

FIRST REGULAR SESSION  
[PERFECTED]  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 679 & 396**  
**92ND GENERAL ASSEMBLY**

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Taken up for Perfection April 9, 2003.

House Substitute for House Committee Substitute for House Bill Nos. 679 & 396 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

1582L.06P

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**AN ACT**

To repeal sections 207.050, 207.060, 208.047, 208.152, 208.204, 210.025, 210.109, 210.110, 210.145, 210.152, 210.160, 210.183, 210.518, 210.565, 210.903, 210.909, 210.937, 211.032, 211.059, 211.171, 211.181, 211.321, 453.110, 475.024, 491.075, 492.304, and 630.210, RSMo, and to enact in lieu thereof forty new sections relating to the state foster care system, the Dominic James Memorial Foster Care Reform Act of 2003, with penalty provisions.

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

Section A. Sections 207.050, 207.060, 208.047, 208.152, 208.204, 210.025, 210.109,  
2 210.110, 210.145, 210.152, 210.160, 210.183, 210.518, 210.565, 210.903, 210.909, 210.937,  
3 211.032, 211.059, 211.171, 211.181, 211.321, 453.110, 475.024, 491.075, 492.304, and 630.210,  
4 RSMo, are repealed and forty new sections enacted in lieu thereof, to be known as sections  
5 168.282, 168.283, 207.060, 207.085, 208.047, 208.152, 208.204, 210.025, 210.109, 210.110,  
6 210.111, 210.112, 210.145, 210.147, 210.152, 210.160, 210.183, 210.187, 210.188, 210.482,  
7 210.487, 210.518, 210.565, 210.903, 210.909, 210.937, 211.032, 211.059, 211.171, 211.181,  
8 211.321, 453.110, 475.024, 491.075, 492.304, 630.097, 630.210, 1, 2, and 3, to read as follows:  
**168.282. Sections 168.283, 207.085, 210.112, 210.147, 210.160, 210.482, 210.487,**  
2 **210.565, 211.031, 211.059, and 211.321, RSMo, shall be known and may be cited as the**

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

3 **"Dominic James Memorial Foster Care Reform Act of 2003".**

4 **168.283. 1. No person employed by a school after January 1, 2004, and no person**  
5 **employed by a school for less than two years who has any negative history in his or her**  
6 **personnel file with the school, including but not limited to, administrators, teachers, aides,**  
7 **paraprofessionals, assistants, secretaries, custodians, cooks, nurses, and bus drivers, shall**  
8 **have unsupervised contact with pupils until a criminal history background check has been**  
9 **conducted. The results of the background check shall be sent to the employing school**  
10 **district. Any person required to submit to a criminal background check pursuant to this**  
11 **section shall be required to submit to the Federal Bureau of Investigation background**  
12 **check, but may register with the family care safety registry and access line pursuant to**  
13 **sections 210.900 to 210.937 in lieu of the required highway patrol background check.**

14 **2. To facilitate the criminal history background check on any person employed by**  
15 **the school, such person shall submit two sets of fingerprints collected pursuant to**  
16 **standards determined by the highway patrol. One set of fingerprints shall be used by the**  
17 **highway patrol to search the criminal history repository and the second set shall be**  
18 **forwarded to the Federal Bureau of Investigation for searching the federal criminal history**  
19 **files.**

20 **3. Any fees for the state criminal history record information pursuant to section**  
21 **43.530, RSMo, and for the federal criminal history record by the Federal Bureau of**  
22 **Investigation shall be paid by the employee. The department shall distribute the fees**  
23 **collected for the state and federal criminal histories to the highway patrol.**

24 **4. The employee may be reimbursed by the employing school district if the school**  
25 **district policy provides for reimbursement intended for state and federal criminal history**  
26 **information pursuant to section 43.530, RSMo.**

27 **5. If, as a result of the criminal history background check required by this section,**  
28 **it is determined that the holder of a certificate issued pursuant to section 168.021 has been**  
29 **charged with, pled guilty or nolo contendere to, or been found guilty of a crime under the**  
30 **laws of this state, any other state, the United States, or any other country, regardless of**  
31 **imposition of sentence, such information shall be reported to the department of elementary**  
32 **and secondary education.**

33 **6. Any school official making a report to the department of elementary and**  
34 **secondary education in conformity with this section shall not be subject to civil liability for**  
35 **such action.**

36 **7. The state board of education may promulgate rules for criminal history**  
37 **background checks made pursuant to this section. No rule or portion of a rule**  
38 **promulgated pursuant to the authority of this section shall become effective unless it has**

36 **been promulgated pursuant to chapter 536, RSMo.**

37 **8. This section shall become effective January 1, 2004.**

207.060. 1. The director of **the family [services shall establish] support division shall**  
2 **operate and maintain on a full-time basis** a county office in every county, which may be in the  
3 charge of a county welfare director who shall have been a resident of the state of Missouri for  
4 a period of at least two years immediately prior to taking office and whose salary shall be paid  
5 from funds appropriated for the **family support** division [of family services].

6 2. For the purpose of establishing and maintaining county offices, or carrying out any  
7 of the duties of the division of family services, the director of family services may enter into  
8 agreements with any political subdivision of this state, and as a part of such agreement, may  
9 accept moneys, services, or quarters as a contribution toward the support and maintenance of  
10 such county offices. Any funds so received shall be payable to the director of revenue and  
11 deposited in the proper special account in the state treasury, and become and be a part of state  
12 funds appropriated for the use of the division of family services.

13 3. Other employees in the county offices shall be employed with due regard to the  
14 population of the county, existing conditions and purpose to be accomplished. Such employees  
15 shall be paid as are other employees of the division of family services.

**207.085. 1. For division employees involved with child protective services, it shall**  
2 **be grounds for dismissal for any officer or employee of the division of family services to**  
3 **purposely or knowingly violate a stated or written policy of the division, any rule**  
4 **promulgated by the division, or any state law directly related to the child abuse and neglect**  
5 **activities of the division if the violation results in serious physical injury or death.**

6 2. Any person who violates the provisions of subsection 1 of this section shall be  
7 subject to criminal liability for endangering the welfare of a child under section 568.050,  
8 RSMo, and may be subject to additional criminal liability based on the specific  
9 circumstances of the violation.

10 3. The provisions of this section shall apply to merit system employees of the  
11 division, as well as all other employees of the division, and upon a showing of a violation,  
12 shall be considered sufficient grounds for the division to make a for cause dismissal  
13 pursuant to section 36.380, RSMo.

14 4. The provisions of sections 660.019 to 660.021, RSMo, shall apply to this section.  
15 If an employee is responsible for assignments in excess of specified caseload standards  
16 established in section 660.020, RSMo, and the employee purposely or knowingly violates  
17 a stated or written policy of the division and the violation results in serious physical injury  
18 or death, any rule promulgated by the division, or any state law directly related to the child  
19 abuse and neglect activities of the division, the employee's good faith efforts to follow the

20 **stated or written policies of the division, the rules promulgated by the division, or the state**  
21 **laws directly related to the child abuse and neglect activities of the division shall be a**  
22 **mitigating factor in determining whether an employee is dismissed pursuant to subsection**  
23 **1 of this section.**

208.047. 1. Notwithstanding the provisions of section 208.040, [aid to dependent  
2 children] **temporary assistance for needy families** benefits may be granted to a dependent  
3 child:

4 (1) Who would meet the requirements of section 208.040, except for his **or her** removal  
5 from the home of a relative as a result of a judicial determination to the effect that continuation  
6 therein would be contrary to the welfare of such child;

7 (2) For whose placement and care the division of family services is responsible;

8 (3) Who has been placed in a foster family home or nonprofit private child-care  
9 institution as a result of such determination; and

10 (4) Who (a) received [aid to dependent children] **temporary assistance for needy**  
11 **families** benefits in and for the month in which court proceedings leading to such determination  
12 were initiated; or (b) would have received aid in or for that month if application had been made  
13 therefor; or (c) in the case of a child who had been living with a relative specified in section  
14 208.040 within six months prior to the month in which such proceedings were initiated, would  
15 have received aid in and for such month, if in such month he had been living with, and removed  
16 from the home of, such a relative and application had been made therefor.

17 2. Monthly aid to dependent children benefits on behalf of a child placed in a foster  
18 family home or nonprofit private child-care institution shall not exceed one hundred dollars for  
19 each child and in the event that federal aid to states for dependent children placed in a nonprofit  
20 private child-care institution is withdrawn, benefit payments under this section shall be  
21 terminated on behalf of a dependent child in a nonprofit private child-care institution.

22 **3. Notwithstanding any other provision of law to the contrary, medical assistance**  
23 **provided to any child who is in foster care may extend past the child's eighteenth birthday**  
24 **in the following circumstances:**

25 (1) **If when a foster child reaches age eighteen the child is enrolled in and attending**  
26 **a secondary school program of instruction, and continues to attend and progresses toward**  
27 **completion of such program, the medical assistance shall continue until the child completes**  
28 **such program or reaches age twenty-one, whichever first occurs; or**

29 (2) **If the foster child is enrolled in an institution of vocational or higher education**  
30 **not later than October first following graduation from a secondary school or completion**  
31 **of a graduation equivalence degree program and so long as the child enrolls for and**  
32 **completes at least twelve hours of credit each semester, not including the summer semester,**

33 **at an institution of vocational or higher education and achieves grades sufficient to re-**  
34 **enroll at such institution, the medical assistance shall continue until the child completes his**  
35 **or her education, or until the child reaches the age of twenty-three, whichever first occurs.**  
36 **If the circumstances of the child manifestly dictate, the division may waive the October**  
37 **first deadline for enrollment required by this subsection. As used in this subsection, an**  
38 **“institution of vocational education” means any postsecondary training or schooling for**  
39 **which the student is assessed a fee and attends classes regularly. “Higher education”**  
40 **means any junior college, community college, or university at which the child attends**  
41 **classes regularly.**

42 **4. This section shall be subject to appropriations.**

208.152. 1. Benefit payments for medical assistance shall be made on behalf of those  
2 eligible needy persons who are unable to provide for it in whole or in part, with any payments  
3 to be made on the basis of the reasonable cost of the care or reasonable charge for the services  
4 as defined and determined by the division of medical services, unless otherwise hereinafter  
5 provided, for the following:

6 (1) Inpatient hospital services, except to persons in an institution for mental diseases who  
7 are under the age of sixty-five years and over the age of twenty-one years; provided that the  
8 division of medical services shall provide through rule and regulation an exception process for  
9 coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile  
10 professional activities study (PAS) or the Medicaid children's diagnosis length-of-stay schedule;  
11 and provided further that the division of medical services shall take into account through its  
12 payment system for hospital services the situation of hospitals which serve a disproportionate  
13 number of low-income patients;

14 (2) All outpatient hospital services, payments therefor to be in amounts which represent  
15 no more than eighty percent of the lesser of reasonable costs or customary charges for such  
16 services, determined in accordance with the principles set forth in Title XVIII A and B, Public  
17 Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), but the  
18 division of medical services may evaluate outpatient hospital services rendered under this section  
19 and deny payment for services which are determined by the division of medical services not to  
20 be medically necessary, in accordance with federal law and regulations;

21 (3) Laboratory and X-ray services;

22 (4) Nursing home services for recipients, except to persons in an institution for mental  
23 diseases who are under the age of sixty-five years, when residing in a hospital licensed by the  
24 department of health and senior services or a nursing home licensed by the division of aging or  
25 appropriate licensing authority of other states or government-owned and -operated institutions  
26 which are determined to conform to standards equivalent to licensing requirements in Title XIX,

27 of the federal Social Security Act (42 U.S.C. 301, et seq.), as amended, for nursing facilities.  
28 The division of medical services may recognize through its payment methodology for nursing  
29 facilities those nursing facilities which serve a high volume of Medicaid patients. The division  
30 of medical services when determining the amount of the benefit payments to be made on behalf  
31 of persons under the age of twenty-one in a nursing facility may consider nursing facilities  
32 furnishing care to persons under the age of twenty-one as a classification separate from other  
33 nursing facilities;

34 (5) Nursing home costs for recipients of benefit payments under subdivision (4) of this  
35 section for those days, which shall not exceed twelve per any period of six consecutive months,  
36 during which the recipient is on a temporary leave of absence from the hospital or nursing home,  
37 provided that no such recipient shall be allowed a temporary leave of absence unless it is  
38 specifically provided for in his plan of care. As used in this subdivision, the term "temporary  
39 leave of absence" shall include all periods of time during which a recipient is away from the  
40 hospital or nursing home overnight because he is visiting a friend or relative;

41 (6) Physicians' services, whether furnished in the office, home, hospital, nursing home,  
42 or elsewhere;

43 (7) Dental services;

44 (8) Services of podiatrists as defined in section 330.010, RSMo;

45 (9) Drugs and medicines when prescribed by a licensed physician, dentist, or podiatrist;

46 (10) Emergency ambulance services and, effective January 1, 1990, medically necessary  
47 transportation to scheduled, physician-prescribed nonelective treatments. The department of  
48 social services may conduct demonstration projects related to the provision of medically  
49 necessary transportation to recipients of medical assistance under this chapter. Such  
50 demonstration projects shall be funded only by appropriations made for the purpose of such  
51 demonstration projects. If funds are appropriated for such demonstration projects, the  
52 department shall submit to the general assembly a report on the significant aspects and results  
53 of such demonstration projects;

54 (11) Early and periodic screening and diagnosis of individuals who are under the age of  
55 twenty-one to ascertain their physical or mental defects, and health care, treatment, and other  
56 measures to correct or ameliorate defects and chronic conditions discovered thereby. Such  
57 services shall be provided in accordance with the provisions of section 6403 of P.L.53 101-239  
58 and federal regulations promulgated thereunder;

59 (12) Home health care services;

60 (13) Optometric services as defined in section 336.010, RSMo;

61 (14) Family planning as defined by federal rules and regulations; provided, however, that  
62 such family planning services shall not include abortions unless such abortions are certified in

63 writing by a physician to the Medicaid agency that, in his professional judgment, the life of the  
64 mother would be endangered if the fetus were carried to term;

65 (15) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing  
66 aids, and wheelchairs;

67 (16) Inpatient psychiatric hospital services for individuals under age twenty-one as  
68 defined in Title XIX of the federal Social Security Act (42 U.S.C. 1396d, et seq.);

69 (17) Outpatient surgical procedures, including presurgical diagnostic services performed  
70 in ambulatory surgical facilities which are licensed by the department of health and senior  
71 services of the state of Missouri; except, that such outpatient surgical services shall not include  
72 persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965  
73 amendments to the federal Social Security Act, as amended, if exclusion of such persons is  
74 permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security  
75 Act, as amended;

76 (18) Personal care services which are medically oriented tasks having to do with a  
77 person's physical requirements, as opposed to housekeeping requirements, which enable a person  
78 to be treated by his physician on an outpatient, rather than on an inpatient or residential basis in  
79 a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be  
80 rendered by an individual not a member of the recipient's family who is qualified to provide such  
81 services where the services are prescribed by a physician in accordance with a plan of treatment  
82 and are supervised by a licensed nurse. Persons eligible to receive personal care services shall  
83 be those persons who would otherwise require placement in a hospital, intermediate care facility,  
84 or skilled nursing facility. Benefits payable for personal care services shall not exceed for any  
85 one recipient one hundred percent of the average statewide charge for care and treatment in an  
86 intermediate care facility for a comparable period of time;

87 (19) Mental health services. The state plan for providing medical assistance under Title  
88 XIX of the Social Security Act, 42 U.S.C. 301, as amended, shall include the following mental  
89 health services when such services are provided by community mental health facilities operated  
90 by the department of mental health or designated by the department of mental health as a  
91 community mental health facility or as an alcohol and drug abuse facility, **as an eligible system**  
92 **of care provider or as an organization licensed as defined in subdivision (6) of section**  
93 **210.481, RSMo.**

94 (a) The department of mental health shall establish by administrative rule the definition  
95 and criteria for designation as a community mental health facility and for designation as an  
96 alcohol and drug abuse facility. Such mental health services shall include:

97 [(a)] a. Outpatient mental health services including preventive, diagnostic, therapeutic,  
98 rehabilitative, and palliative interventions rendered to individuals in an individual or group

99 setting by a mental health professional in accordance with a plan of treatment appropriately  
100 established, implemented, monitored, and revised under the auspices of a therapeutic team as a  
101 part of client services management;

102 [(b)] **b.** Clinic mental health services including preventive, diagnostic, therapeutic,  
103 rehabilitative, and palliative interventions rendered to individuals in an individual or group  
104 setting by a mental health professional in accordance with a plan of treatment appropriately  
105 established, implemented, monitored, and revised under the auspices of a therapeutic team as a  
106 part of client services management;

107 [(c)] **c.** Rehabilitative mental health and alcohol and drug abuse services including  
108 preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to  
109 individuals in an individual or group setting by a mental health or alcohol and drug abuse  
110 professional in accordance with a plan of treatment appropriately established, implemented,  
111 monitored, and revised under the auspices of a therapeutic team as a part of client services  
112 management. As used in this section, "mental health professional" and "alcohol and drug abuse  
113 professional" shall be defined by the department of mental health pursuant to duly promulgated  
114 rules. With respect to services established by this subdivision, the department of social services,  
115 division of medical services, shall enter into an agreement with the department of mental health.  
116 Matching funds for outpatient mental health services, clinic mental health services, and  
117 rehabilitation services for mental health and alcohol and drug abuse shall be certified by the  
118 department of mental health to the division of medical services. The agreement shall establish  
119 a mechanism for the joint implementation of the provisions of this subdivision. In addition, the  
120 agreement shall establish a mechanism by which rates for services may be jointly developed.

121 **(b) The department of mental health, in collaboration with the division of medical**  
122 **services within the department of social services, shall establish by rule the definition and**  
123 **criteria for designation of a community-based service. Services to be made available and**  
124 **easily accessible include intensive home-based services, early intervention services, family**  
125 **support services, respite services, and behavioral assistance services;**

126 (20) Comprehensive day rehabilitation services beginning early posttrauma as part of a  
127 coordinated system of care for individuals with disabling impairments. Rehabilitation services  
128 must be based on an individualized, goal-oriented, comprehensive and coordinated treatment  
129 plan developed, implemented, and monitored through an interdisciplinary assessment designed  
130 to restore an individual to optimal level of physical, cognitive and behavioral function. The  
131 division of medical services shall establish by administrative rule the definition and criteria for  
132 designation of a comprehensive day rehabilitation service facility, benefit limitations and  
133 payment mechanism;

134 (21) Hospice care. As used in this subsection, the term "hospice care" means a



135 coordinated program of active professional medical attention within a home, outpatient and  
136 inpatient care which treats the terminally ill patient and family as a unit, employing a medically  
137 directed interdisciplinary team. The program provides relief of severe pain or other physical  
138 symptoms and supportive care to meet the special needs arising out of physical, psychological,  
139 spiritual, social and economic stresses which are experienced during the final stages of illness,  
140 and during dying and bereavement and meets the Medicare requirements for participation as a  
141 hospice as are provided in 42 CFR Part 418. Beginning July 1, 1990, the rate of reimbursement  
142 paid by the division of medical services to the hospice provider for room and board furnished  
143 by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the  
144 rate of reimbursement which would have been paid for facility services in that nursing home  
145 facility for that patient, in accordance with subsection (c) of section 6408 of P.L. 101-239  
146 (Omnibus Budget Reconciliation Act of 1989);

147 (22) Such additional services as defined by the division of medical services to be  
148 furnished under waivers of federal statutory requirements as provided for and authorized by the  
149 federal Social Security Act (42 U.S.C. 301, et seq.) subject to appropriation by the general  
150 assembly;

151 (23) Beginning July 1, 1990, the services of a certified pediatric or family nursing  
152 practitioner to the extent that such services are provided in accordance with chapter 335, RSMo,  
153 and regulations promulgated thereunder, regardless of whether the nurse practitioner is  
154 supervised by or in association with a physician or other health care provider;

155 (24) Subject to appropriations, the department of social services shall conduct  
156 demonstration projects for nonemergency, physician-prescribed transportation for pregnant  
157 women who are recipients of medical assistance under this chapter in counties selected by the  
158 director of the division of medical services. The funds appropriated pursuant to this subdivision  
159 shall be used for the purposes of this subdivision and for no other purpose. The department shall  
160 not fund such demonstration projects with revenues received for any other purpose. This  
161 subdivision shall not authorize transportation of a pregnant woman in active labor. The division  
162 of medical services shall notify recipients of nonemergency transportation services under this  
163 subdivision of such other transportation services which may be appropriate during active labor  
164 or other medical emergency;

165 (25) Nursing home costs for recipients of benefit payments under subdivision (4) of this  
166 subsection to reserve a bed for the recipient in the nursing home during the time that the recipient  
167 is absent due to admission to a hospital for services which cannot be performed on an outpatient  
168 basis, subject to the provisions of this subdivision:

169 (a) The provisions of this subdivision shall apply only if:

170 a. The occupancy rate of the nursing home is at or above ninety-seven percent of

171 Medicaid certified licensed beds, according to the most recent quarterly census provided to the  
172 division of aging which was taken prior to when the recipient is admitted to the hospital; and

173         b. The patient is admitted to a hospital for a medical condition with an anticipated stay  
174 of three days or less;

175         (b) The payment to be made under this subdivision shall be provided for a maximum of  
176 three days per hospital stay;

177         (c) For each day that nursing home costs are paid on behalf of a recipient pursuant to this  
178 subdivision during any period of six consecutive months such recipient shall, during the same  
179 period of six consecutive months, be ineligible for payment of nursing home costs of two  
180 otherwise available temporary leave of absence days provided under subdivision (5) of this  
181 subsection; and

182         (d) The provisions of this subdivision shall not apply unless the nursing home receives  
183 notice from the recipient or the recipient's responsible party that the recipient intends to return  
184 to the nursing home following the hospital stay. If the nursing home receives such notification  
185 and all other provisions of this subsection have been satisfied, the nursing home shall provide  
186 notice to the recipient or the recipient's responsible party prior to release of the reserved bed.

187         2. Benefit payments for medical assistance for surgery as defined by rule duly  
188 promulgated by the division of medical services, and any costs related directly thereto, shall be  
189 made only when a second medical opinion by a licensed physician as to the need for the surgery  
190 is obtained prior to the surgery being performed.

191         3. The division of medical services may require any recipient of medical assistance to  
192 pay part of the charge or cost, as defined by rule duly promulgated by the division of medical  
193 services, for dental services, drugs and medicines, optometric services, eye glasses, dentures,  
194 hearing aids, and other services, to the extent and in the manner authorized by Title XIX of the  
195 federal Social Security Act (42 U.S.C. 1396, et seq.) and regulations thereunder. When  
196 substitution of a generic drug is permitted by the prescriber according to section 338.056, RSMo,  
197 and a generic drug is substituted for a name brand drug, the division of medical services may not  
198 lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of  
199 the federal Social Security Act. A provider of goods or services described under this section  
200 must collect from all recipients the partial payment that may be required by the division of  
201 medical services under authority granted herein, if the division exercises that authority, to remain  
202 eligible as a provider. Any payments made by recipients under this section shall be in addition  
203 to, and not in lieu of, any payments made by the state for goods or services described herein.

204         4. The division of medical services shall have the right to collect medication samples  
205 from recipients in order to maintain program integrity.

206         5. Reimbursement for obstetrical and pediatric services under subdivision (6) of

207 subsection 1 of this section shall be timely and sufficient to enlist enough health care providers  
208 so that care and services are available under the state plan for medical assistance at least to the  
209 extent that such care and services are available to the general population in the geographic area,  
210 as required under subparagraph (a)(30)(A) of 42 U.S.C. 1396a and federal regulations  
211 promulgated thereunder.

212 6. Beginning July 1, 1990, reimbursement for services rendered in federally funded  
213 health centers shall be in accordance with the provisions of subsection 6402(c) and section 6404  
214 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations  
215 promulgated thereunder.

216 7. Beginning July 1, 1990, the department of social services shall provide notification  
217 and referral of children below age five, and pregnant, breast-feeding, or postpartum women who  
218 are determined to be eligible for medical assistance under section 208.151 to the special  
219 supplemental food programs for women, infants and children administered by the department  
220 of health and senior services. Such notification and referral shall conform to the requirements  
221 of section 6406 of P.L. 101-239 and regulations promulgated thereunder.

222 8. Providers of long-term care services shall be reimbursed for their costs in accordance  
223 with the provisions of section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. 1396a, as  
224 amended, and regulations promulgated thereunder.

225 9. Reimbursement rates to long-term care providers with respect to a total change in  
226 ownership, at arm's length, for any facility previously licensed and certified for participation in  
227 the Medicaid program shall not increase payments in excess of the increase that would result  
228 from the application of section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. 1396a  
229 (a)(13)(C).

230 10. The department of social services, division of medical services, may enroll qualified  
231 residential care facilities, as defined in chapter 198, RSMo, as Medicaid personal care providers.

208.204. 1. The division of medical services may administer the funds appropriated to  
2 the department of social services or any division of the department for payment of medical care  
3 provided to children in the legal custody of the department of social services or any division of  
4 the department.

5 **2. The department of social services shall review all cases of children in their**  
6 **custody to determine which cases involve children in the system due exclusively to a need**  
7 **for mental health services, and identify the cases where no instance of abuse, neglect, or**  
8 **abandonment exists.**

9 **3. Children identified under subsection 2 of this section may be returned by the**  
10 **judge to the custody of the child's family. Subject to appropriations, the department of**  
11 **mental health shall have the responsibility of providing the necessary services for such**

12 **children in the least restrictive appropriate environment, including home- and community-**  
13 **based services, treatment, and support, based on a coordinated individualized treatment**  
14 **plan.**

15 **4. When children are returned to their family's custody and become the service**  
16 **responsibility of the department of mental health, the appropriate moneys to provide for**  
17 **the care of each child in such situation shall be billed to the department of social services**  
18 **by the department of mental health.**

210.025. 1. To qualify for receipt of state or federal funds for providing child-care  
2 services in the home either by direct payment or through reimbursement to a child-care  
3 beneficiary, an applicant and any person over the age of eighteen who is living in the applicant's  
4 home shall be required to submit to a criminal background check pursuant to section 43.540,  
5 RSMo, and a check of the central registry for child abuse established in section 210.145.  
6 Effective January 1, 2001, the requirements of this subsection or subsection 2 of this section shall  
7 be satisfied through registration with the family care safety registry established in sections  
8 210.900 to 210.936. Any costs associated with such checks shall be paid by the applicant.

9 2. Upon receipt of an application for state or federal funds for providing child-care  
10 services in the home, the division of family services shall:

11 (1) Determine if a [probable cause] finding of child abuse or neglect **by a**  
12 **preponderance of the evidence** involving the applicant or any person over the age of eighteen  
13 who is living in the applicant's home has been recorded pursuant to section 210.221 or 210.145;

14 (2) Determine if the applicant or any person over the age of eighteen who is living in the  
15 applicant's home has been refused licensure or has experienced licensure suspension or  
16 revocation pursuant to section 210.221 or 210.496; and

17 (3) Request a criminal background check of the applicant and any person over the age  
18 of eighteen who is living in the applicant's home pursuant to section 43.540, RSMo.

19 3. Except as otherwise provided in subsection 4 of this section, upon completion of the  
20 background checks in subsection 2 of this section, an applicant shall be denied state or federal  
21 funds for providing child care if such applicant or any person over the age of eighteen who is  
22 living in the applicant's home:

23 (1) Has had a [probable cause] finding of child abuse or neglect **by a preponderance**  
24 **of the evidence** pursuant to section 210.145;

25 (2) Has been refused licensure or has experienced licensure suspension or revocation  
26 pursuant to section 210.496;

27 (3) Has pled guilty or nolo contendere to or been found guilty of any felony for an  
28 offense against the person as defined by chapter 565, RSMo, or any other offense against the  
29 person involving the endangerment of a child as prescribed by law; of any misdemeanor or

30 felony for a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or felony for  
31 an offense against the family as defined in chapter 568, RSMo, with the exception of the sale of  
32 fireworks, as defined in section 320.110, RSMo, to a child under the age of eighteen; of any  
33 misdemeanor or felony for pornography or related offense as defined by chapter 573, RSMo; or  
34 of any similar crime in any federal, state, municipal or other court of similar jurisdiction of which  
35 the director has knowledge or any offenses or reports which will disqualify an applicant from  
36 receiving state or federal funds.

37 4. An applicant shall be given an opportunity by the division to offer any extenuating or  
38 mitigating circumstances regarding the findings, refusals or violations against such applicant or  
39 any person over the age of eighteen who is living in the applicant's home listed in subsection 2  
40 of this section. Such extenuating and mitigating circumstances may be considered by the  
41 division in its determination of whether to permit such applicant to receive state or federal funds  
42 for providing child care in the home.

43 5. An applicant who has been denied state or federal funds for providing child care in  
44 the home may appeal such denial decision in accordance with the provisions of section 208.080,  
45 RSMo.

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

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

210.109. 1. The division of family services shall establish a child protection system for  
2 the entire state.

3 2. The child protection system shall [seek to] promote the safety of children and the  
4 integrity and preservation of their families by conducting investigations or family assessments  
5 and providing services in response to reports of child abuse or neglect. The system shall

6 [endeavor to] coordinate community resources and provide assistance or services to children and  
7 families identified to be at risk, and 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 made by mandatory reporters pursuant to**  
16 **section 210.115 shall not be made anonymously;**

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

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

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

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

29 **(8) Whenever available and appropriate, contract for the provision of children's**  
30 **services through private children's services providers and agencies in the community;**  
31 **except that the state shall be the sole provider of child abuse and neglect hotline services,**  
32 **the initial child abuse and neglect investigation, and the initial family assessment. The state**  
33 **shall be responsible for representation to the court for children in the custody of the**  
34 **division, but the division may contract for such services.**

35

36 As used in this subsection, "report" includes any telephone call made pursuant to section  
37 210.145.

38 4. By January 1, 1998, the division of family services shall submit documentation to the  
39 speaker of the house of representatives and the president pro tem of the senate on the success or  
40 failure of the child protection system established in this section. The general assembly may  
41 recommend statewide implementation or cancellation of the child protection system based on

42 the success or failure of the system established in this section.

43 5. The documentation required by subsection 4 of this section shall include an  
44 independent evaluation of the child protection system completed according to accepted, objective  
45 research principles.

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the  
2 following terms mean:

3 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child  
4 other than by accidental means by those responsible for the child's care, custody, and control,  
5 except that discipline including spanking, administered in a reasonable manner, shall not be  
6 construed to be abuse;

7 (2) "Central registry", a registry of persons where the division has found [probable cause  
8 to believe] **by a preponderance of the evidence** or a court has substantiated through court  
9 adjudication that the individual has committed child abuse or neglect or the person has pled  
10 guilty or has been found guilty of a crime pursuant to section 565.020, 565.021, 565.023,  
11 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, section  
12 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or other crime  
13 pursuant to chapter 566, RSMo, if the victim is a child less than eighteen years of age and the  
14 perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a child  
15 less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080,  
16 or 568.090, RSMo, section 573.025 or 573.035, RSMo, or an attempt to commit any such  
17 crimes;

18 (3) "Child", any person, regardless of physical or mental condition, under eighteen years  
19 of age;

20 (4) **"Children's services providers and agencies", any public or private entity with**  
21 **the appropriate and relevant training and expertise in delivering services to children and**  
22 **their families, and capable of providing direct services and other family services for**  
23 **children in the custody of the division of family services;**

24 (5) "Director", the director of the Missouri division of family services;

25 [(5)] (6) "Division", the Missouri division of family services;

26 [(6)] (7) "Family assessment and services", an approach to be developed by the division  
27 of family services which will provide for a prompt assessment of a child who has been reported  
28 to the division as a victim of abuse or neglect by a person responsible for that child's care,  
29 custody or control and of that child's family, including risk of abuse and neglect and, if  
30 necessary, the provision of community-based services to reduce the risk and support the family;

31 [(7)] (8) "Investigation", the collection of physical and verbal evidence to determine if  
32 a child has been abused or neglected;

33            [(8)] (9) "Jail or detention center personnel", employees and volunteers working in any  
34 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is  
35 provided to persons who are being held under custody of the law;

36            [(9)] (10) "Neglect", failure to provide, by those responsible for the care, custody, and  
37 control of the child, the proper or necessary support, education as required by law, nutrition or  
38 medical, surgical, or any other care necessary for the child's well-being;

39            [(10)] "Probable cause", available facts when viewed in the light of surrounding  
40 circumstances which would cause a reasonable person to believe a child was abused or  
41 neglected;]

42            (11) "**Preponderance of the evidence**", that degree of evidence that is of greater  
43 **weight or more convincing than the evidence which is offered in opposition to it or evidence**  
44 **which as a whole shows the fact to be proved to be more probable than not;**

45            (12) "Report", the communication of an allegation of child abuse or neglect to the  
46 division pursuant to section 210.115;

47            [(12)] (13) "Those responsible for the care, custody, and control of the child", those  
48 included but not limited to the parents or guardian of a child, other members of the child's  
49 household, or those exercising supervision over a child for any part of a twenty-four-hour day.  
50 Those responsible for the care, custody and control shall also include any adult who, based on  
51 relationship to the parents of the child, members of the child's household or the family, has  
52 access to the child.

**210.111. By January 1, 2004, the division of family services, or its successor**  
2 **division, shall identify all children in the custody of the division currently receiving foster**  
3 **care services and shall report to the general assembly the type of foster care being**  
4 **provided, including but not limited to care provided in a licensed foster care home,**  
5 **institutional setting, residential setting, independent living setting, or kinship care setting,**  
6 **and the status of all such children. Nothing in this section shall be construed as requiring**  
7 **the division to disclose the identity or precise location of any child in the custody of the**  
8 **division.**

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

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

6            (2) **Services shall be provided on a competitive basis where public and private**  
7 **providers of direct services to children and their families will be evaluated in a uniform**  
8 **and consistent basis;**



9           **(3) Services to children and their families shall be provided in a timely manner to**  
10 **maximize the opportunity for successful outcomes; and**

11           **(4) Any provider of direct services to children and families shall have the**  
12 **appropriate training, education, and competencies to provide the highest quality of services**  
13 **possible.**

14           **2. On or before July 1, 2004, and subject to appropriations, the division of family**  
15 **services or its successor division, the courts in the designated areas of the pilot project, and**  
16 **any other state agency deemed necessary by the division and the courts shall, in**  
17 **consultation with the community and providers of services in the pilot project areas,**  
18 **implement a two-year pilot project in Greene County, the city of St. Louis, and a rural**  
19 **county in this state selected by the division which will provide a comprehensive and**  
20 **deliberate system of service delivery for all children and their families when children are**  
21 **in the custody of the division. In implementing the pilot project, direct services for**  
22 **children and their families currently provided by the division of family services in Greene**  
23 **County, the city of St. Louis, and the selected rural county, except for services related to**  
24 **the child abuse and neglect hotline, investigations of alleged child abuse and neglect, and**  
25 **initial family assessments, shall be contracted for by a competitive bid process and**  
26 **provided by public and private not-for-profit or limited liability corporations owned**  
27 **exclusively by not-for-profit corporations children's services providers and agencies which**  
28 **have:**

29           **(1) A license or appropriate accreditation; or**

30           **(2) A proven record of providing child welfare services within the state of Missouri;**  
31 **or**

32           **(3) The ability to provide a range of child welfare services, which may include case**  
33 **management services, family-centered services, foster and adoptive parent recruitment and**  
34 **retention, residential care, mentoring, intensive in-home services, foster care services,**  
35 **adoption services, relative care case management, independent living services, and family**  
36 **reunification services.**

37

38 **Such children's services providers and agencies under contract with the division shall be**  
39 **subject to all federal, state, and local laws and regulations relating to the provision of such**  
40 **services.**

41           **3. By February 1, 2004, each county or city participating in the pilot project shall**  
42 **submit a plan for the implementation of the pilot project to the general assembly, including**  
43 **but not limited to the following:**

44           **(1) A timetable for meeting the county's or city's goal for privatization cases;**

- 45           **(2) A plan for implementing the competitive bid process; and**  
46           **(3) The criteria to be used for payment of children's services contracts.**

47

48 **The privatization pilot project planning panels established in subsection 4 of this section**  
49 **may include criteria in the implementation plan which allows caseworkers in the pilot**  
50 **project areas to handle up to thirty cases per caseworker.**

51           **4. The plan required in subsection 3 of this section shall be developed by a**  
52 **"Privatization Pilot Project Planning Panel" in each county or city participating in the**  
53 **pilot project. Each such panel shall include the following members:**

54           **(1) To be appointed by the governor:**

55           **(a) A representative from the local division of family services;**

56           **(b) A representative from private agencies;**

57           **(c) A representative from child advocacy groups;**

58           **(d) A representative from the department of mental health; and**

59           **(e) A representative from community partnership agencies; and**

60           **(2) To be appointed by the chief justice of the supreme court:**

61           **(a) A representative from private agencies;**

62           **(b) A representative from the judicial circuit in which the county or city is located;**

63           **(c) An attorney representing the interests of parents;**

64           **(d) A volunteer advocate or guardian ad litem; and**

65           **(e) A representative of child advocacy groups.**

66

67 **In addition, each privatization pilot project planning panel shall also include two members**  
68 **of the senate, with one member appointed by the president pro tem of the senate and one**  
69 **member appointed by the minority floor leader of the senate, and two members of the**  
70 **house of representatives, with one member appointed by the speaker of the house of**  
71 **representatives and one member appointed by the minority floor leader of the house of**  
72 **representatives. All appointments to the local panels shall be made by September 1, 2003,**  
73 **and each panel shall convene at least once before October 1, 2003.**

74           **5. The pilot project shall have the following criteria:**

75           **(1) Child welfare services shall be delivered to a child and the child's family by**  
76 **professionals who have substantial training, education, or competencies otherwise**  
77 **demonstrated in the area of children and family services;**

78           **(2) Children's services providers and agencies shall be evaluated by the division**  
79 **and the courts based on objective, consistent, and performance-based criteria;**

80           **(3) Any case management services provided shall be subject to a case management**

81 **plan established pursuant to subsection 4 of this section which is consistent with all**  
82 **relevant federal guidelines. The case management plan shall focus on attaining**  
83 **permanency in children's living conditions to the greatest extent possible and shall include**  
84 **concurrent planning and independent living where appropriate in accordance with the best**  
85 **interests of each child served and considering relevant factors applicable to each individual**  
86 **case as provided by law, including:**

87 **(a) The interaction and interrelationship of a child with the child's foster parents,**  
88 **biological parents, siblings, and any other person who may significantly affect the child's**  
89 **best interests;**

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

91 **(c) The mental and physical health of all individuals involved, including any history**  
92 **of abuse of or by any individuals involved; and**

93 **(d) The needs of the child for a continuing relationship with the child's biological**  
94 **parents and the ability and willingness of the child's biological parents to actively perform**  
95 **their functions as parents with regard to the needs of the child;**

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

98 **(5) The highest quality of services possible shall be achieved through a system of**  
99 **incentives for reaching and exceeding clearly defined goals and outcome measures; and**

100 **(6) The delivery system shall provide a mechanism for the assessment of strategies**  
101 **to work with children and families immediately upon entry into the system to maximize**  
102 **permanency and successful outcome in the shortest time possible and shall include**  
103 **concurrent planning. Outcome measures for private and public agencies shall be equal for**  
104 **each program.**

105 **6. For the pilot project areas, a case management plan consistent with all relevant**  
106 **federal guidelines shall be developed for each child at the earliest time after the initial**  
107 **investigation, but in no event longer than fourteen days after the initial investigation. Such**  
108 **case management plan shall be presented to the court and be the foundation of service**  
109 **delivery to the child and family. The case management plan shall, at a minimum, include:**

110 **(1) An outcome target based on the child and family situation achieving**  
111 **permanency or independent living, where appropriate;**

112 **(2) Services authorized and necessary to facilitate the outcome target;**

113 **(3) Timeframes in which services will be delivered; and**

114 **(4) Necessary evaluations and reporting.**

115

116 **In addition to any visits and assessments required under case management, services to be**

117 provided by a public or private children's services provider under the specific case  
118 management plan may include family-centered services, foster and adoptive parent  
119 recruitment and retention, residential care, mentoring, intensive in-home services, foster  
120 care services, adoption services, relative care case services, independent living services, and  
121 family reunification services. In all cases, an appropriate level of services shall be provided  
122 to the child and family after permanency is achieved to assure a continued successful  
123 outcome.

124 7. On or before July 15, 2005, and each July fifteenth thereafter that the project is  
125 in operation, the division, in collaboration with the courts in the designated pilot project  
126 areas, shall submit a report to the general assembly which shall include:

127 (1) Details about the specifics of the pilot project in each of the three designated  
128 areas, including the number of children and families served in each of the three designated  
129 areas of the pilot project, the cost to the state for contracting such services, the current  
130 status of the children and families served, an assessment of the quality of services provided  
131 and outcomes achieved, and an overall evaluation of the project; and

132 (2) Any recommendations regarding the continuation or possible statewide  
133 implementation of such project; and

134 (3) Any information or recommendations directly related to the provision of direct  
135 services for children and their families that any of the contracting children's services  
136 providers and agencies request to have included in the report.

137 8. The division of family services may promulgate rules to implement the provisions  
138 of this section. No rule or portion of a rule promulgated pursuant to the authority of this  
139 section shall become effective unless it has been promulgated pursuant to chapter 536,  
140 RSMo.

141 9. The provisions of this section shall expire on June 30, 2006.

210.145. 1. The division shall [establish and] develop protocols which give priority  
2 to:

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

5 (2) Provide due process for those accused of child abuse or neglect; and

6 (3) Maintain an information system operating at all times, capable of receiving and  
7 maintaining reports. This information system may include the establishment of a "child  
8 well-being" hotline to receive reports that do not rise to the level of abuse or neglect, but  
9 include cases which could be referred to local division contracted providers for follow-up  
10 services and other assistance. This information system shall have the ability to receive reports  
11 over a [single,] statewide toll-free number. Such information system shall maintain the results

12 of all investigations, family assessments and services, and other relevant information.

13         2. Upon receipt of a report, the division shall immediately communicate such report to  
14 its appropriate local office and any relevant information as may be contained in the information  
15 system **and determine if the report merits an investigation, or, which, if true, would**  
16 **constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023,**  
17 **565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, section**  
18 **566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or other**  
19 **crime under chapter 566, RSMo, if the victim is a child less than eighteen years of age and**  
20 **the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is**  
21 **a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060,**  
22 **568.080, or 568.090, RSMo, section 573.025, 573.035, 573.037 or 573.040, RSMo, or an**  
23 **attempt to commit any such crimes.** The local division staff shall determine, through the use  
24 of protocols developed by the division, whether an investigation or the family assessment and  
25 services approach should be used to respond to the allegation. The protocols developed by the  
26 division shall give priority to ensuring the well-being and safety of the child.

27         3. **The division shall utilize structured decision-making protocol for classification**  
28 **purposes of all child abuse and neglect reports. The protocols developed by the division**  
29 **shall give priority to ensuring the well-being and safety of the child. All child abuse and**  
30 **neglect reports shall be initiated within twenty-four hours and shall be classified based**  
31 **upon the reported risk and injury to the child, considering, but not limited to, the following**  
32 **factors:**

33             (1) **Is there serious physical abuse alleged where siblings remain in the home;**

34             (2) **Is there a child fatality due to alleged abuse or neglect and siblings remain in**  
35 **the home;**

36             (3) **Is there alleged physical abuse occurring right now;**

37             (4) **Are injuries or symptoms of injuries evident that require immediate medical**  
38 **care, or is the child in need of immediate psychiatric care due to alleged abuse;**

39             (5) **Were severe to inhumane measures used;**

40             (6) **Will the alleged perpetrator have access to the child in the next twenty-fours**  
41 **hours or is the child afraid to go home;**

42             (7) **Did the alleged abuse occur within the last thirty days;**

43             (8) **Is the child currently in a protected environment;**

44             (9) **Is the current situation immediately dangerous;**

45             (10) **Are there prior nonharrasment child abuse or neglect reports;**

46             (11) **Is the allegation educational neglect only;**

47             (12) **Does the alleged perpetrator have access to the child within the next twenty-**

48 **four hours, or is the child exhibiting severe emotional trauma or physical injury due to**  
49 **the alleged sexual abuse;**

50 **(13) Does the child appear seriously ill or injured or in need of immediate care; or**

51 **(14) Does the child have a chronic illness or minor injuries that require attention.**

52 **4. Such reports shall be prioritized for the local office utilizing the following**  
53 **response levels:**

54 **(1) Level 1 priority shall require division staff to have face-to-face contact with the**  
55 **alleged victim or victims within three hours;**

56 **(2) Level 2 priority shall require division staff to have face-to-face contact with the**  
57 **alleged victim or victims within twenty-four hours;**

58 **(3) Level 3 priority shall require division staff to have face-to-face contact with the**  
59 **alleged victim or victims within seventy-two hours.**

60

61 **In all cases the division must have face-to-face contact with all other children in the alleged**  
62 **victim's household within seventy-two hours.**

63 [3.] **5.** The local office shall contact the appropriate law enforcement agency immediately  
64 upon receipt of a report which division personnel determine merits an investigation, or, which,  
65 if true, would constitute a suspected violation of any of the following: section 565.020, 565.021,  
66 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age,  
67 section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or  
68 other crime under chapter 566, RSMo, if the victim is a child less than eighteen years of age and  
69 the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a  
70 child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060,  
71 568.080, or 568.090, RSMo, section 573.025, **573.035**, 573.037 or [573.045] **573.040**, RSMo,  
72 or an attempt to commit any such crimes. The local office shall provide such agency with a  
73 detailed description of the report received. In such cases the local division office shall request  
74 the assistance of the local law enforcement agency in all aspects of the investigation of the  
75 complaint. The appropriate law enforcement agency shall either assist the division in the  
76 investigation or provide the division, within twenty-four hours, an explanation in writing  
77 detailing the reasons why it is unable to assist.

78 [4.] **6.** The local office of the division shall cause an investigation or family assessment  
79 and services approach to be initiated immediately or no later than within twenty-four hours of  
80 receipt of the report from the division, except in cases where the sole basis for the report is  
81 educational neglect. If the report indicates that educational neglect is the only complaint and  
82 there is no suspicion of other neglect or abuse, the investigation shall be initiated within  
83 seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious

84 physical harm or threat to life, an investigation shall include direct observation of the subject  
85 child within twenty-four hours of the receipt of the report. Local law enforcement shall take all  
86 necessary steps to facilitate such direct observation. If the parents of the child are not the alleged  
87 abusers[, the parents] **and the abuse is alleged to have occurred in a school or child care**  
88 **facility, a parent** of the child must be notified prior to the child being interviewed by the  
89 division. The division shall not meet with the child [in any location where abuse of such child  
90 is alleged to have occurred] **at the child's school or child care facility**. When the child is  
91 reported absent from the residence, the location and the well-being of the child shall be verified.

92 [5.] 7. The director of the division shall name at least one chief investigator for each  
93 local division office, who shall direct the division response on any case involving a second or  
94 subsequent incident regarding the same subject child or perpetrator. The duties of a chief  
95 investigator shall include verification of direct observation of the subject child by the division  
96 and shall ensure information regarding the status of an investigation is provided to the public  
97 school district liaison. The public school district liaison shall develop protocol in conjunction  
98 with the chief investigator to ensure information regarding an investigation is shared with  
99 appropriate school personnel. The superintendent of each school district shall designate a  
100 specific person or persons to act as the public school district liaison. Should the subject child  
101 attend a nonpublic school the chief investigator shall notify the school principal of the  
102 investigation. Upon notification of an investigation, all information received by the public  
103 school district liaison or the school shall be subject to the provisions of the federal Family  
104 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34  
105 C.F.R., Part 99.

106 [6.] 8. The investigation shall include but not be limited to the nature, extent, and cause  
107 of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect;  
108 the names and conditions of other children in the home, if any; the home environment and the  
109 relationship of the subject child to the parents or other persons responsible for the child's care;  
110 any indication of incidents of physical violence against any other household or family member;  
111 and other pertinent data.

112 [7.] 9. When a report has been made by a person required to report under section  
113 210.115, the division shall contact the person who made such report within forty-eight hours of  
114 the receipt of the report in order to ensure that full information has been received and to obtain  
115 any additional information or medical records, or both, that may be pertinent.

116 [8.] 10. Upon completion of the investigation, if the division suspects that the report was  
117 made maliciously or for the purpose of harassment, the division shall refer the report and any  
118 evidence of malice or harassment to the local prosecuting or circuit attorney.

119 **11. Emergency child protection teams shall be used as appropriate when**

120 **conducting an investigation. Emergency child protection teams shall consist of designated**  
121 **division local office personnel and, if necessary to facilitate direct observation of the**  
122 **allegedly abused child, local law enforcement.**

123 [9.] **12.** Multidisciplinary teams shall be used whenever conducting the investigation as  
124 determined by the division in conjunction with local law enforcement. Multidisciplinary teams  
125 shall be used in providing protective or preventive social services, including the services of law  
126 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and  
127 other agencies, both public and private.

128 **13. For all family assessment team meetings and other team meetings involving an**  
129 **alleged victim of child abuse or neglect, the biological parents, legal counsel for the**  
130 **biological parents, foster parents, the guardian ad litem for the child, and the court-**  
131 **appointed special advocate for the child shall be provided notice and be permitted to attend**  
132 **all such meetings. In addition, the biological parents, the legal counsel for the biological**  
133 **parents, and the foster parents may request that other individuals be permitted to attend**  
134 **such meetings. Once a person is provided notice of or attends such meetings, the division**  
135 **shall provide such persons with notice of all such subsequent meetings involving the child.**

136 [10.] **14.** If the appropriate local division personnel determine after an investigation has  
137 begun that completing an investigation is not appropriate, the division shall conduct a family  
138 assessment and services approach. The division shall provide written notification to local law  
139 enforcement prior to terminating any investigative process. The reason for the termination of  
140 the investigative process shall be documented in the record of the division and the written  
141 notification submitted to local law enforcement. Such notification shall not preclude nor prevent  
142 any investigation by law enforcement.

143 [11.] **15.** If the appropriate local division personnel determines to use a family  
144 assessment and services approach, the division shall:

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

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

155 (3) Commence an immediate investigation if at any time during the family assessment



156 and services approach the division determines that an investigation, as delineated in sections  
157 210.109 to 210.183, is required. The division staff who have conducted the assessment may  
158 remain involved in the provision of services to the child and family;

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

161 [12.] **16.** Within thirty days of an oral report of abuse or neglect, the local office shall  
162 update the information in the information system. The information system shall contain, at a  
163 minimum, the determination made by the division as a result of the investigation, identifying  
164 information on the subjects of the report, those responsible for the care of the subject child and  
165 other relevant dispositional information. The division shall complete all investigations within  
166 thirty days, unless good cause for the failure to complete the investigation is documented in the  
167 information system. If the investigation is not completed within thirty days, the information  
168 system shall be updated at regular intervals and upon the completion of the investigation. The  
169 information in the information system shall be updated to reflect any subsequent findings,  
170 including any changes to the findings based on an administrative or judicial hearing on the  
171 matter.

172 [13.] **17.** A person required to report under section 210.115 to the division shall be  
173 informed by the division of his right to obtain information concerning the disposition of his or  
174 her report. Such person shall receive, from the local office, if requested, information on the  
175 general disposition of his or her report. A person required to report to the division pursuant to  
176 section 210.115 may receive, if requested, findings and information concerning the case. Such  
177 release of information shall be at the discretion of the director based upon a review of the  
178 mandated reporter's ability to assist in protecting the child or the potential harm to the child or  
179 other children within the family. The local office shall respond to the request within forty-five  
180 days. The findings shall be made available to the mandated reporter within five days of the  
181 outcome of the investigation.

182 [14.] **18.** In any judicial proceeding involving the custody of a child the fact that a report  
183 may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However,  
184 nothing in this subsection shall prohibit the introduction of evidence from independent sources  
185 to support the allegations that may have caused a report to have been made.

186 [15.] **19.** In any judicial proceeding involving the custody of a child where the court  
187 determines that the child is in need of services pursuant to subdivision (d) of subsection 1 of  
188 section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or custodian shall  
189 not be entered into the registry.

190 [16.] **20.** The division of family services is hereby granted the authority to promulgate  
191 rules and regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536,

192 RSMo, to carry out the provisions of sections 210.109 to 210.183.

193 [17.] **21.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
194 that is created under the authority delegated in this section shall become effective only if it  
195 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
196 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of  
197 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay  
198 the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then  
199 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall  
200 be invalid and void.

**210.147. 1. Except as otherwise provided by law, all information provided at any  
2 meeting or hearing held in relation to the removal of a child from the child's home is  
3 confidential; except that:**

4 **(1) Any parent or party may waive confidentiality for himself or herself; and**

5 **(2) No person shall be required to sign a confidentiality agreement before testifying  
6 or providing information at such meetings or hearing. However, any person who does not  
7 agree to maintain confidentiality of the information provided at such meetings or hearings  
8 may be excluded from all or any portion of such meetings or hearings during which the  
9 person is not testifying or providing information.**

10 **2. All meetings and hearings held in relation to the removal of a child from the  
11 child's home by a juvenile officer or the division may be recorded by the child, parent or  
12 any party through the use of either audiotape or videotape equipment, or both, and shall  
13 be transcribed by the division at the expense of the requesting party upon order of a court  
14 of competent jurisdiction. Any parent of a child that is the subject of such meetings and  
15 hearings may record such meetings and hearings or request a copy of the recording made  
16 by the division pursuant to this section. The division shall maintain the such recorded  
17 material for a period of six months after the case that is the subject of such meetings and  
18 hearings is closed by the division. Such information shall be considered confidential,  
19 unless a court enters an order authorizing the public disclosure of such information.**

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

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

6 (2) For investigation reports initiated by a person required to report pursuant to section  
7 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying  
8 information shall be retained for [ten] **five** years from the date of the report; **except that, if no**

9 **evidence of abuse or neglect is found by the division, no identifying information shall be**  
10 **retained by the division.** For all other investigation reports where insufficient evidence of  
11 abuse or neglect is found by the division, identifying information shall be retained for two years  
12 from the date of the report; **except that, if no evidence of abuse or neglect is found by the**  
13 **division, no identifying information shall be retained by the division.** Such report shall  
14 include any exculpatory evidence known by the division, including exculpatory evidence  
15 obtained after the closing of the case. At the end of such two-year period, the identifying  
16 information shall be removed from the records of the division and destroyed;

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

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

22 2. Within ninety days after receipt of a report of abuse or neglect that is investigated, the  
23 alleged perpetrator named in the report and the parents of the child named in the report, if the  
24 alleged perpetrator is not a parent, shall be notified in writing of any determination made by the  
25 division based on the investigation. The notice shall advise either:

26 (1) That the division has determined **by a preponderance of the evidence** that [there  
27 is probable cause to suspect] abuse or neglect exists and that the division shall retain all  
28 identifying information regarding the abuse or neglect; that such information shall remain  
29 confidential and will not be released except to law enforcement agencies, prosecuting or circuit  
30 attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the  
31 date of receipt of the notice to seek reversal of the division's determination through a review by  
32 the child abuse and neglect review board as provided in subsection 3 of this section; or

33 (2) [There is insufficient probable cause of abuse or neglect.] **That the division has not**  
34 **determined by a preponderance of the evidence that abuse or neglect exists.**

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

42 4. In any such action for administrative review, the child abuse and neglect review board  
43 shall sustain the division's determination if [such determination is supported by evidence of  
44 probable cause and is not against the weight of such evidence] **the division establishes by a**

45 **preponderance of the evidence that the alleged perpetrator abused or neglected a child.**  
46 **The abuse and neglect review board shall provide the alleged perpetrator with an**  
47 **opportunity to appear and present testimony. The Missouri rules of civil procedure and**  
48 **the provisions of chapters 490, 491, and 492, RSMo, shall apply in such proceedings.** The  
49 child abuse and neglect review board hearing shall be closed to all persons except the parties,  
50 their attorneys and those persons providing testimony on behalf of the parties.

51         5. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect  
52 review board, the alleged perpetrator may [seek de novo judicial review in the circuit court in  
53 the county in which the alleged perpetrator resides and in circuits with split venue, in the venue  
54 in which the alleged perpetrator resides, or in Cole County] **demand in writing that the**  
55 **division initiate de novo review proceedings. Such demand shall be made within sixty days**  
56 **of the notification of the decision of the child abuse and neglect review board. The division**  
57 **shall initiate de novo review proceedings in the circuit court of Cole County within**  
58 **fourteen days. The alleged perpetrator may request a change of venue to the circuit court**  
59 **for the county in which the alleged perpetrator resides.** If the alleged perpetrator is not a  
60 resident of the state, proper venue shall be in Cole County. The case may be assigned to the  
61 family court division where such a division has been established. [The request for a judicial  
62 review shall be made within sixty days of the notification of the decision of the child abuse and  
63 neglect review board decision. In reviewing such decisions,] **In the de novo review**  
64 **proceeding, the division shall be the petitioner and shall establish by a preponderance of**  
65 **the evidence that the alleged perpetrator abused or neglected a child.** The circuit court shall  
66 provide the alleged perpetrator the opportunity to appear and present testimony. **The Missouri**  
67 **rules of civil procedure and the provisions of chapters 490, 491, and 492, RSMo, shall apply**  
68 **to such proceedings.** The [alleged perpetrator] **parties** may subpoena any witnesses except the  
69 alleged victim or the reporter. However, the circuit court shall have the discretion to allow the  
70 parties to submit the case upon a stipulated record.

71         6. In any such action for administrative review the child abuse and neglect review board  
72 shall notify the child or the parent, guardian or legal representative of the child that a review has  
73 been requested.

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

3         (1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165,  
4 sections 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or sections 453.005 to  
5 453.170, RSMo, or proceedings to determine custody or visitation rights under sections 452.375  
6 to 452.410, RSMo; or

7         (2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent,

8 and whose child is the subject of proceedings under sections 210.110 to 210.165, sections  
9 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or sections 453.005 to 453.170, RSMo.

10 2. The guardian ad litem shall be provided with all reports relevant to the case made to  
11 or by any agency or person [and], shall have access to all records of such agencies or persons  
12 relating to the child or such child's family members or placements of the child, **and upon**  
13 **appointment by the court, shall be informed of and have the right to attend any and all**  
14 **meetings involving the child.** Employees of the division, officers of the court, and employees  
15 of any agency involved shall fully inform the guardian ad litem of all aspects of the case of which  
16 they have knowledge or belief.

17 3. The appointing judge shall require the guardian ad litem to faithfully discharge such  
18 guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and  
19 appoint another. **The appointing judge shall have the authority to examine the general and**  
20 **criminal background of persons appointed as guardians ad litem to ensure the safety and**  
21 **welfare of the children such persons are appointed to represent.** The judge in making  
22 appointments pursuant to this section shall give preference to persons who served as guardian  
23 ad litem for the child in the earlier proceeding, unless there is a reason on the record for not  
24 giving such preference.

25 4. The guardian ad litem may be awarded a reasonable fee for such services to be set by  
26 the court. The court, in its discretion, may award such fees as a judgment to be paid by any party  
27 to the proceedings or from public funds. However, no fees as a judgment shall be taxed against  
28 a party or parties who have not been found to have abused or neglected a child or children. Such  
29 an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem.  
30 Such final judgment shall be enforceable against the parties in accordance with chapter 513,  
31 RSMo.

32 5. The court may designate volunteer advocates, who may or may not be attorneys  
33 licensed to practice law, to assist in the performance of the guardian ad litem duties for the court.  
34 **The court shall have the authority to examine the general and criminal background of**  
35 **persons designated as volunteer advocates to ensure the safety and welfare of the children**  
36 **such persons are designated to represent.** The volunteer advocate shall be provided with all  
37 reports relevant to the case made to or by any agency or person [and], shall have access to all  
38 records of such agencies or persons relating to the child or such child's family members or  
39 placements of the child, **and upon designation by the court shall be informed of and have**  
40 **the right to attend any and all meetings involving the child.** Any such designated person  
41 shall receive no compensation from public funds. This shall not preclude reimbursement for  
42 reasonable expenses.

43 6. Any person appointed to perform guardian ad litem duties shall have completed a

44 training program in permanency planning **and shall, whenever possible, advocate for timely**  
45 **court hearings to attain permanency for a child as expeditiously as possible to reduce the**  
46 **effects that prolonged foster care may have on a child.** A nonattorney volunteer advocate  
47 shall have access to a court appointed attorney guardian ad litem should the circumstances of the  
48 particular case so require.

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

5 "The investigation is being undertaken by the Division of Family Services pursuant to  
6 the requirements of chapter 210 of the Revised Missouri Statutes in response to a report of child  
7 abuse or neglect.

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

10 "This investigation is required by law to be conducted in order to enable the Division of  
11 Family Services to identify incidents of abuse or neglect in order to provide protective or  
12 preventive social services to families who are in need of such services.

13 "The division shall make every reasonable attempt to complete the investigation within  
14 thirty days. Within ninety days you will receive a letter from the Division which will inform you  
15 of one of the following:

16 "(1) That the Division has found insufficient evidence of abuse or neglect; or

17 "(2) That there appears to be probable cause to suspect the existence of child abuse or  
18 neglect in the judgment of the Division and that the Division will contact the family to offer  
19 social services.

20 "If the Division finds [there is probable cause to believe] **by a preponderance of the**  
21 **evidence that** child abuse or neglect has occurred or the case is substantiated by court  
22 adjudication, a record of the report and information gathered during the investigation will remain  
23 on file with the Division.

24 "If you disagree with the determination of the Division and feel that there is insufficient  
25 [probable cause to believe] **evidence to prove by a preponderance of the evidence that** abuse  
26 or neglect has occurred, you have a right to request an administrative review at which time you  
27 may hire an attorney to represent you. If you request an administrative review on the issue, you  
28 will be notified of the date and time of your administrative review hearing by the child abuse and  
29 neglect review board. If the division's decision is reversed by the child abuse and neglect review  
30 board, the Division records concerning the report and investigation will be updated to reflect  
31 such finding. If the child abuse and neglect review board upholds the division's decision, an

32 appeal may be filed in circuit court within sixty days of the child abuse and neglect review  
33 board's decision."

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

36 (1) The purpose of the contact with the family;

37 (2) The name of the person responding and his office telephone number;

38 (3) The assessment process to be followed during the division's intervention with the  
39 family including the possible services available and expectations of the family.

**210.187. 1. The task force on children's justice established by the division of family  
2 services to recommend improvements in the area of child abuse and neglect services and  
3 provide funding for such recommendations shall provide an independent review of policies  
4 and procedures of state and local child protective services agencies, and where appropriate,  
5 specific cases, and shall evaluate the extent to which the agencies are effectively discharging  
6 their child protection responsibilities.**

7 **2. Consistent with the task force's function of reviewing applications for federal  
8 grant moneys available to the state under the Children's Justice Act which are designed  
9 to assist eligible states in implementing programs for the handling, investigation, and  
10 prosecution of child abuse cases, the task force shall consider the awarding of grant  
11 moneys which address the issues that arise from the independent review conducted by the  
12 task force pursuant to subsection 1 of this section. As authorized by the Children's Justice  
13 Act, grant moneys shall be awarded for the following categories:**

14 **(1) Improvements to the investigative, administrative, and judicial handling of cases  
15 of child abuse and neglect;**

16 **(2) Experimental, model, and demonstration programs for testing innovative  
17 approaches and techniques to improve the prompt and successful resolution of court  
18 proceedings or enhance the effectiveness and judicial administration action in child abuse  
19 and neglect cases; and**

20 **(3) Reform of state laws, rules, protocols, and procedures to provide comprehensive  
21 protection for children from abuse and neglect.**

22 **3. The members of the task force shall not disclose to any person or government  
23 official any identifying information concerning a specific child protection case with respect  
24 to which the task force is providing information and shall not make public other  
25 information unless authorized by state law.**

26 **4. The task force shall be provided:**

27 **(1) Access to information on cases that the task force desires or is requested to  
28 review if such information is necessary for the task force to carry out its functions**

29 pursuant to this section; and

30 (2) Upon request, assistance from the department of social services for the  
31 performance of the task force's duties.

210.188. Beginning February 1, 2005, and each February first thereafter, the  
2 department of social services shall submit a report to the governor and the general  
3 assembly that includes the following information for the previous calendar year:

4 (1) The number of children who were reported to the state of Missouri during the  
5 year as abused or neglected;

6 (2) Of the number of children described in subdivision (1) of this section, the  
7 number with respect to whom such reports were:

8 (a) Substantiated;

9 (b) Unsubstantiated; or

10 (c) Summarily closed pursuant to section 210.145;

11 (3) Of the number of children described in subdivision (2) of this section:

12 (a) The number that did not receive services during the year under a state  
13 program;

14 (b) The number that did receive services during the year under a state program;  
15 and

16 (c) The number that were removed from their families during the year by  
17 disposition of the case;

18 (4) The number of families that received preventive services from the state during  
19 the year;

20 (5) The number of deaths in the state during the year resulting from child abuse  
21 or neglect;

22 (6) Of the number of children described in subdivision (5) of this section, the  
23 number of children who were in foster care;

24 (7) The number of child protective services workers responsible for the intake and  
25 screening of reports filed during the year;

26 (8) The agency response time with respect to each such report with respect to initial  
27 investigation of reports of child abuse or neglect;

28 (9) The response time with respect to the provision of services to families and  
29 children where an allegation of abuse or neglect has been made;

30 (10) The number of child protective services workers responsible for intake,  
31 assessment, and investigation of child abuse and neglect reports relative to the number of  
32 reports investigated during the year;

33 (11) The number of children reunited with their families or receiving family



34 **preservation services that, within five years, result in subsequent substantiated reports of**  
35 **child abuse and neglect, including the death of the child;**

36 **(12) The number of children for whom individuals were appointed by the court to**  
37 **represent the best interests of such children and the average number of direct out-of-court**  
38 **contacts made in person, telephonically, or otherwise between such individuals and the**  
39 **children they represent; and**

40 **(13) The number of children in foster care who have been adopted.**

**210.482. 1. If the emergency placement of a child in a private home is necessary**  
2 **due to the unexpected absence of the child's parents, legal guardian, or custodian, the**  
3 **juvenile court or division of family services may request that a local or state law**  
4 **enforcement agency or juvenile officer immediately conduct a name-based criminal history**  
5 **record check to include full orders of protection and outstanding warrants of each person**  
6 **eighteen years of age or older residing in the home by using the Missouri uniform law**  
7 **enforcement system (MULES) and the National Crime Information Center to access the**  
8 **Interstate Identification Index maintained by the Federal Bureau of Investigation.**

9 **2. If a name-based search has been conducted pursuant to subsection 1 of this**  
10 **section, within five business days after the emergency placement of the child in the private**  
11 **home, and if the private home has not previously been approved as a foster or adoptive**  
12 **home, all persons eighteen years of age or older residing in the home shall report to a local**  
13 **law enforcement agency for the purpose of providing two sets of fingerprints each and**  
14 **accompanying fees, pursuant to section 43.530, RSMo. One set of fingerprints shall be**  
15 **used by the highway patrol to search the criminal history repository and the second set**  
16 **shall be forwarded to the Federal Bureau of Investigation for searching the federal**  
17 **criminal history files. Results of the checks will be provided to the juvenile court or**  
18 **division of family services' office requesting such information. Any child placed in**  
19 **emergency placement in a private home shall be removed immediately if any person**  
20 **residing in the home fails to provide fingerprints after being requested to do so, unless the**  
21 **person refusing to provide fingerprints ceases to reside in the private home.**

22 **3. If the placement of a child is denied as a result of a name-based criminal history**  
23 **check and the denial is contested, all persons eighteen years of age or older residing in the**  
24 **home shall, within five business days, submit to the juvenile court or the division of family**  
25 **services two sets of fingerprints in the same manner described in subsection 2 of this**  
26 **section, accompanying fees, and written permission authorizing the juvenile court or the**  
27 **division of family services to forward the fingerprints to the state criminal record**  
28 **repository for submission to the Federal Bureau of Investigation. One set of fingerprints**  
29 **shall be used by the highway patrol to search the criminal history repository and the**

30 second set shall be forwarded to the Federal Bureau of Investigation for searching the  
31 federal criminal history files.

32 4. For the purposes of this section, "emergency placement" refers to those limited  
33 instances when the juvenile court or division of family services is placing a child in the  
34 home of private individuals, including neighbors, friends, or relatives, as a result of a  
35 sudden unavailability of the child's primary caretaker.

210.487. 1. When conducting investigations of persons for the purpose of foster  
2 parent licensing, the division shall:

3 (1) Conduct a search for any adult in the applicant's household for evidence of full  
4 orders of protection. The office of state courts administrator shall allow access to the  
5 automated court information system by the division. The clerk of each court contacted by  
6 the division shall provide the division information within ten days of a request; and

7 (2) Obtain two sets of fingerprints for any adult in the applicant's household in the  
8 same manner set forth in subsection 2 of section 210.482. One set of fingerprints shall be  
9 used by the highway patrol to search the criminal history repository and the second set  
10 shall be forwarded to the Federal Bureau of Investigation for searching the federal  
11 criminal history files. The highway patrol shall assist the division and provide the criminal  
12 fingerprint background information, upon request.

13 2. The division may make arrangements with other executive branch agencies to  
14 obtain any investigative background information.

15 3. The division may promulgate rules and regulations that are necessary to  
16 implement the provisions of this section. No rule or portion of a rule promulgated  
17 pursuant to the authority of this section shall become effective unless it has been  
18 promulgated pursuant to chapter 536, RSMo.

210.518. 1. The department of social services, the department of mental health, the  
2 department of elementary and secondary education and all subdivisions thereof shall develop and  
3 implement through interagency agreement a common system of classification for assessing the  
4 needs of a child and common terminology to describe the services to be provided to the child.  
5 The agreement must establish a standardized form and set of records to be kept for such children  
6 which shall include, if applicable to such child, any individualized education plan, diagnostic  
7 summary, school history, school records, medical history, court records, placement orders and  
8 any criminal history. The agreement shall be adopted and in effect on or before July 1, 1999.

9 2. To facilitate the coordination of services being provided to children, interagency  
10 meetings pursuant to subsection 1 of this section shall be held monthly to address and  
11 review any actions being taken by agency personnel involved in the provision of services  
12 to a child. The agencies shall document which staff members attended such meetings. If

13 **any services for the child are provided through contracted providers, such providers shall**  
14 **be included in the meetings described in this section.**

210.565. 1. Whenever a child is placed in a foster home **and the court has determined**  
2 **pursuant to subsection 3 of this section that foster home placement with relatives is not**  
3 **contrary to the best interest of the child**, the division of family services shall give [preference  
4 and first consideration for] foster home placement to relatives of the child. Notwithstanding any  
5 rule of the division to the contrary, grandparents who request consideration shall be given  
6 preference and first consideration for foster home placement.

7 2. As used in this section, the term "relative" means a person related to another by blood  
8 or affinity within the third degree. The status of a grandparent shall not be affected by the death  
9 or the dissolution of the marriage of a son or daughter.

10 3. The preference for placement with relatives created by this section shall only apply  
11 where the court finds that placement with such relatives is in the best interest of the child  
12 considering all circumstances. **If the court finds that it is not in the best interest of a child**  
13 **to be placed with relatives, the court shall make specific findings on the record detailing**  
14 **the reasons why the best interests of the child necessitate placement of the child with**  
15 **persons other than relatives.**

210.903. 1. To protect children, the elderly, and disabled individuals in this state, and  
2 to promote family and community safety by providing information concerning family caregivers,  
3 there is hereby established within the department of health and senior services a "Family Care  
4 Safety Registry and Access Line" which shall be available by January 1, 2001.

5 2. The family care safety registry shall contain information on child-care workers',  
6 elder-care workers', and personal-care workers' background and on child-care, elder-care and  
7 personal-care providers through:

8 (1) The patrol's criminal record check system pursuant to section 43.540, RSMo,  
9 including state and national information, to the extent possible;

10 (2) [Probable cause] Findings of abuse and neglect **by a preponderance of the evidence**  
11 pursuant to sections 210.109 to 210.183 and, as of January 1, 2003, financial exploitation of the  
12 elderly or disabled, pursuant to section 570.145, RSMo;

13 (3) The division of aging's employee disqualification list pursuant to section 660.315,  
14 RSMo;

15 (4) As of January 1, 2003, the department of mental health's employee disqualification  
16 registry;

17 (5) Foster parent licensure denials, revocations and involuntary suspensions pursuant to  
18 section 210.496;

19 (6) Child-care facility license denials, revocations and suspensions pursuant to sections

20 210.201 to 210.259; and

21 (7) Residential living facility and nursing home license denials, revocations, suspensions  
22 and probationary status pursuant to chapter 198, RSMo[.]; **and**

23 **(8) As of January 1, 2004, a check of the patrol's Missouri uniform law enforcement**  
24 **system (MULES) for sexual offender registrations pursuant to Section 589.400, RSMo.**

210.909. 1. Upon submission of a completed registration form by a child-care worker,  
2 elder-care worker or personal-care attendant, the department shall:

3 (1) Determine if a [probable cause] finding of child abuse or neglect **by a**  
4 **preponderance of the evidence** involving the applicant has been recorded pursuant to sections  
5 210.109 to 210.183 and, as of January 1, 2003, if there is a [probable cause] finding of financial  
6 exploitation of the elderly or disabled pursuant to section 570.145, RSMo;

7 (2) Determine if the applicant has been refused licensure or has experienced involuntary  
8 licensure suspension or revocation pursuant to section 210.496;

9 (3) Determine if the applicant has been placed on the employee disqualification list  
10 pursuant to section 660.315, RSMo;

11 (4) As of January 1, 2003, determine if the applicant is listed on the department of  
12 mental health's employee disqualification registry;

13 (5) Determine through a request to the patrol pursuant to section 43.540, RSMo, whether  
14 the applicant has any conviction, plea of guilty or nolo contendere, or a suspended execution of  
15 sentence to a charge of any offense pursuant to chapters 198, 334, 560, 565, 566, 568, 569, 573,  
16 575 and 578, RSMo; and

17 (6) If the background check involves a provider, determine if a facility has been refused  
18 licensure or has experienced licensure suspension, revocation or probationary status pursuant to  
19 sections 210.201 to 210.259 or chapter 198, RSMo[.]; **and**

20 **(7) As of January 1, 2004, determine through a request to the patrol if the applicant**  
21 **is a registered sexual offender pursuant to section 589.400, RSMo, listed in the Missouri**  
22 **uniform law enforcement system (MULES).**

23 2. Upon completion of the background check described in subsection 1 of this section,  
24 the department shall include information in the registry for each registrant as to whether any  
25 convictions, employee disqualification listings, registry listings, [probable cause] findings, pleas  
26 of guilty or nolo contendere, or license denial, revocation or suspension have been documented  
27 through the records checks authorized pursuant to the provisions of sections 210.900 to 210.936.

28 3. The department shall notify such registrant in writing of the results of the  
29 determination recorded on the registry pursuant to this section.

210.937. The provisions of sections 210.900 to 210.936 shall terminate on January 1,  
2 [2004] **2010.**

211.032. 1. When a child or person seventeen years of age, alleged to be in need of care and treatment pursuant to subdivision (1) of subsection 1 of section 211.031, is taken into custody, the juvenile or family court shall **make reasonable efforts to** notify the [parties of the right to have a protective custody hearing. Such notification shall be in writing.] **biological parents, the foster parents, and the grandparents of the child, the division of family services worker, the child abuse and neglect hotline worker, and the guardian ad litem or court-appointed special advocate for the child of the specific date, time, and place that a status conference will be held by the court. Such status conference shall be an open conference and shall be held within three days of the child being taken into custody, excluding Saturdays, Sundays, and legal holidays. The inability to provide notice to any of the persons listed in this subsection after reasonable efforts have been made or the absence of any such persons at the status conference shall not preclude the court from conducting the status conference as scheduled. The supreme court shall establish procedures for the status conference held pursuant to this subsection which shall include, but not be limited to, the following issues:**

(1) **Whether the child can immediately be returned to the child's home. If a child could be returned to the home if support services are provided, such services shall be ordered;**

(2) **Appointment of a guardian ad litem or court-appointed special advocate for the child;**

(3) **Appointment of legal counsel;**

(4) **Whether paternity has been established or needs to be established;**

(5) **Service of process and the location of any absent parent;**

(6) **Whether reasonable efforts were made and documented by the division prior to the removal or emergency removal of the child and the safety issue justifying custody is documented;**

(7) **A contrary to welfare finding;**

(8) **Placement of the child and the availability of relatives of the child as the preferred placement;**

(9) **Whether the removal of the child necessitates a placement which will cause a disruption in the school currently attended by such child;**

(10) **Providing for visitation by the child's parents, siblings, or other family members where appropriate;**

(11) **The status of any temporary assistance for needy families benefits, Social Security benefits, or child support that is being received on behalf of the child; and**

(12) **Providing for any necessary evaluations, including medical or psychological**

37 **evaluations.**

38

39 **A protective custody hearing may be requested at a status conference, and if requested, a**  
40 **date for such hearing shall be scheduled pursuant to subsection 2 of this section at the time**  
41 **of the status conference whenever possible.**

42 2. Upon request from any party **or upon request during a status conference**, the court  
43 shall hold a protective custody hearing[. Such hearing shall be held within three] **within**  
44 **fourteen** days of the request for a hearing, excluding Saturdays, Sundays and legal holidays. **No**  
45 **continuances shall be granted for such protective custody hearing except upon a written**  
46 **motion for cause filed and signed by the party requesting the continuance and such party's**  
47 **attorney.**

48 3. **The court shall hold an adjudication hearing sixty days after the child has been**  
49 **taken into custody. The court shall notify the parties in writing of the specific date, time,**  
50 **and place of such hearing. If at such hearing the court determines that sufficient cause**  
51 **exists for the child to remain in the custody of the state, the court shall conduct a**  
52 **dispositional hearing ninety days after the child has been taken into custody and shall**  
53 **conduct review hearings regarding the reunification efforts made by the division every**  
54 **ninety to one hundred twenty days for the first year the child is in the custody of the**  
55 **division. After the first year, review hearings shall be held as necessary, but in no event**  
56 **less than once every six months for as long as the child is in the custody of the division.**

57 4. At [the protective custody hearing] **all hearings held pursuant to this section** the  
58 court may receive testimony and other evidence relevant to the necessity of detaining the child  
59 out of the custody of the parents, guardian or custodian.

60 5. **If the placement of any child in the custody of the division of family services will**  
61 **result in the child attending a school other than the school the child was attending when**  
62 **taken into custody:**

63 (1) **The child's records from such school shall automatically be forwarded to the**  
64 **school that the child is transferring to upon notification by the division; or**

65 (2) **Upon request of the foster family and whenever possible, the child shall be**  
66 **permitted to continue to attend the same school that the child was enrolled in and attending**  
67 **at the time the child was taken into custody by the division. The division, in consultation**  
68 **with the department of elementary and secondary education, shall establish the necessary**  
69 **procedures to implement the provisions of this subdivision.**

211.059. 1. When a child is taken into custody by a juvenile officer or law enforcement  
2 official, [with or without a warrant for an offense in violation of the juvenile code or the general  
3 law which would place the child under the jurisdiction of the juvenile court pursuant to

4 subdivision (2) or (3) of subsection 1 of section 211.031,] the child shall be advised prior to  
5 questioning:

6 (1) That he has the right to remain silent; and

7 (2) That any statement he does make to anyone can be and may be used against him; and

8 (3) That he has a right to have a parent, guardian or custodian present during  
9 questioning; and

10 (4) That he has a right to consult with an attorney and that one will be appointed and paid  
11 for him if he cannot afford one.

12 2. If the child indicates in any manner and at any stage of questioning pursuant to this  
13 section that he **or she** does not wish to be questioned further, **or that the child wishes to have**  
14 **his or her parent, legal guardian, custodian, or attorney present during questioning**, the  
15 officer shall cease questioning.

211.171. 1. **Except as otherwise provided in section 211.321**, the procedure to be  
2 followed at the hearing shall be determined by the juvenile court judge and may be as formal or  
3 informal as he or she considers desirable, consistent with constitutional and statutory  
4 requirements. The judge may take testimony and inquire into the habits, surroundings,  
5 conditions and tendencies of the child and the family to enable the court to render such order or  
6 judgment as will best promote the welfare of the child and carry out the objectives of this  
7 chapter.

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

10 3. The current foster parents of a child, or any preadoptive parent or relative currently  
11 providing care for the child, shall be provided with notice of, and an opportunity to be heard in,  
12 any [permanency or other review] hearing to be held with respect to the child. This subsection  
13 shall not be construed to require that any such foster parent, preadoptive parent or relative  
14 providing care for a child be made a party to the case solely on the basis of such notice and  
15 opportunity to be heard.

16 4. All cases of children shall be heard separately from the trial of cases against adults.

17 5. Stenographic notes or an authorized recording of the hearing shall be required if the  
18 court so orders [or], if requested by any party interested in the proceeding, **or in accordance**  
19 **with section 211.321**.

20 6. The general public shall be excluded and only such persons admitted as have a direct  
21 interest in the case or in the work of the court except in cases where the child is accused of  
22 conduct which, if committed by an adult, would be considered a class A or B felony; or for  
23 conduct which would be considered a class C felony, if the child has previously been formally  
24 adjudicated for the commission of two or more unrelated acts which would have been class A,

25 B or C felonies, if committed by an adult.

26 7. The practice and procedure customary in proceedings in equity shall govern all  
27 proceedings in the juvenile court; **except that, the court shall not grant a continuance in such**  
28 **proceedings absent compelling extenuating circumstances, and in such cases, the court**  
29 **shall make written findings on the record detailing the specific reasons for granting a**  
30 **continuance.**

31 8. The court shall allow the victim of any offense to submit a written statement to the  
32 court. The court shall allow the victim to appear before the court personally or by counsel for  
33 the purpose of making a statement, unless the court finds that the presence of the victim would  
34 not serve justice. The statement shall relate solely to the facts of the case and any personal  
35 injuries or financial loss incurred by the victim. A member of the immediate family of the victim  
36 may appear personally or by counsel to make a statement if the victim has died or is otherwise  
37 unable to appear as a result of the offense committed by the child.

211.181. 1. When a child or person seventeen years of age is found by the court to come  
2 within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court  
3 shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child  
4 or person seventeen years of age, and the court may, by order duly entered, proceed as follows:

5 (1) Place the child or person seventeen years of age under supervision in his own home  
6 or in the custody of a relative or other suitable person after the court or a public agency or  
7 institution designated by the court conducts an investigation of the home, relative or person and  
8 finds such home, relative or person to be suitable and upon such conditions as the court may  
9 require;

10 (2) Commit the child or person seventeen years of age to the custody of:

11 (a) A public agency or institution authorized by law to care for children or to place them  
12 in family homes; except that, such child or person seventeen years of age may not be committed  
13 to the department of social services, division of youth services;

14 (b) Any other institution or agency which is authorized or licensed by law to care for  
15 children or to place them in family homes;

16 (c) An association, school or institution willing to receive the child or person seventeen  
17 years of age in another state if the approval of the agency in that state which administers the laws  
18 relating to importation of children into the state has been secured; or

19 (d) The juvenile officer;

20 (3) Place the child or person seventeen years of age in a family home;

21 (4) Cause the child or person seventeen years of age to be examined and treated by a  
22 physician, psychiatrist or psychologist and when the health or condition of the child or person  
23 seventeen years of age requires it, cause the child or person seventeen years of age to be placed



24 in a public or private hospital, clinic or institution for treatment and care; except that, nothing  
25 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment  
26 of a child or person seventeen years of age whose parents or guardian in good faith are providing  
27 other remedial treatment recognized or permitted under the laws of this state;

28 (5) The court may order, pursuant to subsection 2 of section 211.081, that the child  
29 receive the necessary services in the least restrictive appropriate environment including home  
30 and community-based services, treatment and support, based on a coordinated, individualized  
31 treatment plan. The individualized treatment plan shall be approved by the court and developed  
32 by the applicable state agencies responsible for providing or paying for any and all appropriate  
33 and necessary services, subject to appropriation, and shall include which agencies are going to  
34 pay for and provide such services. Such plan must be submitted to the court within thirty days  
35 and the child's family shall actively participate in designing the service plan for the child or  
36 person seventeen years of age;

37 **(6) The department of social services, in conjunction with the department of mental**  
38 **health, shall apply to the United States Department of Health and Human Services for such**  
39 **federal waivers as required to provide services for such children, including the acquisition**  
40 **of community-based services waivers.**

41 2. When a child is found by the court to come within the provisions of subdivision (2)  
42 of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact  
43 upon which it exercises its jurisdiction over the child, the court may, by order duly entered,  
44 proceed as follows:

45 (1) Place the child under supervision in his own home or in custody of a relative or other  
46 suitable person after the court or a public agency or institution designated by the court conducts  
47 an investigation of the home, relative or person and finds such home, relative or person to be  
48 suitable and upon such conditions as the court may require;

49 (2) Commit the child to the custody of:

50 (a) A public agency or institution authorized by law to care for children or place them  
51 in family homes; except that, a child may be committed to the department of social services,  
52 division of youth services, only if he is presently under the court's supervision after an  
53 adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

54 (b) Any other institution or agency which is authorized or licensed by law to care for  
55 children or to place them in family homes;

56 (c) An association, school or institution willing to receive it in another state if the  
57 approval of the agency in that state which administers the laws relating to importation of children  
58 into the state has been secured; or

59 (d) The juvenile officer;

60 (3) Place the child in a family home;

61 (4) Cause the child to be examined and treated by a physician, psychiatrist or  
62 psychologist and when the health or condition of the child requires it, cause the child to be placed  
63 in a public or private hospital, clinic or institution for treatment and care; except that, nothing  
64 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment  
65 of a child whose parents or guardian in good faith are providing other remedial treatment  
66 recognized or permitted under the laws of this state;

67 (5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.  
68 Execution of any order entered by the court pursuant to this subsection, including a commitment  
69 to any state agency, may be suspended and the child placed on probation subject to such  
70 conditions as the court deems reasonable. After a hearing, probation may be revoked and the  
71 suspended order executed.

72 3. When a child is found by the court to come within the provisions of subdivision (3)  
73 of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon  
74 which it exercises its jurisdiction over the child, and the court may, by order duly entered,  
75 proceed as follows:

76 (1) Place the child under supervision in his own home or in custody of a relative or other  
77 suitable person after the court or a public agency or institution designated by the court conducts  
78 an investigation of the home, relative or person and finds such home, relative or person to be  
79 suitable and upon such conditions as the court may require;

80 (2) Commit the child to the custody of:

81 (a) A public agency or institution authorized by law to care for children or to place them  
82 in family homes;

83 (b) Any other institution or agency which is authorized or licensed by law to care for  
84 children or to place them in family homes;

85 (c) An association, school or institution willing to receive it in another state if the  
86 approval of the agency in that state which administers the laws relating to importation of children  
87 into the state has been secured; or

88 (d) The juvenile officer;

89 (3) Beginning January 1, 1996, the court may make further directions as to placement  
90 with the division of youth services concerning the child's length of stay. The length of stay order  
91 may set forth a minimum review date;

92 (4) Place the child in a family home;

93 (5) Cause the child to be examined and treated by a physician, psychiatrist or  
94 psychologist and when the health or condition of the child requires it, cause the child to be placed  
95 in a public or private hospital, clinic or institution for treatment and care; except that, nothing

96 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment  
97 of a child whose parents or guardian in good faith are providing other remedial treatment  
98 recognized or permitted under the laws of this state;

99 (6) Suspend or revoke a state or local license or authority of a child to operate a motor  
100 vehicle;

101 (7) Order the child to make restitution or reparation for the damage or loss caused by his  
102 offense. In determining the amount or extent of the damage, the court may order the juvenile  
103 officer to prepare a report and may receive other evidence necessary for such determination. The  
104 child and his attorney shall have access to any reports which may be prepared, and shall have the  
105 right to present evidence at any hearing held to ascertain the amount of damages. Any restitution  
106 or reparation ordered shall be reasonable in view of the child's ability to make payment or to  
107 perform the reparation. The court may require the clerk of the circuit court to act as receiving  
108 and disbursing agent for any payment ordered;

109 (8) Order the child to a term of community service under the supervision of the court or  
110 of an organization selected by the court. Every person, organization, and agency, and each  
111 employee thereof, charged with the supervision of a child under this subdivision, or who benefits  
112 from any services performed as a result of an order issued under this subdivision, shall be  
113 immune from any suit by the child ordered to perform services under this subdivision, or any  
114 person deriving a cause of action from such child, if such cause of action arises from the  
115 supervision of the child's performance of services under this subdivision and if such cause of  
116 action does not arise from an intentional tort. A child ordered to perform services under this  
117 subdivision shall not be deemed an employee within the meaning of the provisions of chapter  
118 287, RSMo, nor shall the services of such child be deemed employment within the meaning of  
119 the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a  
120 commitment to any state agency, may be suspended and the child placed on probation subject  
121 to such conditions as the court deems reasonable. After a hearing, probation may be revoked and  
122 the suspended order executed;

123 (9) When a child has been adjudicated to have violated a municipal ordinance or to have  
124 committed an act that would be a misdemeanor if committed by an adult, assess an amount of  
125 up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been  
126 adjudicated to have committed an act that would be a felony if committed by an adult, assess an  
127 amount of up to fifty dollars to be paid by the child to the clerk of the court.

128 4. Beginning January 1, 1996, the court may set forth in the order of commitment the  
129 minimum period during which the child shall remain in the custody of the division of youth  
130 services. No court order shall require a child to remain in the custody of the division of youth  
131 services for a period which exceeds the child's eighteenth birth date except upon petition filed

132 by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any  
133 order of commitment of a child to the custody of the division of youth services, the division shall  
134 determine the appropriate program or placement pursuant to subsection 3 of section 219.021,  
135 RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody  
136 of the division of youth services before the child completes the length of stay determined by the  
137 court in the commitment order unless the committing court orders otherwise. The director of the  
138 division of youth services may at any time petition the court for a review of a child's length of  
139 stay commitment order, and the court may, upon a showing of good cause, order the early  
140 discharge of the child from the custody of the division of youth services. The division may  
141 discharge the child from the division of youth services without a further court order after the  
142 child completes the length of stay determined by the court or may retain the child for any period  
143 after the completion of the length of stay in accordance with the law.

144 5. When an assessment has been imposed under the provisions of subsection 2 or 3 of  
145 this section, the assessment shall be paid to the clerk of the court in the circuit where the  
146 assessment is imposed by court order, to be deposited in a fund established for the sole purpose  
147 of payment of judgments entered against children in accordance with section 211.185.

**211.321. 1. Juvenile court proceedings conducted pursuant to subdivision (1) of  
2 subsection 1 of section 211.031 and for termination of parental rights cases pursuant to  
3 sections 211.442 to 211.487, except for adoption cases, shall be open to the public. The  
4 court, on its own motion, may close the proceedings to the public to protect the welfare and  
5 best interests of the child and for exceptional circumstances. Any victim or any party to  
6 a juvenile court proceeding referred to in this subsection, except the state, may file a  
7 verified motion requesting that the general public be excluded from the proceeding or any  
8 portion of the proceeding. Upon the filing of such verified motion, the court shall hear  
9 arguments by the parties, but no evidence, and shall make a determination whether to  
10 exclude the general public from the proceedings or any portion of the proceedings. The  
11 court shall make a finding on the record when a motion to close a hearing or records  
12 pursuant to this section is made and heard by the court.**

13 **2. Notwithstanding the provisions of subsection 1 of this section, the general public  
14 shall be excluded from all juvenile court proceedings referred to in subsection 1 of this  
15 section during the testimony of any child or victim and only such persons who have a direct  
16 interest in the case or in the work of the court will be admitted to the proceedings.**

17 **3. All records shall be closed until the seventy-two hour status conference is held  
18 pursuant to section 211.032 and shall be open thereafter unless specifically closed by the  
19 court pursuant to this section.**

20 **4. As appropriate, a record of the juvenile court hearings described in subsection**

21 **1 of this section shall be made and preserved by stenographic recording or by mechanical**  
22 **or electronic recording as provided by law or court rule.**

23 **5. For juvenile court proceedings described in subsection 1 of this section, pleadings**  
24 **and orders of the juvenile court other than confidential files and those specifically ordered**  
25 **closed by the juvenile court judge shall be open to the general public. For purposes of this**  
26 **section, "confidential file" means all other records and reports considered closed or**  
27 **confidential by law, including but not limited to medical reports, psychological or**  
28 **psychiatric evaluations, investigation reports of the division of family services, social**  
29 **histories, and home studies. Only persons who are found by the court to have a legitimate**  
30 **interest shall be allowed access to confidential or closed files. In determining whether a**  
31 **person has a legitimate interest, the court shall consider the nature of the proceedings, the**  
32 **welfare and safety of the public, and the interest of the minor. Any parent or party may**  
33 **waive confidentiality for himself or herself, but only the court may waive confidentiality**  
34 **for a minor child.**

35 **6. For records made available to the public pursuant to this section, the identity of**  
36 **the victim shall not be disclosed and all references in such records to the identity of the**  
37 **victim shall be redacted prior to disclosure to the public.**

38 **7. The provisions of this section shall apply to juvenile court proceedings specified**  
39 **in this section which are initiated on or after August 28, 2003.**

453.110. 1. No person, agency, organization or institution shall surrender custody of a  
2 minor child, or transfer the custody of such a child to another, and no person, agency,  
3 organization or institution shall take possession or charge of a minor child so transferred, without  
4 first having filed a petition before the circuit court sitting as a juvenile court of the county where  
5 the child may be, praying that such surrender or transfer may be made, and having obtained such  
6 an order from such court approving or ordering transfer of custody.

7 2. If any such surrender or transfer is made without first obtaining such an order, such  
8 court shall, on petition of any public official or interested person, agency, organization or  
9 institution, order an investigation and report as described in section 453.070 to be completed by  
10 the division of family services and shall make such order as to the custody of such child in the  
11 best interest of such child.

12 3. Any person violating the terms of this section shall be guilty of a class D felony.

13 4. The investigation required by subsection 2 of this section shall be initiated by the  
14 division of family services within forty-eight hours of the filing of the court order requesting the  
15 investigation and report and shall be completed within thirty days. The court shall order the  
16 person having custody in violation of the provisions of this section to pay the costs of the  
17 investigation and report.

18           5. This section shall not be construed to prohibit any parent, agency, organization or  
19 institution from placing a child in a [family home for care] **temporary placement, including**  
20 **but not limited to a family home; church; athletic, academic, or charitable camp;**  
21 **babysitting, military academy; child care facility; foster home; or residential care facility,**  
22 if the right to supervise the care of the child and to resume custody thereof is retained, or from  
23 placing a child with a licensed foster home within the state through a child placing agency  
24 licensed by this state as part of a preadoption placement.

25           6. After the filing of a petition for the transfer of custody for the purpose of adoption,  
26 the court may enter an order of transfer of custody if the court finds all of the following:

27           (1) A family assessment has been made as required in section 453.070 and has been  
28 reviewed by the court;

29           (2) A recommendation has been made by the guardian ad litem;

30           (3) A petition for transfer of custody for adoption has been properly filed or an order  
31 terminating parental rights has been properly filed;

32           (4) The financial affidavit has been filed as required under section 453.075;

33           (5) The written report regarding the child who is the subject of the petition containing  
34 the information has been submitted as required by section 453.026;

35           (6) Compliance with the Indian Child Welfare Act, if applicable; and

36           (7) Compliance with the Interstate Compact on the Placement of Children pursuant to  
37 section 210.620, RSMo.

38           7. A hearing on the transfer of custody for the purpose of adoption is not required if:

39           (1) The conditions set forth in subsection 6 of this section are met;

40           (2) The parties agree and the court grants leave; and

41           (3) Parental rights have been terminated pursuant to section 211.444 or 211.447, RSMo.

475.024. A parent of a minor, by a properly executed power of attorney, may delegate  
2 to another individual, **child care facility, foster home, residential care facility, or child**  
3 **placing agency, whether licensed or exempt from licensure pursuant to section 210.211 or**  
4 **210.516, RSMo**, for a period not exceeding one year, any of his powers regarding care or custody  
5 of the minor child, except his power to consent to marriage or adoption of the minor child.

491.075. 1. A statement made by a child under the age of [twelve] **fourteen** relating to  
2 an offense under chapter 565, 566 or 568, RSMo, performed with or on a child by another, not  
3 otherwise admissible by statute or court rule, is admissible in evidence in criminal proceedings  
4 in the courts of this state as substantive evidence to prove the truth of the matter asserted if:

5           (1) The court finds, in a hearing conducted outside the presence of the jury that the time,  
6 content and circumstances of the statement provide sufficient indicia of reliability; and

7           (2) (a) The child testifies at the proceedings; or

8 (b) The child is unavailable as a witness; or

9 (c) The child is otherwise physically available as a witness but the court finds that the  
10 significant emotional or psychological trauma which would result from testifying in the personal  
11 presence of the defendant makes the child unavailable as a witness at the time of the criminal  
12 proceeding.

13 2. Notwithstanding subsection 1 of this section or any provision of law or rule of  
14 evidence requiring corroboration of statements, admissions or confessions of the defendant, and  
15 notwithstanding any prohibition of hearsay evidence, a statement by a child when under the age  
16 of [twelve] **fourteen** who is alleged to be victim of an offense under chapter 565, 566 or 568,  
17 RSMo, is sufficient corroboration of a statement, admission or confession regardless of whether  
18 or not the child is available to testify regarding the offense.

19 3. A statement may not be admitted under this section unless the prosecuting attorney  
20 makes known to the accused or [his] **the accused's** counsel his **or her** intention to offer the  
21 statement and the particulars of the statement sufficiently in advance of the proceedings to  
22 provide the accused or [his] **the accused's** counsel with a fair opportunity to prepare to meet the  
23 statement.

24 4. Nothing in this section shall be construed to limit the admissibility of statements,  
25 admissions or confessions otherwise admissible by law.

492.304. 1. In addition to the admissibility of a statement under the provisions of section  
2 492.303, the visual and aural recording of a verbal or nonverbal statement of a child when under  
3 the age of [twelve] **fourteen** who is alleged to be a victim of an offense under the provisions of  
4 chapter 565, 566 or 568, RSMo, is admissible into evidence if:

5 (1) No attorney for either party was present when the statement was made; **except that,**  
6 **for any statement taken at a state-funded child assessment center as provided for in**  
7 **subsection 2 of section 210.001, RSMo, an attorney representing the state of Missouri in**  
8 **a criminal investigation may, as a member of a multidisciplinary investigation team,**  
9 **observe the taking of such statement, but such attorney shall not be present in the room**  
10 **where the interview is being conducted;**

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

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

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

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

18 (6) The person conducting the interview of the child in the recording is present at the

19 proceeding and available to testify or be cross-examined by either party; and

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

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

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

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

**630.097. The department of mental health and the department of social services shall jointly develop, implement, and administer a unified accountable comprehensive children's mental health service system. To ensure a full breadth of services, the system of care shall include all state agencies and organizations involved in the lives of the children served. The Missouri system of care shall include collaboration with family members, the departments of health and senior services; social services, division of family services, division of youth services, and division of medical services; elementary and secondary education; mental health, division of alcohol and drug abuse, division of mental retardation and developmental disabilities, and division of comprehensive psychiatric services; and the office of state courts administrators, juvenile justice and organizations licensed as defined in subdivision (6) of section 210.481, RSMo. The department of mental health shall establish a state interagency system of care team and local interagency systems of care, comprised of representation from the departments of health and senior services; social services, division of family services, division of youth services, and division of medical services; elementary and secondary education; mental health, division of alcohol and drug abuse, division of mental retardation and developmental disabilities, and division of comprehensive psychiatric services; and the office of state courts administrators, juvenile justice; an organization licensed pursuant to subsection (6) of section 210.481, RSMo; and family members, to serve children with severe emotional and behavioral disturbance problems. Local teams shall include child-serving agencies and schools as appropriate. The state team shall collaborate to develop uniform language to be used in intake, assessment, and other tools to be used with children. The system of care shall:**

23 (1) Be child centered, family focused, and family driven, with the needs of the child



24 **and family dictating the types and mix of services provided, and shall include the families**  
25 **as full participants in all aspects of the planning and delivery of services;**

26 **(2) Provide community-based mental health services to children and their families**  
27 **in the context in which the children live and attend school;**

28 **(3) Respond in a culturally competent and responsive manner;**

29 **(4) Stress prevention and early identification and intervention;**

30 **(5) Assure access to a continuum of services that:**

31 **(a) Educate the community about the mental health needs of children;**

32 **(b) Address the unique physical, emotional, social, and educational needs of**  
33 **children;**

34 **(c) Are coordinated with the range of social and human services provided to**  
35 **children and their families by the departments of elementary and secondary education,**  
36 **social services, health and senior services, and public safety, and the family courts;**

37 **(d) Provide a comprehensive array of services through an individualized service**  
38 **plan;**

39 **(e) Provide services in the least restrictive environment possible;**

40 **(f) Are appropriate to the developmental needs of children;**

41 **(6) Include early screening and prompt intervention to:**

42 **(a) Identify and treat the mental health needs of children in the least restrictive**  
43 **environment appropriate to their needs; and**

44 **(b) Prevent further deterioration;**

45 **(7) Address the unique problems of paying for mental health services for children,**  
46 **including:**

47 **(a) Access to private insurance coverage;**

48 **(b) Public funding; and**

49 **(c) Private funding and services;**

50 **(8) Include the child and the child's family in all aspects of planning, service**  
51 **delivery, and evaluation; and**

52 **(9) Assure a smooth transition from mental health services appropriate for a child**  
53 **to mental health services needed by a person who is at least nineteen years of age.**

630.210 1. The director shall determine the maximum amount for services which shall  
2 be charged in each of the residential facilities, day programs or specialized services operated or  
3 funded by the department for full-time or part-time inpatient, resident or outpatient evaluation,  
4 care, treatment, habilitation, rehabilitation or other service rendered to persons affected by mental  
5 disorder, mental illness, mental retardation, developmental disability or drug or alcohol abuse.  
6 The maximum charge shall be related to the per capita inpatient cost or actual outpatient

7 evaluation or other service costs of each facility, program or service, which may vary from one  
8 locality to another. The director shall promulgate rules setting forth a reasonable standard means  
9 test which shall be applied by all facilities, programs and services operated or funded by the  
10 department in determining the amount to be charged to persons receiving services. The  
11 department shall pay, out of funds appropriated to it for such purpose, all or part of the costs for  
12 the evaluation, care, treatment, habilitation, rehabilitation or room and board provided or  
13 arranged by the department for any patient, resident or client who is domiciled in Missouri and  
14 who is unable to pay fully for services.

15         2. The director shall apply the standard means test annually and may make application  
16 of the test upon his own initiative or upon request of an interested party whenever evidence is  
17 offered tending to show that the current support status of any patient, resident or client is no  
18 longer proper. Any change of support status shall be retroactive to the date of application or  
19 request for review. If the persons responsible to pay under section 630.205 or 552.080, RSMo,  
20 refuse to cooperate in providing information necessary to properly apply the test or if retroactive  
21 benefits are paid on behalf of the patient, resident or client, the charges may be retroactive to a  
22 date prior to the date of application or request for review. The decision of the director in  
23 determining the amount to be charged for services to a patient, resident or client shall be final.  
24 Appeals from the determination may be taken to the circuit court of Cole County or the county  
25 where the person responsible for payment resides in the manner provided by chapter 536, RSMo.

26         3. The department shall not pay for services provided to a patient, resident or client who  
27 is not domiciled in Missouri unless the state is fully reimbursed for the services; except that the  
28 department may pay for services provided to a transient person for up to thirty days pending  
29 verification of his domiciliary state, and for services provided for up to thirty days in an  
30 emergency situation. The director shall promulgate rules for determination of the domiciliary  
31 state of any patient, resident or client receiving services from a facility, program or service  
32 operated or funded by the department.

33         4. Whenever a patient, resident or client is receiving services from a residential facility,  
34 day program or specialized service operated or funded by the department, and the state, county,  
35 municipality, parent, guardian or other person responsible for support of the patient, resident or  
36 client fails to pay any installment required to be paid for support, the department or the  
37 residential facility, day program or specialized service may discharge the patient, resident or  
38 client as provided by chapter 31, RSMo. The patient, resident or client shall not be discharged  
39 under this subsection until the final disposition of any appeal filed under subsection 2 of this  
40 section.

41         **5. The standard means test shall be waived for a child in need of mental health**  
42 **services to avoid inappropriate custody transfers to the division of family services.**

**Section 1. The department of social services, shall:**

2           **(1) Submit amendments to state plans and seek available waivers from the federal**  
3 **Department of Health and Human Services to enhance federal reimbursement and federal**  
4 **administrative reimbursement for foster care and adoption assistance under Title IV-E of**  
5 **the Social Security Act and Title XIX of the Social Security Act; and**

6           **(2) Take the necessary steps to qualify the state for receipt of any federal block**  
7 **grant moneys which are or will be available for foster care and adoption assistance.**

**Section 2. 1. If the location or identity of the natural parent or parents of a child**  
2 **in the custody of the division is unknown, the division of family services, or its successor**  
3 **division, shall utilize all reasonable and effective means available to conduct a diligent**  
4 **search for the biological parent or parents of such child.**

5           **2. For purposes of this section, "diligent search" means the efforts of the division,**  
6 **or an entity under contract with the division, to locate a biological parent whose identity**  
7 **or location is unknown, initiated as soon as the division is made aware of the existence of**  
8 **such parent, with the search progress reported at each court hearing until the parent is**  
9 **either identified and located or the court excuses further search.**

**Section 3. 1. The department of mental health and the department of social services**  
2 **shall jointly prepare a plan to address the need for mental health services and supports for:**

3           **(1) All of the cases in the custody of the department of social services that involve**  
4 **children in the system due exclusively to a need for mental health services, and where there**  
5 **is no instance of abuse, neglect, or abandonment; and**

6           **(2) Children or persons seventeen years of age who are determined by the court to**  
7 **require mental health services under subdivision (5) of subsection 1 of section 211.181,**  
8 **RSMo.**

9           **2. Such plan shall include:**

10           **(1) An analysis of federal funding, including waivers, that may be used to support**  
11 **the needed mental health services and supports;**

12           **(2) An analysis of the budgetary and programmatic impact of meeting the needs**  
13 **of the children and persons seventeen years of age for mental health services and supports;**  
14 **and**

15           **(2) An analysis of the feasibility, including time frames, of securing federal funds**  
16 **for the support of the needed mental health services and supports.**

17           **3. The plan required in this section shall be completed on or before January 1,**  
18 **2004. The directors of the department of social services and the department of mental**  
19 **health shall submit a copy of the plan to the governor, the president pro tem of the senate,**  
20 **and the speaker of the house of representatives.**

2 [207.050. In every county there shall be established a county family services  
3 commission to consist of four persons, two from each of the two major political  
4 parties, to be selected by the director of social services from a list submitted to the  
5 director of the department of social services by the county commission, consisting  
6 of double the number of appointments to be made. Each member of the county  
7 family services commission shall serve for a term of four years. Vacancies shall be  
8 filled in the same way in which the original appointment was made. If the county  
9 commission fails or refuses to submit a list to the director of social services as  
10 required by this section for the appointment of members of the county family services  
11 commission within ten days after such appointments are to be made the director of  
12 social services shall make such appointments as may be necessary from a list  
13 prepared by the director of social services. The duties of the county family services  
14 commission shall be advisory in nature with the power to examine the records of any  
15 case pending within their county and to make recommendations thereon. They shall  
16 serve without compensation, but shall be paid their traveling expenses and other  
17 necessary expense in the performance of their duty. No elective officer shall be  
18 appointed as a member of the county family services commission, and upon  
19 becoming a candidate for any elective office, such member of the county family  
20 services commission shall forthwith forfeit his position on the commission. Duties  
21 imposed by this law upon the several county commissions shall be performed in the  
city of St. Louis by the board of estimate and apportionment.]

2 [211.321. 1. Records of juvenile court proceedings as well as all information  
3 obtained and social records prepared in the discharge of official duty for the court  
4 shall not be open to inspection or their contents disclosed, except by order of the  
5 court to persons having a legitimate interest therein, unless a petition or motion to  
6 modify is sustained which charges the child with an offense which, if committed by  
7 an adult, would be a class A felony under the criminal code of Missouri, or capital  
8 murder, first degree murder, or second degree murder or except as provided in  
9 subsection 2 of this section. In addition, whenever a report is required under section  
10 557.026, RSMo, there shall also be included a complete list of certain violations of  
11 the juvenile code for which the defendant had been adjudicated a delinquent while  
12 a juvenile. This list shall be made available to the probation officer and shall be  
13 included in the presentence report. The violations to be included in the report are  
14 limited to the following: rape, sodomy, murder, kidnapping, robbery, arson, burglary  
15 or any acts involving the rendering or threat of serious bodily harm. The supreme  
16 court may promulgate rules to be followed by the juvenile courts in separating the  
17 records.

18 2. In all proceedings under subdivisions (1) and (2) of subsection 1 of section  
19 211.031, the records of the juvenile court as well as all information obtained and  
20 social records prepared in the discharge of official duty for the court shall be kept  
21 confidential and shall be open to inspection only by order of the judge of the juvenile  
22 court or as otherwise provided by statute. In all proceedings under subdivision (3)  
of subsection 1 of section 211.031 the records of the juvenile court as well as all

23 information obtained and social records prepared in the discharge of official duty for  
24 the court shall be kept confidential and may be open to inspection without court order  
25 only as follows:

26 (1) The juvenile officer is authorized at any time:

27 (a) To provide information to or discuss matters concerning the child, the  
28 violation of law or the case with the victim, witnesses, officials at the child's school,  
29 law enforcement officials, prosecuting attorneys, any person or agency having or  
30 proposed to have legal or actual care, custody or control of the child, or any person  
31 or agency providing or proposed to provide treatment of the child. Information  
32 received pursuant to this paragraph shall not be released to the general public, but  
33 shall be released only to the persons or agencies listed in this paragraph;

34 (b) To make public information concerning the offense, the substance of the  
35 petition, the status of proceedings in the juvenile court and any other information  
36 which does not specifically identify the child or the child's family;

37 (2) After a child has been adjudicated delinquent pursuant to subdivision (3)  
38 of subsection 1 of section 211.031, for an offense which would be a felony if  
39 committed by an adult, the records of the dispositional hearing and proceedings  
40 related thereto shall be open to the public to the same extent that records of criminal  
41 proceedings are open to the public. However, the social summaries, investigations  
42 or updates in the nature of presentence investigations, and status reports submitted  
43 to the court by any treating agency or individual after the dispositional order is  
44 entered shall be kept confidential and shall be opened to inspection only by order of  
45 the judge of the juvenile court;

46 (3) As otherwise provided by statute;

47 (4) In all other instances, only by order of the judge of the juvenile court.

48 3. Peace officers' records, if any are kept, of children shall be kept separate  
49 from the records of persons seventeen years of age or over and shall not be open to  
50 inspection or their contents disclosed, except by order of the court. This subsection  
51 does not apply to children who are transferred to courts of general jurisdiction as  
52 provided by section 211.071 or to juveniles convicted under the provisions of  
53 sections 578.421 to 578.437, RSMo. This subsection does not apply to the inspection  
54 or disclosure of the contents of the records of peace officers for the purpose of  
55 pursuing a civil forfeiture action pursuant to the provisions of section 195.140,  
56 RSMo.

57 4. Nothing in this section shall be construed to prevent the release of  
58 information and data to persons or organizations authorized by law to compile  
59 statistics relating to juveniles. The court shall adopt procedures to protect the  
60 confidentiality of children's names and identities.

61 5. The court may, either on its own motion or upon application by the child  
62 or his representative, or upon application by the juvenile officer, enter an order to  
63 destroy all social histories, records, and information, other than the official court file,  
64 and may enter an order to seal the official court file, as well as all peace officers'  
65 records, at any time after the child has reached his seventeenth birthday if the court

66 finds that it is in the best interest of the child that such action or any part thereof be  
67 taken, unless the jurisdiction of the court is continued beyond the child's seventeenth  
68 birthday, in which event such action or any part thereof may be taken by the court at  
69 any time after the closing of the child's case.

70 6. Nothing in this section shall be construed to prevent the release of general  
71 information regarding the informal adjustment or formal adjudication of the  
72 disposition of a child's case to a victim or a member of the immediate family of a  
73 victim of any offense committed by the child. Such general information shall not be  
74 specific as to location and duration of treatment or detention or as to any terms of  
75 supervision.

76 7. Records of juvenile court proceedings as well as all information obtained  
77 and social records prepared in the discharge of official duty for the court shall be  
78 disclosed to the child fatality review panel reviewing the child's death pursuant to  
79 section 210.192, RSMo, unless the juvenile court on its own motion, or upon  
80 application by the juvenile officer, enters an order to seal the records of the victim  
81 child.]