

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1414

100TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, April 30, 2020, with recommendation that the Senate Committee Substitute do pass.

3201S.06C

ADRIANE D. CROUSE, Secretary.

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, 210.790, 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:

Section A. 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210.201, 210.211, 210.221, 210.252, 210.254, 210.566, 210.790, 210.1080, 211.171, 431.056, and 453.121, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 193.265, 208.151, 210.109, 210.112, 210.123, 210.135, 210.145, 210.150, 210.160, 210.201, 210.211, 210.221, 210.252, 210.254, 210.566, 210.1080, 211.135, 211.171, 431.056, and 453.121, to read as follows:

193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court

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

10 under section 211.031. All fees shall be deposited to the state department of
11 revenue. Beginning August 28, 2004, for each vital records fee collected, the
12 director of revenue shall credit four dollars to the general revenue fund, five
13 dollars to the children's trust fund, one dollar shall be credited to the endowed
14 care cemetery audit fund, and three dollars for the first copy of death records and
15 five dollars for birth, marriage, divorce, and fetal death records shall be credited
16 to the Missouri public services health fund established in section 192.900. Money
17 in the endowed care cemetery audit fund shall be available by appropriation to
18 the division of professional registration to pay its expenses in administering
19 sections 214.270 to 214.410. All interest earned on money deposited in the
20 endowed care cemetery audit fund shall be credited to the endowed care cemetery
21 fund. Notwithstanding the provisions of section 33.080 to the contrary, money
22 placed in the endowed care cemetery audit fund shall not be transferred and
23 placed to the credit of general revenue until the amount in the fund at the end
24 of the biennium exceeds three times the amount of the appropriation from the
25 endowed care cemetery audit fund for the preceding fiscal year. The money
26 deposited in the public health services fund under this section shall be deposited
27 in a separate account in the fund, and moneys in such account, upon
28 appropriation, shall be used to automate and improve the state vital records
29 system, and develop and maintain an electronic birth and death registration
30 system. For any search of the files and records, when no record is found, the
31 state shall be entitled to a fee equal to the amount for a certification of a vital
32 record for a five-year search to be paid by the applicant. For the processing of
33 each legitimation, adoption, court order or recording after the registrant's twelfth
34 birthday, the state shall be entitled to a fee equal to the amount for a certification
35 of a vital record. Except whenever a certified copy or copies of a vital record is
36 required to perfect any claim of any person on relief, or any dependent of any
37 person who was on relief for any claim upon the government of the state or
38 United States, the state registrar shall, upon request, furnish a certified copy or
39 so many certified copies as are necessary, without any fee or compensation
40 therefor.

41 2. For the issuance of a certification of a death record by the local
42 registrar, the applicant shall pay a fee of thirteen dollars for the first certification
43 or copy and a fee of ten dollars for each additional copy ordered at that time. For
44 the issuance of a certification or copy of a birth, marriage, divorce, or fetal death
45 record, the applicant shall pay a fee of fifteen dollars; except that, in any county

46 with a charter form of government and with more than six hundred thousand but
47 fewer than seven hundred thousand inhabitants, a donation of one dollar may be
48 collected by the local registrar over and above any fees required by law when a
49 certification or copy of any marriage license or birth certificate is provided, with
50 such donations collected to be forwarded monthly by the local registrar to the
51 county treasurer of such county and the donations so forwarded to be deposited
52 by the county treasurer into the housing resource commission fund to assist
53 homeless families and provide financial assistance to organizations addressing
54 homelessness in such county. The local registrar shall include a check-off box on
55 the application form for such copies. All fees, other than the donations collected
56 in any county with a charter form of government and with more than six hundred
57 thousand but fewer than seven hundred thousand inhabitants for marriage
58 licenses and birth certificates, shall be deposited to the official city or county
59 health agency. A certified copy of a death record by the local registrar can only
60 be issued within twenty-four hours of receipt of the record by the local
61 registrar. Computer-generated certifications of death records may be issued by
62 the local registrar after twenty-four hours of receipt of the records. The fees paid
63 to the official county health agency shall be retained by the local agency for local
64 public health purposes.

65 **3. No fee under this section shall be required or collected from**
66 **a parent or guardian of a homeless child or homeless youth, as defined**
67 **in subsection 1 of section 167.020, or an unaccompanied youth, as**
68 **defined in 42 U.S.C. Section 11434a(6), for the issuance of a**
69 **certification, or copy of such certification, of birth of such child or**
70 **youth. An unaccompanied youth shall be eligible to receive a**
71 **certification or copy of his or her own birth record without the consent**
72 **or signature of his or her parent or guardian.**

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

- 7 (1) All participants receiving state supplemental payments for the aged,
8 blind and disabled;
- 9 (2) All participants receiving aid to families with dependent children

10 benefits, including all persons under nineteen years of age who would be
11 classified as dependent children except for the requirements of subdivision (1) of
12 subsection 1 of section 208.040. Participants eligible under this subdivision who
13 are participating in treatment court, as defined in section 478.001, shall have
14 their eligibility automatically extended sixty days from the time their dependent
15 child is removed from the custody of the participant, subject to approval of the
16 Centers for Medicare and Medicaid Services;

17 (3) All participants receiving blind pension benefits;

18 (4) All persons who would be determined to be eligible for old age
19 assistance benefits, permanent and total disability benefits, or aid to the blind
20 benefits under the eligibility standards in effect December 31, 1973, or less
21 restrictive standards as established by rule of the family support division, who
22 are sixty-five years of age or over and are patients in state institutions for mental
23 diseases or tuberculosis;

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

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

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

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

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

44 (10) Pregnant women who meet the requirements for aid to families with
45 dependent children, except for the existence of a dependent child in the home;

46 (11) Pregnant women who meet the requirements for aid to families with
47 dependent children, except for the existence of a dependent child who is deprived
48 of parental support as provided for in subdivision (2) of subsection 1 of section
49 208.040;

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

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

61 (14) Children who have attained six years of age but have not attained
62 nineteen years of age. For children who have attained six years of age but have
63 not attained nineteen years of age, the family support division shall use an
64 income assessment methodology which provides for eligibility when family income
65 is equal to or less than equal to one hundred percent of the federal poverty level
66 established by the Department of Health and Human Services, or its successor
67 agency. As necessary to provide MO HealthNet coverage under this subdivision,
68 the department of social services may revise the state MO HealthNet plan to
69 extend coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to children who
70 have attained six years of age but have not attained nineteen years of age as
71 permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a
72 more liberal income assessment methodology as authorized by paragraph (2) of
73 subsection (r) of 42 U.S.C. Section 1396a;

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

80 (16) Notwithstanding any other provisions of law to the contrary,
81 ambulatory prenatal care shall be made available to pregnant women during a

82 period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as
83 amended;

84 (17) A child born to a woman eligible for and receiving MO HealthNet
85 benefits under this section on the date of the child's birth shall be deemed to have
86 applied for MO HealthNet benefits and to have been found eligible for such
87 assistance under such plan on the date of such birth and to remain eligible for
88 such assistance for a period of time determined in accordance with applicable
89 federal and state law and regulations so long as the child is a member of the
90 woman's household and either the woman remains eligible for such assistance or
91 for children born on or after January 1, 1991, the woman would remain eligible
92 for such assistance if she were still pregnant. Upon notification of such child's
93 birth, the family support division shall assign a MO HealthNet eligibility
94 identification number to the child so that claims may be submitted and paid
95 under such child's identification number;

96 (18) Pregnant women and children eligible for MO HealthNet benefits
97 pursuant to subdivision (12), (13) or (14) of this subsection shall not as a
98 condition of eligibility for MO HealthNet benefits be required to apply for aid to
99 families with dependent children. The family support division shall utilize an
100 application for eligibility for such persons which eliminates information
101 requirements other than those necessary to apply for MO HealthNet
102 benefits. The division shall provide such application forms to applicants whose
103 preliminary income information indicates that they are ineligible for aid to
104 families with dependent children. Applicants for MO HealthNet benefits under
105 subdivision (12), (13) or (14) of this subsection shall be informed of the aid to
106 families with dependent children program and that they are entitled to apply for
107 such benefits. Any forms utilized by the family support division for assessing
108 eligibility under this chapter shall be as simple as practicable;

109 (19) Subject to appropriations necessary to recruit and train such staff,
110 the family support division shall provide one or more full-time, permanent
111 eligibility specialists to process applications for MO HealthNet benefits at the site
112 of a health care provider, if the health care provider requests the placement of
113 such eligibility specialists and reimburses the division for the expenses including
114 but not limited to salaries, benefits, travel, training, telephone, supplies, and
115 equipment of such eligibility specialists. The division may provide a health care
116 provider with a part-time or temporary eligibility specialist at the site of a health
117 care provider if the health care provider requests the placement of such an

118 eligibility specialist and reimburses the division for the expenses, including but
119 not limited to the salary, benefits, travel, training, telephone, supplies, and
120 equipment, of such an eligibility specialist. The division may seek to employ such
121 eligibility specialists who are otherwise qualified for such positions and who are
122 current or former welfare participants. The division may consider training such
123 current or former welfare participants as eligibility specialists for this program;

124 (20) Pregnant women who are eligible for, have applied for and have
125 received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this
126 subsection shall continue to be considered eligible for all pregnancy-related and
127 postpartum MO HealthNet benefits provided under section 208.152 until the end
128 of the sixty-day period beginning on the last day of their pregnancy. Pregnant
129 women receiving substance abuse treatment within sixty days of giving birth
130 shall, subject to appropriations and any necessary federal approval, be eligible for
131 MO HealthNet benefits for substance abuse treatment and mental health services
132 for the treatment of substance abuse for no more than twelve additional months,
133 as long as the woman remains adherent with treatment. The department of
134 mental health and the department of social services shall seek any necessary
135 waivers or state plan amendments from the Centers for Medicare and Medicaid
136 Services and shall develop rules relating to treatment plan adherence. No later
137 than fifteen months after receiving any necessary waiver, the department of
138 mental health and the department of social services shall report to the house of
139 representatives budget committee and the senate appropriations committee on the
140 compliance with federal cost neutrality requirements;

141 (21) Case management services for pregnant women and young children
142 at risk shall be a covered service. To the greatest extent possible, and in
143 compliance with federal law and regulations, the department of health and senior
144 services shall provide case management services to pregnant women by contract
145 or agreement with the department of social services through local health
146 departments organized under the provisions of chapter 192 or chapter 205 or a
147 city health department operated under a city charter or a combined city-county
148 health department or other department of health and senior services designees.
149 To the greatest extent possible the department of social services and the
150 department of health and senior services shall mutually coordinate all services
151 for pregnant women and children with the crippled children's program, the
152 prevention of intellectual disability and developmental disability program and the
153 prenatal care program administered by the department of health and senior

154 services. The department of social services shall by regulation establish the
155 methodology for reimbursement for case management services provided by the
156 department of health and senior services. For purposes of this section, the term
157 "case management" shall mean those activities of local public health personnel
158 to identify prospective MO HealthNet-eligible high-risk mothers and enroll them
159 in the state's MO HealthNet program, refer them to local physicians or local
160 health departments who provide prenatal care under physician protocol and who
161 participate in the MO HealthNet program for prenatal care and to ensure that
162 said high-risk mothers receive support from all private and public programs for
163 which they are eligible and shall not include involvement in any MO HealthNet
164 prepaid, case-managed programs;

165 (22) By January 1, 1988, the department of social services and the
166 department of health and senior services shall study all significant aspects of
167 presumptive eligibility for pregnant women and submit a joint report on the
168 subject, including projected costs and the time needed for implementation, to the
169 general assembly. The department of social services, at the direction of the
170 general assembly, may implement presumptive eligibility by regulation
171 promulgated pursuant to chapter 207;

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

175 (24) (a) All persons who would be determined to be eligible for old age
176 assistance benefits under the eligibility standards in effect December 31, 1973,
177 as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as
178 contained in the MO HealthNet state plan as of January 1, 2005; except that, on
179 or after July 1, 2005, less restrictive income methodologies, as authorized in 42
180 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized
181 by annual appropriation;

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

188 (c) All persons who would be determined to be eligible for permanent and
189 total disability benefits under the eligibility standards in effect December 31,

190 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive
191 methodologies as contained in the MO HealthNet state plan as of January 1,
192 2005; except that, on or after July 1, 2005, less restrictive income methodologies,
193 as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income
194 limit if authorized by annual appropriations. Eligibility standards for permanent
195 and total disability benefits shall not be limited by age;

196 (25) Persons who have been diagnosed with breast or cervical cancer and
197 who are eligible for coverage pursuant to 42 U.S.C. Section
198 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of
199 presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

200 (26) Persons who are in foster care under the responsibility of the state
201 of Missouri on the date such persons attained the age of eighteen years, or at any
202 time during the thirty-day period preceding their eighteenth birthday, or persons
203 who received foster care for at least six months in another state, are residing in
204 Missouri, and are at least eighteen years of age, without regard to income or
205 assets, if such persons:

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

207 (b) Are not eligible for coverage under another mandatory coverage group;
208 and

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

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

213 2. Rules and regulations to implement this section shall be promulgated
214 in accordance with chapter 536. Any rule or portion of a rule, as that term is
215 defined in section 536.010, that is created under the authority delegated in this
216 section shall become effective only if it complies with and is subject to all of the
217 provisions of chapter 536 and, if applicable, section 536.028. This section and
218 chapter 536 are nonseverable and if any of the powers vested with the general
219 assembly pursuant to chapter 536 to review, to delay the effective date or to
220 disapprove and annul a rule are subsequently held unconstitutional, then the
221 grant of rulemaking authority and any rule proposed or adopted after August 28,
222 2002, shall be invalid and void.

223 3. After December 31, 1973, and before April 1, 1990, any family eligible
224 for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least
225 three of the last six months immediately preceding the month in which such

226 family became ineligible for such assistance because of increased income from
227 employment shall, while a member of such family is employed, remain eligible for
228 MO HealthNet benefits for four calendar months following the month in which
229 such family would otherwise be determined to be ineligible for such assistance
230 because of income and resource limitation. After April 1, 1990, any family
231 receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least
232 three of the six months immediately preceding the month in which such family
233 becomes ineligible for such aid, because of hours of employment or income from
234 employment of the caretaker relative, shall remain eligible for MO HealthNet
235 benefits for six calendar months following the month of such ineligibility as long
236 as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each
237 family which has received such medical assistance during the entire six-month
238 period described in this section and which meets reporting requirements and
239 income tests established by the division and continues to include a child as
240 provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits
241 without fee for an additional six months. The MO HealthNet division may
242 provide by rule and as authorized by annual appropriation the scope of MO
243 HealthNet coverage to be granted to such families.

244 4. When any individual has been determined to be eligible for MO
245 HealthNet benefits, such medical assistance will be made available to him or her
246 for care and services furnished in or after the third month before the month in
247 which he made application for such assistance if such individual was, or upon
248 application would have been, eligible for such assistance at the time such care
249 and services were furnished; provided, further, that such medical expenses
250 remain unpaid.

251 5. The department of social services may apply to the federal Department
252 of Health and Human Services for a MO HealthNet waiver amendment to the
253 Section 1115 demonstration waiver or for any additional MO HealthNet waivers
254 necessary not to exceed one million dollars in additional costs to the state, unless
255 subject to appropriation or directed by statute, but in no event shall such waiver
256 applications or amendments seek to waive the services of a rural health clinic or
257 a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and
258 (2) or the payment requirements for such clinics and centers as provided in 42
259 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is
260 approved by the oversight committee created in section 208.955. A request for
261 such a waiver so submitted shall only become effective by executive order not

262 sooner than ninety days after the final adjournment of the session of the general
263 assembly to which it is submitted, unless it is disapproved within sixty days of
264 its submission to a regular session by a senate or house resolution adopted by a
265 majority vote of the respective elected members thereof, unless the request for
266 such a waiver is made subject to appropriation or directed by statute.

267 6. Notwithstanding any other provision of law to the contrary, in any
268 given fiscal year, any persons made eligible for MO HealthNet benefits under
269 subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if
270 annual appropriations are made for such eligibility. This subsection shall not
271 apply to classes of individuals listed in 42 U.S.C. Section [1396a(a)(10)(A)(I)]
272 **1396a(a)(10)(A)(i).**

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

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

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

11 (1) Maintain a central registry;

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

14 (3) Attempt to obtain the name and address of any person making a report
15 in all cases, after obtaining relevant information regarding the alleged abuse or
16 neglect, although reports may be made anonymously; except that, reports by
17 mandatory reporters under section 210.115, including employees of the children's
18 division, juvenile officers, and school personnel shall not be made anonymously,
19 provided that the reporter shall be informed, at the time of the report, that the
20 reporter's name and any other personally identifiable information shall be held
21 as confidential and shall not be made public as provided under this section and
22 section 211.319;

23 (4) Upon receipt of a report, check with the information system to
24 determine whether previous reports have been made regarding actual or
25 suspected abuse or neglect of the subject child, of any siblings, and the

26 perpetrator, and relevant dispositional information regarding such previous
27 reports;

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

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

35 (7) Maintain a record which contains the facts ascertained which support
36 the determination as well as the facts that do not support the determination;

37 (8) Whenever available and appropriate, contract for the provision of
38 children's services through children's services providers and agencies in the
39 community; except that the state shall be the sole provider of child abuse and
40 neglect hotline services, the initial child abuse and neglect investigation, and the
41 initial family assessment. The division shall attempt to seek input from child
42 welfare service providers in completing the initial family assessment. In all legal
43 proceedings involving children in the custody of the division, the division shall
44 be represented in court by either division personnel or persons with whom the
45 division contracts with for such legal representation. All children's services
46 providers and agencies shall be subject to criminal background checks pursuant
47 to chapter 43 and shall submit names of all employees to the family care safety
48 registry; **and**

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

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

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

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

7 (2) **All** providers of direct services to children and their families will be

8 evaluated in a uniform, **transparent, objective,** and consistent basis **based on**
9 **an evaluation tool established in subsection 2 of this section;**

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

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

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

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

31 2. (1) In conjunction with the response and evaluation team
32 established under subsection 3 of this section, as well as other
33 individuals the division deems appropriate, the division shall establish
34 an evaluation tool that complies with state and federal guidelines.

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

38 (3) There shall be a mechanism whereby providers may propose
39 different evaluation metrics on a case-by-case basis if such case may
40 have circumstances far beyond those that would be expected. Such
41 cases shall be evaluated by the response and evaluation team under
42 subsection 3 of this section.

43 (4) Data regarding all evaluation metrics shall be collected by
44 the division on a monthly basis, and the division shall issue a quarterly

45 report regarding the evaluation data for each provider, both public and
46 private, by county. The response and evaluation team shall determine
47 how to aggregate cases for the division and large contractors so that
48 performance and outcomes may be compared effectively while also
49 protecting confidentiality. Such reports shall be made public and shall
50 include information by county.

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

54 3. The division shall create a response and evaluation
55 team. Membership of the team shall be composed of five staff members
56 from the division with experience in foster care appointed by the
57 director of the division; five representatives, one from each contract
58 region for foster care case management contracts under subsection 4
59 of this section, who shall be annually rotated among contractors in
60 each region, which shall appoint the agency; two experts working in
61 either research or higher education on issues relating to child welfare
62 and foster care appointed by the director of the division and who shall
63 be actively working for either an academic institution or policy
64 foundation; one juvenile officer or a Missouri juvenile justice director
65 to be appointed by the Missouri juvenile justice association; and one
66 juvenile or family court judge appointed by the supreme court. The
67 division shall provide the necessary staffing for the team's operations.
68 All members shall be appointed, and the team shall meet for the first
69 time before January 1, 2021. The team shall:

70 (1) Review the evaluation tool and metrics set forth in subsection
71 2 of this section on a semiannual basis to determine any adjustments
72 needed or issues that could affect the quality of such tools and approve
73 or deny on a case-by-case basis:

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

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

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

82 **(2) Develop and execute periodic provider evaluations of cases**
83 **managed by the division and children service providers contracted**
84 **with the state to provide foster care case management services in the**
85 **field under the evaluation tool created under subsection 2 of this**
86 **section to ensure basic requirements of the program are met, which**
87 **shall include, but are not limited to, random file review to ensure**
88 **documentation shows required visits and case management plan notes;**
89 **and**

90 **(3) Develop a system for reviewing and working with providers**
91 **identified under subdivision (2) of this subsection or providers who**
92 **request such assistance from the division, who show signs of**
93 **performance weakness to ensure technical assistance and other**
94 **services are offered to assist the providers in achieving successful**
95 **outcomes for their cases.**

96 4. [On or before July 1, 2005, and subject to appropriations,] The
97 children's division and any other state agency deemed necessary by the division
98 shall, in consultation with [the community and] **service providers [of services]**
99 **and other relevant parties**, enter into and implement contracts with qualified
100 children's services providers and agencies to provide a comprehensive and
101 deliberate system of service delivery for children and their families. Contracts
102 shall be awarded through a competitive process and provided by [children's
103 services providers and agencies currently contracting with the state to provide
104 such services and by] **qualified** public and private not-for-profit or limited
105 liability corporations owned exclusively by not-for-profit corporations children's
106 services providers and agencies which have:

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

111 (2) The ability to provide a range of child welfare services[, which may
112 include] **including, but not limited to**, case management services, family-
113 centered services, foster and adoptive parent recruitment and retention,
114 residential care, in-home services, foster care services, adoption services, relative
115 care case management, planned permanent living services, and family
116 reunification services.

117 No contracts **under this section** shall be issued for services related to the child

118 abuse and neglect hotline, investigations of alleged abuse and neglect, and initial
119 family assessments. Any contracts entered into by the division shall be in
120 accordance with all federal laws and regulations, and shall [not result in the loss
121 of] **seek to maximize** federal funding. [Such] Children's services providers and
122 agencies under contract with the division shall be subject to all federal, state, and
123 local laws and regulations relating to the provision of such services, and shall be
124 subject to oversight and inspection by appropriate state agencies to assure
125 compliance with standards which shall be consistent with the federal standards[,
126 but not less than the standards and policies used by the children's division as of
127 January 1, 2004.

128 3. In entering into and implementing contracts under subsection 2 of this
129 section, the division shall consider and direct their efforts towards geographic
130 areas of the state, including Greene County, where eligible direct children's
131 services providers and agencies are currently available and capable of providing
132 a broad range of services, including case management services, family-centered
133 services, foster and adoptive parent recruitment and retention, residential care,
134 family preservation services, foster care services, adoption services, relative care
135 case management, other planned living arrangements, and family reunification
136 services consistent with federal guidelines. Nothing in this subsection shall
137 prohibit the division from contracting on an as-needed basis for any individual
138 child welfare service listed above.

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

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

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

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

153 (a) The interaction and interrelationship of a child with the child's foster

154 parents, biological or adoptive parents, siblings, and any other person who may
155 significantly affect the child's best interests;

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

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

159 (d) The needs of the child for a continuing relationship with the child's
160 biological or adoptive parents and the ability and willingness of the child's
161 biological or adoptive parents to actively perform their functions as parents with
162 regard to the needs of the child; and

163 (e) For any child, treatment services may be available as defined in
164 section 210.110. Assessments, as defined in section 210.110, may occur to
165 determine which treatment services best meet the child's psychological and social
166 needs. When the assessment indicates that a child's needs can be best resolved
167 by intensive twenty-four-hour treatment services, the division will locate,
168 contract, and place the child with the appropriate organizations. This placement
169 will be viewed as the least restrictive for the child based on the assessment;

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

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

177 (6) Payment to the children's services providers and agencies shall be
178 made based on the reasonable costs of services, including responsibilities
179 necessary to execute the contract. Contracts shall provide incentives in addition
180 to the costs of services provided in recognition of accomplishment of the case goals
181 and the corresponding cost savings to the state. The division shall promulgate
182 rules to implement the provisions of this subdivision.

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

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

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

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

194 (4) Necessary evaluations and reporting.

195 In addition to any visits and assessments required under case management,
196 services to be provided by a public or private children's services provider under
197 the specific case management plan may include family-centered services, foster
198 and adoptive parent recruitment and retention, residential care, in-home services,
199 foster care services, adoption services, relative care case services, planned
200 permanent living services, and family reunification services. In all cases, an
201 appropriate level of services shall be provided to the child and family after
202 permanency is achieved to assure a continued successful outcome.

203 6. By December 1, 2018, the division shall convene a task force to review
204 the recruitment, licensing and retention of foster and adoptive parents statewide.
205 In addition to representatives of the division and department, the task force shall
206 include representatives of the private sector and faith-based community which
207 provide recruitment and licensure services. The purpose of the task force shall
208 and will be to study the extent to which changes in the system of recruiting,
209 licensing, and retaining foster and adoptive parents would enhance the
210 effectiveness of the system statewide. The task force shall develop a report of its
211 findings with recommendations by December 1, 2019, and provide copies of the
212 report to the general assembly, to the joint committee on child abuse and neglect
213 under section 21.771, and to the governor.

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

217 (1) Details about the specifics of the contracts, including the number of
218 children and families served, the cost to the state for contracting such services,
219 the current status of the children and families served, an assessment of the
220 quality of services provided and outcomes achieved, and an overall evaluation of
221 the project; and

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

224 (3) Any information or recommendations directly related to the provision
225 of direct services for children and their families that any of the contracting

226 children's services providers "and agencies request to have included in the
227 report].

228 **[8.] 5.** The division shall accept as prima facie evidence of completion of
229 the requirements for licensure under sections 210.481 to 210.511 proof that an
230 agency is accredited by any of the following nationally recognized bodies: the
231 Council on Accreditation of Services, Children and Families, Inc.; the Joint
232 Commission on Accreditation of Hospitals; or the Commission on Accreditation
233 of Rehabilitation Facilities. [The division shall not require any further evidence
234 of qualification for licensure if such proof of voluntary accreditation is submitted.]

235 **6. Payment to the children's services providers and agencies**
236 **shall be made based on the reasonable costs of services, including**
237 **responsibilities necessary to execute the contract. Any reimbursement**
238 **increases made through enhanced appropriations for services shall be**
239 **allocated to providers regardless of whether the provider is public or**
240 **private. Such increases shall be considered additive to the existing**
241 **contracts. In addition to payments reflecting the cost of services,**
242 **contracts shall include incentives provided in recognition of**
243 **performance based on the evaluation tool created under subsection 2**
244 **of this section and the corresponding savings for the state. The**
245 **response and evaluation team under subsection 3 of this section shall**
246 **review a formula to distribute such payments, as recommended by the**
247 **division.**

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

255 **[9.] 8.** By [February 1, 2005] **July 1, 2021**, the children's division shall
256 promulgate and have in effect rules to implement the provisions of this section
257 and, pursuant to this section, shall define implementation plans and dates. Any
258 rule or portion of a rule, as that term is defined in section 536.010, that is created
259 under the authority delegated in this section shall become effective only if it
260 complies with and is subject to all of the provisions of chapter 536 and, if
261 applicable, section 536.028. This section and chapter 536 are nonseverable and

262 if any of the powers vested with the general assembly pursuant to chapter 536 to
263 review, to delay the effective date, or to disapprove and annul a rule are
264 subsequently held unconstitutional, then the grant of rulemaking authority and
265 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

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

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

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

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

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

34 (c) A notice to all parties that the division will notify the
35 juvenile officer that a temporary alternative placement agreement has
36 been implemented, that a copy of the agreement will be provided to the
37 juvenile officer, that the temporary alternative placement agreement
38 is not binding on the juvenile officer, and the division retains the
39 authority to refer the case to the juvenile officer with a
40 recommendation for further action at any time;

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

44 (e) Identifying the services that the division shall offer the
45 parents and the child to address the reasons the child is being placed
46 out of the home;

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

49 (g) That the agreement is voluntary and that the parent or
50 guardian may withdraw from the agreement upon five days' written
51 notice.

52 2. As provided in this section, the division may enter into a
53 temporary alternative placement agreement with parents and legal
54 guardians of a minor child who cannot safely remain in the child's
55 home on a temporary basis. The purpose of such agreement is to
56 mitigate trauma to the child and to enable the division to make
57 reasonable efforts to assure the safety of a child in a placement familiar
58 to the child, and to give the child and the child's family an opportunity
59 to develop and implement a plan to assure the stability and well-being
60 of the child in the short term. The child shall reside in the state of
61 Missouri for the duration of the temporary alternative placement
62 agreement unless the child requires medical treatment in another state
63 that is not reasonably available within the state of Missouri.

64 3. (1) The division shall conduct a walk-through of the relative's
65 home where the child will be staying and conduct a background check
66 of the relative and any adult household member before determining
67 whether the relative is suitable.

68 (2) The background check shall include a check of the central
69 registry, the sexual offender registry, the department of social
70 services's family care safety registry, and the records of the division to

71 determine if circumstances exist that indicate the child shall not be
72 safe if placed in the home. The division may, in its discretion, follow
73 up with a fingerprint-based criminal background check.

74 (3) The suitable relative shall be a resident of the state of
75 Missouri and shall remain a resident of the state of Missouri for the
76 duration of the agreement.

77 4. (1) The division may only enter into a temporary alternative
78 placement agreement if:

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

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

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

88 (d) The division has reasonably available services for the child
89 and family to support and supervise the implementation of the
90 agreement;

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

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

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

100 (3) The parent or guardian shall give at least five days' written
101 notice of intent to terminate the agreement to the division and the
102 relative placement provider. The agreement shall remain in effect until
103 the termination of the agreement is effective.

104 5. (1) The relative shall have the authority to make the day-to-
105 day decisions for the care of the child during the agreement, as
106 provided in the agreement, and shall further have the authority to
107 make educational and medical decisions for the child as provided in

108 this section.

109 (2) The relative shall not have the authority to authorize end-of-
110 life care, authorize the child to have an abortion, or initiate treatment
111 for gender dysphoria.

112 (3) The relative shall consult with the child's parents, legal
113 guardian, and the division before making decisions pertaining to the
114 child other than routine, day-to-day decisions necessary to care for the
115 child.

116 (4) The division shall provide a notice to the relative on a form
117 promulgated by the division for use in notifying schools, medical care
118 providers, and others that the suitable relative or adult has the
119 temporary authority to make these decisions. Individuals and
120 institutions, including schools and medical care providers, acting upon
121 the authority of such notice shall be immune from liability for acting
122 upon the authority as set forth in the letter.

123 6. (1) The division shall closely monitor, track, and document
124 the implementation of the provisions of the temporary alternative
125 placement agreement for the duration of the agreement.

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

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

135 (4) Within ten days of the execution of a temporary alternative
136 placement agreement, the division shall open a family centered services
137 case and keep the case open for the duration of the agreement.

138 (5) No later than ten days before the termination of the
139 temporary alternative placement agreement, the division shall submit
140 a written report to the juvenile office. The division shall provide a
141 copy of the report to the placement provider and the child's parent or
142 guardian. The report shall include a copy of the agreement, a specific
143 description of the steps taken to complete the agreement, and a
144 recommendation to the juvenile officer about whether further action

145 may be necessary.

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

150 8. All parties to the temporary alternative care agreement shall
151 exercise diligent efforts to implement the agreement. The suitable
152 adult or suitable relative and the parents or guardians shall fully
153 cooperate with the division.

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

159 10. A temporary alternative placement agreement may be
160 executed in conjunction with the informal adjustment process through
161 the juvenile office.

162 11. The juvenile officer shall not be bound by the terms of a
163 temporary alternative placement agreement, unless the juvenile officer
164 is a signatory to the agreement, and the juvenile officer may exercise
165 discretion to take appropriate action within the juvenile officer's
166 authority under law. However, the juvenile officer shall take into
167 consideration the provisions of and the implementation of the
168 agreement when taking action under such authority.

169 12. The division shall promulgate regulations to implement the
170 provisions of this section. This section shall not be effective until the
171 regulations are promulgated.

210.135. 1. Any person, official, or institution complying with the
2 provisions of sections 210.110 to 210.165 in the making of a report, the taking of
3 color photographs, or the making of radiologic examinations pursuant to sections
4 210.110 to 210.165, or both such taking of color photographs and making of
5 radiologic examinations, or the removal or retaining a child pursuant to sections
6 210.110 to 210.165, or in cooperating with the division, or any other law
7 enforcement agency, juvenile office, court, or child-protective service agency of
8 this or any other state, in any of the activities pursuant to sections 210.110 to
9 210.165, or any other allegation of child abuse, neglect or assault, pursuant to
10 sections 568.045 to 568.060, shall have immunity from any liability, civil or

11 criminal, that otherwise might result by reason of such actions. Provided,
12 however, any person, official or institution intentionally filing a false report,
13 acting in bad faith, or with ill intent, shall not have immunity from any liability,
14 civil or criminal. Any such person, official, or institution shall have the same
15 immunity with respect to participation in any judicial proceeding resulting from
16 the report.

17 **2. An employee, including a contracted employee, of a state-**
18 **funded child assessment center, as provided for in subsection 2 of**
19 **section 210.001, shall be immune from any civil liability that arises**
20 **from the employee's participation in the investigation process and**
21 **services by the child assessment center, unless such person acted in**
22 **bad faith. This subsection shall not displace or limit any other**
23 **immunity provided by law.**

24 **3.** Any person, who is not a school district employee, who makes a report
25 to any employee of the school district of child abuse by a school employee shall
26 have immunity from any liability, civil or criminal, that otherwise might result
27 because of such report. Provided, however, that any such person who makes a
28 false report, knowing that the report is false, or who acts in bad faith or with ill
29 intent in making such report shall not have immunity from any liability, civil or
30 criminal. Any such person shall have the same immunity with respect to
31 participation in any judicial proceeding resulting from the report.

32 **[3.] 4.** In a case involving the death or serious injury of a child after a
33 report has been made under sections 210.109 to 210.165, the division shall
34 conduct a preliminary evaluation in order to determine whether a review of the
35 ability of the circuit manager or case worker or workers to perform their duties
36 competently is necessary. The preliminary evaluation shall examine:

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

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

41 (3) The circuit manager assigned to the county where the report was
42 investigated.

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

46 210.145. 1. The division shall develop protocols which give priority to:

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

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

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

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

57 2. **(1)** The division shall utilize structured decision-making protocols,
58 **including a standard risk assessment that shall be completed within**
59 **seventy-two hours of the report of abuse or neglect**, for classification
60 purposes of all child abuse and neglect reports. The protocols developed by the
61 division shall give priority to ensuring the well-being and safety of the child. All
62 child abuse and neglect reports shall be initiated within twenty-four hours and
63 shall be classified based upon the reported risk and injury to the child. The
64 division shall promulgate rules regarding the structured decision-making
65 protocols to be utilized for all child abuse and neglect reports.

66 **(2) The director of the division and the office of state courts**
67 **administrator shall develop a joint safety assessment tool before**
68 **December 31, 2020, and such tool shall be implemented before January**
69 **1, 2022. The safety assessment tool shall replace the standard risk**
70 **assessment required under subdivision (1) of this subsection.**

71 3. Upon receipt of a report, the division shall determine if the report
72 merits investigation, including reports which if true would constitute a suspected
73 violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or
74 565.050 if the victim is a child less than eighteen years of age, section 566.030 or
75 566.060 if the victim is a child less than eighteen years of age, or other crimes
76 under chapter 566 if the victim is a child less than eighteen years of age and the
77 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a
78 child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050,
79 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an
80 attempt to commit any such crimes. The division shall immediately communicate
81 all reports that merit investigation to its appropriate local office and any relevant
82 information as may be contained in the information system. The local division

83 staff shall determine, through the use of protocols developed by the division,
84 whether an investigation or the family assessment and services approach should
85 be used to respond to the allegation. The protocols developed by the division
86 shall give priority to ensuring the well-being and safety of the child.

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

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

96 6. When the child abuse and neglect hotline receives three or more calls,
97 within a seventy-two hour period, from one or more individuals concerning the
98 same child, the division shall conduct a review to determine whether the calls
99 meet the criteria and statutory definition for a child abuse and neglect report to
100 be accepted. In conducting the review, the division shall contact the hotline caller
101 or callers in order to collect information to determine whether the calls meet the
102 criteria for harassment.

103 7. The local office shall contact the appropriate law enforcement agency
104 immediately upon receipt of a report which division personnel determine merits
105 an investigation and provide such agency with a detailed description of the report
106 received. In such cases the local division office shall request the assistance of the
107 local law enforcement agency in all aspects of the investigation of the
108 complaint. The appropriate law enforcement agency shall either assist the
109 division in the investigation or provide the division, within twenty-four hours, an
110 explanation in writing detailing the reasons why it is unable to assist.

111 8. The local office of the division shall cause an investigation or family
112 assessment and services approach to be initiated in accordance with the protocols
113 established in subsection 2 of this section, except in cases where the sole basis for
114 the report is educational neglect. If the report indicates that educational neglect
115 is the only complaint and there is no suspicion of other neglect or abuse, the
116 investigation shall be initiated within seventy-two hours of receipt of the report.
117 If the report indicates the child is in danger of serious physical harm or threat
118 to life, an investigation shall include direct observation of the subject child within

119 twenty-four hours of the receipt of the report. Local law enforcement shall take
120 all necessary steps to facilitate such direct observation. Callers to the child abuse
121 and neglect hotline shall be instructed by the division's hotline to call 911 in
122 instances where the child may be in immediate danger. If the parents of the
123 child are not the alleged perpetrators, a parent of the child must be notified prior
124 to the child being interviewed by the division. No person responding to or
125 investigating a child abuse and neglect report shall call prior to a home visit or
126 leave any documentation of any attempted visit, such as business cards,
127 pamphlets, or other similar identifying information if he or she has a reasonable
128 basis to believe the following factors are present:

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

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

133 (2) The alleged perpetrator will be alerted regarding the attempted visit;
134 or

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

136 If the alleged perpetrator is present during a visit by the person responding to or
137 investigating the report, such person shall provide written material to the alleged
138 perpetrator informing him or her of his or her rights regarding such visit,
139 including but not limited to the right to contact an attorney. The alleged
140 perpetrator shall be given a reasonable amount of time to read such written
141 material or have such material read to him or her by the case worker before the
142 visit commences, but in no event shall such time exceed five minutes; except that,
143 such requirement to provide written material and reasonable time to read such
144 material shall not apply in cases where the child faces an immediate threat or
145 danger, or the person responding to or investigating the report is or feels
146 threatened or in danger of physical harm. If the abuse is alleged to have occurred
147 in a school or child care facility the division shall not meet with the child in any
148 school building or child-care facility building where abuse of such child is alleged
149 to have occurred. When the child is reported absent from the residence, the
150 location and the well-being of the child shall be verified. For purposes of this
151 subsection, "child care facility" shall have the same meaning as such term is
152 defined in section 210.201.

153 9. The director of the division shall name at least one chief investigator
154 for each local division office, who shall direct the division response on any case

155 involving a second or subsequent incident regarding the same subject child or
156 perpetrator. The duties of a chief investigator shall include verification of direct
157 observation of the subject child by the division and shall ensure information
158 regarding the status of an investigation is provided to the public school district
159 liaison. The public school district liaison shall develop protocol in conjunction
160 with the chief investigator to ensure information regarding an investigation is
161 shared with appropriate school personnel. The superintendent of each school
162 district shall designate a specific person or persons to act as the public school
163 district liaison. Should the subject child attend a nonpublic school the chief
164 investigator shall notify the school principal of the investigation. Upon
165 notification of an investigation, all information received by the public school
166 district liaison or the school shall be subject to the provisions of the federal
167 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g,
168 and federal rule 34 C.F.R. Part 99.

169 10. The investigation shall include but not be limited to the nature,
170 extent, and cause of the abuse or neglect; the identity and age of the person
171 responsible for the abuse or neglect; the names and conditions of other children
172 in the home, if any; the home environment and the relationship of the subject
173 child to the parents or other persons responsible for the child's care; any
174 indication of incidents of physical violence against any other household or family
175 member; and other pertinent data.

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

181 12. Upon completion of the investigation, if the division suspects that the
182 report was made maliciously or for the purpose of harassment, the division shall
183 refer the report and any evidence of malice or harassment to the local prosecuting
184 or circuit attorney.

185 13. Multidisciplinary teams shall be used whenever conducting the
186 investigation as determined by the division in conjunction with local law
187 enforcement. Multidisciplinary teams shall be used in providing protective or
188 preventive social services, including the services of law enforcement, a liaison of
189 the local public school, the juvenile officer, the juvenile court, and other agencies,
190 both public and private.

191 14. For all family support team meetings involving an alleged victim of
192 child abuse or neglect, the parents, legal counsel for the parents, foster parents,
193 the legal guardian or custodian of the child, the guardian ad litem for the child,
194 and the volunteer advocate for the child shall be provided notice and be permitted
195 to attend all such meetings. Family members, other than alleged perpetrators,
196 or other community informal or formal service providers that provide significant
197 support to the child and other individuals may also be invited at the discretion
198 of the parents of the child. In addition, the parents, the legal counsel for the
199 parents, the legal guardian or custodian and the foster parents may request that
200 other individuals, other than alleged perpetrators, be permitted to attend such
201 team meetings. Once a person is provided notice of or attends such team
202 meetings, the division or the convenor of the meeting shall provide such persons
203 with notice of all such subsequent meetings involving the child. Families may
204 determine whether individuals invited at their discretion shall continue to be
205 invited.

206 15. If the appropriate local division personnel determine after an
207 investigation has begun that completing an investigation is not appropriate, the
208 division shall conduct a family assessment and services approach. The division
209 shall provide written notification to local law enforcement prior to terminating
210 any investigative process. The reason for the termination of the investigative
211 process shall be documented in the record of the division and the written
212 notification submitted to local law enforcement. Such notification shall not
213 preclude nor prevent any investigation by law enforcement.

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

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

219 (2) Provide services which are voluntary and time-limited unless it is
220 determined by the division based on the assessment of risk that there will be a
221 high risk of abuse or neglect if the family refuses to accept the services. The
222 division shall identify services for families where it is determined that the child
223 is at high risk of future abuse or neglect. The division shall thoroughly document
224 in the record its attempt to provide voluntary services and the reasons these
225 services are important to reduce the risk of future abuse or neglect to the child.
226 If the family continues to refuse voluntary services or the child needs to be

227 protected, the division may commence an investigation;

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

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

236 17. (1) Within forty-five days of an oral report of abuse or neglect, the
237 local office shall update the information in the information system. The
238 information system shall contain, at a minimum, the determination made by the
239 division as a result of the investigation, identifying information on the subjects
240 of the report, those responsible for the care of the subject child and other relevant
241 dispositional information. The division shall complete all investigations within
242 forty-five days, unless good cause for the failure to complete the investigation is
243 specifically documented in the information system. Good cause for failure to
244 complete an investigation shall include, but not be limited to:

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

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

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

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

261 (2) If a child fatality or near-fatality is involved in a report of abuse or
262 neglect, the investigation shall remain open until the division's investigation

263 surrounding such death or near-fatal injury is completed.

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

273 18. A person required to report under section 210.115 to the division and
274 any person making a report of child abuse or neglect made to the division which
275 is not made anonymously shall be informed by the division of his or her right to
276 obtain information concerning the disposition of his or her report. Such person
277 shall receive, from the local office, if requested, information on the general
278 disposition of his or her report. Such person may receive, if requested, findings
279 and information concerning the case. Such release of information shall be at the
280 discretion of the director based upon a review of the reporter's ability to assist in
281 protecting the child or the potential harm to the child or other children within the
282 family. The local office shall respond to the request within forty-five days. The
283 findings shall be made available to the reporter within five days of the outcome
284 of the investigation. If the report is determined to be unsubstantiated, the
285 reporter may request that the report be referred by the division to the office of
286 child advocate for children's protection and services established in sections 37.700
287 to 37.730. Upon request by a reporter under this subsection, the division shall
288 refer an unsubstantiated report of child abuse or neglect to the office of child
289 advocate for children's protection and services.

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

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

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

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

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

304 21. Nothing in this chapter shall be construed to prohibit the children's
305 division from coinvestigating a report of child abuse or neglect or sharing records
306 and information with child welfare, law enforcement, or judicial officers of
307 another state, territory, or nation if the children's division determines it is
308 appropriate to do so under the standard set forth in subsection 4 of section
309 210.150 and if such receiving agency is exercising its authority under the law.

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

314 23. The children's division is hereby granted the authority to promulgate
315 rules and regulations pursuant to the provisions of section 207.021 and chapter
316 536 to carry out the provisions of sections 210.109 to 210.183.

317 24. Any rule or portion of a rule, as that term is defined in section
318 536.010, that is created under the authority delegated in this section shall
319 become effective only if it complies with and is subject to all of the provisions of
320 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
321 nonseverable and if any of the powers vested with the general assembly pursuant
322 to chapter 536 to review, to delay the effective date or to disapprove and annul
323 a rule are subsequently held unconstitutional, then the grant of rulemaking
324 authority and any rule proposed or adopted after August 28, 2000, shall be
325 invalid and void.

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

10 division. The division shall only release information to persons who have a right
11 to such information. The division shall notify persons receiving information
12 pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the
13 purpose for which the information is released and of the penalties for
14 unauthorized dissemination of information. Such information shall be used only
15 for the purpose for which the information is released.

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

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

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

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

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

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

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

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

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

79 (9) Any parent or legal guardian who inquires about a child abuse or
80 neglect report involving a specific person or child-care facility who does or may
81 provide services or care to a child of the person requesting the

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

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

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

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

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

113 **(14) Appropriate staff of the United States Department of**
114 **Defense including, but not limited to, authorized family advocacy**
115 **program staff or any other staff authorized to receive and respond to**
116 **reports requested under 10 U.S.C. Section 1787, in cases where a report**
117 **has been made and the suspected perpetrator or any person responsible**

118 **for the care, custody, and control of the subject child is a member of**
119 **the Armed Forces, as defined in section 41.030.**

120 3. Only the following persons shall have access to records maintained by
121 the division pursuant to section 210.152 for which the division has received a
122 report of child abuse and neglect and which the division has determined that
123 there is insufficient evidence or in which the division proceeded with the family
124 assessment and services approach:

125 (1) Appropriate staff of the division;

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

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

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

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

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

151 (7) Any person engaged in bona fide research purpose, with the
152 permission of the director; provided, however, that no information identifying the
153 subjects of the reports or the reporters shall be made available to the researcher,

154 unless the identifying information is essential to the research or evaluation and
155 the subject, or if a child, through the child's parent or guardian, provides written
156 permission; and

157 **(8) Appropriate staff of the United States Department of Defense**
158 **including, but not limited to, authorized family advocacy program staff**
159 **or any other staff authorized to receive and respond to reports**
160 **requested under 10 U.S.C. Section 1787, in cases where a report has**
161 **been made and the suspected perpetrator or any person responsible for**
162 **the care, custody, and control of the subject child is a member of the**
163 **Armed Forces, as defined in section 41.030.**

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

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

174 **6. Notwithstanding any provisions of this section or chapter to**
175 **the contrary, if the division receives a report and ascertains that a**
176 **suspected perpetrator or any person responsible for the care, custody,**
177 **and control of the subject child is a member of the Armed Forces, as**
178 **defined in section 41.030, the division shall report its findings to the**
179 **most relevant family advocacy program authorized by the United States**
180 **Department of Defense or any other relevant person authorized by the**
181 **United States Department of Defense to receive reports under 10 U.S.C.**
182 **Section 1787.**

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

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

8 to 452.410; or

9 (2) A parent who is a minor, or who is a mentally ill person or otherwise
10 incompetent, and whose child is the subject of proceedings under sections 210.110
11 to 210.165, sections 210.700 to 210.760, sections 211.442 to 211.487, or sections
12 453.005 to 453.170.

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

16 3. **The guardian ad litem shall establish a relationship with the**
17 **child and shall meet face-to-face with the child in a private setting at**
18 **a time and place that allows the guardian ad litem to observe the child**
19 **and ascertain the child's wishes, safety and placement needs, and the**
20 **need for further meetings and investigation. Such initial interview**
21 **shall take place within seven business days following the receipt of**
22 **notification of the appointment by the guardian ad litem and receipt of**
23 **information pertaining to the custody and location of the child. The**
24 **time during which the initial interview shall occur may be extended or**
25 **waived in its entirety, by leave of the court, or may be shortened by the**
26 **court sua sponte, if doing so would be in the best interests of the child**
27 **when considering the child's age, maturity, and other compelling**
28 **circumstances. The child's current placement or legal custodian shall**
29 **cooperate with the guardian ad litem to schedule the initial meeting**
30 **and take all steps necessary to effectuate the meeting. The guardian ad**
31 **litem shall continue to maintain contact with the child for the duration**
32 **of the appointment.**

33 4. The guardian ad litem shall be provided with all reports relevant to the
34 case made to or by any agency or person, shall have access to all records of such
35 agencies or persons relating to the child or such child's family members or
36 placements of the child[,] and, upon appointment by the court to a case, shall be
37 informed of [and], have the right to attend, **and shall attend, as appropriate**
38 **and necessary**, any and all family support team meetings involving the
39 child. Employees of the division, officers of the court, and employees of any
40 agency involved shall fully inform the guardian ad litem of all aspects of the case
41 of which they have knowledge or belief.

42 [4.] 5. The appointing judge shall require the guardian ad litem to
43 faithfully discharge such guardian ad litem's duties, and upon failure to do so

44 shall discharge such guardian ad litem and appoint another. The appointing
45 judge shall have the authority to examine the general and criminal background
46 of persons appointed as guardians ad litem, including utilization of the family
47 care safety registry and access line pursuant to sections 210.900 to 210.937, to
48 ensure the safety and welfare of the children such persons are appointed to
49 represent. The judge in making appointments pursuant to this section shall give
50 preference to persons who served as guardian ad litem for the child in the earlier
51 proceeding, unless there is a reason on the record for not giving such preference.

52 [5.] 6. The guardian ad litem may be awarded a reasonable fee for such
53 services to be set by the court. The court, in its discretion, may award such fees
54 as a judgment to be paid by any party to the proceedings or from public
55 funds. However, no fees as a judgment shall be taxed against a party or parties
56 who have not been found to have abused or neglected a child or children. Such
57 an award of guardian fees shall constitute a final judgment in favor of the
58 guardian ad litem. Such final judgment shall be enforceable against the parties
59 in accordance with chapter 513.

60 [6.] 7. The court may designate volunteer advocates, who may or may not
61 be attorneys licensed to practice law, to assist in the performance of the guardian
62 ad litem duties for the court. Nonattorney volunteer advocates shall not provide
63 legal representation. The court shall have the authority to examine the general
64 and criminal background of persons designated as volunteer advocates, including
65 utilization of the family care safety registry and access line pursuant to sections
66 210.900 to 210.937, to ensure the safety and welfare of the children such persons
67 are designated to represent. The volunteer advocate shall be provided with all
68 reports relevant to the case made to or by any agency or person, shall have access
69 to all records of such agencies or persons relating to the child or such child's
70 family members or placements of the child, and upon designation by the court to
71 a case, shall be informed of and have the right to attend any and all family
72 support team meetings involving the child. Any such designated person shall
73 receive no compensation from public funds. This shall not preclude
74 reimbursement for reasonable expenses.

75 [7.] 8. Any person appointed to perform guardian ad litem duties shall
76 have completed a training program in permanency planning and shall advocate
77 for timely court hearings whenever possible to attain permanency for a child as
78 expeditiously as possible to reduce the effects that prolonged foster care may have
79 on a child. A nonattorney volunteer advocate shall have access to a court

80 appointed attorney guardian ad litem should the circumstances of the particular
81 case so require.

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

- 2 (1) "Child", an individual who is under the age of seventeen;
- 3 (2) **"Child care", care of a child away from his or her home**
4 **for any part of the twenty-four-hour day for compensation or**
5 **otherwise. "Child care" is a voluntary supplement to parental**
6 **responsibility for the child's protection, development, and supervision;**
- 7 (3) "Child-care facility" or **"child care facility"**, a house or other place
8 conducted or maintained by any person who advertises or holds himself or herself
9 out as providing **child** care for [more than six children during the daytime,] **any**
10 **part of the twenty-four-hour day** for compensation or otherwise[, except those
11 operated by a school system or in connection with a business establishment which
12 provides child care as a convenience for its customers or its employees for no
13 more than four hours per day, but a child-care facility shall not include any
14 private or religious organization elementary or secondary school, a religious
15 organization academic preschool or kindergarten for four- and five-year-old
16 children, a home school, as defined in section 167.031, a weekly Sunday or
17 Sabbath school, a vacation Bible school or child care made available while the
18 parents or guardians are attending worship services or other meetings and
19 activities conducted or sponsored by a religious organization. If a facility or
20 program is exempt from licensure based on the school exception established in
21 this subdivision, such facility or program shall submit documentation annually
22 to the department to verify its licensure-exempt status; except that, under no
23 circumstances shall any public or religious organization elementary or secondary
24 school, a religious organization academic preschool or kindergarten for four- and
25 five-year-old children, a home school, as defined in section 167.031, a weekly
26 Sunday or Sabbath school, a vacation Bible school or child care made available
27 while the parents or guardians are attending worship services or other meetings
28 and activities conducted or sponsored by a religious organization be required to
29 submit documentation annually to the department to verify its licensure-exempt
30 status] **if providing child care to more than:**
- 31 (a) **Six children; or**
- 32 (b) **Three children under two years of age;**
- 33 (4) **"Child care provider" or "provider", the person or persons**

34 licensed or required to be licensed under section 210.221 to establish,
35 conduct, or maintain a child care facility;

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

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

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

46 [(3)] (8) "Person", any [person] individual, firm, corporation,
47 partnership, association, [institution or other incorporated or unincorporated
48 organization] agency, or an incorporated or unincorporated organization
49 regardless of the name used;

50 [(4)] (9) "Religious organization", a church, synagogue or mosque; an
51 entity that has or would qualify for federal tax-exempt status as a nonprofit
52 religious organization under Section 501(c) of the Internal Revenue Code; or an
53 entity whose real estate on which the child-care facility is located is exempt from
54 taxation because it is used for religious purposes;

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

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

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

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

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

6 to:

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

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

17 (3) Any graded boarding school[, summer camp, hospital, sanitarium or
18 home which is conducted in good faith primarily to provide education, recreation,
19 medical treatment, or nursing or convalescent care for children] **that is**
20 **conducted in good faith primarily to provide education;**

21 (4) [Any child-care facility maintained or operated under the exclusive
22 control of a religious organization. When a nonreligious organization, having as
23 its principal purpose the provision of child-care services, enters into an
24 arrangement with a religious organization for the maintenance or operation of a
25 child-care facility, the facility is not under the exclusive control of the religious
26 organization;

27 (5) Any residential facility or day program licensed by the department of
28 mental health pursuant to sections 630.705 to 630.760 which provides care,
29 treatment and habilitation exclusively to children who have a primary diagnosis
30 of mental disorder, mental illness, intellectual disability or developmental
31 disability, as defined in section 630.005] **Any summer camp that is**
32 **conducted in good faith primarily to provide recreation;** [and

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

36 **(6) Any residential facility or day program licensed by the**
37 **department of mental health under sections 630.705 to 630.760 that**
38 **provides care, treatment, and habilitation exclusively to children who**
39 **have a primary diagnosis of mental disorder, mental illness, intellectual**
40 **disability, or developmental disability, as those terms are defined in**
41 **section 630.005;**

- 42 **(7) Any school system as defined in section 210.201;**
43 **(8) Any Montessori school as defined in section 210.201;**
44 **(9) Any business that operates a child care program for the**
45 **convenience of its customers if the following conditions are met:**
46 **(a) The business provides child care for employees' children for**
47 **no more than four hours per day; and**
48 **(b) Customers remain on site while their children are being**
49 **cared for by the business establishment;**
50 **(10) Any home school as defined in section 167.031;**
51 **(11) Any religious organization academic preschool or**
52 **kindergarten for four- and five-year-old children;**
53 **(12) Any weekly Sunday or Sabbath school, a vacation bible**
54 **school, or child care made available while the parents or guardians are**
55 **attending worship services or other meetings and activities conducted**
56 **or sponsored by a religious organization;**
57 **(13) Any neighborhood youth development program under**
58 **section 210.278;**
59 **(14) Any religious organization elementary or secondary school;**
60 **(15) Any private organization elementary or secondary school**
61 **system providing child care to children younger than school age. If a**
62 **facility or program is exempt from licensure based upon this exception,**
63 **such facility or program shall submit documentation annually to the**
64 **department to verify its licensure-exempt status;**
65 **(16) Any nursery school as defined in section 210.201; and**
66 **(17) Any child care facility maintained or operated under the**
67 **exclusive control of a religious organization. If a nonreligious**
68 **organization having as its principal purpose the provision of child care**
69 **services enters into an arrangement with a religious organization for**
70 **the maintenance or operation of a child care facility, the facility is not**
71 **under the exclusive control of the religious organization.**
72 2. Notwithstanding the provisions of subsection 1 of this section, no child-
73 care facility shall be exempt from licensure if such facility receives any state or
74 federal funds for providing care for children, except for federal funds for those
75 programs which meet the requirements for participation in the Child and Adult
76 Care Food Program pursuant to 42 U.S.C. Section 1766. Grants to parents for
77 child care pursuant to sections 210.201 to 210.257 shall not be construed to be
78 funds received by a person or facility listed in subdivisions (1) and [(4)] (17) of

79 subsection 1 of this section.

80 3. Any child care facility not exempt from licensure shall disclose the
81 licensure status of the facility to the parents or guardians of children for which
82 the facility provides care. No child care facility exempt from licensure shall
83 represent to any parent or guardian of children for which the facility provides
84 care that the facility is licensed when such facility is in fact not licensed. A
85 parent or guardian shall sign a written notice indicating he or she is aware of the
86 licensure status of the facility. The facility shall keep a copy of this signed
87 written notice on file. All child care facilities shall provide the parent or
88 guardian enrolling a child in the facility with a written explanation of the
89 disciplinary philosophy and policies of the child care facility.

 210.221. 1. The department of health and senior services shall have the
2 following powers and duties:

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

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

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

23 (4) To approve training concerning the safe sleep recommendations of the
24 American Academy of Pediatrics in accordance with section 210.223; and

25 (5) To determine what records shall be kept by such persons and the form

26 thereof, and the methods to be used in keeping such records, and to require
27 reports to be made to the department at regular intervals.

28 2. Any child-care facility may request a variance from a rule or regulation
29 promulgated pursuant to this section. The request for a variance shall be made
30 in writing to the department of health and senior services and shall include the
31 reasons the facility is requesting the variance. The department shall approve any
32 variance request that does not endanger the health or safety of the children
33 served by the facility. The burden of proof at any appeal of a disapproval of a
34 variance application shall be with the department of health and senior
35 services. Local inspectors may grant a variance, subject to approval by the
36 department of health and senior services.

37 3. The department shall deny, suspend, place on probation or revoke a
38 license if it receives official written notice that the local governing body has found
39 that license is prohibited by any local law related to the health and safety of
40 children. The department may deny an application for a license if the
41 department determines that a home or other place in which an applicant would
42 operate a child-care facility is located within one thousand feet of any location
43 where a person required to register under sections 589.400 to 589.425 either
44 resides, as that term is defined in subsection 3 of section 566.147, or regularly
45 receives treatment or services, excluding any treatment or services delivered in
46 a hospital, as that term is defined in section 197.020, or in facilities owned or
47 operated by a hospital system. The department may, after inspection, find the
48 licensure, denial of licensure, suspension or revocation to be in the best interest
49 of the state.

50 4. Any rule or portion of a rule, as that term is defined in section 536.010,
51 that is created under the authority delegated in sections 210.201 to 210.245 shall
52 become effective only if it complies with and is subject to all of the provisions of
53 chapter 536 and, if applicable, section 536.028. All rulemaking authority
54 delegated prior to August 28, 1999, is of no force and effect and
55 repealed. Nothing in this section shall be interpreted to repeal or affect the
56 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied
57 with all applicable provisions of law. This section and chapter 536 are
58 nonseverable and if any of the powers vested with the general assembly pursuant
59 to chapter 536 to review, to delay the effective date, or to disapprove and annul
60 a rule are subsequently held unconstitutional, then the grant of rulemaking
61 authority and any rule proposed or adopted after August 28, 1999, shall be

62 invalid and void.

210.252. 1. All buildings and premises used by a child-care facility to care
2 for more than six children except those exempted from the licensing provisions
3 of the department of health and senior services pursuant to subdivisions [(1), (2),
4 (3), and (5)] **(1) to (15) of subsection 1** of section 210.211, shall be inspected
5 annually for fire and safety by the state fire marshal, the marshal's designee or
6 officials of a local fire district and for health and sanitation by the department
7 of health and senior services or officials of the local health department. Evidence
8 of compliance with the inspections required by this section shall be kept on file
9 and available to parents of children enrolling in the child-care facility.

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

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

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

25 5. The department of health and senior services shall promulgate rules
26 and regulations to implement and administer the provisions of sections 210.252
27 to 210.256. Such rules and regulations shall provide for the protection of children
28 in all child-care facilities whether or not such facility is subject to the licensing
29 provisions of sections 210.201 to 210.245.

30 6. Any rule or portion of a rule, as that term is defined in section 536.010,
31 that is created under the authority delegated in sections 210.252 to 210.256 shall
32 become effective only if it complies with and is subject to all of the provisions of
33 chapter 536 and, if applicable, section 536.028. All rulemaking authority
34 delegated prior to August 28, 1999, is of no force and effect and
35 repealed. Nothing in this section shall be interpreted to repeal or affect the

36 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied
37 with all applicable provisions of law. This section and chapter 536 are
38 nonseverable and if any of the powers vested with the general assembly pursuant
39 to chapter 536 to review, to delay the effective date or to disapprove and annul
40 a rule are subsequently held unconstitutional, then the grant of rulemaking
41 authority and any rule proposed or adopted after August 28, 1999, shall be
42 invalid and void.

210.254. 1. Child-care facilities operated by religious organizations
2 pursuant to the exempt status recognized in subdivision [(4)] (17) of subsection
3 1 of section 210.211 shall upon enrollment of any child provide the parent or
4 guardian enrolling the child two copies of a notice of parental responsibility, one
5 copy of which shall be retained in the files of the facility after the enrolling
6 parent acknowledges, by signature, having read and accepted the information
7 contained therein.

8 2. The notice of parental responsibility shall include the following:

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

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

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

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

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

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

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

30 copies of the annual fire and safety inspections shall be filed annually during the
31 month of August with the department of health and senior services.

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

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

13 2. (1) The children's division and its contractors shall provide foster
14 parents with regularly scheduled opportunities for preservice training, and
15 regularly scheduled opportunities for pertinent inservice training, as determined
16 by the Missouri State Foster Care and Adoption Advisory Board.

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

35 **and obligation to provide access to such records that come into its**
36 **possession or of which the division or its contractors become**
37 **aware. Access shall include providing information and authorization**
38 **for foster parents to review or to obtain the records directly from the**
39 **medical, psychological, or psychiatric services provider. A foster**
40 **parent may decline access to any or all of the child's records.** Knowingly
41 providing false or misleading information to foster parents in order to secure
42 placement shall be denoted in the caseworker's personnel file and shall be kept
43 on record by the division.

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

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

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

55 (6) The children's division and its contractors shall establish reasonably
56 accessible respite care for children in foster care for short periods of time, jointly
57 determined by foster parents and the child's caseworker pursuant to section
58 210.545. Foster parents shall follow all procedures established by the children's
59 division and its contractors for requesting and using respite care.

60 (7) Foster parents shall treat all information received from the children's
61 division and its contractors about the child and the child's family as
62 confidential. Information necessary for the medical or psychiatric care of the
63 child may be provided to the appropriate practitioners. Foster parents may share
64 information necessary with school personnel in order to secure a safe and
65 appropriate education for the child. Additionally, foster parents shall share
66 information they may learn about the child and the child's family, and concerns
67 that arise in the care of the child, with the caseworker and other members of the
68 child welfare team. Recognizing that placement changes are difficult for children,
69 foster parents shall seek all necessary information, and participate in
70 preplacement visits whenever possible, before deciding whether to accept a child

71 for placement.

72 3. (1) Foster parents shall make decisions about the daily living concerns
73 of the child, and shall be permitted to continue the practice of their own family
74 values and routines while respecting the child's cultural heritage. All discipline
75 shall be consistent with state laws and regulations. The children's division shall
76 allow foster parents to help plan visitation between the child and the child's
77 siblings or biological family. Visitations should be scheduled at a time that meets
78 the needs of the child, the biological family members, and the foster family
79 whenever possible. Recognizing that visitation with family members is an
80 important right of children in foster care, foster parents shall be flexible and
81 cooperative with regard to family visits. **The children's division shall not**
82 **require foster parents to conduct supervised visits or be present during**
83 **any supervised visits between the child and the child's siblings or**
84 **biological family.**

85 (2) Foster parents shall provide care that is respectful of the child's
86 cultural identity and needs. Recognizing that cultural competence can be
87 learned, the children's division and their contractors shall provide foster parents
88 with training that specifically addresses cultural needs of children, including but
89 not limited to, information on skin and hair care, information on any specific
90 religious or cultural practices of the child's biological family, and referrals to
91 community resources for ongoing education and support.

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

96 4. (1) Consistent with state laws and regulations, the children's division
97 and its contractors shall provide, upon request by the foster parents, information
98 about a child's progress after the child leaves foster care.

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

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

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

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

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

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

124 7. The children's division and their contractors shall provide training to
125 foster parents on the policies and procedures governing the licensure of foster
126 homes, the provision of foster care, and the adoption process. Foster parents
127 shall, upon request, be provided with written documentation of the policies of the
128 children's division and their contractors. Per licensure requirements, foster
129 parents shall comply with the policies of the child placement agency.

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

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

2 (1) **"Child care provider", a person licensed, regulated, or**
3 **registered to provide child care within the state of Missouri, including**
4 **the member or members, manager or managers, shareholder or**
5 **shareholders, director or directors, and officer or officers of any entity**
6 **licensed, regulated, or registered to provide child care within the state**
7 **of Missouri;**

8 (2) "Child care staff member", a child care provider; persons employed by
9 the child care provider for compensation, including contract employees or
10 self-employed individuals; individuals or volunteers whose activities involve the
11 care or supervision of children for a child care provider or unsupervised access to

12 children who are cared for or supervised by a child care provider; [or] individuals
13 residing in a family child care home who are seventeen years of age [and] or
14 older **before January 1, 2021, or eighteen years of age or older on or**
15 **after January 1, 2021; or individuals residing in a family child care**
16 **home who are under seventeen years of age before January 1, 2021, or**
17 **under 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 National Sex
22 Offender Registry; and

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

26 a. The state criminal registry or repository, with the use of fingerprints
27 being required in the state where the staff member resides and optional in other
28 states;

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

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

31 **(4) "Designated department", the department to which criminal**
32 **background check results are sent; the department of health and senior**
33 **services for child care staff members or prospective child care staff**
34 **members of licensed child care facilities; and the department of social**
35 **services for child care staff members or prospective child care staff**
36 **members of a license-exempt child care facility or an unlicensed child**
37 **care facility registered with the department of social services under**
38 **section 210.027;**

39 **(5) "Qualifying result" or "qualifying criminal background check",**
40 **a finding that a child care staff member or prospective child care staff**
41 **member is eligible for employment or presence in a child care setting**
42 **described under this section.**

43 2. (1) Prior to the employment or presence of a child care staff member
44 in a [family child care home, group child care home, child care center, or
45 license-exempt] **licensed** child care facility, the child care provider shall request
46 the results of a criminal background check for such child care staff member from
47 the department of health and senior services.

48 (2) **Prior to the employment or presence of a child care staff**
49 **member in a license-exempt child care facility or an unlicensed child**
50 **care facility registered with the department of social services, the child**
51 **care provider shall request the results of a criminal background check**
52 **for such child care staff member from the department of social services.**

53 (3) A prospective child care staff member may begin work for a child care
54 provider after the [criminal background check has been requested] **qualifying**
55 **result of either a Federal Bureau of Investigation fingerprint check or**
56 **a search of the Missouri criminal registry or repository with the use of**
57 **fingerprints has been received** from the **designated** department; however,
58 pending completion of the criminal background check, the prospective child care
59 staff member shall be supervised at all times by another child care staff member
60 who received a qualifying result on the criminal background check within the
61 past five years.

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

69 (4) **Any individual who meets the definition of child care**
70 **provider but is not responsible for the oversight or direction of the**
71 **child care facility and does not have independent access to the child**
72 **care facility is not required to request the results of a criminal**
73 **background check under this section; however, such individual shall be**
74 **accompanied by an individual with a qualifying criminal background**
75 **check in order to be present at the child care facility during child care**
76 **hours.**

77 3. The costs of the criminal background check shall be the responsibility
78 of the child care staff member but may be paid or reimbursed by the child care
79 provider at the provider's discretion. The fees charged for the criminal
80 background check shall not exceed the actual cost of processing and
81 administration.

82 4. [Except as otherwise provided in subsection 2 of this section,] Upon
83 completion of the criminal background check, any child care staff member or

84 prospective child care staff member shall be ineligible for employment or presence
85 at a [family child care home, a group child care home, a licensed child care
86 center, or a license-exempt] **licensed or license-exempt child care facility**
87 **or an unlicensed** child care facility **registered with the department of**
88 **social services and shall be disqualified from receipt of state or federal**
89 **funds for providing child care services either by direct payment or**
90 **through reimbursement to an individual who receives child care**
91 **benefits** if such person:

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

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

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

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

101 **or**

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

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

105 (b) Child abuse or neglect;

106 (c) A crime against children, including child pornography;

107 (d) Spousal abuse;

108 (e) A crime involving rape or sexual assault;

109 (f) Kidnapping;

110 (g) Arson;

111 (h) Physical assault or battery; or

112 (i) Subject to subsection 5 of this section, a drug-related offense committed
113 during the preceding five years;] **Any felony for an offense against the**
114 **person as defined in chapter 565;**

115 (b) **Any other offense against the person involving the**
116 **endangerment of a child as prescribed by law;**

117 (c) **Any misdemeanor or felony for a sexual offense as defined in**
118 **chapter 566;**

119 (d) **Any misdemeanor or felony for an offense against the family**

120 as defined in chapter 568;

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

122 (f) Any misdemeanor or felony for robbery as defined in chapter
123 570;

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

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

127 (i) Any felony for armed criminal action as defined in section
128 571.015, unlawful use of a weapon as defined in section 571.030,
129 unlawful possession of a firearm as defined in section 571.070, or the
130 unlawful possession of an explosive as defined in section 571.072;

131 (j) Any felony for making a terrorist threat as defined in section
132 574.115, 574.120, or 574.125;

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

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

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

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

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

146 5. Household members seventeen years of age or older before
147 January 1, 2021, or eighteen years of age or older on or after January
148 1, 2021, or household members under seventeen years of age before
149 January 1, 2021, or under eighteen years of age on or after January 1,
150 2021, who have been certified as an adult for the commission of an
151 offense shall be ineligible to maintain a presence at a facility licensed
152 as a family child care home during child care hours if any one or more
153 of the provisions of subsection 4 of this section apply to such members.

154 6. A child care provider may also be disqualified from receipt of
155 state or federal funds for providing child care services either by direct
156 payment or through reimbursement to an individual who receives child

157 care benefits if such person, or any person seventeen years of age or
158 older before January 1, 2021, or eighteen years of age or older on or
159 after January 1, 2021, residing in the household in which child care is
160 being provided, excluding child care provided in the child's home, has
161 been refused licensure or has experienced licensure suspension or
162 revocation under section 210.221 or 210.496.

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

165 (1) The staff member received a **qualifying** criminal background check
166 within five years before the latest date on which such a submission may be made
167 and while employed by or seeking employment by another child care provider
168 within Missouri;

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

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

175 [6.] 8. (1) The department [of health and senior services shall process]
176 **processing** the request for a criminal background check for any prospective child
177 care staff member or child care staff member **shall do so** as expeditiously as
178 possible, but not to exceed forty-five days after the date on which the provider
179 submitted the request.

180 (2) The department shall provide the results of the criminal background
181 check to the child care provider in a statement that indicates whether the
182 prospective child care staff member or child care staff member is eligible or
183 ineligible for employment or presence at the child care facility **or receipt of**
184 **state or federal funds for providing child care services either by direct**
185 **payment or through reimbursement to an individual who receives child**
186 **care benefits**. The department shall not reveal to the child care provider any
187 disqualifying crime or other related information regarding the prospective child
188 care staff member or child care staff member.

189 (3) If such prospective child care staff member or child care staff member
190 is ineligible for employment or presence at the child care facility, the department
191 shall, when providing the results of criminal background check, include
192 information related to each disqualifying crime or other related information, in

193 a report to such prospective child care staff member or child care staff member,
194 along with information regarding the opportunity to appeal under subsection [7]
195 9 of this section.

196 **(4) If a prospective child care provider or child care provider**
197 **has been denied state or federal funds by the department of social**
198 **services for providing child care, he or she may appeal such denial to**
199 **the department of social services.**

200 [7.] **9. (1) The prospective child care staff member or child care staff**
201 **member may appeal a finding of ineligibility for employment or presence**
202 **at a child care facility in writing to the department that made the**
203 **determination of ineligibility to challenge the accuracy or completeness of the**
204 **information contained in his or her criminal background check[, or] if his or her**
205 **finding of ineligibility is based on one or more of the following offenses:**

- 206 **(a) Murder, as described in 18 U.S.C. Section 1111;**
- 207 **(b) Felony child abuse or neglect;**
- 208 **(c) A felony crime against children, including child pornography;**
- 209 **(d) Felony spousal abuse;**
- 210 **(e) A felony crime involving rape or sexual assault;**
- 211 **(f) Felony kidnapping;**
- 212 **(g) Felony arson;**
- 213 **(h) Felony physical assault or battery;**
- 214 **(i) A violent misdemeanor offense committed as an adult against**
215 **a child, including the offense of child abuse, child endangerment, or**
216 **sexual assault, or a misdemeanor offense involving child pornography;**
217 **or**
- 218 **(j) Any similar offense in any federal, state, municipal, or other**
219 **court.**

220 **(2) If a finding of ineligibility is based on an offense not**
221 **provided for in subdivision (1) of this subsection, the prospective child**
222 **care staff member or child care staff member may appeal to challenge**
223 **the accuracy or completeness of the information contained in his or her**
224 **criminal background check or to offer information mitigating the results and**
225 **explaining why an eligibility exception should be granted. [The department of**
226 **health and senior services shall attempt to verify the accuracy of the information**
227 **challenged by the individual, including making an effort to locate any missing**
228 **disposition information related to the disqualifying crime.]**

229 **(3)** The appeal shall be filed **with the department that made the**
230 **determination** within ten days from the [delivery or] mailing of the notice of
231 ineligibility. [The department shall make a decision on the appeal in a timely
232 manner.] **Such department shall attempt to verify the accuracy of the**
233 **information challenged by the individual, including making an effort**
234 **to locate any missing disposition information related to the**
235 **disqualifying offense. After the department verifies the accuracy of the**
236 **information challenged by the individual, the department shall forward**
237 **the appeal to the child care background screening review committee**
238 **established in subdivision (4) of this subsection. The child care**
239 **background screening review committee shall make a final decision on**
240 **the written appeal, and such decision shall be made in a timely**
241 **manner. Such decision shall be considered a noncontested final agency**
242 **decision by the department that made the determination of ineligibility**
243 **under this section and appealable under section 536.150. Such decision**
244 **shall be appealed within thirty days of the mailing of the decision.**

245 **(4)** There is hereby established a "Child Care Background
246 **Screening Review Committee"**, which shall consist of the directors of
247 **the department of health and senior services and the department of**
248 **social services or the directors' designee or designees.**

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

252 **10.** The department of health and senior services and the
253 **department of social services are authorized to enter into any**
254 **agreements necessary to facilitate the sharing of information between**
255 **the departments for the enforcement of this section including, but not**
256 **limited to, the results of the criminal background check or any of its**
257 **individual components.**

258 **11.** Nothing in this section shall prohibit either the department
259 **of health and senior services or the department of social services from**
260 **requiring more frequent checks of the family care safety registry**
261 **established under section 210.903 or the central registry for child abuse**
262 **established under section 210.109 in order to determine eligibility for**
263 **employment or presence at the child care facility or receipt of state or**
264 **federal funds for providing child care services either by direct payment**
265 **or through reimbursement to an individual who receives child care**

266 **benefits.**

267 [8.] **12.** The department of health and senior services and the
268 **department of social services** may **each** adopt emergency rules to implement
269 the requirements of this section. Any rule or portion of a rule, as that term is
270 defined in section 536.010, that is created under the authority delegated in this
271 section shall become effective only if it complies with and is subject to all of the
272 provisions of chapter 536 and, if applicable, section 536.028. This section and
273 chapter 536 are nonseverable, and if any of the powers vested with the general
274 assembly pursuant to chapter 536 to review, to delay the effective date, or to
275 disapprove and annul a rule are subsequently held unconstitutional, then the
276 grant of rulemaking authority and any rule proposed or adopted after August 28,
277 2018, shall be invalid and void.

278 [9. (1)] **13.** The provisions of this section shall not apply to any child
279 care facility, as defined in section 210.201, maintained or operated under the
280 exclusive control of a religious organization, as described in subdivision [(4)] **(17)**
281 of subsection 1 of section 210.211, unless such facility is a recipient of federal
282 funds for providing care for children, except for federal funds for those programs
283 that meet the requirements for participation in the Child and Adult Care Food
284 Program under 42 U.S.C. Section 1766.

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

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

4 **(1) If necessary to make a decision; and**

5 **(2) After considering:**

6 **(a) The appropriateness of the courtroom environment for the
7 child based on the level of trauma to the child either in the past or to
8 be caused by the experience in the courtroom; and**

9 **(b) The hardship to be endured by the child and current
10 guardians in regards to the disruption in regular activities, including
11 school and work, and the needs of any other children in the home,
12 so long as the court is in compliance with all federal guidelines.**

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

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

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

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

29 5. All cases of children shall be heard separately from the trial of cases
30 against adults.

31 [5.] 6. Stenographic notes or an authorized recording of the hearing shall
32 be required if the court so orders or, if requested by any party interested in the
33 proceeding.

34 [6.] 7. The general public shall be excluded and only such persons
35 admitted as have a direct interest in the case or in the work of the court except
36 in cases where the child is accused of conduct which, if committed by an adult,

37 would be considered a class A or B felony; or for conduct which would be
38 considered a class C felony, if the child has previously been formally adjudicated
39 for the commission of two or more unrelated acts which would have been class A,
40 B or C felonies, if committed by an adult.

41 [7.] 8. The practice and procedure customary in proceedings in equity
42 shall govern all proceedings in the juvenile court; except that, the court shall not
43 grant a continuance in such proceedings absent compelling extenuating
44 circumstances, and in such cases, the court shall make written findings on the
45 record detailing the specific reasons for granting a continuance.

46 [8.] 9. The court shall allow the victim of any offense to submit a written
47 statement to the court. The court shall allow the victim to appear before the
48 court personally or by counsel for the purpose of making a statement, unless the
49 court finds that the presence of the victim would not serve justice. The statement
50 shall relate solely to the facts of the case and any personal injuries or financial
51 loss incurred by the victim. A member of the immediate family of the victim may
52 appear personally or by counsel to make a statement if the victim has died or is
53 otherwise unable to appear as a result of the offense committed by the child.

431.056. 1. A minor shall be qualified and competent to contract for
2 housing, employment, purchase of an automobile, receipt of a student loan,
3 admission to high school or postsecondary school, obtaining medical **and mental**
4 **health** care, establishing a bank account, admission to a shelter for victims of
5 domestic violence, as that phrase is used in sections 455.200 to 455.220, a rape
6 crisis center, as defined in section 455.003, or a homeless shelter, and receipt of
7 services as a victim of domestic violence or sexual assault, as such terms are
8 defined in section 455.010, including, but not limited to, counseling, court
9 advocacy, financial assistance, and other advocacy services, if:

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

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

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

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

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

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

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

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

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

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

36 (i) **A director or designee of a governmental or nonprofit agency**
37 **that receives public or private funding to provide services to homeless**
38 **persons;**

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

42 (iii) **A licensed attorney representing the minor in any legal**
43 **matter.**

44 2. A minor who is sixteen years of age or older and who is in the legal
45 custody of the children's division pursuant to an order of a court of competent
46 jurisdiction shall be qualified and competent to contract for the purchase of
47 automobile insurance with the consent of the children's division or the juvenile
48 court. The minor shall be responsible for paying the costs of the insurance
49 premiums and shall be liable for damages caused by his or her negligent
50 operation of a motor vehicle. No state department, foster parent, or entity
51 providing case management of children on behalf of a department shall be
52 responsible for paying any insurance premiums nor liable for any damages of any
53 kind as a result of the operation of a motor vehicle by the minor.

54 3. A minor who is sixteen years of age or older and who is in the legal
55 custody of the children's division pursuant to an order of a court of competent

56 jurisdiction shall be qualified and competent to contract for the opening of a
57 checking or savings bank account with the consent of the children's division or
58 the juvenile court. The minor shall be responsible for paying all banking-related
59 costs associated with the checking or savings account and shall be liable for any
60 and all penalties should he or she violate a banking agreement. No state
61 department, foster parent, or entity providing case management of children on
62 behalf of a department shall be responsible for paying any bank fees nor liable
63 for any and all penalties related to violation of a banking agreement.

64 **4. Any legally-constituted entity or licensed provider who**
65 **contracts with a minor under subsection 1 of this section shall be**
66 **immune from any civil or criminal liability based on the entity's or**
67 **provider's determination to contract with the minor; provided that, if**
68 **an entity's or provider's determination of compliance with subsection**
69 **1 of this section, or conduct in contracting with the minor, is the result**
70 **of the entity's or provider's gross negligence or willful or wanton acts**
71 **or omissions, then the entity or provider may be held liable for their**
72 **gross negligence or willful or wanton acts or omissions. Consent given**
73 **under this section shall not be subject to later disaffirmance by reason**
74 **of the minor's age.**

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

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

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

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

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

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

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

18 (7) "Nonidentifying information", information [concerning the physical
19 description, nationality, religious background and medical history of the biological
20 parent or sibling] **that is not identifying information.**

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

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

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

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

54 to section 491.060. At the end of three months, the child-placing agency or
55 juvenile court personnel shall file a report with the court stating that each
56 biological parent that was located was given the following information:

57 (1) The nature of the identifying information to which the agency has
58 access;

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

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

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

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

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

73 7. If, within three months, the child-placing agency or juvenile court
74 personnel reports to the court that it has notified the biological parent pursuant
75 to subsection 5 of this section, the court shall receive the identifying information
76 from the child-placing agency. If an affidavit duly executed by a biological parent
77 authorizing the release of information is filed with the court or if a biological
78 parent is found to be deceased, the court shall disclose the identifying information
79 as to that biological parent to the adopted adult or the adopted adult's lineal
80 descendants if the adopted adult is deceased, provided that the other biological
81 parent either:

82 (1) Is unknown;

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

85 (3) Is deceased; or

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

88 If the biological parent fails or refuses to file an affidavit with the court
89 authorizing the release of identifying information, then the identifying

90 information shall not be released to the adopted adult. No additional request for
91 the same or substantially the same information may be made within three years
92 of the time the biological parent fails or refuses to file an affidavit authorizing the
93 release of identifying information.

94 **8. Notwithstanding any provision of law, all information,**
95 **including identifying information, shall be released to an adopted adult**
96 **if the adopted adult's biological parent lost his or her parental rights**
97 **through a nonconsensual termination of parental rights proceeding.**

98 **9.** Any adopted adult whose adoption was finalized in this state or whose
99 biological parents had their parental rights terminated in this state may request
100 the court to secure and disclose identifying information concerning an adult
101 sibling. Identifying information pertaining exclusively to the adult sibling,
102 whether part of the permanent record of a file in the court or in an agency, shall
103 be released only upon consent of that adult sibling.

104 **[9.] 10.** The central office of the children's division within the department
105 of social services shall maintain a registry by which biological parents, adult
106 siblings, and adoptive adults may indicate their desire to be contacted by each
107 other. The division may request such identification for the registry as a party
108 may possess to assure positive identifications. At the time of registry, a biological
109 parent or adult sibling may consent in writing to the release of identifying
110 information to an adopted adult. If such a consent has not been executed and the
111 division believes that a match has occurred on the registry between biological
112 parents or adult siblings and an adopted adult, an employee of the division shall
113 make the confidential contact provided in subsection 5 of this section with the
114 biological parents or adult siblings and with the adopted adult. If the division
115 believes that a match has occurred on the registry between one biological parent
116 or adult sibling and an adopted adult, an employee of the division shall make the
117 confidential contact provided by subsection 5 of this section with the biological
118 parent or adult sibling. The division shall then attempt to make such
119 confidential contact with the other biological parent, and shall proceed thereafter
120 to make such confidential contact with the adopted adult only if the division
121 determines that the other biological parent meets one of the conditions specified
122 in subsection 7 of this section. The biological parent, adult sibling, or adopted
123 adult may refuse to go forward with any further contact between the parties when
124 contacted by the division.

125 **[10.] 11.** The provisions of this section, except as provided in subsection

126 5 of this section governing the release of identifying and nonidentifying adoptive
127 information apply to adoptions completed before and after August 13, 1986.

128 [11.] 12. All papers, records, and information known to or in the
129 possession of an adoptive parent or adoptive child that pertain to an adoption,
130 regardless of whether part of any permanent record or file, may be disclosed by
131 the adoptive parent or adoptive child. The provisions of this subsection shall not
132 be construed to create a right to have access to information not otherwise allowed
133 under this section.

[210.025. 1. An applicant child care provider; persons
2 employed by the applicant child care provider for compensation,
3 including contract employees or self-employed individuals;
4 individuals or volunteers whose activities involve the care or
5 supervision of children for the applicant child care provider or
6 unsupervised access to children who are cared for or supervised by
7 the applicant child care provider; or individuals residing in the
8 applicant's family child care home who are seventeen years of age
9 or older shall be required to submit to a criminal background check
10 under section 43.540 prior to an applicant being granted a
11 registration and every five years thereafter and an annual check of
12 the central registry for child abuse established in section 210.109
13 in order for the applicant to qualify for receipt of state or federal
14 funds for providing child-care services either by direct payment or
15 through reimbursement to a child-care beneficiary. Any costs
16 associated with such checks shall be paid by the applicant.

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

20 (1) Determine if a finding of child abuse or neglect by
21 probable cause prior to August 28, 2004, or by a preponderance of
22 the evidence after August 28, 2004, involving the applicant or any
23 person over the age of seventeen who is living in the applicant's
24 home has been recorded pursuant to section 210.145 or 210.221;

25 (2) Determine if the applicant or any person over the age of
26 seventeen who is living in the applicant's home has been refused
27 licensure or has experienced licensure suspension or revocation
28 pursuant to section 210.221 or 210.496; and

29 (3) Upon initial application, require the applicant to submit
30 to fingerprinting and request a criminal background check of the
31 applicant and any person over the age of seventeen who is living in
32 the applicant's home pursuant to section 43.540 and section
33 210.487, and inquire of the applicant whether any children less
34 than seventeen years of age residing in the applicant's home have
35 ever been certified as an adult and convicted of, or pled guilty or
36 nolo contendere to any crime.

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

45 (1) Has had a finding of child abuse or neglect by probable
46 cause prior to August 28, 2004, or by a preponderance of the
47 evidence after August 28, 2004, pursuant to section 210.145 or
48 section 210.152;

49 (2) Has been refused licensure or has experienced licensure
50 suspension or revocation pursuant to section 210.496;

51 (3) Has pled guilty or nolo contendere to or been found
52 guilty of any felony for an offense against the person as defined by
53 chapter 565, or any other offense against the person involving the
54 endangerment of a child as prescribed by law; of any misdemeanor
55 or felony for a sexual offense as defined by chapter 566; of any
56 misdemeanor or felony for an offense against the family as defined
57 in chapter 568, with the exception of the sale of fireworks, as
58 defined in section 320.110, to a child under the age of eighteen; of
59 any misdemeanor or felony for pornography or related offense as
60 defined by chapter 573; or of any similar crime in any federal,
61 state, municipal or other court of similar jurisdiction of which the
62 director has knowledge or any offenses or reports which will
63 disqualify an applicant from receiving state or federal funds.

64 4. An applicant shall be given an opportunity by the

65 division to offer any extenuating or mitigating circumstances
66 regarding the findings, refusals or violations against such applicant
67 or any person over the age of seventeen or less than seventeen who
68 is living in the applicant's home listed in subsection 2 of this
69 section. Such extenuating and mitigating circumstances may be
70 considered by the division in its determination of whether to permit
71 such applicant to receive state or federal funds for providing child
72 care in the home.

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

76 6. If an applicant is denied state or federal funds for
77 providing child care in the home based on the background check
78 results for any person over the age of seventeen who is living in the
79 applicant's home, the applicant shall not apply for such funds until
80 such person is no longer living in the applicant's home.

81 7. Any rule or portion of a rule, as that term is defined in
82 section 536.010, that is created under the authority delegated in
83 this section shall become effective only if it complies with and is
84 subject to all of the provisions of chapter 536 and, if applicable,
85 section 536.028. All rulemaking authority delegated prior to
86 August 28, 1999, is of no force and effect and repealed. Nothing in
87 this section shall be interpreted to repeal or affect the validity of
88 any rule filed or adopted prior to August 28, 1999, if it fully
89 complied with all applicable provisions of law. This section and
90 chapter 536 are nonseverable and if any of the powers vested with
91 the general assembly pursuant to chapter 536 to review, to delay
92 the effective date or to disapprove and annul a rule are
93 subsequently held unconstitutional, then the grant of rulemaking
94 authority and any rule proposed or adopted after August 28, 1999,
95 shall be invalid and void.

96 8. (1) The provisions of subsection 1 of this section shall
97 not apply to any child care facility, as defined in section 210.201,
98 maintained or operated under the exclusive control of a religious
99 organization, as described in subdivision (4) of subsection 1 of
100 section 210.211, unless such facility is a recipient of federal funds

101 for providing care for children, except for federal funds for those
102 programs that meet the requirements for participation in the Child
103 and Adult Care Food Program under 42 U.S.C. Section 1766.

104 (2) The provisions of subsection 1 of this section, as enacted
105 by the ninety-ninth general assembly, second regular session, and
106 any rules or regulations promulgated under such section, shall
107 expire if 42 U.S.C. Section 9858f, as enacted by the Child Care and
108 Development Block Grant (CCDBG) Act of 2014, and 45 CFR 98.43
109 are repealed or if Missouri no longer receives federal funds from
110 the CCDBG.]

2 [210.790. A foster parent shall have standing to participate
in all court hearings pertaining to a child in their care.]

✓

Bill

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