

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1414
100TH GENERAL ASSEMBLY

3201S.08T

2020

AN ACT

To repeal sections 193.265, 208.151, 210.025, 210.109, 210.112, 210.135, 210.145, 210.150, 210.201, 210.211, 210.221, 210.252, 210.254, 210.566, 210.1080, 211.171, 431.056, and 453.121, RSMo, and to enact in lieu thereof twenty new sections relating to protection of children, with an existing penalty provision.

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

Section A. Sections 193.265, 208.151, 210.025, 210.109, 210.112, 210.135, 210.145, 210.150, 210.201, 210.211, 210.221, 210.252, 210.254, 210.566, 210.1080, 211.171, 431.056, and 453.121, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 193.265, 208.151, 210.109, 210.112, 210.123, 210.135, 210.145, 210.150, 210.201, 210.211, 210.221, 210.252, 210.254, 210.566, 210.1080, 211.135, 211.171, 431.056, 453.121, and 1, to read as follows:

193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has

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

8 come under the jurisdiction of the juvenile court under section 211.031. All fees shall be
9 deposited to the state department of revenue. Beginning August 28, 2004, for each vital records
10 fee collected, the director of revenue shall credit four dollars to the general revenue fund, five
11 dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery
12 audit fund, and three dollars for the first copy of death records and five dollars for birth,
13 marriage, divorce, and fetal death records shall be credited to the Missouri public services health
14 fund established in section 192.900. Money in the endowed care cemetery audit fund shall be
15 available by appropriation to the division of professional registration to pay its expenses in
16 administering sections 214.270 to 214.410. All interest earned on money deposited in the
17 endowed care cemetery audit fund shall be credited to the endowed care cemetery fund.
18 Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed
19 care cemetery audit fund shall not be transferred and placed to the credit of general revenue until
20 the amount in the fund at the end of the biennium exceeds three times the amount of the
21 appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The
22 money deposited in the public health services fund under this section shall be deposited in a
23 separate account in the fund, and moneys in such account, upon appropriation, shall be used to
24 automate and improve the state vital records system, and develop and maintain an electronic
25 birth and death registration system. For any search of the files and records, when no record is
26 found, the state shall be entitled to a fee equal to the amount for a certification of a vital record
27 for a five-year search to be paid by the applicant. For the processing of each legitimation,
28 adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled
29 to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy
30 or copies of a vital record is required to perfect any claim of any person on relief, or any
31 dependent of any person who was on relief for any claim upon the government of the state or
32 United States, the state registrar shall, upon request, furnish a certified copy or so many certified
33 copies as are necessary, without any fee or compensation therefor.

34 2. For the issuance of a certification of a death record by the local registrar, the applicant
35 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each
36 additional copy ordered at that time. For the issuance of a certification or copy of a birth,
37 marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except
38 that, in any county with a charter form of government and with more than six hundred thousand
39 but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected
40 by the local registrar over and above any fees required by law when a certification or copy of any
41 marriage license or birth certificate is provided, with such donations collected to be forwarded
42 monthly by the local registrar to the county treasurer of such county and the donations so
43 forwarded to be deposited by the county treasurer into the housing resource commission fund to

44 assist homeless families and provide financial assistance to organizations addressing
45 homelessness in such county. The local registrar shall include a check-off box on the application
46 form for such copies. All fees, other than the donations collected in any county with a charter
47 form of government and with more than six hundred thousand but fewer than seven hundred
48 thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official
49 city or county health agency. A certified copy of a death record by the local registrar can only
50 be issued within twenty-four hours of receipt of the record by the local registrar.
51 Computer-generated certifications of death records may be issued by the local registrar after
52 twenty-four hours of receipt of the records. The fees paid to the official county health agency
53 shall be retained by the local agency for local public health purposes.

54 **3. No fee under this section shall be required or collected from a parent or guardian**
55 **of a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or an**
56 **unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for the issuance of a**
57 **certification, or copy of such certification, of birth of such child or youth. An**
58 **unaccompanied youth shall be eligible to receive a certification or copy of his or her own**
59 **birth record without the consent or signature of his or her parent or guardian; provided,**
60 **that only one certificate under this provision shall be provided without cost to the**
61 **unaccompanied or homeless youth. For the issuance of any additional certificates, the**
62 **statutory fee shall be paid.**

208.151. 1. Medical assistance on behalf of needy persons shall be known as "MO
2 HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX,
3 Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301,
4 et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet
5 benefits to the extent and in the manner hereinafter provided:

6 (1) All participants receiving state supplemental payments for the aged, blind and
7 disabled;

8 (2) All participants receiving aid to families with dependent children benefits, including
9 all persons under nineteen years of age who would be classified as dependent children except for
10 the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible
11 under this subdivision who are participating in treatment court, as defined in section 478.001,
12 shall have their eligibility automatically extended sixty days from the time their dependent child
13 is removed from the custody of the participant, subject to approval of the Centers for Medicare
14 and Medicaid Services;

15 (3) All participants receiving blind pension benefits;

16 (4) All persons who would be determined to be eligible for old age assistance benefits,
17 permanent and total disability benefits, or aid to the blind benefits under the eligibility standards

18 in effect December 31, 1973, or less restrictive standards as established by rule of the family
19 support division, who are sixty-five years of age or over and are patients in state institutions for
20 mental diseases or tuberculosis;

21 (5) All persons under the age of twenty-one years who would be eligible for aid to
22 families with dependent children except for the requirements of subdivision (2) of subsection 1
23 of section 208.040, and who are residing in an intermediate care facility, or receiving active
24 treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section
25 1396d, as amended;

26 (6) All persons under the age of twenty-one years who would be eligible for aid to
27 families with dependent children benefits except for the requirement of deprivation of parental
28 support as provided for in subdivision (2) of subsection 1 of section 208.040;

29 (7) All persons eligible to receive nursing care benefits;

30 (8) All participants receiving family foster home or nonprofit private child-care
31 institution care, subsidized adoption benefits and parental school care wherein state funds are
32 used as partial or full payment for such care;

33 (9) All persons who were participants receiving old age assistance benefits, aid to the
34 permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who
35 continue to meet the eligibility requirements, except income, for these assistance categories, but
36 who are no longer receiving such benefits because of the implementation of Title XVI of the
37 federal Social Security Act, as amended;

38 (10) Pregnant women who meet the requirements for aid to families with dependent
39 children, except for the existence of a dependent child in the home;

40 (11) Pregnant women who meet the requirements for aid to families with dependent
41 children, except for the existence of a dependent child who is deprived of parental support as
42 provided for in subdivision (2) of subsection 1 of section 208.040;

43 (12) Pregnant women or infants under one year of age, or both, whose family income
44 does not exceed an income eligibility standard equal to one hundred eighty-five percent of the
45 federal poverty level as established and amended by the federal Department of Health and
46 Human Services, or its successor agency;

47 (13) Children who have attained one year of age but have not attained six years of age
48 who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget
49 Reconciliation Act of 1989). The family support division shall use an income eligibility standard
50 equal to one hundred thirty-three percent of the federal poverty level established by the
51 Department of Health and Human Services, or its successor agency;

52 (14) Children who have attained six years of age but have not attained nineteen years of
53 age. For children who have attained six years of age but have not attained nineteen years of age,

54 the family support division shall use an income assessment methodology which provides for
55 eligibility when family income is equal to or less than equal to one hundred percent of the federal
56 poverty level established by the Department of Health and Human Services, or its successor
57 agency. As necessary to provide MO HealthNet coverage under this subdivision, the department
58 of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C.
59 Section 1396a(a)(10)(A)(i)(III) to children who have attained six years of age but have not
60 attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C.
61 Section 1396d using a more liberal income assessment methodology as authorized by paragraph
62 (2) of subsection (r) of 42 U.S.C. Section 1396a;

63 (15) The family support division shall not establish a resource eligibility standard in
64 assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO
65 HealthNet division shall define the amount and scope of benefits which are available to
66 individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in
67 accordance with the requirements of federal law and regulations promulgated thereunder;

68 (16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal
69 care shall be made available to pregnant women during a period of presumptive eligibility
70 pursuant to 42 U.S.C. Section 1396r-1, as amended;

71 (17) A child born to a woman eligible for and receiving MO HealthNet benefits under
72 this section on the date of the child's birth shall be deemed to have applied for MO HealthNet
73 benefits and to have been found eligible for such assistance under such plan on the date of such
74 birth and to remain eligible for such assistance for a period of time determined in accordance
75 with applicable federal and state law and regulations so long as the child is a member of the
76 woman's household and either the woman remains eligible for such assistance or for children
77 born on or after January 1, 1991, the woman would remain eligible for such assistance if she
78 were still pregnant. Upon notification of such child's birth, the family support division shall
79 assign a MO HealthNet eligibility identification number to the child so that claims may be
80 submitted and paid under such child's identification number;

81 (18) Pregnant women and children eligible for MO HealthNet benefits pursuant to
82 subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO
83 HealthNet benefits be required to apply for aid to families with dependent children. The family
84 support division shall utilize an application for eligibility for such persons which eliminates
85 information requirements other than those necessary to apply for MO HealthNet benefits. The
86 division shall provide such application forms to applicants whose preliminary income
87 information indicates that they are ineligible for aid to families with dependent children.
88 Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection
89 shall be informed of the aid to families with dependent children program and that they are

90 entitled to apply for such benefits. Any forms utilized by the family support division for
91 assessing eligibility under this chapter shall be as simple as practicable;

92 (19) Subject to appropriations necessary to recruit and train such staff, the family support
93 division shall provide one or more full-time, permanent eligibility specialists to process
94 applications for MO HealthNet benefits at the site of a health care provider, if the health care
95 provider requests the placement of such eligibility specialists and reimburses the division for the
96 expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and
97 equipment of such eligibility specialists. The division may provide a health care provider with
98 a part-time or temporary eligibility specialist at the site of a health care provider if the health care
99 provider requests the placement of such an eligibility specialist and reimburses the division for
100 the expenses, including but not limited to the salary, benefits, travel, training, telephone,
101 supplies, and equipment, of such an eligibility specialist. The division may seek to employ such
102 eligibility specialists who are otherwise qualified for such positions and who are current or
103 former welfare participants. The division may consider training such current or former welfare
104 participants as eligibility specialists for this program;

105 (20) Pregnant women who are eligible for, have applied for and have received MO
106 HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to
107 be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided
108 under section 208.152 until the end of the sixty-day period beginning on the last day of their
109 pregnancy. Pregnant women receiving substance abuse treatment within sixty days of giving
110 birth shall, subject to appropriations and any necessary federal approval, be eligible for MO
111 HealthNet benefits for substance abuse treatment and mental health services for the treatment
112 of substance abuse for no more than twelve additional months, as long as the woman remains
113 adherent with treatment. The department of mental health and the department of social services
114 shall seek any necessary waivers or state plan amendments from the Centers for Medicare and
115 Medicaid Services and shall develop rules relating to treatment plan adherence. No later than
116 fifteen months after receiving any necessary waiver, the department of mental health and the
117 department of social services shall report to the house of representatives budget committee and
118 the senate appropriations committee on the compliance with federal cost neutrality requirements;

119 (21) Case management services for pregnant women and young children at risk shall be
120 a covered service. To the greatest extent possible, and in compliance with federal law and
121 regulations, the department of health and senior services shall provide case management services
122 to pregnant women by contract or agreement with the department of social services through local
123 health departments organized under the provisions of chapter 192 or chapter 205 or a city health
124 department operated under a city charter or a combined city-county health department or other
125 department of health and senior services designees. To the greatest extent possible the

126 department of social services and the department of health and senior services shall mutually
127 coordinate all services for pregnant women and children with the crippled children's program,
128 the prevention of intellectual disability and developmental disability program and the prenatal
129 care program administered by the department of health and senior services. The department of
130 social services shall by regulation establish the methodology for reimbursement for case
131 management services provided by the department of health and senior services. For purposes
132 of this section, the term "case management" shall mean those activities of local public health
133 personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in
134 the state's MO HealthNet program, refer them to local physicians or local health departments
135 who provide prenatal care under physician protocol and who participate in the MO HealthNet
136 program for prenatal care and to ensure that said high-risk mothers receive support from all
137 private and public programs for which they are eligible and shall not include involvement in any
138 MO HealthNet prepaid, case-managed programs;

139 (22) By January 1, 1988, the department of social services and the department of health
140 and senior services shall study all significant aspects of presumptive eligibility for pregnant
141 women and submit a joint report on the subject, including projected costs and the time needed
142 for implementation, to the general assembly. The department of social services, at the direction
143 of the general assembly, may implement presumptive eligibility by regulation promulgated
144 pursuant to chapter 207;

145 (23) All participants who would be eligible for aid to families with dependent children
146 benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

147 (24) (a) All persons who would be determined to be eligible for old age assistance
148 benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C.
149 Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan
150 as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income
151 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the
152 income limit if authorized by annual appropriation;

153 (b) All persons who would be determined to be eligible for aid to the blind benefits
154 under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section
155 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of
156 January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C.
157 Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal
158 poverty level;

159 (c) All persons who would be determined to be eligible for permanent and total disability
160 benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C.
161 Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan

162 as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income
163 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the
164 income limit if authorized by annual appropriations. Eligibility standards for permanent and total
165 disability benefits shall not be limited by age;

166 (25) Persons who have been diagnosed with breast or cervical cancer and who are
167 eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons
168 shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section
169 1396r-1;

170 (26) Persons who are in foster care under the responsibility of the state of Missouri on
171 the date such persons attained the age of eighteen years, or at any time during the thirty-day
172 period preceding their eighteenth birthday, or persons who received foster care for at least six
173 months in another state, are residing in Missouri, and are at least eighteen years of age, without
174 regard to income or assets, if such persons:

175 (a) Are under twenty-six years of age;

176 (b) Are not eligible for coverage under another mandatory coverage group; and

177 (c) Were covered by Medicaid while they were in foster care;

178 (27) **Any homeless child or homeless youth, as those terms are defined in section**
179 **167.020, subject to approval of a state plan amendment by the Centers for Medicare and**
180 **Medicaid Services.**

181 2. Rules and regulations to implement this section shall be promulgated in accordance
182 with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that
183 is created under the authority delegated in this section shall become effective only if it complies
184 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
185 This section and chapter 536 are nonseverable and if any of the powers vested with the general
186 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
187 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
188 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

189 3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance
190 pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months
191 immediately preceding the month in which such family became ineligible for such assistance
192 because of increased income from employment shall, while a member of such family is
193 employed, remain eligible for MO HealthNet benefits for four calendar months following the
194 month in which such family would otherwise be determined to be ineligible for such assistance
195 because of income and resource limitation. After April 1, 1990, any family receiving aid
196 pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months
197 immediately preceding the month in which such family becomes ineligible for such aid, because

198 of hours of employment or income from employment of the caretaker relative, shall remain
199 eligible for MO HealthNet benefits for six calendar months following the month of such
200 ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6.
201 Each family which has received such medical assistance during the entire six-month period
202 described in this section and which meets reporting requirements and income tests established
203 by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall
204 receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet
205 division may provide by rule and as authorized by annual appropriation the scope of MO
206 HealthNet coverage to be granted to such families.

207 4. When any individual has been determined to be eligible for MO HealthNet benefits,
208 such medical assistance will be made available to him or her for care and services furnished in
209 or after the third month before the month in which he made application for such assistance if
210 such individual was, or upon application would have been, eligible for such assistance at the time
211 such care and services were furnished; provided, further, that such medical expenses remain
212 unpaid.

213 5. The department of social services may apply to the federal Department of Health and
214 Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration
215 waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars
216 in additional costs to the state, unless subject to appropriation or directed by statute, but in no
217 event shall such waiver applications or amendments seek to waive the services of a rural health
218 clinic or a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and (2)
219 or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section
220 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight
221 committee created in section 208.955. A request for such a waiver so submitted shall only
222 become effective by executive order not sooner than ninety days after the final adjournment of
223 the session of the general assembly to which it is submitted, unless it is disapproved within sixty
224 days of its submission to a regular session by a senate or house resolution adopted by a majority
225 vote of the respective elected members thereof, unless the request for such a waiver is made
226 subject to appropriation or directed by statute.

227 6. Notwithstanding any other provision of law to the contrary, in any given fiscal year,
228 any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of
229 subsection 1 of this section shall only be eligible if annual appropriations are made for such
230 eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section
231 ~~1396a(a)(10)(A)(I)~~ **1396a(a)(10)(A)(i)**.

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

3 2. The child protection system shall promote the safety of children and the integrity and
4 preservation of their families by conducting investigations or family assessments and providing
5 services in response to reports of child abuse or neglect. The system shall coordinate community
6 resources and provide assistance or services to children and families identified to be at risk, and
7 to prevent and remedy child abuse and neglect.

8 3. In addition to any duties specified in section 210.145, in implementing the child
9 protection system, the division shall:

10 (1) Maintain a central registry;

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

13 (3) Attempt to obtain the name and address of any person making a report in all cases,
14 after obtaining relevant information regarding the alleged abuse or neglect, although reports may
15 be made anonymously; except that, reports by mandatory reporters under section 210.115,
16 including employees of the children's division, juvenile officers, and school personnel shall not
17 be made anonymously, provided that the reporter shall be informed, at the time of the report, that
18 the reporter's name and any other personally identifiable information shall be held as confidential
19 and shall not be made public as provided under this section and section 211.319;

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

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

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

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

32 (8) Whenever available and appropriate, contract for the provision of children's services
33 through children's services providers and agencies in the community; except that the state shall
34 be the sole provider of child abuse and neglect hotline services, the initial child abuse and neglect
35 investigation, and the initial family assessment. The division shall attempt to seek input from
36 child welfare service providers in completing the initial family assessment. In all legal
37 proceedings involving children in the custody of the division, the division shall be represented
38 in court by either division personnel or persons with whom the division contracts with for such

39 legal representation. All children's services providers and agencies shall be subject to criminal
40 background checks pursuant to chapter 43 and shall submit names of all employees to the family
41 care safety registry; and

42 **(9) Upon receipt of a report, attempt to ascertain whether the suspected perpetrator**
43 **or any person responsible for the care, custody, and control of the subject child is a**
44 **member of the Armed Forces, as defined in section 41.030.**

45 As used in this subsection, "report" includes any telephone call made pursuant to section
46 210.145.

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

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

6 (2) **All providers of direct services to children and their families will be evaluated in a**
7 **uniform, transparent, objective, and consistent basis based on an evaluation tool established**
8 **in this section;**

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

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

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

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

25 2. (1) **In conjunction with the response and evaluation team established under**
26 **subsection 3 of this section, as well as other individuals the division deems appropriate, the**
27 **division shall establish an evaluation tool that complies with state and federal guidelines.**

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

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

35 (4) Data regarding all evaluation metrics shall be collected by the division on a
36 monthly basis, and the division shall issue a quarterly report regarding the evaluation data
37 for each provider, both public and private, by county. The response and evaluation team
38 shall determine how to aggregate cases for the division and large contractors so that
39 performance and outcomes may be compared effectively while also protecting
40 confidentiality. Such reports shall be made public and shall include information by
41 county.

42 (5) The standards and metrics developed through this evaluation tool shall be used
43 to evaluate competitive bids for future contracts established under subsection 4 of this
44 section.

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

57 (1) Review the evaluation tool and metrics set forth in subsection 2 of this section
58 on a semiannual basis to determine any adjustments needed or issues that could affect the
59 quality of such tools and approve or deny on a case-by-case basis:

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

62 (b) Alternative evaluation metrics recommended by providers based on the best
63 interests of the child under subsections 2 and 5 of this section; or

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

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

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

76 4. ~~[On or before July 1, 2005, and subject to appropriations,]~~ The children's division and
77 any other state agency deemed necessary by the division shall, in consultation with ~~[the~~
78 ~~community and]~~ **service providers [of services] and other relevant parties**, enter into and
79 implement contracts with qualified children's services providers and agencies to provide a
80 comprehensive and deliberate system of service delivery for children and their families.
81 Contracts shall be awarded through a competitive process and provided by ~~[children's services~~
82 ~~providers and agencies currently contracting with the state to provide such services and by]~~
83 **qualified** public and private not-for-profit or limited liability corporations owned exclusively
84 by not-for-profit corporations children's services providers and agencies which have:

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

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

93

94 No contracts **under this section** shall be issued for services related to the child abuse and neglect
95 hotline, investigations of alleged abuse and neglect, and initial family assessments. Any
96 contracts entered into by the division shall be in accordance with all federal laws and regulations,
97 and shall ~~[not result in the loss of]~~ **seek to maximize** federal funding. ~~[Such]~~ Children's services
98 providers and agencies under contract with the division shall be subject to all federal, state, and
99 local laws and regulations relating to the provision of such services, and shall be subject to

100 oversight and inspection by appropriate state agencies to assure compliance with standards which
101 shall be consistent with the federal standards], ~~but not less than the standards and policies used~~
102 ~~by the children's division as of January 1, 2004.~~

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

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

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

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

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

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

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

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

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

133 ~~—— (e) For any child, treatment services may be available as defined in section 210.110.~~
134 ~~Assessments, as defined in section 210.110, may occur to determine which treatment services~~
135 ~~best meet the child's psychological and social needs. When the assessment indicates that a~~

136 ~~child's needs can be best resolved by intensive twenty-four-hour treatment services, the division~~
137 ~~will locate, contract, and place the child with the appropriate organizations. This placement will~~
138 ~~be viewed as the least restrictive for the child based on the assessment;~~

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

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

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

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

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

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

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

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

162

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

170 ~~—— 6. By December 1, 2018, the division shall convene a task force to review the~~
171 ~~recruitment, licensing and retention of foster and adoptive parents statewide. In addition to~~

172 ~~representatives of the division and department, the task force shall include representatives of the~~
173 ~~private sector and faith-based community which provide recruitment and licensure services. The~~
174 ~~purpose of the task force shall and will be to study the extent to which changes in the system of~~
175 ~~recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness~~
176 ~~of the system statewide. The task force shall develop a report of its findings with~~
177 ~~recommendations by December 1, 2019, and provide copies of the report to the general~~
178 ~~assembly, to the joint committee on child abuse and neglect under section 21.771, and to the~~
179 ~~governor.~~

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

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

186 ~~(2) Any recommendations regarding the continuation or possible statewide~~
187 ~~implementation of such project; and~~

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

191 [8.] 5. The division shall accept as prima facie evidence of completion of the
192 requirements for licensure under sections 210.481 to 210.511 proof that an agency is accredited
193 by any of the following nationally recognized bodies: the Council on Accreditation of Services,
194 Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the
195 Commission on Accreditation of Rehabilitation Facilities. [The division shall not require any
196 further evidence of qualification for licensure if such proof of voluntary accreditation is
197 submitted.]

198 **6. Payment to the children's services providers and agencies shall be made based**
199 **on the reasonable costs of services, including responsibilities necessary to execute the**
200 **contract. Any reimbursement increases made through enhanced appropriations for**
201 **services shall be allocated to providers regardless of whether the provider is public or**
202 **private. Such increases shall be considered additive to the existing contracts. In addition**
203 **to payments reflecting the cost of services, contracts shall include incentives provided in**
204 **recognition of performance based on the evaluation tool created under subsection 2 of this**
205 **section and the corresponding savings for the state. The response and evaluation team**
206 **under subsection 3 of this section shall review a formula to distribute such payments, as**
207 **recommended by the division.**

208 **7. The division shall consider immediate actions that are in the best interests of the**
209 **children served including, but not limited to, placing the agency on a corrective plan,**
210 **halting new referrals, transferring cases to other performing providers, or terminating the**
211 **provider's contract. The division shall take steps necessary to evaluate the nature of the**
212 **issue and act accordingly in the most timely fashion possible.**

213 [9-] **8. By [February 1, 2005] July 1, 2021,** the children's division shall promulgate and
214 have in effect rules to implement the provisions of this section and, pursuant to this section, shall
215 define implementation plans and dates. Any rule or portion of a rule, as that term is defined in
216 section 536.010, that is created under the authority delegated in this section shall become
217 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
218 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
219 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
220 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
221 rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid
222 and void.

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

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

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

19 **(a) A plan for return of the child to the child's parent or legal guardian within the**
20 **time specified under the agreement, or diligent implementation of an alternative, legal**
21 **arrangement for the safe care, custody, and control of the child including, but not limited**

22 to, execution of a power of attorney under section 475.602, an affidavit for relative
23 caretaker under section 431.058, legal guardianship, the entry of an order of child
24 protection, or entry of temporary or permanent legal custody arrangements by a court of
25 competent jurisdiction;

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

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

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

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

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

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

43 2. As provided in this section, the division may enter into a temporary alternative
44 placement agreement with parents and legal guardians of a minor child who cannot safely
45 remain in the child's home on a temporary basis. The purpose of such agreement is to
46 mitigate trauma to the child and to enable the division to make reasonable efforts to assure
47 the safety of a child in a placement familiar to the child, and to give the child and the
48 child's family an opportunity to develop and implement a plan to assure the stability and
49 well-being of the child in the short term. The child shall reside in the state of Missouri for
50 the duration of the temporary alternative placement agreement unless the child requires
51 medical treatment in another state that is not reasonably available within the state of
52 Missouri.

53 3. (1) The division shall conduct a walk-through of the relative's home where the
54 child will be staying and conduct a background check of the relative and any adult
55 household member before determining whether the relative is suitable.

56 (2) The background check shall include a check of the central registry, the sexual
57 offender registry, the department of social services's family care safety registry, any state

58 courts automated case management system, and the records of the division to determine
59 if circumstances exist that indicate the child shall not be safe if placed in the home. The
60 division may, in its discretion, follow up with a fingerprint-based criminal background
61 check.

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

64 4. (1) The division may only enter into a temporary alternative placement
65 agreement if:

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

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

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

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

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

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

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

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

86 5. (1) The relative shall have the authority to make the day-to-day decisions for the
87 care of the child during the agreement, as provided in the agreement, and shall further
88 have the authority to make educational and medical decisions for the child as provided in
89 this section.

90 (2) The relative shall consult with the child's parents, legal guardian, and the
91 division before making decisions pertaining to the child other than routine, day-to-day
92 decisions necessary to care for the child.

93 **(3) The division shall provide a notice to the relative on a form promulgated by the**
94 **division for use in notifying schools, medical care providers, and others that the suitable**
95 **relative or adult has the temporary authority to make these decisions. Individuals and**
96 **institutions, including schools and medical care providers, acting upon the authority of**
97 **such notice shall be immune from liability for acting upon the authority as set forth in the**
98 **letter.**

99 **6. (1) The division shall closely monitor, track, and document the implementation**
100 **of the provisions of the temporary alternative placement agreement for the duration of the**
101 **agreement.**

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

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

109 **(4) Within ten days of the execution of a temporary alternative placement**
110 **agreement, the division shall open a family centered services case and keep the case open**
111 **for the duration of the agreement.**

112 **(5) No later than ten days before the termination of the temporary alternative**
113 **placement agreement, the division shall submit a written report to the juvenile office. The**
114 **division shall provide a copy of the report to the placement provider and the child's parent**
115 **or guardian. The report shall include a copy of the agreement, a specific description of the**
116 **steps taken to complete the agreement, and a recommendation to the juvenile officer about**
117 **whether further action may be necessary.**

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

121 **8. All parties to the temporary alternative care agreement shall exercise diligent**
122 **efforts to implement the agreement. The suitable relative and the parents or guardians**
123 **shall fully cooperate with the division.**

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

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

130 **11. The juvenile officer shall not be bound by the terms of a temporary alternative**
131 **placement agreement, unless the juvenile officer is a signatory to the agreement, and the**
132 **juvenile officer may exercise discretion to take appropriate action within the juvenile**
133 **officer's authority under law. However, the juvenile officer shall take into consideration**
134 **the provisions of and the implementation of the agreement when taking action under such**
135 **authority.**

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

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

14 **2. An employee, including a contracted employee, of a state-funded child**
15 **assessment center, as provided for in subsection 2 of section 210.001, shall be immune from**
16 **any civil liability that arises from the employee's participation in the investigation process**
17 **and services by the child assessment center, unless such person acted in bad faith. This**
18 **subsection shall not displace or limit any other immunity provided by law.**

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

26 [3-] 4. In a case involving the death or serious injury of a child after a report has been
27 made under sections 210.109 to 210.165, the division shall conduct a preliminary evaluation in
28 order to determine whether a review of the ability of the circuit manager or case worker or
29 workers to perform their duties competently is necessary. The preliminary evaluation shall
30 examine:

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

34

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

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

- 2 (1) Ensuring the well-being and safety of the child in instances where child abuse or
3 neglect has been alleged;
- 4 (2) Promoting the preservation and reunification of children and families consistent with
5 state and federal law;
- 6 (3) Providing due process for those accused of child abuse or neglect; and
- 7 (4) Maintaining an information system operating at all times, capable of receiving and
8 maintaining reports. This information system shall have the ability to receive reports over a
9 single, statewide toll-free number. Such information system shall maintain the results of all
10 investigations, family assessments and services, and other relevant information.

11 2. **(1)** The division shall utilize structured decision-making protocols, **including a**
12 **standard risk assessment that shall be completed within seventy-two hours of the report**
13 **of abuse or neglect**, for classification purposes of all child abuse and neglect reports. The
14 protocols developed by the division shall give priority to ensuring the well-being and safety of
15 the child. All child abuse and neglect reports shall be initiated within twenty-four hours and
16 shall be classified based upon the reported risk and injury to the child. The division shall
17 promulgate rules regarding the structured decision-making protocols to be utilized for all child
18 abuse and neglect reports.

19 **(2) The director of the division and the office of state courts administrator shall**
20 **develop a joint safety assessment tool before December 31, 2020, and such tool shall be**
21 **implemented before January 1, 2022. The safety assessment tool shall replace the standard**
22 **risk assessment required under subdivision (1) of this subsection and shall also be**
23 **completed within seventy-two hours of the report of abuse or neglect.**

24 3. Upon receipt of a report, the division shall determine if the report merits investigation,
25 including reports which if true would constitute a suspected violation of any of the following:
26 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen
27 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,
28 or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the
29 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than
30 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or
31 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such
32 crimes. The division shall immediately communicate all reports that merit investigation to its
33 appropriate local office and any relevant information as may be contained in the information
34 system. The local division staff shall determine, through the use of protocols developed by the
35 division, whether an investigation or the family assessment and services approach should be used
36 to respond to the allegation. The protocols developed by the division shall give priority to
37 ensuring the well-being and safety of the child.

38 4. The division may accept a report for investigation or family assessment if either the
39 child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident
40 occurred in Missouri.

41 5. If the division receives a report in which neither the child nor the alleged perpetrator
42 resides in Missouri or may be found in Missouri and the incident did not occur in Missouri, the
43 division shall document the report and communicate it to the appropriate agency or agencies in
44 the state where the child is believed to be located, along with any relevant information or records
45 as may be contained in the division's information system.

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

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

59 8. The local office of the division shall cause an investigation or family assessment and
60 services approach to be initiated in accordance with the protocols established in subsection 2 of
61 this section, except in cases where the sole basis for the report is educational neglect. If the
62 report indicates that educational neglect is the only complaint and there is no suspicion of other
63 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the
64 report. If the report indicates the child is in danger of serious physical harm or threat to life, an
65 investigation shall include direct observation of the subject child within twenty-four hours of the
66 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct
67 observation. Callers to the child abuse and neglect hotline shall be instructed by the division's
68 hotline to call 911 in instances where the child may be in immediate danger. If the parents of the
69 child are not the alleged perpetrators, a parent of the child must be notified prior to the child
70 being interviewed by the division. No person responding to or investigating a child abuse and
71 neglect report shall call prior to a home visit or leave any documentation of any attempted visit,
72 such as business cards, pamphlets, or other similar identifying information if he or she has a
73 reasonable basis to believe the following factors are present:

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

79

80 If the alleged perpetrator is present during a visit by the person responding to or investigating the
81 report, such person shall provide written material to the alleged perpetrator informing him or her
82 of his or her rights regarding such visit, including but not limited to the right to contact an
83 attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written
84 material or have such material read to him or her by the case worker before the visit commences,
85 but in no event shall such time exceed five minutes; except that, such requirement to provide
86 written material and reasonable time to read such material shall not apply in cases where the
87 child faces an immediate threat or danger, or the person responding to or investigating the report
88 is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in
89 a school or child care facility the division shall not meet with the child in any school building
90 or child-care facility building where abuse of such child is alleged to have occurred. When the
91 child is reported absent from the residence, the location and the well-being of the child shall be
92 verified. For purposes of this subsection, "child care facility" shall have the same meaning as
93 such term is defined in section 210.201.

94 9. The director of the division shall name at least one chief investigator for each local
95 division office, who shall direct the division response on any case involving a second or
96 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
97 investigator shall include verification of direct observation of the subject child by the division
98 and shall ensure information regarding the status of an investigation is provided to the public
99 school district liaison. The public school district liaison shall develop protocol in conjunction
100 with the chief investigator to ensure information regarding an investigation is shared with
101 appropriate school personnel. The superintendent of each school district shall designate a
102 specific person or persons to act as the public school district liaison. Should the subject child
103 attend a nonpublic school the chief investigator shall notify the school principal of the
104 investigation. Upon notification of an investigation, all information received by the public
105 school district liaison or the school shall be subject to the provisions of the federal Family
106 Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal rule 34
107 C.F.R. Part 99.

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

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

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

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

126 14. For all family support team meetings involving an alleged victim of child abuse or
127 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian
128 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
129 provided notice and be permitted to attend all such meetings. Family members, other than

130 alleged perpetrators, or other community informal or formal service providers that provide
131 significant support to the child and other individuals may also be invited at the discretion of the
132 parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian
133 or custodian and the foster parents may request that other individuals, other than alleged
134 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
135 attends such team meetings, the division or the convenor of the meeting shall provide such
136 persons with notice of all such subsequent meetings involving the child. Families may determine
137 whether individuals invited at their discretion shall continue to be invited.

138 15. If the appropriate local division personnel determine after an investigation has begun
139 that completing an investigation is not appropriate, the division shall conduct a family
140 assessment and services approach. The division shall provide written notification to local law
141 enforcement prior to terminating any investigative process. The reason for the termination of
142 the investigative process shall be documented in the record of the division and the written
143 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
144 any investigation by law enforcement.

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

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

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

157 (3) Commence an immediate investigation if at any time during the family assessment
158 and services approach the division determines that an investigation, as delineated in sections
159 210.109 to 210.183, is required. The division staff who have conducted the assessment may
160 remain involved in the provision of services to the child and family;

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

163 17. (1) Within forty-five days of an oral report of abuse or neglect, the local office shall
164 update the information in the information system. The information system shall contain, at a
165 minimum, the determination made by the division as a result of the investigation, identifying

166 information on the subjects of the report, those responsible for the care of the subject child and
167 other relevant dispositional information. The division shall complete all investigations within
168 forty-five days, unless good cause for the failure to complete the investigation is specifically
169 documented in the information system. Good cause for failure to complete an investigation shall
170 include, but not be limited to:

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

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

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

182

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

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

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

195 18. A person required to report under section 210.115 to the division and any person
196 making a report of child abuse or neglect made to the division which is not made anonymously
197 shall be informed by the division of his or her right to obtain information concerning the
198 disposition of his or her report. Such person shall receive, from the local office, if requested,
199 information on the general disposition of his or her report. Such person may receive, if
200 requested, findings and information concerning the case. Such release of information shall be
201 at the discretion of the director based upon a review of the reporter's ability to assist in protecting

202 the child or the potential harm to the child or other children within the family. The local office
203 shall respond to the request within forty-five days. The findings shall be made available to the
204 reporter within five days of the outcome of the investigation. If the report is determined to be
205 unsubstantiated, the reporter may request that the report be referred by the division to the office
206 of child advocate for children's protection and services established in sections 37.700 to 37.730.
207 Upon request by a reporter under this subsection, the division shall refer an unsubstantiated
208 report of child abuse or neglect to the office of child advocate for children's protection and
209 services.

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

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

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

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

221

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

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

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

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

236 24. Any rule or portion of a rule, as that term is defined in section 536.010, that is
237 created under the authority delegated in this section shall become effective only if it complies

238 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
239 This section and chapter 536 are nonseverable and if any of the powers vested with the general
240 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
241 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
242 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

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

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

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

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

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

25 (4) Any child named in the report as a victim, or a legal representative, or the parent, if
26 not the alleged perpetrator, or guardian of such person when such person is a minor, or is
27 mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to
28 persons in this category. Prior to the release of any identifying information, the division shall
29 determine if the release of such identifying information may place a person's life or safety in
30 danger. If the division makes the determination that a person's life or safety may be in danger,

31 the identifying information shall not be released. The division shall provide a method for
32 confirming or certifying that a designee is acting on behalf of a subject;

33 (5) Any alleged perpetrator named in the report, but the names of reporters shall not be
34 furnished to persons in this category. Prior to the release of any identifying information, the
35 division shall determine if the release of such identifying information may place a person's life
36 or safety in danger. If the division makes the determination that a person's life or safety may be
37 in danger, the identifying information shall not be released. However, the investigation reports
38 will not be released to any alleged perpetrator with pending criminal charges arising out of the
39 facts and circumstances named in the investigation records until an indictment is returned or an
40 information filed;

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

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

52 (8) Any child-care facility; child-placing agency; residential-care facility, including
53 group homes; juvenile courts; public or private elementary schools; public or private secondary
54 schools; or any other public or private agency exercising temporary supervision over a child or
55 providing or having care or custody of a child who may request an examination of the central
56 registry from the division for all employees and volunteers or prospective employees and
57 volunteers, who do or will provide services or care to children. Any agency or business
58 recognized by the division or business which provides training and places or recommends people
59 for employment or for volunteers in positions where they will provide services or care to children
60 may request the division to provide an examination of the central registry. Such agency or
61 business shall provide verification of its status as a recognized agency. Requests for
62 examinations shall be made to the division director or the director's designee in writing by the
63 chief administrative officer of the above homes, centers, public and private elementary schools,
64 public and private secondary schools, agencies, or courts. The division shall respond in writing
65 to that officer. The response shall include information pertaining to the nature and disposition
66 of any report or reports of abuse or neglect revealed by the examination of the central registry.

67 This response shall not include any identifying information regarding any person other than the
68 alleged perpetrator of the abuse or neglect;

69 (9) Any parent or legal guardian who inquires about a child abuse or neglect report
70 involving a specific person or child-care facility who does or may provide services or care to a
71 child of the person requesting the information. Request for examinations shall be made to the
72 division director or the director's designee, in writing, by the parent or legal guardian of the child
73 and shall be accompanied with a signed and notarized release form from the person who does
74 or may provide care or services to the child. The notarized release form shall include the full
75 name, date of birth and Social Security number of the person who does or may provide care or
76 services to a child. The response shall include information pertaining to the nature and
77 disposition of any report or reports of abuse or neglect revealed by the examination of the central
78 registry. This response shall not include any identifying information regarding any person other
79 than the alleged perpetrator of the abuse or neglect. The response shall be given within ten
80 working days of the time it was received by the division;

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

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

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

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

97 **(14) Appropriate staff of the United States Department of Defense including, but**
98 **not limited to, authorized family advocacy program staff or any other staff authorized to**
99 **receive and respond to reports requested under 10 U.S.C. Section 1787, in cases where a**
100 **report has been made and the suspected perpetrator or any person responsible for the care,**
101 **custody, and control of the subject child is a member of the Armed Forces, as defined in**
102 **section 41.030.**

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

107 (1) Appropriate staff of the division;

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

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

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

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

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

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

135 **(8) Appropriate staff of the United States Department of Defense including, but not**
136 **limited to, authorized family advocacy program staff or any other staff authorized to**
137 **receive and respond to reports requested under 10 U.S.C. Section 1787, in cases where a**
138 **report has been made and the suspected perpetrator or any person responsible for the care,**

139 **custody, and control of the subject child is a member of the Armed Forces, as defined in**
 140 **section 41.030.**

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

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

149 **6. Notwithstanding any provisions of this section or chapter to the contrary, if the**
 150 **division receives a report and ascertains that a suspected perpetrator or any person**
 151 **responsible for the care, custody, and control of the subject child is a member of the Armed**
 152 **Forces, as defined in section 41.030, the division shall report its findings to the most**
 153 **relevant family advocacy program authorized by the United States Department of Defense**
 154 **or any other relevant person authorized by the United States Department of Defense to**
 155 **receive reports under 10 U.S.C. Section 1787.**

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

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

3 (2) "Child care", **care of a child away from his or her home**
 4 **for any part of the twenty-four-hour day for compensation or otherwise. "Child care" is**
 5 **a voluntary supplement to parental responsibility for the child's protection, development,**
 6 **and supervision;**

7 (3) "Child-care facility" or "child care facility", a house or other place conducted or
 8 maintained by any person who advertises or holds himself or herself out as providing **child** care
 9 for ~~[more than six children during the daytime,]~~ **any part of the twenty-four-hour day** for
 10 compensation or otherwise~~[- except those operated by a school system or in connection with a~~
 11 ~~business establishment which provides child care as a convenience for its customers or its~~
 12 ~~employees for no more than four hours per day, but a child-care facility shall not include any~~
 13 ~~private or religious organization elementary or secondary school, a religious organization~~
 14 ~~academic preschool or kindergarten for four- and five-year-old children, a home school, as~~
 15 ~~defined in section 167.031, a weekly Sunday or Sabbath school, a vacation Bible school or child~~
 16 ~~care made available while the parents or guardians are attending worship services or other~~
 17 ~~meetings and activities conducted or sponsored by a religious organization. If a facility or~~
 18 ~~program is exempt from licensure based on the school exception established in this subdivision,~~
 19 ~~such facility or program shall submit documentation annually to the department to verify its~~

20 licensure-exempt status; except that, under no circumstances shall any public or religious
21 organization elementary or secondary school, a religious organization academic preschool or
22 kindergarten for four- and five-year-old children, a home school, as defined in section 167.031,
23 a weekly Sunday or Sabbath school, a vacation Bible school or child care made available while
24 the parents or guardians are attending worship services or other meetings and activities
25 conducted or sponsored by a religious organization be required to submit documentation
26 annually to the department to verify its licensure-exempt status] **if providing child care to more**
27 **than:**

28 (a) **Six children; or**

29 (b) **Three children under two years of age;**

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

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

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

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

40 [~~3~~] (8) **"Person", any [person] individual, firm, corporation, partnership, association,**
41 **[institution or other incorporated or unincorporated organization] agency, or an incorporated**
42 **or unincorporated organization regardless of the name used;**

43 [(4)] (9) **"Religious organization", a church, synagogue or mosque; an entity that has or**
44 **would qualify for federal tax-exempt status as a nonprofit religious organization under Section**
45 **501(c) of the Internal Revenue Code; or an entity whose real estate on which the child-care**
46 **facility is located is exempt from taxation because it is used for religious purposes;**

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

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

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

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

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

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

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

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

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

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

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

(6) Any residential facility or day program licensed by the department of mental health under sections 630.705 to 630.760 that provides care, treatment, and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, intellectual disability, or developmental disability, as those terms are defined in section 630.005;

- 37 **(7) Any school system as defined in section 210.201;**
38 **(8) Any Montessori school as defined in section 210.201;**
39 **(9) Any business that operates a child care program for the convenience of its**
40 **customers if the following conditions are met:**
41 **(a) The business provides child care for employees' children for no more than four**
42 **hours per day; and**
43 **(b) Customers remain on site while their children are being cared for by the**
44 **business establishment;**
45 **(10) Any home school as defined in section 167.031;**
46 **(11) Any religious organization academic preschool or kindergarten for four- and**
47 **five-year-old children;**
48 **(12) Any weekly Sunday or Sabbath school, a vacation bible school, or child care**
49 **made available while the parents or guardians are attending worship services or other**
50 **meetings and activities conducted or sponsored by a religious organization;**
51 **(13) Any neighborhood youth development program under section 210.278;**
52 **(14) Any religious organization elementary or secondary school;**
53 **(15) Any private organization elementary or secondary school system providing**
54 **child care to children younger than school age. If a facility or program is exempt from**
55 **licensure based upon this exception, such facility or program shall submit documentation**
56 **annually to the department to verify its licensure-exempt status;**
57 **(16) Any nursery school as defined in section 210.201; and**
58 **(17) Any child care facility maintained or operated under the exclusive control of**
59 **a religious organization. If a nonreligious organization having as its principal purpose the**
60 **provision of child care services enters into an arrangement with a religious organization**
61 **for the maintenance or operation of a child care facility, the facility is not under the**
62 **exclusive control of the religious organization.**
- 63 2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility
64 shall be exempt from licensure if such facility receives any state or federal funds for providing
65 care for children, except for federal funds for those programs which meet the requirements for
66 participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. Section 1766.
67 Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed
68 to be funds received by a person or facility listed in subdivisions (1) and ~~[(4)] (17)~~ of subsection
69 1 of this section.
- 70 3. Any child care facility not exempt from licensure shall disclose the licensure status
71 of the facility to the parents or guardians of children for which the facility provides care. No
72 child care facility exempt from licensure shall represent to any parent or guardian of children for

73 which the facility provides care that the facility is licensed when such facility is in fact not
74 licensed. A parent or guardian shall sign a written notice indicating he or she is aware of the
75 licensure status of the facility. The facility shall keep a copy of this signed written notice on file.
76 All child care facilities shall provide the parent or guardian enrolling a child in the facility with
77 a written explanation of the disciplinary philosophy and policies of the child care facility.

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

3 (1) After inspection, to grant licenses to persons to operate child-care facilities if
4 satisfied as to the good character and intent of the applicant and that such applicant is qualified
5 and equipped to render care or service conducive to the welfare of children~~], and to renew the~~
6 ~~same when expired. No license shall be granted for a term exceeding two years].~~ Each license
7 shall specify the kind of child-care services the licensee is authorized to perform, the number of
8 children that can be received or maintained, and their ages and sex;

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

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

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

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

26 2. Any child-care facility may request a variance from a rule or regulation promulgated
27 pursuant to this section. The request for a variance shall be made in writing to the department
28 of health and senior services and shall include the reasons the facility is requesting the variance.
29 The department shall approve any variance request that does not endanger the health or safety
30 of the children served by the facility. The burden of proof at any appeal of a disapproval of a

31 variance application shall be with the department of health and senior services. Local inspectors
32 may grant a variance, subject to approval by the department of health and senior services.

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

44 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
45 under the authority delegated in sections 210.201 to 210.245 shall become effective only if it
46 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
47 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect
48 and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any
49 rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions
50 of law. This section and chapter 536 are nonseverable and if any of the powers vested with the
51 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
52 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
53 and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

210.252. 1. All buildings and premises used by a child-care facility to care for more than
2 six children except those exempted from the licensing provisions of the department of health and
3 senior services pursuant to subdivisions [~~(1), (2), (3), and (5)~~] **(1) to (15) of subsection 1** of
4 section 210.211, shall be inspected annually for fire and safety by the state fire marshal, the
5 marshal's designee or officials of a local fire district and for health and sanitation by the
6 department of health and senior services or officials of the local health department. Evidence
7 of compliance with the inspections required by this section shall be kept on file and available to
8 parents of children enrolling in the child-care facility.

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

12 3. Any child-care facility may request a variance from a rule or regulation promulgated
13 pursuant to this section. The request for a variance shall be made in writing to the department

14 of health and senior services and shall include the reasons the facility is requesting the variance.
15 The department shall approve any variance request that does not endanger the health or safety
16 of the children served by the facility. The burden of proof at any appeal of a disapproval of a
17 variance application shall be with the department of health and senior services. Local inspectors
18 may grant a variance, subject to approval by the department.

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

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

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

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

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

8 (1) Notification that the child-care facility is exempt as a religious organization from
9 state licensing and therefore not inspected or supervised by the department of health and senior
10 services other than as provided herein and that the facility has been inspected by those designated
11 in section 210.252 and is complying with the fire, health and sanitation requirements of sections
12 210.252 to 210.257;

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

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

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

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

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

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

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

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

12 2. (1) The children's division and its contractors shall provide foster parents with
13 regularly scheduled opportunities for preservice training, and regularly scheduled opportunities
14 for pertinent inservice training, as determined by the Missouri State Foster Care and Adoption
15 Advisory Board.

16 (2) The children's division and its contractors shall provide to foster parents and potential
17 adoptive parents, prior to placement, all pertinent information, including but not limited to full
18 disclosure of all medical, psychological, and psychiatric conditions of the child, as well as
19 information from previous placements that would indicate that the child or children may have
20 a propensity to cause violence to any member of the foster family home. The foster parents shall
21 be provided with any information regarding the child or the child's family, including but not
22 limited to the case plan, any family history of mental or physical illness, sexual abuse of the child

23 or sexual abuse perpetrated by the child, criminal background of the child or the child's family,
24 fire-setting or other destructive behavior by the child, substance abuse by the child or child's
25 family, or any other information which is pertinent to the care and needs of the child and to
26 protect the foster or adoptive family. **The children's division and its contractors shall provide**
27 **full access to the child's medical, psychological, and psychiatric records in its possession**
28 **at the time of placement, including records prior to the child coming into care, at the time**
29 **the child is placed with a foster parent. After initial placement, the children's division and**
30 **its contractors shall have a continuing duty and obligation to provide access to such**
31 **records that come into its possession or of which the division or its contractors become**
32 **aware. Access shall include providing information and authorization for foster parents to**
33 **review or to obtain the records directly from the medical, psychological, or psychiatric**
34 **services provider. A foster parent may decline access to any or all of the child's records.**
35 Knowingly providing false or misleading information to foster parents in order to secure
36 placement shall be denoted in the caseworker's personnel file and shall be kept on record by the
37 division.

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

40 (4) The foster parents may ask questions about the child's case plan, encourage a
41 placement or refuse a placement without reprisal from the caseworker or agency. After a
42 placement, the children's division and its contractors shall update the foster parents as new
43 information about the child is gathered.

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

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

52 (7) Foster parents shall treat all information received from the children's division and its
53 contractors about the child and the child's family as confidential. Information necessary for the
54 medical or psychiatric care of the child may be provided to the appropriate practitioners. Foster
55 parents may share information necessary with school personnel in order to secure a safe and
56 appropriate education for the child. Additionally, foster parents shall share information they may
57 learn about the child and the child's family, and concerns that arise in the care of the child, with
58 the caseworker and other members of the child welfare team. Recognizing that placement

59 changes are difficult for children, foster parents shall seek all necessary information, and
60 participate in preplacement visits whenever possible, before deciding whether to accept a child
61 for placement.

62 3. (1) Foster parents shall make decisions about the daily living concerns of the child,
63 and shall be permitted to continue the practice of their own family values and routines while
64 respecting the child's cultural heritage. All discipline shall be consistent with state laws and
65 regulations. The children's division shall allow foster parents to help plan visitation between the
66 child and the child's siblings or biological family. Visitations should be scheduled at a time that
67 meets the needs of the child, the biological family members, and the foster family whenever
68 possible. Recognizing that visitation with family members is an important right of children in
69 foster care, foster parents shall be flexible and cooperative with regard to family visits. **The**
70 **children's division shall not require foster parents to conduct supervised visits or be**
71 **present during any supervised visits between the child and the child's siblings or biological**
72 **family.**

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

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

82 4. (1) Consistent with state laws and regulations, the children's division and its
83 contractors shall provide, upon request by the foster parents, information about a child's progress
84 after the child leaves foster care.

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

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

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

94 (5) If a foster child becomes free for adoption and the foster parents desire to adopt the
95 child, they shall inform the caseworker within sixty days of the caseworker's initial query. If they
96 do not choose to pursue adoption, foster parents shall make every effort to support and encourage
97 the child's placement in a permanent home, including but not limited to providing information
98 on the history and care needs of the child and accommodating transitional visitation.

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

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

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

111 8. For purposes of this section, "foster parent" means a resource family providing care
112 of children in state custody.

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

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

6 (2) "Child care staff member", a child care provider; persons employed by the child care
7 provider for compensation, including contract employees or self-employed individuals;
8 individuals or volunteers whose activities involve the care or supervision of children for a child
9 care provider or unsupervised access to children who are cared for or supervised by a child care
10 provider; ~~and~~ individuals residing in a family child care home who are seventeen years of age
11 ~~and~~ **or older before January 1, 2021, or eighteen years of age or older on or after January**
12 **1, 2021; or individuals residing in a family child care home who are under seventeen years**
13 **of age before January 1, 2021, or under eighteen years of age on or after January 1, 2021**
14 **and have been certified as an adult for the commission of an offense;**

15 ~~(2)~~ (3) "Criminal background check":

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

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

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

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

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

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

26 **(4) "Designated department", the department to which criminal background check**
27 **results are sent; the department of health and senior services for child care staff members**
28 **or prospective child care staff members of licensed child care facilities; and the department**
29 **of social services for child care staff members or prospective child care staff members of**
30 **a license-exempt child care facility or an unlicensed child care facility registered with the**
31 **department of social services under section 210.027;**

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

35 2. (1) Prior to the employment or presence of a child care staff member in a [~~family~~
36 ~~child care home, group child care home, child care center, or license-exempt~~] **licensed** child care
37 facility, the child care provider shall request the results of a criminal background check for such
38 child care staff member from the department of health and senior services.

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

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

50 ~~[(3) A family child care home, group child care home, child care center, or~~
51 ~~license-exempt child care facility that has child care staff members at the time this section~~
52 ~~becomes effective shall request the results of a criminal background check for all child care staff~~

53 ~~members by January 31, 2019, unless the requirements of subsection 5 of this section are met~~
 54 ~~by the child care provider and proof is submitted to the department of health and senior services~~
 55 ~~by January 31, 2019.]~~

56 **(4) Any individual who meets the definition of child care provider but is not**
 57 **responsible for the oversight or direction of the child care facility and does not have**
 58 **independent access to the child care facility is not required to request the results of a**
 59 **criminal background check under this section; however, such individual shall be**
 60 **accompanied by an individual with a qualifying criminal background check in order to be**
 61 **present at the child care facility during child care hours.**

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

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

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

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

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

79 (4) ~~[Has a finding]~~ **Is listed as a perpetrator** of child abuse or neglect under ~~[section~~
 80 ~~210.145 or 210.152]~~ **sections 210.109 to 210.183** or any other finding of child abuse or neglect
 81 based on any other state's registry or database; or

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

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

85 ~~— (b) Child abuse or neglect;~~

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

87 ~~— (d) Spousal abuse;~~

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

- 89 ~~_____ (f) Kidnapping;~~
90 ~~_____ (g) Arson;~~
91 ~~_____ (h) Physical assault or battery; or~~
92 ~~_____ (i) Subject to subsection 5 of this section, a drug-related offense committed during the~~
93 ~~preceding five years;] Any felony for an offense against the person as defined in chapter 565;~~
94 **(b) Any other offense against the person involving the endangerment of a child as**
95 **prescribed by law;**
96 **(c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;**
97 **(d) Any misdemeanor or felony for an offense against the family as defined in**
98 **chapter 568;**
99 **(e) Burglary in the first degree as defined in 569.160;**
100 **(f) Any misdemeanor or felony for robbery as defined in chapter 570;**
101 **(g) Any misdemeanor or felony for pornography or related offense as defined in**
102 **chapter 573;**
103 **(h) Any felony for arson as defined in chapter 569;**
104 **(i) Any felony for armed criminal action as defined in section 571.015, unlawful use**
105 **of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in**
106 **section 571.070, or the unlawful possession of an explosive as defined in section 571.072;**
107 **(j) Any felony for making a terrorist threat as defined in section 574.115, 574.120,**
108 **or 574.125;**
109 **(k) A felony drug-related offense committed during the preceding five years; or**
110 **(l) Any similar offense in any federal, state, municipal, or other court of similar**
111 **jurisdiction of which the director of the designated department has knowledge.**
112 ~~[(6) Has been convicted of a violent misdemeanor committed as an adult against a child,~~
113 ~~including the following crimes: child abuse, child endangerment, or sexual assault, or of a~~
114 ~~misdemeanor involving child pornography; or~~
115 ~~_____ (7) Has been convicted of any similar crime in any federal, state, municipal, or other~~
116 ~~court.~~
117
118 ~~Adult household members seventeen years of age and older in a family child care home shall be~~
119 ~~ineligible to maintain a presence at a family child care home if any one or more of the provisions~~
120 ~~of this subsection applies to them.]~~
121 **5. Household members seventeen years of age or older before January 1, 2021, or**
122 **eighteen years of age or older on or after January 1, 2021, or household members under**
123 **seventeen years of age before January 1, 2021, or under eighteen years of age on or after**
124 **January 1, 2021, who have been certified as an adult for the commission of an offense shall**

125 **be ineligible to maintain a presence at a facility licensed as a family child care home during**
126 **child care hours if any one or more of the provisions of subsection 4 of this section apply**
127 **to such members.**

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

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

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

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

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

146 ~~[6.]~~ **8. (1) The department [of health and senior services shall process] processing the**
147 **request for a criminal background check for any prospective child care staff member or child care**
148 **staff member shall do so as expeditiously as possible, but not to exceed forty-five days after the**
149 **date on which the provider submitted the request.**

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

157 (3) If such prospective child care staff member or child care staff member is ineligible
158 for employment or presence at the child care facility, the department shall, when providing the
159 results of criminal background check, include information related to each disqualifying crime
160 or other related information, in a report to such prospective child care staff member or child care

161 staff member, along with information regarding the opportunity to appeal under subsection [7]
162 **9** of this section.

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

166 ~~[7-]~~ **9. (1)** The prospective child care staff member or child care staff member may
167 appeal **a finding of ineligibility for employment or presence at a child care facility** in writing
168 to the department **that made the determination of ineligibility** to challenge the accuracy or
169 completeness of the information contained in his or her criminal background check ~~[, or]~~ **if his**
170 **or her finding of ineligibility is based on one or more of the following offenses:**

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

172 **(b) Felony child abuse or neglect;**

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

174 **(d) Felony spousal abuse;**

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

176 **(f) Felony kidnapping;**

177 **(g) Felony arson;**

178 **(h) Felony physical assault or battery;**

179 **(i) A violent misdemeanor offense committed as an adult against a child, including**
180 **the offense of child abuse, child endangerment, or sexual assault, or a misdemeanor offense**
181 **involving child pornography; or**

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

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

191 **(3)** The appeal shall be filed **with the department that made the determination** within
192 ten days from the ~~[delivery or]~~ mailing of the notice of ineligibility. ~~[The department shall make~~
193 ~~a decision on the appeal in a timely manner.]~~ **Such department shall attempt to verify the**
194 **accuracy of the information challenged by the individual, including making an effort to**
195 **locate any missing disposition information related to the disqualifying offense. After the**
196 **department verifies the accuracy of the information challenged by the individual, the**

197 **department shall forward the appeal to the child care background screening review**
198 **committee established in subdivision (4) of this subsection. The child care background**
199 **screening review committee shall make a final decision on the written appeal, and such**
200 **decision shall be made in a timely manner. Such decision shall be considered a**
201 **noncontested final agency decision by the department that made the determination of**
202 **ineligibility under this section and appealable under section 536.150. Such decision shall**
203 **be appealed within thirty days of the mailing of the decision.**

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

207 **(5) Any decision by the child care background screening review committee to grant**
208 **an eligibility exception as allowed in this section shall only be made upon the approval of**
209 **all committee members.**

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

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

222 **[8-] 12. The department of health and senior services and the department of social**
223 **services may each adopt emergency rules to implement the requirements of this section. Any**
224 **rule or portion of a rule, as that term is defined in section 536.010, that is created under the**
225 **authority delegated in this section shall become effective only if it complies with and is subject**
226 **to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
227 **chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant**
228 **to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
229 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed**
230 **or adopted after August 28, 2018, shall be invalid and void.**

231 **[9-(1)] 13. The provisions of this section shall not apply to any child care facility, as**
232 **defined in section 210.201, maintained or operated under the exclusive control of a religious**

233 organization, as described in subdivision [(4)] (17) of subsection 1 of section 210.211, unless
 234 such facility is a recipient of federal funds for providing care for children, except for federal
 235 funds for those programs that meet the requirements for participation in the Child and Adult Care
 236 Food Program under 42 U.S.C. Section 1766.

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

**211.135. 1. The court, after considering all information provided by the children's
 2 division and input from the family support team, shall order the child to appear in court
 3 only:**

4 **(1) If necessary to make a decision; and**

5 **(2) After considering:**

6 **(a) The appropriateness of the courtroom environment for the child based on the**
 7 **level of trauma to the child either in the past or to be caused by the experience in the**
 8 **courtroom; and**

9 **(b) The hardship to be endured by the child and current guardians in regards to**
 10 **the disruption in regular activities, including school and work, and the needs of any other**
 11 **children in the home,**

12
 13 **so long as the court is in compliance with all federal guidelines.**

14 **2. Nothing in this section shall be construed to interfere with the right of a child to**
 15 **attend a hearing under subdivision (7) of subsection 3 of section 210.564.**

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

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

9 3. The current foster ~~[parents]~~ **parent** of a child, or any preadoptive parent or relative
 10 currently providing care for the child, shall be provided with notice of, and an opportunity to be
 11 heard in, any hearing to be held with respect to ~~[the]~~ **a child in his or her care**, and a foster
 12 parent shall have standing to participate in all court hearings pertaining to a child in their care.

13 **If a foster parent alleges the court failed to allow the foster parent to be heard orally or by**

14 **submission of correspondence at any hearing regarding a child in their care, the foster**
15 **parent may seek remedial writ relief pursuant to Missouri supreme court rules 84, 94, and**
16 **97. No docket fee shall be required to be paid by the foster parent. The children's division**
17 **shall not remove a child from placement with a foster parent based solely upon the foster**
18 **parent's filing of a petition for a remedial writ or while a writ is pending, unless removal**
19 **is necessary to ensure the health and safety of the child.**

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

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

25 ~~[5-]~~ **6.** Stenographic notes or an authorized recording of the hearing shall be required if
26 the court so orders or, if requested by any party interested in the proceeding.

27 ~~[6-]~~ **7.** The general public shall be excluded and only such persons admitted as have a
28 direct interest in the case or in the work of the court except in cases where the child is accused
29 of conduct which, if committed by an adult, would be considered a class A or B felony; or for
30 conduct which would be considered a class C felony, if the child has previously been formally
31 adjudicated for the commission of two or more unrelated acts which would have been class A,
32 B or C felonies, if committed by an adult.

33 ~~[7-]~~ **8.** The practice and procedure customary in proceedings in equity shall govern all
34 proceedings in the juvenile court; except that, the court shall not grant a continuance in such
35 proceedings absent compelling extenuating circumstances, and in such cases, the court shall
36 make written findings on the record detailing the specific reasons for granting a continuance.

37 ~~[8-]~~ **9.** The court shall allow the victim of any offense to submit a written statement to
38 the court. The court shall allow the victim to appear before the court personally or by counsel
39 for the purpose of making a statement, unless the court finds that the presence of the victim
40 would not serve justice. The statement shall relate solely to the facts of the case and any personal
41 injuries or financial loss incurred by the victim. A member of the immediate family of the victim
42 may appear personally or by counsel to make a statement if the victim has died or is otherwise
43 unable to appear as a result of the offense committed by the child.

431.056. 1. A minor shall be qualified and competent to contract for housing,
2 employment, purchase of an automobile, receipt of a student loan, admission to high school or
3 postsecondary school, obtaining medical **and mental health** care, establishing a bank account,
4 admission to a shelter for victims of domestic violence, as that phrase is used in sections 455.200
5 to 455.220, a rape crisis center, as defined in section 455.003, or a homeless shelter, and receipt
6 of services as a victim of domestic violence or sexual assault, as such terms are defined in

7 section 455.010, including, but not limited to, counseling, court advocacy, financial assistance,
8 and other advocacy services, if:

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

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

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

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

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

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

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

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

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

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

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

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

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

36 2. A minor who is sixteen years of age or older and who is in the legal custody of the
37 children's division pursuant to an order of a court of competent jurisdiction shall be qualified and
38 competent to contract for the purchase of automobile insurance with the consent of the children's
39 division or the juvenile court. The minor shall be responsible for paying the costs of the
40 insurance premiums and shall be liable for damages caused by his or her negligent operation of
41 a motor vehicle. No state department, foster parent, or entity providing case management of

42 children on behalf of a department shall be responsible for paying any insurance premiums nor
 43 liable for any damages of any kind as a result of the operation of a motor vehicle by the minor.

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

53 4. **Any legally-constituted entity or licensed provider who contracts with a minor**
 54 **under subsection 1 of this section shall be immune from any civil or criminal liability based**
 55 **on the entity's or provider's determination to contract with the minor; provided that, if an**
 56 **entity's or provider's determination of compliance with subsection 1 of this section, or**
 57 **conduct in contracting with the minor, is the result of the entity's or provider's gross**
 58 **negligence or willful or wanton acts or omissions, then the entity or provider may be held**
 59 **liable for their gross negligence or willful or wanton acts or omissions. Consent given**
 60 **under this section shall not be subject to later disaffirmance by reason of the minor's age.**

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

- 3 (1) "Adopted adult", any adopted person who is eighteen years of age or over;
 4 (2) "Adopted child", any adopted person who is less than eighteen years of age;
 5 (3) "Adult sibling", any brother or sister of the whole or half blood who is eighteen years
 6 of age or over;
 7 (4) "Biological parent", the natural and biological mother or father of the adopted child;
 8 (5) "Identifying information", **individually identifying** information ~~[which includes the~~
 9 ~~name, date of birth, place of birth and last known address of the biological parent]~~ **for or about**
 10 **a unique individual, including information likely to disclose the contact information,**
 11 **location, or identity of such individual;**
 12 (6) "Lineal descendant", ~~[a legal descendant of a person]~~ as defined in section 472.010;
 13 (7) "Nonidentifying information", information ~~[concerning the physical description,~~
 14 ~~nationality, religious background and medical history of the biological parent or sibling]~~ **that is**
 15 **not identifying information.**

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

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

22 4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is
23 deceased, may make a written request to the circuit court having original jurisdiction of such
24 adoption to secure and disclose information identifying the adopted adult's biological parents.
25 If the biological parents have consented to the release of identifying information under
26 subsection 8 of this section, the court shall disclose such identifying information to the adopted
27 adult or the adopted adult's lineal descendants if the adopted adult is deceased. If the biological
28 parents have not consented to the release of identifying information under subsection 8 of this
29 section, the court shall, within ten days of receipt of the request, notify in writing the child-
30 placing agency or juvenile court personnel having access to the information requested of the
31 request by the adopted adult or the adopted adult's lineal descendants.

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

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

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

59 7. If, within three months, the child-placing agency or juvenile court personnel reports
60 to the court that it has notified the biological parent pursuant to subsection 5 of this section, the
61 court shall receive the identifying information from the child-placing agency. If an affidavit duly
62 executed by a biological parent authorizing the release of information is filed with the court or
63 if a biological parent is found to be deceased, the court shall disclose the identifying information
64 as to that biological parent to the adopted adult or the adopted adult's lineal descendants if the
65 adopted adult is deceased, provided that the other biological parent either:

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

70

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

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

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

85 ~~9.]~~ **10.** The central office of the children's division within the department of social
86 services shall maintain a registry by which biological parents, adult siblings, and adoptive adults
87 may indicate their desire to be contacted by each other. The division may request such
88 identification for the registry as a party may possess to assure positive identifications. At the

89 time of registry, a biological parent or adult sibling may consent in writing to the release of
90 identifying information to an adopted adult. If such a consent has not been executed and the
91 division believes that a match has occurred on the registry between biological parents or adult
92 siblings and an adopted adult, an employee of the division shall make the confidential contact
93 provided in subsection 5 of this section with the biological parents or adult siblings and with the
94 adopted adult. If the division believes that a match has occurred on the registry between one
95 biological parent or adult sibling and an adopted adult, an employee of the division shall make
96 the confidential contact provided by subsection 5 of this section with the biological parent or
97 adult sibling. The division shall then attempt to make such confidential contact with the other
98 biological parent, and shall proceed thereafter to make such confidential contact with the adopted
99 adult only if the division determines that the other biological parent meets one of the conditions
100 specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult
101 may refuse to go forward with any further contact between the parties when contacted by the
102 division.

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

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

**Section 1. The department of social services may seek a waiver of the Institutions
2 for Mental Disease (IMD) exclusion for the comprehensive substance treatment and
3 rehabilitation program as administered by the department of mental health.**

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

- 14 ~~2. Upon receipt of an application for state or federal funds for providing~~
15 ~~child-care services in the home, the children's division shall:~~
- 16 ~~(1) Determine if a finding of child abuse or neglect by probable cause~~
17 ~~prior to August 28, 2004, or by a preponderance of the evidence after August 28,~~
18 ~~2004, involving the applicant or any person over the age of seventeen who is~~
19 ~~living in the applicant's home has been recorded pursuant to section 210.145 or~~
20 ~~210.221;~~
- 21 ~~(2) Determine if the applicant or any person over the age of seventeen~~
22 ~~who is living in the applicant's home has been refused licensure or has~~
23 ~~experienced licensure suspension or revocation pursuant to section 210.221 or~~
24 ~~210.496; and~~
- 25 ~~(3) Upon initial application, require the applicant to submit to~~
26 ~~fingerprinting and request a criminal background check of the applicant and any~~
27 ~~person over the age of seventeen who is living in the applicant's home pursuant~~
28 ~~to section 43.540 and section 210.487, and inquire of the applicant whether any~~
29 ~~children less than seventeen years of age residing in the applicant's home have~~
30 ~~ever been certified as an adult and convicted of, or pled guilty or nolo contendere~~
31 ~~to any crime.~~
- 32 ~~3. Except as otherwise provided in subsection 4 of this section, upon~~
33 ~~completion of the background checks in subsection 2 of this section, an applicant~~
34 ~~shall be denied state or federal funds for providing child care if such applicant,~~
35 ~~any person over the age of seventeen who is living in the applicant's home, and~~
36 ~~any child less than seventeen years of age who is living in the applicant's home~~
37 ~~and who the division has determined has been certified as an adult for the~~
38 ~~commission of a crime:~~
- 39 ~~(1) Has had a finding of child abuse or neglect by probable cause prior~~
40 ~~to August 28, 2004, or by a preponderance of the evidence after August 28, 2004,~~
41 ~~pursuant to section 210.145 or section 210.152;~~
- 42 ~~(2) Has been refused licensure or has experienced licensure suspension~~
43 ~~or revocation pursuant to section 210.496;~~
- 44 ~~(3) Has pled guilty or nolo contendere to or been found guilty of any~~
45 ~~felony for an offense against the person as defined by chapter 565, or any other~~
46 ~~offense against the person involving the endangerment of a child as prescribed~~
47 ~~by law; of any misdemeanor or felony for a sexual offense as defined by chapter~~
48 ~~566; of any misdemeanor or felony for an offense against the family as defined~~
49 ~~in chapter 568, with the exception of the sale of fireworks, as defined in section~~
50 ~~320.110, to a child under the age of eighteen; of any misdemeanor or felony for~~
51 ~~pornography or related offense as defined by chapter 573; or of any similar crime~~
52 ~~in any federal, state, municipal or other court of similar jurisdiction of which the~~
53 ~~director has knowledge or any offenses or reports which will disqualify an~~
54 ~~applicant from receiving state or federal funds.~~
- 55 ~~4. An applicant shall be given an opportunity by the division to offer any~~
56 ~~extenuating or mitigating circumstances regarding the findings, refusals or~~

57 ~~violations against such applicant or any person over the age of seventeen or less~~
58 ~~than seventeen who is living in the applicant's home listed in subsection 2 of this~~
59 ~~section. Such extenuating and mitigating circumstances may be considered by~~
60 ~~the division in its determination of whether to permit such applicant to receive~~
61 ~~state or federal funds for providing child care in the home.~~

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

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

69 ~~7. Any rule or portion of a rule, as that term is defined in section 536.010,~~
70 ~~that is created under the authority delegated in this section shall become effective~~
71 ~~only if it complies with and is subject to all of the provisions of chapter 536 and,~~
72 ~~if applicable, section 536.028. All rulemaking authority delegated prior to~~
73 ~~August 28, 1999, is of no force and effect and repealed. Nothing in this section~~
74 ~~shall be interpreted to repeal or affect the validity of any rule filed or adopted~~
75 ~~prior to August 28, 1999, if it fully complied with all applicable provisions of~~
76 ~~law. This section and chapter 536 are nonseverable and if any of the powers~~
77 ~~vested with the general assembly pursuant to chapter 536 to review, to delay the~~
78 ~~effective date or to disapprove and annul a rule are subsequently held~~
79 ~~unconstitutional, then the grant of rulemaking authority and any rule proposed or~~
80 ~~adopted after August 28, 1999, shall be invalid and void.~~

81 ~~8. (1) The provisions of subsection 1 of this section shall not apply to~~
82 ~~any child care facility, as defined in section 210.201, maintained or operated~~
83 ~~under the exclusive control of a religious organization, as described in~~
84 ~~subdivision (4) of subsection 1 of section 210.211, unless such facility is a~~
85 ~~recipient of federal funds for providing care for children, except for federal funds~~
86 ~~for those programs that meet the requirements for participation in the Child and~~
87 ~~Adult Care Food Program under 42 U.S.C. Section 1766.~~

88 ~~(2) The provisions of subsection 1 of this section, as enacted by the~~
89 ~~ninety-ninth general assembly, second regular session, and any rules or~~
90 ~~regulations promulgated under such section, shall expire if 42 U.S.C. Section~~
91 ~~9858f, as enacted by the Child Care and Development Block Grant (CCDBG)~~
92 ~~Act of 2014, and 45 CFR 98.43 are repealed or if Missouri no longer receives~~
93 ~~federal funds from the CCDBG.]~~

✓