

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 621, Page 1, Section A, Line 7, by
2 inserting after all of said line the following:

3
4 "21.771. 1. There is established a joint committee of the general assembly to be known as
5 the "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the senate
6 and seven members of the house of representatives. The senate members of the joint committee shall
7 be appointed by the president pro tem and minority floor leader of the senate and the house members
8 shall be appointed by the speaker and minority floor leader of the house of representatives. The
9 appointment of each member shall continue during the member's term of office as a member of the
10 general assembly or until a successor has been appointed to fill the member's place. No party shall
11 be represented by more than four members from the house of representatives nor more than four
12 members from the senate. A majority of the committee shall constitute a quorum, but the
13 concurrence of a majority of the members shall be required for the determination of any matter
14 within the committee's duties.

15 2. The joint committee shall:

16 (1) Make a continuing study and analysis of the state child abuse and neglect reporting and
17 investigation system;

18 (2) Devise a plan for improving the structured decision making regarding the removal of a
19 child from a home;

20 (3) Determine the additional personnel and resources necessary to adequately protect the
21 children of this state and improve their welfare and the welfare of families;

22 (4) Address the need for additional foster care homes and to improve the quality of care
23 provided to abused and neglected children in the custody of the state;

24 (5) Determine from its study and analysis the need for changes in statutory law; [and]

25 (6) Make any other recommendation to the general assembly necessary to provide adequate
26 protections for the children of our state; and

27 (7) Make recommendations on how to improve abuse and neglect proceedings including
28 examining the role of the judge, children's division, the juvenile officer, the guardian ad litem, and
29 the foster parents.

30 3. The joint committee shall meet within thirty days after its creation and organize by
31 selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the
32 other a member of the house of representatives. The chairperson shall alternate between members of
33 the house and senate every two years after the committee's organization.

34 4. The committee shall meet at least quarterly. The committee may meet at locations other
35 than Jefferson City when the committee deems it necessary.

36 5. The committee shall be staffed by legislative personnel as is deemed necessary to assist

Action Taken _____ Date _____

1 the committee in the performance of its duties.

2 6. The members of the committee shall serve without compensation but shall be entitled to
3 reimbursement for actual and necessary expenses incurred in the performance of their official duties.

4 7. It shall be the duty of the committee to compile a full report of its activities for submission
5 to the general assembly. The report shall be submitted not later than the fifteenth of January of each
6 year in which the general assembly convenes in regular session and shall include any
7 recommendations which the committee may have for legislative action as well as any
8 recommendations for administrative or procedural changes in the internal management or
9 organization of state or local government agencies and departments. Copies of the report containing
10 such recommendations shall be sent to the appropriate directors of state or local government
11 agencies or departments included in the report.

12 8. The provisions of this section shall expire on January 15, 2018."; and

13
14 Further amend said bill, Page 3, Section 21.880, Line 74, by inserting after all of said line the
15 following:

16
17 "37.710. 1. The office shall have access to the following information:

18 (1) The names and physical location of all children in protective services, treatment, or other
19 programs under the jurisdiction of the children's division, the department of mental health, and the
20 juvenile court;

21 (2) All written reports of child abuse and neglect; and

22 (3) All current records required to be maintained pursuant to chapters 210 and 211.

23 2. The office shall have the authority:

24 (1) To communicate privately by any means possible with any child under protective
25 services and anyone working with the child, including the family, relatives, courts, employees of the
26 department of social services and the department of mental health, and other persons or entities
27 providing treatment and services;

28 (2) To have access, including the right to inspect, copy and subpoena records held by the
29 clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public
30 or private, and other agencies, or persons with whom a particular child has been either voluntarily or
31 otherwise placed for care, or has received treatment within this state or in another state;

32 (3) To work in conjunction with juvenile officers and guardians ad litem;

33 (4) To file any findings or reports of the child advocate regarding the parent or child with the
34 court, and issue recommendations regarding the disposition of an investigation, which may be
35 provided to the court and to the investigating agency;

36 (5) To file amicus curiae briefs on behalf of the interests of the parent or child, or to file such
37 pleadings necessary to intervene on behalf of the child at the appropriate judicial level using the
38 resources of the office of the attorney general;

39 (6) To initiate meetings with the department of social services, the department of mental
40 health, the juvenile court, and juvenile officers;

41 (7) To take whatever steps are appropriate to see that persons are made aware of the services
42 of the child advocate's office, its purpose, and how it can be contacted;

43 (8) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and
44 interstate agencies, and independent authorities, private firms, individuals, and foundations to carry
45 out his or her duties and responsibilities. The funds shall be deposited in a dedicated account
46 established within the office to permit moneys to be expended in accordance with the provisions of
47 the grant or bequest;

48 (9) Subject to appropriation, to establish as needed local panels on a regional or county basis

1 to adequately and efficiently carry out the functions and duties of the office, and address complaints
2 in a timely manner; and

3 (10) To mediate between alleged victims of sexual misconduct and school districts or charter
4 schools as provided in subsection 1 of section 160.262.

5 3. For any information obtained from a state agency or entity under sections 37.700 to
6 37.730, the office of child advocate shall be subject to the same disclosure restrictions and
7 confidentiality requirements that apply to the state agency or entity providing such information to the
8 office of child advocate. For information obtained directly by the office of child advocate under
9 sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure
10 restrictions and confidentiality requirements that apply to the children's division regarding
11 information obtained during a child abuse and neglect investigation resulting in an unsubstantiated
12 report."; and

13
14 Further amend said bill, Page 7, Section 67.320, Line 30, by inserting immediately after said line the
15 following:

16
17 "210.160. 1. In every case involving an abused or neglected child which results in a judicial
18 proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

19 (1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165 except
20 proceedings under subsection 6 of section 210.152, sections 210.700 to 210.760, sections 211.442 to
21 211.487, or sections 453.005 to 453.170, or proceedings to determine custody or visitation rights
22 under sections 452.375 to 452.410; or

23 (2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent, and
24 whose child is the subject of proceedings under sections 210.110 to 210.165, sections 210.700 to
25 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170.

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

29 [2.] 3. The guardian ad litem shall be provided with all reports relevant to the case made to
30 or by any agency or person, shall have access to all records of such agencies or persons relating to
31 the child or such child's family members or placements of the child, and upon appointment by the
32 court to a case, shall be informed of and have the right to attend any and all family support team
33 meetings involving the child. Employees of the division, officers of the court, and employees of any
34 agency involved shall fully inform the guardian ad litem of all aspects of the case of which they have
35 knowledge or belief.

36 [3.] 4. The appointing judge shall require the guardian ad litem to faithfully discharge such
37 guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and
38 appoint another. The appointing judge shall have the authority to examine the general and criminal
39 background of persons appointed as guardians ad litem, including utilization of the family care
40 safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and
41 welfare of the children such persons are appointed to represent. The judge in making appointments
42 pursuant to this section shall give preference to persons who served as guardian ad litem for the child
43 in the earlier proceeding, unless there is a reason on the record for not giving such preference.

44 [4.] 5. The guardian ad litem may be awarded a reasonable fee for such services to be set by
45 the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to
46 the proceedings or from public funds. However, no fees as a judgment shall be taxed against a party
47 or parties who have not been found to have abused or neglected a child or children. Such an award
48 of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final

1 judgment shall be enforceable against the parties in accordance with chapter 513.

2 [5.] 6. The court may designate volunteer advocates, who may or may not be attorneys
3 licensed to practice law, to assist in the performance of the guardian ad litem duties for the court.
4 Nonattorney volunteer advocates shall not provide legal representation. The court shall have the
5 authority to examine the general and criminal background of persons designated as volunteer
6 advocates, including utilization of the family care safety registry and access line pursuant to sections
7 210.900 to 210.937, to ensure the safety and welfare of the children such persons are designated to
8 represent. The volunteer advocate shall be provided with all reports relevant to the case made to or
9 by any agency or person, shall have access to all records of such agencies or persons relating to the
10 child or such child's family members or placements of the child, and upon designation by the court to
11 a case, shall be informed of and have the right to attend any and all family support team meetings
12 involving the child. Any such designated person shall receive no compensation from public funds.
13 This shall not preclude reimbursement for reasonable expenses.

14 [6.] 7. Any person appointed to perform guardian ad litem duties shall have completed a
15 training program in permanency planning and shall advocate for timely court hearings whenever
16 possible to attain permanency for a child as expeditiously as possible to reduce the effects that
17 prolonged foster care may have on a child. A nonattorney volunteer advocate shall have access to a
18 court appointed attorney guardian ad litem should the circumstances of the particular case so require.

19 210.145. 1. The division shall develop protocols which give priority to:

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

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

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

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

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

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

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

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

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

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

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

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

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

34 If the alleged perpetrator is present during a visit by the person responding to or investigating the
35 report, such person shall provide written material to the alleged perpetrator informing him or her of
36 his or her rights regarding such visit, including but not limited to the right to contact an attorney.
37 The alleged perpetrator shall be given a reasonable amount of time to read such written material or
38 have such material read to him or her by the case worker before the visit commences, but in no event
39 shall such time exceed five minutes; except that, such requirement to provide written material and
40 reasonable time to read such material shall not apply in cases where the child faces an immediate
41 threat or danger, or the person responding to investigating the report is or feels threatened or in
42 danger of physical harm. If the abuse is alleged to have occurred in a school or child care facility the
43 division shall not meet with the child in any school building or child-care facility building where
44 abuse of such child is alleged to have occurred. When the child is reported absent from the
45 residence, the location and the well-being of the child shall be verified. For purposes of this
46 subsection, child care facility shall have the same meaning as such term is defined in section
47 210.201.

48 7. The director of the division shall name at least one chief investigator for each local

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

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

19 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
21 report in order to ensure that full information has been received and to obtain any additional
22 information or medical records, or both, that may be pertinent.

23 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
25 malice or harassment to the local prosecuting or circuit attorney.

26 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
28 be used in providing protective or preventive social services, including the services of law
29 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other
30 agencies, both public and private.

31 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
33 the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
34 provided notice and be permitted to attend all such meetings. Family members, other than alleged
35 perpetrators, or other community informal or formal service providers that provide significant
36 support to the child and other individuals may also be invited at the discretion of the parents of the
37 child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and
38 the foster parents may request that other individuals, other than alleged perpetrators, be permitted to
39 attend such team meetings. Once a person is provided notice of or attends such team meetings, the
40 division or the convenor of the meeting shall provide such persons with notice of all such subsequent
41 meetings involving the child. Families may determine whether individuals invited at their discretion
42 shall continue to be invited.

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

1 14. If the appropriate local division personnel determines to use a family assessment and
2 services approach, the division shall:

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

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

12 (3) Commence an immediate investigation if at any time during the family assessment and
13 services approach the division determines that an investigation, as delineated in sections 210.109 to
14 210.183, is required. The division staff who have conducted the assessment may remain involved in
15 the provision of services to the child and family;

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

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

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

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

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

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

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

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

48 16. A person required to report under section 210.115 to the division and any person making

1 a report of child abuse or neglect made to the division which is not made anonymously shall be
2 informed by the division of his or her right to obtain information concerning the disposition of his or
3 her report. Such person shall receive, from the local office, if requested, information on the general
4 disposition of his or her report. Such person may receive, if requested, findings and information
5 concerning the case. Such release of information shall be at the discretion of the director based upon
6 a review of the reporter's ability to assist in protecting the child or the potential harm to the child or
7 other children within the family. The local office shall respond to the request within forty-five days.
8 The findings shall be made available to the reporter within five days of the outcome of the
9 investigation. If the report is determined to be unsubstantiated, the reporter may request that the
10 report be referred by the division to the office of child advocate for children's protection and services
11 established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the
12 division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate
13 for children's protection and services.

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

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

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

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

25 19. In any judicial proceeding involving the custody of a child where the court determines
26 that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section
27 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into
28 the registry.

29 20. The children's division is hereby granted the authority to promulgate rules and
30 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions
31 of sections 210.109 to 210.183.

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

39 210.152. 1. All identifying information, including telephone reports reported pursuant to
40 section 210.145, relating to reports of abuse or neglect received by the division shall be retained by
41 the division and removed from the records of the division as follows:

42 (1) For investigation reports contained in the central registry, identifying information shall
43 be retained by the division;

44 (2) (a) For investigation reports initiated against a person required to report pursuant to
45 section 210.115, where insufficient evidence of abuse or neglect is found by the division and where
46 the division determines the allegation of abuse or neglect was made maliciously, for purposes of
47 harassment or in retaliation for the filing of a report by a person required to report, identifying
48 information shall be expunged by the division within forty-five days from the conclusion of the

1 investigation;

2 (b) For investigation reports, where insufficient evidence of abuse or neglect is found by the
3 division and where the division determines the allegation of abuse or neglect was made maliciously,
4 for purposes of harassment or in retaliation for the filing of a report, identifying information shall be
5 expunged by the division within forty-five days from the conclusion of the investigation;

6 (c) For investigation reports initiated by a person required to report under section 210.115,
7 where insufficient evidence of abuse or neglect is found by the division, identifying information
8 shall be retained for five years from the conclusion of the investigation. For all other investigation
9 reports where insufficient evidence of abuse or neglect is found by the division, identifying
10 information shall be retained for two years from the conclusion of the investigation. Such reports
11 shall include any exculpatory evidence known by the division, including exculpatory evidence
12 obtained after the closing of the case. At the end of such time period, the identifying information
13 shall be removed from the records of the division and destroyed;

14 (3) For reports where the division uses the family assessment and services approach,
15 identifying information shall be retained by the division;

16 (4) For reports in which the division is unable to locate the child alleged to have been abused
17 or neglected, identifying information shall be retained for ten years from the date of the report and
18 then shall be removed from the records of the division.

19 2. Within ninety days, or within one hundred twenty days in cases involving sexual abuse, or
20 until the division's investigation is complete in cases involving a child fatality or near-fatality, after
21 receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report
22 and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be
23 notified in writing of any determination made by the division based on the investigation. The notice
24 shall advise either:

25 (1) That the division has determined by a probable cause finding prior to August 28, 2004, or
26 by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that the
27 division shall retain all identifying information regarding the abuse or neglect; that such information
28 shall remain confidential and will not be released except to law enforcement agencies, prosecuting or
29 circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from
30 the date of receipt of the notice to seek reversal of the division's determination through a review by
31 the child abuse and neglect review board as provided in subsection 4 of this section; or

32 (2) That the division has not made a probable cause finding or determined by a
33 preponderance of the evidence that abuse or neglect exists.

34 3. The children's division may reopen a case for review at the request of the alleged
35 perpetrator, the alleged victim, or the office of the child advocate if new, specific, and credible
36 evidence is obtained that the division's decision was based on fraud or misrepresentation of material
37 facts relevant to the division's decision and there is credible evidence that absent such fraud or
38 misrepresentation the division's decision would have been different. If the alleged victim is under
39 the age of eighteen, the request for review may be made by the alleged victim's parent, legal
40 custodian, or legal guardian. All requests to reopen an investigation for review shall be made within
41 a reasonable time and not more than one year after the children's division made its decision. The
42 division shall not reopen a case for review based on any information which the person requesting the
43 review knew, should have known, or could by the exercise of reasonable care have known before the
44 date of the division's final decision in the case, unless the person requesting the review shows by a
45 preponderance of the evidence that he or she could not have provided such information to the
46 division before the date of the division's final decision in the case. Any person, other than the office
47 of the child advocate, who makes a request to reopen a case for review based on facts which the
48 person knows to be false or misleading or who acts in bad faith or with the intent to harass the

1 alleged victim or perpetrator shall not have immunity from any liability, civil or criminal, for
2 providing the information and requesting that the division reopen the investigation. Any person who
3 makes a request to reopen an investigation based on facts which the person knows to be false shall be
4 guilty of a class A misdemeanor. The children's division shall not reopen an investigation under any
5 circumstances while the case is pending before a court of this state nor when a court has entered a
6 final judgment after de novo judicial review pursuant to this section.

7 4. Any person named in an investigation as a perpetrator who is aggrieved by a
8 determination of abuse or neglect by the division as provided in this section may seek an
9 administrative review by the child abuse and neglect review board pursuant to the provisions of
10 section 210.153. Such request for review shall be made within sixty days of notification of the
11 division's decision under this section. In those cases where criminal charges arising out of facts of
12 the investigation are pending, the request for review shall be made within sixty days from the court's
13 final disposition or dismissal of the charges.

14 5. In any such action for administrative review, the child abuse and neglect review board
15 shall sustain the division's determination if such determination was supported by evidence of
16 probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after
17 August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review
18 board hearing shall be closed to all persons except the parties, their attorneys and those persons
19 providing testimony on behalf of the parties.

20 6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect
21 review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the
22 county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which
23 the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the
24 state, proper venue shall be in Cole County. The case may be assigned to the family court division
25 where such a division has been established. The request for a judicial review shall be made within
26 sixty days of notification of the decision of the child abuse and neglect review board decision. In
27 reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to
28 appear and present testimony. The alleged perpetrator may subpoena any witnesses except the
29 alleged victim or the reporter. However, the circuit court shall have the discretion to allow the
30 parties to submit the case upon a stipulated record.

31 7. In any such action for administrative review, the child abuse and neglect review board
32 shall notify the child or the parent, guardian or legal representative of the child that a review has
33 been requested.

34 210.183. 1. At the time of the initial investigation of a report of child abuse or neglect, the
35 division employee conducting the investigation shall provide the alleged perpetrator with a written
36 description of the investigation process. Such written notice shall be given substantially in the
37 following form:

38 "The investigation is being undertaken by the Children's Division pursuant to the
39 requirements of chapter 210 of the Revised Missouri Statutes in response to a report of child abuse or
40 neglect.

41 The identity of the person who reported the incident of abuse or neglect is confidential and
42 may not even be known to the Division since the report could have been made anonymously.

43 This investigation is required by law to be conducted in order to enable the Children's
44 Division to identify incidents of abuse or neglect in order to provide protective or preventive social
45 services to families who are in need of such services.

46 The division shall make every reasonable attempt to complete the investigation within [thirty
47 days, except if a child involved in the pending investigation dies the investigation shall remain open
48 until the division's investigation surrounding the death is completed.] forty-five days, except for

1 good cause which shall be documented, otherwise, within ninety days, or one hundred and twenty
 2 days after receipt of a report of abuse or neglect involving sexual abuse, or when the division's
 3 investigation is complete in cases involving a child fatality or near-fatality, you will receive a letter
 4 from the Division which will inform you of one of the following:

- 5 (1) That the Division has found insufficient evidence of abuse or neglect; or
- 6 (2) That there appears to be by a preponderance of the evidence reason to suspect the
 7 existence of child abuse or neglect in the judgment of the Division and that the Division will contact
 8 the family to offer social services.

9 If the Division finds by a preponderance of the evidence reason to believe child abuse or
 10 neglect has occurred or the case is substantiated by court adjudication, a record of the report and
 11 information gathered during the investigation will remain on file with the Division.

12 If you disagree with the determination of the Division and feel that there is insufficient
 13 reason to believe by a preponderance of the evidence that abuse or neglect has occurred, you have a
 14 right to request an administrative review at which time you may hire an attorney to represent you. If
 15 you request an administrative review on the issue, you will be notified of the date and time of your
 16 administrative review hearing by the child abuse and neglect review board. If the Division's decision
 17 is reversed by the child abuse and neglect review board, the Division records concerning the report
 18 and investigation will be updated to reflect such finding. If the child abuse and neglect review board
 19 upholds the Division's decision, an appeal may be filed in circuit court within sixty days of the child
 20 abuse and neglect review board's decision."

21 2. If the division uses the family assessment approach, the division shall at the time of the
 22 initial contact provide the parent of the child with the following information:

- 23 (1) The purpose of the contact with the family;
- 24 (2) The name of the person responding and his or her office telephone number;
- 25 (3) The assessment process to be followed during the division's intervention with the family
 26 including the possible services available and expectations of the family.

27 334.950. 1. As used in this section, the following terms shall mean:

28 (1) "Child abuse medical resource centers", medical institutions affiliated with accredited
 29 children's hospitals or recognized institutions of higher education with accredited medical school
 30 programs that provide training, support, mentoring, and peer review to SAFE CARE providers in
 31 Missouri;

32 (2) "SAFE CARE provider", a physician, advanced practice nurse, or physician's assistant
 33 licensed in this state who provides medical diagnosis and treatment to children suspected of being
 34 victims of abuse and who receives:

- 35 (a) Missouri-based initial intensive training regarding child maltreatment from the SAFE
 36 CARE network;
- 37 (b) Ongoing update training on child maltreatment from the SAFE CARE network;
- 38 (c) Peer review and new provider mentoring regarding the forensic evaluation of children
 39 suspected of being victims of abuse from the SAFE CARE network;

40 (3) "Sexual assault forensic examination child abuse resource education network" or "SAFE
 41 CARE network", a network of SAFE CARE providers and child abuse medical resource centers that
 42 collaborate to provide forensic evaluations, medical training, support, mentoring, and peer review
 43 for SAFE CARE providers for the medical evaluation of child abuse victims in this state to improve
 44 outcomes for children who are victims of or at risk for child maltreatment by enhancing the skills
 45 and role of the medical provider in a multidisciplinary context.

46 2. Child abuse medical resource centers may collaborate directly or through the use of
 47 technology with SAFE CARE providers to promote improved services to children who are suspected
 48 victims of abuse that will need to have a forensic medical evaluation conducted by providing

1 specialized training for forensic medical evaluations for children conducted in a hospital, child
2 advocacy center, or by a private health care professional without the need for a collaborative
3 agreement between the child abuse medical resource center and a SAFE CARE provider.

4 3. SAFE CARE providers who are a part of the SAFE CARE network in Missouri may
5 collaborate directly or through the use of technology with other SAFE CARE providers and child
6 abuse medical resource centers to promote improved services to children who are suspected victims
7 of abuse that will need to have a forensic medical evaluation conducted by providing specialized
8 training for forensic medical evaluations for children conducted in a hospital, child advocacy center,
9 or by a private health care professional without the need for a collaborative agreement between the
10 child abuse medical resource center and a SAFE CARE provider.

11 4. The SAFE CARE network shall develop recommendations concerning medically based
12 screening processes and forensic evidence collection for children who may be in need of an
13 emergency examination following an alleged sexual assault. Such recommendations shall be
14 provided to the SAFE CARE providers, child advocacy centers, hospitals and licensed practitioners
15 that provide emergency examinations for children suspected of being victims of abuse.

16 5. The department of public safety shall establish rules and make payments to SAFE CARE
17 providers, out of appropriations made for that purpose, who provide forensic examinations of
18 persons under eighteen years of age who are alleged victims of physical abuse."; and

19
20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.