties who have  
11 not been found to have abused or neglected a child or children.  
12 Such an award of guardian fees shall constitute a final judgment  
13 in favor of the guardian ad litem. Such final judgment shall be  
14 enforceable against the parties in accordance with chapter 513.

15 [6.] 7. The court may designate volunteer advocates, who  
16 may or may not be attorneys licensed to practice law, to assist  
17 in the performance of the guardian ad litem duties for the court.  
18 Nonattorney volunteer advocates shall not provide legal  
19 representation. The court shall have the authority to examine  
20 the general and criminal background of persons designated as  
21 volunteer advocates, including utilization of the family care  
22 safety registry and access line pursuant to sections 210.900 to  
23 210.937, to ensure the safety and welfare of the children such  
24 persons are designated to represent. The volunteer advocate  
25 shall be provided with all reports relevant to the case made to  
26 or by any agency or person, shall have access to all records of  
27 such agencies or persons relating to the child or such child's  
28 family members or placements of the child, and upon designation

1 by the court to a case, shall be informed of and have the right  
2 to attend any and all family support team meetings involving the  
3 child. Any such designated person shall receive no compensation  
4 from public funds. This shall not preclude reimbursement for  
5 reasonable expenses.

6 [7.] 8. Any person appointed to perform guardian ad litem  
7 duties shall have completed a training program in permanency  
8 planning and shall advocate for timely court hearings whenever  
9 possible to attain permanency for a child as expeditiously as  
10 possible to reduce the effects that prolonged foster care may  
11 have on a child. A nonattorney volunteer advocate shall have  
12 access to a court appointed attorney guardian ad litem should the  
13 circumstances of the particular case so require.

14 210.201. As used in sections 210.201 to 210.257, the  
15 following terms mean:

16 (1) "Child", an individual who is under the age of  
17 seventeen;

18 (2) "Child care", care of a child away from his or her home  
19 for any part of the twenty-four-hour day for compensation or  
20 otherwise. "Child care" is a voluntary supplement to parental  
21 responsibility for the child's protection, development, and  
22 supervision;

23 (3) "Child-care facility" or "child care facility", a house  
24 or other place conducted or maintained by any person who  
25 advertises or holds himself or herself out as providing child  
26 care for [more than six children during the daytime,] any part of  
27 the twenty-four-hour day for compensation or otherwise[, except  
28 those operated by a school system or in connection with a

1 business establishment which provides child care as a convenience  
2 for its customers or its employees for no more than four hours  
3 per day, but a child-care facility shall not include any private  
4 or religious organization elementary or secondary school, a  
5 religious organization academic preschool or kindergarten for  
6 four- and five-year-old children, a home school, as defined in  
7 section 167.031, a weekly Sunday or Sabbath school, a vacation  
8 Bible school or child care made available while the parents or  
9 guardians are attending worship services or other meetings and  
10 activities conducted or sponsored by a religious organization.  
11 If a facility or program is exempt from licensure based on the  
12 school exception established in this subdivision, such facility  
13 or program shall submit documentation annually to the department  
14 to verify its licensure-exempt status; except that, under no  
15 circumstances shall any public or religious organization  
16 elementary or secondary school, a religious organization academic  
17 preschool or kindergarten for four- and five-year-old children, a  
18 home school, as defined in section 167.031, a weekly Sunday or  
19 Sabbath school, a vacation Bible school or child care made  
20 available while the parents or guardians are attending worship  
21 services or other meetings and activities conducted or sponsored  
22 by a religious organization be required to submit documentation  
23 annually to the department to verify its licensure-exempt status]  
24 if providing child care to more than:

25 (a) Six children; or

26 (b) Three children under two years of age;

27 (4) "Child care provider" or "provider", the person or  
28 persons licensed or required to be licensed under section 210.221

1 to establish, conduct, or maintain a child care facility;

2 (5) "Montessori school", a child care program that  
3 subscribes to Maria Montessori's educational philosophy and that  
4 is accredited by the American Montessori Society or the  
5 Association Montessori Internationale;

6 (6) "Neighborhood youth development program", as described  
7 in section 210.278;

8 (7) "Nursery school", a program operated by a person or an  
9 organization with the primary function of providing an  
10 educational program for preschool-age children for no more than  
11 four hours per day per child;

12 [(3)] (8) "Person", any [person] individual, firm,  
13 corporation, partnership, association, [institution or other  
14 incorporated or unincorporated organization] agency, or an  
15 incorporated or unincorporated organization regardless of the  
16 name used;

17 [(4)] (9) "Religious organization", a church, synagogue or  
18 mosque; an entity that has or would qualify for federal tax-  
19 exempt status as a nonprofit religious organization under Section  
20 501(c) of the Internal Revenue Code; or an entity whose real  
21 estate on which the child-care facility is located is exempt from  
22 taxation because it is used for religious purposes;

23 (10) "School system", a program established primarily for  
24 education and that meets the following criteria:

25 (a) Provides education in at least the first to the sixth  
26 grade; and

27 (b) Provides evidence that the school system's records will  
28 be accepted by a public or private school for the transfer of any

1 student;

2 (11) "Summer camp", a program operated from May to  
3 September by a person or organization with the primary function  
4 of providing a summer recreational program for children five  
5 years of age or older and providing no child care for children  
6 under five years of age in the same building or in the same  
7 outdoor play area.

8 210.211. 1. It shall be unlawful for any person to  
9 establish, maintain or operate a child-care facility for  
10 children, or to advertise or hold himself or herself out as being  
11 able to perform any of the services as defined in section  
12 210.201, without having in effect a written license granted by  
13 the department of health and senior services; except that nothing  
14 in sections 210.203 to 210.245 shall apply to:

15 (1) Any person who is caring for six or fewer children,  
16 including a maximum of three children under the age of two, at  
17 the same physical address. For purposes of this subdivision,  
18 children who live in the caregiver's home and who are eligible  
19 for enrollment in a public kindergarten, elementary, or high  
20 school shall not be considered in the total number of children  
21 being cared for;

22 (2) Any person who receives free of charge, and not as a  
23 business, for periods not exceeding ninety consecutive days, as  
24 bona fide, occasional and personal guests the child or children  
25 of personal friends of such person, and who receives custody of  
26 no other unrelated child or children;

27 (3) Any graded boarding school[, summer camp, hospital,  
28 sanitarium or home which is conducted in good faith primarily to

1 provide education, recreation, medical treatment, or nursing or  
2 convalescent care for children] that is conducted in good faith  
3 primarily to provide education;

4 (4) [Any child-care facility maintained or operated under  
5 the exclusive control of a religious organization. When a  
6 nonreligious organization, having as its principal purpose the  
7 provision of child-care services, enters into an arrangement with  
8 a religious organization for the maintenance or operation of a  
9 child-care facility, the facility is not under the exclusive  
10 control of the religious organization;

11 (5) Any residential facility or day program licensed by the  
12 department of mental health pursuant to sections 630.705 to  
13 630.760 which provides care, treatment and habilitation  
14 exclusively to children who have a primary diagnosis of mental  
15 disorder, mental illness, intellectual disability or  
16 developmental disability, as defined in section 630.005] Any  
17 summer camp that is conducted in good faith primarily to provide  
18 recreation; [and

19 (6) Any nursery school] (5) Any hospital, sanitarium, or  
20 home that is conducted in good faith primarily to provide medical  
21 treatment or nursing or convalescent care for children;

22 (6) Any residential facility or day program licensed by the  
23 department of mental health under sections 630.705 to 630.760  
24 that provides care, treatment, and habilitation exclusively to  
25 children who have a primary diagnosis of mental disorder, mental  
26 illness, intellectual disability, or developmental disability, as  
27 those terms are defined in section 630.005;

28 (7) Any school system as defined in section 210.201;

1           (8) Any Montessori school as defined in section 210.201;

2           (9) Any business that operates a child care program for the  
3 convenience of its customers if the following conditions are met:

4           (a) The business provides child care for employees'  
5 children for no more than four hours per day; and

6           (b) Customers remain on site while their children are being  
7 cared for by the business establishment;

8           (10) Any home school as defined in section 167.031;

9           (11) Any religious organization academic preschool or  
10 kindergarten for four- and five-year-old children;

11           (12) Any weekly Sunday or Sabbath school, a vacation bible  
12 school, or child care made available while the parents or  
13 guardians are attending worship services or other meetings and  
14 activities conducted or sponsored by a religious organization;

15           (13) Any neighborhood youth development program under  
16 section 210.278;

17           (14) Any religious organization elementary or secondary  
18 school;

19           (15) Any private organization elementary or secondary  
20 school system providing child care to children younger than  
21 school age. If a facility or program is exempt from licensure  
22 based upon this exception, such facility or program shall submit  
23 documentation annually to the department to verify its licensure-  
24 exempt status;

25           (16) Any nursery school as defined in section 210.201; and

26           (17) Any child care facility maintained or operated under  
27 the exclusive control of a religious organization. If a  
28 nonreligious organization having as its principal purpose the

1 provision of child care services enters into an arrangement with  
2 a religious organization for the maintenance or operation of a  
3 child care facility, the facility is not under the exclusive  
4 control of the religious organization.

5         2. Notwithstanding the provisions of subsection 1 of this  
6 section, no child-care facility shall be exempt from licensure if  
7 such facility receives any state or federal funds for providing  
8 care for children, except for federal funds for those programs  
9 which meet the requirements for participation in the Child and  
10 Adult Care Food Program pursuant to 42 U.S.C. Section 1766.  
11 Grants to parents for child care pursuant to sections 210.201 to  
12 210.257 shall not be construed to be funds received by a person  
13 or facility listed in subdivisions (1) and ~~[(4)]~~ (17) of  
14 subsection 1 of this section.

15         3. Any child care facility not exempt from licensure shall  
16 disclose the licensure status of the facility to the parents or  
17 guardians of children for which the facility provides care. No  
18 child care facility exempt from licensure shall represent to any  
19 parent or guardian of children for which the facility provides  
20 care that the facility is licensed when such facility is in fact  
21 not licensed. A parent or guardian shall sign a written notice  
22 indicating he or she is aware of the licensure status of the  
23 facility. The facility shall keep a copy of this signed written  
24 notice on file. All child care facilities shall provide the  
25 parent or guardian enrolling a child in the facility with a  
26 written explanation of the disciplinary philosophy and policies  
27 of the child care facility.

28         210.221. 1. The department of health and senior services

1 shall have the following powers and duties:

2 (1) After inspection, to grant licenses to persons to  
3 operate child-care facilities if satisfied as to the good  
4 character and intent of the applicant and that such applicant is  
5 qualified and equipped to render care or service conducive to the  
6 welfare of children[, and to renew the same when expired. No  
7 license shall be granted for a term exceeding two years]. Each  
8 license shall specify the kind of child-care services the  
9 licensee is authorized to perform, the number of children that  
10 can be received or maintained, and their ages and sex;

11 (2) To inspect the conditions of the homes and other places  
12 in which the applicant operates a child-care facility, inspect  
13 their books and records, premises and children being served,  
14 examine their officers and agents, deny, suspend, place on  
15 probation or revoke the license of such persons as fail to obey  
16 the provisions of sections 210.201 to 210.245 or the rules and  
17 regulations made by the department of health and senior services.  
18 The director also may revoke or suspend a license when the  
19 licensee fails to renew or surrenders the license;

20 (3) To promulgate and issue rules and regulations the  
21 department deems necessary or proper in order to establish  
22 standards of service and care to be rendered by such licensees to  
23 children. No rule or regulation promulgated by the division  
24 shall in any manner restrict or interfere with any religious  
25 instruction, philosophies or ministries provided by the facility  
26 and shall not apply to facilities operated by religious  
27 organizations which are not required to be licensed;

28 (4) To approve training concerning the safe sleep

1 recommendations of the American Academy of Pediatrics in  
2 accordance with section 210.223; and

3 (5) To determine what records shall be kept by such persons  
4 and the form thereof, and the methods to be used in keeping such  
5 records, and to require reports to be made to the department at  
6 regular intervals.

7 2. Any child-care facility may request a variance from a  
8 rule or regulation promulgated pursuant to this section. The  
9 request for a variance shall be made in writing to the department  
10 of health and senior services and shall include the reasons the  
11 facility is requesting the variance. The department shall  
12 approve any variance request that does not endanger the health or  
13 safety of the children served by the facility. The burden of  
14 proof at any appeal of a disapproval of a variance application  
15 shall be with the department of health and senior services.  
16 Local inspectors may grant a variance, subject to approval by the  
17 department of health and senior services.

18 3. The department shall deny, suspend, place on probation  
19 or revoke a license if it receives official written notice that  
20 the local governing body has found that license is prohibited by  
21 any local law related to the health and safety of children. The  
22 department may deny an application for a license if the  
23 department determines that a home or other place in which an  
24 applicant would operate a child-care facility is located within  
25 one thousand feet of any location where a person required to  
26 register under sections 589.400 to 589.425 either resides, as  
27 that term is defined in subsection 3 of section 566.147, or  
28 regularly receives treatment or services, excluding any treatment

1 or services delivered in a hospital, as that term is defined in  
2 section 197.020, or in facilities owned or operated by a hospital  
3 system. The department may, after inspection, find the  
4 licensure, denial of licensure, suspension or revocation to be in  
5 the best interest of the state.

6 4. Any rule or portion of a rule, as that term is defined  
7 in section 536.010, that is created under the authority delegated  
8 in sections 210.201 to 210.245 shall become effective only if it  
9 complies with and is subject to all of the provisions of chapter  
10 536 and, if applicable, section 536.028. All rulemaking  
11 authority delegated prior to August 28, 1999, is of no force and  
12 effect and repealed. Nothing in this section shall be  
13 interpreted to repeal or affect the validity of any rule filed or  
14 adopted prior to August 28, 1999, if it fully complied with all  
15 applicable provisions of law. This section and chapter 536 are  
16 nonseverable and if any of the powers vested with the general  
17 assembly pursuant to chapter 536 to review, to delay the  
18 effective date, or to disapprove and annul a rule are  
19 subsequently held unconstitutional, then the grant of rulemaking  
20 authority and any rule proposed or adopted after August 28, 1999,  
21 shall be invalid and void.

22 210.252. 1. All buildings and premises used by a child-  
23 care facility to care for more than six children except those  
24 exempted from the licensing provisions of the department of  
25 health and senior services pursuant to subdivisions [(1), (2),  
26 (3), and (5)] (1) to (15) of subsection 1 of section 210.211,  
27 shall be inspected annually for fire and safety by the state fire  
28 marshal, the marshal's designee or officials of a local fire

1 district and for health and sanitation by the department of  
2 health and senior services or officials of the local health  
3 department. Evidence of compliance with the inspections required  
4 by this section shall be kept on file and available to parents of  
5 children enrolling in the child-care facility.

6 2. Local inspection of child-care facilities may be  
7 accomplished if the standards employed by local personnel are  
8 substantially equivalent to state standards and local personnel  
9 are available for enforcement of such standards.

10 3. Any child-care facility may request a variance from a  
11 rule or regulation promulgated pursuant to this section. The  
12 request for a variance shall be made in writing to the department  
13 of health and senior services and shall include the reasons the  
14 facility is requesting the variance. The department shall  
15 approve any variance request that does not endanger the health or  
16 safety of the children served by the facility. The burden of  
17 proof at any appeal of a disapproval of a variance application  
18 shall be with the department of health and senior services.  
19 Local inspectors may grant a variance, subject to approval by the  
20 department.

21 4. The department of health and senior services shall  
22 administer the provisions of sections 210.252 to 210.256, with  
23 the cooperation of the state fire marshal, local fire departments  
24 and local health agencies.

25 5. The department of health and senior services shall  
26 promulgate rules and regulations to implement and administer the  
27 provisions of sections 210.252 to 210.256. Such rules and  
28 regulations shall provide for the protection of children in all

1 child-care facilities whether or not such facility is subject to  
2 the licensing provisions of sections 210.201 to 210.245.

3 6. Any rule or portion of a rule, as that term is defined  
4 in section 536.010, that is created under the authority delegated  
5 in sections 210.252 to 210.256 shall become effective only if it  
6 complies with and is subject to all of the provisions of chapter  
7 536 and, if applicable, section 536.028. All rulemaking  
8 authority delegated prior to August 28, 1999, is of no force and  
9 effect and repealed. Nothing in this section shall be  
10 interpreted to repeal or affect the validity of any rule filed or  
11 adopted prior to August 28, 1999, if it fully complied with all  
12 applicable provisions of law. This section and chapter 536 are  
13 nonseverable and if any of the powers vested with the general  
14 assembly pursuant to chapter 536 to review, to delay the  
15 effective date or to disapprove and annul a rule are subsequently  
16 held unconstitutional, then the grant of rulemaking authority and  
17 any rule proposed or adopted after August 28, 1999, shall be  
18 invalid and void.

19 210.254. 1. Child-care facilities operated by religious  
20 organizations pursuant to the exempt status recognized in  
21 subdivision ~~[(4)]~~ (17) of subsection 1 of section 210.211 shall  
22 upon enrollment of any child provide the parent or guardian  
23 enrolling the child two copies of a notice of parental  
24 responsibility, one copy of which shall be retained in the files  
25 of the facility after the enrolling parent acknowledges, by  
26 signature, having read and accepted the information contained  
27 therein.

28 2. The notice of parental responsibility shall include the

1 following:

2 (1) Notification that the child-care facility is exempt as  
3 a religious organization from state licensing and therefore not  
4 inspected or supervised by the department of health and senior  
5 services other than as provided herein and that the facility has  
6 been inspected by those designated in section 210.252 and is  
7 complying with the fire, health and sanitation requirements of  
8 sections 210.252 to 210.257;

9 (2) The names, addresses and telephone numbers of agencies  
10 and authorities which inspect the facility for fire, health and  
11 safety and the date of the most recent inspection by each;

12 (3) The staff/child ratios for enrolled children under two  
13 years of age, for children ages two to four and for those five  
14 years of age and older as required by the department of health  
15 and senior services regulations in licensed facilities, the  
16 standard ratio of staff to number of children for each age level  
17 maintained in the exempt facility, and the total number of  
18 children to be enrolled by the facility;

19 (4) Notification that background checks have been conducted  
20 under the provisions of section 210.1080;

21 (5) The disciplinary philosophy and policies of the child-  
22 care facility; and

23 (6) The educational philosophy and policies of the child-  
24 care facility.

25 3. A copy of notice of parental responsibility, signed by  
26 the principal operating officer of the exempt child-care facility  
27 and the individual primarily responsible for the religious  
28 organization conducting the child-care facility and copies of the

1 annual fire and safety inspections shall be filed annually during  
2 the month of August with the department of health and senior  
3 services.

4 210.566. 1. (1) The children's division and its  
5 contractors, recognizing that foster parents are not clients but  
6 rather are colleagues in the child welfare team, shall treat  
7 foster parents in a manner consistent with the National  
8 Association of Social Workers' ethical standards of conduct as  
9 described in its Social Workers' Ethical Responsibilities to  
10 Colleagues. Foster parents shall treat the children in their  
11 care, the child's birth family and members of the child welfare  
12 team in a manner consistent with their ethical responsibilities  
13 as professional team members.

14 (2) The children's division and its contractors shall  
15 provide written notification of the rights enumerated in this  
16 section at the time [of] a child is placed with the prospective  
17 foster parent, at initial licensure, and at the time of each  
18 licensure renewal following the initial licensure period.

19 2. (1) The children's division and its contractors shall  
20 provide foster parents with regularly scheduled opportunities for  
21 preservice training, and regularly scheduled opportunities for  
22 pertinent inservice training, as determined by the Missouri State  
23 Foster Care and Adoption Advisory Board.

24 (2) The children's division and its contractors shall  
25 provide to foster parents and potential adoptive parents, prior  
26 to placement, all pertinent information, including but not  
27 limited to full disclosure of all medical, psychological, and  
28 psychiatric conditions of the child, as well as information from

1 previous placements that would indicate that the child or  
2 children may have a propensity to cause violence to any member of  
3 the foster family home. The foster parents shall be provided  
4 with any information regarding the child or the child's family,  
5 including but not limited to the case plan, any family history of  
6 mental or physical illness, sexual abuse of the child or sexual  
7 abuse perpetrated by the child, criminal background of the child  
8 or the child's family, fire-setting or other destructive behavior  
9 by the child, substance abuse by the child or child's family, or  
10 any other information which is pertinent to the care and needs of  
11 the child and to protect the foster or adoptive family. The  
12 children's division and its contractors shall provide full access  
13 to the child's medical, psychological, and psychiatric records in  
14 its possession at the time of placement, including records prior  
15 to the child coming into care, at the time the child is placed  
16 with a foster parent. After initial placement, the children's  
17 division and its contractors shall have a continuing duty and  
18 obligation to provide access to such records that come into its  
19 possession or of which the division or its contractors become  
20 aware. Access shall include providing information and  
21 authorization for foster parents to review or to obtain the  
22 records directly from the medical, psychological, or psychiatric  
23 services provider. A foster parent may decline access to any or  
24 all of the child's records. Knowingly providing false or  
25 misleading information to foster parents in order to secure  
26 placement shall be denoted in the caseworker's personnel file and  
27 shall be kept on record by the division.

28 (3) The children's division and its contractors shall

1 arrange preplacement visits, except in emergencies.

2 (4) The foster parents may ask questions about the child's  
3 case plan, encourage a placement or refuse a placement without  
4 reprisal from the caseworker or agency. After a placement, the  
5 children's division and its contractors shall update the foster  
6 parents as new information about the child is gathered.

7 (5) Foster parents shall be informed in a timely manner by  
8 the children's division and its contractors of all team meetings  
9 and staffings concerning their licensure status or children  
10 placed in their homes, and shall be allowed to participate,  
11 consistent with section 210.761.

12 (6) The children's division and its contractors shall  
13 establish reasonably accessible respite care for children in  
14 foster care for short periods of time, jointly determined by  
15 foster parents and the child's caseworker pursuant to section  
16 210.545. Foster parents shall follow all procedures established  
17 by the children's division and its contractors for requesting and  
18 using respite care.

19 (7) Foster parents shall treat all information received  
20 from the children's division and its contractors about the child  
21 and the child's family as confidential. Information necessary  
22 for the medical or psychiatric care of the child may be provided  
23 to the appropriate practitioners. Foster parents may share  
24 information necessary with school personnel in order to secure a  
25 safe and appropriate education for the child. Additionally,  
26 foster parents shall share information they may learn about the  
27 child and the child's family, and concerns that arise in the care  
28 of the child, with the caseworker and other members of the child

1 welfare team. Recognizing that placement changes are difficult  
2 for children, foster parents shall seek all necessary  
3 information, and participate in preplacement visits whenever  
4 possible, before deciding whether to accept a child for  
5 placement.

6 3. (1) Foster parents shall make decisions about the daily  
7 living concerns of the child, and shall be permitted to continue  
8 the practice of their own family values and routines while  
9 respecting the child's cultural heritage. All discipline shall  
10 be consistent with state laws and regulations. The children's  
11 division shall allow foster parents to help plan visitation  
12 between the child and the child's siblings or biological family.  
13 Visitations should be scheduled at a time that meets the needs of  
14 the child, the biological family members, and the foster family  
15 whenever possible. Recognizing that visitation with family  
16 members is an important right of children in foster care, foster  
17 parents shall be flexible and cooperative with regard to family  
18 visits. The children's division shall not require foster parents  
19 to conduct supervised visits or be present during any supervised  
20 visits between the child and the child's siblings or biological  
21 family.

22 (2) Foster parents shall provide care that is respectful of  
23 the child's cultural identity and needs. Recognizing that  
24 cultural competence can be learned, the children's division and  
25 their contractors shall provide foster parents with training that  
26 specifically addresses cultural needs of children, including but  
27 not limited to, information on skin and hair care, information on  
28 any specific religious or cultural practices of the child's

1 biological family, and referrals to community resources for  
2 ongoing education and support.

3 (3) Foster parents shall recognize that the purpose of  
4 discipline is to teach and direct the behavior of the child, and  
5 ensure that it is administered in a humane and sensitive manner.  
6 Foster parents shall use discipline methods which are consistent  
7 with children's division policy.

8 4. (1) Consistent with state laws and regulations, the  
9 children's division and its contractors shall provide, upon  
10 request by the foster parents, information about a child's  
11 progress after the child leaves foster care.

12 (2) Except in emergencies, foster parents shall be given  
13 two weeks advance notice and a written statement of the reasons  
14 before a child is removed from their care. When requesting  
15 removal of a child from their home, foster parents shall give two  
16 weeks advance notice, consistent with division policy, to the  
17 child's caseworker, except in emergency situations.

18 (3) Recognizing the critical nature of attachment for  
19 children, if a child reenters the foster care system and is not  
20 placed in a relative home, the child's former foster parents  
21 shall be given first consideration for placement of the child.

22 (4) If a child becomes free for adoption while in foster  
23 care, the child's foster family shall be given preferential  
24 consideration as adoptive parents consistent with section  
25 453.070.

26 (5) If a foster child becomes free for adoption and the  
27 foster parents desire to adopt the child, they shall inform the  
28 caseworker within sixty days of the caseworker's initial query.

1 If they do not choose to pursue adoption, foster parents shall  
2 make every effort to support and encourage the child's placement  
3 in a permanent home, including but not limited to providing  
4 information on the history and care needs of the child and  
5 accommodating transitional visitation.

6 5. Foster parents shall be informed by the court no later  
7 than two weeks prior to all court hearings pertaining to a child  
8 in their care, and informed of their right to attend and  
9 participate, consistent with section 211.464.

10 6. The children's division and their contractors shall  
11 provide access to a fair and impartial grievance process to  
12 address licensure, case management decisions, and delivery of  
13 service issues. Foster parents shall have timely access to the  
14 child placement agency's appeals process, and shall be free from  
15 acts of retaliation when exercising the right to appeal.

16 7. The children's division and their contractors shall  
17 provide training to foster parents on the policies and procedures  
18 governing the licensure of foster homes, the provision of foster  
19 care, and the adoption process. Foster parents shall, upon  
20 request, be provided with written documentation of the policies  
21 of the children's division and their contractors. Per licensure  
22 requirements, foster parents shall comply with the policies of  
23 the child placement agency.

24 8. For purposes of this section, "foster parent" means a  
25 resource family providing care of children in state custody.

26 210.1080. 1. As used in this section, the following terms  
27 mean:

28 (1) "Child care provider", a person licensed, regulated, or

1 registered to provide child care within the state of Missouri,  
2 including the member or members, manager or managers, shareholder  
3 or shareholders, director or directors, and officer or officers  
4 of any entity licensed, regulated, or registered to provide child  
5 care within the state of Missouri;

6 (2) "Child care staff member", a child care provider;  
7 persons employed by the child care provider for compensation,  
8 including contract employees or self-employed individuals;  
9 individuals or volunteers whose activities involve the care or  
10 supervision of children for a child care provider or unsupervised  
11 access to children who are cared for or supervised by a child  
12 care provider; [or] individuals residing in a family child care  
13 home who are seventeen years of age [and] or older before January  
14 1, 2021, or eighteen years of age or older on or after January 1,  
15 2021; or individuals residing in a family child care home who are  
16 under seventeen years of age before January 1, 2021, or under  
17 eighteen years of age on or after January 1, 2021 and have been  
18 certified as an adult for the commission of an offense;

19 [(2)] (3) "Criminal background check":

20 (a) A Federal Bureau of Investigation fingerprint check;

21 (b) A search of the National Crime Information Center's  
22 National Sex Offender Registry; and

23 (c) A search of the following registries, repositories, or  
24 databases in Missouri, the state where the child care staff  
25 member resides, and each state where such staff member resided  
26 during the preceding five years:

27 a. The state criminal registry or repository, with the use  
28 of fingerprints being required in the state where the staff

1 member resides and optional in other states;

2 b. The state sex offender registry or repository; and

3 c. The state-based child abuse and neglect registry and  
4 database;

5 (4) "Designated department", the department to which  
6 criminal background check results are sent; the department of  
7 health and senior services for child care staff members or  
8 prospective child care staff members of licensed child care  
9 facilities; and the department of social services for child care  
10 staff members or prospective child care staff members of a  
11 license-exempt child care facility or an unlicensed child care  
12 facility registered with the department of social services under  
13 section 210.027;

14 (5) "Qualifying result" or "qualifying criminal background  
15 check", a finding that a child care staff member or prospective  
16 child care staff member is eligible for employment or presence in  
17 a child care setting described under this section.

18 2. (1) Prior to the employment or presence of a child care  
19 staff member in a [family child care home, group child care home,  
20 child care center, or license-exempt] licensed child care  
21 facility, the child care provider shall request the results of a  
22 criminal background check for such child care staff member from  
23 the department of health and senior services.

24 (2) Prior to the employment or presence of a child care  
25 staff member in a license-exempt child care facility or an  
26 unlicensed child care facility registered with the department of  
27 social services, the child care provider shall request the  
28 results of a criminal background check for such child care staff

1 member from the department of social services.

2       (3) A prospective child care staff member may begin work  
3 for a child care provider after the [criminal background check  
4 has been requested] qualifying result of either a Federal Bureau  
5 of Investigation fingerprint check or a search of the Missouri  
6 criminal registry or repository with the use of fingerprints has  
7 been received from the designated department; however, pending  
8 completion of the criminal background check, the prospective  
9 child care staff member shall be supervised at all times by  
10 another child care staff member who received a qualifying result  
11 on the criminal background check within the past five years.

12       [(3) A family child care home, group child care home, child  
13 care center, or license-exempt child care facility that has child  
14 care staff members at the time this section becomes effective  
15 shall request the results of a criminal background check for all  
16 child care staff members by January 31, 2019, unless the  
17 requirements of subsection 5 of this section are met by the child  
18 care provider and proof is submitted to the department of health  
19 and senior services by January 31, 2019.]

20       (4) Any individual who meets the definition of child care  
21 provider but is not responsible for the oversight or direction of  
22 the child care facility and does not have independent access to  
23 the child care facility is not required to request the results of  
24 a criminal background check under this section; however, such  
25 individual shall be accompanied by an individual with a  
26 qualifying criminal background check in order to be present at  
27 the child care facility during child care hours.

28       3. The costs of the criminal background check shall be the

1 responsibility of the child care staff member but may be paid or  
2 reimbursed by the child care provider at the provider's  
3 discretion. The fees charged for the criminal background check  
4 shall not exceed the actual cost of processing and  
5 administration.

6 4. [Except as otherwise provided in subsection 2 of this  
7 section,] Upon completion of the criminal background check, any  
8 child care staff member or prospective child care staff member  
9 shall be ineligible for employment or presence at a [family child  
10 care home, a group child care home, a licensed child care center,  
11 or a license-exempt] licensed or license-exempt child care  
12 facility or an unlicensed child care facility registered with the  
13 department of social services and shall be disqualified from  
14 receipt of state or federal funds for providing child care  
15 services either by direct payment or through reimbursement to an  
16 individual who receives child care benefits if such person:

17 (1) Refuses to consent to the criminal background check as  
18 required by this section;

19 (2) Knowingly makes a materially false statement in  
20 connection with the criminal background check as required by this  
21 section;

22 (3) Is registered, or is required to be registered, on a  
23 state sex offender registry or repository or the National Sex  
24 Offender Registry;

25 (4) [Has a finding] Is listed as a perpetrator of child  
26 abuse or neglect under [section 210.145 or 210.152] sections  
27 210.109 to 210.183 or any other finding of child abuse or neglect  
28 based on any other state's registry or database; or

1 (5) Has [been convicted of a felony consisting of] pled  
2 guilty or nolo contendere to or been found guilty of:

- 3 (a) [Murder, as described in 18 U.S.C. Section 1111;
- 4 (b) Child abuse or neglect;
- 5 (c) A crime against children, including child pornography;
- 6 (d) Spousal abuse;
- 7 (e) A crime involving rape or sexual assault;
- 8 (f) Kidnapping;
- 9 (g) Arson;

10 (h) Physical assault or battery; or  
11 (i) Subject to subsection 5 of this section, a drug-related  
12 offense committed during the preceding five years;] Any felony

13 for an offense against the person as defined in chapter 565;

14 (b) Any other offense against the person involving the  
15 endangerment of a child as prescribed by law;

16 (c) Any misdemeanor or felony for a sexual offense as  
17 defined in chapter 566;

18 (d) Any misdemeanor or felony for an offense against the  
19 family as defined in chapter 568;

20 (e) Burglary in the first degree as defined in 569.160;

21 (f) Any misdemeanor or felony for robbery as defined in  
22 chapter 570;

23 (g) Any misdemeanor or felony for pornography or related  
24 offense as defined in chapter 573;

25 (h) Any felony for arson as defined in chapter 569;

26 (i) Any felony for armed criminal action as defined in  
27 section 571.015, unlawful use of a weapon as defined in section  
28 571.030, unlawful possession of a firearm as defined in section

1 571.070, or the unlawful possession of an explosive as defined in  
2 section 571.072;

3 (j) Any felony for making a terrorist threat as defined in  
4 section 574.115, 574.120, or 574.125;

5 (k) A felony drug-related offense committed during the  
6 preceding five years; or

7 (l) Any similar offense in any federal, state, municipal,  
8 or other court of similar jurisdiction of which the director of  
9 the designated department has knowledge.

10 [(6) Has been convicted of a violent misdemeanor committed  
11 as an adult against a child, including the following crimes:  
12 child abuse, child endangerment, or sexual assault, or of a  
13 misdemeanor involving child pornography; or

14 (7) Has been convicted of any similar crime in any federal,  
15 state, municipal, or other court.

16  
17 Adult household members seventeen years of age and older in a  
18 family child care home shall be ineligible to maintain a presence  
19 at a family child care home if any one or more of the provisions  
20 of this subsection applies to them.]

21 5. Household members seventeen years of age or older before  
22 January 1, 2021, or eighteen years of age or older on or after  
23 January 1, 2021, or household members under seventeen years of  
24 age before January 1, 2021, or under eighteen years of age on or  
25 after January 1, 2021, who have been certified as an adult for  
26 the commission of an offense shall be ineligible to maintain a  
27 presence at a facility licensed as a family child care home  
28 during child care hours if any one or more of the provisions of

1 subsection 4 of this section apply to such members.

2 6. A child care provider may also be disqualified from  
3 receipt of state or federal funds for providing child care  
4 services either by direct payment or through reimbursement to an  
5 individual who receives child care benefits if such person, or  
6 any person seventeen years of age or older before January 1,  
7 2021, or eighteen years of age or older on or after January 1,  
8 2021, residing in the household in which child care is being  
9 provided, excluding child care provided in the child's home, has  
10 been refused licensure or has experienced licensure suspension or  
11 revocation under section 210.221 or 210.496.

12 7. A child care provider shall not be required to submit a  
13 request for a criminal background check under this section for a  
14 child care staff member if:

15 (1) The staff member received a qualifying criminal  
16 background check within five years before the latest date on  
17 which such a submission may be made and while employed by or  
18 seeking employment by another child care provider within  
19 Missouri;

20 (2) The department of health and senior services or the  
21 department of social services provided to the first provider a  
22 qualifying criminal background check result, consistent with this  
23 section, for the staff member; and

24 (3) The staff member is employed by a child care provider  
25 within Missouri or has been separated from employment from a  
26 child care provider within Missouri for a period of not more than  
27 one hundred eighty consecutive days.

28 **[6.] 8.** (1) The department [of health and senior services

1 shall process] processing the request for a criminal background  
2 check for any prospective child care staff member or child care  
3 staff member shall do so as expeditiously as possible, but not to  
4 exceed forty-five days after the date on which the provider  
5 submitted the request.

6 (2) The department shall provide the results of the  
7 criminal background check to the child care provider in a  
8 statement that indicates whether the prospective child care staff  
9 member or child care staff member is eligible or ineligible for  
10 employment or presence at the child care facility or receipt of  
11 state or federal funds for providing child care services either  
12 by direct payment or through reimbursement to an individual who  
13 receives child care benefits. The department shall not reveal to  
14 the child care provider any disqualifying crime or other related  
15 information regarding the prospective child care staff member or  
16 child care staff member.

17 (3) If such prospective child care staff member or child  
18 care staff member is ineligible for employment or presence at the  
19 child care facility, the department shall, when providing the  
20 results of criminal background check, include information related  
21 to each disqualifying crime or other related information, in a  
22 report to such prospective child care staff member or child care  
23 staff member, along with information regarding the opportunity to  
24 appeal under subsection [7] 9 of this section.

25 (4) If a prospective child care provider or child care  
26 provider has been denied state or federal funds by the department  
27 of social services for providing child care, he or she may appeal  
28 such denial to the department of social services.

1           [7.] 9. (1) The prospective child care staff member or  
2 child care staff member may appeal a finding of ineligibility for  
3 employment or presence at a child care facility in writing to the  
4 department that made the determination of ineligibility to  
5 challenge the accuracy or completeness of the information  
6 contained in his or her criminal background check[, or] if his or  
7 her finding of ineligibility is based on one or more of the  
8 following offenses:

9           (a) Murder, as described in 18 U.S.C. Section 1111;

10          (b) Felony child abuse or neglect;

11          (c) A felony crime against children, including child  
12 pornography;

13          (d) Felony spousal abuse;

14          (e) A felony crime involving rape or sexual assault;

15          (f) Felony kidnapping;

16          (g) Felony arson;

17          (h) Felony physical assault or battery;

18          (i) A violent misdemeanor offense committed as an adult  
19 against a child, including the offense of child abuse, child  
20 endangerment, or sexual assault, or a misdemeanor offense  
21 involving child pornography; or

22          (j) Any similar offense in any federal, state, municipal,  
23 or other court.

24          (2) If a finding of ineligibility is based on an offense  
25 not provided for in subdivision (1) of this subsection, the  
26 prospective child care staff member or child care staff member  
27 may appeal to challenge the accuracy or completeness of the  
28 information contained in his or her criminal background check or

1 to offer information mitigating the results and explaining why an  
2 eligibility exception should be granted. [The department of  
3 health and senior services shall attempt to verify the accuracy  
4 of the information challenged by the individual, including making  
5 an effort to locate any missing disposition information related  
6 to the disqualifying crime.]

7 (3) The appeal shall be filed with the department that made  
8 the determination within ten days from the [delivery or] mailing  
9 of the notice of ineligibility. [The department shall make a  
10 decision on the appeal in a timely manner.] Such department  
11 shall attempt to verify the accuracy of the information  
12 challenged by the individual, including making an effort to  
13 locate any missing disposition information related to the  
14 disqualifying offense. After the department verifies the  
15 accuracy of the information challenged by the individual, the  
16 department shall forward the appeal to the child care background  
17 screening review committee established in subdivision (4) of this  
18 subsection. The child care background screening review committee  
19 shall make a final decision on the written appeal, and such  
20 decision shall be made in a timely manner. Such decision shall  
21 be considered a noncontested final agency decision by the  
22 department that made the determination of ineligibility under  
23 this section and appealable under section 536.150. Such decision  
24 shall be appealed within thirty days of the mailing of the  
25 decision.

26 (4) There is hereby established a "Child Care Background  
27 Screening Review Committee", which shall consist of the directors  
28 of the department of health and senior services and the

1 department of social services or the directors' designee or  
2 designees.

3 (5) Any decision by the child care background screening  
4 review committee to grant an eligibility exception as allowed in  
5 this section shall only be made upon the approval of all  
6 committee members.

7 10. The department of health and senior services and the  
8 department of social services are authorized to enter into any  
9 agreements necessary to facilitate the sharing of information  
10 between the departments for the enforcement of this section  
11 including, but not limited to, the results of the criminal  
12 background check or any of its individual components.

13 11. Nothing in this section shall prohibit either the  
14 department of health and senior services or the department of  
15 social services from requiring more frequent checks of the family  
16 care safety registry established under section 210.903 or the  
17 central registry for child abuse established under section  
18 210.109 in order to determine eligibility for employment or  
19 presence at the child care facility or receipt of state or  
20 federal funds for providing child care services either by direct  
21 payment or through reimbursement to an individual who receives  
22 child care benefits.

23 [8.] 12. The department of health and senior services and  
24 the department of social services may each adopt emergency rules  
25 to implement the requirements of this section. Any rule or  
26 portion of a rule, as that term is defined in section 536.010,  
27 that is created under the authority delegated in this section  
28 shall become effective only if it complies with and is subject to

1 all of the provisions of chapter 536 and, if applicable, section  
2 536.028. This section and chapter 536 are nonseverable, and if  
3 any of the powers vested with the general assembly pursuant to  
4 chapter 536 to review, to delay the effective date, or to  
5 disapprove and annul a rule are subsequently held  
6 unconstitutional, then the grant of rulemaking authority and any  
7 rule proposed or adopted after August 28, 2018, shall be invalid  
8 and void.

9 [9. (1)] 13. The provisions of this section shall not  
10 apply to any child care facility, as defined in section 210.201,  
11 maintained or operated under the exclusive control of a religious  
12 organization, as described in subdivision [(4)] (17) of  
13 subsection 1 of section 210.211, unless such facility is a  
14 recipient of federal funds for providing care for children,  
15 except for federal funds for those programs that meet the  
16 requirements for participation in the Child and Adult Care Food  
17 Program under 42 U.S.C. Section 1766.

18 [(2) The provisions of this section, and any rules or  
19 regulations promulgated under this section, shall expire if 42  
20 U.S.C. Section 9858f, as enacted by the Child Care and  
21 Development Block Grant (CCDBG) Act of 2014, and 45 CFR 98.43 are  
22 repealed or if Missouri no longer receives federal funds from the  
23 CCDBG.]

24 211.135. The court, after considering all information  
25 provided by the children's division and input from the family  
26 support team, shall order the child to appear in court only:

27 (1) If necessary to make a decision; and

28 (2) After considering:

1        (a) The appropriateness of the courtroom environment for  
2 the child based on the level of trauma to the child either in the  
3 past or to be caused by the experience in the courtroom; and

4        (b) The hardship to be endured by the child and current  
5 guardians in regards to the disruption in regular activities,  
6 including school and work, and the needs of any other children in  
7 the home,

8  
9 so long as the court is in compliance with all federal  
10 guidelines.

11        211.171. 1. The procedure to be followed at the hearing  
12 shall be determined by the juvenile court judge and may be as  
13 formal or informal as he or she considers desirable, consistent  
14 with constitutional and statutory requirements. The judge may  
15 take testimony and inquire into the habits, surroundings,  
16 conditions and tendencies of the child and the family to enable  
17 the court to render such order or judgment as will best promote  
18 the welfare of the child and carry out the objectives of this  
19 chapter.

20        2. The hearing may, in the discretion of the court, proceed  
21 in the absence of the child and may be adjourned from time to  
22 time.

23        3. The current foster **[parents]** parent of a child, or any  
24 preadoptive parent or relative currently providing care for the  
25 child, shall be provided with notice of, and an opportunity to be  
26 heard in, any hearing to be held with respect to **[the]** a child in  
27 his or her care, and a foster parent shall have standing to  
28 participate in all court hearings pertaining to a child in their

1     care. If a foster parent alleges the court failed to allow the  
2     foster parent to be heard orally or by submission of  
3     correspondence at any hearing regarding a child in their care,  
4     the foster parent may seek remedial writ relief pursuant to  
5     Missouri supreme court rules 84, 94, and 97. No docket fee shall  
6     be required to be paid by the foster parent. The children's  
7     division shall not remove a child from placement with a foster  
8     parent based solely upon the foster parent's filing of a petition  
9     for a remedial writ or while a writ is pending, unless removal is  
10    necessary to ensure the health and safety of the child.

11         4. The court shall ensure a child's foster parent has  
12         received full access to the child's medical, psychological, and  
13         psychiatric records, including prior records, from the children's  
14         division and its contractors under section 210.566, by inquiring  
15         at the first hearing at which the foster parent is present.

16         5. All cases of children shall be heard separately from the  
17         trial of cases against adults.

18         [5.] 6. Stenographic notes or an authorized recording of  
19         the hearing shall be required if the court so orders or, if  
20         requested by any party interested in the proceeding.

21         [6.] 7. The general public shall be excluded and only such  
22         persons admitted as have a direct interest in the case or in the  
23         work of the court except in cases where the child is accused of  
24         conduct which, if committed by an adult, would be considered a  
25         class A or B felony; or for conduct which would be considered a  
26         class C felony, if the child has previously been formally  
27         adjudicated for the commission of two or more unrelated acts  
28         which would have been class A, B or C felonies, if committed by

1 an adult.

2 [7.] 8. The practice and procedure customary in proceedings  
3 in equity shall govern all proceedings in the juvenile court;  
4 except that, the court shall not grant a continuance in such  
5 proceedings absent compelling extenuating circumstances, and in  
6 such cases, the court shall make written findings on the record  
7 detailing the specific reasons for granting a continuance.

8 [8.] 9. The court shall allow the victim of any offense to  
9 submit a written statement to the court. The court shall allow  
10 the victim to appear before the court personally or by counsel  
11 for the purpose of making a statement, unless the court finds  
12 that the presence of the victim would not serve justice. The  
13 statement shall relate solely to the facts of the case and any  
14 personal injuries or financial loss incurred by the victim. A  
15 member of the immediate family of the victim may appear  
16 personally or by counsel to make a statement if the victim has  
17 died or is otherwise unable to appear as a result of the offense  
18 committed by the child.

19 431.056. 1. A minor shall be qualified and competent to  
20 contract for housing, employment, purchase of an automobile,  
21 receipt of a student loan, admission to high school or  
22 postsecondary school, obtaining medical and mental health care,  
23 establishing a bank account, admission to a shelter for victims  
24 of domestic violence, as that phrase is used in sections 455.200  
25 to 455.220, a rape crisis center, as defined in section 455.003,  
26 or a homeless shelter, and receipt of services as a victim of  
27 domestic violence or sexual assault, as such terms are defined in  
28 section 455.010, including, but not limited to, counseling, court

1 advocacy, financial assistance, and other advocacy services, if:

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

3 (2) The minor is homeless, as defined in subsection 1 of  
4 section 167.020, or a victim of domestic violence, as defined in  
5 section 455.010, unless the child is under the supervision of the  
6 children's division or the jurisdiction of the juvenile court;  
7 and

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

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

14 (a) Expressed consent is any verbal or written statement  
15 made by the parents or guardian of the minor displaying approval  
16 or agreement that the minor may live independently of the  
17 parent's or guardian's control;

18 (b) a. Implied consent is any action made by the parent or  
19 guardian of the minor that indicates the parent or guardian is  
20 unwilling or unable to adequately care for the minor. Such  
21 actions may include, but are not limited to:

22 [a.] (i) Barring the minor from the home or otherwise  
23 indicating that the minor is not welcome to stay;

24 [b.] (ii) Refusing to provide any or all financial support  
25 for the minor; or

26 [c.] (iii) Abusing or neglecting the minor, as defined in  
27 section 210.110, or committing an act or acts of domestic  
28 violence against the minor, as defined in section 455.010.

1           b. Implied consent, in addition to the actions described in  
2 subparagraph a of this paragraph, may also be demonstrated by a  
3 letter signed by the following persons verifying that the minor  
4 is an unaccompanied youth, as defined in 42 U.S.C. Section  
5 11434a(6):

6           (i) A director or designee of a governmental or nonprofit  
7 agency that receives public or private funding to provide  
8 services to homeless persons;

9           (ii) A local education agency liaison for homeless children  
10 and youth designated under 42 U.S.C. Section 11432(g)(1)(J)(ii),  
11 or a school social worker or counselor; or

12           (iii) A licensed attorney representing the minor in any  
13 legal matter.

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

27           3. A minor who is sixteen years of age or older and who is  
28 in the legal custody of the children's division pursuant to an

1 order of a court of competent jurisdiction shall be qualified and  
2 competent to contract for the opening of a checking or savings  
3 bank account with the consent of the children's division or the  
4 juvenile court. The minor shall be responsible for paying all  
5 banking-related costs associated with the checking or savings  
6 account and shall be liable for any and all penalties should he  
7 or she violate a banking agreement. No state department, foster  
8 parent, or entity providing case management of children on behalf  
9 of a department shall be responsible for paying any bank fees nor  
10 liable for any and all penalties related to violation of a  
11 banking agreement.

12 4. Any legally-constituted entity or licensed provider who  
13 contracts with a minor under subsection 1 of this section shall  
14 be immune from any civil or criminal liability based on the  
15 entity's or provider's determination to contract with the minor;  
16 provided that, if an entity's or provider's determination of  
17 compliance with subsection 1 of this section, or conduct in  
18 contracting with the minor, is the result of the entity's or  
19 provider's gross negligence or willful or wanton acts or  
20 omissions, then the entity or provider may be held liable for  
21 their gross negligence or willful or wanton acts or omissions.  
22 Consent given under this section shall not be subject to later  
23 disaffirmance by reason of the minor's age.

24 453.121. 1. As used in this section, unless the context  
25 clearly indicates otherwise, the following terms mean:

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

28 (2) "Adopted child", any adopted person who is less than

1 eight years of age;

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

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

6 (5) "Identifying information", individually identifying  
7 information [which includes the name, date of birth, place of  
8 birth and last known address of the biological parent] for or  
9 about a unique individual, including information likely to  
10 disclose the contact information, location, or identity of such  
11 individual;

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

14 (7) "Nonidentifying information", information [concerning  
15 the physical description, nationality, religious background and  
16 medical history of the biological parent or sibling] that is not  
17 identifying information.

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

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

27 4. An adopted adult, or the adopted adult's lineal  
28 descendants if the adopted adult is deceased, may make a written

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

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

1 court. Nothing in this section shall be construed to permit the  
2 disclosure of communications privileged pursuant to section  
3 491.060. At the end of three months, the child-placing agency or  
4 juvenile court personnel shall file a report with the court  
5 stating that each biological parent that was located was given  
6 the following information:

7 (1) The nature of the identifying information to which the  
8 agency has access;

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

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

12 (4) The right of the biological parent to file an affidavit  
13 with the court stating that the identifying information should be  
14 disclosed;

15 (5) The effect of a failure of the biological parent to  
16 file an affidavit stating that the identifying information should  
17 be disclosed.

18 6. If the child-placing agency or juvenile court personnel  
19 reports to the court that it has been unable to notify the  
20 biological parent within three months, the identifying  
21 information shall not be disclosed to the adopted adult or the  
22 adopted adult's lineal descendants. Additional requests for the  
23 same or substantially the same information may not be made to the  
24 court within one year from the end of the three-month period  
25 during which the attempted notification was made, unless good  
26 cause is shown and leave of court is granted.

27 7. If, within three months, the child-placing agency or  
28 juvenile court personnel reports to the court that it has

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

10 (1) Is unknown;

11 (2) Is known but cannot be found and notified pursuant to  
12 subsection 5 of this section;

13 (3) Is deceased; or

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

16  
17 If the biological parent fails or refuses to file an affidavit  
18 with the court authorizing the release of identifying  
19 information, then the identifying information shall not be  
20 released to the adopted adult. No additional request for the  
21 same or substantially the same information may be made within  
22 three years of the time the biological parent fails or refuses to  
23 file an affidavit authorizing the release of identifying  
24 information.

25 8. Notwithstanding any provision of law, all information,  
26 including identifying information, shall be released to an  
27 adopted adult if the adopted adult's biological parent lost his  
28 or her parental rights through a nonconsensual termination of

1 parental rights proceeding.

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

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

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

9 [10.] 11. The provisions of this section, except as  
10 provided in subsection 5 of this section governing the release of  
11 identifying and nonidentifying adoptive information apply to  
12 adoptions completed before and after August 13, 1986.

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

20 [210.025. 1. An applicant child care provider;  
21 persons employed by the applicant child care provider  
22 for compensation, including contract employees or  
23 self-employed individuals; individuals or volunteers  
24 whose activities involve the care or supervision of  
25 children for the applicant child care provider or  
26 unsupervised access to children who are cared for or  
27 supervised by the applicant child care provider; or  
28 individuals residing in the applicant's family child  
29 care home who are seventeen years of age or older shall  
30 be required to submit to a criminal background check  
31 under section 43.540 prior to an applicant being  
32 granted a registration and every five years thereafter  
33 and an annual check of the central registry for child  
34 abuse established in section 210.109 in order for the  
35 applicant to qualify for receipt of state or federal

1 funds for providing child-care services either by  
2 direct payment or through reimbursement to a child-care  
3 beneficiary. Any costs associated with such checks  
4 shall be paid by the applicant.

5 2. Upon receipt of an application for state or  
6 federal funds for providing child-care services in the  
7 home, the children's division shall:

8 (1) Determine if a finding of child abuse or  
9 neglect by probable cause prior to August 28, 2004, or  
10 by a preponderance of the evidence after August 28,  
11 2004, involving the applicant or any person over the  
12 age of seventeen who is living in the applicant's home  
13 has been recorded pursuant to section 210.145 or  
14 210.221;

15 (2) Determine if the applicant or any person over  
16 the age of seventeen who is living in the applicant's  
17 home has been refused licensure or has experienced  
18 licensure suspension or revocation pursuant to section  
19 210.221 or 210.496; and

20 (3) Upon initial application, require the  
21 applicant to submit to fingerprinting and request a  
22 criminal background check of the applicant and any  
23 person over the age of seventeen who is living in the  
24 applicant's home pursuant to section 43.540 and section  
25 210.487, and inquire of the applicant whether any  
26 children less than seventeen years of age residing in  
27 the applicant's home have ever been certified as an  
28 adult and convicted of, or pled guilty or nolo  
29 contendere to any crime.

30 3. Except as otherwise provided in subsection 4  
31 of this section, upon completion of the background  
32 checks in subsection 2 of this section, an applicant  
33 shall be denied state or federal funds for providing  
34 child care if such applicant, any person over the age  
35 of seventeen who is living in the applicant's home, and  
36 any child less than seventeen years of age who is  
37 living in the applicant's home and who the division has  
38 determined has been certified as an adult for the  
39 commission of a crime:

40 (1) Has had a finding of child abuse or neglect  
41 by probable cause prior to August 28, 2004, or by a  
42 preponderance of the evidence after August 28, 2004,  
43 pursuant to section 210.145 or section 210.152;

44 (2) Has been refused licensure or has experienced  
45 licensure suspension or revocation pursuant to section  
46 210.496;

47 (3) Has pled guilty or nolo contendere to or been  
48 found guilty of any felony for an offense against the  
49 person as defined by chapter 565, or any other offense  
50 against the person involving the endangerment of a  
51 child as prescribed by law; of any misdemeanor or

1 felony for a sexual offense as defined by chapter 566;  
2 of any misdemeanor or felony for an offense against the  
3 family as defined in chapter 568, with the exception of  
4 the sale of fireworks, as defined in section 320.110,  
5 to a child under the age of eighteen; of any  
6 misdemeanor or felony for pornography or related  
7 offense as defined by chapter 573; or of any similar  
8 crime in any federal, state, municipal or other court  
9 of similar jurisdiction of which the director has  
10 knowledge or any offenses or reports which will  
11 disqualify an applicant from receiving state or federal  
12 funds.

13 4. An applicant shall be given an opportunity by  
14 the division to offer any extenuating or mitigating  
15 circumstances regarding the findings, refusals or  
16 violations against such applicant or any person over  
17 the age of seventeen or less than seventeen who is  
18 living in the applicant's home listed in subsection 2  
19 of this section. Such extenuating and mitigating  
20 circumstances may be considered by the division in its  
21 determination of whether to permit such applicant to  
22 receive state or federal funds for providing child care  
23 in the home.

24 5. An applicant who has been denied state or  
25 federal funds for providing child care in the home may  
26 appeal such denial decision in accordance with the  
27 provisions of section 208.080.

28 6. If an applicant is denied state or federal  
29 funds for providing child care in the home based on the  
30 background check results for any person over the age of  
31 seventeen who is living in the applicant's home, the  
32 applicant shall not apply for such funds until such  
33 person is no longer living in the applicant's home.

34 7. Any rule or portion of a rule, as that term is  
35 defined in section 536.010, that is created under the  
36 authority delegated in this section shall become  
37 effective only if it complies with and is subject to  
38 all of the provisions of chapter 536 and, if  
39 applicable, section 536.028. All rulemaking authority  
40 delegated prior to August 28, 1999, is of no force and  
41 effect and repealed. Nothing in this section shall be  
42 interpreted to repeal or affect the validity of any  
43 rule filed or adopted prior to August 28, 1999, if it  
44 fully complied with all applicable provisions of law.  
45 This section and chapter 536 are nonseverable and if  
46 any of the powers vested with the general assembly  
47 pursuant to chapter 536 to review, to delay the  
48 effective date or to disapprove and annul a rule are  
49 subsequently held unconstitutional, then the grant of  
50 rulemaking authority and any rule proposed or adopted  
51 after August 28, 1999, shall be invalid and void.

1           8. (1) The provisions of subsection 1 of this  
2 section shall not apply to any child care facility, as  
3 defined in section 210.201, maintained or operated  
4 under the exclusive control of a religious  
5 organization, as described in subdivision (4) of  
6 subsection 1 of section 210.211, unless such facility  
7 is a recipient of federal funds for providing care for  
8 children, except for federal funds for those programs  
9 that meet the requirements for participation in the  
10 Child and Adult Care Food Program under 42 U.S.C.  
11 Section 1766.

12           (2) The provisions of subsection 1 of this  
13 section, as enacted by the ninety-ninth general  
14 assembly, second regular session, and any rules or  
15 regulations promulgated under such section, shall  
16 expire if 42 U.S.C. Section 9858f, as enacted by the  
17 Child Care and Development Block Grant (CCDBG) Act of  
18 2014, and 45 CFR 98.43 are repealed or if Missouri no  
19 longer receives federal funds from the CCDBG.]  
20