

SECOND REGULAR SESSION

HOUSE BILL NO. 2216

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN (97).

3228H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, 210.001, 210.109, 210.110, 210.112, 210.113, 210.115, 210.117, 210.130, 210.135, 210.145, 210.147, 210.160, 210.188, 211.037, 211.038, 211.183, 211.444, 211.447, 453.030, 453.040, 453.121, and 453.350, RSMo, and to enact in lieu thereof twenty-nine new sections relating to the preservation of the family.

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

Section A. Sections 135.325, 135.326, 135.327, 135.335, 135.800, 210.001, 210.109, 210.110, 210.112, 210.113, 210.115, 210.117, 210.130, 210.135, 210.145, 210.147, 210.160, 210.188, 211.037, 211.038, 211.183, 211.444, 211.447, 453.030, 453.040, 453.121, and 453.350, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 135.325, 135.326, 135.327, 135.335, 135.800, 210.001, 210.109, 210.110, 210.112, 210.113, 210.115, 210.116, 210.117, 210.135, 210.145, 210.147, 210.157, 210.160, 210.188, 211.037, 211.038, 211.183, 211.444, 211.447, 217.779, 453.030, 453.040, 453.121, and 453.350, to read as follows:

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

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

(1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes

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

7 to the state of Missouri or any political subdivision of this state under the provisions of chapter
8 148, or an express company which pays an annual tax on its gross receipts in this state pursuant
9 to chapter 153;

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

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

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

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

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

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

135.327. 1. Any person residing in this state who legally adopts a special needs child
2 on or after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit
3 of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may
4 be applied to taxes due under chapter 143. Any business entity providing funds to an employee
5 to enable that employee to legally adopt a special needs child shall be eligible to receive a tax
6 credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted
7 that may be applied to taxes due under such business entity's state tax liability, except that only
8 one ten thousand dollar credit is available for each special needs child that is adopted.

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

18 due under such business entity's state tax liability, except that only one ten thousand dollar credit
19 is available for each special needs child that is adopted.

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

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

44 **[4.] 5.** Notwithstanding any provision of law to the contrary, any individual or business
45 entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits
46 claimed pursuant to this section shall be at a discount rate of seventy-five percent or greater of
47 the amount sold.

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

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

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

135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be
2 cited 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
5 a particular tax credit program, as set forth by the program's enacting statute; where no
6 department or 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
10 section 348.505, the qualified beef tax credit created under section 135.679, and the wine and
11 grape production tax credit created pursuant to section 135.700;

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

17 (4) "Business recruitment tax credits", the business facility tax credit created pursuant
18 to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created
19 pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development
20 programs created pursuant to sections 100.700 to 100.850, the development tax credits created
21 pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant
22 to section 135.535, the film production tax credit created pursuant to section 135.750, the
23 enhanced enterprise zone created pursuant to sections 135.950 to 135.970, and the Missouri
24 quality jobs program created 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
27 pursuant to sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to
28 section 320.093, and the transportation development tax credit created pursuant to section
29 135.545;

30 (6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant
31 to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic
32 violence created pursuant to section 135.550, the senior citizen or disabled person property tax
33 credit created pursuant to sections 135.010 to 135.035, the ~~[special needs]~~ adoption tax credit
34 created pursuant to sections 135.325 to 135.339, the champion for children tax credit created

35 pursuant to section 135.341, the maternity home tax credit created pursuant to section 135.600,
36 the surviving spouse tax credit created pursuant to section 135.090, the residential treatment
37 agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit
38 created pursuant to section 135.630, the food pantry tax credit created pursuant to section
39 135.647, the health care access fund tax credit created pursuant to section 135.575, the
40 residential dwelling access tax credit created pursuant to section 135.562, the developmental
41 disability care provider tax credit created under section 135.1180, the shared care tax credit
42 created pursuant to section 192.2015, and the diaper bank tax credit created pursuant to section
43 135.621;

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

51 (8) "Environmental tax credits", the charcoal producer tax credit created pursuant to
52 section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and
53 the alternative fuel stations tax credit created pursuant to section 135.710;

54 (9) "Financial and insurance tax credits", the bank franchise tax credit created pursuant
55 to section 148.030, the bank tax credit for S corporations created pursuant to section 143.471,
56 the exam fee tax credit created pursuant to section 148.400, the health insurance pool tax credit
57 created pursuant to section 376.975, the life and health insurance guaranty tax credit created
58 pursuant to section 376.745, the property and casualty guaranty tax credit created pursuant to
59 section 375.774, and the self-employed health insurance tax credit created pursuant to section
60 143.119;

61 (10) "Housing tax credits", the neighborhood preservation tax credit created pursuant to
62 sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections
63 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to
64 32.125;

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

68 (12) "Redevelopment tax credits", the historic preservation tax credit created pursuant
69 to sections 253.545 to 253.559, the brownfield redevelopment program tax credit created
70 pursuant to sections 447.700 to 447.718, the community development corporations tax credit

71 created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to
72 subsection 6 of section 100.286, the bond guarantee tax credit created pursuant to section
73 100.297, the disabled access tax credit created pursuant to section 135.490, the new markets tax
74 credit created pursuant to section 135.680, and the distressed areas land assemblage tax credit
75 created pursuant to section 99.1205;

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

210.001. 1. The department of social services shall address the needs of homeless,
2 dependent and neglected children in the supervision and custody of the children's division and
3 to their families-in-conflict by:

4 (1) ~~[Serving children and families as a unit in the least restrictive setting available and~~
5 ~~in close proximity to the family home, consistent with the best interests and special needs of the~~
6 ~~child]~~ **Developing and adequately monitoring processes to identify and serve homeless**
7 **children and families at risk of child abuse and deliver services to help preserve families,**
8 **facilitate returns, and avoid a family disruption or removal of a child whenever such effort**
9 **is practical and in the best interests of the child;**

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

12 ~~— (3) Developing and implementing preventive and early intervention social services~~
13 ~~which have demonstrated the ability to delay or reduce the need for out-of-home placements and~~
14 ~~ameliorate problems before they become chronic]~~ **Developing and supporting a system of**
15 **alternative caretakers for children that are unable to remain in their own homes, including**
16 **residential treatment and other institutional facilities, kinship placements, and foster**
17 **families, as appropriate and in the best interest of the child. The department shall**
18 **consider, in order of priority, birth or adoptive families, kinship placements, foster**
19 **families, then any other institutional setting.**

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

- 22 (1) The St. Louis City child assessment center;
- 23 (2) The St. Louis County child assessment center;
- 24 (3) The Jackson County child assessment center;
- 25 (4) The Buchanan County child assessment center;
- 26 (5) The Greene County child assessment center;
- 27 (6) The Boone County child assessment center;
- 28 (7) The Joplin child assessment center;
- 29 (8) The St. Charles County child assessment center;

- 30 (9) The Jefferson County child assessment center;
31 (10) The Pettis County child assessment center;
32 (11) The southeast Missouri child assessment center;
33 (12) The Camden County child assessment center;
34 (13) The Clay-Platte County child assessment center;
35 (14) The Lakes Area child assessment center;
36 (15) The Ozark Foothills child assessment center; and
37 (16) The North Central Missouri child assessment center;

38

39 provided the other approved assessment centers included in subdivisions (1) to (14) of this
40 subsection submit to the department of social services a modified funding formula for all
41 approved child assessment centers, which would require no additional state funding.

42 **3. In prioritizing positive outcomes for children, the department shall be expected**
43 **to monitor and measure its success in preventing harm to children and out-of-home**
44 **placements, preserving and restoring families of origin, using foster care when**
45 **appropriate, and helping children be adopted into new families when appropriate.**

210.109. 1. The ~~children's~~ division shall establish a child protection system for the
2 entire state.

3 2. The child protection system shall ~~[promote the safety of children and the integrity and~~
4 ~~preservation of their families by conducting investigations or family assessments and providing~~
5 ~~services in response to]~~ **be built on the priorities set forth under section 210.001 and, if**
6 **appropriate, federal goals and guidelines. The system shall respond promptly and**
7 **appropriately to all** reports of child abuse or neglect. The system shall coordinate community
8 resources and provide assistance or services to children and families identified to be at risk, and
9 to prevent and remedy child abuse and neglect.

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

12 (1) Maintain a central registry **of all reports of child abuse or neglect and all activities**
13 **undertaken in response to such reports, including a registry of persons who are ineligible**
14 **for child placements, and maintain all data regarding child placements;**

15 (2) Receive reports and establish and maintain an information system operating at all
16 times, capable of receiving and maintaining reports;

17 (3) Attempt to obtain the name and address of any person making a report in all cases,
18 after obtaining relevant information regarding the alleged abuse or neglect, although reports may
19 be made anonymously; except that, reports by mandatory reporters under section 210.115,
20 including employees of the children's division, juvenile officers, and school personnel shall not

21 be made anonymously, provided that the reporter shall be informed, at the time of the report, that
22 the reporter's name and any other personally identifiable information shall be held as confidential
23 and shall not be made public as provided under this section and section 211.319;

24 (4) Upon receipt of a report, check with the information system to determine whether
25 previous reports have been made regarding actual or suspected abuse or neglect of the subject
26 child, of any siblings, and the perpetrator, and relevant dispositional information regarding such
27 previous reports;

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

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

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

36 (8) Whenever available and appropriate, contract for the provision of children's services
37 through children's services providers and agencies in the community; except that the state shall
38 be the sole provider of child abuse and neglect hotline services, the initial child abuse and neglect
39 investigation, and the initial family assessment. The division shall attempt to seek input from
40 child welfare service providers in completing the initial family assessment. In all legal
41 proceedings involving children in the custody of the division, the division shall be represented
42 in court by either division personnel or persons with whom the division contracts with for such
43 legal representation. All children's services providers and agencies shall be subject to criminal
44 background checks pursuant to chapter 43 **and drug testing** and shall submit names of all
45 employees to the family care safety registry; **and**

46 **(9) Regularly monitor and measure the efficiency and effectiveness of the division**
47 **in performing all of its required functions including, but not limited to, conducting regular**
48 **oversight as required under section 210.112 and providing the report required under**
49 **section 210.188. The division may also engage in other reviews and studies, as appropriate.**

50

51 ~~[As used in this subsection, "report" includes any telephone call made pursuant to section~~
52 ~~210.145.]~~

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

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

5 except that discipline including spanking, administered in a reasonable manner, shall not be
6 construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or
7 severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section [7102(9)-(10)]
8 **7102, as amended;**

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

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

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

26

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

29 (3) "Central registry", a registry of persons where the division has found probable cause
30 to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004,
31 or a court has substantiated through court adjudication that the individual has committed child
32 abuse or neglect or the person has pled guilty or has been found guilty of [~~a crime pursuant to~~
33 ~~section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if the victim~~
34 ~~is a child less than eighteen years of age, or any other crime pursuant to chapter 566 if the victim~~
35 ~~is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older,~~
36 ~~a crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023,~~
37 ~~573.025, 573.035, 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such~~
38 ~~crimes]~~ **certain offenses described under sections 210.117.** Any persons placed on the registry
39 prior to August 28, 2004, shall remain on the registry for the duration of time required by section
40 210.152;

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

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

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

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

51 [~~7~~] (8) "Division", the Missouri children's division within the department of social
52 services;

53 [~~8~~] (9) "Family assessment and services", an approach to be developed by the children's
54 division which will provide for a prompt assessment of a child who has been reported to the
55 division as a victim of abuse or neglect by a person responsible for that child's care, custody or
56 control and of that child's family, including risk of abuse and neglect and, if necessary, the
57 provision of community-based services to reduce the risk and support the family;

58 [~~9~~] (10) "Family support team meeting" or "team meeting", a meeting convened by the
59 division or children's services provider in behalf of the family and/or child for the purpose of
60 determining service and treatment needs, determining the need for placement and developing a
61 plan for reunification or other permanency options, determining the appropriate placement of the
62 child, evaluating case progress, and establishing and revising the case plan;

63 (11) **"Individualized service plan" or "ISP", a comprehensive contract developed**
64 **by the division or contractor that identifies actions and expectations for those responsible**
65 **for the care, custody, and control of the child. The preliminary ISP shall be developed**
66 **before the protective custody hearing and include, at a minimum, the initial placement of**
67 **the child and all required actions and expectations that shall occur prior to the**
68 **adjudication hearing. A subsequent ISP shall be developed for the adjudication hearing**
69 **and shall include a detailed contract for actions and expectations that will lead to**
70 **reunification or other permanency plan or movement through the court system within the**
71 **year. The ISP shall be updated by the division or contractor at least every twelve months**
72 **and with every residency change. The ISP shall include services to be provided to the**
73 **family as determined through the assessment or investigation process;**

74 [~~10~~] (12) "Investigation", the collection of physical and verbal evidence to determine
75 if a child has been abused or neglected;

76 ~~[(11)]~~ **(13)** "Jail or detention center personnel", employees and volunteers working in any
77 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is
78 provided to persons who are being held under custody of the law;

79 ~~[(12)]~~ **(14)** "Neglect", failure to provide, by those responsible for the care, custody, and
80 control of the child, the proper or necessary support, education as required by law, nutrition or
81 medical, surgical, or any other care necessary for the child's well-being. Victims of neglect shall
82 also include any victims of sex trafficking or severe forms of trafficking as those terms are
83 defined in 22 U.S.C. 78 Section ~~[7102(9)-(10)]~~ **7102, as amended;**

84 ~~[(13)]~~ **(15)** "Preponderance of the evidence", that degree of evidence that is of greater
85 weight or more convincing than the evidence which is offered in opposition to it or evidence
86 which as a whole shows the fact to be proved to be more probable than not;

87 ~~[(14)]~~ **(16)** "Probable cause", available facts when viewed in the light of surrounding
88 circumstances which would cause a reasonable person to believe a child was abused or
89 neglected;

90 ~~[(15)]~~ **(17)** "Report", the communication of an allegation of child abuse or neglect to the
91 division pursuant to section 210.115, **including any telephone call or electronic report made**
92 **under section 210.145;**

93 ~~[(16)]~~ **(18)** "Those responsible for the care, custody, and control of the child", includes,
94 but is not limited to:

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

96 (b) Other **adult** members of the child's household;

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

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

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

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

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

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

6 (2) **All** providers of direct services to children and their families will be evaluated ~~[in a~~
7 ~~uniform]~~ **uniformly, transparently, objectively, and [consistent basis] consistently based on**
8 **an evaluation tool established in subsection 3 of this section;**

9 (3) Services to children and their families shall be provided in a timely manner to
10 maximize the opportunity for successful outcomes **for each child's ISP, and such services shall**
11 **be routinely evaluated through a robust quality assurance program; [and]**

12 (4) Any provider of direct services to children and families shall have the appropriate
13 and relevant training, education, and expertise to provide the highest quality of services possible
14 which shall be consistent with ~~the~~ federal **and state** standards~~], but not less than the standards~~
15 ~~and policies used by the children's division as of January 1, 2004]~~ **including, but not limited**
16 **to, the federal Family First Prevention Services Act;**

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

25 (6) Under the federal Family First Prevention Services Act, all service providers
26 shall prioritize methods of reducing or eliminating a child's need for residential treatment
27 through community-based services and supports.

28 2. (1) An individualized service plan designed to reflect the goals and activities
29 delineated in this section and to document reasonable efforts under section 211.183 shall
30 be filed with the court at the adjudication hearing and updated each time a child is moved
31 to a new placement, or at least annually. If cases are transferred to a new provider, the
32 new provider shall have fourteen days to certify an existing individualized service plan or
33 create a new individualized service plan that gives preference to continuity of care with the
34 previous individualized service plan and its expectation, unless a new individualized service
35 plan is in the best interests of the child. The court shall consider the evidence provided by
36 the division while reviewing the individualized service plan and shall order the child to
37 appear in court:

38 (a) Only if necessary to make a decision; and

39 (b) Only after considering:

40 a. The appropriateness of the courtroom environment for the child based on the
41 level of trauma to the child either in the past or to be caused by the experience in the
42 courtroom; and

43 **b. The hardship to be endured by the child and current guardians in regards to the**
44 **disruption in regular activities, including school and work, and the needs of any other**
45 **children in the home.**

46 **(2) The individualized service plan shall be based upon a comprehensive assessment**
47 **and evaluation of the child and family. Such plan shall be developed with the participation**
48 **of any person who has custody or control of the child and the attorney and guardian ad**
49 **litem, if appropriate, and shall include face-to-face meetings with the parents, child, and**
50 **persons having custody or control of the child. If the child is fourteen years of age or older**
51 **and if desired by the child, input for the individualized service plan may be obtained from**
52 **up to two members of the permanency planning team so long as such members are not the**
53 **foster parent or caseworker; except that, the division may reject an individual or**
54 **individuals selected by the child if the division has good cause to believe that the individual**
55 **or individuals would not act in the best interests of the child.**

56 **(3) The individualized service plan shall include, but is not limited to, the following:**

57 **(a) A history of the child and family;**

58 **(b) Identification of the problems or conditions that led to a hearing to determine**
59 **whether the child was abused or neglected;**

60 **(c) The changes or efforts the parent shall make in order for the child to remain in**
61 **or return home and the timeline for making such changes;**

62 **(d) Identification of time-limited reunification services to be provided to family**
63 **members;**

64 **(e) Identification of the specific services to be provided to the child;**

65 **(f) All available health and educational records of the child;**

66 **(g) A schedule of the sequence and frequency of services and the means for delivery**
67 **of such services to the family or parents and any person with custody or control of the**
68 **child;**

69 **(h) Performance criteria that will measure the progress of the child and family**
70 **toward completion of the individualized service plan, including time frames for achieving**
71 **objectives and addressing identified problems if the child is placed outside the home;**

72 **(i) A description of the child's placement;**

73 **(j) Whether the placement is the least restrictive, most family-like setting available**
74 **and is in as close proximity as possible to the home of the child's family if the case plan is**
75 **reunification;**

76 **(k) How the placement is consistent with the best interests and special needs of the**
77 **child;**

78 **(l) The transition plan for a successful adulthood for a child fourteen years of age**
79 **or older that includes planning for education, employment, health care, medical coverage,**
80 **transportation, money management, housing, social and recreational skills, and**
81 **establishing and maintaining connections with the child's family, community, and adult**
82 **mentor;**

83 **(m) For a child in placement due to the child's behavioral health or medical issues,**
84 **diagnostic and assessment information, specific services relating to meeting the behavioral**
85 **health and medical care needs of the child, and desired treatment outcomes;**

86 **(n) A plan and schedule for regular and frequent visits for the child and child's**
87 **parents and siblings, unless the court has determined that visitation, regardless of whether**
88 **the visits are supervised, would be harmful to the child;**

89 **(o) A plan for ensuring the educational stability of the child while in out-of-home**
90 **placement; and**

91 **(p) The permanency plan for the child, the reason for the selection of that plan, and**
92 **a description of the steps being taken by the division to finalize the plan.**

93 **3. (1) In conjunction with service providers and academic leaders in child welfare,**
94 **the division shall establish an evaluation tool for the purpose of providing transparent**
95 **evaluation of metrics for services provided under this section as part of the individualized**
96 **service plan and for outcomes, including permanency if appropriate, and preparing youth**
97 **for a productive and successful life as adults outside the foster care system. Providers shall**
98 **be evaluated on short-term and long-term metrics in an effort to ensure cases are moving**
99 **on the best trajectory toward a successful outcome including, but not limited to, stepping**
100 **children down to the least restrictive alternative, if appropriate.**

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

104 **(3) There shall be a mechanism whereby providers may propose different**
105 **evaluation metrics on a case-by-case basis if such case may have circumstances far beyond**
106 **those that would be expected. Such cases shall be evaluated by the response and evaluation**
107 **team under subsection 4 of this section.**

108 **(4) Data regarding all evaluation metrics shall be collected by the division on a**
109 **monthly basis, and the division shall issue a quarterly report regarding the evaluation data**
110 **for each provider by region. The response and evaluation team shall determine how to**
111 **aggregate cases for the division and large contractors so that performance and outcomes**
112 **may be compared effectively while also protecting confidentiality. Such reports shall be**
113 **made public and shall include identification of each agency.**

114 (5) If the individualized service plan is transferred, data provided by the previous
115 provider may require corrections by the new provider.

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

119 4. The division shall create a response and evaluation team comprised of division
120 personnel, academic experts, and service agency personnel. Private and public personnel
121 shall be selected in equal numbers. Membership of the team shall be comprised of persons
122 with substantial experience in the child welfare system and who represent the highest set
123 of professional standards. The director shall appoint the individuals representing the
124 division. Each region of the state shall have one private contractor representative selected
125 by the contractor for his or her expertise and high level of achievement. The division shall
126 rotate among contractors in each region. At least two academic experts shall be appointed
127 by the director. The division shall provide the necessary staffing for the team's operations.
128 Before January 1, 2021, members shall be appointed and the team shall hold its first
129 meeting. The team shall:

130 (1) Review the evaluation tool and metrics set forth in subsection 3 of this section
131 on a semiannual basis to determine any adjustments needed or issues that could affect the
132 quality of such tools;

133 (2) Review cases that a provider feels are anomalous and should not be part of
134 developing the case management tool under subsection 3 of this section;

135 (3) Review any alternative evaluation metrics recommended by providers based on
136 the best interests of the child under subsection 3 and subsection 6 of this section;

137 (4) Review any structure for incentives or other reimbursement strategies under
138 subsection 7 of this section;

139 (5) Develop and execute periodic provider evaluations in the field under the
140 evaluation tool created under subsection 3 of this section to ensure basic requirements of
141 the program are met, which shall include, but are not limited to, random file review to
142 ensure documentation shows required visits and case management plan notes; and

143 (6) Develop and execute a system for reviewing and working with those providers
144 that show signs of performance weakness to ensure technical assistance and other services
145 are offered to assist the providers in achieving successful outcomes for their cases under
146 subsection 8 of this section.

147 5. ~~[On or before July 1, 2005, and subject to appropriations,]~~ The children's division and
148 any other state agency deemed necessary by the division shall, in consultation with ~~[the~~
149 ~~community and]~~ service providers ~~[of services]~~ and other relevant parties, enter into and

150 implement contracts with qualified children's services providers and agencies to provide a
151 comprehensive and deliberate system of service delivery for children and their families.
152 Contracts shall be awarded through a competitive process and provided by ~~[children's services~~
153 ~~providers and agencies currently contracting with the state to provide such services and by]~~
154 public and private not-for-profit or limited liability corporations owned exclusively by
155 not-for-profit corporations children's services providers and agencies which have:

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

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

164

165 No contracts **under this section** shall be issued for services related to the child abuse and neglect
166 hotline, investigations of alleged abuse and neglect, and initial family assessments. Any
167 contracts entered into by the division shall be in accordance with all federal laws and regulations,
168 and shall ~~[not result in the loss of]~~ **seek to maximize federal funding if such funding is in the**
169 **best interest of Missouri children.** ~~[Such] Children's services providers and agencies under~~
170 contract with the division shall be subject to all federal, state, and local laws and regulations
171 relating to the provision of such services, and shall be subject to oversight and inspection by
172 appropriate state agencies to assure compliance with standards which shall be consistent with
173 the federal standards~~[, but not less than the standards and policies used by the children's division~~
174 ~~as of January 1, 2004].~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

233 ~~(4) Necessary evaluations and reporting.~~

234 ~~—~~

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

242 **6. An ISP may include developmental and medical assessments to determine which**
243 **treatment services best meet the child's psychological and social needs. When the**
244 **assessment indicates that a child's needs can be best resolved by intensive twenty-four-hour**
245 **treatment services, the division shall locate, contract, and place the child with the**
246 **appropriate organizations. This placement shall be viewed as the least restrictive for the**
247 **child based on the assessment. The division shall treat all cases involving children that**
248 **meet the criteria for intensive twenty-four-hour treatment services as outside the contracts**
249 **set forth in subsection 5 of this section for the purposes of reimbursement and case**
250 **management. However, such children may be assigned for comprehensive case**
251 **management services to an agency with a contract set forth in subsection 5 of this section**
252 **as part of the agency's caseload, with consent of the agency. In such cases, the contracting**
253 **agency shall have primary responsibility for the case. However, reimbursement, as well**
254 **as metrics relating to successful outcomes for the child, shall be negotiated and mutually**
255 **agreed upon by the division and contracting agency on a case-by-case basis. Any metrics**
256 **used shall provide positive evaluation for public or private providers that show meaningful**

257 progress toward the least restrictive alternative for children requiring intensive twenty-
258 four-hour treatment services.

259 7. Payment to the children's services providers and agencies shall be made based
260 on the reasonable costs of services, including responsibilities necessary to execute the
261 contract. Any reimbursement increases made through enhanced appropriations for
262 services that may be included under the contracts set forth in subsection 5 of this section
263 shall be allocated to providers regardless of whether the provider is public or private.
264 Such increases shall be considered additive to the existing contracts. In addition to
265 payments reflecting the cost of services, contracts shall include incentives provided in
266 recognition of performance based on the evaluation tool created under subsection 3 of this
267 section and the corresponding savings for the state. The division shall create a formula to
268 distribute such payments, which shall be reviewed and approved by the response and
269 evaluation team under subsection 4 of this section.

270 8. If a provider shows serious lapses in performance affecting the children he or she
271 serves, the division shall place the agency on a corrective plan, which includes a review by
272 the response and evaluation team. The team shall make any relevant recommendations to
273 the division for addressing deficiencies and increasing the accountability and performance
274 of the provider under review. The division shall consider immediate actions that are in the
275 best interests of the children served, including halting new referrals, transferring cases to
276 other performing providers, or terminating the provider's contract. The division shall take
277 steps necessary to evaluate the nature of the issue and act accordingly in the most timely
278 fashion possible.

279 9. By December 1, 2018, the division shall convene a task force to review the
280 recruitment, licensing and retention of foster and adoptive parents statewide. In addition to
281 representatives of the division and department, the task force shall include representatives of the
282 private sector and faith-based community which provide recruitment and licensure services. The
283 purpose of the task force shall and will be to study the extent to which changes in the system of
284 recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness
285 of the system statewide. The task force shall develop a report of its findings with
286 recommendations by December 1, 2019, and provide copies of the report to the general
287 assembly, to the joint committee on child abuse and neglect under section 21.771, and to the
288 governor.

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

291 ~~(1) Details about the specifics of the contracts, including the number of children and~~
292 ~~families served, the cost to the state for contracting such services, the current status of the~~

293 ~~children and families served, an assessment of the quality of services provided and outcomes~~
294 ~~achieved, and an overall evaluation of the project; and~~

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

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

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

306 ~~—— 9.]~~ **10.** By ~~[February 1, 2005]~~ **January 1, 2021**, the children's division shall promulgate
307 and have in effect rules to implement the provisions of this section and, pursuant to this section,
308 shall define implementation plans and dates. Any rule or portion of a rule, as that term is defined
309 in section 536.010, that is created under the authority delegated in this section shall become
310 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
311 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
312 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
313 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
314 rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid
315 and void.

210.113. It is the intent and goal of the general assembly to have the department attain
2 accreditation by the Council for Accreditation for Families and Children's Services ~~[within five~~
3 ~~years of August 28, 2004]~~ **before December 31, 2022.**

210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor,
2 optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the
3 examination, care, treatment or research of persons, and any other health practitioner,
4 psychologist, mental health professional, social worker, day care center worker or other
5 child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel,
6 teacher, principal or other school official, minister as provided by section 352.400, peace officer
7 or law enforcement official, volunteer or personnel of a community service program that offers
8 support services for families in crisis to assist in the delegation of any powers regarding the care
9 and custody of a child by a properly executed power of attorney pursuant to sections 475.600 to
10 475.604, or other person with responsibility for the care of children has reasonable cause to

11 suspect that a child has been or may be subjected to abuse or neglect or observes a child being
12 subjected to conditions or circumstances which would reasonably result in abuse or neglect, that
13 person shall immediately report to the division in accordance with the provisions of sections
14 210.109 to 210.183. No internal investigation shall be initiated until such a report has been
15 made. As used in this section, the term "abuse" is not limited to abuse inflicted by a person
16 responsible for the child's care, custody and control as specified in section 210.110, but shall also
17 include abuse inflicted by any other person.

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

24 3. The reporting requirements under this section are individual, and no supervisor or
25 administrator may impede or inhibit any reporting under this section. No person making a report
26 under this section shall be subject to any sanction, including any adverse employment action, for
27 making such report. Every employer shall ensure that any employee required to report pursuant
28 to subsection 1 of this section has immediate and unrestricted access to communications
29 technology necessary to make an immediate report and is temporarily relieved of other work
30 duties for such time as is required to make any report required under subsection 1 of this section.

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

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

45 6. Any person or official required to report pursuant to this section, including employees
46 of the division, who has probable cause to suspect that a child who is or may be under the age

47 of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to
 48 the appropriate medical examiner or coroner. If, upon review of the circumstances and medical
 49 information, the medical examiner or coroner determines that the child died of natural causes
 50 while under medical care for an established natural disease, the coroner, medical examiner or
 51 physician shall notify the division of the child's death and that the child's attending physician
 52 shall be signing the death certificate. In all other cases, the medical examiner or coroner shall
 53 accept the report for investigation, shall immediately notify the division of the child's death as
 54 required in section 58.452 and shall report the findings to the child fatality review panel
 55 established pursuant to section 210.192.

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

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

66 **9. Evidence of sexual abuse or sexual molestation of any child under eighteen years**
 67 **of age shall be turned over to the division within twenty-four hours by those mandated to**
 68 **report.**

210.116. The division may enter into agreements with other states to allow for the
 2 **exchange of reports of child abuse or neglect in other states' central registry systems.**

210.117. 1. A child taken into the custody of the state shall not be ~~reunited with a~~
 2 ~~parent or placed in a home in which the parent or any person residing in the home~~ **placed under**
 3 **the care, custody, or control of any person who** has been found guilty of any of the following
 4 offenses when a child was the victim:

5 (1) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061, 566.062,
 6 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.100, 566.101, 566.111, 566.151,
 7 566.203, 566.206, 566.209, 566.211, or 566.215;

8 (2) A violation of section 568.020;

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

10 (4) A violation of section 568.065;

11 (5) A violation of section 573.200;

12 (6) A violation of section 573.205; or

13 (7) A violation of section 568.175;

14 (8) A violation of section 566.040, 566.070, or 566.090 as such sections existed prior
15 to August 28, 2013; or

16 (9) A violation of section 566.212, 568.080, or 568.090 as such sections existed prior
17 to January 1, 2017.

18 2. For all other violations of offenses in chapters 566 and 568 not specifically listed in
19 subsection 1 of this section or for a violation of an offense committed in another state when a
20 child is the victim that would be a violation of chapter 566 or 568, if committed in Missouri, the
21 division may exercise its discretion regarding the placement of a child taken into the custody of
22 the state in which a parent or any person residing in the home has been found guilty of any such
23 offense.

24 3. In any case where the children's division determines based on a substantiated report
25 of child abuse that a child has abused another child, the abusing child shall be prohibited from
26 returning to or residing in any residence, facility, or school within one thousand feet of the
27 residence of the abused child or any child care facility or school that the abused child attends,
28 unless and until a court of competent jurisdiction determines that the alleged abuse did not occur
29 or the abused child reaches the age of eighteen, whichever earlier occurs. The provisions of this
30 subsection shall not apply when the abusing child and the abused child are siblings or children
31 living in the same home.

210.135. 1. Any person, official, or institution complying with the provisions of sections
2 210.110 to 210.165 in the making of a report, the taking of color photographs~~], or the making~~
3 ~~of radiologic examinations pursuant to sections 210.110 to 210.165, or both such taking of color~~
4 ~~photographs and making of radiologic examinations]~~ **or video, or conducting any necessary**
5 **medical tests or procedures**, or the removal or retaining a child pursuant to sections 210.110
6 to 210.165, or in cooperating with the division, or any other law enforcement agency, juvenile
7 office, court, or child-protective service agency of this or any other state, in any of the activities
8 pursuant to sections 210.110 to 210.165, or any other allegation of child abuse, neglect or assault,
9 pursuant to sections 568.045 to 568.060, shall have immunity from any liability, civil or
10 criminal, that otherwise might result by reason of such actions. Provided, however, any person,
11 official or institution intentionally filing a false report, acting in bad faith, or with ill intent, shall
12 not have immunity from any liability, civil or criminal. Any such person, official, or institution
13 shall have the same immunity with respect to participation in any judicial proceeding resulting
14 from the report.

15 2. Any person, who is not a school district, **hospital, agency, or other institutional**
16 employee, who makes a report to any ~~[employee of the school district]~~ **person required to**
17 **report under section 210.115** of child abuse by ~~[a school]~~ **another** employee shall have

18 immunity from any liability, civil or criminal, that otherwise might result because of such report.
 19 Provided, however, that any such person who makes a false report, knowing that the report is
 20 false, or who acts in bad faith or with ill intent in making such report shall not have immunity
 21 from any liability, civil or criminal. Any such person shall have the same immunity with respect
 22 to participation in any judicial proceeding resulting from the report.

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

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

30

31 ~~Any preliminary evaluation shall be completed no later than three days after the child's death.~~
 32 ~~If the division determines a review and assessment is necessary, it shall be completed no later~~
 33 ~~than three days after the child's death.]~~

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

- 2 ~~—— (1) Ensuring the well-being and safety of the child in instances where child abuse or~~
 3 ~~neglect has been alleged;~~
 4 ~~—— (2) Promoting the preservation and reunification of children and families consistent with~~
 5 ~~state and federal law;~~
 6 ~~—— (3) Providing due process for those accused of child abuse or neglect; and~~
 7 ~~—— (4) Maintaining an information]~~ **maintain** a system operating at all times, capable of

8 receiving and maintaining reports **of child abuse or neglect and deficiencies in the child**
 9 **protection system of the state**. This information system shall have the ability to receive reports
 10 over a single, statewide toll-free number **and electronically**. Such information system shall
 11 maintain the results of all investigations, family assessments and services, and other relevant
 12 information, **including all information needed for the reporting required under section**
 13 **210.188. Such reports shall include the following information, if possible:**

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

16 **(2) The child's age, sex, and race;**

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

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

- 21 **(5) Family composition;**
22 **(6) The source of the report;**
23 **(7) The name and address of the person making the report, the person's occupation,**
24 **and if the person may be reached;**
25 **(8) The actions taken by the reporting source, including the removal or keeping of**
26 **the child, notifying the coroner or medical examiner, and other information or evidence**
27 **that the person making the report believes may be helpful in the furtherance of the**
28 **purposes of sections 210.110 to 210.165.**
- 29 2. The division shall **promulgate rules that require staff to** utilize structured
30 decision-making protocols ~~[for classification purposes of]~~ **to classify risk, triage, and**
31 **determine the level of response for** all child abuse and neglect reports. ~~[The protocols~~
32 ~~developed by the division shall give priority to ensuring the well-being and safety of the child.~~
33 ~~All child abuse and neglect reports shall be initiated within twenty-four hours and shall be~~
34 ~~classified based upon the reported risk and injury to the child. The division shall promulgate~~
35 ~~rules regarding the structured decision-making protocols to be utilized for all child abuse and~~
36 ~~neglect reports.]~~ **A response appropriate to the level of risk determined for each report shall**
37 **be initiated within twenty-four 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 **felony** violation of ~~[any of the~~
40 ~~following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less~~
41 ~~than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen~~
42 ~~years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years~~
43 ~~of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a~~
44 ~~child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060,~~
45 ~~573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit~~
46 ~~any such crimes]~~ **any offense under chapter 565, 566, 567, or 573.** The division shall
47 immediately communicate all reports that merit investigation to its appropriate local office and
48 any relevant information as may be contained in the information system. The local division staff
49 shall determine, through the use of protocols developed by the division~~;~~ ~~whether an~~
50 ~~investigation or the family assessment and services approach should be used]~~ **how** to respond
51 to the allegation. ~~[The protocols developed by the division shall give priority to ensuring the~~
52 ~~well-being and safety of the child.]~~
- 53 4. **(1)** The division may accept a report for investigation or family assessment if either
54 the child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident
55 occurred in Missouri.

56 ~~[5.]~~ (2) If the division receives a report in which neither the child nor the alleged
57 perpetrator resides in Missouri or may be found in Missouri and the incident did not occur in
58 Missouri, the division shall document the report and communicate it to the appropriate agency
59 or agencies in the state where the child is believed to be located, along with any relevant
60 information or records as may be contained in the division's information system.

61 **5. The division is responsible for providing the public with general information**
62 **regarding the existence of the child protection reporting system, including educating the**
63 **public and stakeholders in the system that people may report those with care and custody**
64 **of the child but also reports of poor conduct within the department or the division by**
65 **contractors in the child welfare system or any other stakeholder engaging in behavior that**
66 **is otherwise placing children at risk.**

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

73 7. The local office shall contact the appropriate law enforcement agency immediately
74 upon receipt of a report which division personnel determine merits an investigation and provide
75 such agency with a detailed description of the report received. In such cases the local division
76 office shall request the assistance of the local law enforcement agency in all aspects of the
77 investigation of the complaint. The appropriate law enforcement agency shall either assist the
78 division in the investigation or provide the division, within twenty-four hours, an explanation
79 in writing detailing the reasons why it is unable to assist.

80 8. The local office of the division shall cause an investigation or family assessment and
81 services approach to be initiated in accordance with the protocols established in subsection 2 of
82 this section, except in cases where the sole basis for the report is educational neglect. If the
83 report indicates that educational neglect is the only complaint and there is no suspicion of other
84 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the
85 report. If the report indicates the child is in danger of serious physical harm or threat to life, an
86 investigation shall include direct observation of the subject child within twenty-four hours of the
87 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct
88 observation. ~~[Callers to the child abuse and neglect hotline]~~ **Any person making a report to**
89 **the division** shall be instructed ~~[by the division's hotline]~~ to call 911 in instances where the child
90 may be in immediate danger. If the parents of the child are not the alleged perpetrators, a parent
91 of the child must be notified prior to the child being interviewed by the division. No person

92 responding to or investigating a child abuse and neglect report shall call prior to a home visit or
93 leave any documentation of any attempted visit, such as business cards, pamphlets, or other
94 similar identifying information if he or she has a reasonable basis to believe the following factors
95 are present:

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

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

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

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

101

102 If the alleged perpetrator is present during a visit by the person responding to or investigating the
103 report, such person shall provide written material to the alleged perpetrator informing him or her
104 of his or her rights regarding such visit, including but not limited to the right to contact an
105 attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written
106 material or have such material read to him or her by the case worker before the visit commences,
107 but in no event shall such time exceed five minutes; except that, such requirement to provide
108 written material and reasonable time to read such material shall not apply in cases where the
109 child faces an immediate threat or danger, or the person responding to or investigating the report
110 is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in
111 a school or child care facility the division shall not meet with the child in any school building
112 or child-care facility building where abuse of such child is alleged to have occurred. When the
113 child is reported absent from the residence, the location and the well-being of the child shall be
114 verified. For purposes of this subsection, "child care facility" shall have the same meaning as
115 such term is defined in section 210.201.

116 9. The director of the division shall name at least one chief investigator for each local
117 division office, who shall direct the division response on any case involving a second or
118 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
119 investigator shall include verification of direct observation of the subject child by the division
120 and shall ensure information regarding the status of an investigation is provided to the public
121 school district liaison. The public school district liaison shall develop protocol in conjunction
122 with the chief investigator to ensure information regarding an investigation is shared with
123 appropriate school personnel. The superintendent of each school district shall designate a
124 specific person or persons to act as the public school district liaison. Should the subject child
125 attend a nonpublic school the chief investigator shall notify the school principal of the
126 investigation. Upon notification of an investigation, all information received by the public
127 school district liaison or the school shall be subject to the provisions of the federal Family

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

130 10. The investigation shall include but not be limited to the nature, extent, and cause of
131 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the
132 names and conditions of other children in the home, if any; the home environment and the
133 relationship of the subject child to the parents or other persons responsible for the child's care;
134 any indication of incidents of physical violence against any other household or family member;
135 and other pertinent data.

136 11. When a report has been made by a person required to report under section 210.115,
137 the division shall contact the person who made such report within forty-eight hours of the receipt
138 of the report in order to ensure that full information has been received and to obtain any
139 additional information or medical records, or both, that may be pertinent.

140 12. Upon completion of the investigation, if the division suspects that the report was
141 made maliciously or for the purpose of harassment, the division shall refer the report and any
142 evidence of malice or harassment to the local prosecuting or circuit attorney.

143 13. Multidisciplinary teams shall be used whenever conducting the investigation as
144 determined by the division in conjunction with local law enforcement. Multidisciplinary teams
145 shall be used in providing protective or preventive social services, including the services of law
146 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and
147 other agencies, both public and private.

148 14. For all family support team meetings involving an alleged victim of child abuse or
149 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian
150 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
151 provided notice and be permitted to attend all such meetings. Family members, other than
152 alleged perpetrators, or other community informal or formal service providers that provide
153 significant support to the child and other individuals may also be invited at the discretion of the
154 parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian
155 or custodian and the foster parents may request that other individuals, other than alleged
156 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
157 attends such team meetings, the division or the convenor of the meeting shall provide such
158 persons with notice of all such subsequent meetings involving the child. Families may determine
159 whether individuals invited at their discretion shall continue to be invited.

160 15. If the appropriate local division personnel determine after an investigation has begun
161 that completing an investigation is not appropriate, the division shall conduct a family
162 assessment and services approach. The division shall provide written notification to local law
163 enforcement prior to terminating any investigative process. The reason for the termination of

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

167 16. If the appropriate local division personnel determines to use a family assessment and
168 services approach, the division shall:

169 (1) Assess any service needs of the family **and prepare an individualized service plan**
170 **in accordance with section 210.112.** The assessment of risk and service needs shall be based
171 on information gathered from the family and other sources;

172 (2) Provide services which are voluntary and time-limited unless it is determined by the
173 division based on the assessment of risk that there will be a high risk of abuse or neglect if the
174 family refuses to accept the services. The division shall identify services for families where it
175 is determined that the child is at high risk of future abuse or neglect. The division shall
176 thoroughly document in the record its attempt to provide voluntary services and the reasons these
177 services are important to reduce the risk of future abuse or neglect to the child. If the family
178 continues to refuse voluntary services or the child needs to be protected, the division [~~may~~] **shall**
179 commence an investigation;

180 (3) Commence an immediate investigation if at any time during the family assessment
181 and services approach the division determines that an investigation, as delineated in sections
182 210.109 to 210.183, is required. The division staff who have conducted the assessment may
183 remain involved in the provision of services to the child and family;

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

186 17. (1) Within forty-five days of an oral report of abuse or neglect, the local office shall
187 update the information in the information system. The information system shall contain, at a
188 minimum, the determination made by the division as a result of the investigation, identifying
189 information on the subjects of the report, those responsible for the care of the subject child and
190 other relevant dispositional information, **including all data required under section 210.188.**
191 The division shall complete all investigations within forty-five days, unless good cause for the
192 failure to complete the investigation is specifically documented in the information system. Good
193 cause for failure to complete an investigation shall include, but not be limited to:

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

197 (b) The attorney general or the prosecuting or circuit attorney of the city or county in
198 which a criminal investigation is pending certifies in writing to the division that there is a

199 pending criminal investigation of the incident under investigation by the division and the issuing
200 of a decision by the division will adversely impact the progress of the investigation; or

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

205

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

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

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

218 18. A person required to report under section 210.115 to the division and any person
219 making a report of child abuse or neglect made to the division which is not made anonymously
220 shall be informed by the division of his or her right to obtain information concerning the
221 disposition of his or her report. Such person shall receive, from the local office, if requested,
222 information on the general disposition of his or her report. Such person may receive, if
223 requested, findings and information concerning the case. Such release of information shall be
224 at the discretion of the director based upon a review of the reporter's ability to assist in protecting
225 the child or the potential harm to the child or other children within the family. The local office
226 shall respond to the request within forty-five days. The findings shall be made available to the
227 reporter within five days of the outcome of the investigation. If the report is determined to be
228 unsubstantiated, the reporter may request that the report be referred by the division to the office
229 of child advocate for children's protection and services established in sections 37.700 to 37.730.
230 Upon request by a reporter under this subsection, the division shall refer an unsubstantiated
231 report of child abuse or neglect to the office of child advocate for children's protection and
232 services.

233 19. The division shall provide to any individual who is not satisfied with the results of
234 an investigation information about the office of child advocate and the services it may provide
235 under sections 37.700 to 37.730.

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

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

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

244

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

247 21. Nothing in this chapter shall be construed to prohibit the children's division from
248 investigating a report of child abuse or neglect or sharing records and information with child
249 welfare, law enforcement, or judicial officers of another state, territory, or nation if the children's
250 division determines it is appropriate to do so under the standard set forth in subsection 4 of
251 section 210.150 and if such receiving agency is exercising its authority under the law.

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

256 23. The children's division is hereby granted the authority to promulgate rules and
257 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the
258 provisions of sections 210.109 to 210.183.

259 24. Any rule or portion of a rule, as that term is defined in section 536.010, that is
260 created under the authority delegated in this section shall become effective only if it complies
261 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
262 This section and chapter 536 are nonseverable and if any of the powers vested with the general
263 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
264 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
265 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.147. 1. Except as otherwise provided by law, all information provided at any family
2 support team meeting held in relation to the removal of a child from the child's home is
3 confidential; except that:

4 (1) Any parent or party may waive confidentiality for himself or herself to the extent
5 permitted by law; and

6 (2) Any parent of the child shall have an absolute right to video and/or audio tape such
7 team meetings to the extent permitted by law; and

8 (3) No parent or party shall be required to sign a confidentiality agreement before
9 testifying or providing information at such team meetings. Any person, other than a parent or
10 party, who does not agree to maintain confidentiality of the information provided at such team
11 meetings may be excluded from all or any portion of such team meetings during which such
12 person is not testifying or providing information.

13 2. The division shall be responsible for developing ~~a form to be signed at the conclusion~~
14 ~~of any team meeting held in relation to a]~~ **an individualized service plan for every** child
15 removed from the home and placed in the custody of the state that reflects the core commitments
16 made by the children's division or the convenor of the team meeting and the parents of the child
17 or any other party. The content of the form shall be consistent with service agreements or case
18 plans required by statute, but not the specific address of the child; whether the child shall remain
19 in current placement or be moved to a new placement; visitation schedule for the child's family;
20 and any additional core commitments. Any dissenting views shall be recorded and attested to
21 on such form. The parents and any other party shall be provided with a copy of the signed
22 document.

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

3 **2. (1) The director shall provide to the director of the department of health and
4 senior services information regarding an individual who, as to any child, has had his or her
5 parental rights terminated and has been identified in the central registry as being
6 responsible for abuse or neglect.**

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

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

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

17 **(2) Immediately notify the appropriate agency or agencies where the child is**
18 **believed to be located so that such agency or agencies may review its records and provide**
19 **an assessment of the family and offer services if needed.**

20 210.160. 1. In every case involving an abused or neglected child which results in a
21 judicial proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

22 (1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165
23 except proceedings under subsection 6 of section 210.152, sections 210.700 to 210.760, sections
24 211.442 to 211.487, or sections 453.005 to 453.170, or proceedings to determine custody or
25 visitation rights under sections 452.375 to 452.410; or

26 (2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent,
27 and whose child is the subject of proceedings under sections 210.110 to 210.165, sections
28 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170.

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

32 3. The guardian ad litem shall be provided with all reports relevant to the case made to
or by any agency or person, shall have access to all records of such agencies or persons relating
to the child or such child's family members or placements of the child, and upon appointment
by the court to a case, shall be informed of and have the right to attend any and all family support
team meetings involving the child. Employees of the division, officers of the court, and
employees of any agency involved shall fully inform the guardian ad litem of all aspects of the
case of which they have knowledge or belief.

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

 5. The guardian ad litem may be awarded a reasonable fee for such services to be set by
the court. The court, in its discretion, may award such fees as a judgment to be paid by any party
to the proceedings or from public funds. However, no fees as a judgment shall be taxed against
a party or parties who have not been found to have abused or neglected a child or children. Such

33 an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem.
34 Such final judgment shall be enforceable against the parties in accordance with chapter 513.

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

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

54 **8. A guardian ad litem shall conduct well-child checks in emergency situations.**

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

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

8 (2) Of the number of children described in subdivision (1) of this section, the number
9 with 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
15 the 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
19 neglect;

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

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

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

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

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

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

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

35 **2. (1) Beginning March 1, 2021, and each March first thereafter, the department**
36 **shall provide to the University of Missouri individual-level anonymized data for the prior**
37 **calendar year that allows researchers to track children through the child protection system**
38 **and allows analysis of outcomes and comparisons. For every child, such data shall include:**

39 (a) **General demographics, including zip code of residence, age, special needs, and**
40 **reason or reasons for entry;**

41 (b) **Parental demographics, including age, previous involvement, other children and**
42 **living arrangements for each child, special needs, services to be provided and other**
43 **requirements in the ISP, and date each condition is met;**

44 (c) **Information regarding all services provided, including the case management**
45 **contractor and court assignment;**

46 (d) **Information regarding all placements, including the type of placement, date of**
47 **changes, and reasons for the changes.**

48 (2) **Each year, the University of Missouri shall provide a report detailing by circuit**
49 **and case management contractor the:**

- 50 **(a) Number of referrals to the child welfare system;**
 51 **(b) Number of children entering care;**
 52 **(c) Total number of children in care;**
 53 **(d) Number of children under one year of age entering care during that year;**
 54 **(e) Number of children under one year of age in care;**
 55 **(f) Number of children receiving psychotropic or other medication;**
 56 **(g) Average time to permanency;**
 57 **(h) Average time to terminated a parent's parental rights;**
 58 **(i) Average time between the termination of parental rights and adoption;**
 59 **(j) Number of voluntary and involuntary termination of parental rights cases;**
 60 **(k) Number of specific consents to adoption;**
 61 **(l) Number of postadoption contract agreements;**
 62 **(m) Number of children reentering care; and**
 63 **(n) Number of children aging out of the foster care system.**

211.037. 1. For purposes of proceedings and investigations conducted pursuant to this
 2 chapter, children shall be promptly returned to the care and custody of a nonoffending parent
 3 entitled to physical custody of the child if:

4 (1) The parents have continuously maintained joint domicile for a period of at least six
 5 months prior to the alleged incident or the parents are maintaining separate households; and

6 (2) A preponderance of the evidence indicates that only one of the parents is the subject
 7 of an investigation of abuse or neglect; and

8 (3) The nonoffending parent does not have a history of criminal behavior **as listed in**
 9 **section 210.117**, drug or alcohol abuse, child abuse or child neglect, domestic violence, or
 10 stalking within the past five years; and

11 (4) The parents are maintaining joint domicile and the offending parent is removed from
 12 the home voluntarily or involuntarily, or the parents live separately and the child is removed
 13 from the home of the offending parent; and

14 (5) A nonoffending parent requests custody of the child and agrees to cooperate with any
 15 orders of the court limiting contact or establishing visitation with the offending parent and the
 16 nonoffending parent complies with such orders.

17

18 When the parents maintain joint domicile or comply with court-ordered visitation, there shall be
 19 a rebuttable presumption that the nonoffending parent has not committed any violation of section
 20 568.030, 568.032, 568.045, 568.050, or 568.060, or has not engaged in any conduct that would
 21 constitute child abuse or neglect under chapter 210. In order to rebut the presumption there must

22 be a finding of actual harm or endangerment to the child if the child is placed in the custody of
 23 the nonoffending parent.

24 2. Nothing in this section shall prevent the division or the court from exercising its
 25 discretion to return a child or children to the custody of any individual.

211.038. 1. A child under the jurisdiction of the juvenile court shall not be reunited with
 2 a parent or placed in a home in which the parent or any person residing in the home has been
 3 found guilty of any of the ~~[following]~~ offenses ~~[when a child was the victim:~~

4 ~~———— (1) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061, 566.062,~~
 5 ~~566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.100, 566.101, 566.111, 566.151,~~
 6 ~~566.203, 566.206, 566.209, 566.211, or 566.215;~~

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

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

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

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

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

12 ~~———— (7) A violation of section 568.175;~~

13 ~~———— (8) A violation of section 566.040, 566.070, or 566.090 as such sections existed prior~~
 14 ~~to August 28, 2013; or~~

15 ~~———— (9) A violation of section 566.212, 568.080, or 568.090 as such sections existed prior~~
 16 ~~to January 1, 2017] listed in section 210.117.~~

17 2. For all other violations of offenses in chapters 566 and 568 not specifically listed in
 18 ~~[subsection 1 of this]~~ section **210.117** or for a violation of an offense committed in another state
 19 when a child is the victim that would be a violation of chapter 566 or 568 if committed in
 20 Missouri, the juvenile court may exercise its discretion regarding the placement of a child under
 21 the jurisdiction of the juvenile court in a home in which a parent or any person residing in the
 22 home has been found guilty of, or pled guilty to, any such offense.

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

211.183. 1. In juvenile court proceedings regarding the removal of a child from his or
 2 her home, the court's order shall include a determination of whether the children's division has
 3 made reasonable efforts to prevent or eliminate the need for removal of the child and, after
 4 removal, to make it possible for the child to return home. If the first contact with the family

5 occurred during an emergency in which the child could not safely remain at home even with
6 reasonable in-home services, the division shall be deemed to have made reasonable efforts to
7 prevent or eliminate the need for removal.

8 2. "Reasonable efforts" means the exercise of reasonable diligence and care by the
9 division to utilize all available services related to meeting the needs of the juvenile and the
10 family **as delineated in the ISP created under section 210.112**. In determining reasonable
11 efforts to be made and in making such reasonable efforts, the child's present and ongoing health
12 and safety shall be the paramount consideration.

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

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

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

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

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

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

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

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

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

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

40 (1) The parent has [~~subjected the child to a severe act or recurrent acts of physical;~~
 41 ~~emotional or sexual abuse toward the child, including an act of incest; or~~
 42 ~~(2) The parent has:~~
 43 ~~(a) Committed murder of another child of the parent;~~
 44 ~~(b) Committed voluntary manslaughter of another child of the parent;~~
 45 ~~(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or~~
 46 ~~voluntary manslaughter; or~~
 47 ~~(d) Committed a felony assault that resulted in serious bodily injury to the child or to~~
 48 ~~another child of the parent]~~ **been found guilty of any of the offenses listed in section 210.117;**
 49 or

50 [~~3~~] **(2)** The parent's parental rights to a sibling have been involuntarily terminated.

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

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

211.444. The juvenile court may, upon petition of **a guardian ad litem for a child**
 2 **twelve years of age or older**, the juvenile officer or a child-placing agency licensed under
 3 sections 210.481 to 210.536 in conjunction with a placement with such agency under subsection
 4 6 of section 453.010 or a private attorney filing a petition for adoption under the provisions of
 5 chapter 453, terminate the rights of a parent or receive the consent to a specific adoption or
 6 waiver of consent to adoption executed by a parent or named father to a child, including a child
 7 who is a ward of the court, if the court finds that such termination, consent to a specific adoption,
 8 or waiver of consent to adoption is in the best interests of the child, and the parent or named
 9 father has, in a properly executed writing under section 453.030 or 453.050, consented to the
 10 termination of his or her parental rights, consented to a specific adoption, or waived consent to
 11 adoption.

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

8 2. ~~[Except as provided for in subsection 4 of this section,]~~ A petition to terminate the
9 parental rights of the child's parent or parents shall be filed by **a guardian ad litem on behalf**
10 **of any child twelve years of age or older**, the juvenile officer or the division, or if such a
11 petition has been filed by another party, the juvenile officer or the division shall seek to be joined
12 as a party to the petition, when:

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

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

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

22 (b) The parent has, ~~[without good cause, left the child without any provision for parental~~
23 ~~support and without making arrangements to visit or communicate with the child, although able~~
24 ~~to do so]~~ **for a period of sixty days, immediately prior to the filing of the petition for**
25 **termination of parental rights, willfully, substantially, and continuously neglected to**
26 **provide the child with necessary care and protection;** or

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

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

29 ~~—— (a) Committed murder of another child of the parent; or~~

30 ~~—— (b) Committed voluntary manslaughter of another child of the parent; or~~

31 ~~—— (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or~~
32 ~~voluntary manslaughter; or~~

33 ~~—— (d) Committed a felony assault that resulted in serious bodily injury to the child or to~~
34 ~~another child of the parent; or~~

35 ~~—— (4) The parent has been found guilty of or pled guilty to a felony violation of chapter 566~~
36 ~~or 573 when the child or any child in the family was a victim, or a violation of section 568.020~~
37 ~~or 568.065 when the child or any child in the family was a victim]~~ **been found guilty of any**
38 **offense listed in section 210.117.**

39

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

43 3. A termination of parental rights petition shall be filed by **a guardian ad litem on**
44 **behalf of any child twelve years of age or older**, the juvenile officer or the division, or if such
45 a petition has been filed by another party, **the guardian ad litem if the child is twelve years of**
46 **age or older**, the juvenile officer, or the division shall seek to be joined as a party to the petition,
47 within sixty days of the judicial determinations required in subsection 2 of this section~~;~~~~except~~
48 ~~as provided in subsection 4 of this section~~. Failure to comply with this requirement shall not
49 deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which
50 is filed outside of sixty days.

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

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

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

58 (3) The family of the child has not been provided such services as provided for in section
59 211.183.

60 5. The juvenile officer or the division, **or the guardian ad litem of a child if the child**
61 **is twelve years of age or older**, may file a petition to terminate the parental rights of the child's
62 parent when it appears that one or more of the following grounds for termination exist:

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

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

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

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

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

80 (b) Chemical dependency which prevents the parent from consistently providing the
81 necessary care, custody and control of the child and which cannot be treated so as to enable the
82 parent to consistently provide such care, custody and control;

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

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

90

91 Nothing in this subdivision shall be construed to permit discrimination on the basis of disability
92 or disease;

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

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

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

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

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

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

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

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

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

127 b. If the parent is the birth mother and within eight hours after the child's birth, the child's
128 birth mother tested positive and over eight-hundredths of one percent blood alcohol content
129 pursuant to testing under section 577.020 for alcohol, or tested positive for cocaine, heroin,
130 methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug
131 as defined in section 196.973, excepting those controlled substances or prescription drugs present
132 in the mother's body as a result of medical treatment administered to the mother, and the birth
133 mother is the biological mother of at least one other child who was adjudicated an abused or
134 neglected minor by the mother or the mother has previously failed to complete recommended
135 treatment services by the children's division through a family-centered services case;

136 c. If the parent is the birth mother and at the time of the child's birth or within eight hours
137 after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a
138 controlled substance as defined in section 195.010, or a prescription drug as defined in section
139 196.973, excepting those controlled substances or prescription drugs present in the mother's body
140 as a result of medical treatment administered to the mother, and the birth mother is the biological
141 mother of at least one other child who was adjudicated an abused or neglected minor by the
142 mother or the mother has previously failed to complete recommended treatment services by the
143 children's division through a family-centered services case; [or]

144 d. Within a three-year period immediately prior to the termination adjudication, the
145 parent has pled guilty to or has been convicted of a felony involving the possession, distribution,
146 or manufacture of cocaine, heroin, or methamphetamine, and the parent is the biological parent
147 of at least one other child who was adjudicated an abused or neglected minor by such parent or

148 such parent has previously failed to complete recommended treatment services by the children's
149 division through a family-centered services case; or

150 **e. For at least fifteen of the twenty-two months prior to the filing of the petition, the**
151 **child has been under the jurisdiction of the juvenile court.**

152 6. The juvenile court may terminate the rights of a parent to a child upon a petition filed
153 by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court
154 finds that the termination is in the best interest of the child and when it appears by clear, cogent
155 and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of
156 this section.

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

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

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

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

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

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

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

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

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

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

181 10. The disability or disease of a parent shall not constitute a basis for a determination
182 that a child is a child in need of care, for the removal of custody of a child from the parent, or for

183 the termination of parental rights without a specific showing that there is a causal relation
184 between the disability or disease and harm to the child.

185 11. A court of competent jurisdiction may terminate the parental rights of a biological
186 father of a child if he is an alleged perpetrator of forcible rape under section 566.030 as it existed
187 prior to August 28, 2013, or rape in the first degree under section 566.030 that resulted in the
188 conception and birth of the child. The biological mother who is the victim of the forcible rape
189 or rape in the first degree or, if she is a minor, someone on her behalf may file a petition to
190 terminate the parental rights of the biological father. The court may terminate the parental rights
191 of the biological father if the court finds that by:

192 (1) Clear, cogent, and convincing evidence the biological father committed the act of
193 forcible rape or rape in the first degree against the biological mother;

194 (2) Clear, cogent, and convincing evidence the child was conceived as a result of that
195 act of forcible rape or rape in the first degree; and

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

198 12. In any action to terminate the parental rights of the biological father under subsection
199 11 of this section or subdivision (5) of subsection 5 of this section, a court of competent
200 jurisdiction may order that the mother and the child conceived and born as a result of forcible
201 rape or rape in the first degree are entitled to obtain from the biological father certain payments,
202 support, beneficiary designations, or other financial benefits. The court shall issue such order
203 only if the mother gives her consent; provided, that the court shall first inform the mother that
204 such order may require or obligate the mother to have continuous or future communication and
205 contact with the biological father. Such order shall be issued without the biological father being
206 entitled to or granted any custody, guardianship, visitation privileges, or other parent-child
207 relationship, and may include any or all of the following:

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

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

211 (3) All rights of the child to inherit under the probate code, as defined in section
212 472.010; provided that, for purposes of intestate succession, the biological father or his kindred
213 shall have no right to inherit from or through the child;

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

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

218

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

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

- 2 (1) "Community-based sentencing", a criminal sentence other than incarceration
 3 that focuses on maintaining the family unit or support of dependent person or persons;
 4 (2) "Dependent person", a person who is under eighteen years of age or a person
 5 who is permanently disabled and unable to care for him or herself;
 6 (3) "Nonviolent offense", offenses other than the offenses contained in sections
 7 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072, 565.073, 565.074,
 8 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300, 566.030, 566.031,
 9 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071,
 10 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115, 566.145, 566.151, 566.153,
 11 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045, 568.060, 568.065,
 12 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when punished as a class A, B, or C
 13 felony, 570.145 when punished as a class A or B felony, 570.223 when punished as a class
 14 B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200,
 15 573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157, 575.200
 16 when punished as a class A felony, 575.210, 575.230 when punished as a class B felony,
 17 575.240 when punished as a class B felony, 576.070, 576.080, 577.010, 577.013, 577.078,
 18 577.703, 577.706, 579.065, and 579.068 when punished as a class A or B felony;
 19 (4) "Primary caretaker", a parent, adult child, or legal guardian who, at the time
 20 of his or her arrest, had assumed responsibility and was actively providing for the housing,
 21 health, safety, or economic support of a dependent person.
 22 2. (1) Prior to sentencing and by oral or written motion of either party or the court,
 23 the court shall determine whether an offender is eligible for a community-based sentence
 24 under this section. An offender shall be eligible if:

- 25 (a) The offense was nonviolent;
- 26 (b) The offender is a primary caretaker of a dependent person; and
- 27 (c) The offender did not commit an offense against the dependent person.
- 28 (2) If the court determines that an offender who has pleaded guilty or been found
- 29 guilty to a nonviolent offense is a primary caretaker of a dependent person, the court may
- 30 impose an individually assessed, community-based sentence, rather than incarceration,
- 31 with the goal of rehabilitation and family unity and support.
- 32 (3) Requirements for a community-based sentence shall include:
- 33 (a) That the primary caretaker is actively caring for the dependent;
- 34 (b) That the court of the county of the violation or arrest shall have original
- 35 jurisdiction while the offender completes his or her community-based sentence;
- 36 (c) That any sentence or treatment issued by the court shall allow the offender to
- 37 remain as close as possible to his or her dependant; and
- 38 (d) That the offender completes a community corrections program administered
- 39 by the department of corrections or complete the terms of the community-based sentence.
- 40
- 41 Conditions of the community-based sentence may include telephone check-ins or face-to-
- 42 face meetings with the department of corrections personnel to evaluate the offender's
- 43 compliance with conditions. If the offender does not successfully complete the
- 44 requirements of the community-based sentence, the terms of the sentence shall be revoked
- 45 and the offender shall be remanded to a correctional facility.
- 46 (4) When determining conditions of a community-based sentence, a judge shall
- 47 consider the importance to the family of the offender maintaining employment.
- 48 (5) The court may modify or revoke the community-based sentence or the
- 49 conditions of the sentence, including:
- 50 (a) Decreasing the duration of the sentence imposed;
- 51 (b) Requiring the offender to serve a term of confinement within the range of the
- 52 offense for which the offender was originally convicted; or
- 53 (c) Requiring the offender to be subject to additional conditions authorized by law
- 54 for sentences of probation.
- 55 (6) The department of corrections shall report once per year to the general
- 56 assembly:
- 57 (a) The number of community-based sentences imposed;
- 58 (b) How many of the community-based sentences resulted in revocation; and
- 59 (c) The reason for each revocation of a community-based sentence.

60 **(7) The department of social services shall report once per year to the general**
61 **assembly the number of children entering foster care as the result of the revocation of a**
62 **community-based primary caretaker sentence.**

 453.030. 1. In all cases the approval of the court of the adoption shall be required and
2 such approval shall be given or withheld as the welfare of the person sought to be adopted may,
3 in the opinion of the court, demand.

 2. The written consent of the person to be adopted shall be required in all cases where
4 the person sought to be adopted is fourteen years of age or older, except where the court finds
5 that such child has not sufficient mental capacity to give the same. In a case involving a child
6 under fourteen years of age, the guardian ad litem shall ascertain the child's wishes and feelings
7 about his or her adoption by conducting an interview or interviews with the child, if appropriate
8 based on the child's age and maturity level, which shall be considered by the court as a factor in
9 determining if the adoption is in the child's best interests.

 3. With the exceptions specifically enumerated in section 453.040, when the person
11 sought to be adopted is under the age of eighteen years, the written consent of the following
12 persons shall be required and filed in and made a part of the files and record of the proceeding:

14 (1) The mother of the child;

15 (2) Any man who:

16 (a) Is presumed to be the father pursuant to subdivision (1), (2), or (3) of subsection 1
17 of section 210.822; or

18 (b) Has filed an action to establish his paternity in a court of competent jurisdiction no
19 later than fifteen days after the birth of the child and has served a copy of the petition on the
20 mother in accordance with section 506.100; or

21 (c) Filed with the putative father registry pursuant to section 192.016 a notice of intent
22 to claim paternity or an acknowledgment of paternity either prior to or within fifteen days after
23 the child's birth, and has filed an action to establish his paternity in a court of competent
24 jurisdiction no later than fifteen days after the birth of the child; and

25 (3) The child's current adoptive parents or other legally recognized mother and father.

26
27 Upon request by the petitioner and within one business day of such request, the clerk of the local
28 court shall verify whether such written consents have been filed with the court.

29 4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section
30 may be executed before or after the birth of the child or before or after the commencement of the
31 adoption proceedings, and shall be executed in front of a judge or acknowledged before a notary
32 public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the
33 consenting birth parent of the consequences of the consent. In lieu of such acknowledgment, the

34 signature of the person giving such written consent shall be witnessed by the signatures of at
35 least two adult persons whose signatures and addresses shall be plainly written thereon. The two
36 adult witnesses shall not be the prospective adoptive parents or any attorney representing a party
37 to the adoption proceeding other than the attorney representing the party signing the consent.
38 The notary public or witnesses shall verify the identity of the party signing the consent.
39 Notwithstanding any other provision of law to the contrary, a properly executed written consent
40 under this subsection shall be considered irrevocable.

41 5. The written consent required in subdivision (1) of subsection 3 of this section by the
42 birth mother shall not be executed anytime before the child is forty-eight hours old. Such written
43 consent shall be executed in front of a judge or acknowledged before a notary public. If consent
44 is executed in front of a judge, it shall be the duty of the judge to advise the consenting party of
45 the consequences of the consent. In lieu of acknowledgment before a notary public, the signature
46 of the person giving such written consent shall be witnessed by the signatures of at least two
47 adult persons who are present at the execution whose signatures and addresses shall be plainly
48 written thereon and who determine and certify that the consent is knowingly and freely given.
49 The two adult witnesses shall not be the prospective adoptive parents or any attorney
50 representing a party to the adoption proceeding other than the attorney representing the party
51 signing the consent. The notary public or witnesses shall verify the identity of the party signing
52 the consent.

53 6. A consent is final when executed, unless the consenting party, prior to a final decree
54 of adoption, alleges and proves by clear and convincing evidence that the consent was not freely
55 and voluntarily given. The burden of proving the consent was not freely and voluntarily given
56 shall rest with the consenting party. Consents in all cases shall have been executed not more
57 than six months prior to the date the petition for adoption is filed.

58 7. A consent form shall be developed through rules and regulations promulgated by the
59 department of social services. No rule or portion of a rule promulgated under the authority of
60 this section shall become effective unless it has been promulgated pursuant to the provisions of
61 chapter 536. If a written consent is obtained after August 28, 1997, but prior to the development
62 of a consent form by the department and the written consent complies with the provisions of
63 subsection 8 of this section, such written consent shall be deemed valid.

64 8. However, the consent form must specify that:

65 (1) The birth parent understands the importance of identifying all possible fathers of the
66 child and may provide the names of all such persons; and

67 (2) The birth parent understands that if he denies paternity, but consents to the adoption,
68 he waives any future interest in the child.

69 9. The written consent to adoption required by subsection 3 and executed through
70 procedures set forth in subsection 5 of this section shall be valid and effective even though the
71 parent consenting was under eighteen years of age, if such parent was represented by a guardian
72 ad litem, at the time of the execution thereof.

73 10. Where the person sought to be adopted is eighteen years of age or older, his or her
74 written consent alone to his or her adoption shall be sufficient.

75 11. A birth parent, including a birth parent less than eighteen years of age, shall have the
76 right to legal representation and payment of any reasonable legal fees incurred throughout the
77 adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

78 (1) A birth parent requests representation;

79 (2) The court finds that hiring an attorney to represent such birth parent would cause a
80 financial hardship for the birth parent; and

81 (3) The birth parent is not already represented by counsel.

82 ~~12. [Except in cases where the court determines that the adoptive parents are unable to~~
83 ~~pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall~~
84 ~~order the costs of the attorney fees incurred pursuant to subsection 11 of this section to be paid~~
85 ~~by the prospective adoptive parents or the child-placing agency.~~

86 ~~13.]~~ The court shall receive and acknowledge a written consent to adoption properly
87 executed by a birth parent under this section when such consent is in the best interests of the
88 child.

453.040. The consent to the adoption of a child is not required of:

2 (1) A parent whose rights with reference to the child have been terminated pursuant to
3 law, including section 211.444 or section 211.447 or other similar laws in other states;

4 (2) A parent of a child who has legally consented to a future adoption of the child;

5 (3) A parent whose identity is unknown and cannot be ascertained at the time of the
6 filing of the petition;

7 (4) A man who has not been established to be the father and who is not presumed by law
8 to be the father, and who, after the conception of the child, executes a verified statement denying
9 paternity and disclaiming any interest in the child and acknowledging that this statement is
10 irrevocable when executed and follows the consent as set forth in section 453.030;

11 (5) A parent or other person who has not executed a consent and who, after proper
12 service of process, fails to file an answer or make an appearance in a proceeding for adoption or
13 for termination of parental rights at the time such cause is heard;

14 (6) A parent who has a mental condition which is shown by competent evidence either
15 to be permanent or such that there is no reasonable likelihood that the condition can be reversed

16 and which renders the parent unable to knowingly provide the child the necessary care, custody
17 and control;

18 (7) A parent who has for a period of at least six months, for a child [~~one year~~] **three**
19 **years** of age or older, or at least sixty days, for a child under [~~one year~~] **three years** of age,
20 immediately prior to the filing of the petition for adoption, [~~willfully abandoned the child or, for~~
21 ~~a period of at least six months immediately prior to the filing of the petition for adoption,~~]
22 willfully, substantially, and continuously neglected to provide [~~him~~] **the child** with necessary
23 care and protection;

24 (8) A parent whose rights to the child may be terminated for any of the grounds set forth
25 in section 211.447 and whose rights have been terminated after hearing and proof of such
26 grounds as required by sections 211.442 to 211.487. Such petition for termination may be filed
27 as a count in an adoption petition.

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

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

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

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

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

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

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

11 (7) "Nonidentifying information", information [~~concerning the physical description,~~
12 ~~nationality, religious background and medical history of the biological parent or sibling~~] **that is**
13 **not identifying information.**

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

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

20 4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is
21 deceased, may make a written request to the circuit court having original jurisdiction of such
22 adoption to secure and disclose information identifying the adopted adult's biological parents.
23 If the biological parents have consented to the release of identifying information under
24 subsection 8 of this section, the court shall disclose such identifying information to the adopted

25 adult or the adopted adult's lineal descendants if the adopted adult is deceased. If the biological
26 parents have not consented to the release of identifying information under subsection 8 of this
27 section, the court shall, within ten days of receipt of the request, notify in writing the
28 child-placing agency or juvenile court personnel having access to the information requested of
29 the request by the adopted adult or the adopted adult's lineal descendants.

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

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

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

57 7. If, within three months, the child-placing agency or juvenile court personnel reports
58 to the court that it has notified the biological parent pursuant to subsection 5 of this section, the
59 court shall receive the identifying information from the child-placing agency. If an affidavit duly
60 executed by a biological parent authorizing the release of information is filed with the court or

61 if a biological parent is found to be deceased, the court shall disclose the identifying information
62 as to that biological parent to the adopted adult or the adopted adult's lineal descendants if the
63 adopted adult is deceased, provided that the other biological parent either:

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

68

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

74 **8. Notwithstanding any provision of law, all information, including identifying**
75 **information, shall be released to an adopted adult if the adopted adult's biological parent**
76 **lost his or her parental rights through a nonconsensual termination of parental rights**
77 **proceeding.**

78 **9.** Any adopted adult whose adoption was finalized in this state or whose biological
79 parents had their parental rights terminated in this state may request the court to secure and
80 disclose identifying information concerning an adult sibling. Identifying information pertaining
81 exclusively to the adult sibling, whether part of the permanent record of a file in the court or in
82 an agency, shall be released only upon consent of that adult sibling.

83 ~~[9-]~~ **10.** The central office of the children's division within the department of social
84 services shall maintain a registry by which biological parents, adult siblings, and adoptive adults
85 may indicate their desire to be contacted by each other. The division may request such
86 identification for the registry as a party may possess to assure positive identifications. At the
87 time of registry, a biological parent or adult sibling may consent in writing to the release of
88 identifying information to an adopted adult. If such a consent has not been executed and the
89 division believes that a match has occurred on the registry between biological parents or adult
90 siblings and an adopted adult, an employee of the division shall make the confidential contact
91 provided in subsection 5 of this section with the biological parents or adult siblings and with the
92 adopted adult. If the division believes that a match has occurred on the registry between one
93 biological parent or adult sibling and an adopted adult, an employee of the division shall make
94 the confidential contact provided by subsection 5 of this section with the biological parent or
95 adult sibling. The division shall then attempt to make such confidential contact with the other
96 biological parent, and shall proceed thereafter to make such confidential contact with the adopted

97 adult only if the division determines that the other biological parent meets one of the conditions
98 specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult
99 may refuse to go forward with any further contact between the parties when contacted by the
100 division.

101 ~~[10.]~~ **11.** The provisions of this section, except as provided in subsection 5 of this section
102 governing the release of identifying and nonidentifying adoptive information apply to adoptions
103 completed before and after August 13, 1986.

104 ~~[11.]~~ **12.** All papers, records, and information known to or in the possession of an
105 adoptive parent or adoptive child that pertain to an adoption, regardless of whether part of any
106 permanent record or file, may be disclosed by the adoptive parent or adoptive child. The
107 provisions of this subsection shall not be construed to create a right to have access to information
108 not otherwise allowed under this section.

453.350. 1. Beginning July 1, 2014, all Missouri foster children fifteen years of age or
2 older shall receive a visit to a Missouri state university or a Missouri state community or
3 technical college in the foster child's area or an armed services recruiter before the foster child
4 may be adopted or otherwise terminated by foster care unless waived by the family support team.
5 Such visit shall be in addition to any other services that older youth are usually provided and
6 shall include the entry application process, financial support application and availability, career
7 options with academic or technical training, a tour of the school, and other information and
8 experience desired.

9 2. Beginning July 1, 2014, all youth fifteen years of age or older in the division of youth
10 services program shall receive a visit to a Missouri state university or a Missouri state
11 community or technical college in the youth's area or an armed services recruiter before the
12 youth's custody or training is completed unless waived by the family support team. Such visit
13 shall be in addition to any other services that older youth are usually provided and shall include
14 the entry application process, financial support application and availability, career options with
15 academic or technical training, a tour of the school, and other information and experience
16 desired.

17 3. Agencies ~~defined~~ **described** in subsection ~~[2]~~ **5** of section 210.112 that are providing
18 foster care case management services for foster children can document and, if requested, shall
19 receive from the Missouri department of social services reimbursement for costs associated with
20 meeting the requirements of this section.

~~[210.130. 1. Oral reports of abuse or neglect shall be made to the
2 division by telephone or otherwise.~~

~~3 2. Such reports shall include the following information: The names and
4 addresses of the child and his parents or other persons responsible for his care;
5 if known; the child's age, sex, and race; the nature and extent of the child's~~

6 ~~injuries, abuse, or neglect, including any evidence of previous injuries, abuse, or~~
7 ~~neglect to the child or his siblings; the name, age and address of the person~~
8 ~~responsible for the injuries, abuse or neglect, if known; family composition; the~~
9 ~~source of the report; the name and address of the person making the report, his~~
10 ~~occupation, and where he can be reached; the actions taken by the reporting~~
11 ~~source, including the taking of color photographs or the making of radiologic~~
12 ~~examinations pursuant to sections 210.110 to 210.165, or both such taking of~~
13 ~~color photographs or making of radiologic examinations, removal or keeping of~~
14 ~~the child, notifying the coroner or medical examiner, and other information that~~
15 ~~the person making the report believes may be helpful in the furtherance of the~~
16 ~~purposes of sections 210.110 to 210.165.~~
17 ~~3. Evidence of sexual abuse or sexual molestation of any child under~~
18 ~~eighteen years of age shall be turned over to the division within twenty-four hours~~
19 ~~by those mandated to report.]~~

✓