

# HOUSE COMMITTEE BILL NO. 11

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE NEELY.

6460H.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 193.265, 210.003, 210.110, 210.112, 210.145, 210.487, 210.498, 211.093, 431.056, 453.121, and 610.021, RSMo, and to enact in lieu thereof twelve new sections relating to persons under protective custody.

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

Section A. Sections 193.265, 210.003, 210.110, 210.112, 210.145, 210.487, 210.498, 211.093, 431.056, 453.121, and 610.021, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 193.265, 210.003, 210.110, 210.112, 210.145, 210.487, 210.498, 210.1030, 211.093, 431.056, 453.121, and 610.021, to read as follows:

193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. **No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division or division of youth services on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court under section 211.031.** All fees shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public services health fund established in section

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation  
15 to the division of professional registration to pay its expenses in administering sections 214.270  
16 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund  
17 shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section  
18 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be  
19 transferred and placed to the credit of general revenue until the amount in the fund at the end of  
20 the biennium exceeds three times the amount of the appropriation from the endowed care  
21 cemetery audit fund for the preceding fiscal year. The money deposited in the public health  
22 services fund under this section shall be deposited in a separate account in the fund, and moneys  
23 in such account, upon appropriation, shall be used to automate and improve the state vital  
24 records system, and develop and maintain an electronic birth and death registration system. For  
25 any search of the files and records, when no record is found, the state shall be entitled to a fee  
26 equal to the amount for a certification of a vital record for a five-year search to be paid by the  
27 applicant. For the processing of each legitimation, adoption, court order or recording after the  
28 registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a  
29 certification of a vital record. Except whenever a certified copy or copies of a vital record is  
30 required to perfect any claim of any person on relief, or any dependent of any person who was  
31 on relief for any claim upon the government of the state or United States, the state registrar shall,  
32 upon request, furnish a certified copy or so many certified copies as are necessary, without any  
33 fee or compensation therefor.

34 2. For the issuance of a certification of a death record by the local registrar, the applicant  
35 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each  
36 additional copy ordered at that time. For the issuance of a certification or copy of a birth,  
37 marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except  
38 that, in any county with a charter form of government and with more than six hundred thousand  
39 but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected  
40 by the local registrar over and above any fees required by law when a certification or copy of any  
41 marriage license or birth certificate is provided, with such donations collected to be forwarded  
42 monthly by the local registrar to the county treasurer of such county and the donations so  
43 forwarded to be deposited by the county treasurer into the housing resource commission fund to  
44 assist homeless families and provide financial assistance to organizations addressing  
45 homelessness in such county. The local registrar shall include a check-off box on the application  
46 form for such copies. All fees, other than the donations collected in any county with a charter  
47 form of government and with more than six hundred thousand but fewer than seven hundred  
48 thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official  
49 city or county health agency. A certified copy of a death record by the local registrar can only

50 be issued within twenty-four hours of receipt of the record by the local registrar.  
 51 Computer-generated certifications of death records may be issued by the local registrar after  
 52 twenty-four hours of receipt of the records. The fees paid to the official county health agency  
 53 shall be retained by the local agency for local public health purposes.

210.003. 1. No child shall be permitted to enroll in or attend any public, private or  
 2 parochial day care center, preschool or nursery school caring for ten or more children unless such  
 3 child has been adequately immunized against vaccine-preventable childhood illnesses specified  
 4 by the department of health and senior services in accordance with recommendations of the  
 5 Centers for Disease Control and Prevention Advisory Committee on Immunization Practices  
 6 (ACIP). The parent or guardian of such child shall provide satisfactory evidence of the required  
 7 immunizations.

8 2. A child who has not completed all immunizations appropriate for his age may enroll,  
 9 if

10 (1) Satisfactory evidence is produced that such child has begun the process of  
 11 immunization. The child may continue to attend as long as the immunization process is being  
 12 accomplished according to the ACIP/Missouri department of health and senior services  
 13 recommended schedule; ~~[or]~~

14 (2) The parent or guardian has signed and placed on file with the day care administrator  
 15 a statement of exemption which may be either of the following:

16 (a) A medical exemption, by which a child shall be exempted from the requirements of  
 17 this section upon certification by a licensed physician that such immunization would seriously  
 18 endanger the child's health or life; or

19 (b) A parent or guardian exemption, by which a child shall be exempted from the  
 20 requirements of this section if one parent or guardian files a written objection to immunization  
 21 with the day care administrator; or

22 **(3) The child is homeless or in the custody of the children's division and cannot**  
 23 **provide satisfactory evidence of the required immunizations. Satisfactory evidence shall**  
 24 **be presented within thirty days of enrollment and shall confirm either that the child has**  
 25 **completed all immunizations appropriate for his or her age or has begun the process of**  
 26 **immunization. If the child has begun the process of immunization, he or she may continue**  
 27 **to attend as long as the process is being accomplished according to the schedule**  
 28 **recommended by the department of health and senior services.**

29

30 Exemptions shall be accepted by the day care administrator when the necessary information as  
 31 determined by the department of health and senior services is filed with the day care

32 administrator by the parent or guardian. Exemption forms shall be provided by the department  
33 of health and senior services.

34 3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease  
35 within a particular facility, the administrator of the facility shall follow the control measures  
36 instituted by the local health authority or the department of health and senior services or both the  
37 local health authority and the department of health and senior services, as established in Rule 19  
38 CSR 20-20.040, "Measures for the Control of Communicable, **Environmental and**  
39 **Occupational** Diseases".

40 4. The administrator of each public, private or parochial day care center, preschool or  
41 nursery school shall cause to be prepared a record of immunization of every child enrolled in or  
42 attending a facility under his jurisdiction. An annual summary report shall be made by January  
43 fifteenth showing the immunization status of each child enrolled, using forms provided for this  
44 purpose by the department of health and senior services. The immunization records shall be  
45 available for review by department of health and senior services personnel upon request.

46 5. For purposes of this section, satisfactory evidence of immunization means a statement,  
47 certificate or record from a physician or other recognized health facility or personnel, stating that  
48 the required immunizations have been given to the child and verifying the type of vaccine and  
49 the month, day and year of administration.

50 6. Nothing in this section shall preclude any political subdivision from adopting more  
51 stringent rules regarding the immunization of preschool children.

52 7. All public, private, and parochial day care centers, preschools, and nursery schools  
53 shall notify the parent or guardian of each child at the time of initial enrollment in or attendance  
54 at the facility that the parent or guardian may request notice of whether there are children  
55 currently enrolled in or attending the facility for whom an immunization exemption has been  
56 filed. Beginning December 1, 2015, all public, private, and parochial day care centers,  
57 preschools, and nursery schools shall notify the parent or guardian of each child currently  
58 enrolled in or attending the facility that the parent or guardian may request notice of whether  
59 there are children currently enrolled in or attending the facility for whom an immunization  
60 exemption has been filed. Any public, private, or parochial day care center, preschool, or nursery  
61 school shall notify the parent or guardian of a child enrolled in or attending the facility, upon  
62 request, of whether there are children currently enrolled in or attending the facility for whom an  
63 immunization exemption has been filed.

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the  
2 following terms mean:

3 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child  
4 other than by accidental means by those responsible for the child's care, custody, and control,

5 except that discipline including spanking, administered in a reasonable manner, shall not be  
6 construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or  
7 severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);

8 (2) “Assessment and treatment services for children ~~[under ten years old]~~”, an approach  
9 to be developed by the children’s division which will recognize and treat the specific needs of  
10 at-risk and abused or neglected children ~~[under the age of ten]~~. The developmental and medical  
11 assessment may be a broad physical, developmental, and mental health screening to be  
12 completed within thirty days of a child’s entry into custody and ~~[every six months]~~ **in**  
13 **accordance with the periodicity schedule set forth by the American Academy of Pediatrics**  
14 thereafter as long as the child remains in care. Screenings may be offered at a centralized  
15 location and include, at a minimum, the following:

16 (a) Complete physical to be performed by a pediatrician familiar with the effects of abuse  
17 and neglect on young children;

18 (b) Developmental, behavioral, and emotional screening in addition to early periodic  
19 screening, diagnosis, and treatment services, including a core set of standardized and recognized  
20 instruments as well as interviews with the child and appropriate caregivers. The screening  
21 battery may be performed by a licensed mental health professional familiar with the effects of  
22 abuse and neglect on young children, who will then serve as the liaison between all service  
23 providers in ensuring that needed services are provided. Such treatment services may include  
24 in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family  
25 counseling, parenting training and other best practices.

26  
27 Children whose screenings indicate an area of concern may complete a comprehensive, in-depth  
28 health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

29 (3) “Central registry”, a registry of persons where the division has found probable cause  
30 to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004,  
31 or a court has substantiated through court adjudication that the individual has committed child  
32 abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to  
33 section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if the victim  
34 is a child less than eighteen years of age, or any other crime pursuant to chapter 566 if the victim  
35 is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older,  
36 a crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023,  
37 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such  
38 crimes. Any persons placed on the registry prior to August 28, 2004, shall remain on the registry  
39 for the duration of time required by section 210.152;

40 (4) "Child", any person, regardless of physical or mental condition, under eighteen years  
41 of age;

42 (5) "Children's services providers and agencies", any public, quasi-public, or private  
43 entity with the appropriate and relevant training and expertise in delivering services to children  
44 and their families as determined by the children's division, and capable of providing direct  
45 services and other family services for children in the custody of the children's division or any  
46 such entities or agencies that are receiving state moneys for such services;

47 (6) "Director", the director of the Missouri children's division within the department of  
48 social services;

49 (7) "Division", the Missouri children's division within the department of social services;

50 (8) "Family assessment and services", an approach to be developed by the children's  
51 division which will provide for a prompt assessment of a child who has been reported to the  
52 division as a victim of abuse or neglect by a person responsible for that child's care, custody or  
53 control and of that child's family, including risk of abuse and neglect and, if necessary, the  
54 provision of community-based services to reduce the risk and support the family;

55 (9) "Family support team meeting" or "team meeting", a meeting convened by the  
56 division or children's services provider in behalf of the family and/or child for the purpose of  
57 determining service and treatment needs, determining the need for placement and developing a  
58 plan for reunification or other permanency options, determining the appropriate placement of the  
59 child, evaluating case progress, and establishing and revising the case plan;

60 (10) "Investigation", the collection of physical and verbal evidence to determine if a  
61 child has been abused or neglected;

62 (11) "Jail or detention center personnel", employees and volunteers working in any  
63 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is  
64 provided to persons who are being held under custody of the law;

65 (12) "Neglect", failure to provide, by those responsible for the care, custody, and control  
66 of the child, the proper or necessary support, education as required by law, nutrition or medical,  
67 surgical, or any other care necessary for the child's well-being. Victims of neglect shall also  
68 include any victims of sex trafficking or severe forms of trafficking as those terms are defined  
69 in 22 U.S.C. 78 Section 7102(9)-(10);

70 (13) "Preponderance of the evidence", that degree of evidence that is of greater weight  
71 or more convincing than the evidence which is offered in opposition to it or evidence which as  
72 a whole shows the fact to be proved to be more probable than not;

73 (14) "Probable cause", available facts when viewed in the light of surrounding  
74 circumstances which would cause a reasonable person to believe a child was abused or  
75 neglected;

76 (15) "Report", the communication of an allegation of child abuse or neglect to the  
77 division pursuant to section 210.115;

78 (16) "Those responsible for the care, custody, and control of the child", includes, but is  
79 not limited to:

80 (a) The parents or legal guardians of a child;

81 (b) Other members of the child's household;

82 (c) Those exercising supervision over a child for any part of a twenty-four-hour day;

83 (d) Any person who has access to the child based on relationship to the parents of the  
84 child or members of the child's household or the family; or

85 (e) Any person who takes control of the child by deception, force, or coercion.

210.112. 1. It is the policy of this state and its agencies to implement a foster care and  
2 child protection and welfare system focused on providing the highest quality of services and  
3 outcomes for children and their families. The department of social services shall implement such  
4 system subject to the following principles:

5 (1) The safety and welfare of children is paramount;

6 (2) Providers of direct services to children and their families will be evaluated in a  
7 uniform and consistent basis;

8 (3) Services to children and their families shall be provided in a timely manner to  
9 maximize the opportunity for successful outcomes; and

10 (4) Any provider of direct services to children and families shall have the appropriate  
11 and relevant training, education, and expertise to provide the highest quality of services possible  
12 which shall be consistent with the federal standards, but not less than the standards and policies  
13 used by the children's division as of January 1, 2004.

14 2. On or before July 1, 2005, and subject to appropriations, the children's division and  
15 any other state agency deemed necessary by the division shall, in consultation with the  
16 community and providers of services, enter into and implement contracts with qualified  
17 children's services providers and agencies to provide a comprehensive and deliberate system of  
18 service delivery for children and their families. Contracts shall be awarded through a  
19 competitive process and provided by children's services providers and agencies currently  
20 contracting with the state to provide such services and by public and private not-for-profit or  
21 limited liability corporations owned exclusively by not-for-profit corporations children's services  
22 providers and agencies which have:

23 (1) A proven record of providing child welfare services within the state of Missouri  
24 which shall be consistent with the federal standards, but not less than the standards and policies  
25 used by the children's division as of January 1, 2004; and

26 (2) The ability to provide a range of child welfare services, which may include case  
27 management services, family-centered services, foster and adoptive parent recruitment and  
28 retention, residential care, in-home services, foster care services, adoption services, relative care  
29 case management, planned permanent living services, and family reunification services.

30

31 No contracts shall be issued for services related to the child abuse and neglect hotline,  
32 investigations of alleged abuse and neglect, and initial family assessments. Any contracts  
33 entered into by the division shall be in accordance with all federal laws and regulations, and shall  
34 not result in the loss of federal funding. Such children's services providers and agencies under  
35 contract with the division shall be subject to all federal, state, and local laws and regulations  
36 relating to the provision of such services, and shall be subject to oversight and inspection by  
37 appropriate state agencies to assure compliance with standards which shall be consistent with  
38 the federal standards, but not less than the standards and policies used by the children's division  
39 as of January 1, 2004.

40 3. In entering into and implementing contracts under subsection 2 of this section, the  
41 division shall consider and direct their efforts towards geographic areas of the state, including  
42 Greene County, where eligible direct children's services providers and agencies are currently  
43 available and capable of providing a broad range of services, including case management  
44 services, family-centered services, foster and adoptive parent recruitment and retention,  
45 residential care, family preservation services, foster care services, adoption services, relative care  
46 case management, other planned living arrangements, and family reunification services  
47 consistent with federal guidelines. Nothing in this subsection shall prohibit the division from  
48 contracting on an as-needed basis for any individual child welfare service listed above.

49 4. The contracts entered into under this section shall assure that:

50 (1) Child welfare services shall be delivered to a child and the child's family by  
51 professionals who have substantial and relevant training, education, or competencies otherwise  
52 demonstrated in the area of children and family services;

53 (2) Children's services providers and agencies shall be evaluated by the division based  
54 on objective, consistent, and performance-based criteria;

55 (3) Any case management services provided shall be subject to a case management plan  
56 established under subsection 5 of this section which is consistent with all relevant federal  
57 guidelines. The case management plan shall focus on attaining permanency in children's living  
58 conditions to the greatest extent possible and shall include concurrent planning and independent  
59 living where appropriate in accordance with the best interests of each child served and  
60 considering relevant factors applicable to each individual case as provided by law, including:



61 (a) The interaction and interrelationship of a child with the child's foster parents,  
62 biological or adoptive parents, siblings, and any other person who may significantly affect the  
63 child's best interests;

64 (b) A child's adjustment to his or her foster home, school, and community;

65 (c) The mental and physical health of all individuals involved, including any history of  
66 abuse of or by any individuals involved;

67 (d) The needs of the child for a continuing relationship with the child's biological or  
68 adoptive parents and the ability and willingness of the child's biological or adoptive parents to  
69 actively perform their functions as parents with regard to the needs of the child; and

70 (e) For any child ~~under ten years old~~, treatment services may be available as defined  
71 in section 210.110. Assessments, as defined in section 210.110, may occur to determine which  
72 treatment services best meet the child's psychological and social needs. When the assessment  
73 indicates that a child's needs can be best resolved by intensive twenty-four-hour treatment  
74 services, the division will locate, contract, and place the child with the appropriate organizations.  
75 This placement will be viewed as the least restrictive for the child based on the assessment;

76 (4) The delivery system shall have sufficient flexibility to take into account children and  
77 families on a case-by-case basis;

78 (5) The delivery system shall provide a mechanism for the assessment of strategies to  
79 work with children and families immediately upon entry into the system to maximize  
80 permanency and successful outcome in the shortest time possible and shall include concurrent  
81 planning. Outcome measures for private and public agencies shall be equal for each program;  
82 and

83 (6) Payment to the children's services providers and agencies shall be made based on the  
84 reasonable costs of services, including responsibilities necessary to execute the contract.  
85 Contracts shall provide incentives in addition to the costs of services provided in recognition of  
86 accomplishment of the case goals and the corresponding cost savings to the state. The division  
87 shall promulgate rules to implement the provisions of this subdivision.

88 5. Contracts entered into under this section shall require that a case management plan  
89 consistent with all relevant federal guidelines shall be developed for each child at the earliest  
90 time after the initial investigation, but in no event longer than ~~fourteen~~ **thirty** days after the  
91 initial investigation or referral to the contractor by the division. Such case management plan  
92 shall be presented to the court and be the foundation of service delivery to the child and family.  
93 The case management plan shall, at a minimum, include:

94 (1) An outcome target based on the child and family situation achieving permanency or  
95 independent living, where appropriate;

96 (2) Services authorized and necessary to facilitate the outcome target;

97 (3) Time frames in which services will be delivered; and

98 (4) Necessary evaluations and reporting.

99

100 In addition to any visits and assessments required under case management, services to be  
 101 provided by a public or private children's services provider under the specific case management  
 102 plan may include family-centered services, foster and adoptive parent recruitment and retention,  
 103 residential care, in-home services, foster care services, adoption services, relative care case  
 104 services, planned permanent living services, and family reunification services. In all cases, an  
 105 appropriate level of services shall be provided to the child and family after permanency is  
 106 achieved to assure a continued successful outcome.

107 6. The division shall convene a task force to review the recruitment, licensing and  
 108 retention of foster and adoptive parents statewide. In addition to representatives of the division  
 109 and department, the task force shall include representatives of the private sector and faith-based  
 110 community which provide recruitment and licensure services. The purpose of the task force shall  
 111 and will be to study the extent to which changes in the system of recruiting, licensing, and  
 112 retaining foster and adoptive parents would enhance the effectiveness of the system statewide.  
 113 The task force shall develop a report of its findings with recommendations by December 1, 2011,  
 114 and provide copies of the report to the general assembly and to the governor.

115 7. On or before July 15, 2006, and each July fifteenth thereafter that the project is in  
 116 operation, the division shall submit a report to the general assembly which shall include:

117 (1) Details about the specifics of the contracts, including the number of children and  
 118 families served, the cost to the state for contracting such services, the current status of the  
 119 children and families served, an assessment of the quality of services provided and outcomes  
 120 achieved, and an overall evaluation of the project; and

121 (2) Any recommendations regarding the continuation or possible statewide  
 122 implementation of such project; and

123 (3) Any information or recommendations directly related to the provision of direct  
 124 services for children and their families that any of the contracting children's services providers  
 125 and agencies request to have included in the report.

126 8. The division shall accept as prima facie evidence of completion of the requirements  
 127 for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the  
 128 following nationally recognized bodies: the Council on Accreditation of Services, Children and  
 129 Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on  
 130 Accreditation of Rehabilitation Facilities. The division shall not require any further evidence  
 131 of qualification for licensure if such proof of voluntary accreditation is submitted.

132 9. By February 1, 2005, the children's division shall promulgate and have in effect rules  
133 to implement the provisions of this section and, pursuant to this section, shall define  
134 implementation plans and dates. Any rule or portion of a rule, as that term is defined in section  
135 536.010, that is created under the authority delegated in this section shall become effective only  
136 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
137 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
138 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove  
139 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
140 and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

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

- 2 (1) Ensuring the well-being and safety of the child in instances where child abuse or  
3 neglect has been alleged;
- 4 (2) Promoting the preservation and reunification of children and families consistent with  
5 state and federal law;
- 6 (3) Providing due process for those accused of child abuse or neglect; and
- 7 (4) Maintaining an information system operating at all times, capable of receiving and  
8 maintaining reports. This information system shall have the ability to receive reports over a  
9 single, statewide toll-free number. Such information system shall maintain the results of all  
10 investigations, family assessments and services, and other relevant information.

11 2. The division shall utilize structured decision-making protocols for classification  
12 purposes of all child abuse and neglect reports. The protocols developed by the division shall  
13 give priority to ensuring the well-being and safety of the child. All child abuse and neglect  
14 reports shall be initiated within twenty-four hours and shall be classified based upon the reported  
15 risk and injury to the child. The division shall promulgate rules regarding the structured  
16 decision-making protocols to be utilized for all child abuse and neglect reports.

17 3. Upon receipt of a report, the division shall determine if the report merits investigation,  
18 including reports which if true would constitute a suspected violation of any of the following:  
19 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen  
20 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,  
21 or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the  
22 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than  
23 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or  
24 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such  
25 crimes. The division shall immediately communicate all reports that merit investigation to its  
26 appropriate local office and any relevant information as may be contained in the information  
27 system. The local division staff shall determine, through the use of protocols developed by the

28 division, whether an investigation or the family assessment and services approach should be used  
29 to respond to the allegation. The protocols developed by the division shall give priority to  
30 ensuring the well-being and safety of the child.

31 **4. The division may accept a report for investigation or family assessment if either**  
32 **the child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the**  
33 **incident occurred in Missouri.**

34 **5. The division may accept a report if the child has recently resided in Missouri, but**  
35 **he or she is currently located in another state and the reported incident occurred outside**  
36 **of Missouri. If the report appears credible, the division shall immediately communicate**  
37 **such report to the appropriate agency or agencies in the state where the child is believed**  
38 **to be located, along with any relevant information as may be contained in the division's**  
39 **information system.**

40 **6.** When the child abuse and neglect hotline receives three or more calls, within a  
41 seventy-two hour period, from one or more individuals concerning the same child, the division  
42 shall conduct a review to determine whether the calls meet the criteria and statutory definition  
43 for a child abuse and neglect report to be accepted. In conducting the review, the division shall  
44 contact the hotline caller or callers in order to collect information to determine whether the calls  
45 meet the criteria for harassment.

46 ~~[5-]~~ **7.** The local office shall contact the appropriate law enforcement agency immediately  
47 upon receipt of a report which division personnel determine merits an investigation and provide  
48 such agency with a detailed description of the report received. In such cases the local division  
49 office shall request the assistance of the local law enforcement agency in all aspects of the  
50 investigation of the complaint. The appropriate law enforcement agency shall either assist the  
51 division in the investigation or provide the division, within twenty-four hours, an explanation  
52 in writing detailing the reasons why it is unable to assist.

53 ~~[6-]~~ **8.** The local office of the division shall cause an investigation or family assessment  
54 and services approach to be initiated in accordance with the protocols established in subsection  
55 2 of this section, except in cases where the sole basis for the report is educational neglect. If the  
56 report indicates that educational neglect is the only complaint and there is no suspicion of other  
57 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the  
58 report. If the report indicates the child is in danger of serious physical harm or threat to life, an  
59 investigation shall include direct observation of the subject child within twenty-four hours of the  
60 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct  
61 observation. Callers to the child abuse and neglect hotline shall be instructed by the division's  
62 hotline to call 911 in instances where the child may be in immediate danger. If the parents of the  
63 child are not the alleged perpetrators, a parent of the child must be notified prior to the child

64 being interviewed by the division. No person responding to or investigating a child abuse and  
65 neglect report shall call prior to a home visit or leave any documentation of any attempted visit,  
66 such as business cards, pamphlets, or other similar identifying information if he or she has a  
67 reasonable basis to believe the following factors are present:

- 68 (1) (a) No person is present in the home at the time of the home visit; and  
69 (b) The alleged perpetrator resides in the home or the physical safety of the child may  
70 be compromised if the alleged perpetrator becomes aware of the attempted visit;  
71 (2) The alleged perpetrator will be alerted regarding the attempted visit; or  
72 (3) The family has a history of domestic violence or fleeing the community.

73

74 If the alleged perpetrator is present during a visit by the person responding to or investigating the  
75 report, such person shall provide written material to the alleged perpetrator informing him or her  
76 of his or her rights regarding such visit, including but not limited to the right to contact an  
77 attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written  
78 material or have such material read to him or her by the case worker before the visit commences,  
79 but in no event shall such time exceed five minutes; except that, such requirement to provide  
80 written material and reasonable time to read such material shall not apply in cases where the  
81 child faces an immediate threat or danger, or the person responding to ~~or~~ investigating the report  
82 is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in  
83 a school or child care facility the division shall not meet with the child in any school building  
84 or child-care facility building where abuse of such child is alleged to have occurred. When the  
85 child is reported absent from the residence, the location and the well-being of the child shall be  
86 verified. For purposes of this subsection, "child care facility" shall have the same meaning as  
87 such term is defined in section 210.201.

88 [7-] 9. The director of the division shall name at least one chief investigator for each  
89 local division office, who shall direct the division response on any case involving a second or  
90 subsequent incident regarding the same subject child or perpetrator. The duties of a chief  
91 investigator shall include verification of direct observation of the subject child by the division  
92 and shall ensure information regarding the status of an investigation is provided to the public  
93 school district liaison. The public school district liaison shall develop protocol in conjunction  
94 with the chief investigator to ensure information regarding an investigation is shared with  
95 appropriate school personnel. The superintendent of each school district shall designate a  
96 specific person or persons to act as the public school district liaison. Should the subject child  
97 attend a nonpublic school the chief investigator shall notify the school principal of the  
98 investigation. Upon notification of an investigation, all information received by the public  
99 school district liaison or the school shall be subject to the provisions of the federal Family

100 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34  
101 C.F.R., Part 99.

102 ~~[8.]~~ **10.** The investigation shall include but not be limited to the nature, extent, and cause  
103 of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect;  
104 the names and conditions of other children in the home, if any; the home environment and the  
105 relationship of the subject child to the parents or other persons responsible for the child's care;  
106 any indication of incidents of physical violence against any other household or family member;  
107 and other pertinent data.

108 ~~[9.]~~ **11.** When a report has been made by a person required to report under section  
109 210.115, the division shall contact the person who made such report within forty-eight hours of  
110 the receipt of the report in order to ensure that full information has been received and to obtain  
111 any additional information or medical records, or both, that may be pertinent.

112 ~~[10.]~~ **12.** Upon completion of the investigation, if the division suspects that the report  
113 was made maliciously or for the purpose of harassment, the division shall refer the report and  
114 any evidence of malice or harassment to the local prosecuting or circuit attorney.

115 ~~[11.]~~ **13.** Multidisciplinary teams shall be used whenever conducting the investigation  
116 as determined by the division in conjunction with local law enforcement. Multidisciplinary  
117 teams shall be used in providing protective or preventive social services, including the services  
118 of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court,  
119 and other agencies, both public and private.

120 ~~[12.]~~ **14.** For all family support team meetings involving an alleged victim of child abuse  
121 or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or  
122 custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the  
123 child shall be provided notice and be permitted to attend all such meetings. Family members,  
124 other than alleged perpetrators, or other community informal or formal service providers that  
125 provide significant support to the child and other individuals may also be invited at the discretion  
126 of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal  
127 guardian or custodian and the foster parents may request that other individuals, other than alleged  
128 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or  
129 attends such team meetings, the division or the convenor of the meeting shall provide such  
130 persons with notice of all such subsequent meetings involving the child. Families may determine  
131 whether individuals invited at their discretion shall continue to be invited.

132 ~~[13.]~~ **15.** If the appropriate local division personnel determine after an investigation has  
133 begun that completing an investigation is not appropriate, the division shall conduct a family  
134 assessment and services approach. The division shall provide written notification to local law  
135 enforcement prior to terminating any investigative process. The reason for the termination of

136 the investigative process shall be documented in the record of the division and the written  
137 notification submitted to local law enforcement. Such notification shall not preclude nor prevent  
138 any investigation by law enforcement.

139 ~~[14.]~~ **16.** If the appropriate local division personnel determines to use a family  
140 assessment and services approach, the division shall:

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

143 (2) Provide services which are voluntary and time-limited unless it is determined by the  
144 division based on the assessment of risk that there will be a high risk of abuse or neglect if the  
145 family refuses to accept the services. The division shall identify services for families where it  
146 is determined that the child is at high risk of future abuse or neglect. The division shall  
147 thoroughly document in the record its attempt to provide voluntary services and the reasons these  
148 services are important to reduce the risk of future abuse or neglect to the child. If the family  
149 continues to refuse voluntary services or the child needs to be protected, the division may  
150 commence an investigation;

151 (3) Commence an immediate investigation if at any time during the family assessment  
152 and services approach the division determines that an investigation, as delineated in sections  
153 210.109 to 210.183, is required. The division staff who have conducted the assessment may  
154 remain involved in the provision of services to the child and family;

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

157 ~~[15.]~~ **17.** (1) Within forty-five days of an oral report of abuse or neglect, the local office  
158 shall update the information in the information system. The information system shall contain,  
159 at a minimum, the determination made by the division as a result of the investigation, identifying  
160 information on the subjects of the report, those responsible for the care of the subject child and  
161 other relevant dispositional information. The division shall complete all investigations within  
162 forty-five days, unless good cause for the failure to complete the investigation is specifically  
163 documented in the information system. Good cause for failure to complete an investigation shall  
164 include, but not be limited to:

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

168 (b) The attorney general or the prosecuting or circuit attorney of the city or county in  
169 which a criminal investigation is pending certifies in writing to the division that there is a  
170 pending criminal investigation of the incident under investigation by the division and the issuing  
171 of a decision by the division will adversely impact the progress of the investigation; or

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

176

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

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

181 (3) If the investigation is not completed within forty-five days, the information system  
182 shall be updated at regular intervals and upon the completion of the investigation, which shall  
183 be completed no later than ninety days after receipt of a report of abuse or neglect, or one  
184 hundred twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until  
185 the division's investigation is complete in cases involving a child fatality or near-fatality. The  
186 information in the information system shall be updated to reflect any subsequent findings,  
187 including any changes to the findings based on an administrative or judicial hearing on the  
188 matter.

189 ~~[16.]~~ **18.** A person required to report under section 210.115 to the division and any  
190 person making a report of child abuse or neglect made to the division which is not made  
191 anonymously shall be informed by the division of his or her right to obtain information  
192 concerning the disposition of his or her report. Such person shall receive, from the local office,  
193 if requested, information on the general disposition of his or her report. Such person may  
194 receive, if requested, findings and information concerning the case. Such release of information  
195 shall be at the discretion of the director based upon a review of the reporter's ability to assist in  
196 protecting the child or the potential harm to the child or other children within the family. The  
197 local office shall respond to the request within forty-five days. The findings shall be made  
198 available to the reporter within five days of the outcome of the investigation. If the report is  
199 determined to be unsubstantiated, the reporter may request that the report be referred by the  
200 division to the office of child advocate for children's protection and services established in  
201 sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall  
202 refer an unsubstantiated report of child abuse or neglect to the office of child advocate for  
203 children's protection and services.

204 ~~[17.]~~ **19.** The division shall provide to any individual who is not satisfied with the results  
205 of an investigation information about the office of child advocate and the services it may provide  
206 under sections 37.700 to 37.730.



207           ~~[18.]~~ **20.** In any judicial proceeding involving the custody of a child the fact that a report  
208 may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

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

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

215

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

218           ~~[19.]~~ **21.** **Nothing in this chapter shall be construed to prohibit the children's**  
219 **division from coinvestigating a report of child abuse or neglect or sharing records and**  
220 **information with child welfare, law enforcement, or judicial officers of another state,**  
221 **territory, or nation if the children's division determines it is appropriate to do so under the**  
222 **standard set forth in subsection 4 of section 210.150 and if such receiving agency is**  
223 **exercising its authority under the law.**

224           **22.** In any judicial proceeding involving the custody of a child where the court  
225 determines that the child is in need of services under paragraph (d) of subdivision (1) of  
226 subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or  
227 custodian shall not be entered into the registry.

228           ~~[20.]~~ **23.** The children's division is hereby granted the authority to promulgate rules and  
229 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the  
230 provisions of sections 210.109 to 210.183.

231           ~~[21.]~~ **24.** Any rule or portion of a rule, as that term is defined in section 536.010, that is  
232 created under the authority delegated in this section shall become effective only if it complies  
233 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
234 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
235 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
236 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
237 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

          210.487. 1. When conducting investigations of persons for the purpose of foster parent  
2 licensing, the division shall:

3           (1) Conduct a search for all persons over the age of seventeen in the applicant's  
4 household and for any child less than seventeen years of age residing in the applicant's home who  
5 the division has determined has been certified as an adult for the commission of a crime for

6 evidence of full orders of protection. The office of state courts administrator shall allow access  
7 to the automated court information system by the division. The clerk of each court contacted by  
8 the division shall provide the division information within ten days of a request; ~~and]~~

9 (2) Obtain ~~[three sets of]~~ fingerprints for any person over the age of seventeen in the  
10 applicant's household and for any child less than seventeen years of age residing in the applicant's  
11 home who the division has determined has been certified as an adult for the commission of a  
12 crime in the same manner set forth in subsection 2 of section 210.482. ~~[One set of fingerprints  
13 shall be used by the highway patrol to search the criminal history repository, one set shall be  
14 forwarded to the Federal Bureau of Investigation for searching the federal criminal history files,  
15 and one set shall be forwarded to and retained by the division.]~~ The highway patrol shall assist  
16 the division and provide the criminal fingerprint background information, upon request, **in**  
17 **accordance with the provisions of section 43.540**; and

18 (3) Determine whether any person over the age of seventeen residing in the home and  
19 any child less than seventeen years of age residing in the applicant's home who the division has  
20 determined has been certified as an adult for the commission of a crime is listed on the child  
21 abuse and neglect registry. For any children less than seventeen years of age residing in the  
22 applicant's home, the children's division shall inquire of the applicant whether any children less  
23 than seventeen years of age residing in the home have ever been certified as an adult and been  
24 convicted of or pled guilty or nolo contendere to any crime.

25 2. After the initial investigation is completed under subsection 1 of this section:

26 (1) No person who submits fingerprints under subsection 1 of this section or section  
27 210.482 shall be required to submit additional fingerprints under this section or section 210.482  
28 unless the original fingerprints retained by the division are lost or destroyed; ~~and]~~

29 (2) **The highway patrol shall provide ongoing electronic updates to criminal history**  
30 **background checks of those persons previously submitted as part of the licensing or**  
31 **approval process under subsection 1 of this section. Ongoing electronic updates for such**  
32 **persons and for those in their households shall terminate when such persons cease to be**  
33 **applicants or licensed foster parents; and**

34 (3) The children's division and the department of health and senior services may waive  
35 the requirement for a fingerprint background check for any subsequent recertification.

36 3. Subject to appropriation, the total cost of fingerprinting required by this section may  
37 be paid by the state, including reimbursement of persons incurring fingerprinting costs under this  
38 section.

39 4. The division may make arrangements with other executive branch agencies to obtain  
40 any investigative background information.

41           5. The division may promulgate rules that are necessary to implement the provisions of  
42 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
43 created under the authority delegated in this section shall become effective only if it complies  
44 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
45 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
46 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
47 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
48 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

210.498. **1.** Any parent or legal guardian **of a child in foster care** may have access to  
2 investigation records kept by the division regarding ~~[a decision for]~~ the denial ~~[of or the]~~ ,  
3 suspension, or revocation of ~~[a]~~ **the** license ~~[to a specific person to operate or maintain]~~ **of** a  
4 foster home ~~[if such specific person does or may provide services or care to a child of the person~~  
5 ~~requesting the information]~~ **in which the child was placed.** The request for the release of such  
6 information shall be made to the division director or the director's designee, in writing, by the  
7 parent or legal guardian of the child and shall be accompanied ~~[with]~~ **by** a signed and notarized  
8 release form from the person who does or may provide care or services to the child. The  
9 notarized release form shall include the full name, date of birth and Social Security number of  
10 the person who does or may provide care or services to a child. The response shall include only  
11 information pertaining to the nature and disposition of any denial, suspension, or revocation of  
12 a license to operate a foster home. This response shall not include any identifying information  
13 regarding any person other than the person to whom a foster home license was denied,  
14 suspended, or revoked. **The response shall not include financial, medical, or other personal**  
15 **information relating to the foster home provider or the foster home provider's family**  
16 **unless the division determines that the information is directly relevant to the disposition**  
17 **of the investigation and report.** The response shall be given within ten working days of the  
18 time it was received by the division.

19           **2.** The division may disclose or utilize information and records relating to foster  
20 homes in its discretion and as needed for the administration of the foster care program  
21 including, but not limited to, the licensure of foster homes and for the protection, care, and  
22 safety of children who are or who may be placed in foster care.

23           **3.** Upon written request, the director of the department of social services shall  
24 authorize the disclosure of information and findings pertaining to foster homes in cases of  
25 child fatalities or near-fatalities to courts, juvenile officers, law enforcement agencies, and  
26 prosecuting and circuit attorneys that have a need for the information to conduct their  
27 duties under law. Nothing in this subsection shall otherwise preclude the disclosure of such  
28 information as provided for under subsection 5 of section 210.150.

29           **4. The division may disclose information and records pertaining to foster homes to**  
 30 **juvenile officers, courts, the office of child advocate, guardians ad litem, law enforcement**  
 31 **agencies, child welfare agencies, child placement agencies, prosecuting attorneys, and other**  
 32 **local, state, and federal government agencies that have a need for the information to**  
 33 **conduct their duties under law.**

34           **5. Information and records pertaining to the licensure of foster homes and the care**  
 35 **and treatment of children in foster homes shall be considered closed records under chapter**  
 36 **610 and may only be disclosed and utilized under this section.**

**210.1030. 1. There is hereby created the “Trauma-Informed Care for Children and**  
 2 **Families Task Force”. The mission of the task force shall be to promote the healthy**  
 3 **development of children and their families living in Missouri communities by promoting**  
 4 **comprehensive trauma-informed children and family support systems and interagency**  
 5 **cooperation.**

6           **2. The task force shall consist of the following members:**

7           **(1) The directors, or their designees, of the departments of elementary and**  
 8 **secondary education, health and senior services, mental health, social services, public**  
 9 **safety, and corrections;**

10          **(2) The director, or his or her designee, of the office of child advocate;**

11          **(3) Six members from the private sector with knowledge of trauma-informed care**  
 12 **methods, two of whom shall be appointed by the speaker of the house of representatives,**  
 13 **one of whom shall be appointed by the minority leader of the house of representatives, two**  
 14 **of whom shall be appointed by the president pro tempore of the senate, and one of whom**  
 15 **shall be appointed by the minority leader of the senate;**

16          **(4) Two members of the house of representatives appointed by the speaker of the**  
 17 **house of representatives and one member of the house of representatives appointed by the**  
 18 **minority leader of the house of representatives; and**

19          **(5) Two members of the senate appointed by the president pro tempore of the**  
 20 **senate and one member of the senate appointed by the minority leader of the senate.**

21           **3. The task force shall incorporate evidence-based and evidence-informed best**  
 22 **practices including, but not limited to, the Missouri Model: A Developmental Framework**  
 23 **for Trauma-Informed, with respect to:**

24           **(1) Early identification of children and youth and their families, as appropriate,**  
 25 **who have experienced or are at risk of experiencing trauma;**

26           **(2) The expeditious referral of such children and youth and their families, as**  
 27 **appropriate, who require specialized services to the appropriate trauma-informed support**  
 28 **services, including treatment, in accordance with applicable privacy laws; and**

29           **(3) The implementation of trauma-informed approaches and interventions in child**  
30 **and youth-serving schools, organizations, homes, and other settings to foster safe, stable,**  
31 **and nurturing environments and relationships that prevent and mitigate the effects of**  
32 **trauma.**

33           **4. The staff of senate research, house research, and the joint committee on**  
34 **legislative research shall provide such legal, research, clerical, technical, and bill drafting**  
35 **services as the task force may require in the performance of its duties.**

36           **5. The task force, its members, and any staff assigned to the task force shall receive**  
37 **reimbursement for their actual and necessary expenses incurred in attending meetings of**  
38 **the task force or any subcommittee thereof.**

39           **6. The task force shall meet within two months of the effective date of this section.**

40           **7. The task force shall report a summary of its activities and any recommendations**  
41 **for legislation to the general assembly by January 1, 2019.**

42           **8. The task force shall terminate on January 1, 2019.**

211.093. **1. Any order or judgment entered by the court under authority of this chapter**  
2 **or chapter 210 shall, so long as [~~such order or judgment remains in effect~~] the juvenile court**  
3 **exercises continuing jurisdiction, take precedence over any order or judgment concerning the**  
4 **status or custody of a child under [age] twenty-one years of age entered by a court under**  
5 **authority of chapter 452, 453, 454 or 455, or orders of guardianship under chapter 475, but**  
6 **only to the extent inconsistent therewith.**

7           **2. In addition to all other powers conveyed upon the court by this chapter and**  
8 **chapter 210, any court exercising jurisdiction over a child under subdivision (1) of**  
9 **subsection 1 of section 211.031 shall have authority to enter an order regarding custody of**  
10 **the child under chapter 452, enter a child support order computed under the guidelines set**  
11 **forth in section 452.340, and establish rights of visitation for the parents of the child. In**  
12 **every case in which the juvenile or family court exercises authority over a child under**  
13 **subdivision (1) or (2) of subsection 1 of section 211.031, the court shall have concurrent**  
14 **authority and jurisdiction with the circuit court to enter a final order and judgment**  
15 **establishing the paternity of the child's biological father under the uniform parentage act**  
16 **under sections 210.817 to 210.852, unless the child has a legal father already established**  
17 **under sections 210.817 to 210.852 by affidavit or court order.**

18           **3. Any custody, support, or visitation order entered by the court under subsection**  
19 **2 of this section shall remain in full force and effect after the termination of juvenile court**  
20 **proceedings unless the court's order specifically states otherwise. Any custody, child**  
21 **support, or visitation order shall take precedence over and shall automatically stay any**  
22 **prior orders concerning custody, child support, guardianship, or visitation for the child**

23 under the juvenile court's jurisdiction. Orders entered under subsection 2 of this section  
24 shall remain in full force and effect until a subsequent order with respect to custody, child  
25 support, guardianship, or visitation of the child is entered by a court under the authority  
26 of this chapter or chapter 210, 452, 453, 454, or 455, or orders of guardianship under  
27 chapter 475. Any final judgment and order establishing paternity under this section shall  
28 be a final and binding judgment of the circuit court as in other civil judgments entered  
29 under the uniform parentage act under sections 210.817 to 210.852, and the court may  
30 enter the final paternity judgment and order under a different, nonjuvenile case number.

31 4. If the juvenile court terminates jurisdiction without entering a continuing  
32 custody, support, or visitation order under subsections 2 and 3 of this section, legal and  
33 physical custody of the child shall be returned to the custodian, parent, or legal guardian  
34 who exercised custody prior to the juvenile court assuming jurisdiction under subdivision  
35 (1) of subsection 1 of section 211.031, and any custody or visitation orders in effect at the  
36 time the juvenile court assumed jurisdiction shall be restored.

37 5. The juvenile court shall not have the authority to hear modification motions or  
38 other actions to rehear any orders entered under this section after the juvenile court  
39 terminates jurisdiction on the underlying case. A circuit court in the same county as the  
40 juvenile court shall have jurisdiction to hear any motions for rehearing or modifications  
41 of any orders entered under this section after the juvenile court terminates jurisdiction.  
42 Any future actions shall be conducted under sections 210.817 to 210.852, this chapter, or  
43 chapter 452, 453, 454, 455, or 475, as appropriate.

44 6. On entry of a child support order, the circuit clerk shall follow the procedures  
45 set forth in section 454.412 and upon request send a certified copy of the order to the  
46 family support division.

431.056. 1. A minor shall be qualified and competent to contract for housing,  
2 employment, purchase of an automobile, receipt of a student loan, admission to high school or  
3 postsecondary school, obtaining medical care, establishing a bank account, admission to a shelter  
4 for victims of domestic violence, as ~~defined in section~~ **that phrase is used in sections 455.200**  
5 **to 455.220, a rape crisis center, as defined in section 455.003, or a homeless shelter, and**  
6 receipt of services as a victim of domestic violence or sexual ~~abuse~~ **assault, as such terms are**  
7 **defined in section 455.010**, including but not limited to counseling, court advocacy, financial  
8 assistance, and other advocacy services, if:

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

10 (2) The minor is homeless, as defined in subsection 1 of section 167.020, or a victim of  
11 domestic violence, as defined in section ~~[455.200]~~ **455.010**, unless the child is under the  
12 supervision of the children's division or the jurisdiction of the juvenile court; and

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

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

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

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

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

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

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

28 2. A minor who is sixteen years of age or older and who is in the legal custody of the  
 29 children's division pursuant to an order of a court of competent jurisdiction shall be qualified and  
 30 competent to contract for the purchase of automobile insurance with the consent of the children's  
 31 division or the juvenile court. The minor shall be responsible for paying the costs of the  
 32 insurance premiums and shall be liable for damages caused by his or her negligent operation of  
 33 a motor vehicle. No state department, foster parent, or entity providing case management of  
 34 children on behalf of a department shall be responsible for paying any insurance premiums nor  
 35 liable for any damages of any kind as a result of the operation of a motor vehicle by the minor.

36 **3. A minor who is sixteen years of age or older and who is in the legal custody of**  
 37 **the children's division pursuant to an order of a court of competent jurisdiction shall be**  
 38 **qualified and competent to contract for the opening of a checking or savings bank account**  
 39 **with the consent of the children's division or the juvenile court. The minor shall be**  
 40 **responsible for paying all banking related costs associated with the checking or savings**  
 41 **account and shall be liable for any and all penalties should he or she violate a banking**  
 42 **agreement. No state department, foster parent, or entity providing case management of**  
 43 **children on behalf of a department shall be responsible for paying any bank fees nor liable**  
 44 **for any and all penalties related to violation of a banking agreement.**

453.121. 1. As used in this section, unless the context clearly indicates otherwise, the  
 2 following terms mean:

3 (1) "Adopted adult", any adopted person who is eighteen years of age or over;

4 (2) "Adopted child", any adopted person who is less than eighteen years of age;

5 (3) "Adult sibling", any brother or sister of the whole or half blood who is eighteen years  
6 of age or over;

7 (4) "Biological parent", the natural and biological mother or father of the adopted child;

8 (5) "Identifying information", information which includes the name, date of birth, place  
9 of birth and last known address of the biological parent;

10 (6) "Lineal descendant", a legal descendant of a person as defined in section 472.010;

11 (7) "Nonidentifying information", information concerning the physical description,  
12 nationality, religious background and medical history of the biological parent or sibling.

13 2. All papers, records, and information pertaining to an adoption whether part of any  
14 permanent record or file may be disclosed only in accordance with this section.

15 3. Nonidentifying information, if known, concerning undisclosed biological parents or  
16 siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive  
17 parents, legal guardians, adopted adult or the adopted adult's lineal descendants if the adopted  
18 adult is deceased, upon written request therefor.

19 4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is  
20 deceased, may make a written request to the circuit court having original jurisdiction of such  
21 adoption to secure and disclose information identifying the adopted adult's biological parents.  
22 If the biological parents have consented to the release of identifying information under  
23 subsection 8 of this section, the court shall disclose such identifying information to the adopted  
24 adult or the adopted adult's lineal descendants if the adopted adult is deceased. If the biological  
25 parents have not consented to the release of identifying information under subsection 8 of this  
26 section, the court shall, within ten days of receipt of the request, notify in writing the child-  
27 placing agency or juvenile court personnel having access to the information requested of the  
28 request by the adopted adult or the adopted adult's lineal descendants.

29 5. Within three months after receiving notice of the request of the adopted adult, or the  
30 adopted adult's lineal descendants, the child-placing agency or the juvenile court personnel shall  
31 make reasonable efforts to notify the biological parents of the request of the adopted adult or the  
32 adopted adult's lineal descendants. The child-placing agency or juvenile court personnel may  
33 charge actual costs to the adopted adult or the adopted adult's lineal descendants for the cost of  
34 making such search. All communications under this subsection are confidential. For purposes  
35 of this subsection, "notify" means a personal and confidential contact with the biological parent  
36 of the adopted adult, which initial contact shall be made by an employee of the child-placing  
37 agency which processed the adoption, juvenile court personnel or some other licensed child-  
38 placing agency designated by the child-placing agency or juvenile court. Nothing in this section  
39 shall be construed to permit the disclosure of communications privileged pursuant to section  
40 491.060. At the end of three months, the child-placing agency or juvenile court personnel shall



41 file a report with the court stating that each biological parent that was located was given the  
42 following information:

- 43 (1) The nature of the identifying information to which the agency has access;
- 44 (2) The nature of any nonidentifying information requested;
- 45 (3) The date of the request of the adopted adult or the adopted adult's lineal descendants;
- 46 (4) The right of the biological parent to file an affidavit with the court stating that the  
47 identifying information should be disclosed;
- 48 (5) The effect of a failure of the biological parent to file an affidavit stating that the  
49 identifying information should be disclosed.

50 6. If the child-placing agency or juvenile court personnel reports to the court that it has  
51 been unable to notify the biological parent within three months, the identifying information shall  
52 not be disclosed to the adopted adult or the adopted adult's lineal descendants. Additional  
53 requests for the same or substantially the same information may not be made to the court within  
54 one year from the end of the three-month period during which the attempted notification was  
55 made, unless good cause is shown and leave of court is granted.

56 7. If, within three months, the child-placing agency or juvenile court personnel reports  
57 to the court that it has notified the biological parent pursuant to subsection 5 of this section, the  
58 court shall receive the identifying information from the child-placing agency. If an affidavit duly  
59 executed by a biological parent authorizing the release of information is filed with the court or  
60 if a biological parent is found to be deceased, the court shall disclose the identifying information  
61 as to that biological parent to the adopted adult or the adopted adult's lineal descendants if the  
62 adopted adult is deceased, provided that the other biological parent either:

- 63 (1) Is unknown;
- 64 (2) Is known but cannot be found and notified pursuant to ~~[section 5 of this act]~~  
65 **subsection 5 of this section;**
- 66 (3) Is deceased; or
- 67 (4) Has filed with the court an affidavit authorizing release of identifying information.

68

69 If the biological parent fails or refuses to file an affidavit with the court authorizing the release  
70 of identifying information, then the identifying information shall not be released to the adopted  
71 adult. No additional request for the same or substantially the same information may be made  
72 within three years of the time the biological parent fails or refuses to file an affidavit authorizing  
73 the release of identifying information.

74 8. Any adopted adult whose adoption was finalized in this state or whose biological  
75 parents had their parental rights terminated in this state may request the court to secure and  
76 disclose identifying information concerning an adult sibling. Identifying information pertaining

77 exclusively to the adult sibling, whether part of the permanent record of a file in the court or in  
78 an agency, shall be released only upon consent of that adult sibling.

79 9. The central office of the children's division within the department of social services  
80 shall maintain a registry by which biological parents, adult siblings, and adoptive adults may  
81 indicate their desire to be contacted by each other. The division may request such identification  
82 for the registry as a party may possess to assure positive identifications. At the time of registry,  
83 a biological parent or adult sibling may consent in writing to the release of identifying  
84 information to an adopted adult. If such a consent has not been executed and the division  
85 believes that a match has occurred on the registry between biological parents or adult siblings  
86 and an adopted adult, an employee of the division shall make the confidential contact provided  
87 in subsection 5 of this section with the biological parents or adult siblings and with the adopted  
88 adult. If the division believes that a match has occurred on the registry between one biological  
89 parent or adult sibling and an adopted adult, an employee of the division shall make the  
90 confidential contact provided by subsection 5 of this section with the biological parent or adult  
91 sibling. The division shall then attempt to make such confidential contact with the other  
92 biological parent, and shall proceed thereafter to make such confidential contact with the adopted  
93 adult only if the division determines that the other biological parent meets one of the conditions  
94 specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult  
95 may refuse to go forward with any further contact between the parties when contacted by the  
96 division.

97 10. The provisions of this section, except as provided in subsection 5 of this section  
98 governing the release of identifying and nonidentifying adoptive information apply to adoptions  
99 completed before and after August 13, 1986.

100 **11. All papers, records, and information known to or in the possession of an**  
101 **adoptive parent or adoptive child that pertain to an adoption, regardless of whether part**  
102 **of any permanent record or file, may be disclosed by the adoptive parent or adoptive child.**  
103 **The provisions of this subsection shall not be construed to create a right to have access to**  
104 **information not otherwise allowed under this section.**

610.021. Except to the extent disclosure is otherwise required by law, a public  
2 governmental body is authorized to close meetings, records and votes, to the extent they relate  
3 to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental body  
5 and any confidential or privileged communications between a public governmental body or its  
6 representatives and its attorneys. However, any minutes, vote or settlement agreement relating  
7 to legal actions, causes of action or litigation involving a public governmental body or any agent  
8 or entity representing its interests or acting on its behalf or with its authority, including any

9 insurance company acting on behalf of a public government body as its insured, shall be made  
10 public upon final disposition of the matter voted upon or upon the signing by the parties of the  
11 settlement agreement, unless, prior to final disposition, the settlement agreement is ordered  
12 closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the  
13 action clearly outweighs the public policy considerations of section 610.011, however, the  
14 amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed;  
15 provided, however, in matters involving the exercise of the power of eminent domain, the vote  
16 shall be announced or become public immediately following the action on the motion to  
17 authorize institution of such a legal action. Legal work product shall be considered a closed  
18 record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where public  
20 knowledge of the transaction might adversely affect the legal consideration therefor. However,  
21 any minutes, vote or public record approving a contract relating to the leasing, purchase or sale  
22 of real estate by a public governmental body shall be made public upon execution of the lease,  
23 purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public  
25 governmental body when personal information about the employee is discussed or recorded.  
26 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,  
27 promote or discipline an employee of a public governmental body shall be made available with  
28 a record of how each member voted to the public within seventy-two hours of the close of the  
29 meeting where such action occurs; provided, however, that any employee so affected shall be  
30 entitled to prompt notice of such decision during the seventy-two-hour period before such  
31 decision is made available to the public. As used in this subdivision, the term "personal  
32 information" means information relating to the performance or merit of individual employees;

33 (4) The state militia or national guard or any part thereof;

34 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,  
35 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or  
36 treatment;

37 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including  
38 records of individual test or examination scores; however, personally identifiable student records  
39 maintained by public educational institutions shall be open for inspection by the parents,  
40 guardian or other custodian of students under the age of eighteen years and by the parents,  
41 guardian or other custodian and the student if the student is over the age of eighteen years;

42 (7) Testing and examination materials, before the test or examination is given or, if it  
43 is to be given again, before so given again;

44 (8) Welfare cases of identifiable individuals;

- 45 (9) Preparation, including any discussions or work product, on behalf of a public  
46 governmental body or its representatives for negotiations with employee groups;
- 47 (10) Software codes for electronic data processing and documentation thereof;
- 48 (11) Specifications for competitive bidding, until either the specifications are officially  
49 approved by the public governmental body or the specifications are published for bid;
- 50 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals  
51 and related documents or any documents related to a negotiated contract until a contract is  
52 executed, or all proposals are rejected;
- 53 (13) Individually identifiable personnel records, performance ratings or records  
54 pertaining to employees or applicants for employment, except that this exemption shall not apply  
55 to the names, positions, salaries and lengths of service of officers and employees of public  
56 agencies once they are employed as such, and the names of private sources donating or  
57 contributing money to the salary of a chancellor or president at all public colleges and  
58 universities in the state of Missouri and the amount of money contributed by the source;
- 59 (14) Records which are protected from disclosure by law;
- 60 (15) Meetings and public records relating to scientific and technological innovations in  
61 which the owner has a proprietary interest;
- 62 (16) Records relating to municipal hotlines established for the reporting of abuse and  
63 wrongdoing;
- 64 (17) Confidential or privileged communications between a public governmental body  
65 and its auditor, including all auditor work product; however, all final audit reports issued by the  
66 auditor are to be considered open records pursuant to this chapter;
- 67 (18) Operational guidelines, policies and specific response plans developed, adopted, or  
68 maintained by any public agency responsible for law enforcement, public safety, first response,  
69 or public health for use in responding to or preventing any critical incident which is or appears  
70 to be terrorist in nature and which has the potential to endanger individual or public safety or  
71 health. Financial records related to the procurement of or expenditures relating to operational  
72 guidelines, policies or plans purchased with public funds shall be open. When seeking to close  
73 information pursuant to this exception, the public governmental body shall affirmatively state  
74 in writing that disclosure would impair the public governmental body's ability to protect the  
75 security or safety of persons or real property, and shall in the same writing state that the public  
76 interest in nondisclosure outweighs the public interest in disclosure of the records;
- 77 (19) Existing or proposed security systems and structural plans of real property owned  
78 or leased by a public governmental body, and information that is voluntarily submitted by a  
79 nonpublic entity owning or operating an infrastructure to any public governmental body for use

80 by that body to devise plans for protection of that infrastructure, the public disclosure of which  
81 would threaten public safety:

82 (a) Records related to the procurement of or expenditures relating to security systems  
83 purchased with public funds shall be open;

84 (b) When seeking to close information pursuant to this exception, the public  
85 governmental body shall affirmatively state in writing that disclosure would impair the public  
86 governmental body's ability to protect the security or safety of persons or real property, and shall  
87 in the same writing state that the public interest in nondisclosure outweighs the public interest  
88 in disclosure of the records;

89 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the  
90 receiving agency within ninety days of submission to determine if retention of the document is  
91 necessary in furtherance of a state security interest. If retention is not necessary, the documents  
92 shall be returned to the nonpublic governmental body or destroyed;

93 (20) The portion of a record that identifies security systems or access codes or  
94 authorization codes for security systems of real property;

95 (21) Records that identify the configuration of components or the operation of a  
96 computer, computer system, computer network, or telecommunications network, and would  
97 allow unauthorized access to or unlawful disruption of a computer, computer system, computer  
98 network, or telecommunications network of a public governmental body. This exception shall  
99 not be used to limit or deny access to otherwise public records in a file, document, data file or  
100 database containing public records. Records related to the procurement of or expenditures  
101 relating to such computer, computer system, computer network, or telecommunications network,  
102 including the amount of moneys paid by, or on behalf of, a public governmental body for such  
103 computer, computer system, computer network, or telecommunications network shall be open;

104 (22) Credit card numbers, personal identification numbers, digital certificates, physical  
105 and virtual keys, access codes or authorization codes that are used to protect the security of  
106 electronic transactions between a public governmental body and a person or entity doing business  
107 with a public governmental body. Nothing in this section shall be deemed to close the record  
108 of a person or entity using a credit card held in the name of a public governmental body or any  
109 record of a transaction made by a person using a credit card or other method of payment for  
110 which reimbursement is made by a public governmental body; ~~and~~

111 (23) Records submitted by an individual, corporation, or other business entity to a public  
112 institution of higher education in connection with a proposal to license intellectual property or  
113 perform sponsored research and which contains sales projections or other business plan  
114 information the disclosure of which may endanger the competitiveness of a business; **and**

115           **(24) Records relating to foster home or kinship placements of children in foster care**  
116 **under section 210.498.**

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