

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 653

AN ACT

To repeal sections 210.112, 210.145, 210.566, and 211.171, RSMo, and to enact in lieu thereof eight new sections relating to the protection of children.

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

1           Section A. Sections 210.112, 210.145, 210.566, and 211.171,  
2 RSMo, are repealed and eight new sections enacted in lieu  
3 thereof, to be known as sections 210.112, 210.116, 210.123,  
4 210.145, 210.566, 210.652, 211.135, and 211.171, to read as  
5 follows:

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

- 12           (1) The safety and welfare of children is paramount;
- 13           (2) All providers of direct services to children and their  
14 families will be evaluated in a uniform, transparent, objective,

1 and consistent basis based on an evaluation tool established in  
2 this section;

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

7 (4) Any provider of direct services to children and  
8 families shall have the appropriate and relevant training,  
9 education, and expertise to provide the highest quality of  
10 services possible which shall be consistent with [the] federal  
11 and state standards[, but not less than the standards and  
12 policies used by the children's division as of January 1, 2004];

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

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

25 2. (1) In conjunction with the response and evaluation  
26 team established under this section, as well as other individuals  
27 the division deems appropriate, the division shall establish an  
28 evaluation tool that complies with state and federal guidelines.

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

5       (3) There shall be a mechanism whereby providers may  
6 propose different evaluation metrics on a case-by-case basis if  
7 such case may have circumstances far beyond those that would be  
8 expected. Such cases shall be evaluated by the response and  
9 evaluation team under this section.

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

19       (5) The standards and metrics developed through this  
20 evaluation tool shall be used to evaluate competitive bids for  
21 future contracts established under this section.

22       3. The division shall create a response and evaluation  
23 team. Membership of the team shall be composed of five staff  
24 members from the division with experience in foster care  
25 appointed by the director of the division; five representatives,  
26 one from each contract region for foster care case management  
27 contracts under this section, who shall be annually rotated among  
28 contractors in each region, which shall appoint the agency; two

1 experts working in either research or higher education on issues  
2 relating to child welfare and foster care appointed by the  
3 director of the division and who shall be actively working for  
4 either an academic institution or policy foundation; one juvenile  
5 officer or a Missouri juvenile justice director to be appointed  
6 by the Missouri juvenile justice association; and one juvenile or  
7 family court judge appointed by the supreme court. The division  
8 shall provide the necessary staffing for the team's operations.  
9 All members shall be appointed, and the team shall meet for the  
10 first time before January 1, 2021. The team shall:

11 (1) Review the evaluation tool and metrics set forth in  
12 this section on a semiannual basis to determine any adjustments  
13 needed or issues that could affect the quality of such tools and  
14 approve or deny on a case-by-case basis:

15 (a) Cases that a provider feels are anomalous and should  
16 not be part of developing the case management tool under this  
17 section;

18 (b) Alternative evaluation metrics recommended by providers  
19 based on the best interests of the child under this section; or

20 (c) Review and recommend any structure for incentives or  
21 other reimbursement strategies under this section;

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

1 plan notes; and

2 (3) Develop a system for reviewing and working with  
3 providers identified under this subsection or providers who  
4 request such assistance from the division, who show signs of  
5 performance weakness to ensure technical assistance and other  
6 services are offered to assist the providers in achieving  
7 successful outcomes for their cases.

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

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

26 (2) The ability to provide a range of child welfare  
27 services[, which may include] including, but not limited to, case  
28 management services, family-centered services, foster and

1 adoptive parent recruitment and retention, residential care, in-  
2 home services, foster care services, adoption services, relative  
3 care case management, planned permanent living services, and  
4 family reunification services.

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

20 3. In entering into and implementing contracts under  
21 subsection 2 of this section, the division shall consider and  
22 direct their efforts towards geographic areas of the state,  
23 including Greene County, where eligible direct children's  
24 services providers and agencies are currently available and  
25 capable of providing a broad range of services, including case  
26 management services, family-centered services, foster and  
27 adoptive parent recruitment and retention, residential care,  
28 family preservation services, foster care services, adoption

1 services, relative care case management, other planned living  
2 arrangements, and family reunification services consistent with  
3 federal guidelines. Nothing in this subsection shall prohibit  
4 the division from contracting on an as-needed basis for any  
5 individual child welfare service listed above.

6 4. The contracts entered into under this section shall  
7 assure that:

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

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

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

24 (a) The interaction and interrelationship of a child with  
25 the child's foster parents, biological or adoptive parents,  
26 siblings, and any other person who may significantly affect the  
27 child's best interests;

28 (b) A child's adjustment to his or her foster home, school,

1 and community;

2 (c) The mental and physical health of all individuals  
3 involved, including any history of abuse of or by any individuals  
4 involved;

5 (d) The needs of the child for a continuing relationship  
6 with the child's biological or adoptive parents and the ability  
7 and willingness of the child's biological or adoptive parents to  
8 actively perform their functions as parents with regard to the  
9 needs of the child; and

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

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

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

28 (6) Payment to the children's services providers and



1 agencies shall be made based on the reasonable costs of services,  
2 including responsibilities necessary to execute the contract.  
3 Contracts shall provide incentives in addition to the costs of  
4 services provided in recognition of accomplishment of the case  
5 goals and the corresponding cost savings to the state. The  
6 division shall promulgate rules to implement the provisions of  
7 this subdivision.

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

17 (1) An outcome target based on the child and family  
18 situation achieving permanency or independent living, where  
19 appropriate;

20 (2) Services authorized and necessary to facilitate the  
21 outcome target;

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

23 (4) Necessary evaluations and reporting.

24

25 In addition to any visits and assessments required under case  
26 management, services to be provided by a public or private  
27 children's services provider under the specific case management  
28 plan may include family-centered services, foster and adoptive

1 parent recruitment and retention, residential care, in-home  
2 services, foster care services, adoption services, relative care  
3 case services, planned permanent living services, and family  
4 reunification services. In all cases, an appropriate level of  
5 services shall be provided to the child and family after  
6 permanency is achieved to assure a continued successful outcome.

7 6. By December 1, 2018, the division shall convene a task  
8 force to review the recruitment, licensing and retention of  
9 foster and adoptive parents statewide. In addition to  
10 representatives of the division and department, the task force  
11 shall include representatives of the private sector and faith-  
12 based community which provide recruitment and licensure services.  
13 The purpose of the task force shall and will be to study the  
14 extent to which changes in the system of recruiting, licensing,  
15 and retaining foster and adoptive parents would enhance the  
16 effectiveness of the system statewide. The task force shall  
17 develop a report of its findings with recommendations by December  
18 1, 2019, and provide copies of the report to the general  
19 assembly, to the joint committee on child abuse and neglect under  
20 section 21.771, and to the governor.

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

24 (1) Details about the specifics of the contracts, including  
25 the number of children and families served, the cost to the state  
26 for contracting such services, the current status of the children  
27 and families served, an assessment of the quality of services  
28 provided and outcomes achieved, and an overall evaluation of the

1 project; and

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

4 (3) Any information or recommendations directly related to  
5 the provision of direct services for children and their families  
6 that any of the contracting children's services providers "and  
7 agencies request to have included in the report].

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

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

1 as recommended by the division.

2 7. The division shall consider immediate actions that are  
3 in the best interests of the children served including, but not  
4 limited to, placing the agency on a corrective plan, halting new  
5 referrals, transferring cases to other performing providers, or  
6 terminating the provider's contract. The division shall take  
7 steps necessary to evaluate the nature of the issue and act  
8 accordingly in the most timely fashion possible.

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

24 210.116. The division may share any records, information,  
25 and findings with federal, state, or local child welfare agency  
26 personnel and law enforcement agencies, including those from  
27 outside the state, or any agent of such agencies, in the  
28 performance of the division's duties, upon a reasonable belief

1 that such information is needed to protect a child from abuse or  
2 neglect or to assist such agency in providing child welfare  
3 services. Such information may include, but is not limited to,  
4 substantiated or unsubstantiated reports of abuse or neglect,  
5 family assessments, and any other documents or information the  
6 division deems necessary for another agency to have access to in  
7 order to protect a child. Identifying information may be shared  
8 only if the children's division reasonably believes the receiving  
9 entity will prevent the unauthorized dissemination of the  
10 information contained therein.

11 210.123. 1. As used in this section, the following terms  
12 and phrases mean:

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

15 (2) "Temporary alternative placement agreement", a  
16 voluntary agreement between the division, a relative of the  
17 child, and the parent or guardian of the child to provide a  
18 temporary, out of home placement for a child if the parent or  
19 guardian is temporarily unable to provide care or support for the  
20 child and the child is not in imminent danger of death or serious  
21 bodily injury, or being sexually abused such that the division  
22 determines that a referral to the juvenile office with a  
23 recommendation to file a petition or to remove the child is not  
24 appropriate. The agreement shall be reduced to writing within  
25 three business days. The written agreement shall be signed by  
26 the parent or guardian, the relative, and the authorized  
27 representative of the division. A temporary alternative  
28 placement agreement shall be valid for no more than ninety days.

1 If the agreement shall be extended beyond ninety days, then,  
2 before the expiration of the ninety-day period, the division  
3 shall send a referral to the juvenile officer to make a  
4 determination whether to file a petition, to set the matter for a  
5 preliminary child welfare hearing, or to take other appropriate  
6 action as the juvenile officer deems necessary. The temporary  
7 alternative placement agreement shall include:

8 (a) A plan for return of the child to the child's parent or  
9 legal guardian within the time specified under the agreement, or  
10 diligent implementation of an alternative, legal arrangement for  
11 the safe care, custody, and control of the child including, but  
12 not limited to, execution of a power of attorney under section  
13 475.602, an affidavit for relative caretaker under section  
14 431.058, legal guardianship, the entry of an order of child  
15 protection, or entry of temporary or permanent legal custody  
16 arrangements by a court of competent jurisdiction;

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

19 (c) A notice to all parties that the division will notify  
20 the juvenile officer that a temporary alternative placement  
21 agreement has been implemented, that a copy of the agreement will  
22 be provided to the juvenile officer, that the temporary  
23 alternative placement agreement is not binding on the juvenile  
24 officer, and the division retains the authority to refer the case  
25 to the juvenile officer with a recommendation for further action  
26 at any time;

27 (d) Identifying the behaviorally specific changes that the  
28 parent or guardian of the child shall make to ensure that the

1 child's safety and welfare can be assured before the child is  
2 returned to the home;

3 (e) Identifying the services that the division shall offer  
4 the parents and the child to address the reasons the child is  
5 being placed out of the home;

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

8 (g) That the agreement is voluntary and that the parent or  
9 guardian may withdraw from the agreement upon five days' written  
10 notice.

11 2. As provided in this section, the division may enter into  
12 a temporary alternative placement agreement with parents and  
13 legal guardians of a minor child who cannot safely remain in the  
14 child's home on a temporary basis. The purpose of such agreement  
15 is to mitigate trauma to the child and to enable the division to  
16 make reasonable efforts to assure the safety of a child in a  
17 placement familiar to the child, and to give the child and the  
18 child's family an opportunity to develop and implement a plan to  
19 assure the stability and well-being of the child in the short  
20 term. The child shall reside in the state of Missouri for the  
21 duration of the temporary alternative placement agreement unless  
22 the child requires medical treatment in another state that is not  
23 reasonably available within the state of Missouri.

24 3. (1) The division shall conduct a walk-through of the  
25 relative's home where the child will be staying and conduct a  
26 background check of the relative and any adult household member  
27 before determining whether the relative is suitable.

28 (2) The background check shall include a check of the

1 central registry, the sexual offender registry, the department of  
2 social services's family care safety registry, any state courts  
3 automated case management system, and the records of the division  
4 to determine if circumstances exist that indicate the child shall  
5 not be safe if placed in the home. The division may, in its  
6 discretion, follow up with a fingerprint-based criminal  
7 background check.

8 (3) The suitable relative shall be a resident of the state  
9 of Missouri and shall remain a resident of the state of Missouri  
10 for the duration of the agreement.

11 4. (1) The division may only enter into a temporary  
12 alternative placement agreement if:

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

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

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

22 (d) The division has reasonably available services for the  
23 child and family to support and supervise the implementation of  
24 the agreement;

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

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



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

6       (3) The parent or guardian shall give at least five days'  
7 written notice of intent to terminate the agreement to the  
8 division and the relative placement provider. The agreement  
9 shall remain in effect until the termination of the agreement is  
10 effective.

11       5. (1) The relative shall have the authority to make the  
12 day-to-day decisions for the care of the child during the  
13 agreement, as provided in the agreement, and shall further have  
14 the authority to make educational and medical decisions for the  
15 child as provided in this section.

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

20       (3) The division shall provide a notice to the relative on  
21 a form promulgated by the division for use in notifying schools,  
22 medical care providers, and others that the suitable relative or  
23 adult has the temporary authority to make these decisions.  
24 Individuals and institutions, including schools and medical care  
25 providers, acting upon the authority of such notice shall be  
26 immune from liability for acting upon the authority as set forth  
27 in the notice.

28       6. (1) The division shall closely monitor, track, and

1 document the implementation of the provisions of the temporary  
2 alternative placement agreement for the duration of the  
3 agreement.

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

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

13 (4) Within ten days of the execution of a temporary  
14 alternative placement agreement, the division shall open a family  
15 centered services case and keep the case open for the duration of  
16 the agreement.

17 (5) No later than ten days before the termination of the  
18 temporary alternative placement agreement, the division shall  
19 submit a written report to the juvenile office. The division  
20 shall provide a copy of the report to the placement provider and  
21 the child's parent or guardian. The report shall include a copy  
22 of the agreement, a specific description of the steps taken to  
23 complete the agreement, and a recommendation to the juvenile  
24 officer about whether further action may be necessary.

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

1           8. All parties to the temporary alternative care agreement  
2 shall exercise diligent efforts to implement the agreement. The  
3 suitable relative and the parents or guardians shall fully  
4 cooperate with the division.

5           9. If the division determines that the goals of the  
6 temporary alternative placement agreement are not accomplished  
7 within the time period specified in the agreement and the safety  
8 or wellbeing of the child cannot be assured if the child were to  
9 return home, the division shall refer the case to the juvenile  
10 officer.

11           10. A temporary alternative placement agreement may be  
12 executed in conjunction with the informal adjustment process  
13 through the juvenile office.

14           11. The juvenile officer shall not be bound by the terms of  
15 a temporary alternative placement agreement, unless the juvenile  
16 officer is a signatory to the agreement, and the juvenile officer  
17 may exercise discretion to take appropriate action within the  
18 juvenile officer's authority under law. However, the juvenile  
19 officer shall take into consideration the provisions of and the  
20 implementation of the agreement when taking action under such  
21 authority.

22           12. The division shall promulgate regulations to implement  
23 the provisions of this section. This section shall not be  
24 effective until the regulations are promulgated.

25           210.145. 1. The division shall develop protocols which  
26 give priority to:

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

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

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

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

11           2. (1) The division shall utilize structured  
12 decision-making protocols, including a standard risk assessment  
13 that shall be completed within seventy-two hours of the report of  
14 abuse or neglect, for classification purposes of all child abuse  
15 and neglect reports. The protocols developed by the division  
16 shall give priority to ensuring the well-being and safety of the  
17 child. All child abuse and neglect reports shall be initiated  
18 within twenty-four hours and shall be classified based upon the  
19 reported risk and injury to the child. The division shall  
20 promulgate rules regarding the structured decision-making  
21 protocols to be utilized for all child abuse and neglect reports.

22           (2) The director of the division and the office of state  
23 courts administrator shall develop a joint safety assessment tool  
24 before December 31, 2020, and such tool shall be implemented  
25 before January 1, 2022. The safety assessment tool shall replace  
26 the standard risk assessment required under subdivision (1) of  
27 this subsection and shall also be completed within seventy-two  
28 hours of the report of abuse or neglect.

1           3. Upon receipt of a report, the division shall determine  
2 if the report merits investigation, including reports which if  
3 true would constitute a suspected violation of any of the  
4 following: section 565.020, 565.021, 565.023, 565.024, or  
5 565.050 if the victim is a child less than eighteen years of age,  
6 section 566.030 or 566.060 if the victim is a child less than  
7 eighteen years of age, or other crimes under chapter 566 if the  
8 victim is a child less than eighteen years of age and the  
9 perpetrator is twenty-one years of age or older, section 567.050  
10 if the victim is a child less than eighteen years of age, section  
11 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205,  
12 section 573.025, 573.035, 573.037, or 573.040, or an attempt to  
13 commit any such crimes. The division shall immediately  
14 communicate all reports that merit investigation to its  
15 appropriate local office and any relevant information as may be  
16 contained in the information system. The local division staff  
17 shall determine, through the use of protocols developed by the  
18 division, whether an investigation or the family assessment and  
19 services approach should be used to respond to the allegation.  
20 The protocols developed by the division shall give priority to  
21 ensuring the well-being and safety of the child.

22           4. The division may accept a report for investigation or  
23 family assessment if either the child or alleged perpetrator  
24 resides in Missouri, may be found in Missouri, or if the incident  
25 occurred in Missouri.

26           5. If the division receives a report in which neither the  
27 child nor the alleged perpetrator resides in Missouri or may be  
28 found in Missouri and the incident did not occur in Missouri, the

1 division shall document the report and communicate it to the  
2 appropriate agency or agencies in the state where the child is  
3 believed to be located, along with any relevant information or  
4 records as may be contained in the division's information system.

5 6. When the child abuse and neglect hotline receives three  
6 or more calls, within a seventy-two hour period, from one or more  
7 individuals concerning the same child, the division shall conduct  
8 a review to determine whether the calls meet the criteria and  
9 statutory definition for a child abuse and neglect report to be  
10 accepted. In conducting the review, the division shall contact  
11 the hotline caller or callers in order to collect information to  
12 determine whether the calls meet the criteria for harassment.

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

24 8. The local office of the division shall cause an  
25 investigation or family assessment and services approach to be  
26 initiated in accordance with the protocols established in  
27 subsection 2 of this section, except in cases where the sole  
28 basis for the report is educational neglect. If the report

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

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

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

25 (2) The alleged perpetrator will be alerted regarding the  
26 attempted visit; or

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

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

22 9. The director of the division shall name at least one  
23 chief investigator for each local division office, who shall  
24 direct the division response on any case involving a second or  
25 subsequent incident regarding the same subject child or  
26 perpetrator. The duties of a chief investigator shall include  
27 verification of direct observation of the subject child by the  
28 division and shall ensure information regarding the status of an



1 investigation is provided to the public school district liaison.  
2 The public school district liaison shall develop protocol in  
3 conjunction with the chief investigator to ensure information  
4 regarding an investigation is shared with appropriate school  
5 personnel. The superintendent of each school district shall  
6 designate a specific person or persons to act as the public  
7 school district liaison. Should the subject child attend a  
8 nonpublic school the chief investigator shall notify the school  
9 principal of the investigation. Upon notification of an  
10 investigation, all information received by the public school  
11 district liaison or the school shall be subject to the provisions  
12 of the federal Family Educational Rights and Privacy Act (FERPA),  
13 20 U.S.C. Section 1232g, and federal rule 34 C.F.R. Part 99.

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

22 11. When a report has been made by a person required to  
23 report under section 210.115, the division shall contact the  
24 person who made such report within forty-eight hours of the  
25 receipt of the report in order to ensure that full information  
26 has been received and to obtain any additional information or  
27 medical records, or both, that may be pertinent.

28 12. Upon completion of the investigation, if the division

1 suspects that the report was made maliciously or for the purpose  
2 of harassment, the division shall refer the report and any  
3 evidence of malice or harassment to the local prosecuting or  
4 circuit attorney.

5 13. Multidisciplinary teams shall be used whenever  
6 conducting the investigation as determined by the division in  
7 conjunction with local law enforcement. Multidisciplinary teams  
8 shall be used in providing protective or preventive social  
9 services, including the services of law enforcement, a liaison of  
10 the local public school, the juvenile officer, the juvenile  
11 court, and other agencies, both public and private.

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

1 invited at their discretion shall continue to be invited.

2 15. If the appropriate local division personnel determine  
3 after an investigation has begun that completing an investigation  
4 is not appropriate, the division shall conduct a family  
5 assessment and services approach. The division shall provide  
6 written notification to local law enforcement prior to  
7 terminating any investigative process. The reason for the  
8 termination of the investigative process shall be documented in  
9 the record of the division and the written notification submitted  
10 to local law enforcement. Such notification shall not preclude  
11 nor prevent any investigation by law enforcement.

12 16. If the appropriate local division personnel determines  
13 to use a family assessment and services approach, the division  
14 shall:

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

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

1 investigation;

2 (3) Commence an immediate investigation if at any time  
3 during the family assessment and services approach the division  
4 determines that an investigation, as delineated in sections  
5 210.109 to 210.183, is required. The division staff who have  
6 conducted the assessment may remain involved in the provision of  
7 services to the child and family;

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

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

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

28 (b) The attorney general or the prosecuting or circuit

1 attorney of the city or county in which a criminal investigation  
2 is pending certifies in writing to the division that there is a  
3 pending criminal investigation of the incident under  
4 investigation by the division and the issuing of a decision by  
5 the division will adversely impact the progress of the  
6 investigation; or

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

13  
14 The division shall document any such reasons for failure to  
15 complete the investigation.

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

20 (3) If the investigation is not completed within forty-five  
21 days, the information system shall be updated at regular  
22 intervals and upon the completion of the investigation, which  
23 shall be completed no later than ninety days after receipt of a  
24 report of abuse or neglect, or one hundred twenty days after  
25 receipt of a report of abuse or neglect involving sexual abuse,  
26 or until the division's investigation is complete in cases  
27 involving a child fatality or near-fatality. The information in  
28 the information system shall be updated to reflect any subsequent

1 findings, including any changes to the findings based on an  
2 administrative or judicial hearing on the matter.

3 18. A person required to report under section 210.115 to  
4 the division and any person making a report of child abuse or  
5 neglect made to the division which is not made anonymously shall  
6 be informed by the division of his or her right to obtain  
7 information concerning the disposition of his or her report.  
8 Such person shall receive, from the local office, if requested,  
9 information on the general disposition of his or her report.  
10 Such person may receive, if requested, findings and information  
11 concerning the case. Such release of information shall be at the  
12 discretion of the director based upon a review of the reporter's  
13 ability to assist in protecting the child or the potential harm  
14 to the child or other children within the family. The local  
15 office shall respond to the request within forty-five days. The  
16 findings shall be made available to the reporter within five days  
17 of the outcome of the investigation. If the report is determined  
18 to be unsubstantiated, the reporter may request that the report  
19 be referred by the division to the office of child advocate for  
20 children's protection and services established in sections 37.700  
21 to 37.730. Upon request by a reporter under this subsection, the  
22 division shall refer an unsubstantiated report of child abuse or  
23 neglect to the office of child advocate for children's protection  
24 and services.

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

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

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

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

11  
12 If a report has been made, the court may stay the custody  
13 proceeding until the children's division completes its  
14 investigation.

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

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

1           23. The children's division is hereby granted the authority  
2 to promulgate rules and regulations pursuant to the provisions of  
3 section 207.021 and chapter 536 to carry out the provisions of  
4 sections 210.109 to 210.183.

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

16           210.566. 1. (1) The children's division and its  
17 contractors, recognizing that foster parents are not clients but  
18 rather are colleagues in the child welfare team, shall treat  
19 foster parents in a manner consistent with the National  
20 Association of Social Workers' ethical standards of conduct as  
21 described in its Social Workers' Ethical Responsibilities to  
22 Colleagues. Foster parents shall treat the children in their  
23 care, the child's birth family and members of the child welfare  
24 team in a manner consistent with their ethical responsibilities  
25 as professional team members.

26           (2) The children's division and its contractors shall  
27 provide written notification of the rights enumerated in this  
28 section at the time [of] a child is placed with the prospective



1 foster parent, at initial licensure, and at the time of each  
2 licensure renewal following the initial licensure period.

3 2. (1) The children's division and its contractors shall  
4 provide foster parents with regularly scheduled opportunities for  
5 preservice training, and regularly scheduled opportunities for  
6 pertinent inservice training, as determined by the Missouri State  
7 Foster Care and Adoption Advisory Board.

8 (2) The children's division and its contractors shall  
9 provide to foster parents and potential adoptive parents, prior  
10 to placement, all pertinent information, including but not  
11 limited to full disclosure of all medical, psychological, and  
12 psychiatric conditions of the child, as well as information from  
13 previous placements that would indicate that the child or  
14 children may have a propensity to cause violence to any member of  
15 the foster family home. The foster parents shall be provided  
16 with any information regarding the child or the child's family,  
17 including but not limited to the case plan, any family history of  
18 mental or physical illness, sexual abuse of the child or sexual  
19 abuse perpetrated by the child, criminal background of the child  
20 or the child's family, fire-setting or other destructive behavior  
21 by the child, substance abuse by the child or child's family, or  
22 any other information which is pertinent to the care and needs of  
23 the child and to protect the foster or adoptive family. The  
24 children's division and its contractors shall provide full access  
25 to the child's medical, psychological, and psychiatric records in  
26 its possession at the time of placement, including records prior  
27 to the child coming into care, at the time the child is placed  
28 with a foster parent. After initial placement, the children's

1 division and its contractors shall have a continuing duty and  
2 obligation to provide access to such records that come into its  
3 possession or of which the division or its contractors become  
4 aware. Access shall include providing information and  
5 authorization for foster parents to review or to obtain the  
6 records directly from the medical, psychological, or psychiatric  
7 services provider. A foster parent may decline access to any or  
8 all of the child's records. Knowingly providing false or  
9 misleading information to foster parents in order to secure  
10 placement shall be denoted in the caseworker's personnel file and  
11 shall be kept on record by the division.

12 (3) The children's division and its contractors shall  
13 arrange preplacement visits, except in emergencies.

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

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

24 (6) The children's division and its contractors shall  
25 establish reasonably accessible respite care for children in  
26 foster care for short periods of time, jointly determined by  
27 foster parents and the child's caseworker pursuant to section  
28 210.545. Foster parents shall follow all procedures established

1 by the children's division and its contractors for requesting and  
2 using respite care.

3 (7) Foster parents shall treat all information received  
4 from the children's division and its contractors about the child  
5 and the child's family as confidential. Information necessary  
6 for the medical or psychiatric care of the child may be provided  
7 to the appropriate practitioners. Foster parents may share  
8 information necessary with school personnel in order to secure a  
9 safe and appropriate education for the child. Additionally,  
10 foster parents shall share information they may learn about the  
11 child and the child's family, and concerns that arise in the care  
12 of the child, with the caseworker and other members of the child  
13 welfare team. Recognizing that placement changes are difficult  
14 for children, foster parents shall seek all necessary  
15 information, and participate in preplacement visits whenever  
16 possible, before deciding whether to accept a child for  
17 placement.

18 3. (1) Foster parents shall make decisions about the daily  
19 living concerns of the child, and shall be permitted to continue  
20 the practice of their own family values and routines while  
21 respecting the child's cultural heritage. All discipline shall  
22 be consistent with state laws and regulations. The children's  
23 division shall allow foster parents to help plan visitation  
24 between the child and the child's siblings or biological family.  
25 Visitations should be scheduled at a time that meets the needs of  
26 the child, the biological family members, and the foster family  
27 whenever possible. Recognizing that visitation with family  
28 members is an important right of children in foster care, foster

1 parents shall be flexible and cooperative with regard to family  
2 visits. The children's division shall not require foster parents  
3 to conduct supervised visits or be present during any supervised  
4 visits between the child and the child's siblings or biological  
5 family.

6 (2) Foster parents shall provide care that is respectful of  
7 the child's cultural identity and needs. Recognizing that  
8 cultural competence can be learned, the children's division and  
9 their contractors shall provide foster parents with training that  
10 specifically addresses cultural needs of children, including but  
11 not limited to, information on skin and hair care, information on  
12 any specific religious or cultural practices of the child's  
13 biological family, and referrals to community resources for  
14 ongoing education and support.

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

20 4. (1) Consistent with state laws and regulations, the  
21 children's division and its contractors shall provide, upon  
22 request by the foster parents, information about a child's  
23 progress after the child leaves foster care.

24 (2) Except in emergencies, foster parents shall be given  
25 two weeks advance notice and a written statement of the reasons  
26 before a child is removed from their care. When requesting  
27 removal of a child from their home, foster parents shall give two  
28 weeks advance notice, consistent with division policy, to the

1 child's caseworker, except in emergency situations.

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

6 (4) If a child becomes free for adoption while in foster  
7 care, the child's foster family shall be given preferential  
8 consideration as adoptive parents consistent with section  
9 453.070.

10 (5) If a foster child becomes free for adoption and the  
11 foster parents desire to adopt the child, they shall inform the  
12 caseworker within sixty days of the caseworker's initial query.  
13 If they do not choose to pursue adoption, foster parents shall  
14 make every effort to support and encourage the child's placement  
15 in a permanent home, including but not limited to providing  
16 information on the history and care needs of the child and  
17 accommodating transitional visitation.

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

22 6. The children's division and their contractors shall  
23 provide access to a fair and impartial grievance process to  
24 address licensure, case management decisions, and delivery of  
25 service issues. Foster parents shall have timely access to the  
26 child placement agency's appeals process, and shall be free from  
27 acts of retaliation when exercising the right to appeal.

28 7. The children's division and their contractors shall

1 provide training to foster parents on the policies and procedures  
2 governing the licensure of foster homes, the provision of foster  
3 care, and the adoption process. Foster parents shall, upon  
4 request, be provided with written documentation of the policies  
5 of the children's division and their contractors. Per licensure  
6 requirements, foster parents shall comply with the policies of  
7 the child placement agency.

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

10 210.652. Beginning August 28, 2020, the department of  
11 social services, in conjunction with the office of  
12 administration, shall implement a computerized method to allow  
13 for the electronic exchanging of data and documents required by  
14 the Interstate Compact on the Placement of Children to place  
15 children across state lines.

16 211.135. The court, after considering all information  
17 provided by the children's division and input from the family  
18 support team, shall order the child to appear in court only:

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

20 (2) After considering:

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

24 (b) The hardship to be endured by the child and current  
25 guardians in regards to the disruption in regular activities,  
26 including school and work, and the needs of any other children in  
27 the home,

1 so long as the court is in compliance with all federal  
2 guidelines.

3 211.171. 1. The procedure to be followed at the hearing  
4 shall be determined by the juvenile court judge and may be as  
5 formal or informal as he or she considers desirable, consistent  
6 with constitutional and statutory requirements. The judge may  
7 take testimony and inquire into the habits, surroundings,  
8 conditions and tendencies of the child and the family to enable  
9 the court to render such order or judgment as will best promote  
10 the welfare of the child and carry out the objectives of this  
11 chapter.

12 2. The hearing may, in the discretion of the court, proceed  
13 in the absence of the child and may be adjourned from time to  
14 time.

15 3. The current foster [parents] parent of a child, or any  
16 preadoptive parent or relative currently providing care for the  
17 child, shall be provided with notice of, and an opportunity to be  
18 heard in, any hearing to be held with respect to [the] a child in  
19 his or her care, and a foster parent shall have standing to  
20 participate in all court hearings pertaining to a child in their  
21 care. If a foster parent alleges the court failed to allow the  
22 foster parent to be heard orally or by submission of  
23 correspondence at any hearing regarding a child in their care,  
24 the foster parent may seek remedial writ relief pursuant to  
25 Missouri supreme court rules 84, 94, and 97. No docket fee shall  
26 be required to be paid by the foster parent. The children's  
27 division shall not remove a child from placement with a foster  
28 parent based solely upon the foster parent's filing of a petition

1 for a remedial writ or while a writ is pending, unless removal is  
2 necessary to ensure the health and safety of the child.

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

8 5. All cases of children shall be heard separately from the  
9 trial of cases against adults.

10 [5.] 6. Stenographic notes or an authorized recording of  
11 the hearing shall be required if the court so orders or, if  
12 requested by any party interested in the proceeding.

13 [6.] 7. The general public shall be excluded and only such  
14 persons admitted as have a direct interest in the case or in the  
15 work of the court except in cases where the child is accused of  
16 conduct which, if committed by an adult, would be considered a  
17 class A or B felony; or for conduct which would be considered a  
18 class C felony, if the child has previously been formally  
19 adjudicated for the commission of two or more unrelated acts  
20 which would have been class A, B or C felonies, if committed by  
21 an adult.

22 [7.] 8. The practice and procedure customary in proceedings  
23 in equity shall govern all proceedings in the juvenile court;  
24 except that, the court shall not grant a continuance in such  
25 proceedings absent compelling extenuating circumstances, and in  
26 such cases, the court shall make written findings on the record  
27 detailing the specific reasons for granting a continuance.

28 [8.] 9. The court shall allow the victim of any offense to



1 submit a written statement to the court. The court shall allow  
2 the victim to appear before the court personally or by counsel  
3 for the purpose of making a statement, unless the court finds  
4 that the presence of the victim would not serve justice. The  
5 statement shall relate solely to the facts of the case and any  
6 personal injuries or financial loss incurred by the victim. A  
7 member of the immediate family of the victim may appear  
8 personally or by counsel to make a statement if the victim has  
9 died or is otherwise unable to appear as a result of the offense  
10 committed by the child.

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18 Sandy Crawford

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Sheila Solon