

SENATE BILL NO. 1216

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

5481S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 210.146 and 210.183, RSMo, and to enact in lieu thereof four new sections relating to child protection.

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

Section A. Sections 210.146 and 210.183, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be
3 known as sections 210.146, 210.183, 211.035, and 211.039, to
4 read as follows:

210.146. 1. Upon receipt of a report of child abuse
2 or neglect concerning a child three years of age or younger
3 and the children's division's determination that such report
4 merits an investigation, such investigation shall include an
5 evaluation of the child by a SAFE CARE provider, as defined
6 in section 334.950, or a review of the child's case file and
7 photographs of the child's injuries by a SAFE CARE provider.

8 2. When a SAFE CARE provider makes a diagnosis that a
9 child three years of age or younger has been subjected to
10 physical abuse, including but not limited to symptoms
11 indicative of abusive bruising, fractures, burns, abdominal
12 injuries, or head trauma, and reports such diagnosis to the
13 children's division, the division shall immediately submit a
14 referral to the juvenile officer. The referral shall
15 include the division's recommendations to the juvenile
16 officer regarding the care, safety, and placement of the
17 child and the reasons for those recommendations.

18 3. When the division makes a referral to the juvenile
19 officer under this section, the division shall not be
20 required to make a recommendation for protective custody,
21 particularly when the perpetrator or cause of injury leading
22 to the diagnosis of child abuse or neglect is unknown.

23 4. A referral made by the division under this section
24 shall not relieve the division of its responsibility to
25 conduct an appropriate investigation or family assessment as
26 described in and within the time frames established under
27 section 210.145, or to make reasonable efforts to prevent or
28 eliminate the need for removal of the child under section
29 211.183. The division's investigation pursuant to a SAFE
30 CARE provider's report under this section shall not consist
31 solely of, or be limited to, the provider's report when the
32 injuries consist of minor bruising and the provider's report
33 is the first instance of reported suspicions or findings of
34 abuse or neglect of the child.

 210.183. 1. At the time of the initial investigation
2 of a report of child abuse or neglect, the division employee
3 conducting the investigation shall provide the alleged
4 perpetrator with a written description of the investigation
5 process. Such written notice shall be given substantially
6 in the following form:

7 "The investigation is being undertaken by the
8 Children's Division pursuant to the requirements
9 of chapter 210 of the Revised Missouri Statutes
10 in response to a report of child abuse or
11 neglect.

12 The identity of the person who reported the
13 incident of abuse or neglect is confidential and
14 may not even be known to the Division since the
15 report could have been made anonymously.

16 This investigation is required by law to be
17 conducted in order to enable the Children's
18 Division to identify incidents of abuse or
19 neglect in order to provide protective or
20 preventive social services to families who are
21 in need of such services.

22 The division shall make every reasonable attempt
23 to complete the investigation within forty-five
24 days, except for good cause which shall be
25 documented, otherwise, within ninety days, or
26 one hundred twenty days after receipt of a
27 report of abuse or neglect involving sexual
28 abuse, or when the division's investigation is
29 complete in cases involving a child fatality or
30 near-fatality, you will receive a letter from
31 the Division which will inform you of one of the
32 following:

33 (1) That the Division has found insufficient
34 evidence of abuse or neglect **and the**
35 **investigation will be ended, the case closed,**
36 **and no further services offered;** or

37 (2) That there appears to be by a preponderance
38 of the evidence reason to suspect the existence
39 of child abuse or neglect in the judgment of the
40 Division and that the Division will contact the
41 family to offer social services.

42 If the Division finds by a preponderance of the
43 evidence reason to believe child abuse or
44 neglect has occurred or the case is
45 substantiated by court adjudication, a record of
46 the report and information gathered during the

47 investigation will remain on file with the
48 Division.

49 If you disagree with the determination of the
50 Division and feel that there is insufficient
51 reason to believe by a preponderance of the
52 evidence that abuse or neglect has occurred, you
53 have a right to request an administrative review
54 at which time you may hire an attorney to
55 represent you. If you request an administrative
56 review on the issue, you will be notified of the
57 date and time of your administrative review
58 hearing by the child abuse and neglect review
59 board. If the Division's decision is reversed
60 by the child abuse and neglect review board, the
61 Division records concerning the report and
62 investigation will be updated to reflect such
63 finding. If the child abuse and neglect review
64 board upholds the Division's decision, an appeal
65 may be filed in circuit court within sixty days
66 of the child abuse and neglect review board's
67 decision.".

68 2. If the division uses the family assessment
69 approach, the division shall at the time of the initial
70 contact provide the parent of the child with the following
71 information:

- 72 (1) The purpose of the contact with the family;
- 73 (2) The name of the person responding and his or her
74 office telephone number;
- 75 (3) The assessment process to be followed during the
76 division's intervention with the family including the
77 possible services available and expectations of the family.

211.035. 1. When a child is taken into custody by a juvenile officer or law enforcement official under subdivision (1) of subsection 1 of section 211.031, the parent, guardian, or custodian of the child shall be given adequate notice of the allegations contained in the petition in advance of a court hearing so that reasonable opportunity shall be afforded for preparation.

2. In the case of a protective custody hearing under section 211.032, the juvenile officer or law enforcement official serving summons upon the child's parent, guardian, or custodian shall include the following:

(1) A copy of the petition;

(2) A copy of the order for protective custody;

(3) A copy of the affidavit demonstrating the reasonable efforts of the children's division to prevent or eliminate the need for removal of the child under section 210.183;

(4) Notice of the parent, guardian, or custodian's right to counsel at the protective custody hearing and any subsequent hearings and if the parent, guardian, or custodian requests counsel and is financially unable to employ counsel, counsel shall be appointed by the court. A copy of a financial affidavit or other similar form for use in support of a request for counsel shall be included; and

(5) A copy of the handbook developed under section 211.039.

3. A parent, guardian, or custodian shall be entitled to counsel at all hearings involving the removal of a child under subdivision (1) of subsection 1 of section 211.031. If the parent, guardian, or custodian is financially unable to employ counsel, counsel shall be appointed by the court. A court shall appoint counsel as soon as practicable prior

33 to the first hearing relating to protective custody or
34 removal of the child.

35 4. The parent, guardian, or custodian, or the counsel
36 of such, shall have the right to access any written records
37 or reports relating to the child, including medical records,
38 prior to the protective custody hearing and any subsequent
39 hearings, as well as any records compiled by the children's
40 division available under section 210.764, consistent with
41 the confidentiality provisions and evidentiary privileges
42 found in state or federal law or court rule.

211.039. 1. No later than January 1, 2023, the office
2 of state courts administrator, in cooperation with the
3 children's division, shall develop and make available a
4 handbook for parents, guardians, and custodians of children
5 taken into custody by a juvenile officer or law enforcement
6 official under subdivision (1) of subsection 1 of section
7 211.031. Such handbook shall include, but not be limited
8 to, the following:

9 (1) The process of and grounds for removing a child
10 from their home;

11 (2) The upcoming hearings, timelines, and the role of
12 the parent, guardian, or custodian in those hearings,
13 including the protective custody hearing, the adjudication
14 hearing, the dispositional hearing, the review hearings, and
15 the permanency hearings;

16 (3) The right of the parent, guardian, or custodian to
17 request a protective custody hearing;

18 (4) The right of the parent, guardian, or custodian to
19 representation by counsel and the process to seek court-
20 appointed counsel if the parent, guardian, or custodian
21 cannot afford counsel;

22 (5) The right of the parent, guardian, custodian, or
23 counsel of such, to access any written records or reports
24 relating to the child, including medical records, prior to
25 any hearings; and

26 (6) The role of the various individuals involved in
27 the juvenile court proceedings under subdivision (1) of
28 subsection 1 of section 211.031, including, but not limited
29 to, the judge, the juvenile officer, the children's
30 division, the guardian ad litem, the court-appointed special
31 advocate, the attorneys, and the parent, guardian, or
32 custodian. The handbook shall also include information
33 about the role of the office of child advocate, established
34 under sections 37.700 to 37.730, and contact information for
35 the office.

36 2. The handbook developed under this section shall be
37 made available in an easy-to-read format and posted online
38 through the courts and the division. Printed copies shall
39 be made available to parents, guardians, and custodians as
40 required under section 211.035 and at every hearing
41 involving the child, as needed.

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