

SECOND REGULAR SESSION

# HOUSE BILL NO. 2066

## 91ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES KELLEY (47), PHILLIPS, HUNTER (Co-sponsors),  
RIDGEWAY AND BEHNEN.

Read 1<sup>st</sup> time February 27, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4123L.011

---

### AN ACT

To amend chapter 210, RSMo, by adding thereto three new sections relating to the office of child protection information, with a penalty provision.

---

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

Section A. Chapter 210, RSMo, is amended by adding thereto three new sections, to be  
2 known as sections 210.960, 210.963 and 210.965, to read as follows:

**210.960. 1. There is hereby established within the office of the secretary of state the  
2 "Office of Child Protection Information" which shall answer questions, assist with  
3 procedural issues, monitor personnel, and help solve the grievances of persons with  
4 children who have received or are receiving child protective services.**

**5 2. The office shall be administered by a state ombudsman who shall be appointed  
6 by the secretary of state and devote his or her entire time to the duties of the state  
7 ombudsman's position. The state ombudsman shall serve for a term of four years and may  
8 be reappointed. To the maximum extent possible, the office of child protection information  
9 shall be functionally separate from the department's child protective services  
10 responsibilities. The secretary of state shall have no supervision, authority, or control over  
11 the actions or decisions of the state ombudsman or the office of child protection  
12 information.**

**13 3. The office shall establish and implement procedures for receiving, processing,  
14 responding to questions, assisting with procedural issues, monitoring personnel, and  
15 resolving complaints made by persons with children who have received or are receiving  
16 child protective services relating to action, inaction, or decisions of social services agencies,  
17 juvenile officers, law enforcement, and the courts as deemed appropriate by the advisory  
18 commission established in section 210.963. Any investigation or complaint regarding**

19 personnel that is determined by the office to be substantiated shall be reported to the  
20 appropriate supervisors for such personnel.

21 4. The office shall establish and implement procedures for resolution of complaints.

22 The ombudsman or representatives of the office shall have the authority to:

23 (1) Enter the home of a child who has received or is receiving child protective  
24 services if given permission by the child's parent or legal guardian who resides at such  
25 home and is requesting assistance from the office of child protection information;

26 (2) Enter any school or child care facility attended by the child and have access to  
27 children in the school or facility at a reasonable time and in a reasonable manner;

28 (3) Make the necessary inquiries and review such information and records as the  
29 ombudsman or representative of the office deems necessary to accomplish the objective of  
30 answering questions, providing procedural assistance, and verifying complaints.

31 5. The office shall acknowledge questions and complaints, report any findings,  
32 make recommendations, gather and disseminate information and other material, and  
33 publicize its existence.

34 6. The office shall analyze and monitor the development and implementation of  
35 federal, state, and local laws, rules, and policies with respect to child protective services in  
36 the state and shall recommend to the general assembly and department changes in such  
37 laws, rules, and policies deemed by the office to be appropriate.

38 7. The office shall develop and establish by rule statewide policies and standards  
39 for implementing the activities of the ombudsman program, including the qualifications  
40 and the training of regional ombudsman coordinators and ombudsman volunteers.

41 8. The office shall develop and propose programs for use, training, and  
42 coordination of volunteers in conjunction with regional ombudsman coordinators and  
43 may:

44 (1) Establish and conduct recruitment programs for volunteers;

45 (2) Establish and conduct training seminars, meetings, and other programs for  
46 volunteers; and

47 (3) Supply personnel, written materials, and such other reasonable assistance,  
48 including publicizing their activities, as may be deemed necessary.

49 9. The office shall prepare a written notice setting forth the address and telephone  
50 number of the office, a brief explanation of the function of the office, the procedure to  
51 follow in filing a complaint, and other pertinent information. At the time a child is taken  
52 into protective custody, such written notice shall be provided by a department employee,  
53 law enforcement, or juvenile officer to the person from whom custody of the child is being  
54 taken.

**210.963. 1. The office of child protection information shall be advised by a "Child Protection Information Advisory Commission" which is hereby created and shall be comprised of eleven members. Two members shall be appointed by the director of the department of social services, one of whom shall be a frontline child protective services worker, and nine members shall be appointed by the secretary of state with the advice and consent of the senate, with three members appointed to represent the public, one member appointed to represent law enforcement, two members appointed to represent juvenile officers, two members appointed to represent parents with children who have received child protective services, and two members appointed to represent child care facilities. The secretary of state shall appoint impartial members who will thoroughly and fairly review the actions of the state in the investigation of alleged child abuse and neglect cases and the provision of child protective services.**

**2. The two members appointed by the department shall serve for the duration of their employment with the department or until the department, at the department's discretion, appoints a successor. The term of office for members appointed by the secretary of state shall be four years; except that of those first appointed, three members shall be appointed to two-year terms, three members shall be appointed to three-year terms, and three members shall be appointed to four-year terms. Members appointed by the secretary of state shall serve until their successors are duly appointed and qualified and vacancies shall be filled by appointment for the remaining portion of the unexpired term created by the vacancy.**

**3. The members of the commission shall be reimbursed for actual and necessary expenses incurred in the performance of their duties while in attendance at committee meetings.**

**4. The commission shall:**

**(1) Assist the office of child protection information with policy issues and the development of an ombudsman program to ensure statewide consistency in addressing grievances of and the dissemination of information to persons with children who have received or are receiving child protective services;**

**(2) Evaluate the impact of the state laws related to child protective services and the rules promulgated thereunder on the children who have received or are receiving child protective services and their families;**

**(3) Review and assess the impact of enforcement policies on children who have received or are receiving child protective services and their families;**

**(4) Recommend to the department, law enforcement, juvenile officers, the courts, and the general assembly, as appropriate, changes in procedure, rules, or law which would**

37 **facilitate child protective services procedures;**

38 **(5) Recommend rules establishing an expedited review of substantiated cases as**  
39 **determined by the department;**

40 **(6) Conduct hearings, determine facts, and make inquiries consistent with the**  
41 **purposes of this section; and**

42 **(7) Prepare an annual report for the general assembly detailing any relevant**  
43 **information, statistics, and recommendations, including but not limited to information on**  
44 **the number of children involved in actions by the office, the number of complaints**  
45 **received, and any abuses by officials.**

**210.965. 1. Any files maintained by the office of child protection information and**  
2 **the ombudsman program shall be disclosed only at the discretion of the ombudsman**  
3 **having authority over the disposition of such files; except that the identity of any**  
4 **complainant or child shall not be disclosed by such ombudsman unless:**

5 **(1) Such complainant or the child's parent or legal guardian consents in writing to**  
6 **such disclosure;**

7 **(2) The immediate health, safety, or welfare of such child requires such disclosure;**  
8 **or**

9 **(3) Such disclosure is required by court order.**

10 **2. Any representative of the office conducting or participating in any examination**  
11 **of a question or complaint who shall knowingly and willfully disclose to any person other**  
12 **than the office, or those authorized by the office to receive such question or complaint, the**  
13 **name of any witness examined or any information obtained or given upon such**  
14 **examination, shall be guilty of a class A misdemeanor.**

15 **3. Any statement or communication made by the office relevant to a question or**  
16 **complaint received by, proceedings before or activities of the office, and any complaint or**  
17 **information made or provided in good faith by any person, shall be absolutely privileged**  
18 **and such person shall be immune from suit.**

19 **4. The office shall not be required to testify in any court with respect to matters**  
20 **held to be confidential in this section except as the court may deem necessary to enforce the**  
21 **provisions of sections 210.960 to 210.965, or where otherwise required by court order.**