

# SENATE BILL NO. 454

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

2192S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 193.075 and 210.150, RSMo, and to enact in lieu thereof three new sections relating to child protection, with existing penalty provisions.

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

Section A. Sections 193.075 and 210.150, RSMo, are  
2 repealed and three new sections enacted in lieu thereof, to be  
3 known as sections 193.075, 210.150, and 210.156, to read as  
4 follows:

193.075. 1. The forms of certificates and reports  
2 required by sections 193.005 to 193.325 or by regulations  
3 adopted hereunder shall include as a minimum the items  
4 recommended by the federal agency responsible for national  
5 vital statistics.

6 2. Each certificate, report, and other document  
7 required by sections 193.005 to 193.325 shall be on a form  
8 or in a format prescribed by the state registrar.

9 3. All vital records shall contain the date received  
10 for registration.

11 4. Information required in certificates or reports  
12 authorized by sections 193.005 to 193.325 may be filed and  
13 registered by photographic, electronic, or other means as  
14 prescribed by the state registrar.

15 5. In addition to other personal data required by the  
16 registrar to be entered on a birth certificate, each parent  
17 shall furnish to the registrar the Social Security account

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

18 number, or numbers if applicable, issued to the parent  
19 unless the registrar finds good cause for not requiring the  
20 furnishing of such number or numbers. Good cause shall be  
21 determined in accordance with regulations established by the  
22 Secretary of the United States Department of Health and  
23 Human Services. The registrar shall make numbers furnished  
24 under this section available to the family support division  
25 **and the children's division** of the department of social  
26 services. Such numbers shall not be recorded on the birth  
27 certificate. The family support division shall not use any  
28 Social Security number furnished under the section for any  
29 purpose other than for the establishment and enforcement of  
30 child support obligations, and the confidentiality  
31 provisions and penalties contained in section 454.440 shall  
32 apply. **The children's division shall not use any Social**  
33 **Security number furnished under this section for any purpose**  
34 **other than verifying the identity of a parent of a child**  
35 **whose birth record information is provided under section**  
36 **210.156 and the confidentiality provisions of section**  
37 **210.156 shall apply.** Nothing in this section shall be  
38 construed to prohibit the department of health and senior  
39 services from using Social Security numbers for statistical  
40 purposes.

210.150. 1. The children's division shall ensure the  
2 confidentiality of all reports and records made pursuant to  
3 sections 210.109 to 210.183 and maintained by the division,  
4 its local offices, the central registry, and other  
5 appropriate persons, officials, and institutions pursuant to  
6 sections 210.109 to 210.183. To protect the rights of the  
7 family and the child named in the report as a victim, the  
8 children's division shall establish guidelines which will  
9 ensure that any disclosure of information concerning the

10 abuse and neglect involving that child is made only to  
11 persons or agencies that have a right to such information.  
12 The division may require persons to make written requests  
13 for access to records maintained by the division. The  
14 division shall only release information to persons who have  
15 a right to such information. The division shall notify  
16 persons receiving information pursuant to subdivisions (2),  
17 (7), (8) and (9) of subsection 2 of this section of the  
18 purpose for which the information is released and of the  
19 penalties for unauthorized dissemination of information.  
20 Such information shall be used only for the purpose for  
21 which the information is released.

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

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

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

31 (3) Appropriate staff of the division and of its local  
32 offices, including interdisciplinary teams which are formed  
33 to assist the division in investigation, evaluation and  
34 treatment of child abuse and neglect cases or a  
35 multidisciplinary provider of professional treatment  
36 services for a child referred to the provider;

37 (4) Any child named in the report as a victim, or a  
38 legal representative, or the parent, if not the alleged  
39 perpetrator, or guardian of such person when such person is  
40 a minor, or is mentally ill or otherwise incompetent, but  
41 the names of reporters shall not be furnished to persons in

42 this category. Prior to the release of any identifying  
43 information, the division shall determine if the release of  
44 such identifying information may place a person's life or  
45 safety in danger. If the division makes the determination  
46 that a person's life or safety may be in danger, the  
47 identifying information shall not be released. The division  
48 shall provide a method for confirming or certifying that a  
49 designee is acting on behalf of a subject;

50 (5) Any alleged perpetrator named in the report, but  
51 the names of reporters shall not be furnished to persons in  
52 this category. Prior to the release of any identifying  
53 information, the division shall determine if the release of  
54 such identifying information may place a person's life or  
55 safety in danger. If the division makes the determination  
56 that a person's life or safety may be in danger, the  
57 identifying information shall not be released. However, the  
58 investigation reports will not be released to any alleged  
59 perpetrator with pending criminal charges arising out of the  
60 facts and circumstances named in the investigation records  
61 until an indictment is returned or an information filed;

62 (6) A grand jury, juvenile officer, prosecuting  
63 attorney, law enforcement officer involved in the  
64 investigation of child abuse or neglect, juvenile court or  
65 other court conducting abuse or neglect or child protective  
66 proceedings or child custody proceedings, and other federal,  
67 state and local government entities, or any agent of such  
68 entity, with a need for such information in order to carry  
69 out its responsibilities under the law to protect children  
70 from abuse or neglect;

71 (7) Any person engaged in a bona fide research  
72 purpose, with the permission of the director; provided,  
73 however, that no information identifying the child named in

74 the report as a victim or the reporters shall be made  
75 available to the researcher, unless the identifying  
76 information is essential to the research or evaluation and  
77 the child named in the report as a victim or, if the child  
78 is less than eighteen years of age, through the child's  
79 parent, or guardian provides written permission;

80 (8) Any child-care facility; child-placing agency;  
81 residential-care facility, including group homes; juvenile  
82 courts; public or private elementary schools; public or  
83 private secondary schools; or any other public or private  
84 agency exercising temporary supervision over a child or  
85 providing or having care or custody of a child who may  
86 request an examination of the central registry from the  
87 division for all employees and volunteers or prospective  
88 employees and volunteers, who do or will provide services or  
89 care to children. Any agency or business recognized by the  
90 division or business which provides training and places or  
91 recommends people for employment or for volunteers in  
92 positions where they will provide services or care to  
93 children may request the division to provide an examination  
94 of the central registry. Such agency or business shall  
95 provide verification of its status as a recognized agency.  
96 Requests for examinations shall be made to the division  
97 director or the director's designee in writing by the chief  
98 administrative officer of the above homes, centers, public  
99 and private elementary schools, public and private secondary  
100 schools, agencies, or courts. The division shall respond in  
101 writing to that officer. The response shall include  
102 information pertaining to the nature and disposition of any  
103 report or reports of abuse or neglect revealed by the  
104 examination of the central registry. This response shall

105 not include any identifying information regarding any person  
106 other than the alleged perpetrator of the abuse or neglect;

107 (9) Any parent or legal guardian who inquires about a  
108 child abuse or neglect report involving a specific person or  
109 child-care facility who does or may provide services or care  
110 to a child of the person requesting the information.

111 Request for examinations shall be made to the division  
112 director or the director's designee, in writing, by the  
113 parent or legal guardian of the child and shall be  
114 accompanied with a signed and notarized release form from  
115 the person who does or may provide care or services to the  
116 child. The notarized release form shall include the full  
117 name, date of birth and Social Security number of the person  
118 who does or may provide care or services to a child. The  
119 response shall include information pertaining to the nature  
120 and disposition of any report or reports of abuse or neglect  
121 revealed by the examination of the central registry. This  
122 response shall not include any identifying information  
123 regarding any person other than the alleged perpetrator of  
124 the abuse or neglect. The response shall be given within  
125 ten working days of the time it was received by the division;

126 (10) Any person who inquires about a child abuse or  
127 neglect report involving a specific child-care facility,  
128 child-placing agency, residential-care facility, public and  
129 private elementary schools, public and private secondary  
130 schools, juvenile court or other state agency. The  
131 information available to these persons is limited to the  
132 nature and disposition of any report contained in the  
133 central registry and shall not include any identifying  
134 information pertaining to any person mentioned in the report;

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

138           (12) Any child fatality review panel established  
139 pursuant to section 210.192 or any state child fatality  
140 review panel established pursuant to section 210.195;

141           (13) Any person who is a tenure-track or full-time  
142 research faculty member at an accredited institution of  
143 higher education engaged in scholarly research, with the  
144 permission of the director. Prior to the release of any  
145 identifying information, the director shall require the  
146 researcher to present a plan for maintaining the  
147 confidentiality of the identifying information. The  
148 researcher shall be prohibited from releasing the  
149 identifying information of individual cases; [and]

150           (14) Appropriate staff of the United States Department  
151 of Defense including, but not limited to, authorized family  
152 advocacy program staff or any other staff authorized to  
153 receive and respond to reports requested under 10 U.S.C.  
154 Section 1787, in cases where a report has been made and the  
155 suspected perpetrator or any person responsible for the  
156 care, custody, and control of the subject child is a member  
157 of any branch of the military or is a member of the Armed  
158 Forces, as defined in section 41.030; **and**

159           **(15) The state registrar of vital statistics, or his**  
160 **or her designee, but the information made available shall be**  
161 **limited to identifying information only for the purposes of**  
162 **providing birth record information under section 210.156.**

163           3. Only the following persons shall have access to  
164 records maintained by the division pursuant to section  
165 210.152 for which the division has received a report of  
166 child abuse and neglect and which the division has

167 determined that there is insufficient evidence or in which  
168 the division proceeded with the family assessment and  
169 services approach:

170 (1) Appropriate staff of the division;

171 (2) Any child named in the report as a victim, or a  
172 legal representative, or the parent or guardian of such  
173 person when such person is a minor, or is mentally ill or  
174 otherwise incompetent. The names or other identifying  
175 information of reporters shall not be furnished to persons  
176 in this category. Prior to the release of any identifying  
177 information, the division shall determine if the release of  
178 such identifying information may place a person's life or  
179 safety in danger. If the division makes the determination  
180 that a person's life or safety may be in danger, the  
181 identifying information shall not be released. The division  
182 shall provide for a method for confirming or certifying that  
183 a designee is acting on behalf of a subject;

184 (3) Any alleged perpetrator named in the report, but  
185 the names of reporters shall not be furnished to persons in  
186 this category. Prior to the release of any identifying  
187 information, the division shall determine if the release of  
188 such identifying information may place a person's life or  
189 safety in danger. If the division makes the determination  
190 that a person's life or safety may be in danger, the  
191 identifying information shall not be released. However, the  
192 investigation reports will not be released to any alleged  
193 perpetrator with pending criminal charges arising out of the  
194 facts and circumstances named in the investigation records  
195 until an indictment is returned or an information filed;

196 (4) Any child fatality review panel established  
197 pursuant to section 210.192 or any state child fatality  
198 review panel established pursuant to section 210.195;

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

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

205           (7) Any person engaged in bona fide research purpose,  
206 with the permission of the director; provided, however, that  
207 no information identifying the subjects of the reports or  
208 the reporters shall be made available to the researcher,  
209 unless the identifying information is essential to the  
210 research or evaluation and the subject, or if a child,  
211 through the child's parent or guardian, provides written  
212 permission; and

213           (8) Appropriate staff of the United States Department  
214 of Defense including, but not limited to, authorized family  
215 advocacy program staff or any other staff authorized to  
216 receive and respond to reports requested under 10 U.S.C.  
217 Section 1787, in cases where a report has been made and the  
218 suspected perpetrator or any person responsible for the  
219 care, custody, and control of the subject child is a member  
220 of any branch of the military or is a member of the Armed  
221 Forces, as defined in section 41.030.

222           4. Any person who knowingly violates the provisions of  
223 this section, or who permits or encourages the unauthorized  
224 dissemination of information contained in the information  
225 system or the central registry and in reports and records  
226 made pursuant to sections 210.109 to 210.183, shall be  
227 guilty of a class A misdemeanor.

228           5. Nothing in this section shall preclude the release  
229 of findings or information about cases which resulted in a  
230 child fatality or near fatality. Such release is at the

231 sole discretion of the director of the department of social  
232 services, based upon a review of the potential harm to other  
233 children within the immediate family.

234 6. Notwithstanding any provisions of this section or  
235 chapter to the contrary, if the division receives a report  
236 and ascertains that a suspected perpetrator or any person  
237 responsible for the care, custody, and control of the  
238 subject child is a member of any branch of the military or  
239 is a member of the Armed Forces, as defined in section  
240 41.030, the division shall report its findings to the most  
241 relevant family advocacy program authorized by the United  
242 States Department of Defense or any other relevant person  
243 authorized by the United States Department of Defense to  
244 receive reports under 10 U.S.C. Section 1787.

**210.156. 1. The children's division shall make**  
2 **available to the state registrar of vital statistics the**  
3 **identifying information of the following individuals of whom**  
4 **the division has knowledge:**

5 (1) **Individuals whose parental rights have been**  
6 **terminated under section 211.447 and who are identified in**  
7 **the central registry as having a finding by the division or**  
8 **a court adjudication of child abuse or neglect;**

9 (2) **Individuals identified in the central registry who**  
10 **have pled guilty or have been found guilty of an offense**  
11 **under section 565.020, 565.021, 565.023, or 565.024 if the**  
12 **victim is a child less than eighteen years of age; and**

13 (3) **Individuals identified in the central registry who**  
14 **have pled guilty or have been found guilty of any offense**  
15 **under chapter 566 or an offense under section 567.050,**  
16 **568.020, 568.065, 573.023, 573.025, 573.035, 573.037,**  
17 **573.040, 573.200, or 573.205 if the victim is a child less**  
18 **then eighteen years of age.**

19           2. The state registrar shall provide to the division  
20 the birth record information of children born to individuals  
21 whose identifying information has been provided under this  
22 section. The division shall verify that the parent of the  
23 child is the same individual whose identifying information  
24 was provided and, if the parent's identity has been  
25 verified, shall provide the appropriate local office with  
26 information regarding the birth of the child. Appropriate  
27 local division personnel shall initiate contact with the  
28 family, or make a good faith effort to do so, to determine  
29 if the parent or family has a need for services and provide  
30 such voluntary and time-limited services as appropriate.  
31 The division shall document the results of such contact and  
32 services provided, if any, in the information system  
33 established under section 210.109.

34           3. The children's division and the state registrar  
35 shall ensure the confidentiality of all identifying  
36 information and birth records provided under this section  
37 and shall not disclose such information and records except  
38 as needed to effectuate the provisions of this section.  
39 Such information and records shall be considered closed  
40 records under chapter 610.

41           4. The division may promulgate rules and regulations  
42 to implement the provisions of this section. Any rule or  
43 portion of a rule, as that term is defined in section  
44 536.010, that is created under the authority delegated in  
45 this section shall become effective only if it complies with  
46 and is subject to all of the provisions of chapter 536 and,  
47 if applicable, section 536.028. This section and chapter  
48 536 are nonseverable and if any of the powers vested with  
49 the general assembly pursuant to chapter 536 to review, to  
50 delay the effective date, or to disapprove and annul a rule

51 are subsequently held unconstitutional, then the grant of  
52 rulemaking authority and any rule proposed or adopted after  
53 August 28, 2021, shall be invalid and void.

✓