SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 653
100TH GENERAL ASSEMBLY
2020

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

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

Section A. Sections 210.112, 210.145, 210.566, and 211.171, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 210.112, 210.116, 210.123, 210.145, 210.566, 210.652, 211.135, and 211.171, to read as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

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

(1) The safety and welfare of children is paramount;
(2) All providers of direct services to children and their families will be evaluated in a uniform, transparent, objective, and consistent basis based on an evaluation tool established in this section;
(3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes, and such services shall be tracked and routinely evaluated through a quality assurance program; [and]
(4) Any provider of direct services to children and families shall have the

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with [the] federal and state standards[, but not less than the standards and policies used by the children's division as of January 1, 2004];

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Necessary evaluations and reporting.

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

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

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

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

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

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

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

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

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

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

210.116. The division may share any records, information, and findings with federal, state, or local child welfare agency personnel and law enforcement agencies, including those from outside the state, or any agent of such agencies, in the performance of the division's duties, upon a reasonable belief that such information is needed to protect a child from abuse or neglect or to assist such agency in providing child welfare services. Such information may include, but is not limited to, substantiated or unsubstantiated reports of abuse or neglect, family assessments, and any other documents or information the division
deems necessary for another agency to have access to in order to protect a child. Identifying information may be shared only if the children's division reasonably believes the receiving entity will prevent the unauthorized dissemination of the information contained therein.

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

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

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

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

(b) A requirement that the parties cooperate with the division and participate in all services offered by the division;
(c) A notice to all parties that the division will notify the juvenile officer that a temporary alternative placement agreement has been implemented, that a copy of the agreement will be provided to the juvenile officer, that the temporary alternative placement agreement is not binding on the juvenile officer, and the division retains the authority to refer the case to the juvenile officer with a recommendation for further action at any time;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   (1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;
   (2) Promoting the preservation and reunification of children and families consistent with state and federal law;
   (3) Providing due process for those accused of child abuse or neglect; and
   (4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Document at the time the case is closed, the outcome of the family
assessment and services approach, any service provided and the removal of risk
to the child, if it existed.
17. (1) Within forty-five days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within forty-five days, unless good cause for the failure to complete the investigation is specifically documented in the information system. Good cause for failure to complete an investigation shall include, but not be limited to:

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

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

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

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

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

(3) If the investigation is not completed within forty-five days, the information system shall be updated at regular intervals and upon the completion of the investigation, which shall be completed no later than ninety days after receipt of a report of abuse or neglect, or one hundred twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until the division’s investigation is complete in cases involving a child fatality or near-fatality. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or
18. A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter’s ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

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

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

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

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

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

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

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

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

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

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

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

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

(2) The children's division and its contractors shall provide to foster parents and potential adoptive parents, prior to placement, all pertinent
information, including but not limited to full disclosure of all medical, psychological, and psychiatric conditions of the child, as well as information from previous placements that would indicate that the child or children may have a propensity to cause violence to any member of the foster family home. The foster parents shall be provided with any information regarding the child or the child's family, including but not limited to the case plan, any family history of mental or physical illness, sexual abuse of the child or sexual abuse perpetrated by the child, criminal background of the child or the child's family, fire-setting or other destructive behavior by the child, substance abuse by the child or child's family, or any other information which is pertinent to the care and needs of the child and to protect the foster or adoptive family. The children's division and its contractors shall provide full access to the child's medical, psychological, and psychiatric records in its possession at the time of placement, including records prior to the child coming into care, at the time the child is placed with a foster parent. After initial placement, the children's division and its contractors shall have a continuing duty and obligation to provide access to such records that come into its possession or of which the division or its contractors become aware. Access shall include providing information and authorization for foster parents to review or to obtain the records directly from the medical, psychological, or psychiatric services provider. A foster parent may decline access to any or all of the child's records. Knowingly providing false or misleading information to foster parents in order to secure placement shall be denoted in the caseworker's personnel file and shall be kept on record by the division.

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

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

(5) Foster parents shall be informed in a timely manner by the children's division and its contractors of all team meetings and staffings concerning their licensure status or children placed in their homes, and shall be allowed to participate, consistent with section 210.761.
(6) The children's division and its contractors shall establish reasonably accessible respite care for children in foster care for short periods of time, jointly determined by foster parents and the child's caseworker pursuant to section 210.545. Foster parents shall follow all procedures established by the children's division and its contractors for requesting and using respite care.

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

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

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

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

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

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

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

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

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

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

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

7. The children's division and their contractors shall provide training to foster parents on the policies and procedures governing the licensure of foster 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.

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

211.135. The court, after considering all information provided by
the children's division and input from the family support team, shall
order the child to appear in court only:
(1) If necessary to make a decision; and
(2) After considering:
   (a) The appropriateness of the courtroom environment for the
   child based on the level of trauma to the child either in the past or to
   be caused by the experience in the courtroom; and
   (b) The hardship to be endured by the child and current
   guardians in regards to the disruption in regular activities, including
   school and work, and the needs of any other children in the home,
   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
determined by the juvenile court judge and may be as formal or informal as he
or she considers desirable, consistent with constitutional and statutory
requirements. The judge may take testimony and inquire into the habits,
surroundings, conditions and tendencies of the child and the family to enable the
court to render such order or judgment as will best promote the welfare of the
child and carry out the objectives of this chapter.
2. The hearing may, in the discretion of the court, proceed in the absence
of the child and may be adjourned from time to time.
3. The current foster [parents] parent of a child, or any preadoptive
parent or relative currently providing care for the child, shall be provided with
notice of, and an opportunity to be heard in, any hearing to be held with respect
to [the] a child in his or her care, and a foster parent shall have standing to
participate in all court hearings pertaining to a child in their care. If a foster
parent alleges the court failed to allow the foster parent to be heard
orally or by submission of correspondence at any hearing regarding a
child in their care, the foster parent may seek remedial writ relief
pursuant to Missouri supreme court rules 84, 94, and 97. No docket fee
shall be required to be paid by the foster parent. The children's
division shall not remove a child from placement with a foster parent
based solely upon the foster parent's filing of a petition for a remedial
writ or while a writ is pending, unless removal is necessary to ensure
the health and safety of the child.

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

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

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

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

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

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