

HOUSE AMENDMENT NO. ____

TO

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Offered By

1 AMEND House Amendment No. ____ to House Committee Substitute for Senate Bill No. 0628 Page 1,
2 Line 1, by inserting after all of said line the following:

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4 “11, Section 195.223, Line 95, by inserting after all of said section and line the following:

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

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

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

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

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

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

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

7 210.145. 1. The division shall develop protocols which give priority to:

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

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

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

13 (4) Maintaining an information system operating at all times, capable of receiving and
14 maintaining reports. This information system shall have the ability to receive reports over a single,
15 statewide toll-free number. Such information system shall maintain the results of all investigations,
16 family assessments and services, and other relevant information.

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

23 3. Upon receipt of a report, the division shall determine if the report merits investigation,
24 including reports which if true would constitute a suspected violation of any of the following: section
25 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age,
26 section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under
27 chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years
28 of age or older, section 567.050 if the victim is a child less than eighteen years of age, section 568.020,
29 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, section 573.025, 573.035, 573.037, or 573.040,
30 or an attempt to commit any such crimes. The division shall immediately communicate all reports that
31 merit investigation to its appropriate local office and any relevant information as may be contained in the
32 information system. The local division staff shall determine, through the use of protocols developed by
33 the division, whether an investigation or the family assessment and services approach should be used to
34 respond to the allegation. The protocols developed by the division shall give priority to ensuring the
35 well-being and safety of the child.

36 4. When the child abuse and neglect hotline receives three or more calls, within a seventy-two
37 hour period, from one or more individuals concerning the same child, the division shall conduct a review
38 to determine whether the calls meet the criteria and statutory definition for a child abuse and neglect
39 report to be accepted. In conducting the review, the division shall contact the hotline caller or callers in

1 order to collect information to determine whether the calls meet the criteria for harassment.

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

9 [5.] 6. The local office of the division shall cause an investigation or family assessment and
10 services approach to be initiated in accordance with the protocols established in subsection 2 of this
11 section, except in cases where the sole basis for the report is educational neglect. If the report indicates
12 that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the
13 investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the
14 child is in danger of serious physical harm or threat to life, an investigation shall include direct
15 observation of the subject child within twenty-four hours of the receipt of the report. Local law
16 enforcement shall take all necessary steps to facilitate such direct observation. Callers to the child abuse
17 and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child
18 may be in immediate danger. If the parents of the child are not the alleged abusers, a parent of the child
19 must be notified prior to the child being interviewed by the division. No person responding to or
20 investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of
21 any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she
22 has a reasonable basis to believe the following factors are present:

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

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

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

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

28 If the alleged perpetrator is present during a visit by the person responding to or investigating the report,
29 such person shall provide written material to the alleged perpetrator informing him or her of his or her
30 rights regarding such visit, including but not limited to the right to contact an attorney. The alleged
31 perpetrator shall be given a reasonable amount of time to read such written material or have such material
32 read to him or her by the case worker before the visit commences, but in no event shall such time exceed
33 five minutes; except that, such requirement to provide written material and reasonable time to reach such
34 material shall not apply in cases where the child faces an immediate threat or danger, or the person
35 responding to investigating the report is or feels threatened or in danger of physical harm. If the abuse is
36 alleged to have occurred in a school or child-care facility the division shall not meet with the child in any
37 school building or child-care facility building where abuse of such child is alleged to have occurred.
38 When the child is reported absent from the residence, the location and the well-being of the child shall be
39 verified. For purposes of this subsection, child-care facility shall have the same meaning as such term is

1 defined in section 210.201.

2 [6.] 7. The director of the division shall name at least one chief investigator for each local
3 division office, who shall direct the division response on any case involving a second or subsequent
4 incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include
5 verification of direct observation of the subject child by the division and shall ensure information
6 regarding the status of an investigation is provided to the public school district liaison. The public school
7 district liaison shall develop protocol in conjunction with the chief investigator to ensure information
8 regarding an investigation is shared with appropriate school personnel. The superintendent of each school
9 district shall designate a specific person or persons to act as the public school district liaison. Should the
10 subject child attend a nonpublic school the chief investigator shall notify the school principal of the
11 investigation. Upon notification of an investigation, all information received by the public school district
12 liaison or the school shall be subject to the provisions of the federal Family Educational Rights and
13 Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

14 [7.] 8. The investigation shall include but not be limited to the nature, extent, and cause of the
15 abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and
16 conditions of other children in the home, if any; the home environment and the relationship of the subject
17 child to the parents or other persons responsible for the child's care; any indication of incidents of physical
18 violence against any other household or family member; and other pertinent data.

19 [8.] 9. When a report has been made by a person required to report under section 210.115, the
20 division shall contact the person who made such report within forty-eight hours of the receipt of the report
21 in order to ensure that full information has been received and to obtain any additional information or
22 medical records, or both, that may be pertinent.

23 [9.] 10. Upon completion of the investigation, if the division suspects that the report was made
24 maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice
25 or harassment to the local prosecuting or circuit attorney.

26 [10.] 11. Multidisciplinary teams shall be used whenever conducting the investigation as
27 determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be
28 used in providing protective or preventive social services, including the services of law enforcement, a
29 liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public
30 and private.

31 [11.] 12. For all family support team meetings involving an alleged victim of child abuse or
32 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the
33 child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice
34 and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other
35 community informal or formal service providers that provide significant support to the child and other
36 individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the
37 legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other
38 individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is
39 provided notice of or attends such team meetings, the division or the convenor of the meeting shall

1 provide such persons with notice of all such subsequent meetings involving the child. Families may
2 determine whether individuals invited at their discretion shall continue to be invited.

3 [12.] 13. If the appropriate local division personnel determine after an investigation has begun
4 that completing an investigation is not appropriate, the division shall conduct a family assessment and
5 services approach. The division shall provide written notification to local law enforcement prior to
6 terminating any investigative process. The reason for the termination of the investigative process shall be
7 documented in the record of the division and the written notification submitted to local law enforcement.
8 Such notification shall not preclude nor prevent any investigation by law enforcement.

9 [13.] 14. If the appropriate local division personnel determines to use a family assessment and
10 services approach, the division shall:

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

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

20 (3) Commence an immediate investigation if at any time during the family assessment and
21 services approach the division determines that an investigation, as delineated in sections 210.109 to
22 210.183, is required. The division staff who have conducted the assessment may remain involved in the
23 provision of services to the child and family;

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

26 [14.] 15. Within thirty days of an oral report of abuse or neglect, the local office shall update the
27 information in the information system. The information system shall contain, at a minimum, the
28 determination made by the division as a result of the investigation, identifying information on the subjects
29 of the report, those responsible for the care of the subject child and other relevant dispositional
30 information. The division shall complete all investigations within thirty days, unless good cause for the
31 failure to complete the investigation is documented in the information system. If a child involved in a
32 pending investigation dies, the investigation shall remain open until the division's investigation
33 surrounding the death is completed. If the investigation is not completed within thirty days, the
34 information system shall be updated at regular intervals and upon the completion of the investigation. The
35 information in the information system shall be updated to reflect any subsequent findings, including any
36 changes to the findings based on an administrative or judicial hearing on the matter.

37 [15.] 16. A person required to report under section 210.115 to the division and any person
38 making a report of child abuse or neglect made to the division which is not made anonymously shall be
39 informed by the division of his or her right to obtain information concerning the disposition of his or her

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

11 [16.] 17. The division shall provide to any individual who is not satisfied with the results of an
12 investigation information about the office of child advocate and the services it may provide under sections
13 37.700 to 37.730.

14 [17.] 18. In any judicial proceeding involving the custody of a child the fact that a report may
15 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

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

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

22 [18.] 19. In any judicial proceeding involving the custody of a child where the court determines
23 that the child is in need of services [pursuant to subdivision (d)] under paragraph (d) of subdivision (1) of
24 subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall
25 not be entered into the registry.

26 [19.] 20. The children's division is hereby granted the authority to promulgate rules and
27 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of
28 sections 210.109 to 210.183.

29 [20.] 21. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
30 under the authority delegated in this section shall become effective only if it complies with and is subject
31 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
32 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to
33 review, to delay the effective date or to disapprove and annul a rule are subsequently held
34 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28,
35 2000, shall be invalid and void.”; and

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37 Further amend said bill, Page”; and

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39 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.