

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1613, Page 1, In the Title, Lines 2 to 3, by deleting the words "placement
2 of children across state lines" and inserting in lieu thereof the words "protection of children"; and
3

4 Further amend said bill, Section A, Line 2, by inserting after said section and line the following:
5

6 "135.325. Sections 135.325 to 135.339 shall be known and may be cited as the "[Special
7 Needs] Adoption Tax Credit Act".

8 135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

9 (1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S
10 corporation doing business in the state of Missouri and subject to the state income tax imposed by
11 the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax
12 imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its
13 gross premium receipts in this state, or other financial institution paying taxes to the state of
14 Missouri or any political subdivision of this state under the provisions of chapter 148, or an express
15 company which pays an annual tax on its gross receipts in this state pursuant to chapter 153;

16 (2) "Handicap", a mental, physical, or emotional impairment that substantially limits one or
17 more major life activities, whether the impairment is congenital or acquired by accident, injury or
18 disease, and where the impairment is verified by medical findings;

19 (3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs,
20 attorney fees, and other expenses which are directly related to the legal adoption of a [special-needs]
21 child and which are not incurred in violation of federal, state, or local law;

22 (4) "Special needs child", a child for whom it has been determined by the children's
23 division, or by a child-placing agency licensed by the state, or by a court of competent jurisdiction
24 to be a child:

25 (a) That cannot or should not be returned to the home of his or her parents; and

26 (b) Who has a specific factor or condition such as ethnic background, age, membership in a
27 minority or sibling group, medical condition, or handicap because of which it is reasonable to
28 conclude that such child cannot be easily placed with adoptive parents;

29 (5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter
30 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the
31 withholding of tax as provided for in sections 143.191 to 143.265 and related provisions.

32 135.327. 1. Any person residing in this state who legally adopts a special needs child on or
33 after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit of up to
34 ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied
35 to taxes due under chapter 143. Any business entity providing funds to an employee to enable that
36 employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten

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1 thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to
2 taxes due under such business entity's state tax liability, except that only one ten thousand dollar
3 credit is available for each special needs child that is adopted.

4 2. Any person residing in this state who proceeds in good faith with the adoption of a
5 special needs child on or after January 1, 2000, and before January 1, 2021, shall be eligible to
6 receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child
7 that may be applied to taxes due under chapter 143; provided, however, that beginning on March 29,
8 2013, the tax credits shall only be allocated for the adoption of special needs children who are
9 residents or wards of residents of this state at the time the adoption is initiated. Any business entity
10 providing funds to an employee to enable that employee to proceed in good faith with the adoption
11 of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for
12 nonrecurring adoption expenses for each child that may be applied to taxes due under such business
13 entity's state tax liability, except that only one ten thousand dollar credit is available for each special
14 needs child that is adopted.

15 3. Any person residing in this state who proceeds in good faith with the adoption of a child
16 on or after January 1, 2021, regardless of whether such child is a special needs child, shall be
17 eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for
18 each child that may be applied to taxes due under chapter 143. The tax credit shall be allowed
19 regardless of whether the child adopted is a resident or ward of a resident of this state at the time the
20 adoption is initiated. Any business entity providing funds to an employee to enable that employee
21 to proceed in good faith with the adoption of a child shall be eligible to receive a tax credit of up to
22 ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes
23 due under such business entity's state tax liability; except that, only one credit, of up to ten thousand
24 dollars, is available for each child that is adopted.

25 4. Individuals and business entities may claim a tax credit for their total nonrecurring
26 adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit
27 shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall
28 be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum
29 limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed
30 by taxpayers claiming the credit for nonrecurring adoption expenses in any one fiscal year prior to
31 July 1, 2004, shall not exceed two million dollars. The cumulative amount of tax credits that may
32 be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not be more
33 than two million dollars but may be increased by appropriation in any fiscal year beginning on or
34 after July 1, 2004. For all fiscal years beginning on or after July 1, 2006, applications to claim the
35 adoption tax credit [~~for special needs children who are residents or wards of residents of this state at~~
36 ~~the time the adoption is initiated~~] shall be filed between July first and April fifteenth of each fiscal
37 year.

38 [4.] 5. Notwithstanding any provision of law to the contrary, any individual or business
39 entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed
40 pursuant to this section shall be at a discount rate of seventy-five percent or greater of the amount
41 sold.

42 135.335. In the year of adoption and in any year thereafter in which the credit is carried
43 forward pursuant to section 135.333, the credit shall be reduced by an amount equal to the state's
44 cost of providing care, treatment, maintenance and services when:

45 (1) The [~~special needs~~] child is placed, with no intent to return to the adoptive home, in
46 foster care or residential treatment licensed or operated by the children's division, the division of
47 youth services or the department of mental health; or

48 (2) A juvenile court temporarily or finally relieves the adoptive parents of custody of the
49 [~~special needs~~] child.

1 135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited
2 as the "Tax Credit Accountability Act of 2004".

3 2. As used in sections 135.800 to 135.830, the following terms mean:

4 (1) "Administering agency", the state agency or department charged with administering a
5 particular tax credit program, as set forth by the program's enacting statute; where no department or
6 agency is set forth, the department of revenue;

7 (2) "Agricultural tax credits", the agricultural product utilization contributor tax credit
8 created pursuant to section 348.430, the new generation cooperative incentive tax credit created
9 pursuant to section 348.432, the family farm breeding livestock loan tax credit created under section
10 348.505, the qualified beef tax credit created under section 135.679, and the wine and grape
11 production tax credit created pursuant to section 135.700;

12 (3) "All tax credit programs", or "any tax credit program", the tax credit programs included
13 in the definitions of agricultural tax credits, business recruitment tax credits, community
14 development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental
15 tax credits, financial and insurance tax credits, housing tax credits, redevelopment tax credits, and
16 training and educational tax credits;

17 (4) "Business recruitment tax credits", the business facility tax credit created pursuant to
18 sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to
19 sections 135.200 to 135.270, the business use incentives for large-scale development programs
20 created pursuant to sections 100.700 to 100.850, the development tax credits created pursuant to
21 sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant to section
22 135.535, the film production tax credit created pursuant to section 135.750, the enhanced enterprise
23 zone created pursuant to sections 135.950 to 135.970, and the Missouri quality jobs program created
24 pursuant to sections 620.1875 to 620.1900;

25 (5) "Community development tax credits", the neighborhood assistance tax credit created
26 pursuant to sections 32.100 to 32.125, the family development account tax credit created pursuant to
27 sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to section 320.093, and
28 the transportation development tax credit created pursuant to section 135.545;

29 (6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant to
30 section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic violence
31 created pursuant to section 135.550, the senior citizen or disabled person property tax credit created
32 pursuant to sections 135.010 to 135.035, the ~~special-needs~~ adoption tax credit created pursuant to
33 sections 135.325 to 135.339, the champion for children tax credit created pursuant to section
34 135.341, the maternity home tax credit created pursuant to section 135.600, the surviving spouse tax
35 credit created pursuant to section 135.090, the residential treatment agency tax credit created
36 pursuant to section 135.1150, the pregnancy resource center tax credit created pursuant to section
37 135.630, the food pantry tax credit created pursuant to section 135.647, the health care access fund
38 tax credit created pursuant to section 135.575, the residential dwelling access tax credit created
39 pursuant to section 135.562, the developmental disability care provider tax credit created under
40 section 135.1180, the shared care tax credit created pursuant to section 192.2015, and the diaper
41 bank tax credit created pursuant to section 135.621;

42 (7) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections 135.400
43 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529,
44 the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new enterprise
45 creation tax credit created pursuant to sections 620.635 to 620.653, the research tax credit created
46 pursuant to section 620.1039, the small business incubator tax credit created pursuant to section
47 620.495, the guarantee fee tax credit created pursuant to section 135.766, and the new generation
48 cooperative tax credit created pursuant to sections 32.105 to 32.125;

49 (8) "Environmental tax credits", the charcoal producer tax credit created pursuant to section

1 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and the
2 alternative fuel stations tax credit created pursuant to section 135.710;

3 (9) "Financial and insurance tax credits", the bank franchise tax credit created pursuant to
4 section 148.030, the bank tax credit for S corporations created pursuant to section 143.471, the exam
5 fee tax credit created pursuant to section 148.400, the health insurance pool tax credit created
6 pursuant to section 376.975, the life and health insurance guaranty tax credit created pursuant to
7 section 376.745, the property and casualty guaranty tax credit created pursuant to section 375.774,
8 and the self-employed health insurance tax credit created pursuant to section 143.119;

9 (10) "Housing tax credits", the neighborhood preservation tax credit created pursuant to
10 sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350
11 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125;

12 (11) "Recipient", the individual or entity who is the original applicant for and who receives
13 proceeds from a tax credit program directly from the administering agency, the person or entity
14 responsible for the reporting requirements established in section 135.805;

15 (12) "Redevelopment tax credits", the historic preservation tax credit created pursuant to
16 sections 253.545 to 253.559, the brownfield redevelopment program tax credit created pursuant to
17 sections 447.700 to 447.718, the community development corporations tax credit created pursuant to
18 sections 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection 6 of section
19 100.286, the bond guarantee tax credit created pursuant to section 100.297, the disabled access tax
20 credit created pursuant to section 135.490, the new markets tax credit created pursuant to section
21 135.680, and the distressed areas land assemblage tax credit created pursuant to section 99.1205;

22 (13) "Training and educational tax credits", the Missouri works new jobs tax credit and
23 Missouri works retained jobs credit created pursuant to sections 620.800 to 620.809.

24 160.261. 1. The local board of education of each school district shall clearly establish a
25 written policy of discipline, including the district's determination on the use of corporal punishment
26 and the procedures in which punishment will be applied. A written copy of the district's discipline
27 policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent
28 or legal guardian of every pupil enrolled in the district at the beginning of each school year and also
29 made available in the office of the superintendent of such district, during normal business hours, for
30 public inspection. All employees of the district shall annually receive instruction related to the
31 specific contents of the policy of discipline and any interpretations necessary to implement the
32 provisions of the policy in the course of their duties, including but not limited to approved methods
33 of dealing with acts of school violence, disciplining students with disabilities and instruction in the
34 necessity and requirements for confidentiality.

35 2. The policy shall require school administrators to report acts of school violence to all
36 teachers at the attendance center and, in addition, to other school district employees with a need to
37 know. For the purposes of this chapter or chapter 167, "need to know" is defined as school
38 personnel who are directly responsible for the student's education or who otherwise interact with the
39 student on a professional basis while acting within the scope of their assigned duties. As used in
40 this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical
41 force by a student with the intent to do serious physical injury as defined in section 556.061 to
42 another person while on school property, including a school bus in service on behalf of the district,
43 or while involved in school activities. The policy shall at a minimum require school administrators
44 to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the
45 following crimes, or any act which if committed by an adult would be one of the following crimes:

46 (1) First degree murder under section 565.020;

47 (2) Second degree murder under section 565.021;

48 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping
49 in the first degree under section 565.110;

- 1 (4) First degree assault under section 565.050;
- 2 (5) Rape in the first degree under section 566.030;
- 3 (6) Sodomy in the first degree under section 566.060;
- 4 (7) Burglary in the first degree under section 569.160;
- 5 (8) Burglary in the second degree under section 569.170;
- 6 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017,
- 7 or robbery in the first degree under section 570.023;
- 8 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or
- 9 manufacture of a controlled substance under section 579.055;
- 10 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1,
- 11 2017, or delivery of a controlled substance under section 579.020;
- 12 (12) Arson in the first degree under section 569.040;
- 13 (13) Voluntary manslaughter under section 565.023;
- 14 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017,
- 15 involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in
- 16 the second degree under section 565.027;
- 17 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or
- 18 second degree assault under section 565.052;
- 19 (16) Rape in the second degree under section 566.031;
- 20 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or
- 21 kidnapping in the second degree under section 565.120;
- 22 (18) Property damage in the first degree under section 569.100;
- 23 (19) The possession of a weapon under chapter 571;
- 24 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to
- 25 January 1, 2017, or child molestation in the first, second, or third degree pursuant to section
- 26 566.067, 566.068, or 566.069;
- 27 (21) Sodomy in the second degree pursuant to section 566.061;
- 28 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 29 (23) Sexual abuse in the first degree pursuant to section 566.100;
- 30 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment
- 31 in the first degree under section 565.090; or
- 32 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the
- 33 first degree under section 565.225;

34
 35 committed on school property, including but not limited to actions on any school bus in service on
 36 behalf of the district or while involved in school activities. The policy shall require that any portion
 37 of a student's individualized education program that is related to demonstrated or potentially violent
 38 behavior shall be provided to any teacher and other school district employees who are directly
 39 responsible for the student's education or who otherwise interact with the student on an educational
 40 basis while acting within the scope of their assigned duties. The policy shall also contain the
 41 consequences of failure to obey standards of conduct set by the local board of education, and the
 42 importance of the standards to the maintenance of an atmosphere where orderly learning is possible
 43 and encouraged.

44 3. The policy shall provide that any student who is on suspension for any of the offenses
 45 listed in subsection 2 of this section or any act of violence or drug-related activity defined by school
 46 district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall
 47 have as a condition of his or her suspension the requirement that such student is not allowed, while
 48 on such suspension, to be within one thousand feet of any school property in the school district
 49 where such student attended school or any activity of that district, regardless of whether or not the

1 activity takes place on district property unless:

2 (1) Such student is under the direct supervision of the student's parent, legal guardian, or
3 custodian and the superintendent or the superintendent's designee has authorized the student to be on
4 school property;

5 (2) Such student is under the direct supervision of another adult designated by the student's
6 parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which
7 suspended the student and the superintendent or the superintendent's designee has authorized the
8 student to be on school property;

9 (3) Such student is enrolled in and attending an alternative school that is located within one
10 thousand feet of a public school in the school district where such student attended school; or

11 (4) Such student resides within one thousand feet of any public school in the school district
12 where such student attended school in which case such student may be on the property of his or her
13 residence without direct adult supervision.

14 4. Any student who violates the condition of suspension required pursuant to subsection 3 of
15 this section may be subject to expulsion or further suspension pursuant to the provisions of sections
16 167.161, 167.164, and 167.171. In making this determination consideration shall be given to
17 whether the student poses a threat to the safety of any child or school employee and whether such
18 student's unsupervised presence within one thousand feet of the school is disruptive to the
19 educational process or undermines the effectiveness of the school's disciplinary policy. Removal of
20 any pupil who is a student with a disability is subject to state and federal procedural rights. This
21 section shall not limit a school district's ability to:

22 (1) Prohibit all students who are suspended from being on school property or attending an
23 activity while on suspension;

24 (2) Discipline students for off-campus conduct that negatively affects the educational
25 environment to the extent allowed by law.

26 5. The policy shall provide for a suspension for a period of not less than one year, or
27 expulsion, for a student who is determined to have brought a weapon to school, including but not
28 limited to the school playground or the school parking lot, brought a weapon on a school bus or
29 brought a weapon to a school activity whether on or off of the school property in violation of district
30 policy, except that:

31 (1) The superintendent or, in a school district with no high school, the principal of the
32 school which such child attends may modify such suspension on a case-by-case basis; and

33 (2) This section shall not prevent the school district from providing educational services in
34 an alternative setting to a student suspended under the provisions of this section.

35 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under
36 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack, a
37 concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles,
38 a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except
39 that this section shall not be construed to prohibit a school board from adopting a policy to allow a
40 Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so
41 long as the firearm is unloaded. The local board of education shall define weapon in the discipline
42 policy. Such definition shall include the weapons defined in this subsection but may also include
43 other weapons.

44 7. All school district personnel responsible for the care and supervision of students are
45 authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any
46 property of the school, on any school bus going to or returning from school, during school-
47 sponsored activities, or during intermission or recess periods.

48 8. Teachers and other authorized district personnel in public schools responsible for the care,
49 supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by

1 the school district, shall not be civilly liable when acting in conformity with the established policies
 2 developed by each board, including but not limited to policies of student discipline or when
 3 reporting to his or her supervisor or other person as mandated by state law acts of school violence or
 4 threatened acts of school violence, within the course and scope of the duties of the teacher,
 5 authorized district personnel or volunteer, when such individual is acting in conformity with the
 6 established policies developed by the board. Nothing in this section shall be construed to create a
 7 new cause of action against such school district, or to relieve the school district from liability for the
 8 negligent acts of such persons.

9 9. Each school board shall define in its discipline policy acts of violence and any other acts
 10 that constitute a serious violation of that policy. "Acts of violence" as defined by school boards
 11 shall include but not be limited to exertion of physical force by a student with the intent to do
 12 serious bodily harm to another person while on school property, including a school bus in service on
 13 behalf of the district, or while involved in school activities. School districts shall for each student
 14 enrolled in the school district compile and maintain records of any serious violation of the district's
 15 discipline policy. Such records shall be made available to teachers and other school district
 16 employees with a need to know while acting within the scope of their assigned duties, and shall be
 17 provided as required in section 167.020 to any school district in which the student subsequently
 18 attempts to enroll.

19 10. Spanking, when administered by certificated personnel and in the presence of a witness
 20 who is an employee of the school district, or the use of reasonable force to protect persons or
 21 property, when administered by personnel of a school district in a reasonable manner in accordance
 22 with the local board of education's written policy of discipline, is not abuse within the meaning of
 23 chapter 210. ~~[The provisions of sections 210.110 to 210.165 notwithstanding, the children's division~~
 24 ~~shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or~~
 25 ~~related to the use of reasonable force to protect persons or property when administered by personnel~~
 26 ~~of a school district or any spanking administered in a reasonable manner by any certificated school~~
 27 ~~personnel in the presence of a witness who is an employee of the school district pursuant to a written~~
 28 ~~policy of discipline established by the board of education of the school district, as long as no~~
 29 ~~allegation of sexual misconduct arises from the spanking or use of force.~~

30 ~~11. If a student reports alleged sexual misconduct on the part of a teacher or other school~~
 31 ~~employee to a person employed in a school facility who is required to report such misconduct to the~~
 32 ~~children's division under section 210.115, such person and the superintendent of the school district~~
 33 ~~shall report the allegation to the children's division as set forth in section 210.115. Reports made to~~
 34 ~~the children's division under this subsection shall be investigated by the division in accordance with~~
 35 ~~the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district~~
 36 ~~under subsections 12 to 20 of this section for purposes of determining whether the allegations~~
 37 ~~should or should not be substantiated. The district may investigate the allegations for the purpose of~~
 38 ~~making any decision regarding the employment of the accused employee.~~

39 ~~12.]~~ 11. Upon receipt of any reports of child abuse by the children's division [other than
 40 reports provided under subsection 11 of this section], pursuant to sections 210.110 to 210.165 which
 41 allegedly involve personnel of a school district, the children's division shall notify the
 42 superintendent of schools of the district or, if the person named in the alleged incident is the
 43 superintendent of schools, the president of the school board of the school district where the alleged
 44 incident occurred.

45 ~~[13. If, after an initial investigation, the superintendent of schools or the president of the~~
 46 ~~school board finds that the report involves an alleged incident of child abuse other than the~~
 47 ~~administration of a spanking by certificated school personnel or the use of reasonable force to~~
 48 ~~protect persons or property when administered by school personnel pursuant to a written policy of~~
 49 ~~discipline or that the report was made for the sole purpose of harassing a public school employee,~~

1 the superintendent of schools or the president of the school board shall immediately refer the matter
2 back to the children's division and take no further action. In all matters referred back to the
3 children's division, the division shall treat the report in the same manner as other reports of alleged
4 child abuse received by the division.

5 ~~_____14. If the report pertains to an alleged incident which arose out of or is related to a spanking
6 administered by certificated personnel or the use of reasonable force to protect persons or property
7 when administered by personnel of a school district pursuant to a written policy of discipline or a
8 report made for the sole purpose of harassing a public school employee, a notification of the
9 reported child abuse shall be sent by the superintendent of schools or the president of the school
10 board to the law enforcement in the county in which the alleged incident occurred.~~

11 ~~_____15. The report shall be jointly investigated by the law enforcement officer and the
12 superintendent of schools or, if the subject of the report is the superintendent of schools, by a law
13 enforcement officer and the president of the school board or such president's designee.~~

14 ~~_____16. The investigation shall begin no later than forty-eight hours after notification from the
15 children's division is received, and shall consist of, but need not be limited to, interviewing and
16 recording statements of the child and the child's parents or guardian within two working days after
17 the start of the investigation, of the school district personnel allegedly involved in the report, and of
18 any witnesses to the alleged incident.~~

19 ~~_____17. The law enforcement officer and the investigating school district personnel shall issue
20 separate reports of their findings and recommendations after the conclusion of the investigation to
21 the school board of the school district within seven days after receiving notice from the children's
22 division.~~

23 ~~_____18. The reports shall contain a statement of conclusion as to whether the report of alleged
24 child abuse is substantiated or is unsubstantiated.~~

25 ~~_____19. The school board shall consider the separate reports referred to in subsection 17 of this
26 section and shall issue its findings and conclusions and the action to be taken, if any, within seven
27 days after receiving the last of the two reports. The findings and conclusions shall be made in
28 substantially the following form:~~

29 ~~_____ (1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer
30 and the investigating school board personnel agree that there was not a preponderance of evidence
31 to substantiate that abuse occurred;~~

32 ~~_____ (2) The report of the alleged child abuse is substantiated. The law enforcement officer and
33 the investigating school district personnel agree that the preponderance of evidence is sufficient to
34 support a finding that the alleged incident of child abuse did occur;~~

35 ~~_____ (3) The issue involved in the alleged incident of child abuse is unresolved. The law
36 enforcement officer and the investigating school personnel are unable to agree on their findings and
37 conclusions on the alleged incident.~~

38 ~~_____20. The findings and conclusions of the school board under subsection 19 of this section
39 shall be sent to the children's division. If the findings and conclusions of the school board are that
40 the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the
41 case closed, and no record shall be entered in the children's division central registry. If the findings
42 and conclusions of the school board are that the report of the alleged child abuse is substantiated, the
43 children's division shall report the incident to the prosecuting attorney of the appropriate county
44 along with the findings and conclusions of the school district and shall include the information in
45 the division's central registry. If the findings and conclusions of the school board are that the issue
46 involved in the alleged incident of child abuse is unresolved, the children's division shall report the
47 incident to the prosecuting attorney of the appropriate county along with the findings and
48 conclusions of the school board, however, the incident and the names of the parties allegedly
49 involved shall not be entered into the central registry of the children's division unless and until the~~

1 ~~alleged child abuse is substantiated by a court of competent jurisdiction.~~

2 ~~21. Any superintendent of schools, president of a school board or such person's designee or~~
 3 ~~law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or~~
 4 ~~who knowingly withholds any information relative to any investigation or report pursuant to this~~
 5 ~~section is guilty of a class A misdemeanor.~~

6 ~~22.] 12.~~ In order to ensure the safety of all students, should a student be expelled for
 7 bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not,
 8 for the purposes of the accreditation process of the Missouri school improvement plan, be
 9 considered a dropout or be included in the calculation of that district's educational persistence ratio.

10 193.075. 1. The forms of certificates and reports required by sections 193.005 to 193.325 or
 11 by regulations adopted hereunder shall include as a minimum the items recommended by the federal
 12 agency responsible for national vital statistics.

13 2. Each certificate, report, and other document required by sections 193.005 to 193.325 shall
 14 be on a form or in a format prescribed by the state registrar.

15 3. All vital records shall contain the date received for registration.

16 4. Information required in certificates or reports authorized by sections 193.005 to 193.325
 17 may be filed and registered by photographic, electronic, or other means as prescribed by the state
 18 registrar.

19 5. In addition to other personal data required by the registrar to be entered on a birth
 20 certificate, each parent shall furnish to the registrar the Social Security account number, or numbers
 21 if applicable, issued to the parent unless the registrar finds good cause for not requiring the
 22 furnishing of such number or numbers. Good cause shall be determined in accordance with
 23 regulations established by the Secretary of the United States Department of Health and Human
 24 Services. The registrar shall make numbers furnished under this section available to the family
 25 support division and the children's division of the department of social services. Such numbers shall
 26 not be recorded on the birth certificate. The family support division shall not use any Social
 27 Security number furnished under the section for any purpose other than for the establishment and
 28 enforcement of child support obligations, and the confidentiality provisions and penalties contained
 29 in section 454.440 shall apply. The children's division shall not use any Social Security number
 30 furnished under this section for any purpose other than application of benefits or verifying the
 31 identity of a parent of a child whose birth record information is provided under section 210.156 and
 32 the confidentiality provisions of section 210.156 shall apply. Nothing in this section shall be
 33 construed to prohibit the department of health and senior services from using Social Security
 34 numbers for statistical purposes.

35 193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall
 36 pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each
 37 additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage,
 38 divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be
 39 required or collected for a certification of birth, death, or marriage if the request for certification is
 40 made by the children's division, the division of youth services, a guardian ad litem, a parent or
 41 guardian of a homeless child or homeless youth as defined in subsection 1 of section 167.020, an
 42 unaccompanied youth as defined in 42 U.S.C. Section 11434a(6), or a juvenile officer on behalf of a
 43 child or person under twenty-one years of age who has come under the jurisdiction of the juvenile
 44 court under section 211.031. All fees shall be deposited to the state department of revenue.
 45 Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit
 46 four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be
 47 credited to the endowed care cemetery audit fund, and three dollars for the first copy of death
 48 records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the
 49 Missouri public services health fund established in section 192.900. Money in the endowed care

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

20 2. For the issuance of a certification of a death record by the local registrar, the applicant
21 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each
22 additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage,
23 divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except that, in any
24 county with a charter form of government and with more than six hundred thousand but fewer than
25 seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar
26 over and above any fees required by law when a certification or copy of any marriage license or
27 birth certificate is provided, with such donations collected to be forwarded monthly by the local
28 registrar to the county treasurer of such county and the donations so forwarded to be deposited by
29 the county treasurer into the housing resource commission fund to assist homeless families and
30 provide financial assistance to organizations addressing homelessness in such county. The local
31 registrar shall include a check-off box on the application form for such copies. All fees, other than
32 the donations collected in any county with a charter form of government and with more than six
33 hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth
34 certificates, shall be deposited to the official city or county health agency. A certified copy of a
35 death record by the local registrar can only be issued within twenty-four hours of receipt of the
36 record by the local registrar. Computer-generated certifications of death records may be issued by
37 the local registrar after twenty-four hours of receipt of the records. The fees paid to the official
38 county health agency shall be retained by the local agency for local public health purposes.

39 3. An unaccompanied youth as defined in 42 U.S.C. Section 11434a(6) shall be eligible to
40 receive a certification or copy of his or her own birth record without the consent or signature of his
41 or her parent or guardian.

42 208.151. 1. Medical assistance on behalf of needy persons shall be known as "MO
43 HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX,
44 Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et
45 seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to
46 the extent and in the manner hereinafter provided:

- 47 (1) All participants receiving state supplemental payments for the aged, blind and disabled;
48 (2) All participants receiving aid to families with dependent children benefits, including all
49 persons under nineteen years of age who would be classified as dependent children except for the

1 requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this
2 subdivision who are participating in treatment court, as defined in section 478.001, shall have their
3 eligibility automatically extended sixty days from the time their dependent child is removed from
4 the custody of the participant, subject to approval of the Centers for Medicare and Medicaid
5 Services;

6 (3) All participants receiving blind pension benefits;

7 (4) All persons who would be determined to be eligible for old age assistance benefits,
8 permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in
9 effect December 31, 1973, or less restrictive standards as established by rule of the family support
10 division, who are sixty-five years of age or over and are patients in state institutions for mental
11 diseases or tuberculosis;

12 (5) All persons under the age of twenty-one years who would be eligible for aid to families
13 with dependent children except for the requirements of subdivision (2) of subsection 1 of section
14 208.040, and who are residing in an intermediate care facility, or receiving active treatment as
15 inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as amended;

16 (6) All persons under the age of twenty-one years who would be eligible for aid to families
17 with dependent children benefits except for the requirement of deprivation of parental support as
18 provided for in subdivision (2) of subsection 1 of section 208.040;

19 (7) All persons eligible to receive nursing care benefits;

20 (8) All participants receiving family foster home or nonprofit private child-care institution
21 care, subsidized adoption benefits and parental school care wherein state funds are used as partial or
22 full payment for such care;

23 (9) All persons who were participants receiving old age assistance benefits, aid to the
24 permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who
25 continue to meet the eligibility requirements, except income, for these assistance categories, but
26 who are no longer receiving such benefits because of the implementation of Title XVI of the federal
27 Social Security Act, as amended;

28 (10) Pregnant women who meet the requirements for aid to families with dependent
29 children, except for the existence of a dependent child in the home;

30 (11) Pregnant women who meet the requirements for aid to families with dependent
31 children, except for the existence of a dependent child who is deprived of parental support as
32 provided for in subdivision (2) of subsection 1 of section 208.040;

33 (12) Pregnant women or infants under one year of age, or both, whose family income does
34 not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal
35 poverty level as established and amended by the federal Department of Health and Human Services,
36 or its successor agency;

37 (13) Children who have attained one year of age but have not attained six years of age who
38 are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act
39 of 1989). The family support division shall use an income eligibility standard equal to one hundred
40 thirty-three percent of the federal poverty level established by the Department of Health and Human
41 Services, or its successor agency;

42 (14) Children who have attained six years of age but have not attained nineteen years of age.
43 For children who have attained six years of age but have not attained nineteen years of age, the
44 family support division shall use an income assessment methodology which provides for eligibility
45 when family income is equal to or less than equal to one hundred percent of the federal poverty
46 level established by the Department of Health and Human Services, or its successor agency. As
47 necessary to provide MO HealthNet coverage under this subdivision, the department of social
48 services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. Section
49 1396a(a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen

1 years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a
2 more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42
3 U.S.C. Section 1396a;

4 (15) The family support division shall not establish a resource eligibility standard in
5 assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO
6 HealthNet division shall define the amount and scope of benefits which are available to individuals
7 eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the
8 requirements of federal law and regulations promulgated thereunder;

9 (16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care
10 shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42
11 U.S.C. Section 1396r-1, as amended;

12 (17) A child born to a woman eligible for and receiving MO HealthNet benefits under this
13 section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits
14 and to have been found eligible for such assistance under such plan on the date of such birth and to
15 remain eligible for such assistance for a period of time determined in accordance with applicable
16 federal and state law and regulations so long as the child is a member of the woman's household and
17 either the woman remains eligible for such assistance or for children born on or after January 1,
18 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon
19 notification of such child's birth, the family support division shall assign a MO HealthNet eligibility
20 identification number to the child so that claims may be submitted and paid under such child's
21 identification number;

22 (18) Pregnant women and children eligible for MO HealthNet benefits pursuant to
23 subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO
24 HealthNet benefits be required to apply for aid to families with dependent children. The family
25 support division shall utilize an application for eligibility for such persons which eliminates
26 information requirements other than those necessary to apply for MO HealthNet benefits. The
27 division shall provide such application forms to applicants whose preliminary income information
28 indicates that they are ineligible for aid to families with dependent children. Applicants for MO
29 HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the
30 aid to families with dependent children program and that they are entitled to apply for such benefits.
31 Any forms utilized by the family support division for assessing eligibility under this chapter shall be
32 as simple as practicable;

33 (19) Subject to appropriations necessary to recruit and train such staff, the family support
34 division shall provide one or more full-time, permanent eligibility specialists to process applications
35 for MO HealthNet benefits at the site of a health care provider, if the health care provider requests
36 the placement of such eligibility specialists and reimburses the division for the expenses including
37 but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such
38 eligibility specialists. The division may provide a health care provider with a part-time or
39 temporary eligibility specialist at the site of a health care provider if the health care provider
40 requests the placement of such an eligibility specialist and reimburses the division for the expenses,
41 including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment,
42 of such an eligibility specialist. The division may seek to employ such eligibility specialists who are
43 otherwise qualified for such positions and who are current or former welfare participants. The
44 division may consider training such current or former welfare participants as eligibility specialists
45 for this program;

46 (20) Pregnant women who are eligible for, have applied for and have received MO
47 HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be
48 considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under
49 section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy.

1 Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject
2 to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for
3 substance abuse treatment and mental health services for the treatment of substance abuse for no
4 more than twelve additional months, as long as the woman remains adherent with treatment. The
5 department of mental health and the department of social services shall seek any necessary waivers
6 or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop
7 rules relating to treatment plan adherence. No later than fifteen months after receiving any
8 necessary waiver, the department of mental health and the department of social services shall report
9 to the house of representatives budget committee and the senate appropriations committee on the
10 compliance with federal cost neutrality requirements;

11 (21) Case management services for pregnant women and young children at risk shall be a
12 covered service. To the greatest extent possible, and in compliance with federal law and regulations,
13 the department of health and senior services shall provide case management services to pregnant
14 women by contract or agreement with the department of social services through local health
15 departments organized under the provisions of chapter 192 or chapter 205 or a city health
16 department operated under a city charter or a combined city-county health department or other
17 department of health and senior services designees. To the greatest extent possible the department
18 of social services and the department of health and senior services shall mutually coordinate all
19 services for pregnant women and children with the crippled children's program, the prevention of
20 intellectual disability and developmental disability program and the prenatal care program
21 administered by the department of health and senior services. The department of social services
22 shall by regulation establish the methodology for reimbursement for case management services
23 provided by the department of health and senior services. For purposes of this section, the term
24 "case management" shall mean those activities of local public health personnel to identify
25 prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet
26 program, refer them to local physicians or local health departments who provide prenatal care under
27 physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure
28 that said high-risk mothers receive support from all private and public programs for which they are
29 eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

30 (22) By January 1, 1988, the department of social services and the department of health and
31 senior services shall study all significant aspects of presumptive eligibility for pregnant women and
32 submit a joint report on the subject, including projected costs and the time needed for
33 implementation, to the general assembly. The department of social services, at the direction of the
34 general assembly, may implement presumptive eligibility by regulation promulgated pursuant to
35 chapter 207;

36 (23) All participants who would be eligible for aid to families with dependent children
37 benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

38 (24) (a) All persons who would be determined to be eligible for old age assistance benefits
39 under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section
40 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of
41 January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as
42 authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized
43 by annual appropriation;

44 (b) All persons who would be determined to be eligible for aid to the blind benefits under
45 the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f),
46 or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005,
47 except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2),
48 shall be used to raise the income limit to one hundred percent of the federal poverty level;

49 (c) All persons who would be determined to be eligible for permanent and total disability

1 benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C.
 2 Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as
 3 of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as
 4 authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized
 5 by annual appropriations. Eligibility standards for permanent and total disability benefits shall not
 6 be limited by age;

7 (25) Persons who have been diagnosed with breast or cervical cancer and who are eligible
 8 for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be
 9 eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

10 (26) Persons who ~~[are]~~ were in foster care under the responsibility of ~~[the]~~ any state ~~[of~~
 11 ~~Missouri on the date such persons attained the age of eighteen years, or at any time during the thirty-~~
 12 ~~day period preceding their eighteenth birthday, or persons who received foster care]~~ for at least six
 13 months ~~[in another state]~~ at any time when such persons were thirteen years of age or older, are
 14 residing in Missouri, and are at least eighteen years of age, without regard to income or assets, if
 15 such persons:

16 (a) Are under twenty-six years of age;

17 (b) Are not eligible for coverage under another mandatory coverage group and do not have
 18 access to any other private insurance; and

19 (c) Were covered by Medicaid while they were in foster care;

20 (27) Any homeless child or homeless youth as those terms are defined in section 167.020 in
 21 accordance with eligibility requirements provided under section 208.158.

22 2. Rules and regulations to implement this section shall be promulgated in accordance with
 23 chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 24 under the authority delegated in this section shall become effective only if it complies with and is
 25 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
 26 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
 27 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently
 28 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 29 August 28, 2002, shall be invalid and void.

30 3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance
 31 pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months
 32 immediately preceding the month in which such family became ineligible for such assistance
 33 because of increased income from employment shall, while a member of such family is employed,
 34 remain eligible for MO HealthNet benefits for four calendar months following the month in which
 35 such family would otherwise be determined to be ineligible for such assistance because of income
 36 and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. Section
 37 601, et seq., as amended, in at least three of the six months immediately preceding the month in
 38 which such family becomes ineligible for such aid, because of hours of employment or income from
 39 employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six
 40 calendar months following the month of such ineligibility as long as such family includes a child as
 41 provided in 42 U.S.C. Section 1396r-6. Each family which has received such medical assistance
 42 during the entire six-month period described in this section and which meets reporting requirements
 43 and income tests established by the division and continues to include a child as provided in 42
 44 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six
 45 months. The MO HealthNet division may provide by rule and as authorized by annual appropriation
 46 the scope of MO HealthNet coverage to be granted to such families.

47 4. When any individual has been determined to be eligible for MO HealthNet benefits, such
 48 medical assistance will be made available to him or her for care and services furnished in or after
 49 the third month before the month in which he made application for such assistance if such individual

1 was, or upon application would have been, eligible for such assistance at the time such care and
 2 services were furnished; provided, further, that such medical expenses remain unpaid.

3 5. The department of social services may apply to the federal Department of Health and
 4 Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver
 5 or for any additional MO HealthNet waivers necessary not to exceed one million dollars in
 6 additional costs to the state, unless subject to appropriation or directed by statute, but in no event
 7 shall such waiver applications or amendments seek to waive the services of a rural health clinic or a
 8 federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and (2) or the payment
 9 requirements for such clinics and centers as provided in 42 U.S.C. Section 1396a(a)(15) and
 10 1396a(bb) unless such waiver application is approved by the oversight committee created in section
 11 208.955. A request for such a waiver so submitted shall only become effective by executive order
 12 not sooner than ninety days after the final adjournment of the session of the general assembly to
 13 which it is submitted, unless it is disapproved within sixty days of its submission to a regular session
 14 by a senate or house resolution adopted by a majority vote of the respective elected members
 15 thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

16 6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any
 17 persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of
 18 this section shall only be eligible if annual appropriations are made for such eligibility. This
 19 subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(I).

20 7. For purposes of subdivision (26) of subsection 1 of this section, the division shall pursue
 21 all necessary waivers from the federal government to implement such subdivision.

22 210.001. 1. The department of social services shall address the needs of homeless,
 23 dependent and neglected children in the supervision and custody of the children's division and to
 24 their families-in-conflict in accordance with federal law by[
 25

26 ~~———— (1) Serving children and families as a unit in the least restrictive setting available and in~~
 27 ~~close proximity to the family home, consistent with the best interests and special needs of the child;~~

28 ~~———— (2) Insuring that appropriate social services are provided to the family unit both prior to the~~
 29 ~~removal of the child from the home and after family reunification;~~

30 ~~———— (3) Developing and implementing preventive and early intervention social services which~~
 31 ~~have demonstrated the ability to delay or reduce the need for out-of-home placements and~~
 32 ~~ameliorate problems before they become chronic] developing and monitoring processes to identify
 33 and serve homeless children and families at risk of child abuse or neglect and delivering services to
 34 help preserve families, facilitate reunification, and avoid a family disruption or removal of a child if
 35 such effort is practical and in the best interests of the child.~~

36 2. The department of social services shall fund only regional child assessment centers
 37 known as:

- 38 (1) The St. Louis City child assessment center;
- 39 (2) The St. Louis County child assessment center;
- 40 (3) The Jackson County child assessment center;
- 41 (4) The Buchanan County child assessment center;
- 42 (5) The Greene County child assessment center;
- 43 (6) The Boone County child assessment center;
- 44 (7) The Joplin child assessment center;
- 45 (8) The St. Charles County child assessment center;
- 46 (9) The Jefferson County child assessment center;
- 47 (10) The Pettis County child assessment center;
- 48 (11) The southeast Missouri child assessment center;
- 49 (12) The Camden County child assessment center;
- (13) The Clay-Platte County child assessment center;

- 1 (14) The Lakes Area child assessment center;
 2 (15) The Ozark Foothills child assessment center; and
 3 (16) The North Central Missouri child assessment center;

4
 5 provided the other approved assessment centers included in subdivisions (1) to ~~[(14)]~~ (16) of this
 6 subsection submit to the department of social services a modified funding formula for all approved
 7 child assessment centers, which would require no additional state funding.

8 3. The department shall, when prioritizing positive outcomes for children, monitor and
 9 measure its success by preventing harm to children and limiting out of community placements,
 10 preserving and restoring families of origin, using foster care when appropriate, and helping children
 11 be adopted into new families when appropriate. At all times, the safety of the child shall be the
 12 priority.

13 210.109. 1. The ~~[children's]~~ division shall establish a child protection system for the entire
 14 state.

15 2. The child protection system shall promote the safety of children and the integrity and
 16 preservation of their families by conducting investigations or family assessments and providing
 17 services ~~[in response]~~ to be built on the priorities set forth under section 210.001 and, as appropriate,
 18 federal goals and guidelines. The system shall respond promptly and appropriately to all reports of
 19 child abuse or neglect. The system shall coordinate community resources and provide assistance or
 20 services to children and families identified to be at risk, and to prevent and remedy child abuse and
 21 neglect.

22 3. ~~[In addition to any duties specified in section 210.145, in implementing the child~~
 23 ~~protection system,]~~ The division shall:

24 (1) Maintain a central registry;

25 (2) Receive reports and establish and maintain an information system operating at all times,
 26 capable of receiving and maintaining reports, and track all data and information regarding the
 27 activities taken in response to such reports;

28 (3) Attempt to obtain the name and address of any person making a report in all cases, after
 29 obtaining relevant information regarding the alleged abuse or neglect, although reports may be made
 30 anonymously; except that, reports by mandatory reporters under section 210.115, including
 31 employees of the children's division, juvenile officers, and school personnel shall not be made
 32 anonymously, provided that the reporter shall be informed, at the time of the report, that the
 33 reporter's name and any other personally identifiable information shall be held as confidential and
 34 shall not be made public as provided under this section and section 211.319;

35 (4) Upon receipt of a report, check with the information system to determine whether
 36 previous reports have been made regarding actual or suspected abuse or neglect of the subject child,
 37 of any siblings, ~~[and]~~ or the perpetrator, and relevant dispositional information regarding such
 38 previous reports;

39 (5) Provide protective or preventive services to the family and child and to others in the
 40 home to prevent abuse or neglect, to safeguard their health and welfare, and to help preserve and
 41 stabilize the family whenever possible. The juvenile court shall cooperate with the division in
 42 providing such services;

43 (6) Collaborate with the community to identify comprehensive local services and assure
 44 access to those services for children and families where there is risk of abuse or neglect;

45 (7) Maintain a record which contains the facts ascertained which support the determination
 46 as well as the facts that do not support the determination;

47 (8) Whenever available and appropriate, contract for the provision of children's services
 48 through children's services providers and agencies in the community; except that the state shall be
 49 the sole provider of child abuse and neglect hotline services, the initial child abuse and neglect

1 investigation, and the initial family assessment. The division shall attempt to seek input from child
 2 welfare service providers in completing the initial family assessment. In all legal proceedings
 3 involving children in the custody of the division, the division shall be represented in court by either
 4 division personnel or persons with whom the division contracts with for such legal representation.
 5 All children's services providers and agencies shall be subject to criminal background checks
 6 pursuant to chapter 43 and shall submit names of all employees to the family care safety registry;
 7 and

8 (9) Annually monitor and measure the efficiency and effectiveness of the division in
 9 performing all of its required functions including, but not limited to, case reviews conducted by the
 10 response and evaluation team as outlined in section 210.112 and providing the report required under
 11 section 210.188. The division may also engage in other reviews and studies, as appropriate.

12
 13 [~~As used in this subsection, "report" includes any telephone call made pursuant to section 210.145.]~~
 14 210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the
 15 following terms mean:

16 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other
 17 than by accidental means by those responsible for the child's care, custody, and control, except that
 18 discipline including spanking, administered in a reasonable manner, shall not be construed to be
 19 abuse. Victims of abuse shall also include any victims of sex trafficking or severe forms of
 20 trafficking as those terms are defined in 22 U.S.C. 78 Section ~~[7102(9)-(10)]~~ 7102, as amended;

21 (2) "Assessment and treatment services for children", an approach to be developed by the
 22 children's division which will recognize and treat the specific needs of at-risk and abused or
 23 neglected children. The developmental and medical assessment may be a broad physical,
 24 developmental, and mental health screening to be completed within thirty days of a child's entry into
 25 custody and in accordance with the periodicity schedule set forth by the American Academy of
 26 Pediatrics thereafter as long as the child remains in care. Screenings may be offered at a centralized
 27 location and include, at a minimum, the following:

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

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

38
 39 Children whose screenings indicate an area of concern may complete a comprehensive, in-depth
 40 health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

41
 42 (3) "Central registry", a registry of persons where the division has found probable cause to
 43 believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, or a
 44 court has substantiated through court adjudication that the individual has committed child abuse or
 45 neglect or the person has pled guilty or has been found guilty of a crime pursuant to section 565.020,
 46 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if the victim is a child less than
 47 eighteen years of age, or any other crime pursuant to chapter 566 if the victim is a child less than
 48 eighteen years of age and the perpetrator is twenty-one years of age or older, a crime under section
 49 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023, 573.025, 573.035,

1 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such crimes. Any persons
2 placed on the registry prior to August 28, 2004, shall remain on the registry for the duration of time
3 required by section 210.152;

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

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

11 (6) "Department", the department of social services;

12 ~~[(6)]~~ (7) "Director", the director of the Missouri children's division within the department of
13 social services;

14 ~~[(7)]~~ (8) "Division", the Missouri children's division within the department of social
15 services;

16 ~~[(8)]~~ (9) "Family assessment and services", an approach to be developed by the children's
17 division which will provide for a prompt assessment of a child who has been reported to the division
18 as a victim of abuse or neglect by a person responsible for that child's care, custody or control and of
19 that child's family, including risk of abuse and neglect and, if necessary, the provision of
20 community-based services to reduce the risk and support the family;

21 ~~[(9)]~~ (10) "Family support team meeting" or "team meeting", a meeting convened by the
22 division or children's services provider in behalf of the family and/or child for the purpose of
23 determining service and treatment needs, determining the need for placement and developing a plan
24 for reunification or other permanency options, determining the appropriate placement of the child,
25 evaluating case progress, and establishing and revising the case plan;

26 ~~[(10)]~~ (11) "Investigation", the collection of physical and verbal evidence to determine if a
27 child has been abused or neglected;

28 ~~[(11)]~~ (12) "Jail or detention center personnel", employees and volunteers working in any
29 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is provided
30 to persons who are being held under custody of the law;

31 ~~[(12)]~~ (13) "Neglect", failure to provide, by those responsible for the care, custody, and
32 control of the child, the proper or necessary support, education as required by law, nutrition or
33 medical, surgical, or any other care necessary for the child's well-being. Victims of neglect shall
34 also include any victims of sex trafficking or severe forms of trafficking as those terms are defined
35 in 22 U.S.C. 78 Section ~~[7102(9)-(10)]~~ 7102, as amended;

36 ~~[(13)]~~ (14) "Preponderance of the evidence", that degree of evidence that is of greater
37 weight or more convincing than the evidence which is offered in opposition to it or evidence which
38 as a whole shows the fact to be proved to be more probable than not;

39 ~~[(14)]~~ (15) "Probable cause", available facts when viewed in the light of surrounding
40 circumstances which would cause a reasonable person to believe a child was abused or neglected;

41 ~~[(15)]~~ (16) "Report", the communication of an allegation of child abuse or neglect to the
42 division pursuant to section 210.115, including any telephone call or electronic report made under
43 section 210.145;

44 ~~[(16)]~~ (17) "Those responsible for the care, custody, and control of the child", includes, but
45 is not limited to:

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

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

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

49 (d) Any adult person who has access to the child based on relationship to the parents of the

1 child or members of the child's household or the family;

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

3 (f) School personnel, contractors, and volunteers, if the relationship with the child was
4 established through the school or through school-related activities, even if the alleged abuse or
5 neglect occurred outside of school hours or off school grounds.

6 210.112. 1. It is the policy of this state and its agencies to implement a foster care and child
7 protection and welfare system focused on providing the highest quality of services and outcomes for
8 children and their families. The department of social services shall implement such system subject
9 to the following principles:

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

11 (2) All providers of direct services to children and their families will be evaluated in a
12 uniform, transparent, objective, and consistent basis based on an evaluation tool established in
13 subsection 3 of this section;

14 (3) Services to children and their families shall be provided in a timely manner to maximize
15 the opportunity for successful outcomes, and such services shall be tracked and routinely evaluated
16 through a quality assurance program; [and]

17 (4) Any provider of direct services to children and families shall have the appropriate and
18 relevant training, education, and expertise to provide the highest quality of services possible which
19 shall be consistent with ~~[the] federal and state standards[, but not less than the standards and policies~~
20 ~~used by the children's division as of January 1, 2004];~~

21 (5) Resources and efforts shall be committed to pursue the best possible opportunity for a
22 successful outcome for each child. Successful outcomes may include preparing youth for a
23 productive and successful life as an adult outside the foster care system, such as independent living.
24 For those providers that work with children requiring intensive twenty-four-hour treatment services,
25 successful outcomes shall be based on the least restrictive alternative possible based on the child's
26 needs as well as the quality of care received; and

27 (6) All service providers shall prioritize methods of reducing or eliminating a child's need
28 for residential treatment through community-based services and supports.

29 2. (1) In conjunction with the response and evaluation team established under subsection 3
30 of this section, as well as other individuals the division deems appropriate, the division shall
31 establish an evaluation tool that complies with state and federal guidelines.

32 (2) The evaluation tool shall include metrics supporting best practices for case management
33 and service provision including, but not limited to, the frequency of face-to-face visits with the
34 child.

35 (3) There shall be a mechanism whereby providers may propose different evaluation metrics
36 on a case-by-case basis if such case may have circumstances far beyond those that would be
37 expected. Such cases shall be evaluated by the response and evaluation team under subsection 3 of
38 this section.

39 (4) Data regarding all evaluation metrics shall be collected by the division on a monthly
40 basis, and the division shall issue a quarterly report regarding the evaluation data for each provider,
41 both public and private, by county. The response and evaluation team shall determine how to
42 aggregate cases for the division and large contractors so that performance and outcomes may be
43 compared effectively while also protecting confidentiality. Such reports shall be made public and
44 shall include identification of each agency and the counties of the division.

45 (5) The standards and metrics developed through this evaluation tool shall be used to
46 evaluate competitive bids for future contracts established under subsection 4 of this section.

47 3. The division shall create a response and evaluation team. Membership of the team shall
48 be composed of five staff members from the division with experience in foster care appointed by the
49 director of the division; five representatives, one from each contract region for foster care case

1 management contracts under subsection 5 of this section, who shall be annually rotated among
 2 contractors in each region, which shall appoint the agency; two experts working in either research or
 3 higher education on issues relating to child welfare and foster care appointed by the director of the
 4 division and who shall be actively working for either an academic institution or policy foundation;
 5 one juvenile officer or a Missouri juvenile justice director to be appointed by the Missouri juvenile
 6 justice association; and one juvenile or family court judge appointed by the supreme court. The
 7 division shall provide the necessary staffing for the team's operations. All members shall be
 8 appointed, and the team shall meet for the first time before January 1, 2021. The team shall:

9 (1) Review the evaluation tool and metrics set forth in subsection 2 of this section on a
 10 semiannual basis to determine any adjustments needed or issues that could affect the quality of such
 11 tools and approve or deny on a case-by-case basis;

12 (a) Cases that a provider feels are anomalous and should not be part of developing the case
 13 management tool under subsection 2 of this section;

14 (b) Alternative evaluation metrics recommended by providers based on the best interests of
 15 the child under subsections 2 and 5 of this section; or

16 (c) Review and recommend any structure for incentives or other reimbursement strategies
 17 under subsection 6 of this section;

18 (2) Develop and execute periodic provider evaluations of cases managed by the division and
 19 children service providers contracted with the state to provide foster care case management services,
 20 in the field under the evaluation tool created under subsection 2 of this section to ensure basic
 21 requirements of the program are met, which shall include, but are not limited to, random file review
 22 to ensure documentation shows required visits and case management plan notes; and

23 (3) Develop a system for reviewing and working with providers identified under subdivision
 24 (2) of this subsection or providers who request such assistance from the division, who show signs of
 25 performance weakness to ensure technical assistance and other services are offered to assist the
 26 providers in achieving successful outcomes for their cases.

27 4. ~~[On or before July 1, 2005, and subject to appropriations,]~~ The children's division and any
 28 other state agency deemed necessary by the division shall, in consultation with [the community and]
 29 service providers [of services] and other relevant parties, enter into and implement contracts with
 30 qualified children's services providers and agencies to provide a comprehensive and deliberate
 31 system of service delivery for children and their families. Contracts shall be awarded through a
 32 competitive process and provided by [children's services providers and agencies currently
 33 contracting with the state to provide such services and by] qualified public and private not-for-profit
 34 or limited liability corporations owned exclusively by not-for-profit corporations children's services
 35 providers and agencies which have:

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

39 (2) The ability to provide a range of child welfare services[~~, which may include~~] including,
 40 but not limited to, case management services, family-centered services, foster and adoptive parent
 41 recruitment and retention, residential care, in-home services, foster care services, adoption services,
 42 relative care case management, planned permanent living services, and family reunification
 43 services.

44
 45 No contracts under this section shall be issued for services related to the child abuse and neglect
 46 hotline, investigations of alleged abuse and neglect, and initial family assessments. Any contracts
 47 entered into by the division shall be in accordance with all federal laws and regulations, and shall
 48 [not result in the loss of] seek to maximize federal funding. [Such] Children's services providers
 49 and agencies under contract with the division shall be subject to all federal, state, and local laws and

1 regulations relating to the provision of such services, and shall be subject to oversight and inspection
2 by appropriate state agencies to assure compliance with standards which shall be consistent with the
3 federal standards[, but not less than the standards and policies used by the children's division as of
4 January 1, 2004.

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

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

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

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

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

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

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

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

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

35 ~~(e) For any child, treatment services may be available as defined in section 210.110.~~
36 ~~Assessments, as defined in section 210.110, may occur to determine which treatment services best~~
37 ~~meet the child's psychological and social needs. When the assessment indicates that a child's needs~~
38 ~~can be best resolved by intensive twenty-four-hour treatment services, the division will locate,~~
39 ~~contract, and place the child with the appropriate organizations. This placement will be viewed as~~
40 ~~the least restrictive for the child based on the assessment;~~

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

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

47 ~~(6) Payment to the children's services providers and agencies shall be made based on the~~
48 ~~reasonable costs of services, including responsibilities necessary to execute the contract. Contracts~~
49 ~~shall provide incentives in addition to the costs of services provided in recognition of~~

1 accomplishment of the case goals and the corresponding cost savings to the state. The division shall
2 promulgate rules to implement the provisions of this subdivision.

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

9 ~~—— (1) An outcome target based on the child and family situation achieving permanency or
10 independent living, where appropriate;~~

11 ~~—— (2) Services authorized and necessary to facilitate the outcome target;~~

12 ~~—— (3) Time frames in which services will be delivered; and~~

13 ~~—— (4) Necessary evaluations and reporting.~~

14
15 In addition to any visits and assessments required under case management, services to be provided
16 by a public or private children's services provider under the specific case management plan may
17 include family-centered services, foster and adoptive parent recruitment and retention, residential
18 care, in-home services, foster care services, adoption services, relative care case services, planned
19 permanent living services, and family reunification services. In all cases, an appropriate level of
20 services shall be provided to the child and family after permanency is achieved to assure a continued
21 successful outcome.

22 ~~—— 6. By December 1, 2018, the division shall convene a task force to review the recruitment,
23 licensing and retention of foster and adoptive parents statewide. In addition to representatives of the
24 division and department, the task force shall include representatives of the private sector and faith-
25 based community which provide recruitment and licensure services. The purpose of the task force
26 shall and will be to study the extent to which changes in the system of recruiting, licensing, and
27 retaining foster and adoptive parents would enhance the effectiveness of the system statewide. The
28 task force shall develop a report of its findings with recommendations by December 1, 2019, and
29 provide copies of the report to the general assembly, to the joint committee on child abuse and
30 neglect under section 21.771, and to the governor.~~

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

33 ~~—— (1) Details about the specifics of the contracts, including the number of children and
34 families served, the cost to the state for contracting such services, the current status of the children
35 and families served, an assessment of the quality of services provided and outcomes achieved, and
36 an overall evaluation of the project; and~~

37 ~~—— (2) Any recommendations regarding the continuation or possible statewide implementation
38 of such project; and~~

39 ~~—— (3) Any information or recommendations directly related to the provision of direct services
40 for children and their families that any of the contracting children's services providers "and agencies
41 request to have included in the report].~~

42 ~~[&.] 5. The division shall accept as prima facie evidence of completion of the requirements
43 for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the
44 following nationally recognized bodies: the Council on Accreditation of Services, Children and
45 Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on
46 Accreditation of Rehabilitation Facilities. [The division shall not require any further evidence of
47 qualification for licensure if such proof of voluntary accreditation is submitted.]~~

48 6. Payment to the children's services providers and agencies shall be made based on the
49 reasonable costs of services, including responsibilities necessary to execute the contract. Any

1 reimbursement increases made through enhanced appropriations for services shall be allocated to
 2 providers regardless of whether the provider is public or private. Such increases shall be considered
 3 additive to the existing contracts. In addition to payments reflecting the cost of services, contracts
 4 shall include incentives provided in recognition of performance based on the evaluation tool created
 5 under subsection 2 of this section and the corresponding savings for the state. The response and
 6 evaluation team under subsection 3 of this section shall review a formula to distribute such
 7 payments, as recommended by the division.

8 7. The division shall consider immediate actions that are in the best interests of the children
 9 served including, but not limited to, placing the agency on a corrective plan, halting new referrals,
 10 transferring cases to other performing providers, or terminating the provider's contract. The division
 11 shall take steps necessary to evaluate the nature of the issue and act accordingly in the most timely
 12 fashion possible.

13 [9.] 8. By [February 1, 2005] July 1, 2021, the children's division shall promulgate and have
 14 in effect rules to implement the provisions of this section and, pursuant to this section, shall define
 15 implementation plans and dates. Any rule or portion of a rule, as that term is defined in section
 16 536.010, that is created under the authority delegated in this section shall become effective only if it
 17 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
 18 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
 19 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
 20 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
 21 rule proposed or adopted after August 28, 2004, shall be invalid and void.

22 210.113. It is the intent and goal of the general assembly to have the department [attain]
 23 maintain accreditation by the Council for Accreditation for Families and Children's Services [within
 24 five years of August 28, 2004].

25 210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor,
 26 optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the
 27 examination, care, treatment or research of persons, and any other health practitioner, psychologist,
 28 mental health professional, social worker, day care center worker or other child-care worker,
 29 juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or
 30 other school official, minister as provided by section 352.400, peace officer or law enforcement
 31 official, volunteer or personnel of a community service program that offers support services for
 32 families in crisis to assist in the delegation of any powers regarding the care and custody of a child
 33 by a properly executed power of attorney pursuant to sections 475.600 to 475.604, or other person
 34 with responsibility for the care of children has reasonable cause to suspect that a child has been or
 35 may be subjected to abuse or neglect or observes a child being subjected to conditions or
 36 circumstances which would reasonably result in abuse or neglect, that person shall immediately
 37 report to the division in accordance with the provisions of sections 210.109 to 210.183. No internal
 38 investigation shall be initiated until such a report has been made. As used in this section, the term
 39 "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and
 40 control as specified in section 210.110, but shall also include abuse inflicted by any other person.

41 2. If two or more members of a medical institution who are required to report jointly have
 42 knowledge of a known or suspected instance of child abuse or neglect, a single report may be made
 43 by a designated member of that medical team. Any member who has knowledge that the member
 44 designated to report has failed to do so shall thereafter immediately make the report. Nothing in this
 45 section, however, is meant to preclude any person from reporting abuse or neglect.

46 3. The reporting requirements under this section are individual, and no supervisor or
 47 administrator may impede or inhibit any reporting under this section. No person making a report
 48 under this section shall be subject to any sanction, including any adverse employment action, for
 49 making such report. Every employer shall ensure that any employee required to report pursuant to

1 subsection 1 of this section has immediate and unrestricted access to communications technology
2 necessary to make an immediate report and is temporarily relieved of other work duties for such
3 time as is required to make any report required under subsection 1 of this section.

4 4. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does
5 not receive specified medical treatment by reason of the legitimate practice of the religious belief of
6 the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall
7 not be found to be an abused or neglected child, and such parents, guardian or other persons legally
8 responsible for the child shall not be entered into the central registry. However, the division may
9 accept reports concerning such a child and may subsequently investigate or conduct a family
10 assessment as a result of that report. Such an exception shall not limit the administrative or judicial
11 authority of the state to ensure that medical services are provided to the child when the child's health
12 requires it.

13 5. In addition to those persons and officials required to report actual or suspected abuse or
14 neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person
15 has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or
16 observes a child being subjected to conditions or circumstances which would reasonably result in
17 abuse or neglect.

18 6. Any person or official required to report pursuant to this section, including employees of
19 the division, who has probable cause to suspect that a child who is or may be under the age of
20 eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the
21 appropriate medical examiner or coroner. If, upon review of the circumstances and medical
22 information, the medical examiner or coroner determines that the child died of natural causes while
23 under medical care for an established natural disease, the coroner, medical examiner or physician
24 shall notify the division of the child's death and that the child's attending physician shall be signing
25 the death certificate. In all other cases, the medical examiner or coroner shall accept the report for
26 investigation, shall immediately notify the division of the child's death as required in section 58.452
27 and shall report the findings to the child fatality review panel established pursuant to section
28 210.192.

29 7. Any person or individual required to report may also report the suspicion of abuse or
30 neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the
31 place of reporting to the division.

32 8. If an individual required to report suspected instances of abuse or neglect pursuant to this
33 section has reason to believe that the victim of such abuse or neglect is a resident of another state or
34 was injured as a result of an act which occurred in another state, the person required to report such
35 abuse or neglect may, in lieu of reporting to the Missouri children's division, make such a report to
36 the child protection agency of the other state with the authority to receive such reports pursuant to
37 the laws of such other state. If such agency accepts the report, no report is required to be made, but
38 may be made, to the children's division.

39 9. If any physician, resident, intern, nurse, hospital or clinic personnel, or any other health
40 care provider who is engaged in the examination, care, treatment, or research of persons becomes
41 aware that a birth mother or child, within eight hours after the child's birth, tested positive for a
42 blood alcohol content of eight-hundredths of one percent or more by weight or tested positive for
43 cocaine, heroin, methamphetamine, or a controlled substance as defined in section 195.010, or a
44 prescription drug other than a controlled substance, or a prescription drug for which the birth mother
45 or child has a valid prescription, or a substance prescribed for medication-assisted treatment and
46 reports such diagnosis to the children's division, the division shall submit a referral to the juvenile
47 office as soon as reasonably possible. The referral shall include the division's recommendations to
48 the juvenile office regarding the care, safety, and placement of the child and the reasons for such
49 recommendations.

1 210.116. The division may share any records, information, and findings with federal, state,
 2 or local child welfare agency personnel and law enforcement agencies, including those from outside
 3 the state, or any agent of such agencies, in the performance of the division's duties, upon a
 4 reasonable belief that such information is needed to protect a child from abuse or neglect or to assist
 5 such agency in providing child welfare services. Such information may include, but is not limited
 6 to, substantiated or unsubstantiated reports of abuse or neglect, family assessments, and any other
 7 documents or information the division deems necessary for another agency to have access to in
 8 order to protect a child. Identifying information may be shared only if the children's division
 9 reasonably believes the receiving entity will prevent the unauthorized dissemination of the
 10 information contained therein.

11 210.118. 1. Except for actions under the uniform parentage act, sections 210.817 to
 12 210.852, in any action under chapter 210 or 211 in which the court finds by a preponderance of the
 13 evidence that a party is responsible for child abuse or neglect, as those terms are defined in section
 14 210.110, the clerk shall send a certified copy of the judgment or order to the children's division and
 15 to the appropriate prosecuting attorney. Upon receipt of the order, the children's division shall list
 16 the individual as a perpetrator of child abuse or neglect in the central registry.

17 2. In every case in which the person has pled guilty to or been found guilty of:

18 (1) ~~[A crime] An offense under section 565.020, 565.021, 565.023, [565.024,] 565.050,~~
 19 ~~[566.030, 566.060, or 567.050 and the victim is a child under eighteen years of age;~~

20 ~~— (2) Any other crime in chapter 566 if the victim is a child under eighteen years of age and~~
 21 ~~the perpetrator is twenty-one years of age or older;~~

22 (3) ~~A crime under section] 568.020, 568.030, 568.045, 568.050, 568.060, 568.065, 568.080,~~
 23 ~~568.090, [573.023, 573.025, 573.035, 573.037,] 573.040, [573.200, or 573.205] or 568.175 in which~~
 24 ~~a child was a victim or any offense under chapter 566 or 573 in which a child was a victim; or~~

25 ~~[(4)] (2) An attempt to commit any such [erimes] offenses;~~

26
 27 the court shall enter an order directing the children's division to list the individual as a perpetrator of
 28 child abuse or neglect in the central registry. The clerk shall send a certified copy of the order to the
 29 children's division. Upon receipt of the order, the children's division shall list the individual as a
 30 perpetrator of child abuse or neglect in the central registry.

31 210.119. The department shall create and maintain a comprehensive child welfare
 32 information system (CCWIS) that shall serve as the statewide information system for documenting
 33 and reporting child welfare information. The CCWIS shall maintain data between counties,
 34 business partners, and state departments and allow real-time information sharing and measurable
 35 data retrieval at the county and agency level that is critical to administering the child welfare
 36 program of Missouri. Public and private foster care case management organizations shall have real-
 37 time access to child and family specific information, financial data, and aggregate program
 38 information to efficiently and effectively track outcomes, monitor county and agency performance
 39 and compliance, and make business decisions based on accurate and timely information.

40 210.123. 1. As used in this section, the following terms and phrases mean:

41 (1) "Relative", as that term is defined in section 210.565. Such relative shall be an adult;

42 (2) "Temporary alternative placement agreement", a voluntary agreement between the
 43 division, a relative of the child, and the parent or guardian of the child to provide a temporary, out of
 44 home placement for a child if the parent or guardian is temporarily unable to provide care or support
 45 for the child and the child is not in imminent danger of death or serious bodily injury, or being
 46 sexually abused such that the division determines that a referral to the juvenile office with a
 47 recommendation to file a petition or to remove the child is not appropriate. The agreement shall be
 48 reduced to writing within three business days. The written agreement shall be signed by the parent
 49 or guardian, the relative, and the authorized representative of the division. A temporary alternative

1 placement agreement shall be valid for no more than ninety days. If the agreement shall be
2 extended beyond ninety days, then, before the expiration of the ninety-day period, the division shall
3 send a referral to the juvenile officer to make a determination whether to file a petition, to set the
4 matter for a preliminary child welfare hearing, or to take other appropriate action as the juvenile
5 officer deems necessary. The temporary alternative placement agreement shall include:

6 (a) A plan for return of the child to the child's parent or legal guardian within the time
7 specified under the agreement, or diligent implementation of an alternative, legal arrangement for
8 the safe care, custody, and control of the child including, but not limited to, execution of a power of
9 attorney under section 475.602, an affidavit for relative caretaker under section 431.058, legal
10 guardianship, the entry of an order of child protection, or entry of temporary or permanent legal
11 custody arrangements by a court of competent jurisdiction;

12 (b) A requirement that the parties cooperate with the division and participate in all services
13 offered by the division;

14 (c) A notice to all parties that the division will notify the juvenile officer that a temporary
15 alternative placement agreement has been implemented, that a copy of the agreement will be
16 provided to the juvenile officer, that the temporary alternative placement agreement is not binding
17 on the juvenile officer, and the division retains the authority to refer the case to the juvenile officer
18 with a recommendation for further action at any time;

19 (d) Identifying the behaviorally specific changes that the parent or guardian of the child shall
20 make to ensure that the child's safety and welfare can be assured before the child is returned to the
21 home;

22 (e) Identifying the services that the division shall offer the parents and the child to address
23 the reasons the child is being placed out of the home;

24 (f) Requiring that the child reside in the state of Missouri for the duration of the agreement;
25 and

26 (g) That the agreement is voluntary and that the parent or guardian may withdraw from the
27 agreement upon five days' written notice.

28 2. As provided in this section, the division may enter into a temporary alternative placement
29 agreement with parents and legal guardians of a minor child who cannot safely remain in the child's
30 home on a temporary basis. The purpose of such agreement is to mitigate trauma to the child and to
31 enable the division to make reasonable efforts to assure the safety of a child in a placement familiar
32 to the child, and to give the child and the child's family an opportunity to develop and implement a
33 plan to assure the stability and well-being of the child in the short term. The child shall reside in the
34 state of Missouri for the duration of the temporary alternative placement agreement unless the child
35 requires medical treatment in another state that is not reasonably available within the state of
36 Missouri.

37 3. (1) The division shall conduct a walk-through of the relative's home where the child will
38 be staying and conduct a background check of the relative and any adult household member before
39 determining whether the relative is suitable.

40 (2) The background check shall include a check of the central registry, the sexual offender
41 registry, the department of social services's family care safety registry, and the records of the
42 division to determine if circumstances exist that indicate the child shall not be safe if placed in the
43 home. The division may, in its discretion, follow up with a fingerprint based criminal background
44 check.

45 (3) The suitable relative shall be a resident of the state of Missouri and shall remain a
46 resident of the state of Missouri for the duration of the agreement.

47 4. (1) The division may only enter into a temporary alternative placement agreement if:

48 (a) The child cannot remain safely in the home of the child's parent or legal guardian;

49 (b) It is not apparent that the child is otherwise in imminent danger of death, serious

1 physical injury, or being sexually abused such that an immediate referral to the juvenile officer with
2 a recommendation to remove the child and initiate juvenile court proceedings is appropriate;

3 (c) There is a relative who is ready, willing, and able to provide safe care for the child on a
4 temporary basis;

5 (d) The division has reasonably available services for the child and family to support and
6 supervise the implementation of the agreement;

7 (e) The child's parent or legal guardian voluntarily enters into the agreement; and

8 (f) The child's parent or legal guardian executes all necessary documents and consents to
9 implement the agreement.

10 (2) The fact that the parent or legal guardian has been advised that the division or juvenile
11 officer may take additional action within his or her authority under law shall not constitute a basis
12 for claiming that the parent or legal guardian's agreement is not voluntary or was coerced.

13 (3) The parent or guardian shall give at least five days' written notice of intent to terminate
14 the agreement to the division and the relative placement provider. The agreement shall remain in
15 effect until the termination of the agreement is effective.

16 5. (1) The relative shall have the authority to make the day-to-day decisions for the care of
17 the child during the agreement as provided in the agreement and shall further have the authority to
18 make educational and medical decisions for the child as provided in this section.

19 (2) The relative shall not have the authority to authorize end-of-life care, authorize the child
20 to have an abortion, or initiate treatment for gender dysphoria.

21 (3) The relative shall consult with the child's parents, legal guardian, and the division before
22 making decisions pertaining to the child other than routine, day-to-day decisions necessary to care
23 for the child.

24 (4) The division shall provide a notice (4) to the relative on a form promulgated by the division
25 for use in notifying schools, medical care providers, and others that the suitable relative or adult has
26 the temporary authority to make these decisions. Individuals and institutions, including schools and
27 medical care providers, acting upon the authority of such notice shall be immune from liability for
28 acting upon the authority as set forth in the letter.

29 6. (1) The division shall closely monitor, track, and document the implementation of the
30 provisions of the temporary alternative placement agreement for the duration of the agreement.

31 (2) The division shall have personal contact with the child as may be appropriate to ensure
32 that the temporary alternative placement agreement is being safely implemented, but in no event less
33 than two times each month. At least one personal contact with the child shall be in the child's
34 alternative placement.

35 (3) The division shall schedule a team decision making meeting within ten days of the
36 execution of a temporary alternative placement agreement and at least once every month thereafter
37 for the duration of the agreement.

38 (4) Within ten days of the execution of a temporary alternative placement agreement, the
39 division shall open a family centered services case and keep the case open for the duration of the
40 agreement.

41 (5) No later than ten days before the termination of the temporary alternative placement
42 agreement, the division shall submit a written report to the juvenile office. The divisions shall
43 provide a copy of the report to the placement provider and the child's parent or guardian. The report
44 shall include a copy of the agreement, a specific description of the steps taken to complete the
45 agreement, and a recommendation to the juvenile officer about whether further action may be
46 necessary.

47 7. If the parent or guardian does not agree to the temporary alternative placement
48 agreement, the division shall refer the matter to the juvenile officer for appropriate action as
49 determined by the juvenile officer.

1 8. All parties to the temporary alternative care agreement shall exercise diligent efforts to
 2 implement the agreement. The suitable adult or suitable relative and the parents or guardians shall
 3 fully cooperate with the division.

4 9. If the division determines that the goals of the temporary alternative placement agreement
 5 are not accomplished within the time period specified in the agreement and the safety or wellbeing
 6 of the child cannot be assured if the child were to return home, the division shall refer the case to the
 7 juvenile officer.

8 10. A temporary alternative placement agreement may be executed in conjunction with the
 9 informal adjustment process through the juvenile office.

10 11. The juvenile officer shall not be bound by the terms of a temporary alternative placement
 11 agreement, unless the juvenile officer is a signatory to the agreement, and the juvenile officer may
 12 exercise discretion to take appropriate action within the juvenile officer's authority under law.
 13 However, the juvenile officer shall take into consideration the provisions of and the implementation
 14 of the agreement when taking action under such authority.

15 12. The division shall promulgate regulations to implement the provisions of this section.
 16 This section shall not be effective until the regulations are promulgated.

17 210.135. 1. Any person, official, or institution complying with the provisions of sections
 18 210.110 to 210.165 in the making of a report, the taking of color photographs~~], or the making of~~
 19 ~~radiologic examinations pursuant to sections 210.110 to 210.165, or both such taking of color~~
 20 ~~photographs and making of radiologic examinations]~~ or video, the conducting of any necessary
 21 medical tests or procedures, or the removal or retaining of a child pursuant to sections 210.110 to
 22 210.165, or in cooperating with the division, or any other law enforcement agency, juvenile office,
 23 court, or child-protective service agency of this or any other state, in any of the activities pursuant to
 24 sections 210.110 to 210.165, or any other allegation of child abuse, neglect or assault, pursuant to
 25 sections 568.045 to 568.060, shall have immunity from any liability, civil or criminal, that otherwise
 26 might result by reason of such actions. Provided, however, any person, official or institution
 27 intentionally filing a false report, acting in bad faith, or with ill intent, shall not have immunity from
 28 any liability, civil or criminal. Any such person, official, or institution shall have the same
 29 immunity with respect to participation in any judicial proceeding resulting from the report.

30 2. ~~[Any person, who is not a school district employee, who makes a report to any employee~~
 31 ~~of the school district of child abuse by a school employee shall have immunity from any liability,~~
 32 ~~civil or criminal, that otherwise might result because of such report. Provided, however, that any~~
 33 ~~such person who makes a false report, knowing that the report is false, or who acts in bad faith or~~
 34 ~~with ill intent in making such report shall not have immunity from any liability, civil or criminal.~~
 35 ~~Any such person shall have the same immunity with respect to participation in any judicial~~
 36 ~~proceeding resulting from the report.~~

37 ~~3. In a case involving the death or serious injury of a child after a report has been made~~
 38 ~~under sections 210.109 to 210.165, the division shall conduct a preliminary evaluation in order to~~
 39 ~~determine whether a review of the ability of the circuit manager or case worker or workers to~~
 40 ~~perform their duties competently is necessary. The preliminary evaluation shall examine:~~

41 ~~—— (1) The hotline worker or workers who took any reports related to such case;~~

42 ~~—— (2) The division case worker or workers assigned to the investigation of such report; and~~

43 ~~—— (3) The circuit manager assigned to the county where the report was investigated.~~

44
 45 ~~Any preliminary evaluation shall be completed no later than three days after the child's death. If the~~
 46 ~~division determines a review and assessment is necessary, it shall be completed no later than three~~
 47 ~~days after the child's death.] An employee, including a contracted employee, of a state-funded child~~
 48 assessment center shall be immune from any civil liability that arises from the employee's
 49 participation in the investigation process and services by the child assessment center, unless such

1 employee acts in bad faith. This subsection shall not displace or limit any other immunity provided
 2 by law.

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

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

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

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

9 (4) Maintaining an information system operating at all times, capable of receiving and
 10 maintaining reports of child abuse or neglect. This information system shall have the ability to
 11 receive reports over a single, statewide toll-free number and electronically. Such information
 12 system shall maintain the results of all investigations, family assessments and services, and other
 13 relevant information, including all information needed for the reporting required under section
 14 210.188. Such reports shall include the following information, if possible:

15 (a) The names and addresses of the child and his or her parents or other persons responsible
 16 for his or her care;

17 (b) The child's age, sex, and race;

18 (c) The nature and extent of the child's injuries, abuse, or neglect, including any evidence of
 19 previous injuries, abuse, or neglect to the child or his or her siblings;

20 (d) The name, age, and address of the person responsible for the injuries, abuse, or neglect;

21 (e) The family composition;

22 (f) The name and address of the person making the report, the person's occupation, and if
 23 the person may be reached. However, the division shall advise any person making a report of child
 24 abuse or neglect that such report may be made anonymously; and

25 (g) The actions taken by the reporting source, including the removal or keeping of the child,
 26 notifying the coroner or medical examiner, and other information or evidence that the person
 27 making the report believes may be helpful in the furtherance of the purposes of sections 210.110 to
 28 210.165.

29 2. The division shall promulgate rules that require staff to utilize structured decision-making
 30 protocols [for classification purposes of] to classify risk, triage, and determine the level of response
 31 for all child abuse and neglect reports. [The protocols developed by the division shall give priority
 32 to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be
 33 initiated within twenty-four hours and shall be classified based upon the reported risk and injury to
 34 the child. The division shall promulgate rules regarding the structured decision-making protocols to
 35 be utilized for all child abuse and neglect reports.] A response shall be initiated within three, twenty-
 36 four, or seventy-two hours according to the degree of risk, and a risk assessment shall be completed
 37 within seventy-two hours.

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

1 allegation. The protocols developed by the division shall give priority to ensuring the well-being
2 and safety of the child.

3 4. (1) The division may accept a report for investigation or family assessment if either the
4 child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident
5 occurred in Missouri.

6 ~~[5.]~~ (2) If the division receives a report in which neither the child nor the alleged perpetrator
7 resides in Missouri or may be found in Missouri and the incident did not occur in Missouri, the
8 division shall document the report and communicate it to the appropriate agency or agencies in the
9 state where the child is believed to be located, along with any relevant information or records as
10 may be contained in the division's information system.

11 ~~[6. When the child abuse and neglect hotline receives three or more calls, within a seventy-~~
12 ~~two hour period, from one or more individuals concerning the same child, the division shall conduct~~
13 ~~a review to determine whether the calls meet the criteria and statutory definition for a child abuse~~
14 ~~and neglect report to be accepted. In conducting the review, the division shall contact the hotline~~
15 ~~caller or callers in order to collect information to determine whether the calls meet the criteria for~~
16 ~~harassment.~~

17 ~~_____7.]~~ 5. The local office shall contact the appropriate law enforcement agency immediately
18 upon receipt of a report which division personnel determine merits an investigation and provide
19 such agency with a detailed description of the report received. In such cases the local division office
20 shall request the assistance of the local law enforcement agency in all aspects of the investigation of
21 the complaint. The appropriate law enforcement agency shall either assist the division in the
22 investigation or provide the division, within twenty-four hours, an explanation in writing detailing
23 the reasons why it is unable to assist.

24 ~~[8.]~~ 6. The local office of the division shall cause an investigation or family assessment and
25 services approach to be initiated in accordance with the protocols established in subsection 2 of this
26 section, except in cases where the sole basis for the report is educational neglect. If the report
27 indicates that educational neglect is the only complaint and there is no suspicion of other neglect or
28 abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the
29 report indicates the child is in danger of serious physical harm or threat to life, an investigation shall
30 include direct observation of the subject child within twenty-four hours of the receipt of the report.
31 Local law enforcement shall take all necessary steps to facilitate such direct observation. ~~[Callers to~~
32 ~~the child abuse and neglect hotline]~~ Any person making a report to the division shall be instructed
33 ~~[by the division's hotline]~~ to call 911 in instances where the child may be in immediate danger. If
34 the parents of the child are not the alleged perpetrators, a parent of the child must be notified prior to
35 the child being interviewed by the division. No person responding to or investigating a child abuse
36 and neglect report shall call prior to a home visit or leave any documentation of any attempted visit,
37 such as business cards, pamphlets, or other similar identifying information if he or she has a
38 reasonable basis to believe the following factors are present:

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

44
45 If the alleged perpetrator is present during a visit by the person responding to or investigating the
46 report, such person shall provide written material to the alleged perpetrator informing him or her of
47 his or her rights regarding such visit, including but not limited to the right to contact an attorney.
48 The alleged perpetrator shall be given a reasonable amount of time to read such written material or
49 have such material read to him or her by the case worker before the visit commences, but in no

1 event shall such time exceed five minutes; except that, such requirement to provide written material
 2 and reasonable time to read such material shall not apply in cases where the child faces an
 3 immediate threat or danger, or the person responding to or investigating the report is or feels
 4 threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or
 5 child care facility the division shall not meet with the child in any school building or child-care
 6 facility building where abuse of such child is alleged to have occurred. When the child is reported
 7 absent from the residence, the location and the well-being of the child shall be verified. For
 8 purposes of this subsection, "child care facility" shall have the same meaning as such term is defined
 9 in section 210.201.

10 7. In conjunction with completing the risk assessment, division staff shall recommend one
 11 of the following:

12 (1) No action. No action shall be recommended if there are no signs of abuse or neglect
 13 warranting further involvement; however, such cases shall be recorded and maintained in
 14 accordance with section 210.152 for any later reports or changes;

15 (2) Services recommended. Services shall be utilized if there is no immediate safety
 16 concern but the family may benefit from services to assist with stability;

17 (3) Temporary alternative placement agreement as defined in section 210.123; or

18 (4) Referral to the juvenile office. The division shall make referrals to the juvenile office either for
 19 a preliminary child welfare hearing or for removal of children from a home where safety cannot be
 20 assured.

21 ~~[9.]~~ 8. The director of the division shall name at least one chief investigator for each local
 22 division office, who shall direct the division response on any case involving a second or subsequent
 23 incident regarding the same subject child or perpetrator. The duties of a chief investigator shall
 24 include verification of direct observation of the subject child by the division and shall ensure
 25 information regarding the status of an investigation is provided to the public school district liaison.
 26 The public school district liaison shall develop protocol in conjunction with the chief investigator to
 27 ensure information regarding an investigation is shared with appropriate school personnel. The
 28 superintendent of each school district shall designate a specific person or persons to act as the public
 29 school district liaison. Should the subject child attend a nonpublic school the chief investigator shall
 30 notify the school principal of the investigation. Upon notification of an investigation, all
 31 information received by the public school district liaison or the school shall be subject to the
 32 provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section
 33 1232g, and federal rule 34 C.F.R. Part 99.

34 ~~[10.]~~ 9. The investigation shall include but not be limited to the nature, extent, and cause of
 35 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the
 36 names and conditions of other children in the home, if any; the home environment and the
 37 relationship of the subject child to the parents or other persons responsible for the child's care; any
 38 indication of incidents of physical violence against any other household or family member; and
 39 other pertinent data.

40 ~~[11.]~~ 10. When a report has been made by a person required to report under section 210.115,
 41 the division shall contact the person who made such report within forty-eight hours of the receipt of
 42 the report in order to ensure that full information has been received and to obtain any additional
 43 information or medical records, or both, that may be pertinent.

44 11. The division shall promulgate a standardized format for recording and documenting case
 45 plans as required by 42 U.S.C. 675(1). The division and any children service provider of case
 46 management services shall use this format when providing services to children in alternative care or
 47 when a family-centered case is opened. Such case plan shall be developed within sixty days of the
 48 alternative care or family-centered case being opened but may be updated as necessary. The case
 49 plan shall be developed in consultation with any parents, guardians, parents' attorneys, the juvenile

1 officer, guardian ad litem, current foster parent, and, when appropriate, the child and the trusted
 2 adults selected by the child.

3 12. If the child abuse and neglect hotline receives three or more calls within a seventy-two-
 4 hour period from one or more individuals concerning the same child, the division shall conduct a
 5 review to determine whether the calls meet the criteria and statutory definition for the child abuse or
 6 neglect report to be accepted. In conducting the review, the division shall contact the hotline caller
 7 or callers in order to collect information to determine whether the calls meet the criteria for
 8 harassment. Upon completion of the investigation, if the division suspects that the report was made
 9 maliciously or for the purpose of harassment, the division shall refer the report and any evidence of
 10 malice or harassment to the local prosecuting or circuit attorney.

11 13. In a case involving the death or serious injury of a child after a report has been made
 12 under sections 210.109 to 210.165, the division shall conduct a preliminary evaluation in order to
 13 determine whether a review of the ability of the circuit manager or case worker or workers to
 14 perform their duties competently is necessary. The preliminary evaluation shall examine:

- 15 (1) The hotline worker or workers who took any reports related to such case;
- 16 (2) The division case worker or workers assigned to the investigation of such report; and
- 17 (3) The circuit manager assigned to the county where the report was investigated.

18
 19 Any preliminary evaluation shall be completed no later than three days after the child's death. If the
 20 division determines a review and assessment is necessary, it shall be completed no later than three
 21 days after the child's death.

22 ~~[13.]~~ 14. Multidisciplinary teams shall be used whenever conducting the investigation as
 23 determined by the division in conjunction with local law enforcement. ~~[Multidisciplinary teams~~
 24 ~~shall be used in providing protective or preventive social services, including the services of law~~
 25 ~~enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other~~
 26 ~~agencies, both public and private.]~~

27 ~~[14.]~~ 15. For all family support team meetings involving an alleged victim of child abuse or
 28 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of
 29 the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
 30 provided notice and be permitted to attend all such meetings. Family members, other than alleged
 31 perpetrators, or other community informal or formal service providers that provide significant
 32 support to the child and other individuals may also be invited at the discretion of the parents of the
 33 child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and
 34 the foster parents may request that other individuals, other than alleged perpetrators, be permitted to
 35 attend such team meetings. Once a person is provided notice of or attends such team meetings, the
 36 division or the convenor of the meeting shall provide such persons with notice of all such
 37 subsequent meetings involving the child. Families may determine whether individuals invited at
 38 their discretion shall continue to be invited.

39 ~~[15.]~~ 16. If the appropriate local division personnel determine after an investigation has
 40 begun that completing an investigation is not appropriate, the division shall conduct a family
 41 assessment and services approach. The division shall provide written notification to local law
 42 enforcement prior to terminating any investigative process. The reason for the termination of the
 43 investigative process shall be documented in the record of the division and the written notification
 44 submitted to local law enforcement. Such notification shall not preclude nor prevent any
 45 investigation by law enforcement.

46 ~~[16.]~~ 17. If the appropriate local division personnel determines to use a family assessment
 47 and services approach, the division shall:

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

1 (2) Provide services which are voluntary and time-limited unless it is determined by the
 2 division based on the assessment of risk that there will be a high risk of abuse or neglect if the
 3 family refuses to accept the services. The division shall identify services for families where it is
 4 determined that the child is at high risk of future abuse or neglect. The division shall thoroughly
 5 document in the record its attempt to provide voluntary services and the reasons these services are
 6 important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse
 7 voluntary services or the child needs to be protected, the division ~~[may commence an investigation]~~
 8 shall determine appropriate action under subsection 3 of section 210.145;

9 (3) Commence an immediate investigation if at any time during the family assessment and
 10 services approach the division determines that an investigation, as delineated in sections 210.109 to
 11 210.183, is required. The division staff who have conducted the assessment may remain involved in
 12 the provision of services to the child and family;

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

15 ~~[17.]~~ 18. (1) Within forty-five days of an oral report of abuse or neglect, the local office
 16 shall update the information in the information system. The information system shall contain, at a
 17 minimum, the determination made by the division as a result of the investigation, identifying
 18 information on the subjects of the report, those responsible for the care of the subject child and other
 19 relevant dispositional information, including all data required under section 210.188. The division
 20 shall complete all investigations within forty-five days, unless good cause for the failure to complete
 21 the investigation is specifically documented in the information system. Good cause for failure to
 22 complete an investigation shall include, but not be limited to:

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

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

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

34
 35 The division shall document any such reasons for failure to complete the investigation.

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

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

46 ~~[18.]~~ 19. A person required to report under section 210.115 to the division and any person
 47 making a report of child abuse or neglect made to the division which is not made anonymously shall
 48 be informed by the division of his or her right to obtain information concerning the disposition of
 49 his or her report. Such person shall receive, from the local office, if requested, information on the

1 general disposition of his or her report. Such person may receive, if requested, findings and
2 information concerning the case. Such release of information shall be at the discretion of the
3 director based upon a review of the reporter's ability to assist in protecting the child or the potential
4 harm to the child or other children within the family. The local office shall respond to the request
5 within forty-five days. The findings shall be made available to the reporter within five days of the
6 outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may
7 request that the report be referred by the division to the office of child advocate for children's
8 protection and services established in sections 37.700 to 37.730. Upon request by a reporter under
9 this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the
10 office of child advocate for children's protection and services.

11 ~~[19.]~~ 20. The division shall provide to any individual who is not satisfied with the results of
12 an investigation information about the office of child advocate and the services it may provide under
13 sections 37.700 to 37.730.

14 ~~[20.]~~ 21. In any judicial proceeding involving the custody of a child the fact that a report
15 may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

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

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

21
22 If a report has been made, the court may stay the custody proceeding until the children's division
23 completes its investigation.

24 ~~[21.]~~ 22. Nothing in this chapter shall be construed to prohibit the children's division from
25 coinvestigating a report of child abuse or neglect or sharing records and information with child
26 welfare, law enforcement, or judicial officers of another state, territory, or nation if the children's
27 division determines it is appropriate to do so under the standard set forth in subsection 4 of section
28 210.150 and if such receiving agency is exercising its authority under the law.

29 ~~[22.]~~ 23. In any judicial proceeding involving the custody of a child where the court
30 determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection
31 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be
32 entered into the registry.

33 ~~[23.]~~ 24. The children's division is hereby granted the authority to promulgate rules and
34 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions
35 of sections 210.109 to 210.183.

36 ~~[24.]~~ 25. Any rule or portion of a rule, as that term is defined in section 536.010, that is
37 created under the authority delegated in this section shall become effective only if it complies with
38 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
39 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
40 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
41 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
42 adopted after August 28, 2000, shall be invalid and void.

43 210.150. 1. The children's division shall ensure the confidentiality of all reports and records
44 made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, the
45 central registry, and other appropriate persons, officials, and institutions pursuant to sections
46 210.109 to 210.183. To protect the rights of the family and the child named in the report as a victim,
47 the children's division shall establish guidelines which will ensure that any disclosure of information
48 concerning the abuse and neglect involving that child is made only to persons or agencies that have
49 a right to such information. The division may require persons to make written requests for access to

1 records maintained by the division. The division shall only release information to persons who have
2 a right to such information. The division shall notify persons receiving information pursuant to
3 subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for which the
4 information is released and of the penalties for unauthorized dissemination of information. Such
5 information shall be used only for the purpose for which the information is released.

6 2. Only the following persons shall have access to investigation records contained in the
7 central registry:

8 (1) Appropriate federal, state or local criminal justice agency personnel, or any agent of
9 such entity, with a need for such information under the law to protect children from abuse or
10 neglect;

11 (2) A physician or a designated agent who reasonably believes that the child being
12 examined may be abused or neglected;

13 (3) Appropriate staff of the division and of its local offices, including interdisciplinary teams
14 which are formed to assist the division in investigation, evaluation and treatment of child abuse and
15 neglect cases or a multidisciplinary provider of professional treatment services for a child referred to
16 the provider;

17 (4) Any child named in the report as a victim, or a legal representative, or the parent, if not
18 the alleged perpetrator, or guardian of such person when such person is a minor, or is mentally ill or
19 otherwise incompetent, but the names of reporters shall not be furnished to persons in this category.
20 Prior to the release of any identifying information, the division shall determine if the release of such
21 identifying information may place a person's life or safety in danger. If the division makes the
22 determination that a person's life or safety may be in danger, the identifying information shall not be
23 released. The division shall provide a method for confirming or certifying that a designee is acting
24 on behalf of a subject;

25 (5) Any alleged perpetrator named in the report, but the names of reporters shall not be
26 furnished to persons in this category. Prior to the release of any identifying information, the division
27 shall determine if the release of such identifying information may place a person's life or safety in
28 danger. If the division makes the determination that a person's life or safety may be in danger, the
29 identifying information shall not be released. However, the investigation reports will not be
30 released to any alleged perpetrator with pending criminal charges arising out of the facts and
31 circumstances named in the investigation records until an indictment is returned or an information
32 filed;

33 (6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved in
34 the investigation of child abuse or neglect, juvenile court or other court conducting abuse or neglect
35 or child protective proceedings or child custody proceedings, and other federal, state and local
36 government entities, or any agent of such entity, with a need for such information in order to carry
37 out its responsibilities under the law to protect children from abuse or neglect;

38 (7) Any person engaged in a bona fide research purpose, with the permission of the director;
39 provided, however, that no information identifying the child named in the report as a victim or the
40 reporters shall be made available to the researcher, unless the identifying information is essential to
41 the research or evaluation and the child named in the report as a victim or, if the child is less than
42 eighteen years of age, through the child's parent, or guardian provides written permission;

43 (8) Any child-care facility; child-placing agency; residential-care facility, including group
44 homes; juvenile courts; public or private elementary schools; public or private secondary schools; or
45 any other public or private agency exercising temporary supervision over a child or providing or
46 having care or custody of a child who may request an examination of the central registry from the
47 division for all employees and volunteers or prospective employees and volunteers, who do or will
48 provide services or care to children. Any agency or business recognized by the division or business
49 which provides training and places or recommends people for employment or for volunteers in

1 positions where they will provide services or care to children may request the division to provide an
2 examination of the central registry. Such agency or business shall provide verification of its status
3 as a recognized agency. Requests for examinations shall be made to the division director or the
4 director's designee in writing by the chief administrative officer of the above homes, centers, public
5 and private elementary schools, public and private secondary schools, agencies, or courts. The
6 division shall respond in writing to that officer. The response shall include information pertaining to
7 the nature and disposition of any report or reports of abuse or neglect revealed by the examination of
8 the central registry. This response shall not include any identifying information regarding any
9 person other than the alleged perpetrator of the abuse or neglect;

10 (9) Any parent or legal guardian who inquires about a child abuse or neglect report
11 involving a specific person or child-care facility who does or may provide services or care to a child
12 of the person requesting the information. Request for examinations shall be made to the division
13 director or the director's designee, in writing, by the parent or legal guardian of the child and shall
14 be accompanied with a signed and notarized release form from the person who does or may provide
15 care or services to the child. The notarized release form shall include the full name, date of birth
16 and Social Security number of the person who does or may provide care or services to a child. The
17 response shall include information pertaining to the nature and disposition of any report or reports of
18 abuse or neglect revealed by the examination of the central registry. This response shall not include
19 any identifying information regarding any person other than the alleged perpetrator of the abuse or
20 neglect. The response shall be given within ten working days of the time it was received by the
21 division;

22 (10) Any person who inquires about a child abuse or neglect report involving a specific
23 child-care facility, child-placing agency, residential-care facility, public and private elementary
24 schools, public and private secondary schools, juvenile court or other state agency. The information
25 available to these persons is limited to the nature and disposition of any report contained in the
26 central registry and shall not include any identifying information pertaining to any person mentioned
27 in the report;

28 (11) Any state agency acting pursuant to statutes regarding a license of any person,
29 institution, or agency which provides care for or services to children;

30 (12) Any child fatality review panel established pursuant to section 210.192 or any state
31 child fatality review panel established pursuant to section 210.195;

32 (13) Any person who is a tenure-track or full-time research faculty member at an accredited
33 institution of higher education engaged in scholarly research, with the permission of the director.
34 Prior to the release of any identifying information, the director shall require the researcher to present
35 a plan for maintaining the confidentiality of the identifying information. The researcher shall be
36 prohibited from releasing the identifying information of individual cases;

37 (14) The state registrar of vital statistics, or his or her designee, but the information made
38 available shall be limited to identifying information only for the purposes of providing birth record
39 information under section 210.156.

40 3. Only the following persons shall have access to records maintained by the division
41 pursuant to section 210.152 for which the division has received a report of child abuse and neglect
42 and which the division has determined that there is insufficient evidence or in which the division
43 proceeded with the family assessment and services approach:

44 (1) Appropriate staff of the division;

45 (2) Any child named in the report as a victim, or a legal representative, or the parent or
46 guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent.
47 The names or other identifying information of reporters shall not be furnished to persons in this
48 category. Prior to the release of any identifying information, the division shall determine if the
49 release of such identifying information may place a person's life or safety in danger. If the division

1 makes the determination that a person's life or safety may be in danger, the identifying information
2 shall not be released. The division shall provide for a method for confirming or certifying that a
3 designee is acting on behalf of a subject;

4 (3) Any alleged perpetrator named in the report, but the names of reporters shall not be
5 furnished to persons in this category. Prior to the release of any identifying information, the division
6 shall determine if the release of such identifying information may place a person's life or safety in
7 danger. If the division makes the determination that a person's life or safety may be in danger, the
8 identifying information shall not be released. However, the investigation reports will not be
9 released to any alleged perpetrator with pending criminal charges arising out of the facts and
10 circumstances named in the investigation records until an indictment is returned or an information
11 filed;

12 (4) Any child fatality review panel established pursuant to section 210.192 or any state child
13 fatality review panel established pursuant to section 210.195;

14 (5) Appropriate criminal justice agency personnel or juvenile officer;

15 (6) Multidisciplinary agency or individual including a physician or physician's designee
16 who is providing services to the child or family, with the consent of the parent or guardian of the
17 child or legal representative of the child;

18 (7) Any person engaged in bona fide research purpose, with the permission of the director;
19 provided, however, that no information identifying the subjects of the reports or the reporters shall
20 be made available to the researcher, unless the identifying information is essential to the research or
21 evaluation and the subject, or if a child, through the child's parent or guardian, provides written
22 permission.

23 4. Members of the response and evaluation team established in section 210.112, in execution
24 of their official duties as members of the team, shall be allowed access to records maintained by the
25 division and children service providers to complete random file reviews. All files and records, and
26 any individually identifiable information provided to the team and its members, produced under this
27 subsection, shall be confidential. Any files or records produced shall be returned to the children's
28 division or destroyed upon the conclusion of the review as designated by the division. Information
29 identifying the hotline reporter shall not be provided to the team and its members.

30 5. Any person who knowingly violates the provisions of this section, or who permits or
31 encourages the unauthorized dissemination of information contained in the information system or
32 the central registry and in reports and records made pursuant to sections 210.109 to 210.183, shall
33 be guilty of a class A misdemeanor.

34 [~~5-~~] 6. Nothing in this section shall preclude the release of findings or information about
35 cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of the
36 director of the department of social services, based upon a review of the potential harm to other
37 children within the immediate family.

38 210.156. 1. The children's division shall make available to the state registrar of vital
39 statistics the identifying information of the following individuals of whom the division has
40 knowledge:

41 (1) Individuals whose parental rights have been terminated under section 211.447 and who
42 are identified in the central registry as having a finding by the division or a court adjudication of
43 child abuse or neglect;

44 (2) Individuals identified in the central registry who have pled guilty or have been found
45 guilty of an offense under section 565.020, 565.021, 565.023, or 565.024 if the victim is a child less
46 than eighteen years of age; and

47 (3) Individuals identified in the central registry who have pled guilty or have been found
48 guilty of any offense under chapter 566 or an offense under section 567.050, 568.020, 568.065,
49 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205 if the victim is a child less than

1 eighteen years of age.

2 2. The state registrar shall provide to the division the birth record information of children
3 born to individuals whose identifying information has been provided under this section. The
4 division shall verify that the parent of the child is the same individual whose identifying information
5 was provided and, if the parent's identity has been verified, shall provide the appropriate local office
6 with information regarding the birth of the child. Appropriate local division personnel shall initiate
7 contact with the family, or make a good faith effort to do so, to determine if the parent or family has
8 a need for services and provide such voluntary and time-limited services as appropriate. The
9 division shall document the results of such contact and services provided, if any, in the information
10 system established under section 210.109.

11 3. The children's division and the state registrar shall ensure the confidentiality of all
12 identifying information and birth records provided under this section and shall not disclose such
13 information and records except as needed to effectuate the provisions of this section or to apply for
14 benefits for the child or family. Such information and records shall be considered closed records
15 under chapter 610.

16 4. The division may promulgate rules and regulations to implement the provisions of this
17 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
18 under the authority delegated in this section shall become effective only if it complies with and is
19 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
20 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
21 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
22 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
23 August 28, 2020, shall be invalid and void.

24 210.157. 1. This section shall be known and may be cited as the "Birth Match Program".

25 2. (1) The director shall provide to the director of the department of health and senior
26 services information regarding an individual who, as to any child, has had his or her parental rights
27 terminated.

28 (2) A court shall provide to the director of the department of health and senior services
29 identifying information regarding an individual who has been convicted under section 565.020,
30 565.021, 565.023, or 565.024.

31 3. The director of the department of health and senior services shall provide to the director
32 birth record information for a child born to an individual whose identifying information has been
33 provided to the director of the department of health and senior services by the director or a court
34 within the previous ten years. If such information is provided to the director, the director shall:

35 (1) Verify that the parent of the child is the same individual as described in subsection 2 of
36 this section; and

37 (2) Immediately notify the division where the child is believed to be located so that the
38 division shall review its records of the family and offer services if needed.

39 4. The children's division may utilize information under this section in support of its duties
40 to protect children, including to investigate reports of child abuse or neglect and to perform family
41 assessments. However, the division shall not be required to conduct subsequent assessments of
42 subsequent births under this section if the division has conducted one assessment under this section,
43 the division has determined that services were not necessary, and there are no subsequent reports of
44 child abuse or neglect pertaining to children in the family.

45 210.160. 1. In every case involving an abused or neglected child which results in a judicial
46 proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

47 (1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165 except
48 proceedings under subsection 6 of section 210.152, sections 210.700 to 210.760, sections 211.442 to
49 211.487, or sections 453.005 to 453.170~~], or proceedings to determine custody or visitation rights~~

1 under sections 452.375 to 452.410]; or

2 (2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent, and
3 whose child is the subject of proceedings under sections 210.110 to 210.165, sections 210.700 to
4 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170.

5 2. The judge, either sua sponte or upon motion of a party, may appoint a guardian ad litem
6 to appear for and represent an abused or neglected child involved in proceedings arising under
7 subsection 6 of section 210.152.

8 3. The guardian ad litem shall be provided with all reports relevant to the case made to or by
9 any agency or person, shall have access to all records of such agencies or persons relating to the
10 child or such child's family members or placements of the child, and upon appointment by the court
11 to a case, shall be informed of and have the right to attend any and all family support team meetings
12 involving the child. Employees of the division, officers of the court, law enforcement personnel,
13 and employees of any agency involved shall fully inform the guardian ad litem of all aspects of the
14 case of which they have knowledge or belief within forty-eight hours of an inquiry by a guardian ad
15 litem.

16 4. The appointing judge shall require the guardian ad litem to faithfully discharge such
17 guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and
18 appoint another. The appointing judge shall have the authority to examine the general and criminal
19 background of persons appointed as guardians ad litem, including utilization of the family care
20 safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and
21 welfare of the children such persons are appointed to represent. The judge in making appointments
22 pursuant to this section shall give preference to persons who served as guardian ad litem for the
23 child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

24 5. The guardian ad litem may be awarded a reasonable fee for such services to be set by the
25 court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the
26 proceedings or from public funds. If a guardian ad litem files a petition for termination of parental
27 rights as permitted in section 211.447, costs shall be charged to the division. However, no fees as a
28 judgment shall be taxed against a party or parties who have not been found to have abused or
29 neglected a child or children. Such an award of guardian fees shall constitute a final judgment in
30 favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in
31 accordance with chapter 513.

32 6. The court may designate volunteer advocates, who may or may not be attorneys licensed
33 to practice law, to assist in the performance of the guardian ad litem duties for the court.
34 Nonattorney volunteer advocates shall not provide legal representation. The court shall have the
35 authority to examine the general and criminal background of persons designated as volunteer
36 advocates, including utilization of the family care safety registry and access line pursuant to sections
37 210.900 to 210.937, to ensure the safety and welfare of the children such persons are designated to
38 represent. The volunteer advocate shall be provided with all reports relevant to the case made to or
39 by any agency or person, shall have access to all records of such agencies or persons relating to the
40 child or such child's family members or placements of the child, and upon designation by the court
41 to a case, shall be informed of and have the right to attend any and all family support team meetings
42 involving the child. Any such designated person shall receive no compensation from public funds.
43 This shall not preclude reimbursement for reasonable expenses.

44 7. Any person appointed to perform guardian ad litem duties shall have completed a training
45 program in permanency planning and shall advocate for timely court hearings whenever possible to
46 attain permanency for a child as expeditiously as possible to reduce the effects that prolonged foster
47 care may have on a child. A nonattorney volunteer advocate shall have access to a court appointed
48 attorney guardian ad litem should the circumstances of the particular case so require.

49 8. A guardian ad litem may conduct well-child checks in emergency situations under a court

1 order.

2 210.188. 1. Beginning February 1, 2006, and each February first thereafter, the department
 3 of social services shall submit a report to the governor and the general assembly that includes the
 4 following information for the previous calendar year and, if applicable, such information shall be
 5 broken down by county and by agency or agencies managing cases on behalf of the department:

6 (1) The number of children who were reported to the state of Missouri during the year as
 7 abused or neglected;

8 (2) Of the number of children described in subdivision (1) of this section, the number with
 9 respect to whom such reports were substantiated or unsubstantiated;

10 (3) Of the number of children described in subdivision (2) of this section:

11 (a) The number that did not receive or refused services during the year under a children's
 12 division program;

13 (b) The number that did receive services during the year under a state program; and

14 (c) The number that were removed from their families during the year by disposition of the
 15 case;

16 (4) The number of families that received preventive services from the state or a private
 17 service provider during the year;

18 (5) The number of deaths in the state during the year resulting from child abuse or neglect;

19 (6) Of the number of children described in subdivision (5) of this section, the number of
 20 children who were in foster care or received services from a private service provider;

21 (7) The number of child protective services workers responsible for the intake and screening
 22 of reports filed during the year;

23 (8) The agency response time with respect to each such report with respect to initial
 24 investigation of reports of child abuse or neglect;

25 (9) The response time with respect to the provision of services to families and children
 26 where an allegation of abuse or neglect has been made;

27 (10) The number of child protective services workers responsible for intake, assessment,
 28 and investigation of child abuse and neglect reports relative to the number of reports investigated
 29 during the year;

30 (11) The number of children reunited with their families or receiving family preservation
 31 services that, within five years, result in subsequent substantiated reports of child abuse and neglect,
 32 including the death of the child; and

33 (12) The number of children in foster care who have been adopted.

34 2. (1) The division shall compile individual-level anonymized data for the prior calendar
 35 year that allows researchers to track children through the child protection system and allows
 36 analysis of outcomes and comparisons. For every child, such data shall include:

37 (a) General demographics, including county of residence, age, special needs, and reason or
 38 reasons for entry;

39 (b) Parental demographics, including age, previous involvement, other children and living
 40 arrangements for each child, special needs, services to be provided, and the date each condition is
 41 met;

42 (c) Information regarding all services provided, including the case management contractor
 43 and court assignment; and

44 (d) Information regarding all placements, including the type of placement, date of changes,
 45 and reasons for the changes.

46
 47 Beginning March 1, 2021, and each March first thereafter, the department shall provide the data
 48 required under this subdivision to any Missouri research institution that agrees to provide the
 49 division access to any research conducted by such institution utilizing such data.

1 (2) Before September first of each year, the division shall provide a report to the general
 2 assembly detailing by county and case management provider, regardless of whether the case
 3 management provider is an agency or contracted entity, the:

- 4 (a) Number of referrals to the child welfare system;
 5 (b) Number of children entering care;
 6 (c) Total number of children in care;
 7 (d) Number of children under one year of age entering care during that year;
 8 (e) Number of children under one year of age in care;
 9 (f) Number of children receiving psychotropic or other medication;
 10 (g) Average time to permanency;
 11 (h) Average time to terminate a parent's parental rights;
 12 (i) Average time between the termination of parental rights and adoption;
 13 (j) Number of voluntary and involuntary termination of parental rights cases;
 14 (k) Number of specific consents to adoption;
 15 (l) Number of postadoption contract agreements;
 16 (m) Number of children reentering care; and
 17 (n) Number of children aging out of the foster care system.

18 210.201. As used in sections 210.201 to 210.257, the following terms mean:

- 19 (1) "Child", an individual who is under the age of seventeen;
 20 (2) "Child care", care of a child away from his or her home

21 for any part of the twenty-four-hour day for compensation or otherwise. "Child care" is a voluntary
 22 supplement to parental responsibility for the child's protection, development, and supervision;

23 (3) "Child-care facility" or "child care facility", a house or other place conducted or
 24 maintained by any person who advertises or holds himself or herself out as providing child care for
 25 [more than six children during the daytime,] any part of the twenty-four-hour day for compensation
 26 or otherwise[, except those operated by a school system or in connection with a business
 27 establishment which provides child care as a convenience for its customers or its employees for no
 28 more than four hours per day, but a child-care facility shall not include any private or religious
 29 organization elementary or secondary school, a religious organization academic preschool or
 30 kindergarten for four- and five-year-old children, a home school, as defined in section 167.031, a
 31 weekly Sunday or Sabbath school, a vacation Bible school or child care made available while the
 32 parents or guardians are attending worship services or other meetings and activities conducted or
 33 sponsored by a religious organization. If a facility or program is exempt from licensure based on the
 34 school exception established in this subdivision, such facility or program shall submit
 35 documentation annually to the department to verify its licensure-exempt status; except that, under
 36 no circumstances shall any public or religious organization elementary or secondary school, a
 37 religious organization academic preschool or kindergarten for four- and five-year-old children, a
 38 home school, as defined in section 167.031, a weekly Sunday or Sabbath school, a vacation Bible
 39 school or child care made available while the parents or guardians are attending worship services or
 40 other meetings and activities conducted or sponsored by a religious organization be required to
 41 submit documentation annually to the department to verify its licensure-exempt status] if providing
 42 child care to more than:

- 43 (a) Six children; or
 44 (b) Three children under two years of age;
 45 (4) "Child care provider" or "provider", the person or persons licensed or required to be
 46 licensed under section 210.221 to establish, conduct, or maintain a child care facility;

47 (5) "Montessori school", a child care program that subscribes to Maria Montessori's
 48 educational philosophy and that is accredited by the American Montessori Society or the
 49 Association Montessori Internationale;

1 (6) "Neighborhood youth development program", as described in section 210.278;

2 (7) "Nursery school", a program operated by a person or an organization with the primary
 3 function of providing an educational program for preschool-age children for no more than four
 4 hours per day per child;

5 ~~[(3)]~~ (8) "Person", any [person] individual, firm, corporation, partnership, association,
 6 ~~[institution or other incorporated or unincorporated organization] agency, or an incorporated or~~
 7 ~~unincorporated organization regardless of the name used;~~

8 ~~[(4)]~~ (9) "Religious organization", a church, synagogue or mosque; an entity that has or
 9 would qualify for federal tax-exempt status as a nonprofit religious organization under Section
 10 501(c) of the Internal Revenue Code; or an entity whose real estate on which the child-care facility
 11 is located is exempt from taxation because it is used for religious purposes;

12 (10) "School system", a program established primarily for education and that meets the
 13 following criteria:

14 (a) Provides education in at least the first to the sixth grade; and

15 (b) Provides evidence that the school system's records will be accepted by a public or
 16 private school for the transfer of any student;

17 (11) "Summer camp", a program operated from May to September by a person or
 18 organization with the primary function of providing a summer recreational program for children five
 19 years of age or older and providing no child care for children under five years of age in the same
 20 building or in the same outdoor play area.

21 210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child-care
 22 facility for children, or to advertise or hold himself or herself out as being able to perform any of the
 23 services as defined in section 210.201, without having in effect a written license granted by the
 24 department of health and senior services; except that nothing in sections 210.203 to 210.245 shall
 25 apply to:

26 (1) Any person who is caring for six or fewer children, including a maximum of three
 27 children under the age of two, at the same physical address. For purposes of this subdivision,
 28 children who live in the caregiver's home and who are eligible for enrollment in a public
 29 kindergarten, elementary, or high school shall not be considered in the total number of children
 30 being cared for;

31 (2) Any person who receives free of charge, and not as a business, for periods not exceeding
 32 ninety consecutive days, as bona fide, occasional and personal guests the child or children of
 33 personal friends of such person, and who receives custody of no other unrelated child or children;

34 (3) ~~Any graded boarding school[, summer camp, hospital, sanitarium or home which is~~
 35 ~~conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or~~
 36 ~~convalescent care for children] that is conducted in good faith primarily to provide education;~~

37 (4) ~~[Any child-care facility maintained or operated under the exclusive control of a religious~~
 38 ~~organization. When a nonreligious organization, having as its principal purpose the provision of~~
 39 ~~child-care services, enters into an arrangement with a religious organization for the maintenance or~~
 40 ~~operation of a child-care facility, the facility is not under the exclusive control of the religious~~
 41 ~~organization;~~

42 ~~_____ (5) Any residential facility or day program licensed by the department of mental health~~
 43 ~~pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation exclusively~~
 44 ~~to children who have a primary diagnosis of mental disorder, mental illness, intellectual disability or~~
 45 ~~developmental disability, as defined in section 630.005] Any summer camp that is conducted in~~
 46 ~~good faith primarily to provide recreation; [and~~

47 ~~_____ (6) Any nursery school] (5) Any hospital, sanitarium, or home that is conducted in good~~
 48 ~~faith primarily to provide medical treatment or nursing or convalescent care for children;~~

49 (6) Any residential facility or day program licensed by the department of mental health

1 under sections 630.705 to 630.760 that provides care, treatment, and habilitation exclusively to
 2 children who have a primary diagnosis of mental disorder, mental illness, intellectual disability, or
 3 developmental disability, as those terms are defined in section 630.005;

4 (7) Any school system as defined in section 210.201;

5 (8) Any Montessori school as defined in section 210.201;

6 (9) Any business that operates a child care program for the convenience of its customers if
 7 the following conditions are met:

8 (a) The business provides child care for employees' children for no more than four hours per
 9 day; and

10 (b) Customers remain on site while their children are being cared for by the business
 11 establishment;

12 (10) Any home school as defined in section 167.031;

13 (11) Any religious organization academic preschool or kindergarten for four- and five-year-
 14 old children;

15 (12) Any weekly Sunday or Sabbath school, a vacation bible school, or child care made
 16 available while the parents or guardians are attending worship services or other meetings and
 17 activities conducted or sponsored by a religious organization;

18 (13) Any neighborhood youth development program under section 210.278;

19 (14) Any religious organization elementary or secondary school;

20 (15) Any private organization elementary or secondary
 21 school system providing child care to children younger than school age. If a facility or program is
 22 exempt from licensure based upon this exception, such facility or program shall submit
 23 documentation annually to the department to verify its licensure-exempt status;

24 (16) Any nursery school as defined in section 210.201; and

25 (17) Any child care facility maintained or operated under the exclusive control of a religious
 26 organization. If a nonreligious organization having as its principal purpose the provision of child
 27 care services enters into an arrangement with a religious organization for the maintenance or
 28 operation of a child care facility, the facility is not under the exclusive control of the religious
 29 organization.

30 2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall
 31 be exempt from licensure if such facility receives any state or federal funds for providing care for
 32 children, except for federal funds for those programs which meet the requirements for participation
 33 in the Child and Adult Care Food Program pursuant to 42 U.S.C. Section 1766. Grants to parents
 34 for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by
 35 a person or facility listed in subdivisions (1) and ~~[(4)]~~ (17) of subsection 1 of this section.

36 3. Any child care facility not exempt from licensure shall disclose the licensure status of the
 37 facility to the parents or guardians of children for which the facility provides care. No child care
 38 facility exempt from licensure shall represent to any parent or guardian of children for which the
 39 facility provides care that the facility is licensed when such facility is in fact not licensed. A parent
 40 or guardian shall sign a written notice indicating he or she is aware of the licensure status of the
 41 facility. The facility shall keep a copy of this signed written notice on file. All child care facilities
 42 shall provide the parent or guardian enrolling a child in the facility with a written explanation of the
 43 disciplinary philosophy and policies of the child care facility.

44 210.221. 1. The department of health and senior services shall have the following powers
 45 and duties:

46 (1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as
 47 to the good character and intent of the applicant and that such applicant is qualified and equipped to
 48 render care or service conducive to the welfare of children~~], and to renew the same when expired.~~
 49 ~~No license shall be granted for a term exceeding two years].~~ Each license shall specify the kind of

1 child-care services the licensee is authorized to perform, the number of children that can be received
2 or maintained, and their ages and sex;

3 (2) To inspect the conditions of the homes and other places in which the applicant operates a
4 child-care facility, inspect their books and records, premises and children being served, examine
5 their officers and agents, deny, suspend, place on probation or revoke the license of such persons as
6 fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the
7 department of health and senior services. The director also may revoke or suspend a license when
8 the licensee fails to renew or surrenders the license;

9 (3) To promulgate and issue rules and regulations the department deems necessary or proper
10 in order to establish standards of service and care to be rendered by such licensees to children. No
11 rule or regulation promulgated by the division shall in any manner restrict or interfere with any
12 religious instruction, philosophies or ministries provided by the facility and shall not apply to
13 facilities operated by religious organizations which are not required to be licensed;

14 (4) To approve training concerning the safe sleep recommendations of the American
15 Academy of Pediatrics in accordance with section 210.223; and

16 (5) To determine what records shall be kept by such persons and the form thereof, and the
17 methods to be used in keeping such records, and to require reports to be made to the department at
18 regular intervals.

19 2. Any child-care facility may request a variance from a rule or regulation promulgated
20 pursuant to this section. The request for a variance shall be made in writing to the department of
21 health and senior services and shall include the reasons the facility is requesting the variance. The
22 department shall approve any variance request that does not endanger the health or safety of the
23 children served by the facility. The burden of proof at any appeal of a disapproval of a variance
24 application shall be with the department of health and senior services. Local inspectors may grant a
25 variance, subject to approval by the department of health and senior services.

26 3. The department shall deny, suspend, place on probation or revoke a license if it receives
27 official written notice that the local governing body has found that license is prohibited by any local
28 law related to the health and safety of children. The department may deny an application for a
29 license if the department determines that a home or other place in which an applicant would operate
30 a child-care facility is located within one thousand feet of any location where a person required to
31 register under sections 589.400 to 589.425 either resides, as that term is defined in subsection 3 of
32 section 566.147, or regularly receives treatment or services, excluding any treatment or services
33 delivered in a hospital, as that term is defined in section 197.020, or in facilities owned or operated
34 by a hospital system. The department may, after inspection, find the licensure, denial of licensure,
35 suspension or revocation to be in the best interest of the state.

36 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
37 under the authority delegated in sections 210.201 to 210.245 shall become effective only if it
38 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
39 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and
40 repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed
41 or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
42 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
43 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
44 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
45 adopted after August 28, 1999, shall be invalid and void.

46 210.252. 1. All buildings and premises used by a child-care facility to care for more than
47 six children except those exempted from the licensing provisions of the department of health and
48 senior services pursuant to subdivisions ~~[(1), (2), (3), and (5)]~~ (1) to (15) of subsection 1 of section
49 210.211, shall be inspected annually for fire and safety by the state fire marshal, the marshal's

1 designee or officials of a local fire district and for health and sanitation by the department of health
2 and senior services or officials of the local health department. Evidence of compliance with the
3 inspections required by this section shall be kept on file and available to parents of children
4 enrolling in the child-care facility.

5 2. Local inspection of child-care facilities may be accomplished if the standards employed
6 by local personnel are substantially equivalent to state standards and local personnel are available
7 for enforcement of such standards.

8 3. Any child-care facility may request a variance from a rule or regulation promulgated
9 pursuant to this section. The request for a variance shall be made in writing to the department of
10 health and senior services and shall include the reasons the facility is requesting the variance. The
11 department shall approve any variance request that does not endanger the health or safety of the
12 children served by the facility. The burden of proof at any appeal of a disapproval of a variance
13 application shall be with the department of health and senior services. Local inspectors may grant a
14 variance, subject to approval by the department.

15 4. The department of health and senior services shall administer the provisions of sections
16 210.252 to 210.256, with the cooperation of the state fire marshal, local fire departments and local
17 health agencies.

18 5. The department of health and senior services shall promulgate rules and regulations to
19 implement and administer the provisions of sections 210.252 to 210.256. Such rules and regulations
20 shall provide for the protection of children in all child-care facilities whether or not such facility is
21 subject to the licensing provisions of sections 210.201 to 210.245.

22 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
23 under the authority delegated in sections 210.252 to 210.256 shall become effective only if it
24 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
25 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and
26 repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed
27 or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
28 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
29 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
30 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
31 adopted after August 28, 1999, shall be invalid and void.

32 210.254. 1. Child-care facilities operated by religious organizations pursuant to the exempt
33 status recognized in subdivision [(4)] (17) of subsection 1 of section 210.211 shall upon enrollment
34 of any child provide the parent or guardian enrolling the child two copies of a notice of parental
35 responsibility, one copy of which shall be retained in the files of the facility after the enrolling
36 parent acknowledges, by signature, having read and accepted the information contained therein.

37 2. The notice of parental responsibility shall include the following:

38 (1) Notification that the child-care facility is exempt as a religious organization from state
39 licensing and therefore not inspected or supervised by the department of health and senior services
40 other than as provided herein and that the facility has been inspected by those designated in section
41 210.252 and is complying with the fire, health and sanitation requirements of sections 210.252 to
42 210.257;

43 (2) The names, addresses and telephone numbers of agencies and authorities which inspect
44 the facility for fire, health and safety and the date of the most recent inspection by each;

45 (3) The staff/child ratios for enrolled children under two years of age, for children ages two
46 to four and for those five years of age and older as required by the department of health and senior
47 services regulations in licensed facilities, the standard ratio of staff to number of children for each
48 age level maintained in the exempt facility, and the total number of children to be enrolled by the
49 facility;

1 (4) Notification that background checks have been conducted under the provisions of
2 section 210.1080;

3 (5) The disciplinary philosophy and policies of the child-care facility; and

4 (6) The educational philosophy and policies of the child-care facility.

5 3. A copy of notice of parental responsibility, signed by the principal operating
6 officer of the exempt child-care facility and the individual primarily responsible for the religious
7 organization conducting the child-care facility and copies of the annual fire and safety inspections
8 shall be filed annually during the month of August with the department of health and senior
9 services.

10 210.565. 1. Whenever a child is placed in a foster home and the court has determined
11 pursuant to subsection 4 of this section that foster home placement with relatives is not contrary to
12 the best interest of the child, the children's division shall give foster home placement to relatives of
13 the child. Notwithstanding any rule of the division to the contrary, the children's division shall make
14 diligent efforts to locate the grandparents, adult siblings, and parents of siblings of the child and
15 determine whether they wish to be considered for placement of the child. Grandparents who request
16 consideration shall be given preference and first consideration for foster home placement of the
17 child. If more than one grandparent requests consideration, the family support team shall make
18 recommendations to the juvenile or family court about which grandparent should be considered for
19 placement.

20 2. As used in this section, the following terms shall mean:

21 (1) "Adult sibling", any brother or sister of whole or half-blood who is at least eighteen
22 years of age;

23 (2) "Relative", a grandparent or any other person related to another by blood or affinity or a
24 person who is not so related to the child but has a close relationship with the child or the child's
25 family. The status of a grandparent shall not be affected by the death or the dissolution of the
26 marriage of a son or daughter;

27 (3) "Sibling", one of two or more individuals who have one or both parents in common
28 through blood, marriage, or adoption, including siblings as defined by the child's tribal code or
29 custom.

30 3. The following shall be the order or preference for placement of a child under this section:

31 (1) Grandparents;

32 (2) Adult siblings or parents of siblings;

33 (3) Relatives related by blood or affinity within the third degree;

34 (4) Other relatives; and

35 (5) Any foster parent who is currently licensed and capable of accepting placement of the
36 child.

37 4. The preference for placement and first consideration for grandparents or preference for
38 placement with other relatives created by this section shall only apply where the court finds that
39 placement with such grandparents or other relatives is not contrary to the best interest of the child
40 considering all circumstances. If the court finds that it is contrary to the best interest of a child to be
41 placed with grandparents or other relatives, the court shall make specific findings on the record
42 detailing the reasons why the best interests of the child necessitate placement of the child with
43 persons other than grandparents or other relatives.

44 5. Recognizing the critical nature of sibling bonds for children, the children's division shall
45 make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive
46 placement, unless doing so would be contrary to the safety or well-being of any of the siblings. If
47 siblings are not placed together, the children's division shall [~~make reasonable efforts to~~] provide
48 frequent visitation or other ongoing interaction between the siblings, unless this interaction would
49 be contrary to a sibling's safety or well-being.

1 6. The age of the child's grandparent or other relative shall not be the only factor that the
2 children's division takes into consideration when it makes placement decisions and
3 recommendations to the court about placing the child with such grandparent or other relative.

4 7. For any Native American child placed in protective custody, the children's division shall
5 comply with the placement requirements set forth in 25 U.S.C. Section 1915.

6 8. A grandparent or other relative may, on a case-by-case basis, have standards for licensure
7 not related to safety waived for specific children in care that would otherwise impede licensing of
8 the grandparent's or relative's home. In addition, any person receiving a preference may be licensed
9 in an expedited manner if a child is placed under such person's care.

10 9. The guardian ad litem shall ascertain the child's wishes and feelings about his or her
11 placement by conducting an interview or interviews with the child, if appropriate based on the
12 child's age and maturity level, which shall be considered as a factor in placement decisions and
13 recommendations, but shall not supersede the preference for relative placement created by this
14 section or be contrary to the child's best interests.

15 210.566. 1. (1) The children's division and its contractors, recognizing that foster parents
16 are not clients but rather are colleagues in the child welfare team, shall treat foster parents in a
17 manner consistent with the National Association of Social Workers' ethical standards of conduct as
18 described in its Social Workers' Ethical Responsibilities to Colleagues. Foster parents shall treat the
19 children in their care, the child's birth family and members of the child welfare team in a manner
20 consistent with their ethical responsibilities as professional team members.

21 (2) The children's division and its contractors shall provide written notification of the rights
22 enumerated in this section at the time ~~[of]~~ a child is placed with the prospective foster parent, at
23 initial licensure, and at the time of each licensure renewal following the initial licensure period.

24 2. (1) The children's division and its contractors shall provide foster parents with regularly
25 scheduled opportunities for preservice training, and regularly scheduled opportunities for pertinent
26 inservice training, as determined by the Missouri State Foster Care and Adoption Advisory Board.

27 (2) The children's division and its contractors shall provide to foster parents and potential
28 adoptive parents, prior to placement, all pertinent information, including but not limited to full
29 disclosure of all medical, psychological, and psychiatric conditions of the child, as well as
30 information from previous placements that would indicate that the child or children may have a
31 propensity to cause violence to any member of the foster family home. The foster parents shall be
32 provided with any information regarding the child or the child's family, including but not limited to
33 the case plan, any family history of mental or physical illness, sexual abuse of the child or sexual
34 abuse perpetrated by the child, criminal background of the child or the child's family, fire-setting or
35 other destructive behavior by the child, substance abuse by the child or child's family, or any other
36 information which is pertinent to the care and needs of the child and to protect the foster or adoptive
37 family. The children's division and its contractors shall provide full access to the child's medical,
38 psychological, and psychiatric records in its possession at the time of placement, including records
39 prior to the child coming into care, at the time the child is placed with a foster parent. After initial
40 placement, the children's division and its contractors shall have a continuing duty and obligation to
41 provide access to such records that come into its possession or of which the division or its
42 contractors become aware. Access shall include providing information and authorization for foster
43 parents to review or to obtain the records directly from the medical, psychological, or psychiatric
44 services provider. A foster parent may decline access to any or all of the child's records.

45 Knowingly providing false or misleading information to foster parents in order to secure placement
46 shall be denoted in the caseworker's personnel file and shall be kept on record by the division.

47 (3) The children's division and its contractors shall arrange preplacement visits, except in
48 emergencies.

49 (4) The foster parents may ask questions about the child's case plan, encourage a placement

1 or refuse a placement without reprisal from the caseworker or agency. After a placement, the
2 children's division and its contractors shall update the foster parents as new information about the
3 child is gathered.

4 (5) Foster parents shall be informed in a timely manner by the children's division and its
5 contractors of all team meetings and staffings concerning their licensure status or children placed in
6 their homes, and shall be allowed to participate, consistent with section 210.761.

7 (6) The children's division and its contractors shall establish reasonably accessible respite
8 care for children in foster care for short periods of time, jointly determined by foster parents and the
9 child's caseworker pursuant to section 210.545. Foster parents shall follow all procedures
10 established by the children's division and its contractors for requesting and using respite care.

11 (7) Foster parents shall treat all information received from the children's division and its
12 contractors about the child and the child's family as confidential. Information necessary for the
13 medical or psychiatric care of the child may be provided to the appropriate practitioners. Foster
14 parents may share information necessary with school personnel in order to secure a safe and
15 appropriate education for the child. Additionally, foster parents shall share information they may
16 learn about the child and the child's family, and concerns that arise in the care of the child, with the
17 caseworker and other members of the child welfare team. Recognizing that placement changes are
18 difficult for children, foster parents shall seek all necessary information, and participate in
19 preplacement visits whenever possible, before deciding whether to accept a child for placement.

20 3. (1) Foster parents shall make decisions about the daily living concerns of the child, and
21 shall be permitted to continue the practice of their own family values and routines while respecting
22 the child's cultural heritage. All discipline shall be consistent with state laws and regulations. The
23 children's division shall allow foster parents to help plan visitation between the child and the child's
24 siblings or biological family. Visitations should be scheduled at a time that meets the needs of the
25 child, the biological family members, and the foster family whenever possible. Recognizing that
26 visitation with family members is an important right of children in foster care, foster parents shall be
27 flexible and cooperative with regard to family visits.

28 (2) Foster parents shall provide care that is respectful of the child's cultural identity and
29 needs. Recognizing that cultural competence can be learned, the children's division and their
30 contractors shall provide foster parents with training that specifically addresses cultural needs of
31 children, including but not limited to, information on skin and hair care, information on any specific
32 religious or cultural practices of the child's biological family, and referrals to community resources
33 for ongoing education and support.

34 (3) Foster parents shall recognize that the purpose of discipline is to teach and direct the
35 behavior of the child, and ensure that it is administered in a humane and sensitive manner. Foster
36 parents shall use discipline methods which are consistent with children's division policy.

37 4. (1) Consistent with state laws and regulations, the children's division and its contractors
38 shall provide, upon request by the foster parents, information about a child's progress after the child
39 leaves foster care.

40 (2) Except in emergencies, foster parents shall be given two weeks advance notice and a
41 written statement of the reasons before a child is removed from their care. When requesting
42 removal of a child from their home, foster parents shall give two weeks advance notice, consistent
43 with division policy, to the child's caseworker, except in emergency situations.

44 (3) Recognizing the critical nature of attachment for children, if a child reenters the foster
45 care system and is not placed in a relative home, the child's former foster parents shall be given first
46 consideration for placement of the child.

47 (4) If a child becomes free for adoption while in foster care, the child's foster family shall be
48 given preferential consideration as adoptive parents consistent with section 453.070.

49 (5) If a foster child becomes free for adoption and the foster parents desire to adopt the

1 child, they shall inform the caseworker within sixty days of the caseworker's initial query. If they do
 2 not choose to pursue adoption, foster parents shall make every effort to support and encourage the
 3 child's placement in a permanent home, including but not limited to providing information on the
 4 history and care needs of the child and accommodating transitional visitation.

5 5. Foster parents shall be informed by the court no later than two weeks prior to all court
 6 hearings pertaining to a child in their care, and informed of their right to attend and participate,
 7 consistent with section 211.464.

8 6. The children's division and their contractors shall provide access to a fair and impartial
 9 grievance process to address licensure, case management decisions, and delivery of service issues.
 10 Foster parents shall have timely access to the child placement agency's appeals process, and shall be
 11 free from acts of retaliation when exercising the right to appeal.

12 7. The children's division and their contractors shall provide training to foster parents on the
 13 policies and procedures governing the licensure of foster homes, the provision of foster care, and the
 14 adoption process. Foster parents shall, upon request, be provided with written documentation of the
 15 policies of the children's division and their contractors. Per licensure requirements, foster parents
 16 shall comply with the policies of the child placement agency.

17 8. For purposes of this section, "foster parent" means a resource family providing care of
 18 children in state custody."; and

19
 20 Further amend said bill and page, Section 210.652, Line 4, by inserting after said section and line
 21 the following:

22
 23 "210.950. 1. This section shall be known and may be cited as the "Safe Place for Newborns
 24 Act of 2002". The purpose of this section is to protect newborn children from injury and death
 25 caused by abandonment by a parent, and to provide safe and secure alternatives to such
 26 abandonment.

27 2. As used in this section, the following terms mean:

28 (1) "Hospital", as defined in section 197.020;

29 (2) "Maternity home", the same meaning as such term is defined in section 135.600;

30 (3) "Newborn safety incubator", a medical device used to
 31 maintain an optimal environment for the care of a newborn infant;

32 (4) "Nonrelinquishing parent", the biological parent who does not leave a newborn infant
 33 with any person listed in subsection 3 of this section in accordance with this section;

34 ~~[(4)]~~ (5) "Pregnancy resource center", the same meaning as such term is defined in section
 35 135.630;

36 ~~[(5)]~~ (6) "Relinquishing parent", the biological parent or person acting on such parent's
 37 behalf who leaves a newborn infant with any person listed in subsection 3 of this section in
 38 accordance with this section.

39 3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045 or
 40 568.050 for actions related to the voluntary relinquishment of a child up to forty-five days old
 41 pursuant to this section if:

42 (1) Expressing intent not to return for the child, the parent voluntarily delivered the child
 43 safely to a newborn safety incubator as defined under this section, or to the physical custody of any
 44 of the following persons:

45 (a) An employee, agent, or member of the staff of any hospital, maternity home, or
 46 pregnancy resource center in a health care provider position or on duty in a nonmedical paid or
 47 volunteer position;

48 (b) A firefighter or emergency medical technician on duty in a paid position or on duty in a
 49 volunteer position; or

1 (c) A law enforcement officer;

2 (2) The child was no more than forty-five days old when delivered by the parent to any
3 person listed in subdivision (1) of this subsection; and

4 (3) The child has not been abused or neglected by the parent prior to such voluntary
5 delivery.

6 4. A parent voluntarily relinquishing a child under this section shall not be required to
7 provide any identifying information about the child or the parent. No person shall induce or coerce,
8 or attempt to induce or coerce, a parent into revealing his or her identity. No officer, employee, or
9 agent of this state or any political subdivision of this state shall attempt to locate or determine the
10 identity of such parent. In addition, any person who obtains information on the relinquishing parent
11 shall not disclose such information except to the following:

12 (1) A birth parent who has waived anonymity or the child's adoptive parent;

13 (2) The staff of the department of health and senior services, the department of social
14 services, or any county health or social services agency or licensed child welfare agency that
15 provides services to the child;

16 (3) A person performing juvenile court intake or dispositional services;

17 (4) The attending physician;

18 (5) The child's foster parent or any other person who has physical custody of the child;

19 (6) A juvenile court or other court of competent jurisdiction conducting proceedings relating
20 to the child;

21 (7) The attorney representing the interests of the public in proceedings relating to the child;
22 and

23 (8) The attorney representing the interests of the child.

24 5. A person listed in subdivision (1) of subsection 3 of this section shall, without a court
25 order, take physical custody of a child the person reasonably believes to be no more than forty-five
26 days old and is delivered in accordance with this section by a person purporting to be the child's
27 parent. If delivery of a newborn is made pursuant to this section in any place other than a hospital,
28 the person taking physical custody of the child shall arrange for the immediate transportation of the
29 child to the nearest hospital licensed pursuant to chapter 197.

30 6. The hospital, its employees, agents and medical staff shall perform treatment in
31 accordance with the prevailing standard of care as necessary to protect the physical health or safety
32 of the child. The hospital shall notify the children's division and the local juvenile officer upon
33 receipt of a child pursuant to this section. The local juvenile officer shall immediately begin
34 protective custody proceedings and request the child be made a ward of the court during the child's
35 stay in the medical facility. Upon discharge of the child from the medical facility and pursuant to a
36 protective custody order ordering custody of the child to the division, the children's division shall
37 take physical custody of the child. The parent's voluntary delivery of the child in accordance with
38 this section shall constitute the parent's implied consent to any such act and a voluntary
39 relinquishment of such parent's parental rights.

40 7. In any termination of parental rights proceeding initiated after the relinquishment of a
41 child pursuant to this section, the juvenile officer shall make public notice that a child has been
42 relinquished, including the sex of the child, and the date and location of such relinquishment.
43 Within thirty days of such public notice, the parent wishing to establish parental rights shall identify
44 himself or herself to the court and state his or her intentions regarding the child. The court shall
45 initiate proceedings to establish paternity, or if no person identifies himself as the father within thirty
46 days, maternity. The juvenile officer shall make examination of the putative father registry
47 established in section 192.016 to determine whether attempts have previously been made to preserve
48 parental rights to the child. If such attempts have been made, the juvenile officer shall make
49 reasonable efforts to provide notice of the abandonment of the child to such putative father.

1 8. (1) If a relinquishing parent of a child relinquishes custody of the child to any person
2 listed in subsection 3 of this section in accordance with this section and to preserve the parental
3 rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps necessary to
4 establish parentage within thirty days after the public notice or specific notice provided in
5 subsection 7 of this section.

6 (2) If either parent fails to take steps to establish parentage within the thirty-day period
7 specified in subdivision (1) of this subsection, either parent may have all of his or her rights
8 terminated with respect to the child.

9 (3) When either parent inquires at a hospital regarding a child whose custody was
10 relinquished pursuant to this section, such facility shall refer such parent to the children's division
11 and the juvenile court exercising jurisdiction over the child.

12 9. The persons listed in subdivision (1) of subsection 3 of this section shall be immune from
13 civil, criminal, and administrative liability for accepting physical custody of a child pursuant to this
14 section if such persons accept custody in good faith. Such immunity shall not extend to any acts or
15 omissions, including negligent or intentional acts or omissions, occurring after the acceptance of
16 such child.

17 10. The children's division shall:

18 (1) Provide information and answer questions about the process established by this section
19 on the statewide, toll-free telephone number maintained pursuant to section 210.145;

20 (2) Provide information to the public by way of pamphlets, brochures, or by other ways to
21 deliver information about the process established by this section.

22 11. It shall be an affirmative defense to prosecution for a violation of sections 568.030,
23 568.032, 568.045, and 568.050 that a parent who is a defendant voluntarily relinquished a child no
24 more than one year old under this section.

25 12. Nothing in this section shall be construed as conflicting with section 210.125.

26 13. (1) A newborn safety incubator shall:

27 (a) Be located within fifty feet of a police station, fire station, or medical facility licensed
28 under chapter 197 that is staffed at all hours;

29 (b) Have safety mechanisms including but not limited to, climate controls, a backup power
30 supply in the event of a power failure, and an alarm to notify personnel when an infant is placed in
31 the incubator; and

32 (c) Be cleaned and disinfected in accordance with equipment guidelines and health care best
33 practices.

34 (2) The director of the Missouri department of health and senior services may promulgate
35 all necessary rules and regulations for the administration of this section, including rules governing
36 the specifications, installation, maintenance, and oversight of newborn safety incubators as defined
37 under this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
38 created under the authority delegated in this section shall become effective only if it complies with
39 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
40 and chapter 536 are nonseverable, and if any of the powers vested with the general assembly
41 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
42 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
43 adopted after August 28, 2020, shall be invalid and void.

44 210.1080. 1. As used in this section, the following terms mean:

45 (1) "Child care provider", a person licensed, regulated, or registered to provide child care
46 within the state of Missouri, including the member or members, manager or managers, shareholder
47 or shareholders, director or directors, and officer or officers of any entity licensed, regulated, or
48 registered to provide child care within the state of Missouri;

49 (2) "Child care staff member", a child care provider; persons employed by the child care

1 provider for compensation, including contract employees or self-employed individuals; individuals
 2 or volunteers whose activities involve the care or supervision of children for a child care provider or
 3 unsupervised access to children who are cared for or supervised by a child care provider; ~~or~~
 4 individuals residing in a family child care home who are seventeen years of age ~~and~~ or older
 5 before January 1, 2021, or eighteen years of age or older on or after January 1, 2021; or individuals
 6 residing in a family child care home who are under seventeen years of age before January 1, 2021,
 7 or under eighteen years of age on or after January 1, 2021 and have been certified as an adult for the
 8 commission of an offense;

9 ~~(2)~~ (3) "Criminal background check":

10 (a) A Federal Bureau of Investigation fingerprint check;

11 (b) A search of the National Crime Information Center's National Sex Offender Registry;

12 and

13 (c) A search of the following registries, repositories, or databases in Missouri, the state
 14 where the child care staff member resides, and each state where such staff member resided during
 15 the preceding five years:

16 a. The state criminal registry or repository, with the use of fingerprints being required in the
 17 state where the staff member resides and optional in other states;

18 b. The state sex offender registry or repository; and

19 c. The state-based child abuse and neglect registry and database;

20 (4) "Designated department", the department to which criminal background check results
 21 are sent; the department of health and senior services for child care staff members or prospective
 22 child care staff members of licensed child care facilities; and the department of social services for
 23 child care staff members or prospective child care staff members of a license-exempt child care
 24 facility or an unlicensed child care facility registered with the department of social services under
 25 section 210.027;

26 (5) "Qualifying result" or "qualifying criminal background check", a finding that a child
 27 care staff member or prospective child care staff member is eligible for employment or presence in a
 28 child care setting described under this section.

29 2. (1) Prior to the employment or presence of a child care staff member in a ~~[family child~~
 30 ~~care home, group child care home, child care center, or license-exempt]~~ licensed child care facility,
 31 the child care provider shall request the results of a criminal background check for such child care
 32 staff member from the department of health and senior services.

33 (2) Prior to the employment or presence of a child care staff member in a license-exempt
 34 child care facility or an unlicensed child care facility registered with the department of social
 35 services, the child care provider shall request the results of a criminal background check for such
 36 child care staff member from the department of social services.

37 (3) A prospective child care staff member may begin work for a child care provider after the
 38 ~~[criminal background check has been requested]~~ qualifying result of either a Federal Bureau of
 39 Investigation fingerprint check or a search of the Missouri criminal registry or repository with the
 40 use of fingerprints has been received from the designated department; however, pending completion
 41 of the criminal background check, the prospective child care staff member shall be supervised at all
 42 times by another child care staff member who received a qualifying result on the criminal
 43 background check within the past five years.

44 ~~[(3) A family child care home, group child care home, child care center, or license-exempt~~
 45 ~~child care facility that has child care staff members at the time this section becomes effective shall~~
 46 ~~request the results of a criminal background check for all child care staff members by January 31,~~
 47 ~~2019, unless the requirements of subsection 5 of this section are met by the child care provider and~~
 48 ~~proof is submitted to the department of health and senior services by January 31, 2019.]~~

49 (4) Any individual who meets the definition of child care provider but is not responsible for

1 the oversight or direction of the child care facility and does not have independent access to the child
 2 care facility is not required to request the results of a criminal background check under this section;
 3 however, such individual shall be accompanied by an individual with a qualifying criminal
 4 background check in order to be present at the child care facility during child care hours.

5 3. The costs of the criminal background check shall be the responsibility of the child care
 6 staff member but may be paid or reimbursed by the child care provider at the provider's discretion.
 7 The fees charged for the criminal background check shall not exceed the actual cost of processing
 8 and administration.

9 4. ~~[Except as otherwise provided in subsection 2 of this section,]~~ Upon completion of the
 10 criminal background check, any child care staff member or prospective child care staff member
 11 shall be ineligible for employment or presence at a ~~[family child care home, a group child care~~
 12 ~~home, a licensed child care center, or a license-exempt]~~ licensed or license-exempt child care
 13 facility or an unlicensed child care facility registered with the department of social services and shall
 14 be disqualified from receipt of state or federal funds for providing child care services either by
 15 direct payment or through reimbursement to an individual who receives child care benefits if such
 16 person:

17 (1) Refuses to consent to the criminal background check as required by this section;

18 (2) Knowingly makes a materially false statement in connection with the criminal
 19 background check as required by this section;

20 (3) Is registered, or is required to be registered, on a state sex offender registry or repository
 21 or the National Sex Offender Registry;

22 (4) ~~[Has a finding]~~ Is listed as a perpetrator of child abuse or neglect under [section 210.145
 23 or 210.152] sections 210.109 to 210.183 or any other finding of child abuse or neglect based on any
 24 other state's registry or database; or

25 (5) ~~Has [been convicted of a felony consisting of]~~ pled guilty or nolo contendere to or been
 26 found guilty of:

27 (a) ~~[Murder, as described in 18 U.S.C. Section 1111;~~

28 ~~—(b) Child abuse or neglect;~~

29 ~~—(c) A crime against children, including child pornography;~~

30 ~~—(d) Spousal abuse;~~

31 ~~—(e) A crime involving rape or sexual assault;~~

32 ~~—(f) Kidnapping;~~

33 ~~—(g) Arson;~~

34 ~~—(h) Physical assault or battery; or~~

35 ~~—(i) Subject to subsection 5 of this section, a drug-related offense committed during the~~
 36 ~~preceding five years]~~ Any felony for an offense against the person as defined in chapter 565;

37 (b) Any other offense against the person involving the endangerment of a child as
 38 prescribed by law;

39 (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;

40 (d) Any misdemeanor or felony for an offense against the family as defined in chapter 568;

41 (e) Burglary in the first degree as defined in 569.160;

42 (f) Any misdemeanor or felony for robbery as defined in chapter 570;

43 (g) Any misdemeanor or felony for pornography or related offense as defined in chapter
 44 573;

45 (h) Any felony for arson as defined in chapter 569;

46 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use of a
 47 weapon as defined in section 571.030, unlawful possession of a firearm as defined in section
 48 571.070, or the unlawful possession of an explosive as defined in section 571.072;

49 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or

1 574.125;

2 (k) A felony drug-related offense committed during the preceding five years; or

3 (l) Any similar offense in any federal, state, municipal, or other court of similar jurisdiction
4 of which the director of the designated department has knowledge;

5 ~~[(6) Has been convicted of a violent misdemeanor committed as an adult against a child,~~
6 ~~including the following crimes: child abuse, child endangerment, or sexual assault, or of a~~
7 ~~misdemeanor involving child pornography; or~~

8 ~~_____ (7) Has been convicted of any similar crime in any federal, state, municipal, or other court.~~
9 _____

10 ~~Adult household members seventeen years of age and older in a family child care home shall be~~
11 ~~ineligible to maintain a presence at a family child care home if any one or more of the provisions of~~
12 ~~this subsection applies to them.]~~

13 5. Household members seventeen years of age or older before January 1, 2021, or eighteen
14 years of age or older on or after January 1, 2021, or household members under seventeen years of
15 age before January 1, 2021, or under eighteen years of age on or after January 1, 2021 and have
16 been certified as an adult for the commission of an offense shall be ineligible to maintain a presence
17 at a facility licensed as a family child care home during child care hours if any one or more of the
18 provisions of subsection 4 of this section apply to such members.

19 6. A child care provider may also be disqualified from receipt of state or federal funds for
20 providing child care services either by direct payment or through reimbursement to an individual
21 who receives child care benefits if such person, or any person seventeen years of age or older before
22 January 1, 2021, or eighteen years of age or older on or after January 1, 2021, residing in the
23 household in which child care is being provided, excluding child care provided in the child's home,
24 has been refused licensure or has experienced licensure suspension or revocation under section
25 210.221 or 210.496.

26 7. A child care provider shall not be required to submit a request for a criminal background
27 check under this section for a child care staff member if:

28 (1) The staff member received a qualifying criminal background check within five years
29 before the latest date on which such a submission may be made and while employed by or seeking
30 employment by another child care provider within Missouri;

31 (2) The department of health and senior services or the department of social services
32 provided to the first provider a qualifying criminal background check result, consistent with this
33 section, for the staff member; and

34 (3) The staff member is employed by a child care provider within Missouri or has been
35 separated from employment from a child care provider within Missouri for a period of not more than
36 one hundred eighty consecutive days.

37 ~~[6.]~~ 8. (1) The department ~~[of health and senior services shall process]~~ processing the
38 request for a criminal background check for any prospective child care staff member or child care
39 staff member shall do so as expeditiously as possible, but not to exceed forty-five days after the date
40 on which the provider submitted the request.

41 (2) The department shall provide the results of the criminal background check to the child
42 care provider in a statement that indicates whether the prospective child care staff member or child
43 care staff member is eligible or ineligible for employment or presence at the child care facility or
44 receipt of state or federal funds for providing child care services either by direct payment or through
45 reimbursement to an individual who receives child care benefits. The department shall not reveal to
46 the child care provider any disqualifying crime or other related information regarding the
47 prospective child care staff member or child care staff member.

48 (3) If such prospective child care staff member or child care staff member is ineligible for
49 employment or presence at the child care facility, the department shall, when providing the results of

1 criminal background check, include information related to each disqualifying crime or other related
 2 information, in a report to such prospective child care staff member or child care staff member,
 3 along with information regarding the opportunity to appeal under subsection ~~[7]~~ 9 of this section.

4 (4) If a prospective child care provider or child care provider has been denied state or
 5 federal funds by the department of social services for providing child care, he or she may appeal
 6 such denial to the department of social services.

7 ~~[7.]~~ 9. (1) The prospective child care staff member or child care staff member may appeal a
 8 finding of ineligibility for employment or presence at a child care facility in writing to the
 9 department that made the determination of ineligibility to challenge the accuracy or completeness of
 10 the information contained in his or her criminal background check~~[, or]~~ if his or her finding of
 11 ineligibility is based on one or more of the following offenses:

12 (a) Murder, as described in 18 U.S.C. Section 1111;

13 (b) Felony child abuse or neglect;

14 (c) A felony crime against children, including child pornography;

15 (d) Felony spousal abuse;

16 (e) A felony crime involving rape or sexual assault;

17 (f) Felony kidnapping;

18 (g) Felony arson;

19 (h) Felony physical assault or battery;

20 (i) A violent misdemeanor offense committed as an adult against a child, including the
 21 offense of child abuse, child endangerment, or sexual assault, or a misdemeanor offense involving
 22 child pornography; or

23 (j) Any similar offense in any federal, state, municipal, or other court.

24 (2) If a finding of ineligibility is based on an offense not provided for in subdivision (1) of
 25 this subsection, the prospective child care staff member or child care staff member may appeal to
 26 challenge the accuracy or completeness of the information contained in his or her criminal
 27 background check or to offer information mitigating the results and explaining why an eligibility
 28 exception should be granted. ~~[The department of health and senior services shall attempt to verify~~
 29 ~~the accuracy of the information challenged by the individual, including making an effort to locate~~
 30 ~~any missing disposition information related to the disqualifying crime.]~~

31 (3) The appeal shall be filed with the department that made the determination within ten
 32 days from the ~~[delivery or]~~ mailing of the notice of ineligibility. ~~[The department shall make a~~
 33 ~~decision on the appeal in a timely manner.]~~ Such department shall attempt to verify the accuracy of
 34 the information challenged by the individual, including making an effort to locate any missing
 35 disposition information related to the disqualifying offense. After the department verifies the
 36 accuracy of the information challenged by the individual, the department shall forward the appeal to
 37 the child care background screening review committee established in subdivision (4) of this
 38 subsection. The child care background screening review committee shall make a final decision on
 39 the written appeal, and such decision shall be made in a timely manner. Such decision shall be
 40 considered a noncontested final agency decision by the department that made the determination of
 41 ineligibility under this section and appealable under section 536.150. Such decision shall be
 42 appealed within thirty days of the mailing of the decision.

43 (4) There is hereby established a "Child Care Background Screening Review Committee",
 44 which shall consist of the directors of the department of health and senior services and the
 45 department of social services or the directors' designee or designees.

46 (5) Any decision by the child care background screening review committee to grant an
 47 eligibility exception as allowed in this section shall only be made upon the approval of all
 48 committee members.

49 10. The department of health and senior services and the department of social services are

1 authorized to enter into any agreements necessary to facilitate the sharing of information between
 2 the departments for the enforcement of this section including, but not limited to, the results of the
 3 criminal background check or any of its individual components.

4 11. Nothing in this section shall prohibit either the department of health and senior services
 5 or the department of social services from requiring more frequent checks of the family care safety
 6 registry established under section 210.903 or the central registry for child abuse established under
 7 section 210.109 in order to determine eligibility for employment or presence at the child care
 8 facility or receipt of state or federal funds for providing child care services either by direct payment
 9 or through reimbursement to an individual who receives child care benefits.

10 ~~[8.]~~ 12. The department of health and senior services and the department of social services
 11 may each adopt emergency rules to implement the requirements of this section. Any rule or portion
 12 of a rule, as that term is defined in section 536.010, that is created under the authority delegated in
 13 this section shall become effective only if it complies with and is subject to all of the provisions of
 14 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and
 15 if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
 16 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
 17 grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be
 18 invalid and void.

19 ~~[9. (1)]~~ 13. The provisions of this section shall not apply to any child care facility, as
 20 defined in section 210.201, maintained or operated under the exclusive control of a religious
 21 organization, as described in subdivision (4) of subsection 1 of section 210.211, unless such facility
 22 is a recipient of federal funds for providing care for children, except for federal funds for those
 23 programs that meet the requirements for participation in the Child and Adult Care Food Program
 24 under 42 U.S.C. Section 1766.

25 ~~[(2) The provisions of this section, and any rules or regulations promulgated under this section,~~
 26 ~~shall expire if 42 U.S.C. Section 9858f, as enacted by the Child Care and Development Block Grant~~
 27 ~~(CCDBG) Act of 2014, and 45 CFR 98.43 are repealed or if Missouri no longer receives federal~~
 28 ~~funds from the CCDBG.]~~

29 211.032. 1. Except as otherwise provided in a circuit participating in a pilot project
 30 established by the Missouri supreme court, when a child, alleged to be in need of care and treatment
 31 pursuant to subdivision (1) of subsection 1 of section 211.031, is taken into custody, the juvenile or
 32 family court shall notify the parties of the right to have a protective custody hearing. Such
 33 notification shall be in writing.

34 2. Upon request from any party, the court shall hold a protective custody hearing. Such
 35 hearing shall be held within three days of the request for a hearing, excluding Saturdays, Sundays
 36 and legal holidays. For circuits participating in a pilot project established by the Missouri supreme
 37 court, the parties shall be notified at the status conference of their right to request a protective
 38 custody hearing.

39 3. No later than February 1, 2005, the Missouri supreme court shall require a mandatory
 40 court proceeding to be held within three days, excluding Saturdays, Sundays, and legal holidays, in
 41 all cases under subdivision (1) of subsection 1 of section 211.031. The Missouri supreme court shall
 42 promulgate rules for the implementation of such mandatory court proceedings and may consider
 43 recommendations from any pilot projects established by the Missouri supreme court regarding such
 44 proceedings. Nothing in this subsection shall prevent the Missouri supreme court from expanding
 45 pilot projects prior to the implementation of this subsection.

46 4. The court shall hold an adjudication hearing no later than sixty days after the child has
 47 been taken into custody. The court shall notify the parties in writing of the specific date, time, and
 48 place of such hearing. If at such hearing the court determines that sufficient cause exists for the
 49 child to remain in the custody of the state, the court shall conduct a dispositional hearing no later

1 than ninety days after the child has been taken into custody and shall conduct review hearings
2 regarding the reunification efforts made by the division every ninety to one hundred twenty days for
3 the first year the child is in the custody of the division. After the first year, review hearings shall be
4 held as necessary, but in no event less than once every six months for as long as the child is in the
5 custody of the division.

6 5. At all hearings held pursuant to this section the court may receive testimony and other
7 evidence relevant to the necessity of detaining the child out of the custody of the parents, guardian
8 or custodian.

9 6. By January 1, 2005, the supreme court shall develop rules regarding the effect of
10 untimely hearings.

11 7. If the placement of any child in the custody of the children's division will result in the
12 child attending a school other than the school the child was attending when taken into custody:

13 (1) The child's records from such school shall automatically be forwarded to the school that
14 the child is transferring to upon notification within two business days by the division; or

15 (2) Upon request of the foster family, the guardian ad litem, or the volunteer advocate and
16 whenever possible, the child shall be permitted to continue to attend the same school that the child
17 was enrolled in and attending at the time the child was taken into custody by the division. The
18 division, in consultation with the department of elementary and secondary education, shall establish
19 the necessary procedures to implement the provisions of this subsection.

20 8. If a child comes under the court's jurisdiction due to allegations of child abuse or neglect
21 and all children in the home are under three years of age, the court shall:

22 (1) Conduct monthly hearings on the status of the case;

23 (2) Support frequent visitation with the child's parents and with the concurrent permanency
24 resource parent if it is in the best interest of the child;

25 (3) At the hearing on disposition and at each permanency hearing thereafter, enter an order
26 requiring that the parties exercise reasonable efforts to finalize a primary and concurrent
27 permanency plan for each child; and

28 (4) The Missouri office of the state courts administrator shall develop a plan to be approved
29 by the joint committee on child abuse and neglect by July 1, 2021 for implementation by July 1,
30 2022.

31 211.032. 1. Except as otherwise provided in a circuit participating in a pilot project
32 established by the Missouri supreme court, when a child or person seventeen years of age, alleged to
33 be in need of care and treatment pursuant to subdivision (1) of subsection 1 of section 211.031, is
34 taken into custody, the juvenile or family court shall notify the parties of the right to have a
35 protective custody hearing. Such notification shall be in writing.

36 2. Upon request from any party, the court shall hold a protective custody hearing. Such
37 hearing shall be held within three days of the request for a hearing, excluding Saturdays, Sundays
38 and legal holidays. For circuits participating in a pilot project established by the Missouri supreme
39 court, the parties shall be notified at the status conference of their right to request a protective
40 custody hearing.

41 3. No later than February 1, 2005, the Missouri supreme court shall require a mandatory
42 court proceeding to be held within three days, excluding Saturdays, Sundays, and legal holidays, in
43 all cases under subdivision (1) of subsection 1 of section 211.031. The Missouri supreme court shall
44 promulgate rules for the implementation of such mandatory court proceedings and may consider
45 recommendations from any pilot projects established by the Missouri supreme court regarding such
46 proceedings. Nothing in this subsection shall prevent the Missouri supreme court from expanding
47 pilot projects prior to the implementation of this subsection.

48 4. The court shall hold an adjudication hearing no later than sixty days after the child has
49 been taken into custody. The court shall notify the parties in writing of the specific date, time, and

1 place of such hearing. If at such hearing the court determines that sufficient cause exists for the
 2 child to remain in the custody of the state, the court shall conduct a dispositional hearing no later
 3 than ninety days after the child has been taken into custody and shall conduct review hearings
 4 regarding the reunification efforts made by the division every ninety to one hundred twenty days for
 5 the first year the child is in the custody of the division. After the first year, review hearings shall be
 6 held as necessary, but in no event less than once every six months for as long as the child is in the
 7 custody of the division.

8 5. At all hearings held pursuant to this section the court may receive testimony and other
 9 evidence relevant to the necessity of detaining the child out of the custody of the parents, guardian
 10 or custodian.

11 6. By January 1, 2005, the supreme court shall develop rules regarding the effect of
 12 untimely hearings.

13 7. If the placement of any child in the custody of the children's division will result in the
 14 child attending a school other than the school the child was attending when taken into custody:

15 (1) The child's records from such school shall automatically be forwarded to the school that
 16 the child is transferring to upon notification within two business days by the division; or

17 (2) Upon request of the foster family, the guardian ad litem, or the volunteer advocate and
 18 whenever possible, the child shall be permitted to continue to attend the same school that the child
 19 was enrolled in and attending at the time the child was taken into custody by the division. The
 20 division, in consultation with the department of elementary and secondary education, shall establish
 21 the necessary procedures to implement the provisions of this subsection.

22 8. If a child comes under the court's jurisdiction due to allegations of child abuse or neglect
 23 and all children in the home are less than three years of age, the court shall:

24 (1) Conduct monthly hearings on the status of the case;

25 (2) Support frequent visitation with the child's parents and with the concurrent permanency
 26 resource parent if it is in the best interest of the child;

27 (3) At the hearing on disposition and at each permanency hearing thereafter, enter an order
 28 requiring that the parties exercise reasonable efforts to finalize a primary and concurrent
 29 permanency plan for each child; and

30 (4) The Missouri office of the state courts administrator shall develop a plan to be approved
 31 by the joint committee on child abuse and neglect by July 1, 2021 for implementation by July 1,
 32 2022.

33 211.038. 1. A child under the jurisdiction of the juvenile court shall not be reunited with a
 34 parent or placed in a home in which the parent or any person residing in the home has been found
 35 guilty of or pled guilty to any of the following offenses when a child was the victim:

36 (1) ~~[A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061, 566.062,~~
 37 ~~566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.100, 566.101, 566.111, 566.151,~~
 38 ~~566.203, 566.206, 566.209, 566.211, or 566.215;~~

39 ~~—— (2) A violation of section 568.020;~~

40 ~~—— (3) Abuse of a child under section 568.060 when such abuse is sexual in nature;~~

41 ~~—— (4) A violation of section 568.065;~~

42 ~~—— (5) A violation of section 573.200;~~

43 ~~—— (6) A violation of section 573.205; or~~

44 ~~—— (7) A violation of section 568.175]~~ Any of the offenses listed in subdivision (4) of
 45 subsection 2 of section 211.447;

46 ~~[(8) (2) A violation of section 566.040, 566.070, or 566.090 as such sections existed prior~~
 47 ~~to August 28, 2013; or~~

48 ~~[(9) (3) A violation of section 566.212, 568.080, or 568.090 as such sections existed prior~~
 49 ~~to January 1, 2017.~~

1 2. For all other felony violations of offenses [~~in chapters 566 and 568~~] that would endanger
2 a child not specifically [~~listed~~] provided in subsection 1 of this section or for a violation of an
3 offense committed in another state when a child is the victim [~~that would be a violation of chapter~~
4 ~~566 or 568 if committed in Missouri~~], the juvenile court may exercise its discretion regarding the
5 placement of a child under the jurisdiction of the juvenile court in a home in which a parent or any
6 person residing in the home has been found guilty of, or pled guilty to, any such offense.

7 3. If the juvenile court determines that a child has abused another child, such abusing child
8 shall be prohibited from returning to or residing in any residence located within one thousand feet of
9 the residence of the abused child, or any child care facility or school that the abused child attends,
10 until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not
11 apply where the alleged abuse occurred between siblings or children living in the same home.

12 211.171. 1. The procedure to be followed at the hearing shall be determined by the juvenile
13 court judge and may be as formal or informal as he or she considers desirable, consistent with
14 constitutional and statutory requirements. The judge may take testimony and inquire into the habits,
15 surroundings, conditions and tendencies of the child and the family to enable the court to render
16 such order or judgment as will best promote the welfare of the child and carry out the objectives of
17 this chapter.

18 2. The hearing may, in the discretion of the court, proceed in the absence of the child and
19 may be adjourned from time to time.

20 3. The current foster [~~parents~~] parent of a child, or any preadoptive parent or relative
21 currently providing care for the child, shall be provided with notice of, and an opportunity to be
22 heard in, any hearing to be held with respect to [~~the child, and a foster parent shall have standing~~] a
23 child in his or her care to participate in all court hearings pertaining to a child in their care. If a
24 foster parent alleges the court failed to allow the foster parent to be heard orally or by submission of
25 correspondence at any hearing regarding a child in their care, the foster parent may seek remedial
26 writ relief pursuant to Missouri supreme court rules 84, 94, and 97. No docket fee shall be required
27 to be paid by the foster parent. The children's division shall not remove a child from placement with
28 a foster parent based solely upon the foster parent's filing of a petition for a remedial writ or while a
29 writ is pending, unless removal is necessary to ensure the health and safety of the child.

30 4. The court shall ensure a child's foster parent has received full access to the child's
31 medical, psychological, and psychiatric records, including prior records, from the children's division
32 and its contractors under section 210.566, by inquiring at the first hearing at which the foster parent
33 is present.

34 5. All cases of children shall be heard separately from the trial of cases against adults.

35 [~~5.~~] 6. Stenographic notes or an authorized recording of the hearing shall be required if the
36 court so orders or, if requested by any party interested in the proceeding.

37 [~~6.~~] 7. The general public shall be excluded and only such persons admitted as have a direct
38 interest in the case or in the work of the court except in cases where the child is accused of conduct
39 which, if committed by an adult, would be considered a class A or B felony; or for conduct which
40 would be considered a class C felony, if the child has previously been formally adjudicated for the
41 commission of two or more unrelated acts which would have been class A, B or C felonies, if
42 committed by an adult.

43 [~~7.~~] 8. The practice and procedure customary in proceedings in equity shall govern all
44 proceedings in the juvenile court; except that, the court shall not grant a continuance in such
45 proceedings absent compelling extenuating circumstances, and in such cases, the court shall make
46 written findings on the record detailing the specific reasons for granting a continuance.

47 [~~8.~~] 9. The court shall allow the victim of any offense to submit a written statement to the
48 court. The court shall allow the victim to appear before the court personally or by counsel for the
49 purpose of making a statement, unless the court finds that the presence of the victim would not serve

1 justice. The statement shall relate solely to the facts of the case and any personal injuries or
2 financial loss incurred by the victim. A member of the immediate family of the victim may appear
3 personally or by counsel to make a statement if the victim has died or is otherwise unable to appear
4 as a result of the offense committed by the child.

5 211.183. 1. In juvenile court proceedings regarding the removal of a child from his or her
6 home, the court's order shall include a determination of whether the children's division has made
7 reasonable efforts to prevent or eliminate the need for removal of the child and, after removal, to
8 make it possible for the child to return home. If the first contact with the family occurred during an
9 emergency in which the child could not safely remain at home even with reasonable in-home
10 services, the division shall be deemed to have made reasonable efforts to prevent or eliminate the
11 need for removal.

12 2. "Reasonable efforts" means the exercise of reasonable diligence and care by the division
13 to utilize all available services related to meeting the needs of the juvenile and the family. In
14 determining reasonable efforts to be made and in making such reasonable efforts, the child's present
15 and ongoing health and safety shall be the paramount consideration.

16 3. In support of its determination of whether reasonable efforts have been made, the court
17 shall enter findings, including a brief description of what preventive or reunification efforts were
18 made and why further efforts could or could not have prevented or shortened the separation of the
19 family. The division shall have the burden of demonstrating reasonable efforts.

20 4. The juvenile court may authorize the removal of the child even if the preventive and
21 reunification efforts of the division have not been reasonable, but further efforts could not permit the
22 child to remain at home.

23 5. Before a child may be removed from the parent, guardian, or custodian of the child by
24 order of a juvenile court, excluding commitments to the division of youth services, the court shall in
25 its orders:

26 (1) State whether removal of the child is necessary to protect the child and the reasons
27 therefor;

28 (2) Describe the services available to the family before removal of the child, including in-
29 home services;

30 (3) Describe the efforts made to provide those services relevant to the needs of the family
31 before the removal of the child;

32 (4) State why efforts made to provide family services described did not prevent removal of
33 the child; and

34 (5) State whether efforts made to prevent removal of the child were reasonable, based upon
35 the needs of the family and child.

36 6. If continuation of reasonable efforts, as described in this section, is determined by the
37 division to be inconsistent with establishing a permanent placement for the child, the division shall
38 take such steps as are deemed necessary by the division, including seeking modification of any court
39 order to modify the permanency plan for the child.

40 7. The division shall not be required to make reasonable efforts, as defined in this section,
41 but has the discretion to make reasonable efforts if a court of competent jurisdiction has determined
42 that:

43 (1) The parent has subjected the child or another child of the parent to a severe act or
44 recurrent acts of physical, emotional or sexual abuse toward the child, including an act of incest; or

45 (2) The parent has:

46 (a) Committed murder of another child of the parent;

47 (b) Committed voluntary manslaughter of another child of the parent;

48 (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary
49 manslaughter; or

1 (d) Committed a felony assault that resulted in serious bodily injury to the child or to
2 another child of the parent; or

3 (3) The parent's parental rights to a sibling have been involuntarily terminated.

4 8. If the court determines that reasonable efforts, as described in this section, are not
5 required to be made by the division, the court shall hold a permanency hearing within thirty days
6 after the court has made such determination. The division shall complete whatever steps are
7 necessary to finalize the permanent placement of the child.

8 9. The division may concurrently engage in reasonable efforts, as described in this section,
9 while engaging in such other measures as are deemed appropriate by the division to establish a
10 permanent placement for the child.

11 211.444. The juvenile court may, upon petition of a guardian ad litem, the juvenile officer or
12 a child-placing agency licensed under sections 210.481 to 210.536 in conjunction with a placement
13 with such agency under subsection 6 of section 453.010 or a private attorney filing a petition for
14 adoption under the provisions of chapter 453, terminate the rights of a parent or receive the consent
15 to a specific adoption or waiver of consent to adoption executed by a parent or named father to a
16 child, including a child who is a ward of the court, if the court finds that such termination, consent
17 to a specific adoption, or waiver of consent to adoption is in the best interests of the child, and the
18 parent or named father has, in a properly executed writing under section 453.030 or 453.050,
19 consented to the termination of his or her parental rights, consented to a specific adoption, or waived
20 consent to adoption.

21 211.447. 1. Any information that could justify the filing of a petition to terminate parental
22 rights may be referred to the juvenile officer by any person. The juvenile officer shall make a
23 preliminary inquiry and if it appears that the information could justify the filing of a petition, the
24 juvenile officer may take further action, including filing a petition. If it does not appear to the
25 juvenile officer that a petition should be filed, such officer shall so notify the informant in writing
26 within thirty days of the referral. Such notification shall include the reasons that the petition will
27 not be filed.

28 2. [~~Except as provided for in subsection 4 of this section,~~] A petition to terminate the
29 parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or
30 if such a petition has been filed by another party, the juvenile officer or the division shall seek to be
31 joined as a party to the petition, when:

32 (1) Information available to the juvenile officer or the division establishes that the child has
33 been in foster care for at least fifteen of the most recent twenty-two months; or

34 (2) A court of competent jurisdiction has determined the child to be an abandoned [~~infant~~]
35 young child. For purposes of this subdivision, [~~an "infant"~~] a "young child" means any child [~~one~~
36 year] three years of age or under at the time of filing of the petition. The court may find that [~~an~~
37 infant] a young child has been abandoned if:

38 (a) The parent has left the child under circumstances that the identity of the child was
39 unknown and could not be ascertained, despite diligent searching, and the parent has not come
40 forward to claim the child; or

41 (b) The parent has, without good cause, left the child without any provision for parental
42 support and without making arrangements to visit or communicate with the child, although able to
43 do so for a period of sixty days immediately prior to the filing of the petition for termination of
44 parental rights; or

45 (c) The parent has voluntarily relinquished [~~a~~] the child under section 210.950; or

46 (3) A court of competent jurisdiction has determined that the parent has:

47 (a) Committed murder of another child of the parent; or

48 (b) Committed voluntary manslaughter of another child of the parent; or

49 (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary

1 manslaughter; or

2 (d) Committed a felony assault that resulted in serious bodily injury to the child or to
3 another child of the parent; or

4 (4) The parent has been found guilty of or pled guilty to ~~[a felony violation of chapter 566~~
5 ~~or 573 when the child or any child in the family was a victim, or a violation of section 568.020 or~~
6 ~~568.065 when the child or any child in the family was a victim]~~ an offense under section 565.020,
7 565.021, 565.023, 565.024, 565.050, 567.050, 568.030, 568.045, 568.060, 568.065, 568.175,
8 573.023, 573.025, 573.035, 573.200, or 573.205 if a child was the victim or a felony offense under
9 chapter 566 if a child was the victim.

10
11 As used in this subdivision, a "child" means any person who was under eighteen years of age at the
12 time of the ~~[crime and who resided with such parent or was related within the third degree of~~
13 ~~consanguinity or affinity to such parent]~~ offense.

14 3. A termination of parental rights petition shall be filed by the juvenile officer or the
15 division, or if such a petition has been filed by another party, the juvenile officer or the division shall
16 seek to be joined as a party to the petition, within sixty days of the judicial determinations required
17 in subsection 2 of this section~~], except as provided in subsection 4 of this section].~~ Failure to
18 comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for
19 termination of parental rights which is filed outside of sixty days.

20 4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section,
21 the guardian ad litem, the juvenile officer, or the division may, but is not required to, file a petition
22 to terminate the parental rights of the child's parent or parents if:

23 (1) The child is being cared for by a relative; or

24 (2) There exists a compelling reason for determining that filing such a petition would not be
25 in the best interest of the child, as documented in the permanency plan which shall be made
26 available for court review; or

27 (3) The family of the child has not been provided such services as provided for in section
28 211.183.

29 5. The juvenile officer, ~~[or]~~ the division, or the guardian ad litem may file a petition to
30 terminate the parental rights of the child's parent when it appears that one or more of the following
31 grounds for termination exist:

32 (1) The child has been abandoned. For purposes of this subdivision a "child" means any
33 child over ~~[one year]~~ three years of age at the time of filing of the petition. The court shall find that
34 the child has been abandoned if, for a period of six months or longer:

35 (a) The parent has left the child under such circumstances that the identity of the child was
36 unknown and could not be ascertained, despite diligent searching, and the parent has not come
37 forward to claim the child; or

38 (b) The parent has, ~~[without good cause, left the child without any provision for parental~~
39 ~~support and without making arrangements to visit or communicate with the child, although able to~~
40 ~~do so]~~ for a period of six months immediately prior to the filing of the petition for termination of
41 parental rights, willfully, substantially, and continuously neglected to provide the child with
42 necessary care and protection;

43 (2) The child has been abused or neglected. In determining whether to terminate parental
44 rights pursuant to this subdivision, the court shall consider and make findings on the following
45 conditions or acts of the parent:

46 (a) A mental condition which is shown by competent evidence either to be permanent or
47 such that there is no reasonable likelihood that the condition can be reversed and which renders the
48 parent unable to knowingly provide the child the necessary care, custody and control;

49 (b) Chemical dependency which prevents the parent from consistently providing the

1 necessary care, custody and control of the child and which cannot be treated so as to enable the
2 parent to consistently provide such care, custody and control;

3 (c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or
4 any child in the family by the parent, including an act of incest, or by another under circumstances
5 that indicate that the parent knew or should have known that such acts were being committed toward
6 the child or any child in the family; or

7 (d) Repeated or continuous failure by the parent, although physically or financially able, to
8 provide the child with adequate food, clothing, shelter, or education as defined by law, or other care
9 and control necessary for the child's physical, mental, or emotional health and development.

10
11 Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or
12 disease;

13 (3) The child has been under the jurisdiction of the juvenile court for a period of one year,
14 and the court finds that the conditions which led to the assumption of jurisdiction still persist, or
15 conditions of a potentially harmful nature continue to exist, that there is little likelihood that those
16 conditions will be remedied at an early date so that the child can be returned to the parent in the near
17 future, or the continuation of the parent-child relationship greatly diminishes the child's prospects
18 for early integration into a stable and permanent home. In determining whether to terminate
19 parental rights under this subdivision, the court shall consider and make findings on the following:

20 (a) The terms of a social service plan entered into by the parent and the division and the
21 extent to which the parties have made progress in complying with those terms;

22 (b) The success or failure of the efforts of the juvenile officer, the division or other agency
23 to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper
24 home for the child;

25 (c) A mental condition which is shown by competent evidence either to be permanent or
26 such that there is no reasonable likelihood that the condition can be reversed and which renders the
27 parent unable to knowingly provide the child the necessary care, custody and control;

28 (d) Chemical dependency which prevents the parent from consistently providing the
29 necessary care, custody and control over the child and which cannot be treated so as to enable the
30 parent to consistently provide such care, custody and control; or

31 (4) The child was conceived and born as a result of an act of [foreible] rape [or rape in the
32 first degree. ~~When the biological father has pled guilty to, or is convicted of, the forcible rape or~~
33 ~~rape in the first degree of the birth mother, such a plea or conviction shall be conclusive evidence~~
34 ~~supporting the termination of the biological father's parental rights]; or~~

35 (5) (a) The parent is unfit to be a party to the parent and child relationship because of a
36 consistent pattern of committing a specific abuse including, but not limited to, specific conditions
37 directly relating to the parent and child relationship which are determined by the court to be of a
38 duration or nature that renders the parent unable for the reasonably foreseeable future to care
39 appropriately for the ongoing physical, mental, or emotional needs of the child.

40 (b) It is presumed that a parent is unfit to be a party to the parent and child relationship upon
41 a showing that:

42 a. Within a three-year period immediately prior to the termination adjudication, the parent's
43 parental rights to one or more other children were involuntarily terminated pursuant to subsection 2
44 or 4 of this section or subdivision (1), (2), or (3) of this subsection or similar laws of other states;

45 b. If the parent is the birth mother and within eight hours after the child's birth, the child's
46 birth mother tested positive and over eight-hundredths of one percent blood alcohol content pursuant
47 to testing under section 577.020 for alcohol, or tested positive for cocaine, heroin,
48 methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as
49 defined in section 196.973, excepting those controlled substances or prescription drugs present in

1 the mother's body as a result of medical treatment administered to the mother, and the birth mother
 2 is the biological mother of at least one other child who was adjudicated an abused or neglected
 3 minor by the mother or the mother has previously failed to complete recommended treatment
 4 services by the children's division through a family-centered services case;

5 c. If the parent is the birth mother and at the time of the child's birth or within eight hours
 6 after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a
 7 controlled substance as defined in section 195.010, or a prescription drug as defined in section
 8 196.973, excepting those controlled substances or prescription drugs present in the mother's body as
 9 a result of medical treatment administered to the mother, and the birth mother is the biological
 10 mother of at least one other child who was adjudicated an abused or neglected minor by the mother
 11 or the mother has previously failed to complete recommended treatment services by the children's
 12 division through a family-centered services case; ~~[or]~~

13 d. Within a three-year period immediately prior to the termination adjudication, the parent
 14 has pled guilty to or has been convicted of a felony involving the possession, distribution, or
 15 manufacture of cocaine, heroin, or methamphetamine, and the parent is the biological parent of at
 16 least one other child who was adjudicated an abused or neglected minor by such parent or such
 17 parent has previously failed to complete recommended treatment services by the children's division
 18 through a family-centered services case; or

19 e. For at least fifteen of the twenty-two months prior to the filing of the petition, the child
 20 has been in an out-of-home placement.

21 6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by
 22 the guardian ad litem, juvenile officer, or the division, or in adoption cases, by a prospective parent,
 23 if the court finds that the termination is in the best interest of the child and when it appears by clear,
 24 cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5
 25 of this section.

26 7. When considering whether to terminate the parent-child relationship pursuant to
 27 subsection 2 or 4 of this section or subdivision (1), (2), or (3) of subsection 5 of this section, the
 28 court shall evaluate and make findings on the following factors, when appropriate and applicable to
 29 the case:

30 (1) The emotional ties to the birth parent;

31 (2) The extent to which the parent has maintained regular visitation or other contact with the
 32 child;

33 (3) The extent of payment by the parent for the cost of care and maintenance of the child
 34 when financially able to do so including the time that the child is in the custody of the division or
 35 other child-placing agency;

36 (4) Whether additional services would be likely to bring about lasting parental adjustment
 37 enabling a return of the child to the parent within an ascertainable period of time;

38 (5) The parent's disinterest in or lack of commitment to the child;

39 (6) The conviction of the parent of a felony offense that the court finds is of such a nature
 40 that the child will be deprived of a stable home for a period of years; provided, however, that
 41 incarceration in and of itself shall not be grounds for termination of parental rights;

42 (7) Deliberate acts of the parent or acts of another of which the parent knew or should have
 43 known that subjects the child to a substantial risk of physical or mental harm.

44 8. The court may attach little or no weight to infrequent visitations, communications, or
 45 contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child
 46 relationship may serve as an inducement for the parent's rehabilitation.

47 9. In actions for adoption pursuant to chapter 453, the court may hear and determine the
 48 issues raised in a petition for adoption containing a prayer for termination of parental rights filed
 49 with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

1 10. The disability or disease of a parent shall not constitute a basis for a determination that a
2 child is a child in need of care, for the removal of custody of a child from the parent, or for the
3 termination of parental rights without a specific showing that there is a causal relation between the
4 disability or disease and harm to the child.

5 11. A court of competent jurisdiction may terminate the parental rights of a biological father
6 of a child if he is an alleged perpetrator of forcible rape under section 566.030 as it existed prior to
7 August 28, 2013, or rape in the first degree under section 566.030 that resulted in the conception and
8 birth of the child. The biological mother who is the victim of [~~the forcible~~] rape [~~or rape in the first~~
9 ~~degree~~] that resulted in the conception and birth of the child or, if she is a minor, someone on her
10 behalf may file a petition to terminate the parental rights of the biological father. The court may
11 terminate the parental rights of the biological father if the court finds that by:

12 (1) Clear, cogent, and convincing evidence the biological father committed the act of
13 [~~forcible~~] rape [~~or rape in the first degree~~] against the biological mother;

14 (2) Clear, cogent, and convincing evidence the child was conceived as a result of that act of
15 [~~forcible~~] rape [~~or rape in the first degree~~]; and

16 (3) The preponderance of the evidence the termination of the parental rights of the
17 biological father is in the best interests of the child.

18 12. In any action to terminate the parental rights of the biological father under subsection 11
19 of this section or subdivision (5) of subsection 5 of this section, a court of competent jurisdiction
20 may order that the mother and the child conceived and born as a result of [~~forcible~~] rape [~~or rape in~~
21 ~~the first degree~~] are entitled to obtain from the biological father certain payments, support,
22 beneficiary designations, or other financial benefits. The court shall issue such order only if the
23 mother gives her consent; provided, that the court shall first inform the mother that such order may
24 require or obligate the mother to have continuous or future communication and contact with the
25 biological father. Such order shall be issued without the biological father being entitled to or
26 granted any custody, guardianship, visitation privileges, or other parent-child relationship, and may
27 include any or all of the following:

28 (1) Payment for the reasonable expenses of the mother or the child, or both, related to
29 pregnancy, labor, delivery, postpartum care, newborn care, or early childhood care;

30 (2) Child support under this chapter or chapter 210, 452, or 454;

31 (3) All rights of the child to inherit under the probate code, as defined in section 472.010;
32 provided that, for purposes of intestate succession, the biological father or his kindred shall have no
33 right to inherit from or through the child;

34 (4) The designation of the child as the beneficiary of a life or accidental death insurance
35 policy, annuity, contract, plan, or other product sold or issued by a life insurance company; or

36 (5) Any other payments, support, beneficiary designations, or financial benefits that are in
37 the best interests of the child or for the reasonable expenses of the mother, or both.

38
39 If the mother declines to seek a court order for child support under this subsection, no state agency
40 shall require the mother to do so in order to receive public assistance benefits for herself or the
41 child, including, but not limited to, benefits for temporary assistance for needy families,
42 supplemental nutrition assistance program, or MO HealthNet. The court order terminating the
43 parental rights of the biological father under subdivision (5) of subsection 5 of this section or
44 subsection 11 of this section shall serve as a sufficient basis for a good cause or other exemptions
45 under 42 U.S.C. Section 654(29) and the state agency shall not require the mother or the child to
46 otherwise provide the identity, location, income, or assets of the biological father or have contact or
47 communicate with the biological father. However, nothing in this subsection shall prohibit a state
48 agency from requesting that the mother assign any child support rights she receives under this
49 subsection to the state as a condition of receipt of public assistance benefits under applicable federal

1 and state law.

2 217.779. 1. For purposes of this section, the following terms mean:

3 (1) "Community-based sentencing", a sentence to probation as established in chapter 559
4 that focuses on maintaining the family unit or support of dependent person or persons;

5 (2) "Dependent person", a person who is under eighteen years of age or a person who is
6 permanently disabled and unable to care for himself or herself;

7 (3) "Primary caretaker", a parent, adult child, or legal guardian who, at the time of his or her
8 arrest, had assumed responsibility and was actively providing for the housing, health, safety, or
9 economic support of a dependent person.

10 2. A primary caretaker shall not be eligible for a community-based sentence under this
11 section if the offender was convicted of or pled guilty to a felony offense under section 565.021;
12 565.023; 565.024; 565.027; 565.050; 565.052; 565.054; 565.072; 565.073; 565.074; 565.090;
13 565.110; 565.115; 565.120; 565.153; 565.156; 565.225; 565.300; 566.030; 566.031; 566.032;
14 566.034; 566.060; 566.061; 566.062; 566.064; 566.067; 566.068; 566.069; 566.071; 566.083;
15 566.086; 566.100; 566.101; 566.103; 566.111; 566.115; 566.145; 566.151; 566.153; 566.203;
16 566.206; 566.209; 566.210; 566.211; 566.215; 568.020; 568.030; 568.045; 568.060; 568.065;
17 568.175; 569.040; 569.160; 570.023; 570.025; 570.030 if punished as a class A, B, or C felony;
18 570.145 if punished as a class A or B felony; 570.223 if punished as a class B or C felony; 571.020;
19 571.030; 571.070; 573.023; 573.025; 573.035; 573.037; 573.200; 573.205; 574.070; 574.080;
20 574.115; 575.030; 575.150; 575.153; 575.155; 575.157; 575.200 if punished as a class A felony;
21 575.210; 575.230 if punished as a class B felony; 575.240 if punished as a class B felony; 576.070;
22 576.080; 577.010; 577.013; 577.078; 577.703; 577.706; 579.065; or 579.068 if punished as a class
23 A or B felony.

24 3. (1) Prior to sentencing and by oral or written motion of either party or the court, the court
25 shall determine whether an offender is eligible for a community-based sentence under this section.
26 An offender shall be eligible if:

27 (a) The offender is a primary caretaker of a dependent person; and

28 (b) The offender did not commit an offense against the dependent person.

29 (2) If the court determines that an offender who has pleaded guilty to or been found guilty of
30 an offense not listed under subsection 2 of this section and is a primary caretaker of a dependent
31 person, the court may impose an individually assessed, community-based sentence, rather than
32 incarceration, with the goal of rehabilitation and family unity and support.

33 (3) Requirements for a community-based sentence shall include:

34 (a) That the primary caretaker is actively caring for the dependent;

35 (b) That the court of the county of the violation or arrest shall have original jurisdiction
36 while the offender completes his or her community-based sentence;

37 (c) That any sentence or treatment issued by the court shall allow the offender to remain as
38 close as possible to his or her dependent; and

39 (d) That the offender completes a community corrections program pursuant to section
40 217.777. Conditions of the community corrections program may include telephone check-ins or
41 face-to-face meetings with the department of corrections personnel, contractor, or designee to
42 evaluate the offender's compliance with conditions.

43 (4) If determining conditions of a community-based sentence, a judge shall consider the
44 importance to the family of the offender maintaining employment.

45 (5) The court may modify or revoke the community-based sentence or the conditions of the
46 sentence, including:

47 (a) Decreasing the duration of the sentence imposed;

48 (b) Requiring the offender to serve a term of confinement within the range of the offense for
49 which the offender was originally convicted; or

1 (c) Requiring the offender to be subject to additional conditions authorized by law for
2 sentences of probation.

3 (6) The department of corrections shall publish a report once per year on the agency's
4 website, including the number of community-based sentences imposed under this section and the
5 number of community-based sentences that resulted in revocation.

6 (7) The department of social services shall report once per year to the general assembly the
7 number of children entering foster care as the result of the revocation of a community-based primary
8 caretaker sentence.

9 431.056. 1. A minor shall be qualified and competent to contract for legal services,
10 housing, employment, purchase of an automobile, receipt of a student loan, admission to high school
11 or postsecondary school, obtaining medical and mental health care, establishing a bank account,
12 admission to a shelter for victims of domestic violence, as that phrase is used in sections 455.200 to
13 455.220, a rape crisis center, as defined in section 455.003, or a homeless shelter, and receipt of
14 services as a victim of domestic violence or sexual assault, as such terms are defined in section
15 455.010, including but not limited to counseling, court advocacy, financial assistance, and other
16 advocacy services, if:

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

18 (2) The minor is homeless, as defined in subsection 1 of section 167.020, or a victim of
19 domestic violence, as defined in section 455.010, unless the child is under the supervision of the
20 children's division or the jurisdiction of the juvenile court; and

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

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

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

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

31 ~~[a.]~~ (i) Barring the minor from the home or otherwise indicating that the minor is not
32 welcome to stay;

33 ~~[b.]~~ (ii) Refusing to provide any or all financial support for the minor; or

34 ~~[c.]~~ (iii) Abusing or neglecting the minor, as defined in section 210.110 or committing an act
35 or acts of domestic violence against the minor, as defined in section 455.010.

36 b. Implied consent, in addition to the actions described in subparagraph a. of this paragraph,
37 may also be demonstrated by a letter signed by the following persons verifying that the minor is an
38 unaccompanied youth as defined in 42 U.S.C Section 11434a(6):

39 (i) A director or designee of a governmental or nonprofit agency that receives public or
40 private funding to provide services to homeless persons;

41 (ii) A local education agency liaison for homeless children and youth designated under 42
42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or

43 (iii) A licensed attorney representing the minor in any legal matter.

44 2. A minor who is sixteen years of age or older and who is in the legal custody of the
45 children's division pursuant to an order of a court of competent jurisdiction shall be qualified and
46 competent to contract for the purchase of automobile insurance with the consent of the children's
47 division or the juvenile court. The minor shall be responsible for paying the costs of the insurance
48 premiums and shall be liable for damages caused by his or her negligent operation of a motor
49 vehicle. No state department, foster parent, or entity providing case management of children on

1 behalf of a department shall be responsible for paying any insurance premiums nor liable for any
2 damages of any kind as a result of the operation of a motor vehicle by the minor.

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

11 4. Any legally constituted entity or licensed provider who contracts with a minor under
12 subsection 1 of this section shall be immune from any civil or criminal liability based on the entity's
13 or provider's determination to contract with the minor; provided that, if an entity's or provider's
14 determination of compliance with subsection 1 of this section, or conduct in contracting with the
15 minor, is the result of the entity's or provider's gross negligence or willful or wanton acts or
16 omissions, the entity or provider may be held liable for their gross negligence or willful or wanton
17 acts or omissions. Consent given under this section shall not be subject to later disaffirmance by
18 reason of the minor's age.

19 453.030. 1. In all cases the approval of the court of the adoption shall be required and such
20 approval shall be given or withheld as the welfare of the person sought to be adopted may, in the
21 opinion of the court, demand.

22 2. The written consent of the person to be adopted shall be required in all cases where the
23 person sought to be adopted is fourteen years of age or older, except where the court finds that such
24 child has not sufficient mental capacity to give the same. In a case involving a child under fourteen
25 years of age, the guardian ad litem shall ascertain the child's wishes and feelings about his or her
26 adoption by conducting an interview or interviews with the child, if appropriate based on the child's
27 age and maturity level, which shall be considered by the court as a factor in determining if the
28 adoption is in the child's best interests.

29 3. With the exceptions specifically enumerated in section 453.040, when the person sought
30 to be adopted is under the age of eighteen years, the written consent of the following persons shall
31 be required and filed in and made a part of the files and record of the proceeding:

32 (1) The mother of the child;

33 (2) Any man who:

34 (a) Is presumed to be the father pursuant to subdivision (1), (2), or (3) of subsection 1 of
35 section 210.822; or

36 (b) Has filed an action to establish his paternity in a court of competent jurisdiction no later
37 than fifteen days after the birth of the child and has served a copy of the petition on the mother in
38 accordance with section 506.100; or

39 (c) Filed with the putative father registry pursuant to section 192.016 a notice of intent to
40 claim paternity or an acknowledgment of paternity either prior to or within fifteen days after the
41 child's birth, and has filed an action to establish his paternity in a court of competent jurisdiction no
42 later than fifteen days after the birth of the child; and

43 (3) The child's current adoptive parents or other legally recognized mother and father.

44
45 Upon request by the petitioner and within one business day of such request, the clerk of the local
46 court shall verify whether such written consents have been filed with the court.

47 4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section
48 may be executed before or after the birth of the child or before or after the commencement of the
49 adoption proceedings, and shall be executed in front of a judge or acknowledged before a notary

1 public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the
2 consenting birth parent of the consequences of the consent. In lieu of such acknowledgment, the
3 signature of the person giving such written consent shall be witnessed by the signatures of at least
4 two adult persons whose signatures and addresses shall be plainly written thereon. The two adult
5 witnesses shall not be the prospective adoptive parents or any attorney representing a party to the
6 adoption proceeding other than the attorney representing the party signing the consent. The notary
7 public or witnesses shall verify the identity of the party signing the consent. Notwithstanding any
8 other provision of law to the contrary, a properly executed written consent under this subsection
9 shall be considered irrevocable.

10 5. The written consent required in subdivision (1) of subsection 3 of this section by the birth
11 mother shall not be executed anytime before the child is forty-eight hours old. Such written consent
12 shall be executed in front of a judge or acknowledged before a notary public. If consent is executed
13 in front of a judge, it shall be the duty of the judge to advise the consenting party of the
14 consequences of the consent. In lieu of acknowledgment before a notary public, the signature of the
15 person giving such written consent shall be witnessed by the signatures of at least two adult persons
16 who are present at the execution whose signatures and addresses shall be plainly written thereon and
17 who determine and certify that the consent is knowingly and freely given. The two adult witnesses
18 shall not be the prospective adoptive parents or any attorney representing a party to the adoption
19 proceeding other than the attorney representing the party signing the consent. The notary public or
20 witnesses shall verify the identity of the party signing the consent.

21 6. A consent is final when executed, unless the consenting party, prior to a final decree of
22 adoption, alleges and proves by clear and convincing evidence that the consent was not freely and
23 voluntarily given. The burden of proving the consent was not freely and voluntarily given shall rest
24 with the consenting party. Consents in all cases shall have been executed not more than six months
25 prior to the date the petition for adoption is filed.

26 7. A consent form shall be developed through rules and regulations promulgated by the
27 department of social services. No rule or portion of a rule promulgated under the authority of this
28 section shall become effective unless it has been promulgated pursuant to the provisions of chapter
29 536. If a written consent is obtained after August 28, 1997, but prior to the development of a
30 consent form by the department and the written consent complies with the provisions of subsection
31 8 of this section, such written consent shall be deemed valid.

32 8. However, the consent form must specify that:

33 (1) The birth parent understands the importance of identifying all possible fathers of the
34 child and may provide the names of all such persons; and

35 (2) The birth parent understands that if he denies paternity, but consents to the adoption, he
36 waives any future interest in the child.

37 9. The written consent to adoption required by subsection 3 and executed through
38 procedures set forth in subsection 5 of this section shall be valid and effective even though the
39 parent consenting was under eighteen years of age, if such parent was represented by a guardian ad
40 litem, at the time of the execution thereof.

41 10. Where the person sought to be adopted is eighteen years of age or older, his or her
42 written consent alone to his or her adoption shall be sufficient.

43 11. A birth parent, including a birth parent less than eighteen years of age, shall have the
44 right to legal representation and payment of any reasonable legal fees incurred throughout the
45 adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

46 (1) The court determines that a birth parent is in need of representation by counsel or a birth
47 parent requests such representation;

48 (2) The court finds that hiring an attorney to represent such birth parent would cause a
49 financial hardship for the birth parent; and

1 (3) The birth parent is not already represented by counsel.

2 12. ~~[Except in cases where the court determines that the adoptive parents are unable to pay~~
 3 ~~reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall order the~~
 4 ~~costs of the attorney fees incurred pursuant to subsection 11 of this section to be paid by the~~
 5 ~~prospective adoptive parents or the child-placing agency.~~

6 ~~—————13.]~~ The court shall receive and acknowledge a written consent to adoption properly
 7 executed by a birth parent under this section when such consent is in the best interests of the child.

8 453.040. The consent to the adoption of a child is not required of:

9 (1) A parent whose rights with reference to the child have been terminated pursuant to law,
 10 including section 211.444 or section 211.447 or other similar laws in other states;

11 (2) A parent of a child who has legally consented to a future adoption of the child;

12 (3) A parent whose identity is unknown and cannot be ascertained at the time of the filing of
 13 the petition;

14 (4) A man who has not been established to be the father and who is not presumed by law to
 15 be the father, and who, after the conception of the child, executes a verified statement denying
 16 paternity and disclaiming any interest in the child and acknowledging that this statement is
 17 irrevocable when executed and follows the consent as set forth in section 453.030;

18 (5) A parent or other person who has not executed a consent and who, after proper service
 19 of process, fails to file an answer or make an appearance in a proceeding for adoption or for
 20 termination of parental rights at the time such cause is heard;

21 (6) A parent who has a mental condition which is shown by competent evidence either to be
 22 permanent or such that there is no reasonable likelihood that the condition can be reversed and
 23 which renders the parent unable to knowingly provide the child the necessary care, custody and
 24 control;

25 (7) A parent who has for a period of at least six months, for a child ~~[one year]~~ three years of
 26 age or older, or at least sixty days, for a child under ~~[one year]~~ three years of age, immediately prior
 27 to the filing of the petition for adoption, ~~[willfully abandoned the child or, for a period of at least six~~
 28 ~~months immediately prior to the filing of the petition for adoption,]~~ willfully, substantially, and
 29 continuously neglected to provide ~~[him]~~ the child with necessary care and protection;

30 (8) A parent whose rights to the child may be terminated for any of the grounds set forth in
 31 section 211.447 and whose rights have been terminated after hearing and proof of such grounds as
 32 required by sections 211.442 to 211.487. Such petition for termination may be filed as a count in an
 33 adoption petition.

34 453.080. 1. The court shall conduct a hearing to determine whether the adoption shall be
 35 finalized. If their attorney appears in person, out-of-state adoptive petitioners may appear by video
 36 conference. During such hearing, the court shall ascertain whether:

37 (1) The person sought to be adopted, if a child, has been in the lawful and actual custody of
 38 the petitioner for a period of at least six months prior to entry of the adoption decree; except that the
 39 six-month period may be waived if the person sought to be adopted is a child who is under the prior
 40 and continuing jurisdiction of a court pursuant to chapter 211 and the person desiring to adopt the
 41 child is the child's current foster parent. Lawful and actual custody shall include a transfer of
 42 custody pursuant to the laws of this state, another state, a territory of the United States, or another
 43 country;

44 (2) The court has received and reviewed a postplacement assessment on the monthly
 45 contacts with the adoptive family pursuant to section 453.077, except for good cause shown in the
 46 case of a child adopted from a foreign country;

47 (3) The court has received and reviewed an updated financial affidavit;

48 (4) The court has received the recommendations of the guardian ad litem and has received
 49 and reviewed the recommendations of the person placing the child, the person making the

1 assessment and the person making the postplacement assessment;

2 (5) There is compliance with the Indian Child Welfare Act, if applicable;

3 (6) There is compliance with the Interstate Compact on the Placement of Children pursuant
4 to section 210.620; and

5 (7) It is fit and proper that such adoption should be made and that the adoption is in the best
6 interests of the child.

7 2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of
8 custody has occurred pursuant to section 453.110, the court may authorize the filing for finalization
9 in another state if the adoptive parents are domiciled in that state.

10 3. If the court determines the adoption should be finalized, a decree shall be issued setting
11 forth the facts and ordering that from the date of the decree the adoptee shall be for all legal intents
12 and purposes the child of the petitioner or petitioners. The court may decree that the name of the
13 person sought to be adopted be changed, according to the prayer of the petition.

14 4. Before the completion of an adoption, the exchange of information among the parties
15 shall be at the discretion of the parties. Prospective adoptive parents and birth parents may enter
16 into a written post adoption contact agreement to allow contact, communication, and the exchange
17 of photographs after the adoption between the adoptive parents and the birth parents. The court
18 shall not order any party to enter into a post adoption contact agreement. The agreement shall be
19 filed with and approved by the court at or before the finalization of the adoption. The court shall
20 approve an agreement only if the agreement is in the best interests of the child. The court may
21 enforce or modify an agreement made under this subsection unless such enforcement or
22 modification is not in the best interests of the child. The agreement shall include:

23 (1) An acknowledgment by the birth parents that the adoption is irrevocable, even if the
24 adoptive parents do not abide by the post adoption contact agreement;

25 (2) An acknowledgment by the adoptive parents that the agreement grants the birth parents
26 the right to seek to enforce the provisions of the post adoption contact agreement. Remedies for a
27 breach of the agreement shall include specific performance of the terms of the agreement; provided,
28 that nothing in the agreement shall preclude a party seeking to enforce the agreement from utilizing
29 child welfare mediation before, or in addition to, the commencement of a civil action for specific
30 enforcement;

31 (3) An acknowledgment that the post adoption contact agreement shall be filed with and
32 approved by the court in order to be enforceable; and

33 (4) An acknowledgment that the birth parents' consent to the adoption was not conditioned
34 on the post adoption contact agreement and that acceptance of the agreement is fully voluntary.
35

36 Upon completion of an adoption, further contact among the parties shall be at the discretion of the
37 adoptive parents or in accordance with a post adoption contact agreement executed under this
38 subsection. The court shall not have jurisdiction to deny an exchange of identifying information
39 between an adoptive parent and a birth parent.

40 5. Before the completion of an adoption, the court shall make available to the birth parent or
41 parents a contact preference form developed by the state registrar pursuant to section 193.128 and
42 provided to the court by the department of health and senior services. If a birth parent chooses to
43 complete the form, the clerk of the court shall send the form with the certificate of decree of
44 adoption to the state registrar. Such form shall accompany the original birth certificate of the
45 adopted person and may be updated by a birth parent at any time upon the request of the birth
46 parent.

47 453.121. 1. As used in this section, unless the context clearly indicates otherwise, the
48 following terms mean:

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

1 (2) "Adopted child", any adopted person who is less than eighteen years of age;
 2 (3) "Adult sibling", any brother or sister of the whole or half blood who is eighteen years of
 3 age or over;
 4 (4) "Biological parent", the natural and biological mother or father of the adopted child;
 5 (5) "Identifying information", individually identifying information [which includes the
 6 name, date of birth, place of birth and last known address of the biological parent] for or about a
 7 unique individual, including information likely to disclose the contact information, location, or
 8 identity of such individual;

9 (6) "Lineal descendant", ~~[a legal descendant of a person]~~ as defined in section 472.010;

10 (7) "Nonidentifying information", information ~~[concerning the physical description,~~
 11 ~~nationality, religious background and medical history of the biological parent or sibling]~~ that is not
 12 identifying information.

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 parents,
 17 legal guardians, adopted adult or the adopted adult's lineal descendants if the adopted adult is
 18 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. If the
 22 biological parents have consented to the release of identifying information under subsection 8 of this
 23 section, the court shall disclose such identifying information to the adopted adult or the adopted
 24 adult's lineal descendants if the adopted adult is deceased. If the biological parents have not
 25 consented to the release of identifying information under subsection 8 of this section, the court shall,
 26 within ten days of receipt of the request, notify in writing the child-placing agency or juvenile court
 27 personnel having access to the information requested of the request by the adopted adult or the
 28 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 of
 35 this subsection, "notify" means a personal and confidential contact with the biological parent of the
 36 adopted adult, which initial contact shall be made by an employee of the child-placing agency which
 37 processed the adoption, juvenile court personnel or some other licensed child-placing agency
 38 designated by the child-placing agency or juvenile court. Nothing in this section shall be construed
 39 to permit the disclosure of communications privileged pursuant to section 491.060. At the end of
 40 three months, the child-placing agency or juvenile court personnel shall file a report with the court
 41 stating that each biological parent that was located was given the following information:

42 (1) The nature of the identifying information to which the agency has access;

43 (2) The nature of any nonidentifying information requested;

44 (3) The date of the request of the adopted adult or the adopted adult's lineal descendants;

45 (4) The right of the biological parent to file an affidavit with the court stating that the
 46 identifying information should be disclosed;

47 (5) The effect of a failure of the biological parent to file an affidavit stating that the
 48 identifying information should be disclosed.

49 6. If the child-placing agency or juvenile court personnel reports to the court that it has been

1 unable to notify the biological parent within three months, the identifying information shall not be
2 disclosed to the adopted adult or the adopted adult's lineal descendants. Additional requests for the
3 same or substantially the same information may not be made to the court within one year from the
4 end of the three-month period during which the attempted notification was made, unless good cause
5 is shown and leave of court is granted.

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

- 13 (1) Is unknown;
- 14 (2) Is known but cannot be found and notified pursuant to subsection 5 of this section;
- 15 (3) Is deceased; or
- 16 (4) Has filed with the court an affidavit authorizing release of identifying information.

17
18 If the biological parent fails or refuses to file an affidavit with the court authorizing the release of
19 identifying information, then the identifying information shall not be released to the adopted adult.
20 No additional request for the same or substantially the same information may be made within three
21 years of the time the biological parent fails or refuses to file an affidavit authorizing the release of
22 identifying information.

23 8. Notwithstanding any provision of law, all information, including identifying information,
24 shall be released to an adopted adult if the adopted adult's biological parent lost his or her parental
25 rights through a nonconsensual termination of parental rights proceeding.

26 9. Any adopted adult whose adoption was finalized in this state or whose biological parents
27 had their parental rights terminated in this state may request the court to secure and disclose
28 identifying information concerning an adult sibling. Identifying information pertaining exclusively
29 to the adult sibling, whether part of the permanent record of a file in the court or in an agency, shall
30 be released only upon consent of that adult sibling.

31 ~~[9.]~~ 10. The central office of the children's division within the department of social services
32 shall maintain a registry by which biological parents, adult siblings, and adoptive adults may
33 indicate their desire to be contacted by each other. The division may request such identification for
34 the registry as a party may possess to assure positive identifications. At the time of registry, a
35 biological parent or adult sibling may consent in writing to the release of identifying information to
36 an adopted adult. If such a consent has not been executed and the division believes that a match has
37 occurred on the registry between biological parents or adult siblings and an adopted adult, an
38 employee of the division shall make the confidential contact provided in subsection 5 of this section
39 with the biological parents or adult siblings and with the adopted adult. If the division believes that
40 a match has occurred on the registry between one biological parent or adult sibling and an adopted
41 adult, an employee of the division shall make the confidential contact provided by subsection 5 of
42 this section with the biological parent or adult sibling. The division shall then attempt to make such
43 confidential contact with the other biological parent, and shall proceed thereafter to make such
44 confidential contact with the adopted adult only if the division determines that the other biological
45 parent meets one of the conditions specified in subsection 7 of this section. The biological parent,
46 adult sibling, or adopted adult may refuse to go forward with any further contact between the parties
47 when contacted by the division.

48 ~~[10.]~~ 11. The provisions of this section, except as provided in subsection 5 of this section
49 governing the release of identifying and nonidentifying adoptive information apply to adoptions

1 completed before and after August 13, 1986.

2 [41.] 12. All papers, records, and information known to or in the possession of an adoptive
3 parent or adoptive child that pertain to an adoption, regardless of whether part of any permanent
4 record or file, may be disclosed by the adoptive parent or adoptive child. The provisions of this
5 subsection shall not be construed to create a right to have access to information not otherwise
6 allowed under this section.

7 453.350. 1. Beginning July 1, 2014, all Missouri foster children fifteen years of age or older
8 shall receive a visit to a Missouri state university or a Missouri state community or technical college
9 in the foster child's area or an armed services recruiter before the foster child may be adopted or
10 otherwise terminated by foster care unless waived by the family support team. Such visit shall be in
11 addition to any other services that older youth are usually provided and shall include the entry
12 application process, financial support application and availability, career options with academic or
13 technical training, a tour of the school, and other information and experience desired.

14 2. Beginning July 1, 2014, all youth fifteen years of age or older in the division of youth
15 services program shall receive a visit to a Missouri state university or a Missouri state community or
16 technical college in the youth's area or an armed services recruiter before the youth's custody or
17 training is completed unless waived by the family support team. Such visit shall be in addition to
18 any other services that older youth are usually provided and shall include the entry application
19 process, financial support application and availability, career options with academic or technical
20 training, a tour of the school, and other information and experience desired.

21 3. Agencies ~~[defined]~~ described in subsection [2] 5 of section 210.112 that are providing
22 foster care case management services for foster children can document and, if requested, shall
23 receive from the Missouri department of social services reimbursement for costs associated with
24 meeting the requirements of this section.

25 492.304. 1. In addition to the admissibility of a statement under the provisions of section
26 492.303, the visual and aural recording of a verbal or nonverbal statement of a child when under the
27 age of fourteen who is alleged to be a victim of an offense under the provisions of chapter 565, 566
28 or 568 is admissible into evidence if:

29 (1) No attorney for either party was present when the statement was made; except that, for
30 any statement taken at a state-funded child assessment center ~~[as provided for in subsection 2 of~~
31 ~~section 210.001]~~, an attorney representing the state of Missouri in a criminal investigation may, as a
32 member of a multidisciplinary investigation team, observe the taking of such statement, but such
33 attorney shall not be present in the room where the interview is being conducted;

34 (2) The recording is both visual and aural and is recorded on film or videotape or by other
35 electronic means;

36 (3) The recording equipment was capable of making an accurate recording, the operator of
37 the equipment was competent, and the recording is accurate and has not been altered;

38 (4) The statement was not made in response to questioning calculated to lead the child to
39 make a particular statement or to act in a particular way;

40 (5) Every voice on the recording is identified;

41 (6) The person conducting the interview of the child in the recording is present at the
42 proceeding and available to testify or be cross-examined by either party; and

43 (7) The defendant or the attorney for the defendant is afforded an opportunity to view the
44 recording before it is offered into evidence.

45 2. If the child does not testify at the proceeding, the visual and aural recording of a verbal or
46 nonverbal statement of the child shall not be admissible under this section unless the recording
47 qualifies for admission under section 491.075.

48 3. If the visual and aural recording of a verbal or nonverbal statement of a child is
49 admissible under this section and the child testifies at the proceeding, it shall be admissible in

1 addition to the testimony of the child at the proceeding whether or not it repeats or duplicates the
2 child's testimony.

3 4. As used in this section, a nonverbal statement shall be defined as any demonstration of
4 the child by his or her actions, facial expressions, demonstrations with a doll or other visual aid
5 whether or not this demonstration is accompanied by words.

6 660.358. 1. The department shall create a safety reporting system in which employees of
7 the children's division may report information regarding the safety of those served by the children's
8 division and the safety of such division's employees.

9 2. The identity of any individual who reports to or participates in the reporting system under
10 subsection 1 of this section shall:

11 (1) Be sealed from inspection by the public or any other entity or individual who is
12 otherwise provided access to the department of social services's confidential records;

13 (2) Not be subject to discovery or introduction into evidence in any civil proceeding; and

14 (3) Be disclosed only as necessary to carry out the purpose of the reporting system under
15 subsection 1 of this section.

16 3. Any criminal act reported into the reporting system under subsection 1 of this section
17 shall be disclosed by the department to the appropriate law enforcement agency or prosecuting or
18 city attorney.

19 4. Any investigation conducted as a result of a report made under this section shall be
20 conducted by an unbiased and disinterested investigator.

21
22 ~~[210.025. 1. An applicant child care provider; persons employed by the applicant~~
23 ~~child care provider for compensation, including contract employees or self-employed~~
24 ~~individuals; individuals or volunteers whose activities involve the care or supervision~~
25 ~~of children for the applicant child care provider or unsupervised access to children~~
26 ~~who are cared for or supervised by the applicant child care provider; or individuals~~
27 ~~residing in the applicant's family child care home who are seventeen years of age or~~
28 ~~older shall be required to submit to a criminal background check under section~~
29 ~~43.540 prior to an applicant being granted a registration and every five years~~
30 ~~thereafter and an annual check of the central registry for child abuse established in~~
31 ~~section 210.109 in order for the applicant to qualify for receipt of state or federal~~
32 ~~funds for providing child care services either by direct payment or through~~
33 ~~reimbursement to a child care beneficiary. Any costs associated with such checks~~
34 ~~shall be paid by the applicant.~~

35 ~~2. Upon receipt of an application for state or federal funds for providing child care~~
36 ~~services in the home, the children's division shall:~~

37 ~~(1) Determine if a finding of child abuse or neglect by probable cause prior to~~
38 ~~August 28, 2004, or by a preponderance of the evidence after August 28, 2004,~~
39 ~~involving the applicant or any person over the age of seventeen who is living in the~~
40 ~~applicant's home has been recorded pursuant to section 210.145 or 210.221;~~

41 ~~(2) Determine if the applicant or any person over the age of seventeen who is living~~
42 ~~in the applicant's home has been refused licensure or has experienced licensure~~
43 ~~suspension or revocation pursuant to section 210.221 or 210.496; and~~

44 ~~(3) Upon initial application, require the applicant to submit to fingerprinting and~~
45 ~~request a criminal background check of the applicant and any person over the age of~~
46 ~~seventeen who is living in the applicant's home pursuant to section 43.540 and~~
47 ~~section 210.487, and inquire of the applicant whether any children less than~~
48 ~~seventeen years of age residing in the applicant's home have ever been certified as an~~
49 ~~adult and convicted of, or pled guilty or nolo contendere to any crime.~~

1 3. Except as otherwise provided in subsection 4 of this section, upon completion of
2 the background checks in subsection 2 of this section, an applicant shall be denied
3 state or federal funds for providing child care if such applicant, any person over the
4 age of seventeen who is living in the applicant's home, and any child less than
5 seventeen years of age who is living in the applicant's home and who the division has
6 determined has been certified as an adult for the commission of a crime:

7 (1) Has had a finding of child abuse or neglect by probable cause prior to August 28,
8 2004, or by a preponderance of the evidence after August 28, 2004, pursuant to
9 section 210.145 or section 210.152;

10 (2) Has been refused licensure or has experienced licensure suspension or revocation
11 pursuant to section 210.496;

12 (3) Has pled guilty or nolo contendere to or been found guilty of any felony for an
13 offense against the person as defined by chapter 565, or any other offense against the
14 person involving the endangerment of a child as prescribed by law; of any
15 misdemeanor or felony for a sexual offense as defined by chapter 566; of any
16 misdemeanor or felony for an offense against the family as defined in chapter 568,
17 with the exception of the sale of fireworks, as defined in section 320.110, to a child
18 under the age of eighteen; of any misdemeanor or felony for pornography or related
19 offense as defined by chapter 573; or of any similar crime in any federal, state,
20 municipal or other court of similar jurisdiction of which the director has knowledge
21 or any offenses or reports which will disqualify an applicant from receiving state or
22 federal funds.

23 4. An applicant shall be given an opportunity by the division to offer any extenuating
24 or mitigating circumstances regarding the findings, refusals or violations against such
25 applicant or any person over the age of seventeen or less than seventeen who is living
26 in the applicant's home listed in subsection 2 of this section. Such extenuating and
27 mitigating circumstances may be considered by the division in its determination of
28 whether to permit such applicant to receive state or federal funds for providing child
29 care in the home.

30 5. An applicant who has been denied state or federal funds for providing child care
31 in the home may appeal such denial decision in accordance with the provisions of
32 section 208.080.

33 6. If an applicant is denied state or federal funds for providing child care in the home
34 based on the background check results for any person over the age of seventeen who
35 is living in the applicant's home, the applicant shall not apply for such funds until
36 such person is no longer living in the applicant's home.

37 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is
38 created under the authority delegated in this section shall become effective only if it
39 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
40 section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of
41 no force and effect and repealed. Nothing in this section shall be interpreted to repeal
42 or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully
43 complied with all applicable provisions of law. This section and chapter 536 are
44 nonseverable and if any of the powers vested with the general assembly pursuant to
45 chapter 536 to review, to delay the effective date or to disapprove and annul a rule
46 are subsequently held unconstitutional, then the grant of rulemaking authority and
47 any rule proposed or adopted after August 28, 1999, shall be invalid and void.

48 8. (1) The provisions of subsection 1 of this section shall not apply to any child care
49 facility, as defined in section 210.201, maintained or operated under the exclusive

1 control of a religious organization, as described in subdivision (4) of subsection 1 of
 2 section 210.211, unless such facility is a recipient of federal funds for providing care
 3 for children, except for federal funds for those programs that meet the requirements
 4 for participation in the Child and Adult Care Food Program under 42 U.S.C. Section
 5 1766.

6 ~~—— (2) The provisions of subsection 1 of this section, as enacted by the ninety-ninth general
 7 assembly, second regular session, and any rules or regulations promulgated under such section, shall
 8 expire if 42 U.S.C. Section 9858f, as enacted by the Child Care and Development Block Grant
 9 (CCDBG) Act of 2014, and 45 CFR 98.43 are repealed or if Missouri no longer receives federal
 10 funds from the CCDBG.]~~

11
 12 ~~[210.117. 1. A child taken into the custody of the state shall not be reunited with a
 13 parent or placed in a home in which the parent or any person residing in the home has
 14 been found guilty of any of the following offenses when a child was the victim:~~

15 ~~(1) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061,
 16 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.100, 566.101,
 17 566.111, 566.151, 566.203, 566.206, 566.209, 566.211, or 566.215;~~

18 ~~(2) A violation of section 568.020;~~

19 ~~(3) Abuse of a child under section 568.060 when such abuse is sexual in nature;~~

20 ~~(4) A violation of section 568.065;~~

21 ~~(5) A violation of section 573.200;~~

22 ~~(6) A violation of section 573.205; or~~

23 ~~(7) A violation of section 568.175;~~

24 ~~—— (8) A violation of section 566.040, 566.070, or 566.090 as such sections
 25 existed prior to August 28, 2013; or~~

26 ~~(9) A violation of section 566.212, 568.080, or 568.090 as such sections existed
 27 prior to January 1, 2017.~~

28 ~~2. For all other violations of offenses in chapters 566 and 568 not specifically listed
 29 in subsection 1 of this section or for a violation of an offense committed in another
 30 state when a child is the victim that would be a violation of chapter 566 or 568, if
 31 committed in Missouri, the division may exercise its discretion regarding the
 32 placement of a child taken into the custody of the state in which a parent or any
 33 person residing in the home has been found guilty of any such offense.~~

34 ~~3. In any case where the children's division determines based on a substantiated
 35 report of child abuse that a child has abused another child, the abusing child shall be
 36 prohibited from returning to or residing in any residence, facility, or school within
 37 one thousand feet of the residence of the abused child or any child care facility or
 38 school that the abused child attends, unless and until a court of competent jurisdiction
 39 determines that the alleged abuse did not occur or the abused child reaches the age of
 40 eighteen, whichever earlier occurs. The provisions of this subsection shall not apply
 41 when the abusing child and the abused child are siblings or children living in the
 42 same home.]~~

43
 44 ~~[210.130. 1. Oral reports of abuse or neglect shall be made to the division by
 45 telephone or otherwise.~~

46 ~~2. Such reports shall include the following information: The names and addresses of
 47 the child and his parents or other persons responsible for his care, if known; the
 48 child's age, sex, and race; the nature and extent of the child's injuries, abuse, or
 49 neglect, including any evidence of previous injuries, abuse, or neglect to the child or~~

1 his siblings; the name, age and address of the person responsible for the injuries,
2 abuse or neglect, if known; family composition; the source of the report; the name
3 and address of the person making the report, his occupation, and where he can be
4 reached; the actions taken by the reporting source, including the taking of color
5 photographs or the making of radiologic examinations pursuant to sections 210.110
6 to 210.165, or both such taking of color photographs or making of radiologic
7 examinations, removal or keeping of the child, notifying the coroner or medical
8 examiner, and other information that the person making the report believes may be
9 helpful in the furtherance of the purposes of sections 210.110 to 210.165.

10 3. Evidence of sexual abuse or sexual molestation of any child under eighteen years
11 of age shall be turned over to the division within twenty-four hours by those
12 mandated to report.]

13
14 [210.790. A foster parent shall have standing to participate in all court hearings
15 pertaining to a child in their care.]

16
17 Section B. Because immediate action is necessary to protect children, the repeal and
18 reenactment of sections 210.950 and 210.1080 of section A of this act is deemed necessary for the
19 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be
20 an emergency act within the meaning of the constitution, and the repeal and reenactment of sections
21 210.950 and 210.1080 of section A of this act shall be in full force and effect upon its passage and
22 approval."; and

23
24 Further amend said bill by amending the title, enacting clause, and intersectional references
25 accordingly.