

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By  
\_\_\_\_\_

1 AMEND House Bill No. 1613, Page 1, Section A, Line 2, by inserting after said section and line the  
2 following:

3  
4 "160.261. 1. The local board of education of each school district shall clearly establish a  
5 written policy of discipline, including the district's determination on the use of corporal punishment  
6 and the procedures in which punishment will be applied. A written copy of the district's discipline  
7 policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent  
8 or legal guardian of every pupil enrolled in the district at the beginning of each school year and also  
9 made available in the office of the superintendent of such district, during normal business hours, for  
10 public inspection. All employees of the district shall annually receive instruction related to the  
11 specific contents of the policy of discipline and any interpretations necessary to implement the  
12 provisions of the policy in the course of their duties, including but not limited to approved methods  
13 of dealing with acts of school violence, disciplining students with disabilities and instruction in the  
14 necessity and requirements for confidentiality.

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

- 26 (1) First degree murder under section 565.020;  
27 (2) Second degree murder under section 565.021;  
28 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping  
29 in the first degree under section 565.110;  
30 (4) First degree assault under section 565.050;  
31 (5) Rape in the first degree under section 566.030;  
32 (6) Sodomy in the first degree under section 566.060;  
33 (7) Burglary in the first degree under section 569.160;  
34 (8) Burglary in the second degree under section 569.170;  
35 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017,  
36 or robbery in the first degree under section 570.023;

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or  
2 manufacture of a controlled substance under section 579.055;

3 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1,  
4 2017, or delivery of a controlled substance under section 579.020;

5 (12) Arson in the first degree under section 569.040;

6 (13) Voluntary manslaughter under section 565.023;

7 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017,  
8 involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in  
9 the second degree under section 565.027;

10 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or  
11 second degree assault under section 565.052;

12 (16) Rape in the second degree under section 566.031;

13 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or  
14 kidnapping in the second degree under section 565.120;

15 (18) Property damage in the first degree under section 569.100;

16 (19) The possession of a weapon under chapter 571;

17 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to  
18 January 1, 2017, or child molestation in the first, second, or third degree pursuant to section  
19 566.067, 566.068, or 566.069;

20 (21) Sodomy in the second degree pursuant to section 566.061;

21 (22) Sexual misconduct involving a child pursuant to section 566.083;

22 (23) Sexual abuse in the first degree pursuant to section 566.100;

23 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment  
24 in the first degree under section 565.090; or

25 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the  
26 first degree under section 565.225;

27  
28 committed on school property, including but not limited to actions on any school bus in service on  
29 behalf of the district or while involved in school activities. The policy shall require that any portion  
30 of a student's individualized education program that is related to demonstrated or potentially violent  
31 behavior shall be provided to any teacher and other school district employees who are directly  
32 responsible for the student's education or who otherwise interact with the student on an educational  
33 basis while acting within the scope of their assigned duties. The policy shall also contain the  
34 consequences of failure to obey standards of conduct set by the local board of education, and the  
35 importance of the standards to the maintenance of an atmosphere where orderly learning is possible  
36 and encouraged.

37 3. The policy shall provide that any student who is on suspension for any of the offenses  
38 listed in subsection 2 of this section or any act of violence or drug-related activity defined by school  
39 district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall  
40 have as a condition of his or her suspension the requirement that such student is not allowed, while  
41 on such suspension, to be within one thousand feet of any school property in the school district  
42 where such student attended school or any activity of that district, regardless of whether or not the  
43 activity takes place on district property unless:

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

47 (2) Such student is under the direct supervision of another adult designated by the student's  
48 parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which  
49 suspended the student and the superintendent or the superintendent's designee has authorized the

1 student to be on school property;

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

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

7 4. Any student who violates the condition of suspension required pursuant to subsection 3 of  
8 this section may be subject to expulsion or further suspension pursuant to the provisions of sections  
9 167.161, 167.164, and 167.171. In making this determination consideration shall be given to  
10 whether the student poses a threat to the safety of any child or school employee and whether such  
11 student's unsupervised presence within one thousand feet of the school is disruptive to the  
12 educational process or undermines the effectiveness of the school's disciplinary policy. Removal of  
13 any pupil who is a student with a disability is subject to state and federal procedural rights. This  
14 section shall not limit a school district's ability to:

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

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

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

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

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

28 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under  
29 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack, a  
30 concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles,  
31 a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except  
32 that this section shall not be construed to prohibit a school board from adopting a policy to allow a  
33 Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so  
34 long as the firearm is unloaded. The local board of education shall define weapon in the discipline  
35 policy. Such definition shall include the weapons defined in this subsection but may also include  
36 other weapons.

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

41 8. Teachers and other authorized district personnel in public schools responsible for the care,  
42 supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by  
43 the school district, shall not be civilly liable when acting in conformity with the established policies  
44 developed by each board, including but not limited to policies of student discipline or when  
45 reporting to his or her supervisor or other person as mandated by state law acts of school violence or  
46 threatened acts of school violence, within the course and scope of the duties of the teacher,  
47 authorized district personnel or volunteer, when such individual is acting in conformity with the  
48 established policies developed by the board. Nothing in this section shall be construed to create a  
49 new cause of action against such school district, or to relieve the school district from liability for the

1 negligent acts of such persons.

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

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

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

32 ~~12.] 11. Upon receipt of any reports of child abuse by the children's division [other than  
33 reports provided under subsection 11 of this section], pursuant to sections 210.110 to 210.165 which  
34 allegedly involve personnel of a school district, the children's division shall notify the  
35 superintendent of schools of the district or, if the person named in the alleged incident is the  
36 superintendent of schools, the president of the school board of the school district where the alleged  
37 incident occurred.~~

38 ~~[13. If, after an initial investigation, the superintendent of schools or the president of the  
39 school board finds that the report involves an alleged incident of child abuse other than the  
40 administration of a spanking by certificated school personnel or the use of reasonable force to  
41 protect persons or property when administered by school personnel pursuant to a written policy of  
42 discipline or that the report was made for the sole purpose of harassing a public school employee,  
43 the superintendent of schools or the president of the school board shall immediately refer the matter  
44 back to the children's division and take no further action. In all matters referred back to the  
45 children's division, the division shall treat the report in the same manner as other reports of alleged  
46 child abuse received by the division.~~

47 ~~14. If the report pertains to an alleged incident which arose out of or is related to a spanking  
48 administered by certificated personnel or the use of reasonable force to protect persons or property  
49 when administered by personnel of a school district pursuant to a written policy of discipline or a~~

1 report made for the sole purpose of harassing a public school employee, a notification of the  
2 reported child abuse shall be sent by the superintendent of schools or the president of the school  
3 board to the law enforcement in the county in which the alleged incident occurred.

4 ~~\_\_\_\_\_15. The report shall be jointly investigated by the law enforcement officer and the  
5 superintendent of schools or, if the subject of the report is the superintendent of schools, by a law  
6 enforcement officer and the president of the school board or such president's designee.~~

7 ~~\_\_\_\_\_16. The investigation shall begin no later than forty-eight hours after notification from the  
8 children's division is received, and shall consist of, but need not be limited to, interviewing and  
9 recording statements of the child and the child's parents or guardian within two working days after  
10 the start of the investigation, of the school district personnel allegedly involved in the report, and of  
11 any witnesses to the alleged incident.~~

12 ~~\_\_\_\_\_17. The law enforcement officer and the investigating school district personnel shall issue  
13 separate reports of their findings and recommendations after the conclusion of the investigation to  
14 the school board of the school district within seven days after receiving notice from the children's  
15 division.~~

16 ~~\_\_\_\_\_18. The reports shall contain a statement of conclusion as to whether the report of alleged  
17 child abuse is substantiated or is unsubstantiated.~~

18 ~~\_\_\_\_\_19. The school board shall consider the separate reports referred to in subsection 17 of this  
19 section and shall issue its findings and conclusions and the action to be taken, if any, within seven  
20 days after receiving the last of the two reports. The findings and conclusions shall be made in  
21 substantially the following form:~~

22 ~~\_\_\_\_\_ (1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer  
23 and the investigating school board personnel agree that there was not a preponderance of evidence  
24 to substantiate that abuse occurred;~~

25 ~~\_\_\_\_\_ (2) The report of the alleged child abuse is substantiated. The law enforcement officer and  
26 the investigating school district personnel agree that the preponderance of evidence is sufficient to  
27 support a finding that the alleged incident of child abuse did occur;~~

28 ~~\_\_\_\_\_ (3) The issue involved in the alleged incident of child abuse is unresolved. The law  
29 enforcement officer and the investigating school personnel are unable to agree on their findings and  
30 conclusions on the alleged incident.~~

31 ~~\_\_\_\_\_20. The findings and conclusions of the school board under subsection 19 of this section  
32 shall be sent to the children's division. If the findings and conclusions of the school board are that  
33 the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the  
34 case closed, and no record shall be entered in the children's division central registry. If the findings  
35 and conclusions of the school board are that the report of the alleged child abuse is substantiated, the  
36 children's division shall report the incident to the prosecuting attorney of the appropriate county  
37 along with the findings and conclusions of the school district and shall include the information in  
38 the division's central registry. If the findings and conclusions of the school board are that the issue  
39 involved in the alleged incident of child abuse is unresolved, the children's division shall report the  
40 incident to the prosecuting attorney of the appropriate county along with the findings and  
41 conclusions of the school board, however, the incident and the names of the parties allegedly  
42 involved shall not be entered into the central registry of the children's division unless and until the  
43 alleged child abuse is substantiated by a court of competent jurisdiction.~~

44 ~~\_\_\_\_\_21. Any superintendent of schools, president of a school board or such person's designee or  
45 law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or  
46 who knowingly withholds any information relative to any investigation or report pursuant to this  
47 section is guilty of a class A misdemeanor.~~

48 ~~\_\_\_\_\_22.] 12. In order to ensure the safety of all students, should a student be expelled for  
49 bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not,~~

1 for the purposes of the accreditation process of the Missouri school improvement plan, be  
 2 considered a dropout or be included in the calculation of that district's educational persistence ratio.  
 3 210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the  
 4 following terms mean:

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

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

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

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

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

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

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

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

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

1           ~~[(6)]~~ (7) "Director", the director of the Missouri children's division within the department of  
2 social services;

3           ~~[(7)]~~ (8) "Division", the Missouri children's division within the department of social  
4 services;

5           ~~[(8)]~~ (9) "Family assessment and services", an approach to be developed by the children's  
6 division which will provide for a prompt assessment of a child who has been reported to the division  
7 as a victim of abuse or neglect by a person responsible for that child's care, custody or control and of  
8 that child's family, including risk of abuse and neglect and, if necessary, the provision of  
9 community-based services to reduce the risk and support the family;

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

15           ~~[(10)]~~ (11) "Investigation", the collection of physical and verbal evidence to determine if a  
16 child has been abused or neglected;

17           ~~[(11)]~~ (12) "Jail or detention center personnel", employees and volunteers working in any  
18 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is provided  
19 to persons who are being held under custody of the law;

20           ~~[(12)]~~ (13) "Neglect", failure to provide, by those responsible for the care, custody, and  
21 control of the child, the proper or necessary support, education as required by law, nutrition or  
22 medical, surgical, or any other care necessary for the child's well-being. Victims of neglect shall  
23 also include any victims of sex trafficking or severe forms of trafficking as those terms are defined  
24 in 22 U.S.C. 78 Section ~~[7102(9)-(10)]~~ 7102, as amended;

25           ~~[(13)]~~ (14) "Preponderance of the evidence", that degree of evidence that is of greater  
26 weight or more convincing than the evidence which is offered in opposition to it or evidence which  
27 as a whole shows the fact to be proved to be more probable than not;

28           ~~[(14)]~~ (15) "Probable cause", available facts when viewed in the light of surrounding  
29 circumstances which would cause a reasonable person to believe a child was abused or neglected;

30           ~~[(15)]~~ (16) "Report", the communication of an allegation of child abuse or neglect to the  
31 division pursuant to section 210.115, including any telephone call or electronic report made under  
32 section 210.145;

33           ~~[(16)]~~ (17) "Those responsible for the care, custody, and control of the child", includes, but  
34 is not limited to:

- 35           (a) The parents or legal guardians of a child;
- 36           (b) Other members of the child's household;
- 37           (c) Those exercising supervision over a child for any part of a twenty-four-hour day;
- 38           (d) Any adult person who has access to the child based on relationship to the parents of the  
39 child or members of the child's household or the family;
- 40           (e) Any person who takes control of the child by deception, force, or coercion; or
- 41           (f) School personnel, contractors, and volunteers, if the relationship with the child was  
42 established through the school or through school-related activities, even if the alleged abuse or  
43 neglect occurred outside of school hours or off school grounds.

44           210.112. 1. It is the policy of this state and its agencies to implement a foster care and child  
45 protection and welfare system focused on providing the highest quality of services and outcomes for  
46 children and their families. The department of social services shall implement such system subject  
47 to the following principles:

- 48           (1) The safety and welfare of children is paramount;
- 49           (2) All providers of direct services to children and their families will be evaluated in a

1 uniform, transparent, objective, and consistent basis based on an evaluation tool established in  
2 subsection 3 of this section;

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

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

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

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

18 2. (1) In conjunction with the response and evaluation team established under subsection 4  
19 of this section, as well as other individuals the division deems appropriate, the division shall  
20 establish an evaluation tool that complies with state and federal guidelines.

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

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

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

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

36 4. The division shall create a response and evaluation team. Membership of the team shall  
37 be composed of five staff members from the division with experience in foster care appointed by the  
38 director of the division; five representatives, one from each contract region for foster care case  
39 management contracts under subsection 5 of this section, who shall be annually rotated among  
40 contractors in each region, which shall appoint the agency; two experts working in either research or  
41 higher education on issues relating to child welfare and foster care appointed by the director of the  
42 division and who shall be actively working for either an academic institution or policy foundation;  
43 one juvenile officer or a Missouri juvenile justice director to be appointed by the Missouri juvenile  
44 justice association; and one juvenile or family court judge appointed by the supreme court. The  
45 division shall provide the necessary staffing for the team's operations. All members shall be  
46 appointed, and the team shall meet for the first time before January 1, 2021. The team shall:

47 (1) Review the evaluation tool and metrics set forth in subsection 3 of this section on a  
48 semiannual basis to determine any adjustments needed or issues that could affect the quality of such  
49 tools and approve or deny on a case-by-case basis:



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

3 (b) Alternative evaluation metrics recommended by providers based on the best interests of  
 4 the child under subsections 3 and 6 of this section; or

5 (c) Review and recommend any structure for incentives or other reimbursement strategies  
 6 under subsection 7 of this section;

7 (2) Develop and execute periodic provider evaluations of cases managed by the division and  
 8 children service providers contracted with the state to provide foster care case management services,  
 9 in the field under the evaluation tool created under subsection 3 of this section to ensure basic  
 10 requirements of the program are met, which shall include, but are not limited to, random file review  
 11 to ensure documentation shows required visits and case management plan notes; and

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

16 5. [On or before July 1, 2005, and subject to appropriations,] The children's division and any  
 17 other state agency deemed necessary by the division shall, in consultation with [the community and]  
 18 service providers [of services] and other relevant parties, enter into and implement contracts with  
 19 qualified children's services providers and agencies to provide a comprehensive and deliberate  
 20 system of service delivery for children and their families. Contracts shall be awarded through a  
 21 competitive process and provided by [children's services providers and agencies currently  
 22 contracting with the state to provide such services and by] qualified public and private not-for-profit  
 23 or limited liability corporations owned exclusively by not-for-profit corporations children's services  
 24 providers and agencies which have:

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

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

33  
 34 No contracts under this section shall be issued for services related to the child abuse and neglect  
 35 hotline, investigations of alleged abuse and neglect, and initial family assessments. Any contracts  
 36 entered into by the division shall be in accordance with all federal laws and regulations, and shall  
 37 [not result in the loss of] seek to maximize federal funding. [Such] Children's services providers  
 38 and agencies under contract with the division shall be subject to all federal, state, and local laws and  
 39 regulations relating to the provision of such services, and shall be subject to oversight and inspection  
 40 by appropriate state agencies to assure compliance with standards which shall be consistent with the  
 41 federal standards[~~, but not less than the standards and policies used by the children's division as of~~  
 42 January 1, 2004.

43 ~~3. In entering into and implementing contracts under subsection 2 of this section, the~~  
 44 ~~division shall consider and direct their efforts towards geographic areas of the state, including~~  
 45 ~~Greene County, where eligible direct children's services providers and agencies are currently~~  
 46 ~~available and capable of providing a broad range of services, including case management services,~~  
 47 ~~family-centered services, foster and adoptive parent recruitment and retention, residential care,~~  
 48 ~~family preservation services, foster care services, adoption services, relative care case management,~~  
 49 ~~other planned living arrangements, and family reunification services consistent with federal~~

1 guidelines. Nothing in this subsection shall prohibit the division from contracting on an as-needed  
2 basis for any individual child welfare service listed above.

3 ——— 4. The contracts entered into under this section shall assure that:

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

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

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

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

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

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

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

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

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

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

36 ——— (6) Payment to the children's services providers and agencies shall be made based on the  
37 reasonable costs of services, including responsibilities necessary to execute the contract. Contracts  
38 shall provide incentives in addition to the costs of services provided in recognition of  
39 accomplishment of the case goals and the corresponding cost savings to the state. The division shall  
40 promulgate rules to implement the provisions of this subdivision.

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

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

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

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

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

3  
4 In addition to any visits and assessments required under case management, services to be provided  
5 by a public or private children's services provider under the specific case management plan may  
6 include family-centered services, foster and adoptive parent recruitment and retention, residential  
7 care, in-home services, foster care services, adoption services, relative care case services, planned  
8 permanent living services, and family reunification services. In all cases, an appropriate level of  
9 services shall be provided to the child and family after permanency is achieved to assure a continued  
10 successful outcome.

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

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

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

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

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

31 ~~[8.]~~ 6. The division shall accept as prima facie evidence of completion of the requirements  
32 for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the  
33 following nationally recognized bodies: the Council on Accreditation of Services, Children and  
34 Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on  
35 Accreditation of Rehabilitation Facilities. ~~[The division shall not require any further evidence of~~  
36 ~~qualification for licensure if such proof of voluntary accreditation is submitted.]~~

37 7. Payment to the children's services providers and agencies shall be made based on the  
38 reasonable costs of services, including responsibilities necessary to execute the contract. Any  
39 reimbursement increases made through enhanced appropriations for services shall be allocated to  
40 providers regardless of whether the provider is public or private. Such increases shall be considered  
41 additive to the existing contracts. In addition to payments reflecting the cost of services, contracts  
42 shall include incentives provided in recognition of performance based on the evaluation tool created  
43 under subsection 3 of this section and the corresponding savings for the state. The response and  
44 evaluation team under subsection 4 of this section shall review a formula to distribute such  
45 payments, as recommended by the division.

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

1 fashion possible.

2 9. By ~~[February 1, 2005]~~ July 1, 2021, the children's division shall promulgate and have in  
3 effect rules to implement the provisions of this section and, pursuant to this section, shall define  
4 implementation plans and dates. Any rule or portion of a rule, as that term is defined in section  
5 536.010, that is created under the authority delegated in this section shall become effective only if it  
6 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
7 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
8 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
9 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any  
10 rule proposed or adopted after August 28, 2004, shall be invalid and void.

11 210.123. 1. As used in this section, the following terms and phrases mean:

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

13 (2) "Temporary alternative placement agreement", a voluntary agreement between the  
14 division, a relative of the child, and the parent or guardian of the child to provide a temporary, out of  
15 home placement for a child if the parent or guardian is temporarily unable to provide care or support  
16 for the child and the child is not in imminent danger of death or serious bodily injury, or being  
17 sexually abused such that the division determines that a referral to the juvenile office with a  
18 recommendation to file a petition or to remove the child is not appropriate. The agreement shall be  
19 reduced to writing within three business days. The written agreement shall be signed by the parent  
20 or guardian, the relative, and the authorized representative of the division. A temporary alternative  
21 placement agreement shall be valid for no more than ninety days. If the agreement shall be  
22 extended beyond ninety days, then, before the expiration of the ninety-day period, the division shall  
23 send a referral to the juvenile officer to make a determination whether to file a petition, to set the  
24 matter for a preliminary child welfare hearing, or to take other appropriate action as the juvenile  
25 officer deems necessary. The temporary alternative placement agreement shall include:

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

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

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

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

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

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

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

48 2. As provided in this section, the division may enter into a temporary alternative placement  
49 agreement with parents and legal guardians of a minor child who cannot safely remain in the child's

1 home on a temporary basis. The purpose of such agreement is to mitigate trauma to the child and to  
2 enable the division to make reasonable efforts to assure the safety of a child in a placement familiar  
3 to the child, and to give the child and the child's family an opportunity to develop and implement a  
4 plan to assure the stability and well-being of the child in the short term. The child shall reside in the  
5 state of Missouri for the duration of the temporary alternative placement agreement unless the child  
6 requires medical treatment in another state that is not reasonably available within the state of  
7 Missouri.

8 3. (1) The division shall conduct a walk-through of the relative's home where the child will  
9 be staying and conduct a background check of the relative and any adult household member before  
10 determining whether the relative is suitable.

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

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

18 4. (1) The division may only enter into a temporary alternative placement agreement if:

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

20 (b) It is not apparent that the child is otherwise in imminent danger of death, serious  
21 physical injury, or being sexually abused such that an immediate referral to the juvenile officer with  
22 a recommendation to remove the child and initiate juvenile court proceedings is appropriate;

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

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

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

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

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

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

36 5. (1) The relative shall have the authority to make the day-to-day decisions for the care of  
37 the child during the agreement as provided in the agreement and shall further have the authority to  
38 make educational and medical decisions for the child as provided in this section.

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

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

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

49 6. (1) The division shall closely monitor, track, and document the implementation of the

1 provisions of the temporary alternative placement agreement for the duration of the agreement.

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

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

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

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

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

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

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

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

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

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

37 210.135. 1. Any person, official, or institution complying with the provisions of sections  
38 210.110 to 210.165 in the making of a report, the taking of color photographs[, or the making of  
39 radiologic examinations pursuant to sections 210.110 to 210.165, or both such taking of color  
40 photographs and making of radiologic examinations] or video, the conducting of any necessary  
41 medical tests or procedures, or the removal or retaining of a child pursuant to sections 210.110 to  
42 210.165, or in cooperating with the division, or any other law enforcement agency, juvenile office,  
43 court, or child-protective service agency of this or any other state, in any of the activities pursuant to  
44 sections 210.110 to 210.165, or any other allegation of child abuse, neglect or assault, pursuant to  
45 sections 568.045 to 568.060, shall have immunity from any liability, civil or criminal, that otherwise  
46 might result by reason of such actions. Provided, however, any person, official or institution  
47 intentionally filing a false report, acting in bad faith, or with ill intent, shall not have immunity from  
48 any liability, civil or criminal. Any such person, official, or institution shall have the same  
49 immunity with respect to participation in any judicial proceeding resulting from the report.

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

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

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

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

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

15  
 16 ~~Any preliminary evaluation shall be completed no later than three days after the child's death. If the~~  
 17 ~~division determines a review and assessment is necessary, it shall be completed no later than three~~  
 18 ~~days after the child's death.] An employee, including a contracted employee, of a state-funded child~~  
 19 ~~assessment center shall be immune from any civil liability that arises from the employee's~~  
 20 ~~participation in the investigation process and services by the child assessment center, unless such~~  
 21 ~~employee acts in bad faith. This subsection shall not displace or limit any other immunity provided~~  
 22 ~~by law.~~

23           210.145. 1. The division shall develop protocols which give priority to:

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

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

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

29           (4) Maintaining an information system operating at all times, capable of receiving and  
 30 maintaining reports of child abuse or neglect. This information system shall have the ability to  
 31 receive reports over a single, statewide toll-free number and electronically. Such information  
 32 system shall maintain the results of all investigations, family assessments and services, and other  
 33 relevant information, including all information needed for the reporting required under section  
 34 210.188. Such reports shall include the following information, if possible:

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

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

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

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

41           (e) The family composition;

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

45           (g) The actions taken by the reporting source, including the removal or keeping of the child,  
 46 notifying the coroner or medical examiner, and other information or evidence that the person  
 47 making the report believes may be helpful in the furtherance of the purposes of sections 210.110 to  
 48 210.165.

49           2. The division shall promulgate rules that require staff to utilize structured decision-making

1 protocols ~~[for classification purposes of]~~ to classify risk, triage, and determine the level of response  
2 for all child abuse and neglect reports. ~~[The protocols developed by the division shall give priority~~  
3 ~~to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be~~  
4 ~~initiated within twenty-four hours and shall be classified based upon the reported risk and injury to~~  
5 ~~the child. The division shall promulgate rules regarding the structured decision-making protocols to~~  
6 ~~be utilized for all child abuse and neglect reports.]~~ A response shall be initiated within three, twenty-  
7 four, or seventy-two hours according to the degree of risk, and a risk assessment shall be completed  
8 within seventy-two hours.

9 3. Upon receipt of a report, the division shall determine if the report merits investigation,  
10 including reports which if true would constitute a suspected violation of any of the following:  
11 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen  
12 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or  
13 other crimes under chapter 566 if the victim is a child less than eighteen years of age and the  
14 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than  
15 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205,  
16 section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The  
17 division shall immediately communicate all reports that merit investigation to its appropriate local  
18 office and any relevant information as may be contained in the information system. The local  
19 division staff shall determine, through the use of protocols developed by the division, whether an  
20 investigation or the family assessment and services approach should be used to respond to the  
21 allegation. The protocols developed by the division shall give priority to ensuring the well-being  
22 and safety of the child.

23 4. (1) The division may accept a report for investigation or family assessment if either the  
24 child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident  
25 occurred in Missouri.

26 ~~[5.]~~ (2) If the division receives a report in which neither the child nor the alleged perpetrator  
27 resides in Missouri or may be found in Missouri and the incident did not occur in Missouri, the  
28 division shall document the report and communicate it to the appropriate agency or agencies in the  
29 state where the child is believed to be located, along with any relevant information or records as  
30 may be contained in the division's information system.

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

37 ~~—7.]~~ 5. The local office shall contact the appropriate law enforcement agency immediately  
38 upon receipt of a report which division personnel determine merits an investigation and provide  
39 such agency with a detailed description of the report received. In such cases the local division office  
40 shall request the assistance of the local law enforcement agency in all aspects of the investigation of  
41 the complaint. The appropriate law enforcement agency shall either assist the division in the  
42 investigation or provide the division, within twenty-four hours, an explanation in writing detailing  
43 the reasons why it is unable to assist.

44 ~~[8.]~~ 6. The local office of the division shall cause an investigation or family assessment and  
45 services approach to be initiated in accordance with the protocols established in subsection 2 of this  
46 section, except in cases where the sole basis for the report is educational neglect. If the report  
47 indicates that educational neglect is the only complaint and there is no suspicion of other neglect or  
48 abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the  
49 report indicates the child is in danger of serious physical harm or threat to life, an investigation shall



1 include direct observation of the subject child within twenty-four hours of the receipt of the report.  
 2 Local law enforcement shall take all necessary steps to facilitate such direct observation. [~~Callers to~~  
 3 ~~the child abuse and neglect hotline]~~ Any person making a report to the division shall be instructed  
 4 [by the division's hotline] to call 911 in instances where the child may be in immediate danger. If  
 5 the parents of the child are not the alleged perpetrators, a parent of the child must be notified prior to  
 6 the child being interviewed by the division. No person responding to or investigating a child abuse  
 7 and neglect report shall call prior to a home visit or leave any documentation of any attempted visit,  
 8 such as business cards, pamphlets, or other similar identifying information if he or she has a  
 9 reasonable basis to believe the following factors are present:

- 10 (1) (a) No person is present in the home at the time of the home visit; and  
 11 (b) The alleged perpetrator resides in the home or the physical safety of the child may be  
 12 compromised if the alleged perpetrator becomes aware of the attempted visit;  
 13 (2) The alleged perpetrator will be alerted regarding the attempted visit; or  
 14 (3) The family has a history of domestic violence or fleeing the community.  
 15

16 If the alleged perpetrator is present during a visit by the person responding to or investigating the  
 17 report, such person shall provide written material to the alleged perpetrator informing him or her of  
 18 his or her rights regarding such visit, including but not limited to the right to contact an attorney.  
 19 The alleged perpetrator shall be given a reasonable amount of time to read such written material or  
 20 have such material read to him or her by the case worker before the visit commences, but in no  
 21 event shall such time exceed five minutes; except that, such requirement to provide written material  
 22 and reasonable time to read such material shall not apply in cases where the child faces an  
 23 immediate threat or danger, or the person responding to or investigating the report is or feels  
 24 threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or  
 25 child care facility the division shall not meet with the child in any school building or child-care  
 26 facility building where abuse of such child is alleged to have occurred. When the child is reported  
 27 absent from the residence, the location and the well-being of the child shall be verified. For  
 28 purposes of this subsection, "child care facility" shall have the same meaning as such term is defined  
 29 in section 210.201.

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

- 32 (1) No action. No action shall be recommended if there are no signs of abuse or neglect  
 33 warranting further involvement; however, such cases shall be recorded and maintained in  
 34 accordance with section 210.152 for any later reports or changes;  
 35 (2) Services recommended. Services shall be utilized if there is no immediate safety  
 36 concern but the family may benefit from services to assist with stability;  
 37 (3) Temporary alternative placement agreement as defined in section 210.123; or  
 38 (4) Referral to the juvenile office. The division shall make referrals to the juvenile office either for  
 39 a preliminary child welfare hearing or for removal of children from a home where safety cannot be  
 40 assured.

41 ~~[9-]~~ 8. The director of the division shall name at least one chief investigator for each local  
 42 division office, who shall direct the division response on any case involving a second or subsequent  
 43 incident regarding the same subject child or perpetrator. The duties of a chief investigator shall  
 44 include verification of direct observation of the subject child by the division and shall ensure  
 45 information regarding the status of an investigation is provided to the public school district liaison.  
 46 The public school district liaison shall develop protocol in conjunction with the chief investigator to  
 47 ensure information regarding an investigation is shared with appropriate school personnel. The  
 48 superintendent of each school district shall designate a specific person or persons to act as the public  
 49 school district liaison. Should the subject child attend a nonpublic school the chief investigator shall

1 notify the school principal of the investigation. Upon notification of an investigation, all  
 2 information received by the public school district liaison or the school shall be subject to the  
 3 provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section  
 4 1232g, and federal rule 34 C.F.R. Part 99.

5 ~~[40.]~~ 9. The investigation shall include but not be limited to the nature, extent, and cause of  
 6 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the  
 7 names and conditions of other children in the home, if any; the home environment and the  
 8 relationship of the subject child to the parents or other persons responsible for the child's care; any  
 9 indication of incidents of physical violence against any other household or family member; and  
 10 other pertinent data.

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

15 11. The division shall promulgate a standardized format for recording and documenting case  
 16 plans as required by 42 U.S.C. 675(1). The division and any children service provider of case  
 17 management services shall use this format when providing services to children in alternative care or  
 18 when a family-centered case is opened. Such case plan shall be developed within sixty days of the  
 19 alternative care or family-centered case being opened but may be updated as necessary. The case  
 20 plan shall be developed in consultation with any parents, guardians, parents' attorneys, the juvenile  
 21 officer, guardian ad litem, current foster parent, and, when appropriate, the child and the trusted  
 22 adults selected by the child.

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

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

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

38  
 39 Any preliminary evaluation shall be completed no later than three days after the child's death. If the  
 40 division determines a review and assessment is necessary, it shall be completed no later than three  
 41 days after the child's death.

42 ~~[43.]~~ 14. Multidisciplinary teams shall be used whenever conducting the investigation as  
 43 determined by the division in conjunction with local law enforcement. ~~[Multidisciplinary teams~~  
 44 ~~shall be used in providing protective or preventive social services, including the services of law~~  
 45 ~~enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other~~  
 46 ~~agencies, both public and private.]~~

47 ~~[14.]~~ 15. For all family support team meetings involving an alleged victim of child abuse or  
 48 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of  
 49 the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be

1 provided notice and be permitted to attend all such meetings. Family members, other than alleged  
2 perpetrators, or other community informal or formal service providers that provide significant  
3 support to the child and other individuals may also be invited at the discretion of the parents of the  
4 child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and  
5 the foster parents may request that other individuals, other than alleged perpetrators, be permitted to  
6 attend such team meetings. Once a person is provided notice of or attends such team meetings, the  
7 division or the convenor of the meeting shall provide such persons with notice of all such  
8 subsequent meetings involving the child. Families may determine whether individuals invited at  
9 their discretion shall continue to be invited.

10 [15-] 16. If the appropriate local division personnel determine after an investigation has  
11 begun that completing an investigation is not appropriate, the division shall conduct a family  
12 assessment and services approach. The division shall provide written notification to local law  
13 enforcement prior to terminating any investigative process. The reason for the termination of the  
14 investigative process shall be documented in the record of the division and the written notification  
15 submitted to local law enforcement. Such notification shall not preclude nor prevent any  
16 investigation by law enforcement.

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

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

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

29 (3) Commence an immediate investigation if at any time during the family assessment and  
30 services approach the division determines that an investigation, as delineated in sections 210.109 to  
31 210.183, is required. The division staff who have conducted the assessment may remain involved in  
32 the provision of services to the child and family;

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

35 [17-] 18. (1) Within forty-five days of an oral report of abuse or neglect, the local office  
36 shall update the information in the information system. The information system shall contain, at a  
37 minimum, the determination made by the division as a result of the investigation, identifying  
38 information on the subjects of the report, those responsible for the care of the subject child and other  
39 relevant dispositional information, including all data required under section 210.188. The division  
40 shall complete all investigations within forty-five days, unless good cause for the failure to complete  
41 the investigation is specifically documented in the information system. Good cause for failure to  
42 complete an investigation shall include, but not be limited to:

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

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

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

5  
6 The division shall document any such reasons for failure to complete the investigation.

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

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

17 ~~[18-]~~ 19. A person required to report under section 210.115 to the division and any person  
18 making a report of child abuse or neglect made to the division which is not made anonymously shall  
19 be informed by the division of his or her right to obtain information concerning the disposition of  
20 his or her report. Such person shall receive, from the local office, if requested, information on the  
21 general disposition of his or her report. Such person may receive, if requested, findings and  
22 information concerning the case. Such release of information shall be at the discretion of the  
23 director based upon a review of the reporter's ability to assist in protecting the child or the potential  
24 harm to the child or other children within the family. The local office shall respond to the request  
25 within forty-five days. The findings shall be made available to the reporter within five days of the  
26 outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may  
27 request that the report be referred by the division to the office of child advocate for children's  
28 protection and services established in sections 37.700 to 37.730. Upon request by a reporter under  
29 this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the  
30 office of child advocate for children's protection and services.

31 ~~[19-]~~ 20. The division shall provide to any individual who is not satisfied with the results of  
32 an investigation information about the office of child advocate and the services it may provide under  
33 sections 37.700 to 37.730.

34 ~~[20-]~~ 21. In any judicial proceeding involving the custody of a child the fact that a report  
35 may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

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

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

41  
42 If a report has been made, the court may stay the custody proceeding until the children's division  
43 completes its investigation.

44 ~~[21-]~~ 22. Nothing in this chapter shall be construed to prohibit the children's division from  
45 coinvestigating a report of child abuse or neglect or sharing records and information with child  
46 welfare, law enforcement, or judicial officers of another state, territory, or nation if the children's  
47 division determines it is appropriate to do so under the standard set forth in subsection 4 of section  
48 210.150 and if such receiving agency is exercising its authority under the law.

49 ~~[22-]~~ 23. In any judicial proceeding involving the custody of a child where the court

1 determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection  
2 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be  
3 entered into the registry.

4 [23-] 24. The children's division is hereby granted the authority to promulgate rules and  
5 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions  
6 of sections 210.109 to 210.183.

7 [24-] 25. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
8 created under the authority delegated in this section shall become effective only if it complies with  
9 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
10 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
11 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are  
12 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
13 adopted after August 28, 2000, shall be invalid and void.

14 210.150. 1. The children's division shall ensure the confidentiality of all reports and records  
15 made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, the  
16 central registry, and other appropriate persons, officials, and institutions pursuant to sections  
17 210.109 to 210.183. To protect the rights of the family and the child named in the report as a victim,  
18 the children's division shall establish guidelines which will ensure that any disclosure of information  
19 concerning the abuse and neglect involving that child is made only to persons or agencies that have  
20 a right to such information. The division may require persons to make written requests for access to  
21 records maintained by the division. The division shall only release information to persons who have  
22 a right to such information. The division shall notify persons receiving information pursuant to  
23 subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for which the  
24 information is released and of the penalties for unauthorized dissemination of information. Such  
25 information shall be used only for the purpose for which the information is released.

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

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

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

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

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

45 (5) Any alleged perpetrator named in the report, but the names of reporters shall not be  
46 furnished to persons in this category. Prior to the release of any identifying information, the division  
47 shall determine if the release of such identifying information may place a person's life or safety in  
48 danger. If the division makes the determination that a person's life or safety may be in danger, the  
49 identifying information shall not be released. However, the investigation reports will not be

1 released to any alleged perpetrator with pending criminal charges arising out of the facts and  
2 circumstances named in the investigation records until an indictment is returned or an information  
3 filed;

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

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

14 (8) Any child-care facility; child-placing agency; residential-care facility, including group  
15 homes; juvenile courts; public or private elementary schools; public or private secondary schools; or  
16 any other public or private agency exercising temporary supervision over a child or providing or  
17 having care or custody of a child who may request an examination of the central registry from the  
18 division for all employees and volunteers or prospective employees and volunteers, who do or will  
19 provide services or care to children. Any agency or business recognized by the division or business  
20 which provides training and places or recommends people for employment or for volunteers in  
21 positions where they will provide services or care to children may request the division to provide an  
22 examination of the central registry. Such agency or business shall provide verification of its status  
23 as a recognized agency. Requests for examinations shall be made to the division director or the  
24 director's designee in writing by the chief administrative officer of the above homes, centers, public  
25 and private elementary schools, public and private secondary schools, agencies, or courts. The  
26 division shall respond in writing to that officer. The response shall include information pertaining to  
27 the nature and disposition of any report or reports of abuse or neglect revealed by the examination of  
28 the central registry. This response shall not include any identifying information regarding any  
29 person other than the alleged perpetrator of the abuse or neglect;

30 (9) Any parent or legal guardian who inquires about a child abuse or neglect report  
31 involving a specific person or child-care facility who does or may provide services or care to a child  
32 of the person requesting the information. Request for examinations shall be made to the division  
33 director or the director's designee, in writing, by the parent or legal guardian of the child and shall  
34 be accompanied with a signed and notarized release form from the person who does or may provide  
35 care or services to the child. The notarized release form shall include the full name, date of birth  
36 and Social Security number of the person who does or may provide care or services to a child. The  
37 response shall include information pertaining to the nature and disposition of any report or reports of  
38 abuse or neglect revealed by the examination of the central registry. This response shall not include  
39 any identifying information regarding any person other than the alleged perpetrator of the abuse or  
40 neglect. The response shall be given within ten working days of the time it was received by the  
41 division;

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

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

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

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

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

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

15 (1) Appropriate staff of the division;

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

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

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

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

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

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

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

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

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

9           210.156. 1. The children's division shall make available to the state registrar of vital  
 10 statistics the identifying information of the following individuals of whom the division has  
 11 knowledge:

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

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

18           (3) Individuals identified in the central registry who have pled guilty or have been found  
 19 guilty of any offense under chapter 566 or an offense under section 567.050, 568.020, 568.065,  
 20 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205 if the victim is a child less than  
 21 eighteen years of age.

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

31           3. The children's division and the state registrar shall ensure the confidentiality of all  
 32 identifying information and birth records provided under this section and shall not disclose such  
 33 information and records except as needed to effectuate the provisions of this section. Such  
 34 information and records shall be considered closed records under chapter 610.

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

43           210.157. 1. This section shall be known and may be cited as the "Birth Match Program".

44           2. (1) The director shall provide to the director of the department of health and senior  
 45 services information regarding an individual who, as to any child, has had his or her parental rights  
 46 terminated.

47           (2) A court shall provide to the director of the department of health and senior services  
 48 identifying information regarding an individual who has been convicted under section 565.020,  
 49 565.021, 565.023, or 565.024.



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

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

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

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

15           210.160. 1. In every case involving an abused or neglected child which results in a judicial  
16 proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

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

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

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

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

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

42           5. The guardian ad litem may be awarded a reasonable fee for such services to be set by the  
43 court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the  
44 proceedings or from public funds. However, no fees as a judgment shall be taxed against a party or  
45 parties who have not been found to have abused or neglected a child or children. Such an award of  
46 guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final  
47 judgment shall be enforceable against the parties in accordance with chapter 513.

48           6. The court may designate volunteer advocates, who may or may not be attorneys licensed  
49 to practice law, to assist in the performance of the guardian ad litem duties for the court.

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

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

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

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

19 (1) "Child", an individual who is under the age of seventeen;

20 (2) "Child care", care of a child away from his or her home

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

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

43 (a) Six children; or

44 (b) Three children under two years of age;

45 (4) "Child care provider" or "provider", the person or persons licensed or required to be  
 46 licensed under section 210.221 to establish, conduct, or maintain a child care facility;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (1) Grandparents;

32 (2) Adult siblings or parents of siblings;

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

34 (4) Other relatives; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) A law enforcement officer;

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

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

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

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

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

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

17 (4) The attending physician;

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

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

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

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

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

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

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

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

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

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

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

17           10. The children's division shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 and

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

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

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

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

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

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

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

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

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

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

49 (4) A child care provider who is a member, manager, shareholder, director, or officer of any

1 entity licensed, regulated, or registered to provide child care within the state of Missouri shall not be  
 2 required to complete a criminal background check under this section, unless he or she has access to  
 3 the facility during child care hours. If access to the facility during child care hours is required and  
 4 such member, manager, shareholder, director, or officer does not have a qualifying criminal  
 5 background check, then he or she shall be accompanied at all times by a provider or staff member  
 6 with a qualifying background check.

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

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

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

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

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

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

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

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

30 ~~— (b) Child abuse or neglect;~~

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

32 ~~— (d) Spousal abuse;~~

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

34 ~~— (f) Kidnapping;~~

35 ~~— (g) Arson;~~

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

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

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

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

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

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

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

45 (g) Any misdemeanor or felony for pornography or related offense as defined in chapter  
 46 573;

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

48 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use of a  
 49 weapon as defined in section 571.030, unlawful possession of a firearm as defined in section

1 571.070, or the unlawful possession of an explosive as defined in section 571.072;

2 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or  
3 574.125;

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

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

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

10 ~~\_\_\_\_\_ (7) Has been convicted of any similar crime in any federal, state, municipal, or other court.~~  
11 \_\_\_\_\_

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

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

21 6. A child care provider may also be disqualified from receipt of state or federal funds for  
22 providing child care services either by direct payment or through reimbursement to an individual  
23 who receives child care benefits if such person, or any person seventeen years of age or older before  
24 January 1, 2021, or eighteen years of age or older on or after January 1, 2021, residing in the  
25 household in which child care is being provided, excluding child care provided in the child's home,  
26 has been refused licensure or has experienced licensure suspension or revocation under section  
27 210.221 or 210.496.

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

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

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

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

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

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

1 (3) If such prospective child care staff member or child care staff member is ineligible for  
2 employment or presence at the child care facility, the department shall, when providing the results of  
3 criminal background check, include information related to each disqualifying crime or other related  
4 information, in a report to such prospective child care staff member or child care staff member,  
5 along with information regarding the opportunity to appeal under subsection [7] 9 of this section.

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

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

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

15 (b) Felony child abuse or neglect;

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

17 (d) Felony spousal abuse;

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

19 (f) Felony kidnapping;

20 (g) Felony arson;

21 (h) Felony physical assault or battery;

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

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

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

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

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

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



1 committee members.

2 10. The department of health and senior services and the department of social services are  
 3 authorized to enter into any agreements necessary to facilitate the sharing of information between  
 4 the departments for the enforcement of this section including, but not limited to, the results of the  
 5 criminal background check or any of its individual components.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32           (4) The Missouri office of the state courts administrator shall develop a plan to be approved  
 33 by the joint committee on child abuse and neglect by July 1, 2021 for implementation by July 1,  
 34 2022.

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

38           (1) ~~[A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061, 566.062,~~  
 39 ~~566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.100, 566.101, 566.111, 566.151,~~  
 40 ~~566.203, 566.206, 566.209, 566.211, or 566.215;~~

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

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

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

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

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

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

48           [(8)] (2) A violation of section 566.040, 566.070, or 566.090 as such sections existed prior  
 49 to August 28, 2013; or

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

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

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

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

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

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

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

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

37           ~~[5-]~~ 6. Stenographic notes or an authorized recording of the hearing shall be required if the  
38 court so orders or, if requested by any party interested in the proceeding.

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

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

49           ~~[8-]~~ 9. The court shall allow the victim of any offense to submit a written statement to the

1 court. The court shall allow the victim to appear before the court personally or by counsel for the  
2 purpose of making a statement, unless the court finds that the presence of the victim would not serve  
3 justice. The statement shall relate solely to the facts of the case and any personal injuries or  
4 financial loss incurred by the victim. A member of the immediate family of the victim may appear  
5 personally or by counsel to make a statement if the victim has died or is otherwise unable to appear  
6 as a result of the offense committed by the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (2) The parent has:

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

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

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

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

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

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

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

13 217.779. 1. For purposes of this section, the following terms mean:

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

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

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

21 2. A primary caretaker shall not be eligible for a community-based sentence under this  
22 section if the offender was convicted of or pled guilty to a felony offense under section 565.021;  
23 565.023; 565.024; 565.027; 565.050; 565.052; 565.054; 565.072; 565.073; 565.074; 565.090;  
24 565.110; 565.115; 565.120; 565.153; 565.156; 565.225; 565.300; 566.030; 566.031; 566.032;  
25 566.034; 566.060; 566.061; 566.062; 566.064; 566.067; 566.068; 566.069; 566.071; 566.083;  
26 566.086; 566.100; 566.101; 566.103; 566.111; 566.115; 566.145; 566.151; 566.153; 566.203;  
27 566.206; 566.209; 566.210; 566.211; 566.215; 568.020; 568.030; 568.045; 568.060; 568.065;  
28 568.175; 569.040; 569.160; 570.023; 570.025; 570.030 if punished as a class A, B, or C felony;  
29 570.145 if punished as a class A or B felony; 570.223 if punished as a class B or C felony; 571.020;  
30 571.030; 571.070; 573.023; 573.025; 573.035; 573.037; 573.200; 573.205; 574.070; 574.080;  
31 574.115; 575.030; 575.150; 575.153; 575.155; 575.157; 575.200 if punished as a class A felony;  
32 575.210; 575.230 if punished as a class B felony; 575.240 if punished as a class B felony; 576.070;  
33 576.080; 577.010; 577.013; 577.078; 577.703; 577.706; 579.065; or 579.068 if punished as a class  
34 A or B felony.

35 3. (1) Prior to sentencing and by oral or written motion of either party or the court, the court  
36 shall determine whether an offender is eligible for a community-based sentence under this section.  
37 An offender shall be eligible if:

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

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

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

44 (3) Requirements for a community-based sentence shall include:

45 (a) That the primary caretaker is actively caring for the dependent;

46 (b) That the court of the county of the violation or arrest shall have original jurisdiction  
47 while the offender completes his or her community-based sentence;

48 (c) That any sentence or treatment issued by the court shall allow the offender to remain as  
49 close as possible to his or her dependent; and

1 (d) That the offender completes a community corrections program pursuant to section  
 2 217.777. Conditions of the community corrections program may include telephone check-ins or  
 3 face-to-face meetings with the department of corrections personnel, contractor, or designee to  
 4 evaluate the offender's compliance with conditions.

5 (4) If determining conditions of a community-based sentence, a judge shall consider the  
 6 importance to the family of the offender maintaining employment.

7 (5) The court may modify or revoke the community-based sentence or the conditions of the  
 8 sentence, including:

9 (a) Decreasing the duration of the sentence imposed;

10 (b) Requiring the offender to serve a term of confinement within the range of the offense for  
 11 which the offender was originally convicted; or

12 (c) Requiring the offender to be subject to additional conditions authorized by law for  
 13 sentences of probation.

14 (6) The department of corrections shall publish a report once per year on the agency's  
 15 website, including the number of community-based sentences imposed under this section and the  
 16 number of community-based sentences that resulted in revocation.

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

20 431.056. 1. A minor shall be qualified and competent to contract for legal services,  
 21 housing, employment, purchase of an automobile, receipt of a student loan, admission to high school  
 22 or postsecondary school, obtaining medical and mental health care, establishing a bank account,  
 23 admission to a shelter for victims of domestic violence, as that phrase is used in sections 455.200 to  
 24 455.220, a rape crisis center, as defined in section 455.003, or a homeless shelter, and receipt of  
 25 services as a victim of domestic violence or sexual assault, as such terms are defined in section  
 26 455.010, including but not limited to counseling, court advocacy, financial assistance, and other  
 27 advocacy services, if:

28 (1) The minor is sixteen or seventeen years of age; and

29 (2) The minor is homeless, as defined in subsection 1 of section 167.020, or a victim of  
 30 domestic violence, as defined in section 455.010, unless the child is under the supervision of the  
 31 children's division or the jurisdiction of the juvenile court; and

32 (3) The minor is self-supporting, such that the minor is without the physical or financial  
 33 support of a parent or legal guardian; and

34 (4) The minor's parent or legal guardian has consented to the minor living independent of  
 35 the parents' or guardians' control. Consent may be expressed or implied, such that:

36 (a) Expressed consent is any verbal or written statement made by the parents or guardian of  
 37 the minor displaying approval or agreement that the minor may live independently of the parent's or  
 38 guardian's control;

39 (b) a. Implied consent is any action made by the parent or guardian of the minor that  
 40 indicates the parent or guardian is unwilling or unable to adequately care for the minor. Such  
 41 actions may include, but are not limited to:

42 [a-] (i) Barring the minor from the home or otherwise indicating that the minor is not  
 43 welcome to stay;

44 [b-] (ii) Refusing to provide any or all financial support for the minor; or

45 [c-] (iii) Abusing or neglecting the minor, as defined in section 210.110 or committing an act  
 46 or acts of domestic violence against the minor, as defined in section 455.010.

47 b. Implied consent, in addition to the actions described in subparagraph a. of this paragraph,  
 48 may also be demonstrated by a letter signed by the following persons verifying that the minor is an  
 49 unaccompanied youth as defined in 42 U.S.C Section 11434a(6):

1 (i) A director or designee of a governmental or nonprofit agency that receives public or  
 2 private funding to provide services to homeless persons;

3 (ii) A local education agency liaison for homeless children and youth designated under 42  
 4 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or

5 (iii) A licensed attorney representing the minor in any legal matter.

6 2. A minor who is sixteen years of age or older and who is in the legal custody of the  
 7 children's division pursuant to an order of a court of competent jurisdiction shall be qualified and  
 8 competent to contract for the purchase of automobile insurance with the consent of the children's  
 9 division or the juvenile court. The minor shall be responsible for paying the costs of the insurance  
 10 premiums and shall be liable for damages caused by his or her negligent operation of a motor  
 11 vehicle. No state department, foster parent, or entity providing case management of children on  
 12 behalf of a department shall be responsible for paying any insurance premiums nor liable for any  
 13 damages of any kind as a result of the operation of a motor vehicle by the minor.

14 3. A minor who is sixteen years of age or older and who is in the legal custody of the  
 15 children's division pursuant to an order of a court of competent jurisdiction shall be qualified and  
 16 competent to contract for the opening of a checking or savings bank account with the consent of the  
 17 children's division or the juvenile court. The minor shall be responsible for paying all banking-  
 18 related costs associated with the checking or savings account and shall be liable for any and all  
 19 penalties should he or she violate a banking agreement. No state department, foster parent, or entity  
 20 providing case management of children on behalf of a department shall be responsible for paying  
 21 any bank fees nor liable for any and all penalties related to violation of a banking agreement.

22 4. Any legally constituted entity or licensed provider who contracts with a minor under  
 23 subsection 1 of this section shall be immune from any civil or criminal liability based on the entity's  
 24 or provider's determination to contract with the minor; provided that, if an entity's or provider's  
 25 determination of compliance with subsection 1 of this section, or conduct in contracting with the  
 26 minor, is the result of the entity's or provider's gross negligence or willful or wanton acts or  
 27 omissions, the entity or provider may be held liable for their gross negligence or willful or wanton  
 28 acts or omissions. Consent given under this section shall not be subject to later disaffirmance by  
 29 reason of the minor's age.

30 492.304. 1. In addition to the admissibility of a statement under the provisions of  
 31 section 492.303, the visual and aural recording of a verbal or nonverbal statement of a child when  
 32 under the age of fourteen who is alleged to be a victim of an offense under the provisions of chapter  
 33 565, 566 or 568 is admissible into evidence if:

34 (1) No attorney for either party was present when the statement was made; except that, for  
 35 any statement taken at a state-funded child assessment center [~~as provided for in subsection 2 of~~  
 36 ~~section 210.001~~], an attorney representing the state of Missouri in a criminal investigation may, as a  
 37 member of a multidisciplinary investigation team, observe the taking of such statement, but such  
 38 attorney shall not be present in the room where the interview is being conducted;

39 (2) The recording is both visual and aural and is recorded on film or videotape or by other  
 40 electronic means;

41 (3) The recording equipment was capable of making an accurate recording, the operator of  
 42 the equipment was competent, and the recording is accurate and has not been altered;

43 (4) The statement was not made in response to questioning calculated to lead the child to  
 44 make a particular statement or to act in a particular way;

45 (5) Every voice on the recording is identified;

46 (6) The person conducting the interview of the child in the recording is present at the  
 47 proceeding and available to testify or be cross-examined by either party; and

48 (7) The defendant or the attorney for the defendant is afforded an opportunity to view the  
 49 recording before it is offered into evidence.



1           2. If the child does not testify at the proceeding, the visual and aural recording of a verbal or  
2 nonverbal statement of the child shall not be admissible under this section unless the recording  
3 qualifies for admission under section 491.075.

4           3. If the visual and aural recording of a verbal or nonverbal statement of a child is  
5 admissible under this section and the child testifies at the proceeding, it shall be admissible in  
6 addition to the testimony of the child at the proceeding whether or not it repeats or duplicates the  
7 child's testimony.

8           4. As used in this section, a nonverbal statement shall be defined as any demonstration of  
9 the child by his or her actions, facial expressions, demonstrations with a doll or other visual aid  
10 whether or not this demonstration is accompanied by words.

11           ~~[210.025. 1. An applicant child care provider; persons employed by the applicant  
12 child care provider for compensation, including contract employees or self-employed  
13 individuals; individuals or volunteers whose activities involve the care or supervision  
14 of children for the applicant child care provider or unsupervised access to children  
15 who are cared for or supervised by the applicant child care provider; or individuals  
16 residing in the applicant's family child care home who are seventeen years of age or  
17 older shall be required to submit to a criminal background check under section  
18 43.540 prior to an applicant being granted a registration and every five years  
19 thereafter and an annual check of the central registry for child abuse established in  
20 section 210.109 in order for the applicant to qualify for receipt of state or federal  
21 funds for providing child care services either by direct payment or through  
22 reimbursement to a child care beneficiary. Any costs associated with such checks  
23 shall be paid by the applicant.~~

24           ~~2. Upon receipt of an application for state or federal funds for providing child care  
25 services in the home, the children's division shall:~~

26           ~~(1) Determine if a finding of child abuse or neglect by probable cause prior to  
27 August 28, 2004, or by a preponderance of the evidence after August 28, 2004,  
28 involving the applicant or any person over the age of seventeen who is living in the  
29 applicant's home has been recorded pursuant to section 210.145 or 210.221;~~

30           ~~(2) Determine if the applicant or any person over the age of seventeen who is living  
31 in the applicant's home has been refused licensure or has experienced licensure  
32 suspension or revocation pursuant to section 210.221 or 210.496; and~~

33           ~~(3) Upon initial application, require the applicant to submit to fingerprinting and  
34 request a criminal background check of the applicant and any person over the age of  
35 seventeen who is living in the applicant's home pursuant to section 43.540 and  
36 section 210.487, and inquire of the applicant whether any children less than  
37 seventeen years of age residing in the applicant's home have ever been certified as an  
38 adult and convicted of, or pled guilty or nolo contendere to any crime.~~

39           ~~3. Except as otherwise provided in subsection 4 of this section, upon completion of  
40 the background checks in subsection 2 of this section, an applicant shall be denied  
41 state or federal funds for providing child care if such applicant, any person over the  
42 age of seventeen who is living in the applicant's home, and any child less than  
43 seventeen years of age who is living in the applicant's home and who the division has  
44 determined has been certified as an adult for the commission of a crime:~~

45           ~~(1) Has had a finding of child abuse or neglect by probable cause prior to August 28,  
46 2004, or by a preponderance of the evidence after August 28, 2004, pursuant to  
47 section 210.145 or section 210.152;~~

48           ~~(2) Has been refused licensure or has experienced licensure suspension or revocation  
49 pursuant to section 210.496;~~

1           (3) Has pled guilty or nolo contendere to or been found guilty of any felony for an  
2 offense against the person as defined by chapter 565, or any other offense against the  
3 person involving the endangerment of a child as prescribed by law; of any  
4 misdemeanor or felony for a sexual offense as defined by chapter 566; of any  
5 misdemeanor or felony for an offense against the family as defined in chapter 568,  
6 with the exception of the sale of fireworks, as defined in section 320.110, to a child  
7 under the age of eighteen; of any misdemeanor or felony for pornography or related  
8 offense as defined by chapter 573; or of any similar crime in any federal, state,  
9 municipal or other court of similar jurisdiction of which the director has knowledge  
10 or any offenses or reports which will disqualify an applicant from receiving state or  
11 federal funds.

12           4. An applicant shall be given an opportunity by the division to offer any extenuating  
13 or mitigating circumstances regarding the findings, refusals or violations against such  
14 applicant or any person over the age of seventeen or less than seventeen who is living  
15 in the applicant's home listed in subsection 2 of this section. Such extenuating and  
16 mitigating circumstances may be considered by the division in its determination of  
17 whether to permit such applicant to receive state or federal funds for providing child  
18 care in the home.

19           5. An applicant who has been denied state or federal funds for providing child care  
20 in the home may appeal such denial decision in accordance with the provisions of  
21 section 208.080.

22           6. If an applicant is denied state or federal funds for providing child care in the home  
23 based on the background check results for any person over the age of seventeen who  
24 is living in the applicant's home, the applicant shall not apply for such funds until  
25 such person is no longer living in the applicant's home.

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

37           8. (1) The provisions of subsection 1 of this section shall not apply to any child care  
38 facility, as defined in section 210.201, maintained or operated under the exclusive  
39 control of a religious organization, as described in subdivision (4) of subsection 1 of  
40 section 210.211, unless such facility is a recipient of federal funds for providing care  
41 for children, except for federal funds for those programs that meet the requirements  
42 for participation in the Child and Adult Care Food Program under 42 U.S.C. Section  
43 1766.

44           (2) The provisions of subsection 1 of this section, as enacted by the ninety-ninth general  
45 assembly, second regular session, and any rules or regulations promulgated under such section, shall  
46 expire if 42 U.S.C. Section 9858f, as enacted by the Child Care and Development Block Grant  
47 (CCDBG) Act of 2014, and 45 CFR 98.43 are repealed or if Missouri no longer receives federal  
48 funds from the CCDBG.]

49

1 [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 has  
 3 been 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,  
 5 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.100, 566.101,  
 6 566.111, 566.151, 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  
 14 existed prior to August 28, 2013; or

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

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

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

32  
 33 [210.130. 1. Oral reports of abuse or neglect shall be made to the division by  
 34 telephone or otherwise.

35 2. Such reports shall include the following information: The names and addresses of  
 36 the child and his parents or other persons responsible for his care, if known; the  
 37 child's age, sex, and race; the nature and extent of the child's injuries, abuse, or  
 38 neglect, including any evidence of previous injuries, abuse, or neglect to the child or  
 39 his siblings; the name, age and address of the person responsible for the injuries,  
 40 abuse or neglect, if known; family composition; the source of the report; the name  
 41 and address of the person making the report, his occupation, and where he can be  
 42 reached; the actions taken by the reporting source, including the taking of color  
 43 photographs or the making of radiologic examinations pursuant to sections 210.110  
 44 to 210.165, or both such taking of color photographs or making of radiologic  
 45 examinations, removal or keeping of the child, notifying the coroner or medical  
 46 examiner, and other information that the person making the report believes may be  
 47 helpful in the furtherance of the purposes of sections 210.110 to 210.165.

48 3. Evidence of sexual abuse or sexual molestation of any child under eighteen years  
 49 of age shall be turned over to the division within twenty-four hours by those

1 mandated to report.]

2  
3 ~~[210.790. A foster parent shall have standing to participate in all court hearings~~  
4 ~~pertaining to a child in their care.]~~

5  
6 Section B. Because immediate action is necessary to protect children, the repeal and  
7 reenactment of sections 210.950 210.1080 of section A of this act is deemed necessary for the  
8 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be  
9 an emergency act within the meaning of the constitution, and the repeal and reenactment of sections  
10 210.950 and 210.1080 of section A of this act shall be in full force and effect upon its passage and  
11 approval."; and

12  
13 Further amend said bill by amending the title, enacting clause, and intersectional references  
14 accordingly.