

SENATE SUBSTITUTE
FOR
HOUSE BILL NO. 1184

AN ACT

To repeal sections 37.710, 105.271, 210.027, 210.145, 210.152, 210.183, 334.950, and 431.056, RSMo, and to enact in lieu thereof eight new sections relating to children, with an existing penalty provision.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 37.710, 105.271, 210.027, 210.145,
2 210.152, 210.183, 334.950, and 431.056, RSMo, are repealed and
3 eight new sections enacted in lieu thereof, to be known as
4 sections 37.710, 105.271, 210.027, 210.145, 210.152, 210.183,
5 334.950, and 431.056, to read as follows:

6 37.710. 1. The office shall have access to the following
7 information:

8 (1) The names and physical location of all children in
9 protective services, treatment, or other programs under the
10 jurisdiction of the children's division, the department of mental
11 health, and the juvenile court;

12 (2) All written reports of child abuse and neglect; and

13 (3) All current records required to be maintained pursuant
14 to chapters 210 and 211.

15 2. The office shall have the authority:

16 (1) To communicate privately by any means possible with any
17 child under protective services and anyone working with the
18 child, including the family, relatives, courts, employees of the

1 department of social services and the department of mental
2 health, and other persons or entities providing treatment and
3 services;

4 (2) To have access, including the right to inspect, copy
5 and subpoena records held by the clerk of the juvenile or family
6 court, juvenile officers, law enforcement agencies, institutions,
7 public or private, and other agencies, or persons with whom a
8 particular child has been either voluntarily or otherwise placed
9 for care, or has received treatment within this state or in
10 another state;

11 (3) To work in conjunction with juvenile officers and
12 guardians ad litem;

13 (4) To file any findings or reports of the child advocate
14 regarding the parent or child with the court, and issue
15 recommendations regarding the disposition of an investigation,
16 which may be provided to the court and to the investigating
17 agency;

18 (5) To file amicus curiae briefs on behalf of the interests
19 of the parent or child, or to file such pleadings necessary to
20 intervene on behalf of the child at the appropriate judicial
21 level using the resources of the office of the attorney general;

22 (6) To initiate meetings with the department of social
23 services, the department of mental health, the juvenile court,
24 and juvenile officers;

25 (7) To take whatever steps are appropriate to see that
26 persons are made aware of the services of the child advocate's
27 office, its purpose, and how it can be contacted;

28 (8) To apply for and accept grants, gifts, and bequests of

1 funds from other states, federal, and interstate agencies, and
2 independent authorities, private firms, individuals, and
3 foundations to carry out his or her duties and responsibilities.
4 The funds shall be deposited in a dedicated account established
5 within the office to permit moneys to be expended in accordance
6 with the provisions of the grant or bequest;

7 (9) Subject to appropriation, to establish as needed local
8 panels on a regional or county basis to adequately and
9 efficiently carry out the functions and duties of the office, and
10 address complaints in a timely manner; and

11 (10) To mediate between alleged victims of sexual
12 misconduct and school districts or charter schools as provided in
13 subsection 1 of section 160.262.

14 3. For any information obtained from a state agency or
15 entity under sections 37.700 to 37.730, the office of child
16 advocate shall be subject to the same disclosure restrictions and
17 confidentiality requirements that apply to the state agency or
18 entity providing such information to the office of child
19 advocate. For information obtained directly by the office of
20 child advocate under sections 37.700 to 37.730, the office of
21 child advocate shall be subject to the same disclosure
22 restrictions and confidentiality requirements that apply to the
23 children's division regarding information obtained during a child
24 abuse and neglect investigation resulting in an unsubstantiated
25 report.

26 105.271. 1. [An] A foster or adoptive parent who is
27 employed by the state of Missouri, its departments, agencies, or
28 political subdivisions, may use his or her accrued sick leave,

1 annual leave, or the same leave without pay granted to biological
2 parents to take time off for purposes of arranging for the foster
3 or adopted child's placement or caring for the child after
4 placement. The employer shall not penalize an employee for
5 requesting or obtaining time off according to this section.

6 2. The state of Missouri, its departments, and agencies
7 shall, and political subdivisions may, provide for a leave
8 sharing program to permit its employees to donate annual leave,
9 overtime, or compensatory time to an employee who is arranging
10 for a foster or adopted child's placement or caring for the child
11 after placement, which has caused or is likely to cause such
12 employee to take leave without pay or to terminate employment.
13 Such donated annual leave, overtime, or compensatory time may be
14 transferable between employees in different departments,
15 agencies, or political subdivisions of the state, with the
16 agreement of the chief administrative officers of such
17 departments, agencies, or political subdivisions.

18 3. Any donated annual leave, overtime, or compensatory time
19 authorized under this section shall only be used by the recipient
20 employee for purposes of arranging for the foster or adopted
21 child's placement or caring for the child after placement.
22 Nothing in this section shall be construed as prohibiting a leave
23 sharing program for other purposes.

24 4. All forms of paid leave available for use by the
25 recipient employee shall be used prior to using donated annual
26 leave, overtime, or compensatory time.

27 5. All donated annual leave, overtime, or compensatory time
28 shall be given voluntarily. No employee shall be coerced,

1 threatened, intimidated, or financially induced into donating
2 annual leave, overtime, or compensatory time for purposes of the
3 leave sharing program.

4 6. For purposes of this section, the phrase "foster or
5 adoptive parent" refers to both those pursuing to foster or adopt
6 a child and those who have a foster or adopted child placed in
7 the home. The phrase "for purposes of arranging for the foster
8 or adopted child's placement or caring for the child after
9 placement" includes, but is not limited to:

10 (1) Appointments with state officials, child placing
11 agencies, social workers, health professionals, or attorneys;

12 (2) Court proceedings;

13 (3) Required travel;

14 (4) Training and licensure as a foster parent;

15 (5) Any periods of time during which foster or adoptive
16 parents are ordered or required by the state, a child placing
17 agency, or by a court to take time off from work to care for the
18 foster or adopted child; or

19 (6) Any other activities necessary to allow the foster care
20 or adoption to proceed.

21 7. A stepparent, as defined in section 453.015, who is
22 employed by the state of Missouri, its departments, agencies, or
23 political subdivisions, may use his or her accrued sick leave,
24 annual leave or the same leave without pay granted to biological
25 parents to take time off to care for his or her stepchild. The
26 employer shall not penalize an employee for requesting or
27 obtaining time off according to this section.

28 [3.] 8. The leave authorized by this section may be

1 requested by the employee only if the employee is the person who
2 is primarily responsible for furnishing the care and nurture of
3 the child.

4 9. The commissioner of administration may promulgate rules
5 as necessary to implement the provisions of this section. Any
6 rule or portion of a rule, as that term is defined in section
7 536.010, that is created under the authority delegated in this
8 section shall become effective only if it complies with and is
9 subject to all of the provisions of chapter 536 and, if
10 applicable, section 536.028. This section and chapter 536 are
11 nonseverable and if any of the powers vested with the general
12 assembly under chapter 536 to review, to delay the effective
13 date, or to disapprove and annul a rule are subsequently held
14 unconstitutional, then the grant of rulemaking authority and any
15 rule proposed or adopted after August 28, 2014, shall be invalid
16 and void.

17 210.027. For child-care providers who receive state or
18 federal funds for providing child-care [services in the home] fee
19 assistance, either by direct payment or through reimbursement to
20 a child-care beneficiary, the department of social services
21 shall:

22 (1) Establish publicly available website access to
23 provider-specific information about any health and safety
24 licensing or regulatory requirements for the providers, and
25 including dates of inspections, history of violations, and
26 compliance actions taken, as well as the consumer education
27 information required under subdivision (12) of this section;

28 (2) Establish or designate one hotline for parents to

1 submit complaints about child care providers;

2 (3) Be authorized to revoke the registration of a
3 registered provider for due cause;

4 ~~[(2)]~~ (4) Require providers to be at least eighteen years
5 of age;

6 ~~[(3)]~~ (5) Establish minimum requirements for building and
7 physical premises to include:

8 (a) Compliance with state and local fire, health, and
9 building codes, which shall include the ability to evacuate
10 children in the case of an emergency; and

11 (b) Emergency preparedness and response planning.

12
13 Child care providers shall meet these minimum requirements prior
14 to receiving federal assistance. Where there are no local
15 ordinances or regulations regarding smoke detectors, the
16 department shall require providers, by rule, to install and
17 maintain an adequate number of smoke detectors in the residence
18 or other building where child care is provided;

19 ~~[(4)]~~ (6) Require providers to be tested for tuberculosis
20 on the schedule required for employees in licensed facilities;

21 ~~[(5)]~~ (7) Require providers to notify parents if the
22 provider does not have immediate access to a telephone;

23 ~~[(6)]~~ (8) Make providers aware of local opportunities for
24 training in first aid and child care;

25 (9) Promulgate rules and regulations to define pre-service
26 training requirements for child care providers and employees
27 pursuant to applicable federal laws and regulations;

28 (10) Establish procedures for conducting unscheduled onsite

1 monitoring of child care providers prior to receiving state or
2 federal funds for providing child care services either by direct
3 payment or through reimbursement to a child care beneficiary, and
4 annually thereafter;

5 (11) Require child care providers who receive assistance
6 under applicable federal laws and regulations to report to the
7 department any serious injuries or death of children occurring in
8 child care;

9 (12) With input from statewide stakeholders such as
10 parents, child care providers or administrators, and system
11 advocate groups, establish a transparent system of quality
12 indicators appropriate to the provider setting that shall provide
13 parents with a way to differentiate between child care providers
14 available in their communities as required by federal rules. The
15 system shall describe the standards used to assess the quality of
16 child care providers and the measurement approaches for such
17 assessment. The system shall indicate whether the provider meets
18 Missouri's registration or licensing standards, is in compliance
19 with applicable health and safety requirements, and the nature of
20 any violations related to registration or licensing requirements.
21 The system shall also indicate if the provider utilizes
22 nationally-recognized curricula and if the provider is in
23 compliance with staff educational requirements. Such system of
24 quality indicators established under this subdivision with the
25 input from stakeholders shall be promulgated by rules. Any rule
26 or portion of a rule, as that term is defined in section 536.010
27 that is created under the authority delegated in this section
28 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, 2014, shall be invalid and void. This subdivision shall not be construed as authorizing the operation, establishment, maintenance, or mandating or offering of incentives to participate in a quality rating system under section 167.216.

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. The division shall utilize structured decision-making protocols for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall

1 give priority to ensuring the well-being and safety of the child.
2 All child abuse and neglect reports shall be initiated within
3 twenty-four hours and shall be classified based upon the reported
4 risk and injury to the child. The division shall promulgate
5 rules regarding the structured decision-making protocols to be
6 utilized for all child abuse and neglect reports.

7 3. Upon receipt of a report, the division shall determine
8 if the report merits investigation, including reports which if
9 true would constitute a suspected violation of any of the
10 following: section 565.020, 565.021, 565.023, 565.024, or
11 565.050 if the victim is a child less than eighteen years of age,
12 section 566.030 or 566.060 if the victim is a child less than
13 eighteen years of age, or other crimes under chapter 566 if the
14 victim is a child less than eighteen years of age and the
15 perpetrator is twenty-one years of age or older, section 567.050
16 if the victim is a child less than eighteen years of age, section
17 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090,
18 section 573.025, 573.035, 573.037, or 573.040, or an attempt to
19 commit any such crimes. The division shall immediately
20 communicate all reports that merit investigation to its
21 appropriate local office and any relevant information as may be
22 contained in the information system. The local division staff
23 shall determine, through the use of protocols developed by the
24 division, whether an investigation or the family assessment and
25 services approach should be used to respond to the allegation.
26 The protocols developed by the division shall give priority to
27 ensuring the well-being and safety of the child.

28 4. When the child abuse and neglect hotline receives three

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

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

19 6. The local office of the division shall cause an
20 investigation or family assessment and services approach to be
21 initiated in accordance with the protocols established in
22 subsection 2 of this section, except in cases where the sole
23 basis for the report is educational neglect. If the report
24 indicates that educational neglect is the only complaint and
25 there is no suspicion of other neglect or abuse, the
26 investigation shall be initiated within seventy-two hours of
27 receipt of the report. If the report indicates the child is in
28 danger of serious physical harm or threat to life, an

1 investigation shall include direct observation of the subject
2 child within twenty-four hours of the receipt of the report.
3 Local law enforcement shall take all necessary steps to
4 facilitate such direct observation. Callers to the child abuse
5 and neglect hotline shall be instructed by the division's hotline
6 to call 911 in instances where the child may be in immediate
7 danger. If the parents of the child are not the alleged
8 [abusers] perpetrators, a parent of the child must be notified
9 prior to the child being interviewed by the division. No person
10 responding to or investigating a child abuse and neglect report
11 shall call prior to a home visit or leave any documentation of
12 any attempted visit, such as business cards, pamphlets, or other
13 similar identifying information if he or she has a reasonable
14 basis to believe the following factors are present:

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

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

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

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

24 If the alleged perpetrator is present during a visit by the
25 person responding to or investigating the report, such person
26 shall provide written material to the alleged perpetrator
27 informing him or her of his or her rights regarding such visit,
28 including but not limited to the right to contact an attorney.

1 The alleged perpetrator shall be given a reasonable amount of
2 time to read such written material or have such material read to
3 him or her by the case worker before the visit commences, but in
4 no event shall such time exceed five minutes; except that, such
5 requirement to provide written material and reasonable time to
6 read such material shall not apply in cases where the child faces
7 an immediate threat or danger, or the person responding to
8 investigating the report is or feels threatened or in danger of
9 physical harm. If the abuse is alleged to have occurred in a
10 school or child care facility the division shall not meet with
11 the child in any school building or child-care facility building
12 where abuse of such child is alleged to have occurred. When the
13 child is reported absent from the residence, the location and the
14 well-being of the child shall be verified. For purposes of this
15 subsection, child care facility shall have the same meaning as
16 such term is defined in section 210.201.

17 7. The director of the division shall name at least one
18 chief investigator for each local division office, who shall
19 direct the division response on any case involving a second or
20 subsequent incident regarding the same subject child or
21 perpetrator. The duties of a chief investigator shall include
22 verification of direct observation of the subject child by the
23 division and shall ensure information regarding the status of an
24 investigation is provided to the public school district liaison.
25 The public school district liaison shall develop protocol in
26 conjunction with the chief investigator to ensure information
27 regarding an investigation is shared with appropriate school
28 personnel. The superintendent of each school district shall

1 designate a specific person or persons to act as the public
2 school district liaison. Should the subject child attend a
3 nonpublic school the chief investigator shall notify the school
4 principal of the investigation. Upon notification of an
5 investigation, all information received by the public school
6 district liaison or the school shall be subject to the provisions
7 of the federal Family Educational Rights and Privacy Act (FERPA),
8 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

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

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

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

28 11. Multidisciplinary teams shall be used whenever

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

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

25 13. If the appropriate local division personnel determine
26 after an investigation has begun that completing an investigation
27 is not appropriate, the division shall conduct a family
28 assessment and services approach. The division shall provide

1 written notification to local law enforcement prior to
2 terminating any investigative process. The reason for the
3 termination of the investigative process shall be documented in
4 the record of the division and the written notification submitted
5 to local law enforcement. Such notification shall not preclude
6 nor prevent any investigation by law enforcement.

7 14. If the appropriate local division personnel determines
8 to use a family assessment and services approach, the division
9 shall:

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

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

25 (3) Commence an immediate investigation if at any time
26 during the family assessment and services approach the division
27 determines that an investigation, as delineated in sections
28 210.109 to 210.183, is required. The division staff who have

1 conducted the assessment may remain involved in the provision of
2 services to the child and family;

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

6 15. (1) Within ~~[thirty]~~ forty-five days of an oral report
7 of abuse or neglect, the local office shall update the
8 information in the information system. The information system
9 shall contain, at a minimum, the determination made by the
10 division as a result of the investigation, identifying
11 information on the subjects of the report, those responsible for
12 the care of the subject child and other relevant dispositional
13 information. The division shall complete all investigations
14 within ~~[thirty]~~ forty-five days, unless good cause for the
15 failure to complete the investigation is specifically documented
16 in the information system. Good cause for failure to complete an
17 investigation shall include, but not be limited to:

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

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

1 investigation; or

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

8
9 The division shall document any such reasons for failure to
10 complete the investigation.

11 (2) If [a child involved in a pending investigation dies] a
12 child fatality or near-fatality is involved in a report of abuse
13 or neglect, the investigation shall remain open until the
14 division's investigation surrounding [the death] such death or
15 near-fatal injury is completed.

16 (3) If the investigation is not completed within [thirty]
17 forty-five days, the information system shall be updated at
18 regular intervals and upon the completion of the investigation,
19 which shall be completed no later than ninety days after receipt
20 of a report of abuse or neglect, or one hundred and twenty days
21 after receipt of a report of abuse or neglect involving sexual
22 abuse, or until the division's investigation is complete in cases
23 involving a child fatality or near-fatality. The information in
24 the information system shall be updated to reflect any subsequent
25 findings, including any changes to the findings based on an
26 administrative or judicial hearing on the matter.

27 16. A person required to report under section 210.115 to
28 the division and any person making a report of child abuse or

1 neglect made to the division which is not made anonymously shall
2 be informed by the division of his or her right to obtain
3 information concerning the disposition of his or her report.
4 Such person shall receive, from the local office, if requested,
5 information on the general disposition of his or her report.
6 Such person may receive, if requested, findings and information
7 concerning the case. Such release of information shall be at the
8 discretion of the director based upon a review of the reporter's
9 ability to assist in protecting the child or the potential harm
10 to the child or other children within the family. The local
11 office shall respond to the request within forty-five days. The
12 findings shall be made available to the reporter within five days
13 of the outcome of the investigation. If the report is determined
14 to be unsubstantiated, the reporter may request that the report
15 be referred by the division to the office of child advocate for
16 children's protection and services established in sections 37.700
17 to 37.730. Upon request by a reporter under this subsection, the
18 division shall refer an unsubstantiated report of child abuse or
19 neglect to the office of child advocate for children's protection
20 and services.

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

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

28 (1) Nothing in this subsection shall prohibit the

1 introduction of evidence from independent sources to support the
2 allegations that may have caused a report to have been made; and

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

7
8 If a report has been made, the court may stay the custody
9 proceeding until the children's division completes its
10 investigation.

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

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

21 21. Any rule or portion of a rule, as that term is defined
22 in section 536.010, that is created under the authority delegated
23 in this section shall become effective only if it complies with
24 and is subject to all of the provisions of chapter 536 and, if
25 applicable, section 536.028. This section and chapter 536 are
26 nonseverable and if any of the powers vested with the general
27 assembly pursuant to chapter 536 to review, to delay the
28 effective date or to disapprove and annul a rule are subsequently

1 held unconstitutional, then the grant of rulemaking authority and
2 any rule proposed or adopted after August 28, 2000, shall be
3 invalid and void.

4 210.152. 1. All identifying information, including
5 telephone reports reported pursuant to section 210.145, relating
6 to reports of abuse or neglect received by the division shall be
7 retained by the division and removed from the records of the
8 division as follows:

9 (1) For investigation reports contained in the central
10 registry, identifying information shall be retained by the
11 division;

12 (2) (a) For investigation reports initiated against a
13 person required to report pursuant to section 210.115, where
14 insufficient evidence of abuse or neglect is found by the
15 division and where the division determines the allegation of
16 abuse or neglect was made maliciously, for purposes of harassment
17 or in retaliation for the filing of a report by a person required
18 to report, identifying information shall be expunged by the
19 division within forty-five days from the conclusion of the
20 investigation;

21 (b) For investigation reports, where insufficient evidence
22 of abuse or neglect is found by the division and where the
23 division determines the allegation of abuse or neglect was made
24 maliciously, for purposes of harassment or in retaliation for the
25 filing of a report, identifying information shall be expunged by
26 the division within forty-five days from the conclusion of the
27 investigation;

28 (c) For investigation reports initiated by a person

1 required to report under section 210.115, where insufficient
2 evidence of abuse or neglect is found by the division,
3 identifying information shall be retained for five years from the
4 conclusion of the investigation. For all other investigation
5 reports where insufficient evidence of abuse or neglect is found
6 by the division, identifying information shall be retained for
7 two years from the conclusion of the investigation. Such reports
8 shall include any exculpatory evidence known by the division,
9 including exculpatory evidence obtained after the closing of the
10 case. At the end of such time period, the identifying
11 information shall be removed from the records of the division and
12 destroyed;

13 (3) For reports where the division uses the family
14 assessment and services approach, identifying information shall
15 be retained by the division;

16 (4) For reports in which the division is unable to locate
17 the child alleged to have been abused or neglected, identifying
18 information shall be retained for ten years from the date of the
19 report and then shall be removed from the records of the
20 division.

21 2. Within ninety days, or within one hundred twenty days in
22 cases involving sexual abuse, or until the division's
23 investigation is complete in cases involving a child fatality or
24 near-fatality, after receipt of a report of abuse or neglect that
25 is investigated, the alleged perpetrator named in the report and
26 the parents of the child named in the report, if the alleged
27 perpetrator is not a parent, shall be notified in writing of any
28 determination made by the division based on the investigation.

1 The notice shall advise either:

2 (1) That the division has determined by a probable cause
3 finding prior to August 28, 2004, or by a preponderance of the
4 evidence after August 28, 2004, that abuse or neglect exists and
5 that the division shall retain all identifying information
6 regarding the abuse or neglect; that such information shall
7 remain confidential and will not be released except to law
8 enforcement agencies, prosecuting or circuit attorneys, or as
9 provided in section 210.150; that the alleged perpetrator has
10 sixty days from the date of receipt of the notice to seek
11 reversal of the division's determination through a review by the
12 child abuse and neglect review board as provided in subsection 4
13 of this section; or

14 (2) That the division has not made a probable cause finding
15 or determined by a preponderance of the evidence that abuse or
16 neglect exists.

17 3. The children's division may reopen a case for review at
18 the request of the alleged perpetrator, the alleged victim, or
19 the office of the child advocate if new, specific, and credible
20 evidence is obtained that the division's decision was based on
21 fraud or misrepresentation of material facts relevant to the
22 division's decision and there is credible evidence that absent
23 such fraud or misrepresentation the division's decision would
24 have been different. If the alleged victim is under the age of
25 eighteen, the request for review may be made by the alleged
26 victim's parent, legal custodian, or legal guardian. All
27 requests to reopen an investigation for review shall be made
28 within a reasonable time and not more than one year after the

1 children's division made its decision. The division shall not
2 reopen a case for review based on any information which the
3 person requesting the review knew, should have known, or could by
4 the exercise of reasonable care have known before the date of the
5 division's final decision in the case, unless the person
6 requesting the review shows by a preponderance of the evidence
7 that he or she could not have provided such information to the
8 division before the date of the division's final decision in the
9 case. Any person, other than the office of the child advocate,
10 who makes a request to reopen a case for review based on facts
11 which the person knows to be false or misleading or who acts in
12 bad faith or with the intent to harass the alleged victim or
13 perpetrator shall not have immunity from any liability, civil or
14 criminal, for providing the information and requesting that the
15 division reopen the investigation. Any person who makes a
16 request to reopen an investigation based on facts which the
17 person knows to be false shall be guilty of a class A
18 misdemeanor. The children's division shall not reopen an
19 investigation under any circumstances while the case is pending
20 before a court of this state nor when a court has entered a final
21 judgment after de novo judicial review pursuant to this section.

22 4. Any person named in an investigation as a perpetrator
23 who is aggrieved by a determination of abuse or neglect by the
24 division as provided in this section may seek an administrative
25 review by the child abuse and neglect review board pursuant to
26 the provisions of section 210.153. Such request for review shall
27 be made within sixty days of notification of the division's
28 decision under this section. In those cases where criminal

1 charges arising out of facts of the investigation are pending,
2 the request for review shall be made within sixty days from the
3 court's final disposition or dismissal of the charges.

4 5. In any such action for administrative review, the child
5 abuse and neglect review board shall sustain the division's
6 determination if such determination was supported by evidence of
7 probable cause prior to August 28, 2004, or is supported by a
8 preponderance of the evidence after August 28, 2004, and is not
9 against the weight of such evidence. The child abuse and neglect
10 review board hearing shall be closed to all persons except the
11 parties, their attorneys and those persons providing testimony on
12 behalf of the parties.

13 6. If the alleged perpetrator is aggrieved by the decision
14 of the child abuse and neglect review board, the alleged
15 perpetrator may seek de novo judicial review in the circuit court
16 in the county in which the alleged perpetrator resides and in
17 circuits with split venue, in the venue in which the alleged
18 perpetrator resides, or in Cole County. If the alleged
19 perpetrator is not a resident of the state, proper venue shall be
20 in Cole County. The case may be assigned to the family court
21 division where such a division has been established. The request
22 for a judicial review shall be made within sixty days of
23 notification of the decision of the child abuse and neglect
24 review board decision. In reviewing such decisions, the circuit
25 court shall provide the alleged perpetrator the opportunity to
26 appear and present testimony. The alleged perpetrator may
27 subpoena any witnesses except the alleged victim or the reporter.
28 However, the circuit court shall have the discretion to allow the

1 parties to submit the case upon a stipulated record.

2 7. In any such action for administrative review, the child
3 abuse and neglect review board shall notify the child or the
4 parent, guardian or legal representative of the child that a
5 review has been requested.

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

12 "The investigation is being undertaken by the Children's
13 Division pursuant to the requirements of chapter 210 of the
14 Revised Missouri Statutes in response to a report of child abuse
15 or neglect.

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

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

23 The division shall make every reasonable attempt to complete
24 the investigation within [thirty days, except if a child involved
25 in the pending investigation dies the investigation shall remain
26 open until the division's investigation surrounding the death is
27 completed.] forty-five days, except for good cause which shall be
28 documented, otherwise, within ninety days, or one hundred and

1 twenty days after receipt of a report of abuse or neglect
2 involving sexual abuse, or when the division's investigation is
3 complete in cases involving a child fatality or near-fatality,
4 you will receive a letter from the Division which will inform you
5 of one of the following:

6 (1) That the Division has found insufficient evidence of
7 abuse or neglect; or

8 (2) That there appears to be by a preponderance of the
9 evidence reason to suspect the existence of child abuse or
10 neglect in the judgment of the Division and that the Division
11 will contact the family to offer social services.

12 If the Division finds by a preponderance of the evidence
13 reason to believe child abuse or neglect has occurred or the case
14 is substantiated by court adjudication, a record of the report
15 and information gathered during the investigation will remain on
16 file with the Division.

17 If you disagree with the determination of the Division and
18 feel that there is insufficient reason to believe by a
19 preponderance of the evidence that abuse or neglect has occurred,
20 you have a right to request an administrative review at which
21 time you may hire an attorney to represent you. If you request
22 an administrative review on the issue, you will be notified of
23 the date and time of your administrative review hearing by the
24 child abuse and neglect review board. If the Division's decision
25 is reversed by the child abuse and neglect review board, the
26 Division records concerning the report and investigation will be
27 updated to reflect such finding. If the child abuse and neglect
28 review board upholds the Division's decision, an appeal may be

1 filed in circuit court within sixty days of the child abuse and
2 neglect review board's decision."

3 2. If the division uses the family assessment approach, the
4 division shall at the time of the initial contact provide the
5 parent of the child with the following information:

6 (1) The purpose of the contact with the family;

7 (2) The name of the person responding and his or her office
8 telephone number;

9 (3) The assessment process to be followed during the
10 division's intervention with the family including the possible
11 services available and expectations of the family.

12 334.950. 1. As used in this section, the following terms
13 shall mean:

14 (1) "Child abuse medical resource centers", medical
15 institutions affiliated with accredited children's hospitals or
16 recognized institutions of higher education with accredited
17 medical school programs that provide training, support,
18 mentoring, and peer review to SAFE CARE providers in Missouri;

19 (2) "SAFE CARE provider", a physician, advanced practice
20 nurse, or physician's assistant licensed in this state who
21 provides medical diagnosis and treatment to children suspected of
22 being victims of abuse and who receives:

23 (a) Missouri-based initial intensive training regarding
24 child maltreatment from the SAFE CARE network;

25 (b) Ongoing update training on child maltreatment from the
26 SAFE CARE network;

27 (c) Peer review and new provider mentoring regarding the
28 forensic evaluation of children suspected of being victims of

1 abuse from the SAFE CARE network;

2 (3) "Sexual assault forensic examination child abuse
3 resource education network" or "SAFE CARE network", a network of
4 SAFE CARE providers and child abuse medical resource centers that
5 collaborate to provide forensic evaluations, medical training,
6 support, mentoring, and peer review for SAFE CARE providers for
7 the medical evaluation of child abuse victims in this state to
8 improve outcomes for children who are victims of or at risk for
9 child maltreatment by enhancing the skills and role of the
10 medical provider in a multidisciplinary context.

11 2. Child abuse medical resource centers may collaborate
12 directly or through the use of technology with SAFE CARE
13 providers to promote improved services to children who are
14 suspected victims of abuse that will need to have a forensic
15 medical evaluation conducted by providing specialized training
16 for forensic medical evaluations for children conducted in a
17 hospital, child advocacy center, or by a private health care
18 professional without the need for a collaborative agreement
19 between the child abuse medical resource center and a SAFE CARE
20 provider.

21 3. SAFE CARE providers who are a part of the SAFE CARE
22 network in Missouri may collaborate directly or through the use
23 of technology with other SAFE CARE providers and child abuse
24 medical resource centers to promote improved services to children
25 who are suspected victims of abuse that will need to have a
26 forensic medical evaluation conducted by providing specialized
27 training for forensic medical evaluations for children conducted
28 in a hospital, child advocacy center, or by a private health care

1 professional without the need for a collaborative agreement
2 between the child abuse medical resource center and a SAFE CARE
3 provider.

4 4. The SAFE CARE network shall develop recommendations
5 concerning medically based screening processes and forensic
6 evidence collection for children who may be in need of an
7 emergency examination following an alleged sexual assault. Such
8 recommendations shall be provided to the SAFE CARE providers,
9 child advocacy centers, hospitals and licensed practitioners that
10 provide emergency examinations for children suspected of being
11 victims of abuse.

12 5. The department of public safety shall establish rules
13 and make payments to SAFE CARE providers, out of appropriations
14 made for that purpose, who provide forensic examinations of
15 persons under eighteen years of age who are alleged victims of
16 physical abuse.

17 431.056. 1. A minor shall be qualified and competent to
18 contract for housing, employment, purchase of an automobile,
19 receipt of a student loan, admission to high school or
20 postsecondary school, obtaining medical care, establishing a bank
21 account, admission to a shelter for victims of domestic violence,
22 as defined in section 455.200, or a homeless shelter, and receipt
23 of services as a victim of domestic [and] violence or sexual
24 [violence] abuse, including but not limited to counseling, court
25 advocacy, financial assistance, and other advocacy services, if:

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

27 (2) The minor is homeless, as defined in subsection 1 of
28 section 167.020, or a victim of domestic violence, as defined in

1 section 455.200, unless the child is under the supervision of the
2 children's division or the jurisdiction of the juvenile court;
3 and

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

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

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

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

18 a. Barring the minor from the home or otherwise indicating
19 that the minor is not welcome to stay;

20 b. Refusing to provide any or all financial support for the
21 minor; or

22 c. Abusing or neglecting the minor, as defined in section
23 210.110 or committing an act or acts of domestic violence against
24 the minor, as defined in section 455.010.

25 2. A minor who is sixteen years of age or older and who is
26 in the legal custody of the children's division pursuant to an
27 order of a court of competent jurisdiction shall be qualified and
28 competent to contract for the purchase of automobile insurance

1 with the consent of the children's division or the juvenile
2 court. The minor shall be responsible for paying the costs of
3 the insurance premiums and shall be liable for damages caused by
4 his or her negligent operation of a motor vehicle. No state
5 department, foster parent, or entity providing case management of
6 children on behalf of a department shall be responsible for
7 paying any insurance premiums nor liable for any damages of any
8 kind as a result of the operation of a motor vehicle by the
9 minor.