

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 862, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "210.145. 1. The division shall develop protocols  
4 which give priority to:

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

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

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

11 (4) Maintaining an information system operating at all  
12 times, capable of receiving and maintaining reports. This  
13 information system shall have the ability to receive reports  
14 over a single, statewide toll-free number. Such information  
15 system shall maintain the results of all investigations,  
16 family assessments and services, and other relevant  
17 information.

18 2. (1) The division shall utilize structured decision-  
19 making protocols, including a standard risk assessment that  
20 shall be completed within seventy-two hours of the report of  
21 abuse or neglect, for classification purposes of all child  
22 abuse and neglect reports. The protocols developed by the  
23 division shall give priority to ensuring the well-being and  
24 safety of the child. All child abuse and neglect reports  
25 shall be initiated within twenty-four hours and shall be  
26 classified based upon the reported risk and injury to the

27 child. The division shall promulgate rules regarding the  
28 structured decision-making protocols to be utilized for all  
29 child abuse and neglect reports.

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

38 3. Upon receipt of a report, the division shall  
39 determine if the report merits investigation, including  
40 reports which if true would constitute a suspected violation  
41 of any of the following: section 565.020, 565.021, 565.023,  
42 565.024, or 565.050 if the victim is a child less than  
43 eighteen years of age, section 566.030 or 566.060 if the  
44 victim is a child less than eighteen years of age, or other  
45 crimes under chapter 566 if the victim is a child less than  
46 eighteen years of age and the perpetrator is twenty-one  
47 years of age or older, section 567.050 if the victim is a  
48 child less than eighteen years of age, section 568.020,  
49 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205,  
50 section 573.025, 573.035, 573.037, or 573.040, or an attempt  
51 to commit any such crimes. The division shall immediately  
52 communicate all reports that merit investigation to its  
53 appropriate local office and any relevant information as may  
54 be contained in the information system. The local division  
55 staff shall determine, through the use of protocols  
56 developed by the division, whether an investigation or the  
57 family assessment and services approach should be used to  
58 respond to the allegation. The protocols developed by the

59 division shall give priority to ensuring the well-being and  
60 safety of the child.

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

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

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

82 7. The local office shall contact the appropriate law  
83 enforcement agency immediately upon receipt of a report  
84 which division personnel determine merits an investigation  
85 and provide such agency with a detailed description of the  
86 report received. In such cases the local division office  
87 shall request the assistance of the local law enforcement  
88 agency in all aspects of the investigation of the  
89 complaint. The appropriate law enforcement agency shall  
90 either assist the division in the investigation or provide

91 the division, within twenty-four hours, an explanation in  
92 writing detailing the reasons why it is unable to assist.

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

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

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

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

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

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

151           9. In all cases in which a case worker is  
152 investigating an instance of alleged child abuse or neglect  
153 and visiting the home or location where the abused child is  
154 located or where any child who may have been witness to  
155 another child's abuse is located, the case worker shall

156 first verbally identify himself or herself and his or her  
157 role in the investigation and shall inform the child's  
158 parent or guardian that neither the child nor parent or  
159 guardian is required to speak with the case worker, allow  
160 the case worker to enter the home, or otherwise provide the  
161 case worker with access to the child, without a warrant or  
162 court order and that the parent or guardian has the right to  
163 contact an attorney.

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

186 [10.] 11. The investigation shall include but not be  
187 limited to the nature, extent, and cause of the abuse or  
188 neglect; the identity and age of the person responsible for

189 the abuse or neglect; the names and conditions of other  
190 children in the home, if any; the home environment and the  
191 relationship of the subject child to the parents or other  
192 persons responsible for the child's care; any indication of  
193 incidents of physical violence against any other household  
194 or family member; and other pertinent data.

195 [11.] 12. When a report has been made by a person  
196 required to report under section 210.115, the division shall  
197 contact the person who made such report within forty-eight  
198 hours of the receipt of the report in order to ensure that  
199 full information has been received and to obtain any  
200 additional information or medical records, or both, that may  
201 be pertinent.

202 [12.] 13. Upon completion of the investigation, if the  
203 division suspects that the report was made maliciously or  
204 for the purpose of harassment, the division shall refer the  
205 report and any evidence of malice or harassment to the local  
206 prosecuting or circuit attorney.

207 [13.] 14. Multidisciplinary teams shall be used  
208 whenever conducting the investigation as determined by the  
209 division in conjunction with local law enforcement.  
210 Multidisciplinary teams shall be used in providing  
211 protective or preventive social services, including the  
212 services of law enforcement, a liaison of the local public  
213 school, the juvenile officer, the juvenile court, and other  
214 agencies, both public and private.

215 [14.] 15. For all family support team meetings  
216 involving an alleged victim of child abuse or neglect, the  
217 parents, legal counsel for the parents, foster parents, the  
218 legal guardian or custodian of the child, the guardian ad  
219 litem for the child, and the volunteer advocate for the  
220 child shall be provided notice and be permitted to attend  
221 all such meetings. Family members, other than alleged

222 perpetrators, or other community informal or formal service  
223 providers that provide significant support to the child and  
224 other individuals may also be invited at the discretion of  
225 the parents of the child. In addition, the parents, the  
226 legal counsel for the parents, the legal guardian or  
227 custodian and the foster parents may request that other  
228 individuals, other than alleged perpetrators, be permitted  
229 to attend such team meetings. Once a person is provided  
230 notice of or attends such team meetings, the division or the  
231 convenor of the meeting shall provide such persons with  
232 notice of all such subsequent meetings involving the child.  
233 Families may determine whether individuals invited at their  
234 discretion shall continue to be invited.

235 [15.] 16. If the appropriate local division personnel  
236 determine after an investigation has begun that completing  
237 an investigation is not appropriate, the division shall  
238 conduct a family assessment and services approach. The  
239 division shall provide written notification to local law  
240 enforcement prior to terminating any investigative process.  
241 The reason for the termination of the investigative process  
242 shall be documented in the record of the division and the  
243 written notification submitted to local law enforcement.  
244 Such notification shall not preclude nor prevent any  
245 investigation by law enforcement.

246 [16.] 17. If the appropriate local division personnel  
247 determines to use a family assessment and services approach,  
248 the division shall:

- 249 (1) Assess any service needs of the family. The  
250 assessment of risk and service needs shall be based on  
251 information gathered from the family and other sources;
- 252 (2) Provide services which are voluntary and time-  
253 limited unless it is determined by the division based on the  
254 assessment of risk that there will be a high risk of abuse

255 or neglect if the family refuses to accept the services.  
256 The division shall identify services for families where it  
257 is determined that the child is at high risk of future abuse  
258 or neglect. The division shall thoroughly document in the  
259 record its attempt to provide voluntary services and the  
260 reasons these services are important to reduce the risk of  
261 future abuse or neglect to the child. If the family  
262 continues to refuse voluntary services or the child needs to  
263 be protected, the division may commence an investigation;

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

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

274 [17.] 18. (1) Within forty-five days of an oral  
275 report of abuse or neglect, the local office shall update  
276 the information in the information system. The information  
277 system shall contain, at a minimum, the determination made  
278 by the division as a result of the investigation,  
279 identifying information on the subjects of the report, those  
280 responsible for the care of the subject child and other  
281 relevant dispositional information. The division shall  
282 complete all investigations within forty-five days, unless  
283 good cause for the failure to complete the investigation is  
284 specifically documented in the information system. Good  
285 cause for failure to complete an investigation shall  
286 include, but not be limited to:

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

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

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

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

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

311           (3) If the investigation is not completed within forty-  
312 five days, the information system shall be updated at  
313 regular intervals and upon the completion of the  
314 investigation, which shall be completed no later than ninety  
315 days after receipt of a report of abuse or neglect, or one  
316 hundred twenty days after receipt of a report of abuse or  
317 neglect involving sexual abuse, or until the division's  
318 investigation is complete in cases involving a child  
319 fatality or near-fatality. The information in the

320 information system shall be updated to reflect any  
321 subsequent findings, including any changes to the findings  
322 based on an administrative or judicial hearing on the matter.

323 [18.] 19. A person required to report under section  
324 210.115 to the division and any person making a report of  
325 child abuse or neglect made to the division which is not  
326 made anonymously shall be informed by the division of his or  
327 her right to obtain information concerning the disposition  
328 of his or her report. Such person shall receive, from the  
329 local office, if requested, information on the general  
330 disposition of his or her report. Such person may receive,  
331 if requested, findings and information concerning the case.  
332 Such release of information shall be at the discretion of  
333 the director based upon a review of the reporter's ability  
334 to assist in protecting the child or the potential harm to  
335 the child or other children within the family. The local  
336 office shall respond to the request within forty-five days.  
337 The findings shall be made available to the reporter within  
338 five days of the outcome of the investigation. If the  
339 report is determined to be unsubstantiated, the reporter may  
340 request that the report be referred by the division to the  
341 office of child advocate for children's protection and  
342 services established in sections 37.700 to 37.730. Upon  
343 request by a reporter under this subsection, the division  
344 shall refer an unsubstantiated report of child abuse or  
345 neglect to the office of child advocate for children's  
346 protection and services.

347 [19.] 20. The division shall provide to any individual  
348 who is not satisfied with the results of an investigation  
349 information about the office of child advocate and the  
350 services it may provide under sections 37.700 to 37.730.

351 [20.] 21. In any judicial proceeding involving the  
352 custody of a child the fact that a report may have been made

353 pursuant to sections 210.109 to 210.183 shall not be  
354 admissible. However:

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

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

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

366 [21.] 22. Nothing in this chapter shall be construed  
367 to prohibit the children's division from coinvestigating a  
368 report of child abuse or neglect or sharing records and  
369 information with child welfare, law enforcement, or judicial  
370 officers of another state, territory, or nation if the  
371 children's division determines it is appropriate to do so  
372 under the standard set forth in subsection 4 of section  
373 210.150 and if such receiving agency is exercising its  
374 authority under the law.

375 [22.] 23. In any judicial proceeding involving the  
376 custody of a child where the court determines that the child  
377 is in need of services under paragraph (d) of subdivision  
378 (1) of subsection 1 of section 211.031 and has taken  
379 jurisdiction, the child's parent, guardian or custodian  
380 shall not be entered into the registry.

381 [23.] 24. The children's division is hereby granted  
382 the authority to promulgate rules and regulations pursuant  
383 to the provisions of section 207.021 and chapter 536 to  
384 carry out the provisions of sections 210.109 to 210.183.

385           [24.] 25. Any rule or portion of a rule, as that term  
386 is defined in section 536.010, that is created under the  
387 authority delegated in this section shall become effective  
388 only if it complies with and is subject to all of the  
389 provisions of chapter 536 and, if applicable, section  
390 536.028. This section and chapter 536 are nonseverable and  
391 if any of the powers vested with the general assembly  
392 pursuant to chapter 536 to review, to delay the effective  
393 date or to disapprove and annul a rule are subsequently held  
394 unconstitutional, then the grant of rulemaking authority and  
395 any rule proposed or adopted after August 28, 2000, shall be  
396 invalid and void."; and  
397           Further amend the title and enacting clause accordingly.