

HB 557 -- Child Abuse and Neglect Registry

Sponsor: Ellinger

This bill requires the Children's Division within the Department of Social Services by January 1, 2014, to classify all identifying information, including telephone reports, relating to reports of abuse or neglect received by the division in one of the following tiers based on the level of risk of future injury to the child:

- (1) Tier one: severe risk of future harm to the child;
- (2) Tier two: moderate risk of future harm to the child;
- (3) Tier three: mild risk of future harm to the child.

The bill specifies the criteria for each tier and authorizes the department to promulgate rules to establish the standards for each classification. All tier one reports must be placed on the registry for life and are not subject to expungement. All tier two reports must be placed on the registry for five years, unless the individual is found to have committed another act of child abuse or neglect in the five-year period, in which case the individual must be classified as a tier one report. Any tier two report is eligible for expungement at the expiration of the five-year period. Tier three reports must be placed on the registry for two years and must automatically be expunged at the end of the two-year period. This bill requires all persons placed on the Missouri Child Abuse/Neglect Central Registry System to remain on the registry for the duration of time required under these provisions.

The division must use structured decision-making protocols for classification purposes of all child abuse and neglect reports consistent with these classification tiers. The division's information system must contain the classification of risk and injury and must be updated to reflect any changes in classification.

Any individual placed on the registry may petition the department's Child Abuse and Neglect Review Board for expungement of all identifying information from the registry based on the individual's classification. The bill specifies the information that must be in any petition for expungement. If the petition satisfies the requirements, and the board determines the petitioner poses no significant risk to children or other vulnerable populations, the board must grant the petition. Any individual aggrieved by the board's decision may seek de novo review of the decision or refile the petition for expungement with the board within two years after the final denial of the petition.

The department must maintain a sealed record of the underlying

report and investigation of child abuse or neglect for any record expunged under these provisions. The sealed record is only available to child protection investigators or law enforcement officials who need access to the record as part of an open investigation related to an allegation of child abuse or neglect.