

SENATE SUBSTITUTE

FOR

HOUSE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILLS NOS. 679 & 396

AN ACT

To repeal sections 43.500, 43.503, 43.506, 43.521, 43.527, 43.530, 43.540, 43.543, 135.327, 168.071, 192.016, 207.050, 207.060, 208.047, 208.152, 208.204, 210.025, 210.109, 210.110, 210.145, 210.152, 210.160, 210.183, 210.201, 210.211, 210.254, 210.518, 210.565, 210.760, 210.903, 210.909, 210.922, 210.937, 211.031, 211.032, 211.059, 211.171, 211.181, 211.321, 302.272, 402.199, 402.200, 402.205, 402.215, 402.217, 453.020, 453.030, 453.060, 453.110, 475.024, 491.075, 492.304, 537.046, 610.120, 610.123, 630.140, 630.167, 630.170, 630.210, and 660.317, RSMo, and to enact in lieu thereof eighty-six new sections relating to the state foster care and protective services for children, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 43.500, 43.503, 43.506, 43.521, 43.527,
2 43.530, 43.540, 43.543, 135.327, 168.071, 192.016, 207.050,
3 207.060, 208.047, 208.152, 208.204, 210.025, 210.109, 210.110,
4 210.145, 210.152, 210.160, 210.183, 210.201, 210.211, 210.254,
5 210.518, 210.565, 210.760, 210.903, 210.909, 210.922, 210.937,
6 211.031, 211.032, 211.059, 211.171, 211.181, 211.321, 302.272,
7 402.199, 402.200, 402.205, 402.215, 402.217, 453.020, 453.030,
8 453.060, 453.110, 475.024, 491.075, 492.304, 537.046, 610.120,

1 610.123, 630.140, 630.167, 630.170, 630.210, and 660.317, RSMo,
2 are repealed and eighty-six new sections enacted in lieu thereof,
3 to be known as sections 37.700, 37.705, 37.710, 37.715, 37.725,
4 37.730, 43.500, 43.503, 43.506, 43.527, 43.530, 43.532, 43.540,
5 43.542, 43.543, 135.327, 168.071, 168.282, 168.283, 192.016,
6 207.060, 207.085, 208.047, 208.152, 208.204, 208.647, 210.025,
7 210.109, 210.110, 210.111, 210.112, 210.113, 210.145, 210.147,
8 210.152, 210.160, 210.183, 210.187, 210.188, 210.201, 210.211,
9 210.254, 210.482, 210.487, 210.518, 210.542, 210.565, 210.760,
10 210.762, 210.903, 210.909, 210.922, 210.937, 211.031, 211.032,
11 211.059, 211.171, 211.181, 211.321, 302.272, 402.199, 402.200,
12 402.205, 402.215, 402.217, 453.020, 453.030, 453.060, 453.061,
13 453.110, 475.024, 491.075, 492.304, 516.600, 537.046, 610.120,
14 610.123, 630.097, 630.140, 630.167, 630.170, 630.210, 660.317, 1,
15 2, and 3, to read as follows:

16 37.700. As used in sections 37.700 to 37.725, the following
17 terms mean:

18 (1) "Office", the office of the child advocate for
19 children's protection and services within the office of
20 administration, which shall include the child advocate and staff;

21 (2) "Recipient", any child who is receiving services from
22 the department of social services or the department of mental
23 health.

24 37.705. 1. There is hereby established within the office
25 of administration the "Office of Child Advocate For Children's
26 Protection and Services", for the purpose of assuring that
27 children receive adequate protection and care from services and
28 programs offered by the department of social services. The child

1 advocate shall report directly to the commissioner of the office
2 of administration.

3 2. The office shall be administered by the child advocate,
4 who shall be appointed jointly by the governor and the chief
5 justice of the Missouri supreme court with the advice and consent
6 of the senate by February 1, 2004. The child advocate shall hold
7 office for a term of six years and shall continue to hold office
8 until a successor has been duly appointed. The advocate shall
9 act independently of the department of social services in the
10 performance of his or her duties. The office of administration
11 shall provide administrative support and staff as deemed
12 necessary.

13 37.710. 1. The office shall have access to the following
14 information:

15 (1) The names of all children in protective services,
16 treatment, or other programs under the jurisdiction of the
17 department of social services or the department of mental health,
18 and their location;

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

20 (3) All current records required to be maintained pursuant
21 to chapter 210, RSMo.

22 2. The office shall have the authority:

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

28 (2) To have access, including the right to inspect, copy

1 and subpoena records held by the clerk of the juvenile or family
2 court, law enforcement agencies, institutions, public or private,
3 and other agencies, or persons with whom a particular child has
4 been either voluntarily or otherwise placed for care, or has
5 received treatment within or without the state;

6 (3) To work in conjunction with juvenile officers and
7 guardian ad litem;

8 (4) To file amicus curiae briefs on behalf of the interests
9 of the parent or child;

10 (5) To initiate meetings with the department of social
11 services, the department of mental health, and juvenile officers;

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

15 (7) To apply for and accept grants, gifts and bequests of
16 funds from other states, federal and interstate agencies and
17 independent authorities, and private firms, individuals and
18 foundations, for the purpose of carrying out his or her lawful
19 responsibilities. The funds shall be deposited with the general
20 treasurer in a restricted receipt account established within the
21 office to permit funds to be expended in accordance with the
22 provisions of the grant or bequest.

23 37.715. 1. The office shall establish and implement
24 procedures for receiving, processing, responding to, and
25 resolving complaints made by or on behalf of children of the
26 departments' services relating to action, inaction, or decisions
27 of providers or their representatives, of public or private child
28 welfare agencies, of social service agencies, or of the courts

1 which may adversely affect the health, safety, welfare, or rights
2 of such recipient.

3 2. The office shall establish and implement procedures for
4 resolution of complaints.

5 3. The office shall have the authority to make the
6 necessary inquiries and review such information and records as
7 the office deems necessary.

8 4. The office may recommend to the relevant governmental
9 agency changes in the rules and regulations adopted or proposed
10 by such governmental agency which do or may adversely affect the
11 health, safety, welfare, or civil or human rights of any
12 recipient. The office shall make recommendations on changes to
13 any current policies and procedures. The office shall analyze
14 and monitor the development and implementation of federal, state
15 and local laws, regulations and policies with respect to services
16 in the state and shall recommend to the department, courts,
17 general assembly, and governor changes in such laws, regulations
18 and policies deemed by the office to be appropriate.

19 5. The office shall inform recipients, their guardians or
20 their families of their rights and entitlements under state and
21 federal laws and rules and regulations by means of the
22 distribution of educational materials and group meetings.

23 6. The office shall annually submit to the governor, the
24 general assembly, and the Missouri supreme court a detailed
25 report analyzing the work of the office of the child advocate for
26 children's protection and services.

27 37.725. 1. Any files maintained by the advocate program
28 shall be disclosed only at the discretion of the office having

1 authority over the disposition of such files, except that the
2 identity of any complainant or recipient shall not be disclosed
3 by the office unless:

4 (1) Such complainant or recipient, or the complainant's or
5 recipient's legal representative, consents in writing to such
6 disclosure; or

7 (2) Such disclosure is required by court order.

8 2. Any statement or communication made by the office
9 relevant to a complaint received by, proceedings before or
10 activities of the office and any complaint or information made or
11 provided in good faith by any person, shall be absolutely
12 privileged and such person shall be immune from suit.

13 3. Any representative of the office conducting or
14 participating in any examination of a complaint who shall
15 knowingly and willfully disclose to any person other than the
16 office, or those authorized by the office to receive it, the name
17 of any witness examined or any information obtained or given upon
18 such examination, shall be guilty of a class A misdemeanor.

19 However, the office conducting or participating in any
20 examination of a complaint shall disclose the final result of the
21 examination with the consent of the recipient.

22 4. The office shall not be required to testify in any court
23 with respect to matters held to be confidential in this section
24 except as the court may deem necessary to enforce the provisions
25 of sections 37.700 to 37.725, or where otherwise required by
26 court order.

27 37.730. 1. Any program staff, whether an employee or an
28 unpaid volunteer, shall be treated as a representative of the

1 office. No representative of the office shall be held liable for
2 good faith performance of his official duties under the
3 provisions of sections 37.700 to 37.725 and shall be immune from
4 suit for the good faith performance of such duties. Every
5 representative of the office shall be considered a state employee
6 pursuant to section 105.711, RSMo.

7 2. No reprisal or retaliatory action shall be taken against
8 any recipient or employee of the departments or courts for any
9 communication made or information given to the office. Any
10 person who knowingly or willfully violates the provisions of this
11 subsection shall be guilty of a class A misdemeanor.

12 43.500. As used in sections 43.500 to [43.530] 43.543, the
13 following terms mean:

14 (1) "Administration of criminal justice", performance of
15 any of the following activities: detection, apprehension,
16 detention, pretrial release, post-trial release, prosecution,
17 adjudication, correctional supervision, or rehabilitation of
18 accused persons or criminal offenders. The administration of
19 criminal justice shall include criminal identification activities
20 and the collection, storage, and dissemination of criminal
21 history record information, including fingerprint searches,
22 photographs, and other indicia of identification;

23 [(1)] (2) "Central repository", the Missouri state highway
24 patrol criminal records and identification division for compiling
25 and disseminating complete and accurate criminal history records
26 and for compiling, maintaining, and disseminating criminal
27 incident and arrest reports and statistics;

28 [(2)] (3) "Committee", criminal records and justice

1 information advisory committee;

2 [(3)] (4) "Criminal history record information",
3 information collected by criminal justice agencies on individuals
4 consisting of identifiable descriptions and notations of arrests,
5 detentions, indictments, informations, or other formal criminal
6 charges, and any disposition arising therefrom, sentencing,
7 correctional supervision, and release;

8 [(4)] (5) "Final disposition", the formal conclusion of a
9 criminal proceeding at whatever stage it occurs in the criminal
10 justice system;

11 (6) "Missouri charge code", a unique number assigned by the
12 office of the state courts administrator to an offense for
13 tracking and grouping offenses. Beginning January 1, 2005, the
14 complete charge code shall consist of the digits assigned by the
15 office of state courts administrator, the two digit national
16 crime information center modifiers and a single digit designating
17 attempt, accessory, or conspiracy. The only exception to the
18 January 1, 2005, date shall be the courts that are not using the
19 statewide court automation case management pursuant to section
20 476.055, RSMo; the effective date will be as soon thereafter as
21 economically feasible for all other courts;

22 [(5)] (7) "State offense cycle number", a [preprinted]
23 unique number, supplied by or approved by the highway patrol, on
24 the state criminal fingerprint card [which]. The offense cycle
25 number is used to [identify each arrest which may include
26 multiple offenses for which a person is fingerprinted. This
27 number] link the identity of a person, through fingerprints, to
28 one or many offenses for which the person is arrested or charged.

1 The offense cycle number will be [associated with] used to track
2 an offense incident from the date of arrest to the [date] final
3 disposition when the offender exits from the criminal justice
4 system[;

5 (6) "Without undue delay", as soon as possible but not
6 later than thirty days after the criminal history event;

7 (7) "Administration of criminal justice", performance of
8 any of the following activities: detection, apprehension,
9 detention, pretrial release, post-trial release, prosecution,
10 adjudication, correctional supervision, or rehabilitation of
11 accused persons or criminal offenders. The administration of
12 criminal justice shall include criminal identification activities
13 and the collection, storage, and dissemination of criminal
14 history record information, including fingerprint searches,
15 photographs, and other indicia of identification].

16 43.503. 1. For the purpose of maintaining complete and
17 accurate criminal history record information, all police officers
18 of this state, the clerk of each court, the department of
19 corrections, the sheriff of each county, the chief law
20 enforcement official of a city not within a county and the
21 prosecuting attorney of each county or the circuit attorney of a
22 city not within a county shall submit certain criminal arrest,
23 charge, and disposition information to the central repository for
24 filing without undue delay in the form and manner required by
25 sections 43.500 to [43.530] 43.543.

26 2. All law enforcement agencies making misdemeanor and
27 felony arrests as determined by section 43.506 shall furnish
28 without undue delay, to the central repository, fingerprints,

1 charges, appropriate charge codes, and descriptions of all
2 persons who are arrested for such offenses on standard
3 fingerprint forms supplied or approved by the highway patrol or
4 electronically in a format and manner approved by the highway
5 patrol. All such agencies shall also notify the central
6 repository of all decisions not to refer such arrests for
7 prosecution. An agency making such arrests may enter into
8 arrangements with other law enforcement agencies for the purpose
9 of furnishing without undue delay such fingerprints, charges, and
10 descriptions to the central repository upon its behalf. In
11 instances where an individual less than seventeen years of age is
12 taken into custody for an offense which would be considered a
13 felony if committed by an adult, the arresting officer shall take
14 one set of fingerprints for the central repository and may take
15 another set for inclusion in a local or regional automated
16 fingerprint identification system. These fingerprints shall be
17 taken on fingerprint cards which are plainly marked "juvenile
18 card" and shall be provided by the central repository. The
19 fingerprint cards shall be so constructed that only the
20 fingerprints, unique identifying number, and the court of
21 jurisdiction are made available to the central or local
22 repository. The remainder of the card which bears the
23 individual's identification and the duplicate unique number shall
24 be provided to the court of jurisdiction. The appropriate
25 portion of the juvenile fingerprint card shall be forwarded to
26 the central repository and the courts without undue delay. The
27 fingerprint information from the card shall be captured and
28 stored in the automated fingerprint identification system

1 operated by the central repository. The juvenile fingerprint
2 card shall be stored in a secure location, separate from all
3 other fingerprint cards. In the event the fingerprints from this
4 card are found to match latent prints searched in the automated
5 fingerprint identification system, the court of jurisdiction
6 shall be so advised.

7 3. The prosecuting attorney of each county or the circuit
8 attorney of a city not within a county shall notify the central
9 repository on standard forms supplied by the highway patrol or in
10 a manner approved by the highway patrol of all charges filed,
11 including all those added subsequent to the filing of a criminal
12 court case, and whether charges were not filed in criminal cases
13 for which the central repository has a record of an arrest. All
14 records forwarded to the central repository by prosecutors or
15 circuit attorneys as required by sections 43.500 to 43.530 shall
16 include the state offense cycle number of the offense, and charge
17 code for the offense, and the originating agency identifier
18 number of the reporting prosecutor, using such numbers as
19 assigned by the highway patrol.

20 4. The clerk of the courts of each county or city not
21 within a county shall furnish the central repository, on standard
22 forms supplied by the highway patrol or in a manner approved by
23 the highway patrol, with all final dispositions of [criminal]
24 cases for which the central repository has a record of an arrest
25 or a record of fingerprints reported pursuant to [subsections 6
26 and 7 of this section] sections 43.500 to 43.506. Such
27 information shall include, for each charge:

28 (1) All judgments of not guilty, acquittals on the ground

1 of mental disease or defect excluding responsibility, judgments
2 or pleas of guilty including the sentence, if any, or probation,
3 if any, pronounced by the court, nolle pros, discharges, releases
4 and dismissals in the trial court;

5 (2) Court orders filed with the clerk of the courts which
6 reverse a reported conviction or vacate or modify a sentence;

7 (3) Judgments terminating or revoking a sentence to
8 probation, supervision or conditional release and any
9 resentencing after such revocation; and

10 (4) The offense cycle number of the offense, and the
11 originating agency identifier number of the [reporting]
12 sentencing court, using such numbers as assigned by the highway
13 patrol.

14 5. The clerk of the courts of each county or city not
15 within a county shall furnish to the department of corrections or
16 the department of mental health court judgment and sentence
17 documents and the state offense cycle number and the charge code
18 of the offense[,] which result in the commitment or assignment of
19 an offender[,] to the jurisdiction of the department of
20 corrections or the department of mental health if the person is
21 committed pursuant to chapter 552, RSMo. This information shall
22 be reported to the department of corrections or the department of
23 mental health at the time of commitment or assignment. If the
24 offender was already in the custody of the department of
25 corrections or the department of mental health at the time of
26 such subsequent conviction, the clerk shall furnish notice of
27 such subsequent conviction to the appropriate department by
28 certified mail, return receipt requested[,], within ten days of

1 such disposition] or in a manner and format mutually agreed to
2 within fifteen days of such disposition.

3 6. [After the court pronounces sentence, including an order
4 of supervision or an order of probation granted for any offense
5 which is required by statute to be collected, maintained, or
6 disseminated by the central repository, or commits a person to
7 the department of mental health pursuant to chapter 552, RSMo,]
8 Information, fingerprints, and other indicia forwarded to the
9 central repository, normally obtained from a person at the time
10 of arrest, may be obtained at any time the subject is in the
11 criminal justice system or committed to the department of mental
12 health. A law enforcement agency or the department of
13 corrections may fingerprint the person and obtain the necessary
14 information at any time while the subject is in custody. If at
15 the time of disposition the defendant has not been fingerprinted
16 for the offense which is required by statute to be collected,
17 maintained, or disseminated by the central repository, the court
18 shall order a law enforcement agency to fingerprint immediately
19 [all persons appearing before the court to be sentenced or
20 committed who have not previously been fingerprinted for the same
21 case] the defendant. The law enforcement agency shall submit
22 such fingerprints to the central repository [without undue delay]
23 within fifteen days and shall furnish the offense cycle number
24 associated with the fingerprints to the prosecuting attorney or
25 the circuit attorney of a city not within a county and to the
26 court clerk of the court ordering the subject fingerprinted.

27 7. The department of corrections and the department of
28 mental health shall furnish the central repository with all

1 information concerning the receipt, escape, execution, death,
2 release, pardon, parole, commutation of sentence, granting of
3 executive clemency, legal name change, or discharge of an
4 individual who has been sentenced to that department's custody
5 for any offenses which are mandated by law to be collected,
6 maintained or disseminated by the central repository. All
7 records forwarded to the central repository by the department as
8 required by sections 43.500 to [43.530] 43.543 shall include the
9 offense cycle number of the offense, and the originating agency
10 identifier number of the department using such numbers as
11 assigned by the highway patrol.

12 8. In instances where an individual less than seventeen
13 years of age and not currently certified as an adult, is taken
14 into custody for an offense which would be a felony if committed
15 by an adult, the arresting officer shall take fingerprints for
16 the central repository. These fingerprints shall be taken on
17 fingerprint cards supplied by or approved by the highway patrol
18 or transmitted electronically in a format and manner approved by
19 the highway patrol. The fingerprint cards shall be so
20 constructed that the name of the juvenile shall not be made
21 available to the central repository. The name and the unique
22 number associated with the fingerprints and other pertinent
23 information shall be provided to the court of jurisdiction by the
24 agency taking the juvenile into custody. The juvenile's
25 fingerprints and other information shall be forwarded within
26 fifteen days to the central repository and the courts. The
27 fingerprint information from the card shall be captured and
28 stored in the automated fingerprint identification system

1 operated by the central repository. In the event the
2 fingerprints are found to match other tenprints or unsolved
3 latent prints the central repository shall notify the submitting
4 agency who shall notify the court of jurisdiction as per local
5 agreement.

6 9. Upon certification of the individual as an adult, the
7 court shall order a law enforcement agency to immediately
8 fingerprint the individual. The law enforcement agency shall
9 submit such fingerprints to the central repository within fifteen
10 days and shall furnish the offense cycle number associated with
11 the fingerprints to the prosecuting attorney or the circuit
12 attorney of a city not within a county and to the court clerk of
13 the court ordering the subject fingerprinted.

14 10. If the juvenile is acquitted of the crime and is no
15 longer certified as an adult, the prosecuting attorney shall
16 notify within fifteen days the central repository of the change
17 of status of the juvenile. Records of a child who has been
18 fingerprinted and photographed after being taken into custody
19 shall be closed records as provided pursuant to section 610.100,
20 RSMo, if a petition has not been filed within thirty days of the
21 date that the child was taken into custody; and if a petition for
22 the child has not been filed within one year of the date the
23 child was taken into custody, any records relating to the child
24 concerning the alleged offense may be expunged under the
25 procedures in sections 610.122 to 610.126, RSMo.

26 43.506. 1. Those offenses considered reportable for the
27 purposes of sections 43.500 to [43.530] ~~43.543~~ include all
28 felonies and serious or aggravated misdemeanors consistent with

1 the reporting standards established by the National Crime
2 Information Center, Federal Bureau of Investigation, for the
3 Federal Interstate Identification Index System. In addition, all
4 cases arising pursuant to sections 566.010 to 566.141, RSMo,
5 where the defendant pleads guilty to an offense involving a child
6 under seventeen years of age and the court imposes a suspended
7 imposition of sentence shall be reported. The following types of
8 offenses shall not be considered reportable for the purposes of
9 sections 57.403, RSMo, 43.500 to [43.530] 43.543, and 595.200 to
10 595.218, RSMo: disturbing the peace, curfew violation,
11 loitering, false fire alarm, disorderly conduct, nonspecific
12 charges of suspicion or investigation, and general traffic
13 violations and all misdemeanor violations of the state wildlife
14 code. All violations for driving under the influence of drugs or
15 alcohol are reportable. All offenses considered reportable shall
16 be reviewed annually and noted in the Missouri charge code manual
17 established in section 43.512. All information collected
18 pursuant to sections 43.500 to [43.530] 43.543 shall be available
19 only as set forth in section 610.120, RSMo.

20 2. [With the exception of the manual reporting of arrests
21 and fingerprints by law enforcement agencies as noted in
22 subsection 2 of section 43.503, and notwithstanding subsections 2
23 to 7 of section 43.503,] Law enforcement agencies, court clerks,
24 prosecutors and custody agencies may report required information
25 by electronic medium either directly to the central repository or
26 indirectly to the central repository via other criminal justice
27 agency computer systems in the state with the approval of the
28 [advisory committee] highway patrol based upon standards

1 established by the advisory committee.

2 3. In addition to the repository of fingerprint records for
3 individual offenders and applicants, the central repository of
4 criminal history and identification records for the state shall
5 maintain a repository of latent prints, palm prints, and other
6 prints submitted to the repository.

7 43.527. For purposes of sections 43.500 to ~~[43.530]~~ 43.543
8 all federal and nonstate of Missouri agencies and persons shall
9 pay for criminal records checks, fingerprint searches, and any of
10 the information as defined in subdivision (3) of section 43.500,
11 when such information is not related to the administration of
12 criminal justice. There shall be no charge for information,
13 supplied to criminal justice agencies, for the administration of
14 criminal justice. There shall be no charge for information
15 requested by state agencies screening their state employees or
16 applicants for state employment. For purposes of sections 43.500
17 to ~~[43.530]~~ 43.543 the administration of criminal justice is
18 defined in subdivision (7) of section 43.500 and shall be
19 available only as set forth in section 610.120, RSMo.

20 43.530. For each request requiring the payment of a fee
21 received by the central repository, [as defined in subdivision
22 (1) of section 43.500,] the requesting entity shall pay a fee of
23 not more than five dollars per request for criminal history
24 record information not based on a fingerprint search and pay a
25 fee of not more than fourteen dollars per request for
26 [classification and search of fingerprints] criminal history
27 record information based on a fingerprint search. Each such
28 request shall be limited to check and search on one individual.

1 Each request shall be accompanied by a check, warrant, voucher,
2 or money order payable to the state of Missouri-criminal record
3 system or payment shall be made in a manner approved by the
4 highway patrol. There is hereby established by the treasurer of
5 the state of Missouri a fund to be entitled as the "Criminal
6 Record System Fund". Notwithstanding the provisions of section
7 33.080, RSMo, to the contrary, if the moneys collected and
8 deposited into this fund are not totally expended annually for
9 the purposes set forth in [section 43.527] sections 43.500 to
10 43.543, the unexpended moneys in such fund shall remain in the
11 fund and the balance shall be kept in the fund to accumulate from
12 year to year.

13 43.532. 1. Criminal history and identification records
14 obtained from the central repository shall be used solely for the
15 purpose for which they were obtained. The subject of the record
16 shall be afforded the opportunity to challenge the correctness,
17 accuracy, and completeness of a criminal history record.

18 2. The central records repository shall have authority to
19 engage in the practice of collecting, assembling, or
20 disseminating criminal history record information for the purpose
21 of retaining manually or electronically stored criminal history
22 information. Any person obtaining criminal history record
23 information from the central repository under false pretenses,
24 advertise or engage in the practice of collecting, assembling, or
25 disseminating as a business enterprise other than for the purpose
26 of furnishing criminal history information to the authorized
27 requestor for its intended purpose is guilty of a class A
28 misdemeanor.

1 43.540. 1. As used in this section, the following terms
2 mean:

3 (1) "Authorized state agency", a division of state
4 government or an office of state government designated by the
5 statutes of this state to issue or renew a license, permit,
6 certification, or registration of authority to a qualified
7 entity;

8 (2) "Care", the provision of care, treatment, education,
9 training, instruction, supervision, or recreation;

10 [(1)] (3) "Criminal record review", [a request to the
11 highway patrol for information concerning any criminal history
12 record for a felony or misdemeanor and any offense for which the
13 person has registered pursuant to sections 589.400 to 589.425,
14 RSMo] a review of the criminal history records maintained by the
15 highway patrol in the criminal records repository;

16 (4) "National criminal record review", a review of the
17 criminal history records maintained by the Federal Bureau of
18 Investigation;

19 [(2)] (5) "Patient or resident", a person who by reason of
20 [aging] age, illness, disease, or physical or mental infirmity
21 receives or requires care or services furnished by a provider, as
22 defined in this section, or who resides or boards in, or is
23 otherwise kept, cared for, treated or accommodated in a facility
24 as defined in section 198.006, RSMo, for a period exceeding
25 twenty-four consecutive hours;

26 [(3) "Patrol", the Missouri state highway patrol;

27 [(4)] (6) "Provider", any [licensed day care home, licensed
28 day care center, licensed child-placing agency, licensed

1 residential care facility for children, licensed group home,
2 licensed foster family group home, licensed foster family home or
3 any operator licensed pursuant to chapter 198, RSMo, any employer
4 of nurses or nursing assistants for temporary or intermittent
5 placement in health care facilities or any entity licensed
6 pursuant to chapter 197, RSMo;] person who:

7 (a) Is employed by or seeks employment with a qualified
8 entity; or

9 (b) Volunteers or seeks to volunteer with a qualified
10 entity; or

11 (c) Owns or operates a qualified entity; and

12 (d) Has or may have unsupervised access to children, the
13 elderly, or persons with disabilities;

14 (7) "Qualified entity", a person, business, or
15 organization, whether public or private, for profit, not-for-
16 profit, or voluntary, that provides care, placement, or
17 educational services, for children, the elderly or persons with
18 disabilities as patients or residents, including a business or
19 organization that licenses or certifies others to provide care or
20 placement services;

21 [(5)] (8) "Youth services agency", any public or private
22 agency, school, or association which provides programs, care or
23 treatment for or which exercises supervision over minors.

24 2. [Upon receipt of a written request from a private
25 investigatory agency, a youth service agency or a provider, with
26 the written consent of the applicant, the highway patrol shall
27 conduct a criminal record review of an applicant for a paid or
28 voluntary position with the agency or provider if such position

1 would place the applicant in contact with minors, patients or
2 residents.

3 3. Any request for information made pursuant to the
4 provisions of this section shall be on a form provided by the
5 highway patrol and shall be signed by the person who is the
6 subject of the request.

7 4. The patrol shall respond in writing to the youth service
8 agency or provider making a request for information pursuant to
9 this section and shall inform such youth service agency or
10 provider of the address and offense for which the offender
11 registered pursuant to sections 589.400 to 589.425, RSMo, and the
12 nature of the offense, and the date, place and court for any
13 other offenses contained in the criminal record review.
14 Notwithstanding any other provision of law to the contrary, the
15 youth service agency or provider making such request shall have
16 access to all records of arrests resulting in an adjudication
17 where the applicant was found guilty or entered a plea of guilty
18 or nolo contendere in a prosecution pursuant to chapter 565,
19 RSMo, sections 566.010 to 566.141, RSMo, or under the laws of any
20 state or the United States for offenses described in sections
21 566.010 to 566.141, RSMo, or chapter 565, RSMo, during the period
22 of any probation imposed by the sentencing court.

23 5. Any information received by a provider or a youth
24 services agency pursuant to this section shall be used solely for
25 the provider's or youth service agency's internal purposes in
26 determining the suitability of an applicant or volunteer. The
27 information shall be confidential and any person who discloses
28 the information beyond the scope allowed in this section is

1 guilty of a class A misdemeanor. The patrol shall inform, in
2 writing, the provider or youth services agency of the
3 requirements of this subsection and the penalties provided in
4 this subsection at the time it releases any information pursuant
5 to this section.] A qualified entity may obtain a criminal
6 record review of a provider from the highway patrol by furnishing
7 information on forms and in the manner approved by the highway
8 patrol.

9 3. The information shall include:

10 (1) A valid Social Security number;

11 (2) Two sets of fingerprints of the provider;

12 (3) A statement signed by the provider which contains:

13 (a) The provider's name, address, and date of birth;

14 (b) Whether or not the provider has been convicted of or
15 has pled guilty to a crime which includes a suspended imposition
16 of sentence;

17 (c) If the provider has been convicted of or has pled
18 guilty to a crime, a description of the crime, and the
19 particulars of the conviction or plea;

20 (d) The authority of the qualified entity to check the
21 provider's criminal history;

22 (e) The right of the provider to review the report received
23 by the qualified entity;

24 (f) The right of the provider to challenge the accuracy of
25 the report. If the challenge is to the accuracy of the criminal
26 record review, the challenge shall be made to the highway patrol.

27 4. A qualified entity may request a criminal record review
28 and a national criminal record review of a provider through an

1 authorized state agency. No authorized state agency is required
2 by this section to process state or national criminal record
3 reviews for a qualified entity.

4 5. The authorized state agency shall forward the required
5 forms and fees to the highway patrol. The results of the record
6 review shall be forwarded to the authorized state agency who will
7 notify the qualified entity. The authorized state agency may
8 assess a fee to the qualified entity to cover the cost of
9 handling the criminal record review and may establish an account
10 solely for the collection and dissemination of fees associated
11 with the criminal record reviews.

12 6. Any information received by an authorized state agency
13 or a qualified entity pursuant to the provisions of this section
14 shall be used solely for the internal purposes of determining the
15 suitability of a provider. All criminal record check information
16 shall be confidential and any person who discloses the
17 information beyond the scope allowed is guilty of a class A
18 misdemeanor.

19 7. The highway patrol shall make available or approve the
20 necessary forms, procedures, and agreements necessary to
21 implement the provisions of this section. Any rule or portion of
22 a rule, as that term is defined in section 536.010, RSMo, that is
23 created under the authority delegated in this section shall
24 become effective only if it complies with and is subject to all
25 of the provisions of chapter 536, RSMo, and, if applicable,
26 section 536.028, RSMo. This section and chapter 536, RSMo, are
27 nonseverable and if any of the powers vested with the general
28 assembly pursuant to chapter 536, RSMo, to review, to delay the

1 effective date, or to disapprove and annul a rule are
2 subsequently held unconstitutional, then the grant of rulemaking
3 authority and any rule proposed or adopted after August 28, 2003,
4 shall be invalid and void.

5 43.542. In order to facilitate the authorized interstate
6 exchange of criminal history information for non criminal justice
7 purposes to adopt the National Crime Prevention and Privacy
8 Compact, 42 U.S.C. 14616, the general assembly approves and
9 adopts the compact. The chief administrator of the state's
10 criminal history records repository shall execute the compact on
11 behalf of the state of Missouri.

12 43.543. [Any state agency listed in section 621.045, RSMo,
13 or any state agency which provides programs, care or treatment
14 for or which exercises supervision over minors shall submit two
15 sets of fingerprints for any person seeking employment with such
16 agency or provider or for any person who is seeking the issuance
17 or renewal of a license, permit or certificate of registration or
18 authority from such agency, for the purpose of checking the
19 person's prior criminal history when the state agency determines
20 a nationwide check is warranted. The fingerprint cards and any
21 required fees shall be sent to the Missouri state highway
22 patrol's criminal records division. The first set of
23 fingerprints shall be used for searching the state repository of
24 criminal history information. If no identification is made, the
25 second set of fingerprints shall be forwarded to the Federal
26 Bureau of Investigation, Identification Division, for the
27 searching of the federal criminal history files. The patrol
28 shall notify the submitting state agency of any criminal history

1 information or lack of criminal history information discovered on
2 the individual.] Any state agency listed in section 621.045,
3 RSMo, the division of professional registration of the department
4 of economic development, the department of social services, the
5 state supreme court, the department of elementary and secondary
6 education, the Missouri lottery, and the gaming commission may
7 for persons seeking employment with such agency or issuance or
8 renewal of a license, permit, certificate, or registration of
9 authority from such agency, or any state agency or committee
10 which is authorized by state statute or executive order to screen
11 applicants or candidates seeking or considered for employment,
12 assignment, or appointment to a position within state government;
13 or the police officers standards and training commission pursuant
14 to chapter 630, RSMo, may for persons not employed by a criminal
15 justice agency who seek enrollment or access into a certified
16 POST training academy police school; or law enforcement agencies
17 may for persons seeking issuance or renewal of a license, permit,
18 certificate, or registration to purchase or posses a firearm;
19 shall submit two sets of fingerprints to the highway patrol.
20 Such fingerprints shall be used by the highway patrol to search
21 the criminal records repository and the second set shall be
22 submitted to the Federal Bureau of Investigation to be used for
23 searching the federal criminal history files if necessary. The
24 fingerprints shall be submitted on forms and in the manner
25 prescribed by the highway patrol. Fees assessed for the searches
26 shall be paid in the manner prescribed by the highway patrol.
27 Notwithstanding the provisions of section 610.120, RSMo, all
28 records related to any criminal history information discovered

1 shall be accessible and available to the state agency making the
2 record request.

3 135.327. 1. Any person residing in this state who legally
4 adopts a special needs child on or after January 1, 1988, and
5 before January 1, 2000, shall be eligible to receive a tax credit
6 of up to ten thousand dollars for nonrecurring adoption expenses
7 for each child adopted that may be applied to taxes due under
8 chapter 143, RSMo. Any business entity providing funds to an
9 employee to enable that employee to legally adopt a special needs
10 child shall be eligible to receive a tax credit of up to ten
11 thousand dollars for nonrecurring adoption expenses for each
12 child adopted that may be applied to taxes due under such
13 business entity's state tax liability, except that only one ten
14 thousand dollar credit is available for each special needs child
15 that is adopted.

16 2. Any person residing in this state who proceeds in good
17 faith with the adoption of a special needs child on or after
18 January 1, 2000, shall be eligible to receive a tax credit of up
19 to ten thousand dollars for nonrecurring adoption expenses for
20 each child that may be applied to taxes due under chapter 143,
21 RSMo. Any business entity providing funds to an employee to
22 enable that employee to proceed in good faith with the adoption
23 of a special needs child shall be eligible to receive a tax
24 credit of up to ten thousand dollars for nonrecurring adoption
25 expenses for each child that may be applied to taxes due under
26 such business entity's state tax liability, except that only one
27 ten thousand dollar credit is available for each special needs
28 child that is adopted.

1 3. Individuals and business entities may claim a tax credit
2 for their total nonrecurring adoption expenses in each year that
3 the expenses are incurred. A claim for fifty percent of the
4 credit shall be allowed when the child is placed in the home. A
5 claim for the remaining fifty percent shall be allowed when the
6 adoption is final. The total of these tax credits shall not
7 exceed the maximum limit of ten thousand dollars per child. [The
8 cumulative amount of tax credits which may be claimed by
9 taxpayers for nonrecurring adoption expenses in any one fiscal
10 year shall not exceed two million dollars.]

11 4. Notwithstanding any provision of law to the contrary,
12 any individual or business entity may assign, transfer or sell
13 tax credits allowed in this section. Any sale of tax credits
14 claimed pursuant to this section shall be at a discount rate of
15 seventy-five percent or greater of the amount sold.

16 168.071. 1. The state board of education may refuse to
17 issue or renew a certificate, or may, upon hearing, discipline
18 the holder of a certificate of license to teach for the following
19 causes:

20 (1) A certificate holder or applicant for a certificate has
21 pleaded to or been found guilty of a felony or crime involving
22 moral turpitude under the laws of this state, any other state, of
23 the United States, or any other country, whether or not sentence
24 is imposed;

25 (2) The certification was obtained through use of fraud,
26 deception, misrepresentation or bribery;

27 (3) There is evidence of incompetence, immorality, or
28 neglect of duty by the certificate holder;

1 (4) A certificate holder has been subject to disciplinary
2 action relating to certification issued by another state,
3 territory, federal agency, or country upon grounds for which
4 discipline is authorized in this section; or

5 (5) If charges are filed by the local board of education,
6 based upon the annulling of a written contract with the local
7 board of education, for reasons other than election to the
8 general assembly, without the consent of the majority of the
9 members of the board that is a party to the contract.

10 2. A public school district may file charges seeking the
11 discipline of a holder of a certificate of license to teach based
12 upon any cause or combination of causes outlined in subsection 1
13 of this section, including annulment of a written contract.
14 Charges shall be in writing, specify the basis for the charges,
15 and be signed by the chief administrative officer of the
16 district, or by the president of the board of education as
17 authorized by a majority of the board of education. The board of
18 education may also petition the office of the attorney general to
19 file charges on behalf of the school district for any cause other
20 than annulment of contract, with acceptance of the petition at
21 the discretion of the attorney general.

22 3. The department of elementary and secondary education may
23 file charges seeking the discipline of a holder of a certificate
24 of license to teach based upon any cause or combination of causes
25 outlined in subsection 1 of this section, other than annulment of
26 contract. Charges shall be in writing, specify the basis for the
27 charges, and be signed by legal counsel representing the
28 department of elementary and secondary education.

1 4. If the underlying conduct or actions which are the basis
2 for charges filed pursuant to this section are also the subject
3 of a pending criminal charge against the person holding such
4 certificate, the certificate holder may request, in writing, a
5 delayed hearing on advice of counsel under the fifth amendment of
6 the Constitution of the United States. Based upon such a
7 request, no hearing shall be held until after a trial has been
8 completed on this criminal charge.

9 5. The certificate holder shall be given not less than
10 thirty days' notice of any hearing held pursuant to this section.

11 6. Other provisions of this section notwithstanding, the
12 certificate of license to teach shall be revoked or, in the case
13 of an applicant, a certificate shall not be issued, if the
14 certificate holder or applicant has pleaded guilty to or been
15 found guilty of any of the following offenses established
16 pursuant to Missouri law or offenses of a similar nature
17 established under the laws of any other state or of the United
18 States, or any other country, whether or not the sentence is
19 imposed:

20 (1) Any dangerous felony as defined in section 556.061,
21 RSMo, or murder in the first degree;

22 (2) Any of the following sexual offenses: rape; statutory
23 rape in the first degree; statutory rape in the second degree;
24 sexual assault; forcible sodomy; statutory sodomy in the first
25 degree; statutory sodomy in the second degree; child molestation
26 in the first degree; child molestation in the second degree;
27 deviate sexual assault; sexual misconduct involving a child;
28 sexual misconduct in the first degree; [or] sexual abuse;

1 enticement of a child; or attempting to entice a child;

2 (3) Any of the following offenses against the family and
3 related offenses: incest; abandonment of child in the first
4 degree; abandonment of child in the second degree; endangering
5 the welfare of a child in the first degree; abuse of a child;
6 child used in a sexual performance; promoting sexual performance
7 by a child; or trafficking in children; and

8 (4) Any of the following offenses involving child
9 pornography and related offenses: promoting obscenity in the
10 first degree; promoting obscenity in the second degree when the
11 penalty is enhanced to a class D felony; promoting child
12 pornography in the first degree; promoting child pornography in
13 the second degree; possession of child pornography in the first
14 degree; possession of child pornography in the second degree;
15 furnishing child pornography to a minor; furnishing pornographic
16 materials to minors; or coercing acceptance of obscene material.

17 7. When a certificate holder pleads guilty to or is found
18 guilty of any offense that would authorize the state board of
19 education to seek discipline against a certificate of license to
20 teach, the local board of education or the department of
21 elementary and secondary education shall immediately provide
22 written notice to the state board of education and the attorney
23 general regarding the plea of guilty or finding of guilt.

24 [7.] 8. The certificate holder whose certificate was
25 revoked pursuant to subsection 6 of this section may appeal such
26 revocation to the state board of education. Notice of this
27 appeal must be received by the commissioner of education within
28 ninety days of notice of revocation pursuant to this subsection.

1 Failure of the certificate holder to notify the commissioner of
2 the intent to appeal waives all rights to appeal the revocation.
3 Upon notice of the certificate holder's intent to appeal, an
4 appeal hearing shall be held by a hearing officer designated by
5 the commissioner of education, with the final decision made by
6 the state board of education, based upon the record of that
7 hearing. The certificate holder shall be given not less than
8 thirty days' notice of the hearing, and an opportunity to be
9 heard by the hearing officer, together with witnesses.

10 [8.] 9. In the case of any certificate holder who has
11 surrendered or failed to renew his or her certificate of license
12 to teach, the state board of education may refuse to issue or
13 renew, or may suspend or revoke, such certificate for any of the
14 reasons contained in this section.

15 [9.] 10. In those cases where the charges filed pursuant
16 to this section are based upon an allegation of misconduct
17 involving a minor child, the hearing officer may accept into the
18 record the sworn testimony of the minor child relating to the
19 misconduct received in any court or administrative hearing.

20 [10.] 11. Hearings, appeals or other matters involving
21 certificate holders, licensees or applicants pursuant to this
22 section may be informally resolved by consent agreement or agreed
23 settlement or voluntary surrender of the certificate of license
24 pursuant to the rules promulgated by the state board of
25 education.

26 [11.] 12. The final decision of the state board of
27 education is subject to judicial review pursuant to sections
28 536.100 to 536.140, RSMo.

1 [12.] 13. A certificate of license to teach to an
2 individual who has been convicted of a felony or crime involving
3 moral turpitude, whether or not sentence is imposed, shall be
4 issued only upon motion of the state board of education adopted
5 by a unanimous affirmative vote of those members present and
6 voting.

7 168.282. Sections 168.283, 207.085, 210.112, 210.147,
8 210.160, 210.482, 210.487, 210.565, 211.059, and 211.321, RSMo,
9 shall be known and may be cited as the "Dominic James Memorial
10 Foster Care Reform Act of 2003".

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

26 2. To facilitate the criminal history background check on
27 any person employed by the school, such person shall submit two
28 sets of fingerprints collected pursuant to standards determined

1 by the highway patrol. One set of fingerprints shall be used by
2 the highway patrol to search the criminal history repository and
3 the second set shall be forwarded to the Federal Bureau of
4 Investigation for searching the federal criminal history files.

5 3. Any fees for the state criminal history record
6 information pursuant to section 43.530, RSMo, and for the federal
7 criminal history record by the Federal Bureau of Investigation
8 shall be paid by the employee. The department shall distribute
9 the fees collected for the state and federal criminal histories
10 to the highway patrol.

11 4. The employee may be reimbursed by the employing school
12 district if the school district policy provides for reimbursement
13 intended for state and federal criminal history information
14 pursuant to section 43.530, RSMo.

15 5. If, as a result of the criminal history background check
16 required by this section, it is determined that the holder of a
17 certificate issued pursuant to section 168.021 has been charged
18 with, pled guilty or nolo contendere to, or been found guilty of
19 a crime under the laws of this state, any other state, the United
20 States, or any other country, regardless of imposition of
21 sentence, such information shall be reported to the department of
22 elementary and secondary education.

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

26 7. The state board of education may promulgate rules for
27 criminal history background checks made pursuant to this section.
28 No rule or portion of a rule promulgated pursuant to the

1 authority of this section shall become effective unless it has
2 been promulgated pursuant to chapter 536, RSMo.

3 8. This section shall become effective January 1, 2004.

4 192.016. 1. The department of health and senior services
5 shall establish a putative father registry which shall record the
6 names and addresses of:

7 (1) Any person adjudicated by a court of this state to be
8 the father of a child born out of wedlock;

9 (2) Any person who has filed with the registry before or
10 after the birth of a child out of wedlock, a notice of intent to
11 claim paternity of the child;

12 (3) Any person adjudicated by a court of another state or
13 territory of the United States to be the father of an
14 out-of-wedlock child, where a certified copy of the court order
15 has been filed with the registry by such person or any other
16 person.

17 2. A person filing a notice of intent to claim paternity of
18 a child or an acknowledgment of paternity shall file the
19 acknowledgment affidavit form developed by the state registrar
20 which shall include the minimum requirements prescribed by the
21 Secretary of the United States Department of Health and Human
22 Services pursuant to 42 U.S.C. Section 652(a)(7).

23 3. A person filing a notice of intent to claim paternity of
24 a child shall notify the registry of any change of address.

25 4. A person who has filed a notice of intent to claim
26 paternity may at any time revoke a notice of intent to claim
27 paternity previously filed therewith and, upon receipt of such
28 notification by the registry, the revoked notice of intent to

1 claim paternity shall be deemed a nullity nunc pro tunc.

2 5. An unrevoked notice of intent to claim paternity of a
3 child may be introduced in evidence by any party, other than the
4 person who filed such notice, in any proceeding in which such
5 fact may be relevant.

6 6. Lack of knowledge of the pregnancy does not excuse
7 failure to timely file pursuant to subdivisions (b) or (c) of
8 subdivision (2) of subsection 3 of section 453.030, RSMo.

9 7. Failure to timely file pursuant to subdivisions (b) or
10 (c) of subsection 3 of section 453.030, RSMo, shall not waive a
11 man's right to withhold consent to an adoption proceeding if:

12 (1) The person was led to believe through the mother's
13 misrepresentation or fraud that:

14 (a) The mother was not pregnant when in fact she was; or

15 (b) The pregnancy was terminated when in fact the baby was
16 born; or

17 (c) After the birth, the child died when in fact the child
18 is alive; and

19 (2) The person upon the discovery of the misrepresentation
20 or fraud satisfied the requirements of subdivision (b) or (c) of
21 subsection 3 of section 453.030, RSMo, within fifteen days of
22 that discovery.

23 8. The department shall, upon request and within two
24 business days of such request, provide the names and addresses of
25 persons listed with the registry to any court or authorized
26 agency, or entity or person named in section 453.014, RSMo, and
27 such information shall not be divulged to any other person,
28 except upon order of a court for good cause shown.

1 [7.] 9. The department of health and senior services
2 shall:

3 (1) Prepare forms for registration of paternity and an
4 application for search of the putative father registry;

5 (2) Produce and distribute a pamphlet or publication
6 informing the public about the putative father registry,
7 including the procedures for voluntary acknowledgment of
8 paternity, the consequences of acknowledgment and failure to
9 acknowledge paternity pursuant to section 453.010, RSMo, [and the
10 address of] a copy of the statement in subsection 10 of this
11 section, and a detachable form meeting the requirements of
12 subsection 2 of this section addressed to the putative father
13 registry. Such pamphlet or publication shall be made available
14 for distribution at all offices of the department of health and
15 senior services. The department shall also provide such
16 pamphlets or publications to the department of social services,
17 hospitals, libraries, medical clinics, schools, universities, and
18 other providers of child-related services upon request;

19 (3) Provide information to the public at large by way of
20 general public service announcements, or other ways to deliver
21 information to the public about the putative father registry and
22 its services.

23 10. Pursuant to subdivision (2) of subsection 9 of section
24 192.016, RSMo, the following statement shall be contained in any
25 pamphlet or publication informing the public about the putative
26 father registry:

27 STATEMENT:

28 "DOES THE PUTATIVE FATHER REGISTRY APPLY TO ME?"

1 Have you had protected or unprotected sexual
2 intercourse with a woman who was not your wife within
3 the last year?

4 IF YOU ANSWERED "YES" TO THIS QUESTION, THE
5 PUTATIVE FATHER REGISTRY APPLIES TO YOU. MISSOURI LAW
6 ASSUMES THAT YOU KNOW A CHILD MAY BE CONCEIVED IF YOU
7 HAVE SEXUAL INTERCOURSE WITH A WOMAN AND REQUIRES YOU
8 TO TAKE ACTION TO PROTECT YOUR RIGHTS IN ANY SUCH
9 CHILD.

10 SHOULD I FILE THE ATTACHED CARD WITH THE PUTATIVE FATHER
11 REGISTRY?

12 1. If a woman you have had sex with has a child, do you
13 want to know if that child is yours?

14 2. If a woman you have had sex with has a child, do you
15 want to claim that child as your own?

16 3. Do you want to be notified if a child born to that woman
17 is placed for adoption?

18 IF YOU ANSWERED "YES" TO ANY OF THESE QUESTIONS, THEN YOU MUST
19 FOLLOW THE INSTRUCTIONS IN THIS PAMPHLET. FAILURE TO FOLLOW THE
20 INSTRUCTIONS PRESCRIBED BY LAW WILL JEOPARDIZE YOUR RIGHTS.

21 WHAT DO I HAVE TO DO TO PROTECT MY RIGHTS?

22 Under Missouri law, a man who conceives a child with a woman
23 who is not his wife has the right to be notified if that child is
24 placed for adoption. He also has the right to challenge the
25 adoption if he desires and assume responsibility for that child.
26 However, in order to have these rights, a father MUST follow the
27 instructions below.

28 If you want to be notified of and have the ability to allow

1 or challenge the adoption of a child you believe to be yours, you
2 MUST do the following THREE things:

3 1. Fill out and send the detachable card attached to this
4 pamphlet to the Registry.

5 WHY SHOULD I DO THIS?

6 a. You believe you are or may be the father of this child.

7 b. You want the State to recognize you as the child's
8 father.

9 c. You want to receive notification if this child is placed
10 for adoption.

11 WHAT IS THE TIME LIMIT TO SEND THIS IN?

12 You must file the card with the Registry before the child is
13 born OR within 15 days after the child is born.

14 THE FACT THAT YOU DID NOT KNOW THE MOTHER WAS PREGNANT IS
15 NOT AN EXCUSE FOR FAILURE TO FILE THE ATTACHED CARD!

16 2. Inform the Putative Father Registry of any change of
17 address.

18 3. File a paternity case in court to establish that you are
19 the child's father.

20 WHY SHOULD I DO THIS?

21 a. You believe you are or may be the father of this child.

22 b. You want the State to recognize you as the child's
23 father.

24 c. You want to choose whether or not to allow or challenge
25 an adoption of the child.

26 d. You want to support the child until he or she is 18
27 years old.

28 e. You want to raise the child.

1 WHAT IS THE TIME LIMIT TO FILE THIS CASE?

2 You must file the case with a court before the child is born
3 OR within 15 days after the child is born.

4 THE FACT THAT YOU DID NOT KNOW THE MOTHER WAS PREGNANT IS
5 NOT AN EXCUSE FOR FAILURE TO FILE A CASE TO ESTABLISH THAT YOU
6 ARE THE CHILD'S FATHER!"

7 207.060. 1. The director of the family [services shall
8 establish] support division shall operate and maintain on a full-
9 time basis a county office in every county, which may be in the
10 charge of a county welfare director who shall have been a
11 resident of the state of Missouri for a period of at least two
12 years immediately prior to taking office and whose salary shall
13 be paid from funds appropriated for the family support division
14 [of family services].

15 2. For the purpose of establishing and maintaining county
16 offices, or carrying out any of the duties of the division of
17 family services, the director of family services may enter into
18 agreements with any political subdivision of this state, and as a
19 part of such agreement, may accept moneys, services, or quarters
20 as a contribution toward the support and maintenance of such
21 county offices. Any funds so received shall be payable to the
22 director of revenue and deposited in the proper special account
23 in the state treasury, and become and be a part of state funds
24 appropriated for the use of the division of family services.

25 3. Other employees in the county offices shall be employed
26 with due regard to the population of the county, existing
27 conditions and purpose to be accomplished. Such employees shall
28 be paid as are other employees of the division of family

1 services.

2 207.085. 1. Any officer or employee of the division of
3 family services who is involved with child protective services
4 and purposely, knowingly, and willfully violates a stated or
5 written policy of the division, any rule promulgated by the
6 division, or any state law directly related to the child abuse
7 and neglect activities of the division shall be dismissed if the
8 violation directly results in serious physical injury or death or
9 if the violation directly results, by settlement or judgment, in
10 civil liability to the state or any of its agencies or
11 subdivisions.

12 2. The provisions of this section shall apply to merit
13 system employees of the division, as well as all other employees
14 of the division, and upon a showing of a violation, such
15 employees shall be dismissed for cause pursuant to section
16 36.380, RSMo.

17 3. The provisions of sections 660.019 to 660.021, RSMo,
18 shall apply to this section. If an employee is responsible for
19 assignments in excess of specified caseload standards established
20 in section 660.020, RSMo, and the employee purposely, knowingly,
21 and willfully violates a stated or written policy of the division
22 and the violation directly results in serious physical injury or
23 death, any rule promulgated by the division, or any state law
24 directly related to the child abuse and neglect activities of the
25 division, the employee's good faith efforts to follow the stated
26 or written policies of the division, the rules promulgated by the
27 division, or the state laws directly related to the child abuse
28 and neglect activities of the division shall be a mitigating

1 factor in determining whether an employee is dismissed pursuant
2 to subsection 1 of this section.

3 4. Any juvenile officer or employee of a juvenile office
4 who acts or neglects to act in a manner that results in serious
5 physical injury or death shall be dismissed and shall be
6 ineligible for re-appointment or re-hiring.

7 208.047. 1. Notwithstanding the provisions of section
8 208.040, [aid to dependent children] temporary assistance for
9 needy families benefits may be granted to a dependent child:

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

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

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

20 (4) Who (a) received [aid to dependent children] temporary
21 assistance for needy families benefits in and for the month in
22 which court proceedings leading to such determination were
23 initiated; or (b) would have received aid in or for that month if
24 application had been made therefor; or (c) in the case of a child
25 who had been living with a relative specified in section 208.040
26 within six months prior to the month in which such proceedings
27 were initiated, would have received aid in and for such month, if
28 in such month he had been living with, and removed from the home

1 of, such a relative and application had been made therefor.

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

10 208.152. 1. Benefit payments for medical assistance shall
11 be made on behalf of those eligible needy persons who are unable
12 to provide for it in whole or in part, with any payments to be
13 made on the basis of the reasonable cost of the care or
14 reasonable charge for the services as defined and determined by
15 the division of medical services, unless otherwise hereinafter
16 provided, for the following:

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

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

12 (3) Laboratory and X-ray services;

13 (4) Nursing home services for recipients, except to persons
14 in an institution for mental diseases who are under the age of
15 sixty-five years, when residing in a hospital licensed by the
16 department of health and senior services or a nursing home
17 licensed by the division of aging or appropriate licensing
18 authority of other states or government-owned and -operated
19 institutions which are determined to conform to standards
20 equivalent to licensing requirements in Title XIX, of the federal
21 Social Security Act (42 U.S.C. 301, et seq.), as amended, for
22 nursing facilities. The division of medical services may
23 recognize through its payment methodology for nursing facilities
24 those nursing facilities which serve a high volume of Medicaid
25 patients. The division of medical services when determining the
26 amount of the benefit payments to be made on behalf of persons
27 under the age of twenty-one in a nursing facility may consider
28 nursing facilities furnishing care to persons under the age of

1 twenty-one as a classification separate from other nursing
2 facilities;

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

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

16 (7) Dental services;

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

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

21 (10) Emergency ambulance services and, effective January 1,
22 1990, medically necessary transportation to scheduled,
23 physician-prescribed nonelective treatments. The department of
24 social services may conduct demonstration projects related to the
25 provision of medically necessary transportation to recipients of
26 medical assistance under this chapter. Such demonstration
27 projects shall be funded only by appropriations made for the
28 purpose of such demonstration projects. If funds are

1 appropriated for such demonstration projects, the department
2 shall submit to the general assembly a report on the significant
3 aspects and results of such demonstration projects;

4 (11) Early and periodic screening and diagnosis of
5 individuals who are under the age of twenty-one to ascertain
6 their physical or mental defects, and health care, treatment, and
7 other measures to correct or ameliorate defects and chronic
8 conditions discovered thereby. Such services shall be provided
9 in accordance with the provisions of section 6403 of P.L.53
10 101-239 and federal regulations promulgated thereunder;

11 (12) Home health care services;

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

14 (14) Family planning as defined by federal rules and
15 regulations; provided, however, that such family planning
16 services shall not include abortions unless such abortions are
17 certified in writing by a physician to the Medicaid agency that,
18 in his professional judgment, the life of the mother would be
19 endangered if the fetus were carried to term;

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

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

25 (17) Outpatient surgical procedures, including presurgical
26 diagnostic services performed in ambulatory surgical facilities
27 which are licensed by the department of health and senior
28 services of the state of Missouri; except, that such outpatient

1 surgical services shall not include persons who are eligible for
2 coverage under Part B of Title XVIII, Public Law 89-97, 1965
3 amendments to the federal Social Security Act, as amended, if
4 exclusion of such persons is permitted under Title XIX, Public
5 Law 89-97, 1965 amendments to the federal Social Security Act, as
6 amended;

7 (18) Personal care services which are medically oriented
8 tasks having to do with a person's physical requirements, as
9 opposed to housekeeping requirements, which enable a person to be
10 treated by his physician on an outpatient, rather than on an
11 inpatient or residential basis in a hospital, intermediate care
12 facility, or skilled nursing facility. Personal care services
13 shall be rendered by an individual not a member of the
14 recipient's family who is qualified to provide such services
15 where the services are prescribed by a physician in accordance
16 with a plan of treatment and are supervised by a licensed nurse.
17 Persons eligible to receive personal care services shall be those
18 persons who would otherwise require placement in a hospital,
19 intermediate care facility, or skilled nursing facility.
20 Benefits payable for personal care services shall not exceed for
21 any one recipient one hundred percent of the average statewide
22 charge for care and treatment in an intermediate care facility
23 for a comparable period of time;

24 (19) Mental health services. The state plan for providing
25 medical assistance under Title XIX of the Social Security Act, 42
26 U.S.C. 301, as amended, shall include the following mental health
27 services when such services are provided by community mental
28 health facilities operated by the department of mental health or

1 designated by the department of mental health as a community
2 mental health facility or as an alcohol and drug abuse facility
3 or as a child-serving agency within the comprehensive children's
4 mental health service system.

5 (a) The department of mental health shall establish by
6 administrative rule the definition and criteria for designation
7 as a community mental health facility and for designation as an
8 alcohol and drug abuse facility. Such mental health services
9 shall include:

10 [(a)] a. Outpatient mental health services including
11 preventive, diagnostic, therapeutic, rehabilitative, and
12 palliative interventions rendered to individuals in an individual
13 or group setting by a mental health professional in accordance
14 with a plan of treatment appropriately established, implemented,
15 monitored, and revised under the auspices of a therapeutic team
16 as a part of client services management;

17 [(b)] b. Clinic mental health services including
18 preventive, diagnostic, therapeutic, rehabilitative, and
19 palliative interventions rendered to individuals in an individual
20 or group setting by a mental health professional in accordance
21 with a plan of treatment appropriately established, implemented,
22 monitored, and revised under the auspices of a therapeutic team
23 as a part of client services management;

24 [(c)] c. Rehabilitative mental health and alcohol and drug
25 abuse services including preventive, diagnostic, therapeutic,
26 rehabilitative, and palliative interventions rendered to
27 individuals in an individual or group setting by a mental health
28 or alcohol and drug abuse professional in accordance with a plan

1 of treatment appropriately established, implemented, monitored,
2 and revised under the auspices of a therapeutic team as a part of
3 client services management. As used in this section, "mental
4 health professional" and "alcohol and drug abuse professional"
5 shall be defined by the department of mental health pursuant to
6 duly promulgated rules. With respect to services established by
7 this subdivision, the department of social services, division of
8 medical services, shall enter into an agreement with the
9 department of mental health. Matching funds for outpatient
10 mental health services, clinic mental health services, and
11 rehabilitation services for mental health and alcohol and drug
12 abuse shall be certified by the department of mental health to
13 the division of medical services. The agreement shall establish
14 a mechanism for the joint implementation of the provisions of
15 this subdivision. In addition, the agreement shall establish a
16 mechanism by which rates for services may be jointly developed.

17 (b) The department of mental health, in collaboration with
18 the department of social services within the department of social
19 services, shall establish by rule the definition and criteria for
20 designation of a community-based service. Services to be made
21 available and easily accessible include intensive home-based
22 services, early intervention services, family support services,
23 respite services, and behavioral assistance services;

24 (20) Comprehensive day rehabilitation services beginning
25 early posttrauma as part of a coordinated system of care for
26 individuals with disabling impairments. Rehabilitation services
27 must be based on an individualized, goal-oriented, comprehensive
28 and coordinated treatment plan developed, implemented, and

1 monitored through an interdisciplinary assessment designed to
2 restore an individual to optimal level of physical, cognitive and
3 behavioral function. The division of medical services shall
4 establish by administrative rule the definition and criteria for
5 designation of a comprehensive day rehabilitation service
6 facility, benefit limitations and payment mechanism;

7 (21) Hospice care. As used in this subsection, the term
8 "hospice care" means a coordinated program of active professional
9 medical attention within a home, outpatient and inpatient care
10 which treats the terminally ill patient and family as a unit,
11 employing a medically directed interdisciplinary team. The
12 program provides relief of severe pain or other physical symptoms
13 and supportive care to meet the special needs arising out of
14 physical, psychological, spiritual, social and economic stresses
15 which are experienced during the final stages of illness, and
16 during dying and bereavement and meets the Medicare requirements
17 for participation as a hospice as are provided in 42 CFR Part
18 418. Beginning July 1, 1990, the rate of reimbursement paid by
19 the division of medical services to the hospice provider for room
20 and board furnished by a nursing home to an eligible hospice
21 patient shall not be less than ninety-five percent of the rate of
22 reimbursement which would have been paid for facility services in
23 that nursing home facility for that patient, in accordance with
24 subsection (c) of section 6408 of P.L. 101-239 (Omnibus Budget
25 Reconciliation Act of 1989);

26 (22) Such additional services as defined by the division of
27 medical services to be furnished under waivers of federal
28 statutory requirements as provided for and authorized by the

1 federal Social Security Act (42 U.S.C. 301, et seq.) subject to
2 appropriation by the general assembly;

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

9 (24) Subject to appropriations, the department of social
10 services shall conduct demonstration projects for nonemergency,
11 physician-prescribed transportation for pregnant women who are
12 recipients of medical assistance under this chapter in counties
13 selected by the director of the division of medical services.
14 The funds appropriated pursuant to this subdivision shall be used
15 for the purposes of this subdivision and for no other purpose.
16 The department shall not fund such demonstration projects with
17 revenues received for any other purpose. This subdivision shall
18 not authorize transportation of a pregnant woman in active labor.
19 The division of medical services shall notify recipients of
20 nonemergency transportation services under this subdivision of
21 such other transportation services which may be appropriate
22 during active labor or other medical emergency;

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

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

2 a. The occupancy rate of the nursing home is at or above
3 ninety-seven percent of Medicaid certified licensed beds,
4 according to the most recent quarterly census provided to the
5 division of aging which was taken prior to when the recipient is
6 admitted to the hospital; and

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

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

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

18 (d) The provisions of this subdivision shall not apply
19 unless the nursing home receives notice from the recipient or the
20 recipient's responsible party that the recipient intends to
21 return to the nursing home following the hospital stay. If the
22 nursing home receives such notification and all other provisions
23 of this subsection have been satisfied, the nursing home shall
24 provide notice to the recipient or the recipient's responsible
25 party prior to release of the reserved bed.

26 2. Benefit payments for medical assistance for surgery as
27 defined by rule duly promulgated by the division of medical
28 services, and any costs related directly thereto, shall be made

1 only when a second medical opinion by a licensed physician as to
2 the need for the surgery is obtained prior to the surgery being
3 performed.

4 3. The division of medical services may require any
5 recipient of medical assistance to pay part of the charge or
6 cost, as defined by rule duly promulgated by the division of
7 medical services, for dental services, drugs and medicines,
8 optometric services, eye glasses, dentures, hearing aids, and
9 other services, to the extent and in the manner authorized by
10 Title XIX of the federal Social Security Act (42 U.S.C. 1396, et
11 seq.) and regulations thereunder. When substitution of a generic
12 drug is permitted by the prescriber according to section 338.056,
13 RSMo, and a generic drug is substituted for a name brand drug,
14 the division of medical services may not lower or delete the
15 requirement to make a co-payment pursuant to regulations of Title
16 XIX of the federal Social Security Act. A provider of goods or
17 services described under this section must collect from all
18 recipients the partial payment that may be required by the
19 division of medical services under authority granted herein, if
20 the division exercises that authority, to remain eligible as a
21 provider. Any payments made by recipients under this section
22 shall be in addition to, and not in lieu of, any payments made by
23 the state for goods or services described herein.

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

27 5. Reimbursement for obstetrical and pediatric services
28 under subdivision (6) of subsection 1 of this section shall be

1 timely and sufficient to enlist enough health care providers so
2 that care and services are available under the state plan for
3 medical assistance at least to the extent that such care and
4 services are available to the general population in the
5 geographic area, as required under subparagraph (a)(30)(A) of 42
6 U.S.C. 1396a and federal regulations promulgated thereunder.

7 6. Beginning July 1, 1990, reimbursement for services
8 rendered in federally funded health centers shall be in
9 accordance with the provisions of subsection 6402(c) and section
10 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989)
11 and federal regulations promulgated thereunder.

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

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

25 9. Reimbursement rates to long-term care providers with
26 respect to a total change in ownership, at arm's length, for any
27 facility previously licensed and certified for participation in
28 the Medicaid program shall not increase payments in excess of the

1 increase that would result from the application of section 1902
2 (a)(13)(C) of the Social Security Act, 42 U.S.C. 1396a
3 (a)(13)(C).

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

8 208.204. 1. The division of medical services may
9 administer the funds appropriated to the department of social
10 services or any division of the department for payment of medical
11 care provided to children in the legal custody of the department
12 of social services or any division of the department.

13 2. The department of social services shall review all cases
14 of children in their custody to determine which cases involve
15 children in the system due exclusively to a need for mental
16 health services, and identify the cases where no instance of
17 abuse, neglect, or abandonment exists.

18 3. Children identified under subsection 2 of this section
19 may be returned by the judge to the custody of the child's
20 family. Subject to appropriations, the department of mental
21 health shall have the responsibility of providing the necessary
22 services for such children in the least restrictive appropriate
23 environment, including home- and community-based services,
24 treatment, and support, based on a coordinated individualized
25 treatment plan.

26 4. When children are returned to their family's custody and
27 become the service responsibility of the department of mental
28 health, the appropriate moneys to provide for the care of each

1 child in such situation shall be billed to the department of
2 social services by the department of mental health.

3 208.647. Any child identified as having special health care
4 needs, defined as a condition which left untreated would result
5 in the death or serious physical injury of a child, that does not
6 have access to affordable employer-subsidized health care
7 insurance shall not be required to be without health care
8 coverage for six months in order to be eligible for services
9 pursuant to sections 208.631 to 208.657 and shall not be subject
10 to the waiting period required pursuant to section 208.646, as
11 long as the child meets all other qualifications for eligibility.

12 210.025. 1. To qualify for receipt of state or federal
13 funds for providing child-care services in the home either by
14 direct payment or through reimbursement to a child-care
15 beneficiary, an applicant and any person over the age of eighteen
16 who is living in the applicant's home shall be required to submit
17 to a criminal background check pursuant to section 43.540, RSMo,
18 and a check of the central registry for child abuse established
19 in section 210.145. Effective January 1, 2001, the requirements
20 of this subsection or subsection 2 of this section shall be
21 satisfied through registration with the family care safety
22 registry established in sections 210.900 to 210.936. Any costs
23 associated with such checks shall be paid by the applicant.

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

27 (1) Determine if a [probable cause] finding of child abuse
28 or neglect by a preponderance of the evidence involving the

1 applicant or any person over the age of eighteen who is living in
2 the applicant's home has been recorded pursuant to section
3 210.221 or 210.145;

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

8 (3) Upon initial application, require the applicant to
9 submit to fingerprinting and request a criminal background check
10 of the applicant and any person over the age of eighteen who is
11 living in the applicant's home pursuant to section 43.540, RSMo,
12 and section 210.487.

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

18 (1) Has had a [probable cause] finding of child abuse or
19 neglect by a preponderance of the evidence pursuant to section
20 210.145 or section 210.152;

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

23 (3) Has pled guilty or nolo contendere to or been found
24 guilty of any felony for an offense against the person as defined
25 by chapter 565, RSMo, or any other offense against the person
26 involving the endangerment of a child as prescribed by law; of
27 any misdemeanor or felony for a sexual offense as defined by
28 chapter 566, RSMo; of any misdemeanor or felony for an offense

1 against the family as defined in chapter 568, RSMo, with the
2 exception of the sale of fireworks, as defined in section
3 320.110, RSMo, to a child under the age of eighteen; of any
4 misdemeanor or felony for pornography or related offense as
5 defined by chapter 573, RSMo; or of any similar crime in any
6 federal, state, municipal or other court of similar jurisdiction
7 of which the director has knowledge or any offenses or reports
8 which will disqualify an applicant from receiving state or
9 federal funds.

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

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

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

1 7. Any rule or portion of a rule, as that term is defined
2 in section 536.010, RSMo, that is created under the authority
3 delegated in this section shall become effective only if it
4 complies with and is subject to all of the provisions of chapter
5 536, RSMo, and, if applicable, section 536.028, RSMo. All
6 rulemaking authority delegated prior to August 28, 1999, is of no
7 force and effect and repealed. Nothing in this section shall be
8 interpreted to repeal or affect the validity of any rule filed or
9 adopted prior to August 28, 1999, if it fully complied with all
10 applicable provisions of law. This section and chapter 536,
11 RSMo, are nonseverable and if any of the powers vested with the
12 general assembly pursuant to chapter 536, RSMo, to review, to
13 delay the effective date or to disapprove and annul a rule are
14 subsequently held unconstitutional, then the grant of rulemaking
15 authority and any rule proposed or adopted after August 28, 1999,
16 shall be invalid and void.

17 210.109. 1. The division of family services shall
18 establish a child protection system for the entire state.

19 2. The child protection system shall [seek to] promote the
20 safety of children and the integrity and preservation of their
21 families by conducting investigations or family assessments and
22 providing services in response to reports of child abuse or
23 neglect. The system shall [endeavor to] coordinate community
24 resources and provide assistance or services to children and
25 families identified to be at risk, and to prevent and remedy
26 child abuse and neglect.

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

- 1 (1) Maintain a central registry;
- 2 (2) Receive reports and establish and maintain an
3 information system operating at all times, capable of receiving
4 and maintaining reports;
- 5 (3) Attempt to obtain the name and address of any person
6 making a report in all cases, after obtaining relevant
7 information regarding the alleged abuse or neglect, although
8 reports may be made anonymously; except that reports made by
9 mandatory reporters pursuant to section 210.115 must disclose the
10 classification of the reporter;
- 11 (4) Upon receipt of a report, check with the information
12 system to determine whether previous reports have been made
13 regarding actual or suspected abuse or neglect of the subject
14 child, of any siblings, and the perpetrator, and relevant
15 dispositional information regarding such previous reports;
- 16 (5) Provide protective or preventive services to the family
17 and child and to others in the home to prevent abuse or neglect,
18 to safeguard their health and welfare, and to help preserve and
19 stabilize the family whenever possible. The juvenile court shall
20 cooperate with the division in providing such services;
- 21 (6) Collaborate with the community to identify
22 comprehensive local services and assure access to those services
23 for children and families where there is risk of abuse or
24 neglect;
- 25 (7) Maintain a record which contains the facts ascertained
26 which support the determination as well as the facts that do not
27 support the determination;
- 28 (8) Whenever available and appropriate, contract for the

1 provision of children's services through private children's
2 services providers and agencies in the community; except that the
3 state shall be the sole provider of child abuse and neglect
4 hotline services, the initial child abuse and neglect
5 investigation, and the initial family assessment. The state
6 shall be responsible for representation to the court for children
7 in the custody of the division, but the division may contract for
8 such services. Such private children's services providers and
9 agencies shall be subject to criminal background checks pursuant
10 to chapter 43, RSMo.

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

13 [4. By January 1, 1998, the division of family services
14 shall submit documentation to the speaker of the house of
15 representatives and the president pro tem of the senate on the
16 success or failure of the child protection system established in
17 this section. The general assembly may recommend statewide
18 implementation or cancellation of the child protection system
19 based on the success or failure of the system established in this
20 section.

21 5. The documentation required by subsection 4 of this
22 section shall include an independent evaluation of the child
23 protection system completed according to accepted, objective
24 research principles.]

25 210.110. As used in sections 210.109 to 210.165, and
26 sections 210.180 to 210.183, the following terms mean:

27 (1) "Abuse", any physical injury, sexual abuse, or
28 emotional abuse inflicted on a child other than by accidental

1 means by those responsible for the child's care, custody, and
2 control, except that discipline including spanking, administered
3 in a reasonable manner, shall not be construed to be abuse;

4 (2) "Central registry", a registry of persons where the
5 division has found [probable cause to believe] by a preponderance
6 of the evidence or a court has substantiated through court
7 adjudication that the individual has committed child abuse or
8 neglect or the person has pled guilty or has been found guilty of
9 a crime pursuant to section 565.020, 565.021, 565.023, 565.024 or
10 565.050, RSMo, if the victim is a child less than eighteen years
11 of age, section 566.030 or 566.060, RSMo, if the victim is a
12 child less than eighteen years of age, or other crime pursuant to
13 chapter 566, RSMo, if the victim is a child less than eighteen
14 years of age and the perpetrator is twenty-one years of age or
15 older, section 567.050, RSMo, if the victim is a child less than
16 eighteen years of age, section 568.020, 568.030, 568.045,
17 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025 or
18 573.035, RSMo, or an attempt to commit any such crimes. Any
19 persons placed on the registry prior to August 28, 2003, shall
20 remain on the registry;

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

23 (4) "Children's services providers and agencies", any
24 public or private entity or community action agency with the
25 appropriate and relevant training and expertise in delivering
26 services to children and their families, and capable of providing
27 direct services and other family services for children in the
28 custody of the division of family services;

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

3 [(5)] (6) "Division", the Missouri division of family
4 services;

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

13 [(7)] (8) "Investigation", the collection of physical and
14 verbal evidence to determine if a child has been abused or
15 neglected;

16 [(8)] (9) "Jail or detention center personnel", employees
17 and volunteers working in any premises or institution where
18 incarceration, evaluation, care, treatment or rehabilitation is
19 provided to persons who are being held under custody of the law;

20 [(9)] (10) "Neglect", failure to provide, by those
21 responsible for the care, custody, and control of the child, the
22 proper or necessary support, education as required by law,
23 nutrition or medical, surgical, or any other care necessary for
24 the child's well-being;

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

28 (11) "Preponderance of the evidence", that degree of

1 evidence that is of greater weight or more convincing than the
2 evidence which is offered in opposition to it or evidence which
3 as a whole shows the fact to be proved to be more probable than
4 not;

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

7 ~~[(12)]~~ (13) "Those responsible for the care, custody, and
8 control of the child", those included but not limited to the
9 parents or guardian of a child, other members of the child's
10 household, or those exercising supervision over a child for any
11 part of a twenty-four-hour day. Those responsible for the care,
12 custody and control shall also include any adult who, based on
13 relationship to the parents of the child, members of the child's
14 household or the family, has access to the child.

15 210.111. By January 1, 2004, the division of family
16 services, or its successor division, shall identify all children
17 in the custody of the division currently receiving foster care
18 services and shall report to the general assembly the type of
19 foster care being provided, including but not limited to care
20 provided in a licensed foster care home, institutional setting,
21 residential setting, independent living setting, or kinship care
22 setting, and the status of all such children. Nothing in this
23 section shall be construed as requiring the division to disclose
24 the identity or precise location of any child in the custody of
25 the division.

26 210.112. 1. It is the policy of this state and its
27 agencies to implement a foster care and child protection and
28 welfare system focused on providing the highest quality of

1 services and outcomes for children and their families. The
2 department of social services shall implement such system subject
3 to the following principles:

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

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

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

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

15 2. On and after January 1, 2004, the division of family
16 services shall seek and let children services contracts in order
17 to provide direct services for children and their families
18 pursuant to subdivision (8) of subsection 3 of section 210.109,
19 except for services related to the child abuse and neglect
20 hotline, and investigations of alleged child abuse and neglect
21 and initial family assessments. All of such contracts shall be
22 contracted for after a competitive bid process and all of such
23 services shall be provided by public and private not-for-profit
24 or limited liability corporations owned exclusively by not-for-
25 profit corporations children's services providers and agencies
26 which have:

27 (1) A license or appropriate accreditation; and

28 (2) A proven record of providing child welfare services

1 within the state of Missouri; or

2 (3) The ability to provide a broad range of child welfare
3 services, including case management services, family-centered
4 services, foster and adoptive parent recruitment and retention,
5 residential care, mentoring, intensive in-home services, foster
6 care services, adoption services, relative care case management,
7 independent living services, and family reunification services.
8 Such children's services providers and agencies under contract
9 with the division shall be subject to all federal, state, and
10 local laws and regulations relating to the provision of such
11 services.

12 3. The delivery of direct services to children shall be
13 subject to the following criteria:

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

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

21 (3) Any case management services provided shall be subject
22 to a case management plan which is consistent with all relevant
23 federal guidelines. The case management plan shall focus on
24 attaining permanency in children's living conditions to the
25 greatest extent possible and shall include concurrent planning
26 and independent living where appropriate in accordance with the
27 best interests of each child served and considering relevant
28 factors applicable to each individual case as provided by law,

1 including:

2 (a) The interaction and interrelationship of a child with
3 the child's foster parents, biological parents, siblings, and any
4 other person who may significantly affect the child's best
5 interests;

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

8 (c) The mental and physical health of all individuals
9 involved, including any history of abuse of or by any individuals
10 involved; and

11 (d) The needs of the child for a continuing relationship
12 with the child's biological parents and the ability and
13 willingness of the child's biological parents to actively perform
14 their functions as parents with regard to the needs of the child;

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

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

21 (6) The delivery system shall provide a mechanism for the
22 assessment of strategies to work with children and families
23 immediately upon entry into the system to maximize permanency and
24 successful outcome in the shortest time possible and shall
25 include concurrent planning. Outcome measures for private and
26 public agencies shall be equal for each program;

27 (7) Children services contracts shall provide payment to
28 the private child service agency in reasonable amounts necessary

1 to cover the cost of the services provided pursuant to the
2 contract. Furthermore, children services contracts shall provide
3 financial incentives in addition to the costs of services
4 provided in recognition of accomplishment of the case goals and
5 the corresponding cost savings to the state. Children services
6 contracts shall condition payment only on attainment of case
7 goals and shall not condition payment to the children services
8 agency upon completion of a process predetermined by the division
9 of family services or other state agency or official.

10 4. In all cases, a case management plan consistent with all
11 relevant federal guidelines shall be developed for each child at
12 the earliest time after the initial investigation, but in no
13 event longer than fourteen days after the initial investigation.
14 Such case management plan shall be presented to the court and be
15 the foundation of service delivery to the child and family. The
16 case management plan shall, at a minimum, include:

17 (1) An outcome target based on the child and family
18 situation achieving permanency or independent living, where
19 appropriate;

20 (2) Services authorized and necessary to facilitate the
21 outcome target;

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

23 (4) Necessary evaluations and reporting.

24 In addition to any visits and assessments required under case
25 management, services to be provided by a public or private
26 children's services provider under the specific case management
27 plan may include family-centered services, foster and adoptive
28 parent recruitment and retention, residential care, mentoring,

1 intensive in-home services, foster care services, adoption
2 services, relative care case services, independent living
3 services, and family reunification services. In all cases, an
4 appropriate level of services shall be provided to the child and
5 family after permanency is achieved to assure a continued
6 successful outcome.

7 5. By July 1, 2004, direct services for children and their
8 families shall be delivered pursuant to this section in twenty-
9 five percent of the cases subject to the supervision of the
10 division. By July 1, 2005, direct services for children and
11 their families shall be delivered pursuant to this section in
12 forty percent of the cases subject to the supervision of the
13 division. By July 1, 2006, direct services for children and
14 their families shall be delivered pursuant to this section in
15 fifty-five percent of the cases subject to the supervision of the
16 division. By July 1, 2007, direct services for children and
17 their families shall be delivered to pursuant to this section in
18 seventy percent of the cases subject to the supervision of this
19 division. If the division of family services is unable to reach
20 any of the goals provided by the provisions of this subsection by
21 the target date, the division shall report such facts to the
22 budget committees of the general assembly and shall provide a
23 plan to ameliorate the obstacles to attaining such goals, if
24 practicable.

25 210.113. 1. On or before July 1, 2004, and subject to
26 appropriations, the division of family services or its successor
27 division, the courts in the designated areas of the pilot
28 project, and any other state agency deemed necessary by the

1 division and the courts shall, in consultation with the community
2 and providers of services in the pilot project areas, implement a
3 two-year pilot project in Greene County and a rural county in
4 this state selected by the division which will provide a
5 comprehensive and deliberate system of service delivery for all
6 children and their families when children are in the custody of
7 the division. In implementing the pilot project, direct services
8 for children and their families currently provided by the
9 division of family services in Greene County and the selected
10 rural county, except for services related to the child abuse and
11 neglect hotline, investigations of alleged child abuse and
12 neglect, and initial family assessments, shall be contracted for
13 by a competitive bid process and provided, where capacity exists,
14 by one-half public and one-half private not-for-profit or limited
15 liability corporations owned exclusively by not-for-profit
16 corporations children's services providers and agencies which
17 have:

18 (1) A license or appropriate accreditation; and

19 (2) A proven record of providing child welfare services
20 within the state of Missouri; or

21 (3) The ability to provide a range of child welfare
22 services, which may include case management services, family-
23 centered services, foster and adoptive parent recruitment and
24 retention, residential care, mentoring, intensive in-home
25 services, foster care services, adoption services, relative care
26 case management, independent living services, and family
27 reunification services.

28 Such children's services providers and agencies under contract

1 with the division shall be subject to all federal, state, and
2 local laws and regulations relating to the provision of such
3 services. The pilot project described in this section shall be
4 in addition to all other privatization described by subdivision
5 (8) of subsection 3 of section 210.109. Services to children and
6 families delivered pursuant to this section shall be subject to
7 the requirements of subsections 1, 3, and 4 of section 210.112.

8 2. Each county or city participating in the pilot project
9 shall submit a plan for the implementation of the pilot project
10 to the general assembly, including but not limited to the
11 following:

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

14 (2) A plan for implementing the competitive bid process;
15 and

16 (3) The criteria to be used for payment of children's
17 services contracts.

18 The privatization pilot project planning panels established in
19 subsection 3 of this section may include criteria which
20 stipulates that the caseloads for public and private service
21 providers and the caseloads for supervisors shall not exceed the
22 standards of the Council on Accreditation of Services for
23 Families and Children.

24 3. The plan required in subsection 2 of this section shall
25 be developed by a "Privatization Pilot Project Planning Panel" in
26 each county or city participating in the pilot project. Each
27 such panel shall include the following members:

28 (1) To be appointed by the governor, one of which shall be

1 the chairperson:

2 (a) A representative from the local division of family
3 services;

4 (b) A representative from private agencies;

5 (c) A representative from child advocacy groups;

6 (d) A representative from the department of mental health;

7 and

8 (e) A representative from community partnership agencies;

9 and

10 (2) To be appointed by the chief justice of the supreme
11 court:

12 (a) A representative from private agencies;

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

15 (c) An attorney representing the interests of parents;

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

17 (e) A representative of child advocacy groups.

18 In addition, each privatization pilot project planning panel
19 shall also include two members of the senate, with one member
20 appointed by the president pro tem of the senate and one member
21 appointed by the minority floor leader of the senate, and two
22 members of the house of representatives, with one member
23 appointed by the speaker of the house of representatives and one
24 member appointed by the minority floor leader of the house of
25 representatives. All appointments to the local panels shall be
26 made by September 1, 2003, and each panel shall convene at least
27 once before October 1, 2003.

28 4. On or before July 15, 2005, and each July fifteenth

1 thereafter that the project is in operation, the division, in
2 collaboration with the courts in the designated pilot project
3 areas, shall submit a report to the general assembly which shall
4 include:

5 (1) Details about the specifics of the pilot project in
6 each of the two designated areas, including the number of
7 children and families served in each of the three designated
8 areas of the pilot project, the cost to the state for contracting
9 such services, the current status of the children and families
10 served, an assessment of the quality of services provided and
11 outcomes achieved, uniform guidelines to evaluate the pilot
12 projects, and an overall evaluation of the project; and

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

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

19 5. The division of family services may promulgate rules to
20 implement the provisions of this section. No rule or portion of
21 a rule promulgated pursuant to the authority of this section
22 shall become effective unless it has been promulgated pursuant to
23 chapter 536, RSMo.

24 6. The provisions of this section shall expire on June 30,
25 2006.

26 210.145. 1. The division shall [establish and] develop
27 protocols which give priority to:

28 (1) Ensuring the well-being and safety of the child in

1 instances where child abuse or neglect has been alleged;

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

4 (3) Maintain an information system operating at all times,
5 capable of receiving and maintaining reports. This information
6 system shall have the ability to receive reports over a [single,]
7 statewide toll-free number. Such information system shall
8 maintain the results of all investigations, family assessments
9 and services, and other relevant information.

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

1 developed by the division shall give priority to ensuring the
2 well-being and safety of the child.

3 3. The division shall utilize structured decision-making
4 protocol for classification purposes of all child abuse and
5 neglect reports. The protocols developed by the division shall
6 give priority to ensuring the well-being and safety of the child.
7 All child abuse and neglect reports shall be initiated within
8 twenty-four hours and shall be classified based upon the reported
9 risk and injury to the child, considering, but not limited to,
10 the following factors:

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

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

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

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

19 (5) Were severe to inhumane measures used;

20 (6) Will the alleged perpetrator have access to the child
21 in the next twenty-four hours or is the child afraid to go home;

22 (7) Did the alleged abuse occur within the last thirty
23 days;

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

25 (9) Is the current situation immediately dangerous;

26 (10) Are there prior nonharrasment child abuse or neglect
27 reports;

28 (11) Is the allegation educational neglect only;

1 (12) Does the alleged perpetrator have access to the child
2 within the next twenty-four hours, or is the child exhibiting
3 severe emotional trauma or physical injury due to the alleged
4 sexual abuse;

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

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

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

12 4. Such reports shall be prioritized for the local office
13 utilizing the following response levels:

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

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

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

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

26 [3.] 5. The local office shall contact the appropriate law
27 enforcement agency immediately upon receipt of a report which
28 division personnel determine merits an investigation, or, which,

1 if true, would constitute a suspected violation of any of the
2 following: section 565.020, 565.021, 565.023, 565.024 or
3 565.050, RSMo, if the victim is a child less than eighteen years
4 of age, section 566.030 or 566.060, RSMo, if the victim is a
5 child less than eighteen years of age, or other crime under
6 chapter 566, RSMo, if the victim is a child less than eighteen
7 years of age and the perpetrator is twenty-one years of age or
8 older, section 567.050, RSMo, if the victim is a child less than
9 eighteen years of age, section 568.020, 568.030, 568.045,
10 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025,
11 573.035, 573.037 or [573.045] 573.040, RSMo, or an attempt to
12 commit any such crimes. The local office shall provide such
13 agency with a detailed description of the report received. In
14 such cases the local division office shall request the assistance
15 of the local law enforcement agency in all aspects of the
16 investigation of the complaint. The appropriate law enforcement
17 agency shall either assist the division in the investigation or
18 provide the division, within twenty-four hours, an explanation in
19 writing detailing the reasons why it is unable to assist.

20 [4.] 6. The local office of the division shall cause an
21 investigation or family assessment and services approach to be
22 initiated immediately or no later than within twenty-four hours
23 of receipt of the report from the division, except in cases where
24 the sole basis for the report is educational neglect. If the
25 report indicates that educational neglect is the only complaint
26 and there is no suspicion of other neglect or abuse, the
27 investigation shall be initiated within seventy-two hours of
28 receipt of the report. If the report indicates the child is in

1 danger of serious physical harm or threat to life, an
2 investigation shall include direct observation of the subject
3 child within twenty-four hours of the receipt of the report.
4 Local law enforcement shall take all necessary steps to
5 facilitate such direct observation. If the parents of the child
6 are not the alleged abusers[, the parents] and the abuse is
7 alleged to have occurred in a school or child care facility, a
8 parent of the child must be notified prior to the child being
9 interviewed by the division. The division shall not meet with
10 the child [in any location where abuse of such child is alleged
11 to have occurred] at the child's school or child care facility if
12 the abuse is alleged to have occurred in such a school or child
13 care facility. When the child is reported absent from the
14 residence, the location and the well-being of the child shall be
15 verified.

16 [5.] 7. The director of the division shall name at least
17 one chief investigator for each local division office, who shall
18 direct the division response on any case involving a second or
19 subsequent incident regarding the same subject child or
20 perpetrator. The duties of a chief investigator shall include
21 verification of direct observation of the subject child by the
22 division and shall ensure information regarding the status of an
23 investigation is provided to the public school district liaison.
24 The public school district liaison shall develop protocol in
25 conjunction with the chief investigator to ensure information
26 regarding an investigation is shared with appropriate school
27 personnel. The superintendent of each school district shall
28 designate a specific person or persons to act as the public

1 school district liaison. Should the subject child attend a
2 nonpublic school the chief investigator shall notify the school
3 principal of the investigation. Upon notification of an
4 investigation, all information received by the public school
5 district liaison or the school shall be subject to the provisions
6 of the federal Family Educational Rights and Privacy Act (FERPA),
7 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

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

16 [7.] 9. When a report has been made by a person required
17 to report under section 210.115, the division shall contact the
18 person who made such report within forty-eight hours of the
19 receipt of the report in order to ensure that full information
20 has been received and to obtain any additional information or
21 medical records, or both, that may be pertinent.

22 [8.] 10. Upon completion of the investigation, if the
23 division suspects that the report was made maliciously or for the
24 purpose of harassment, the division shall refer the report and
25 any evidence of malice or harassment to the local prosecuting or
26 circuit attorney.

27 [9.] 11. Multidisciplinary teams shall be used whenever
28 conducting the investigation as determined by the division in

1 conjunction with local law enforcement. Multidisciplinary teams
2 shall be used in providing protective or preventive social
3 services, including the services of law enforcement, a liaison of
4 the local public school, the juvenile officer, the juvenile
5 court, and other agencies, both public and private.

6 12. For all family support team meetings and other team
7 meetings involving an alleged victim of child abuse or neglect,
8 the biological parents, legal counsel for the biological parents,
9 foster parents, the guardian ad litem for the child, and the
10 court-appointed special advocate for the child shall be provided
11 notice and be permitted to attend all such meetings. Family
12 members or other community informal or formal service providers
13 that provide significant support to the child and family may
14 also be invited at the discretion of the family. In addition,
15 the biological parents, the legal counsel for the biological
16 parents, and the foster parents may request that other
17 individuals be permitted to attend such meetings. Once a person
18 is provided notice of or attends such meetings, the division
19 shall provide such persons with notice of all such subsequent
20 meetings involving the child. Families may determine whether
21 individuals invited at their discretion shall continue to be
22 invited.

23 [10.] 13. If the appropriate local division personnel
24 determine after an investigation has begun that completing an
25 investigation is not appropriate, the division shall conduct a
26 family assessment and services approach. The division shall
27 provide written notification to local law enforcement prior to
28 terminating any investigative process. The reason for the

1 termination of the investigative process shall be documented in
2 the record of the division and the written notification submitted
3 to local law enforcement. Such notification shall not preclude
4 nor prevent any investigation by law enforcement.

5 [11.] 14. If the appropriate local division personnel
6 determines to use a family assessment and services approach, the
7 division shall:

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

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

23 (3) Commence an immediate investigation if at any time
24 during the family assessment and services approach the division
25 determines that an investigation, as delineated in sections
26 210.109 to 210.183, is required. The division staff who have
27 conducted the assessment may remain involved in the provision of
28 services to the child and family;

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

4 [12.] 15. Within thirty days of an oral report of abuse or
5 neglect, the local office shall update the information in the
6 information system. The information system shall contain, at a
7 minimum, the determination made by the division as a result of
8 the investigation, identifying information on the subjects of the
9 report, those responsible for the care of the subject child and
10 other relevant dispositional information. The division shall
11 complete all investigations within thirty days, unless good cause
12 for the failure to complete the investigation is documented in
13 the information system. If the investigation is not completed
14 within thirty days, the information system shall be updated at
15 regular intervals and upon the completion of the investigation.
16 The information in the information system shall be updated to
17 reflect any subsequent findings, including any changes to the
18 findings based on an administrative or judicial hearing on the
19 matter.

20 [13.] 16. A person required to report under section
21 210.115 to the division shall be informed by the division of his
22 right to obtain information concerning the disposition of his or
23 her report. Such person shall receive, from the local office, if
24 requested, information on the general disposition of his or her
25 report. A person required to report to the division pursuant to
26 section 210.115 may receive, if requested, findings and
27 information concerning the case. Such release of information
28 shall be at the discretion of the director based upon a review of

1 the mandated reporter's ability to assist in protecting the child
2 or the potential harm to the child or other children within the
3 family. The local office shall respond to the request within
4 forty-five days. The findings shall be made available to the
5 mandated reporter within five days of the outcome of the
6 investigation.

7 [14.] 17. In any judicial proceeding involving the custody
8 of a child the fact that a report may have been made pursuant to
9 sections 210.109 to 210.183 shall not be admissible. However,
10 nothing in this subsection shall prohibit the introduction of
11 evidence from independent sources to support the allegations that
12 may have caused a report to have been made.

13 [15.] 18. In any judicial proceeding involving the custody
14 of a child where the court determines that the child is in need
15 of services pursuant to subdivision (d) of subsection 1 of
16 section 211.031, RSMo, and has taken jurisdiction, the child's
17 parent, guardian or custodian shall not be entered into the
18 registry.

19 [16.] 19. The division of family services is hereby
20 granted the authority to promulgate rules and regulations
21 pursuant to the provisions of section 207.021, RSMo, and chapter
22 536, RSMo, to carry out the provisions of sections 210.109 to
23 210.183.

24 [17.] 20. Any rule or portion of a rule, as that term is
25 defined in section 536.010, RSMo, that is created under the
26 authority delegated in this section shall become effective only
27 if it complies with and is subject to all of the provisions of
28 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.

1 This section and chapter 536, RSMo, are nonseverable and if any
2 of the powers vested with the general assembly pursuant to
3 chapter 536, RSMo, to review, to delay the effective date or to
4 disapprove and annul a rule are subsequently held
5 unconstitutional, then the grant of rulemaking authority and any
6 rule proposed or adopted after August 28, 2000, shall be invalid
7 and void.

8 210.147. 1. Except as otherwise provided by law, all
9 information provided at any meeting or hearing held in relation
10 to the removal of a child from the child's home is confidential;
11 except that:

12 (1) Any parent or party may waive confidentiality for
13 himself or herself; and

14 (2) No person shall be required to sign a confidentiality
15 agreement before testifying or providing information at such
16 meetings or hearing. However, any person who does not agree to
17 maintain confidentiality of the information provided at such
18 meetings or hearings may be excluded from all or any portion of
19 such meetings or hearings during which the person is not
20 testifying or providing information.

21 2. All meetings and hearings held in relation to the
22 removal of a child from the child's home by a juvenile officer or
23 the division may be recorded by the child, parent, or the
24 division through the use of either audiotape or videotape
25 equipment, or both. If the division records any such meeting or
26 hearing then the division must retain a copy of such recording
27 for a period of six months. The division shall charge the cost
28 for any additional copies of the audiotape or videotape that the

1 division recorded upon an order of a court of competent
2 jurisdiction. Any information contained in the audiotape or
3 videotape shall be considered confidential, unless a court enters
4 an order authorizing the public disclosure of such information.

5 210.152. 1. All identifying information, including
6 telephone reports reported pursuant to section 210.145, relating
7 to reports of abuse or neglect received by the division shall be
8 retained by the division and removed from the records of the
9 division as follows:

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

13 (2) For investigation reports initiated by a person
14 required to report pursuant to section 210.115, where
15 insufficient evidence of abuse or neglect is found by the
16 division, identifying information shall be retained for [ten]
17 five years from the date of the report. For all other
18 investigation reports where insufficient evidence of abuse or
19 neglect is found by the division, identifying information shall
20 be retained for two years from the date of the report. Such
21 report shall include any exculpatory evidence known by the
22 division, including exculpatory evidence obtained after the
23 closing of the case. At the end of such two-year period, the
24 identifying information shall be removed from the records of the
25 division and destroyed;

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

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

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

12 (1) That the division has determined by a preponderance of
13 the evidence that [there is probable cause to suspect] abuse or
14 neglect exists and that the division shall retain all identifying
15 information regarding the abuse or neglect; that such information
16 shall remain confidential and will not be released except to law
17 enforcement agencies, prosecuting or circuit attorneys, or as
18 provided in section 210.150; that the alleged perpetrator has
19 sixty days from the date of receipt of the notice to seek
20 reversal of the division's determination through a review by the
21 child abuse and neglect review board as provided in subsection 3
22 of this section; or

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

26 3. Any person named in an investigation as a perpetrator
27 who is aggrieved by a determination of abuse or neglect by the
28 division as provided in this section may seek an administrative

1 review by the child abuse and neglect review board pursuant to
2 the provisions of section 210.153. Such request for review shall
3 be made within sixty days of notification of the division's
4 decision under this section. In those cases where criminal
5 charges arising out of facts of the investigation are pending,
6 the request for review shall be made within sixty days from the
7 court's final disposition or dismissal of the charges.

8 4. In any such action for administrative review, the child
9 abuse and neglect review board shall sustain the division's
10 determination if [such determination is supported by evidence of
11 probable cause and is not against the weight of such evidence]
12 the division establishes by a preponderance of the evidence that
13 the alleged perpetrator abused or neglected a child. The abuse
14 and neglect review board shall provide the alleged perpetrator
15 with an opportunity to appear and present testimony. The child
16 abuse and neglect review board hearing shall be closed to all
17 persons except the parties, their attorneys and those persons
18 providing testimony on behalf of the parties.

19 5. If the alleged perpetrator is aggrieved by the decision
20 of the child abuse and neglect review board, the alleged
21 perpetrator may [seek de novo judicial review in the circuit
22 court in the county in which the alleged perpetrator resides and
23 in circuits with split venue, in the venue in which the alleged
24 perpetrator resides, or in Cole County] demand in writing that
25 the division initiate de novo review proceedings. Such demand
26 shall be made within sixty days of the notification of the
27 decision of the child abuse and neglect review board. The
28 division shall initiate de novo review proceedings in the circuit

1 court of Cole County within fourteen days. The alleged
2 perpetrator may request a change of venue to the circuit court
3 for the county in which the alleged perpetrator resides. If the
4 alleged perpetrator is not a resident of the state, proper venue
5 shall be in Cole County. The case may be assigned to the family
6 court division where such a division has been established. [The
7 request for a judicial review shall be made within sixty days of
8 the notification of the decision of the child abuse and neglect
9 review board decision. In reviewing such decisions,] In the de
10 novo review proceeding, the division shall be the petitioner and
11 shall establish by a preponderance of the evidence that the
12 alleged perpetrator abused or neglected a child. The circuit
13 court shall provide the alleged perpetrator the opportunity to
14 appear and present testimony. The [alleged perpetrator] parties
15 may subpoena any witnesses except the alleged victim or the
16 reporter. However, the circuit court shall have the discretion
17 to allow the parties to submit the case upon a stipulated record.

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

22 210.160. 1. In every case involving an abused or neglected
23 child which results in a judicial proceeding, the judge shall
24 appoint a guardian ad litem to appear for and represent:

25 (1) A child who is the subject of proceedings pursuant to
26 sections 210.110 to 210.165, sections 210.700 to 210.760,
27 sections 211.442 to 211.487, RSMo, or sections 453.005 to
28 453.170, RSMo, or proceedings to determine custody or visitation

1 rights under sections 452.375 to 452.410, RSMo; or

2 (2) A parent who is a minor, or who is a mentally ill
3 person or otherwise incompetent, and whose child is the subject
4 of proceedings under sections 210.110 to 210.165, sections
5 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or
6 sections 453.005 to 453.170, RSMo.

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

17 3. The appointing judge shall require the guardian ad litem
18 to faithfully discharge such guardian ad litem's duties, and upon
19 failure to do so shall discharge such guardian ad litem and
20 appoint another. The appointing judge shall have the authority
21 to conduct a state and federal criminal background check on
22 persons appointed as guardians ad litem and the family care
23 safety registry and access line pursuant to sections 210.900 to
24 210.937 to ensure the safety and welfare of the children such
25 persons are appointed to represent. The judge in making
26 appointments pursuant to this section shall give preference to
27 persons who served as guardian ad litem for the child in the
28 earlier proceeding, unless there is a reason on the record for

1 not giving such preference.

2 4. The guardian ad litem may be awarded a reasonable fee
3 for such services to be set by the court. The court, in its
4 discretion, may award such fees as a judgment to be paid by any
5 party to the proceedings or from public funds. However, no fees
6 as a judgment shall be taxed against a party or parties who have
7 not been found to have abused or neglected a child or children.
8 Such an award of guardian fees shall constitute a final judgment
9 in favor of the guardian ad litem. Such final judgment shall be
10 enforceable against the parties in accordance with chapter 513,
11 RSMo.

12 5. The court may designate volunteer advocates, who may or
13 may not be attorneys licensed to practice law, to assist in the
14 performance of the guardian ad litem duties for the court. The
15 court shall have the authority to conduct a state and federal
16 criminal background check on persons designated as volunteer
17 advocates and the family care safety registry and access line
18 pursuant to sections 210.900 to 210.937 to ensure the safety and
19 welfare of the children such persons are designated to represent.
20 The volunteer advocate shall be provided with all reports
21 relevant to the case made to or by any agency or person [and],
22 shall have access to all records of such agencies or persons
23 relating to the child or such child's family members or
24 placements of the child, and upon designation by the court shall
25 be informed of and have the right to attend any and all meetings
26 involving the child. Any such designated person shall receive no
27 compensation from public funds. This shall not preclude
28 reimbursement for reasonable expenses.

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

9 210.183. 1. At the time of the initial investigation of a
10 report of child abuse or neglect, the division employee
11 conducting the investigation shall provide the alleged
12 perpetrator with a written description of the investigation
13 process. Such written notice shall be given substantially in the
14 following form:

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

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

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

27 "The division shall make every reasonable attempt to
28 complete the investigation within thirty days. Within ninety

1 days you will receive a letter from the Division which will
2 inform you of one of the following:

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

5 "(2) That there appears to be [probable cause] by a
6 preponderance of the evidence reason to suspect the existence of
7 child abuse or neglect in the judgment of the Division and that
8 the Division will contact the family to offer social services.

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

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

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

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

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

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

10 210.187. 1. The task force on children's justice
11 established by the division of family services to recommend
12 improvements in the area of child abuse and neglect services and
13 provide funding for such recommendations shall provide an
14 independent review of policies and procedures of state and local
15 child protective services agencies, and where appropriate,
16 specific cases, and shall evaluate the extent to which the
17 agencies are effectively discharging their child protection
18 responsibilities.

19 2. Consistent with the task force's function of reviewing
20 applications for federal grant moneys available to the state
21 under the Children's Justice Act which are designed to assist
22 eligible states in implementing programs for the handling,
23 investigation, and prosecution of child abuse cases, the task
24 force shall consider the awarding of grant moneys which address
25 the issues that arise from the independent review conducted by
26 the task force pursuant to subsection 1 of this section. As
27 authorized by the Children's Justice Act, grant moneys shall be
28 awarded for the following categories:

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

3 (2) Experimental, model, and demonstration programs for
4 testing innovative approaches and techniques to improve the
5 prompt and successful resolution of court proceedings or enhance
6 the effectiveness and judicial administration action in child
7 abuse and neglect cases; and

8 (3) Reform of state laws, rules, protocols, and procedures
9 to provide comprehensive protection for children from abuse and
10 neglect.

11 3. The members of the task force shall not disclose to any
12 person or government official any identifying information
13 concerning a specific child protection case with respect to which
14 the task force is providing information and shall not make public
15 other information unless authorized by state law.

16 4. The task force shall be provided:

17 (1) Access to information on cases that the task force
18 desires or is requested to review if such information is
19 necessary for the task force to carry out its functions pursuant
20 to this section; and

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

23 210.188. Beginning February 1, 2005, and each February
24 first thereafter, the department of social services shall submit
25 a report to the governor and the general assembly that includes
26 the following information for the previous calendar year:

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

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

4 (a) Substantiated;

5 (b) Unsubstantiated; or

6 (c) Summarily closed pursuant to section 210.145;

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

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

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

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

15 (4) The number of families that received preventive
16 services from the state or a private service provider during the
17 year;

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

20 (6) Of the number of children described in subdivision (5)
21 of this section, the number of children who were in foster care
22 or received services from a private service provider;

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

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

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

4 (10) The number of child protective services workers
5 responsible for intake, assessment, and investigation of child
6 abuse and neglect reports relative to the number of reports
7 investigated during the year;

8 (11) The number of children reunited with their families or
9 receiving family preservation services that, within five years,
10 result in subsequent substantiated reports of child abuse and
11 neglect, including the death of the child; and

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

14 210.201. 1. As used in sections 210.201 to 210.257, the
15 following terms mean:

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

18 (2) "Child-care facility", a house or other place conducted
19 or maintained by any person who advertises or holds himself out
20 as providing care for more than four children during the daytime,
21 for compensation or otherwise, except those operated by a school
22 system or in connection with a business establishment which
23 provides child care as a convenience for its customers or its
24 employees for no more than four hours per day, but a child-care
25 facility shall not include any private or religious organization
26 elementary or secondary school, a religious organization academic
27 preschool or kindergarten for four- and five-year-old children, a
28 home school, as defined in section 167.031, RSMo, a weekly Sunday

1 or Sabbath school, a vacation Bible school or child care made
2 available while the parents or guardians are attending worship
3 services or other meetings and activities conducted or sponsored
4 by a religious organization. For purposes of this subdivision,
5 "private elementary or secondary school" shall be defined by
6 rules promulgated by the department of health and senior services
7 in consultation with the department of elementary and secondary
8 education and may include requirements for private elementary or
9 secondary schools and facilities or programs operated by a school
10 system to submit documentation annually to the department to
11 verify the licensure-exempt status of such schools, facilities,
12 or programs; provided that, in no event shall the definition of
13 school system include any entity or person specifically excluded
14 from the licensure requirements pursuant to section 210.211;

15 (3) "Person", any person, firm, corporation, association,
16 institution or other incorporated or unincorporated organization;

17 (4) "Religious organization", a church, synagogue or
18 mosque; an entity that has or would qualify for federal
19 tax-exempt status as a nonprofit religious organization under
20 Section 501(c) of the Internal Revenue Code; or an entity whose
21 real estate on which the child-care facility is located is exempt
22 from taxation because it is used for religious purposes.

23 2. No rule or portion of a rule promulgated pursuant to the
24 authority of this section shall become effective unless it has
25 been promulgated pursuant to chapter 536, RSMo.

26 210.211. 1. It shall be unlawful for any person to
27 establish, maintain or operate a child-care facility for
28 children, or to advertise or hold himself or herself out as being

1 able to perform any of the services as defined in section
2 210.201, without having in effect a written license granted by
3 the department of health and senior services; except that nothing
4 in sections 210.203 to 210.245 shall apply to:

5 (1) Any person who is caring for four or fewer children.
6 For purposes of this subdivision, children who are related by
7 blood, marriage or adoption to such person within the third
8 degree shall not be considered in the total number of children
9 being cared for;

10 (2) Any person who has been duly appointed by a court of
11 competent jurisdiction the guardian of the person of the child or
12 children, or the person who has legal custody of the child or
13 children;

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

19 (4) Any graded boarding school, summer camp, hospital,
20 sanitarium or home which is conducted in good faith primarily to
21 provide education, recreation, medical treatment, or nursing or
22 convalescent care for children;

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

1 control of the religious organization;

2 (6) Any residential facility or day program licensed by the
3 department of mental health pursuant to sections 630.705 to
4 630.760, RSMo, which provides care, treatment and habilitation
5 exclusively to children who have a primary diagnosis of mental
6 disorder, mental illness, mental retardation or developmental
7 disability, as defined in section 630.005, RSMo; and

8 (7) Any nursery school.

9 2. Notwithstanding the provisions of subsection 1 of this
10 section, no child-care facility shall be exempt from licensure if
11 such facility receives any state or federal funds for providing
12 care for children, except for federal funds for those programs
13 which meet the requirements for participation in the Child and
14 Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to
15 parents for child care pursuant to sections 210.201 to 210.257
16 shall not be construed to be funds received by [the] a person or
17 facility listed in subdivisions (1) and (5) of subsection 1 of
18 this section.

19 210.254. 1. Child-care facilities operated by religious
20 organizations pursuant to the exempt status recognized in
21 subdivision (5) of section 210.211 shall upon enrollment of any
22 child provide the parent or guardian enrolling the child two
23 copies of a notice of parental responsibility, one copy of which
24 shall be retained in the files of the facility after the
25 enrolling parent acknowledges, by signature, having read and
26 accepted the information contained therein.

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

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

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

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

18 (4) Notification that background checks have been conducted
19 on each individual caregiver and all other personnel at the
20 facility. The background check shall be conducted upon
21 employment and every two years thereafter on each individual
22 caregiver and all other personnel at the facility. Such
23 background check shall include a screening for child abuse or
24 neglect through the division of family services, and a criminal
25 record review through the Missouri highway patrol pursuant to
26 section 43.540, RSMo. The fee for the criminal record review
27 shall be limited to the actual costs incurred by the Missouri
28 highway patrol in conducting such review not to exceed ten

1 dollars;

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

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

6 3. A copy of notice of parental responsibility, signed by
7 the principal operating officer of the exempt child-care facility
8 and the individual primarily responsible for the religious
9 organization conducting the child-care facility and copies of the
10 annual fire and safety inspections shall be filed annually during
11 the month of August with the director of the department of health
12 and senior services. Exempt child-care facilities which begin
13 operation after August 28, 1993, shall file such notice at least
14 five days prior to starting to operate.

15 4. Discipline, when administered in a reasonable manner at
16 a child-care facility exempted from license requirements pursuant
17 to subdivisions (1) to (7) of section 210.211 or section 210.516,
18 and in accordance with the facility's written policy of
19 discipline, is not abuse within the meaning of this chapter.
20 Upon receipt of any reports of child abuse at such a license
21 exempt facility by the division of family services pursuant to
22 sections 210.110 to 210.165 which allegedly involves personnel of
23 the facility, the division of family services may, at its
24 discretion, commence an investigation in accordance with section
25 210.145. If the alleged perpetrator or the facility asserts that
26 the alleged act of abuse is covered by the provisions of the
27 first sentence of this subsection, the division shall
28 immediately:

1 (1) Determine whether the facility has a written policy of
2 discipline that was made known to the parent, guardian, or other
3 custodian who placed the child in the facility at the time of
4 such placement;

5 (2) Determine whether the alleged acts were inconsistent
6 with the written policy of discipline and immediately provide to
7 the facility a detailed, written statement setting forth with
8 particularity every fact and circumstance that the division
9 believes tends to demonstrate that the alleged acts violate the
10 written policy of discipline, including the names of any
11 witnesses and the substance of their testimony, along with any
12 other evidence supporting the division's determination; and

13 (3) Determine whether the acts were discipline conducted in
14 a reasonable manner. If the division determines they were not,
15 it shall provide immediately to the facility a detailed, written
16 statement setting forth with particularity every fact and
17 circumstance that the division believes tends to demonstrate that
18 the acts were not discipline conducted in a reasonable manner,
19 including the names of any witnesses and the substance of their
20 testimony, along with any other evidence supporting the
21 division's determination.

22 210.482. 1. If the emergency placement of a child in a
23 private home is necessary due to the unexpected absence of the
24 child's parents, legal guardian, or custodian, the juvenile court
25 or division of family services may request that a local or state
26 law enforcement agency or juvenile officer immediately conduct a
27 name-based criminal history record check to include full orders
28 of protection and outstanding warrants of each person seventeen

1 years of age or older residing in the home by using the Missouri
2 uniform law enforcement system (MULES) and the National Crime
3 Information Center to access the Interstate Identification Index
4 maintained by the Federal Bureau of Investigation.

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

23 3. If the placement of a child is denied as a result of a
24 name-based criminal history check and the denial is contested,
25 all persons seventeen years of age or older residing in the home
26 shall, within five business days, submit to the juvenile court or
27 the division of family services two sets of fingerprints in the
28 same manner described in subsection 2 of this section,

1 accompanying fees, and written permission authorizing the
2 juvenile court or the division of family services to forward the
3 fingerprints to the state criminal record repository for
4 submission to the Federal Bureau of Investigation. One set of
5 fingerprints shall be used by the highway patrol to search the
6 criminal history repository and the second set shall be forwarded
7 to the Federal Bureau of Investigation for searching the federal
8 criminal history files.

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

15 210.487. 1. When conducting investigations of persons for
16 the purpose of foster parent licensing, the division shall:

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

23 (2) Obtain two sets of fingerprints for any adult in the
24 applicant's household in the same manner set forth in subsection
25 2 of section 210.482. One set of fingerprints shall be used by
26 the highway patrol to search the criminal history repository and
27 the second set shall be forwarded to the Federal Bureau of
28 Investigation for searching the federal criminal history files.

1 The highway patrol shall assist the division and provide the
2 criminal fingerprint background information, upon request.

3 2. The division may make arrangements with other executive
4 branch agencies to obtain any investigative background
5 information.

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

11 210.518. 1. The department of social services, the
12 department of mental health, the department of elementary and
13 secondary education and all subdivisions thereof shall develop
14 and implement through interagency agreement a common system of
15 classification for assessing the needs of a child and common
16 terminology to describe the services to be provided to the child.
17 The agreement must establish a standardized form and set of
18 records to be kept for such children which shall include, if
19 applicable to such child, any individualized education plan,
20 diagnostic summary, school history, school records, medical
21 history, court records, placement orders and any criminal
22 history. The agreement shall be adopted and in effect on or
23 before July 1, 1999.

24 2. To facilitate the coordination of services being
25 provided to children, it shall be the policy of the division to
26 hold interagency meetings pursuant to subsection 1 of this
27 section monthly to address and review any actions being taken by
28 agency personnel involved in the provision of services to a

1 child. The agencies shall document which staff members attended
2 such meetings. If any services for the child are provided
3 through contracted providers, such providers shall be included in
4 the meetings described in this section.

5 210.542. 1. The division of family services shall provide
6 certain standards and training that prospective foster care
7 parents shall meet before becoming licensed.

8 2. The division of family services shall provide
9 performance-based criteria for the evaluation of licensed foster
10 parents and may establish by rule the frequency of such
11 evaluation.

12 210.565. 1. Whenever a child is placed in a foster home
13 the division of family services shall give preference and first
14 consideration for foster home placement to relatives of the
15 child. Notwithstanding any rule of the division to the contrary,
16 grandparents who request consideration shall be given preference
17 and first consideration for foster home placement.

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

22 3. The preference for placement with relatives created by
23 this section shall only apply where the court finds that
24 placement with such relatives is in the best interest of the
25 child considering all circumstances.

26 4. The age of the child's relative shall not be the only
27 factor that the division of family services takes into
28 consideration when it makes placement decisions and

1 recommendations to the court about placing the child with that
2 relative.

3 5. For any native American child placed in protective
4 custody, the division of family services shall adhere to the
5 placement requirements set forth in 25 U.S.C. 1915.

6 210.760. 1. In making placements in foster care the
7 division of family services shall:

8 (1) Arrange for a preplacement visit of the child, except
9 in emergencies;

10 (2) Provide full and accurate medical information and
11 medical history to the persons providing foster care at the time
12 of placement;

13 (3) Give a minimum of five days advance notice to the
14 persons providing foster care before removing a child from their
15 care;

16 (4) Provide the persons giving foster care with a written
17 statement of the reasons for removing a child at the time of the
18 notification required by this section; [and]

19 (5) Notify the child's parent or legal guardian that the
20 child has been placed in foster care, except where harm or danger
21 to the child is imminent; and

22 (6) Work with the [natural] parent or legal guardian of the
23 child, through services available, in an effort to return the
24 child to his natural home, if at all possible, or to place the
25 child in a permanent adoptive setting, in accordance with the
26 division's goals to reduce the number of children in long-term
27 foster care and reestablish and encourage the family unit.

28 2. Except as otherwise provided in section 210.125, no

1 child shall be removed from school for placement in foster care
2 without a court order specifying that the child shall be removed
3 from school.

4 210.762. 1. The division of family services shall arrange
5 for a team meeting prior to taking any action relating to the
6 placement of a child in its custody except as otherwise provided
7 in this section. Where the welfare of the child requires an
8 immediate or emergency placement or change of placement, the
9 division may make a temporary placement of a child in its
10 custody. The division shall schedule a team meeting within
11 seventy-two hours of the temporary placement of the child.

12 2. The parent or legal guardian of the child, the guardian
13 ad litem, the juvenile officer, the division of family services
14 caseworker, the court appointed special advocate, and any
15 designee of the parent that has written authorization shall be
16 notified and invited to participate in all team meetings. The
17 team meeting may include such other persons whose attendance at
18 the meeting may assist the team in making appropriate decisions
19 in the best interests of the child.

20 3. The department shall be responsible for developing a
21 form to be signed upon the conclusion of the meeting pursuant to
22 subsection 1 of this section confirming that all involved parties
23 are aware of the team's decision regarding the custody and
24 placement of the child. Any dissenting views must be recorded
25 and attested to on such form.

26 4. The division of family services shall be responsible for
27 including such form with the case records of the child.

28 210.903. 1. To protect children, the elderly, and disabled

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

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

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

13 (2) Probable cause Findings of abuse and neglect by a
14 preponderance of the evidence pursuant to sections 210.109 to
15 210.183 and, as of January 1, 2003, financial exploitation of the
16 elderly or disabled, pursuant to section 570.145, RSMo;

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

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

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

23 (6) Child-care facility license denials, revocations and
24 suspensions pursuant to sections 210.201 to 210.259; and

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

28 (8) As of January 1, 2004, a check of the patrol's Missouri

1 uniform law enforcement system (MULES) for sexual offender
2 registrations pursuant to Section 589.400, RSMo.

3 210.909. 1. Upon submission of a completed registration
4 form by a child-care worker, elder-care worker or personal-care
5 attendant, the department shall:

6 (1) Determine if a [probable cause] finding of child abuse
7 or neglect by a preponderance of the evidence involving the
8 applicant has been recorded pursuant to sections 210.109 to
9 210.183 and, as of January 1, 2003, if there is a [probable
10 cause] finding of financial exploitation of the elderly or
11 disabled pursuant to section 570.145, RSMo;

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

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

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

20 (5) Determine through a request to the patrol pursuant to
21 section 43.540, RSMo, whether the applicant has any [conviction,
22 plea of guilty or nolo contendere, or a suspended execution of
23 sentence to a charge of any offense pursuant to chapters 198,
24 334, 560, 565, 566, 568, 569, 573, 575 and 578,] criminal record
25 history record for a felony or misdemeanor or any offense for
26 which the person has registered pursuant to sections 589.400 to
27 589.589.425, RSMo; and

28 (6) If the background check involves a provider, determine

1 if a facility has been refused licensure or has experienced
2 licensure suspension, revocation or probationary status pursuant
3 to sections 210.201 to 210.259 or chapter 198, RSMo[.]; and

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

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

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

19 210.922. The department of health and senior services, the
20 department of mental health, and the department of social
21 services may use the registry information to carry out the duties
22 assigned to the department pursuant to this chapter and chapters
23 190, 195, 197, 198, 630, and 660, RSMo.

24 210.937. The provisions of sections 210.900 to 210.936
25 shall terminate on January 1, [2004] 2010.

26 211.031. 1. Except as otherwise provided in this chapter,
27 the juvenile court or the family court in circuits that have a
28 family court as provided in sections 487.010 to 487.190, RSMo,

1 shall have exclusive original jurisdiction in proceedings:

2 (1) Involving any child or person seventeen years of age
3 who may be a resident of or found within the county and who is
4 alleged to be in need of care and treatment because:

5 (a) The parents, or other persons legally responsible for
6 the care and support of the child or person seventeen years of
7 age, neglect or refuse to provide proper support, education which
8 is required by law, medical, surgical or other care necessary for
9 his or her well-being; except that reliance by a parent, guardian
10 or custodian upon remedial treatment other than medical or
11 surgical treatment for a child or person seventeen years of age
12 shall not be construed as neglect when the treatment is
13 recognized or permitted pursuant to the laws of this state;

14 (b) The child or person seventeen years of age is otherwise
15 without proper care, custody or support; or

16 (c) The child or person seventeen years of age was living
17 in a room, building or other structure at the time such dwelling
18 was found by a court of competent jurisdiction to be a public
19 nuisance pursuant to section 195.130, RSMo;

20 (d) The child or person seventeen years of age is a child
21 in need of mental health services and the parent, guardian or
22 custodian is unable to afford or access appropriate mental health
23 treatment or care for the child;

24 (2) Involving any child who may be a resident of or found
25 within the county and who is alleged to be in need of care and
26 treatment because:

27 (a) The child while subject to compulsory school attendance
28 is repeatedly and without justification absent from school; or

1 (b) The child disobeys the reasonable and lawful directions
2 of his or her parents or other custodian and is beyond their
3 control; or

4 (c) The child is habitually absent from his or her home
5 without sufficient cause, permission, or justification; or

6 (d) The behavior or associations of the child are otherwise
7 injurious to his or her welfare or to the welfare of others; or

8 (e) The child is charged with an offense not classified as
9 criminal, or with an offense applicable only to children; except
10 that, the juvenile court shall not have jurisdiction over any
11 child fifteen and one-half years of age who is alleged to have
12 violated a state or municipal traffic ordinance or regulation,
13 the violation of which does not constitute a felony, or any child
14 who is alleged to have violated a state or municipal ordinance or
15 regulation prohibiting possession or use of any tobacco product;

16 (3) Involving any child who is alleged to have violated a
17 state law or municipal ordinance, or any person who is alleged to
18 have violated a state law or municipal ordinance prior to
19 attaining the age of seventeen years, in which cases jurisdiction
20 may be taken by the court of the circuit in which the child or
21 person resides or may be found or in which the violation is
22 alleged to have occurred; except that, the juvenile court shall
23 not have jurisdiction over any child fifteen and one-half years
24 of age who is alleged to have violated a state or municipal
25 traffic ordinance or regulation, the violation of which does not
26 constitute a felony, or any child who is alleged to have violated
27 a state or municipal ordinance or regulation prohibiting
28 possession or use of any tobacco product;

1 (4) For the adoption of a person;

2 (5) For the commitment of a child or person seventeen years
3 of age to the guardianship of the department of social services
4 as provided by law.

5 2. Transfer of a matter, proceeding, jurisdiction or
6 supervision for a child or person seventeen years of age who
7 resides in a county of this state shall be made as follows:

8 (1) Prior to the filing of a petition and upon request of
9 any party or at the discretion of the juvenile officer, the
10 matter in the interest of a child or person seventeen years of
11 age may be transferred by the juvenile officer, with the prior
12 consent of the juvenile officer of the receiving court, to the
13 county of the child's residence or the residence of the person
14 seventeen years of age for future action;

15 (2) Upon the motion of any party or on its own motion prior
16 to final disposition on the pending matter, the court in which a
17 proceeding is commenced may transfer the proceeding of a child or
18 person seventeen years of age to the court located in the county
19 of the child's residence or the residence of the person seventeen
20 years of age, or the county in which the offense pursuant to
21 subdivision (3) of subsection 1 of this section is alleged to
22 have occurred for further action;

23 (3) Upon motion of any party or on its own motion, the
24 court in which jurisdiction has been taken pursuant to subsection
25 1 of this section may at any time thereafter transfer
26 jurisdiction of a child or person seventeen years of age to the
27 court located in the county of the child's residence or the
28 residence of the person seventeen years of age for further action

1 with the prior consent of the receiving court;

2 (4) Upon motion of any party or upon its own motion at any
3 time following a judgment of disposition or treatment pursuant to
4 section 211.181, the court having jurisdiction of the cause may
5 place the child or person seventeen years of age under the
6 supervision of another juvenile court within or without the state
7 pursuant to section 210.570, RSMo, with the consent of the
8 receiving court;

9 (5) Upon motion of any child or person seventeen years of
10 age or his or her parent, the court having jurisdiction shall
11 grant a change of judge pursuant to Missouri Supreme Court Rule
12 51.05, a change of venue to the family court or juvenile court of
13 another judicial circuit pursuant to Missouri Supreme Court Rule
14 51.04, or both;

15 (6) Upon the transfer of any matter, proceeding,
16 jurisdiction or supervision of a child or person seventeen years
17 of age, certified copies of all legal and social documents and
18 records pertaining to the case on file with the clerk of the
19 transferring juvenile court shall accompany the transfer.

20 3. In any proceeding involving any child or person
21 seventeen years of age taken into custody in a county other than
22 the county of the child's residence or the residence of a person
23 seventeen years of age, the juvenile court of the county of the
24 child's residence or the residence of a person seventeen years of
25 age shall be notified of such taking into custody within
26 seventy-two hours.

27 4. When an investigation by a juvenile officer pursuant to
28 this section reveals that the only basis for action involves an

1 alleged violation of section 167.031, RSMo, then the juvenile
2 officer shall send the report to the school district in which the
3 child resides. The school district shall immediately refer all
4 private, parochial, or home school matters to the prosecuting
5 attorney of the county where the child legally resides. The
6 school district may refer public school violations of section
7 167.031, RSMo, to the prosecuting attorney.

8 5. Nothing in this section shall be interpreted as
9 authorizing a juvenile officer to take custody of a child or
10 person seventeen years of age.

11 211.032. 1. When a child or person seventeen years of age,
12 alleged to be in need of care and treatment pursuant to
13 subdivision (1) of subsection 1 of section 211.031, is taken into
14 custody, the juvenile or family court shall make reasonable
15 efforts to notify the [parties of the right to have a protective
16 custody hearing. Such notification shall be in writing.]
17 biological parents, the foster parents, and the grandparents of
18 the child, the division of family services worker, the child
19 abuse and neglect hotline worker, and the guardian ad litem or
20 court-appointed special advocate for the child of the specific
21 date, time, and place that a status conference will be held by
22 the court. Such status conference shall be an open conference
23 and shall be held within three days of the child being taken into
24 custody, excluding Saturdays, Sundays, and legal holidays. The
25 inability to provide notice to any of the persons listed in this
26 subsection after reasonable efforts have been made or the absence
27 of any such persons at the status conference shall not preclude
28 the court from conducting the status conference as scheduled.

1 The supreme court shall establish procedures for the status
2 conference held pursuant to this subsection which shall include,
3 but not be limited to, the following issues:

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

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

9 (3) Appointment of legal counsel;

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

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

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

18 (7) A contrary to welfare finding;

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

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

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

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

1 (12) Providing for any necessary evaluations, including
2 medical or psychological evaluations.

3 A protective custody hearing may be requested at a status
4 conference, and if requested, a date for such hearing shall be
5 scheduled pursuant to subsection 2 of this section at the time of
6 the status conference whenever possible.

7 2. Upon request from any party or upon request during a
8 status conference, the court shall hold a protective custody
9 hearing[. Such hearing shall be held within three] within
10 fourteen days of the request for a hearing, excluding Saturdays,
11 Sundays and legal holidays. No continuances shall be granted for
12 such protective custody hearing except upon a written motion for
13 cause filed and signed by the party requesting the continuance
14 and such party's attorney.

15 3. The court shall hold an adjudication hearing no later
16 than sixty days after the child has been taken into custody. The
17 court shall notify the parties in writing of the specific date,
18 time, and place of such hearing. If at such hearing the court
19 determines that sufficient cause exists for the child to remain
20 in the custody of the state, the court shall conduct a
21 dispositional hearing no late than ninety days after the child
22 has been taken into custody and shall conduct review hearings
23 regarding the reunification efforts made by the division every
24 ninety to one hundred twenty days for the first year the child is
25 in the custody of the division. After the first year, review
26 hearings shall be held as necessary, but in no event less than
27 once every six months for as long as the child is in the custody
28 of the division.

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

5 5. If the placement of any child in the custody of the
6 division of family services will result in the child attending a
7 school other than the school the child was attending when taken
8 into custody:

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

12 (2) Upon request of the foster family and whenever
13 possible, the child shall be permitted to continue to attend the
14 same school that the child was enrolled in and attending at the
15 time the child was taken into custody by the division. The
16 division, in consultation with the department of elementary and
17 secondary education, shall establish the necessary procedures to
18 implement the provisions of this subsection.

19 211.059. 1. When a child is taken into custody by a
20 juvenile officer or law enforcement official, with or without a
21 warrant for an offense in violation of the juvenile code or the
22 general law which would place the child under the jurisdiction of
23 the juvenile court pursuant to subdivision (2) or (3) of
24 subsection 1 of section 211.031, the child shall be advised prior
25 to questioning:

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

27 (2) That any statement he does make to anyone can be and
28 [may] shall be used against him; and

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

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

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

11 211.171. 1. Except as otherwise provided in section
12 211.321, the procedure to be followed at the hearing shall be
13 determined by the juvenile court judge and may be as formal or
14 informal as he or she considers desirable, consistent with
15 constitutional and statutory requirements. The judge may take
16 testimony and inquire into the habits, surroundings, conditions
17 and tendencies of the child and the family to enable the court to
18 render such order or judgment as will best promote the welfare of
19 the child and carry out the objectives of this chapter.

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

23 3. The current foster parents of a child, or any
24 preadoptive parent or relative currently providing care for the
25 child, shall be provided with notice of, and an opportunity to be
26 heard in, any [permanency or other review] hearing to be held
27 with respect to the child. This subsection shall not be
28 construed to require that any such foster parent, preadoptive

1 parent or relative providing care for a child be made a party to
2 the case solely on the basis of such notice and opportunity to be
3 heard.

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

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

10 6. The general public shall be excluded and only such
11 persons admitted as have a direct interest in the case or in the
12 work of the court except in cases where the child is accused of
13 conduct which, if committed by an adult, would be considered a
14 class A or B felony; or for conduct which would be considered a
15 class C felony, if the child has previously been formally
16 adjudicated for the commission of two or more unrelated acts
17 which would have been class A, B or C felonies, if committed by
18 an adult.

19 7. The practice and procedure customary in proceedings in
20 equity shall govern all proceedings in the juvenile court; except
21 that, the court shall not grant a continuance in such proceedings
22 absent compelling extenuating circumstances, and in such cases,
23 the court shall make written findings on the record detailing the
24 specific reasons for granting a continuance.

25 8. The court shall allow the victim of any offense to
26 submit a written statement to the court. The court shall allow
27 the victim to appear before the court personally or by counsel
28 for the purpose of making a statement, unless the court finds

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

8 211.181. 1. When a child or person seventeen years of age
9 is found by the court to come within the applicable provisions of
10 subdivision (1) of subsection 1 of section 211.031, the court
11 shall so decree and make a finding of fact upon which it
12 exercises its jurisdiction over the child or person seventeen
13 years of age, and the court may, by order duly entered, proceed
14 as follows:

15 (1) Place the child or person seventeen years of age under
16 supervision in his own home or in the custody of a relative or
17 other suitable person after the court or a public agency or
18 institution designated by the court conducts an investigation of
19 the home, relative or person and finds such home, relative or
20 person to be suitable and upon such conditions as the court may
21 require;

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

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

28 (b) Any other institution or agency which is authorized or

1 licensed by law to care for children or to place them in family
2 homes;

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

8 (d) The juvenile officer;

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

11 (4) Cause the child or person seventeen years of age to be
12 examined and treated by a physician, psychiatrist or psychologist
13 and when the health or condition of the child or person seventeen
14 years of age requires it, cause the child or person seventeen
15 years of age to be placed in a public or private hospital, clinic
16 or institution for treatment and care; except that, nothing
17 contained herein authorizes any form of compulsory medical,
18 surgical, or psychiatric treatment of a child or person seventeen
19 years of age whose parents or guardian in good faith are
20 providing other remedial treatment recognized or permitted under
21 the laws of this state;

22 (5) The court may order, pursuant to subsection 2 of
23 section 211.081, that the child receive the necessary services in
24 the least restrictive appropriate environment including home and
25 community-based services, treatment and support, based on a
26 coordinated, individualized treatment plan. The individualized
27 treatment plan shall be approved by the court and developed by
28 the applicable state agencies responsible for providing or paying

1 for any and all appropriate and necessary services, subject to
2 appropriation, and shall include which agencies are going to pay
3 for and provide such services. Such plan must be submitted to
4 the court within thirty days and the child's family shall
5 actively participate in designing the service plan for the child
6 or person seventeen years of age;

7 (6) The department of social services, in conjunction with
8 the department of mental health, shall apply to the United States
9 Department of Health and Human Services for such federal waivers
10 as required to provide services for such children, including the
11 acquisition of community-based services waivers.

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

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

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

24 (a) A public agency or institution authorized by law to
25 care for children or place them in family homes; except that, a
26 child may be committed to the department of social services,
27 division of youth services, only if he is presently under the
28 court's supervision after an adjudication under the provisions of

1 subdivision (2) or (3) of subsection 1 of section 211.031;

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

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

9 (d) The juvenile officer;

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

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

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

27 3. When a child is found by the court to come within the
28 provisions of subdivision (3) of subsection 1 of section 211.031,

1 the court shall so decree and make a finding of fact upon which
2 it exercises its jurisdiction over the child, and the court may,
3 by order duly entered, proceed as follows:

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

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

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

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

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

20 (d) The juvenile officer;

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

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

26 (5) Cause the child to be examined and treated by a
27 physician, psychiatrist or psychologist and when the health or
28 condition of the child requires it, cause the child to be placed

1 in a public or private hospital, clinic or institution for
2 treatment and care; except that, nothing contained herein
3 authorizes any form of compulsory medical, surgical, or
4 psychiatric treatment of a child whose parents or guardian in
5 good faith are providing other remedial treatment recognized or
6 permitted under the laws of this state;

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

9 (7) Order the child to make restitution or reparation for
10 the damage or loss caused by his offense. In determining the
11 amount or extent of the damage, the court may order the juvenile
12 officer to prepare a report and may receive other evidence
13 necessary for such determination. The child and his attorney
14 shall have access to any reports which may be prepared, and shall
15 have the right to present evidence at any hearing held to
16 ascertain the amount of damages. Any restitution or reparation
17 ordered shall be reasonable in view of the child's ability to
18 make payment or to perform the reparation. The court may require
19 the clerk of the circuit court to act as receiving and disbursing
20 agent for any payment ordered;

21 (8) Order the child to a term of community service under
22 the supervision of the court or of an organization selected by
23 the court. Every person, organization, and agency, and each
24 employee thereof, charged with the supervision of a child under
25 this subdivision, or who benefits from any services performed as
26 a result of an order issued under this subdivision, shall be
27 immune from any suit by the child ordered to perform services
28 under this subdivision, or any person deriving a cause of action

1 from such child, if such cause of action arises from the
2 supervision of the child's performance of services under this
3 subdivision and if such cause of action does not arise from an
4 intentional tort. A child ordered to perform services under this
5 subdivision shall not be deemed an employee within the meaning of
6 the provisions of chapter 287, RSMo, nor shall the services of
7 such child be deemed employment within the meaning of the
8 provisions of chapter 288, RSMo. Execution of any order entered
9 by the court, including a commitment to any state agency, may be
10 suspended and the child placed on probation subject to such
11 conditions as the court deems reasonable. After a hearing,
12 probation may be revoked and the suspended order executed;

13 (9) When a child has been adjudicated to have violated a
14 municipal ordinance or to have committed an act that would be a
15 misdemeanor if committed by an adult, assess an amount of up to
16 twenty-five dollars to be paid by the child to the clerk of the
17 court; when a child has been adjudicated to have committed an act
18 that would be a felony if committed by an adult, assess an amount
19 of up to fifty dollars to be paid by the child to the clerk of
20 the court.

21 4. Beginning January 1, 1996, the court may set forth in
22 the order of commitment the minimum period during which the child
23 shall remain in the custody of the division of youth services.
24 No court order shall require a child to remain in the custody of
25 the division of youth services for a period which exceeds the
26 child's eighteenth birth date except upon petition filed by the
27 division of youth services pursuant to subsection 1 of section
28 219.021, RSMo. In any order of commitment of a child to the

1 custody of the division of youth services, the division shall
2 determine the appropriate program or placement pursuant to
3 subsection 3 of section 219.021, RSMo. Beginning January 1,
4 1996, the department shall not discharge a child from the custody
5 of the division of youth services before the child completes the
6 length of stay determined by the court in the commitment order
7 unless the committing court orders otherwise. The director of
8 the division of youth services may at any time petition the court
9 for a review of a child's length of stay commitment order, and
10 the court may, upon a showing of good cause, order the early
11 discharge of the child from the custody of the division of youth
12 services. The division may discharge the child from the division
13 of youth services without a further court order after the child
14 completes the length of stay determined by the court or may
15 retain the child for any period after the completion of the
16 length of stay in accordance with the law.

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

23 211.321. 1. Juvenile court proceedings conducted pursuant
24 to subdivision (1) of subsection 1 of section 211.031 and for
25 termination of parental rights cases pursuant to sections 211.442
26 to 211.487, except for adoption cases, shall be open to the
27 public. The court, on its own motion, may close, in whole or in
28 part, the proceedings to the public to protect the welfare and

1 best interests of the child and for exceptional circumstances.
2 Any victim or any party to a juvenile court proceeding referred
3 to in this subsection, except the state, may file a verified
4 motion requesting that the general public be excluded from the
5 proceeding or any portion of the proceeding. Upon the filing of
6 such verified motion, the court shall hear arguments by the
7 parties, but no evidence, and shall make a determination whether
8 to exclude the general public from the proceedings or any portion
9 of the proceedings. The court shall make a finding on the record
10 when a motion to close a hearing or records pursuant to this
11 section is made and heard by the court.

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

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

22 4. As appropriate, a record of the juvenile court hearings
23 described in subsection 1 of this section shall be made and
24 preserved by stenographic recording or by mechanical or
25 electronic recording as provided by law or court rule.

26 5. For juvenile court proceedings described in subsection 1
27 of this section, pleadings and orders of the juvenile court other
28 than confidential files and those specifically ordered closed by

1 the juvenile court judge shall be open to the general public.
2 For purposes of this section, "confidential file" means all other
3 records and reports considered closed or confidential by law,
4 including but not limited to medical reports, psychological or
5 psychiatric evaluations, investigation reports of the division of
6 family services, social histories, and home studies. Only
7 persons who are found by the court to have a legitimate interest
8 shall be allowed access to confidential or closed files. In
9 determining whether a person has a legitimate interest, the court
10 shall consider the nature of the proceedings, the welfare and
11 safety of the public, and the interest of the minor. Any parent
12 or party may waive confidentiality for himself or herself, but
13 only the court may waive confidentiality for a minor child.

14 6. For records made available to the public pursuant to
15 this section, the identity of the victim shall not be disclosed
16 and all references in such records to the identity of the victim
17 shall be redacted prior to disclosure to the public.

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

21 302.272. 1. No person shall operate any school bus owned
22 by or under contract with a public school or the state board of
23 education unless such driver has qualified for a school bus
24 permit under this section and complied with the pertinent rules
25 and regulations of the department of revenue. A school bus
26 permit shall be issued to any applicant who meets the following
27 qualifications:

28 (1) The applicant has a valid state license issued under

1 this chapter or has a license valid in any other state;

2 (2) The applicant is at least twenty-one years of age;

3 (3) The applicant has passed a medical examination,
4 including vision and hearing tests, as prescribed by the director
5 of revenue and, if the applicant is at least seventy years of
6 age, the applicant shall pass the medical examination annually to
7 maintain or renew the permit; and

8 (4) The applicant has successfully passed an examination
9 for the operation of a school bus as prescribed by the director
10 of revenue. The examination shall include, but need not be
11 limited to, a written skills examination of applicable laws,
12 rules and procedures, and a driving test in the type of vehicle
13 to be operated. The test shall be completed in the appropriate
14 class of vehicle to be driven. For purposes of this section
15 classes of school buses shall comply with the Commercial Motor
16 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570).

17 2. Except as otherwise provided in this section, a school
18 bus permit shall be renewed every three years and shall require
19 the applicant to provide a medical examination as specified in
20 subdivision (3) of subsection 1 of this section and to
21 successfully pass a written skills examination as prescribed by
22 the director of revenue in consultation with the department of
23 elementary and secondary education. If the applicant is at least
24 seventy years of age, the school bus permit shall be renewed
25 annually, and the applicant shall successfully pass the
26 examination prescribed in subdivision (4) of subsection 1 of this
27 section prior to receiving the renewed permit. The director may
28 waive the written skills examination on renewal of a school bus

1 permit upon verification of the applicant's successful completion
2 within the preceding twelve months of a training program which
3 has been approved by the director in consultation with the
4 department of elementary and secondary education and which is at
5 least eight hours in duration with special instruction in school
6 bus driving.

7 3. The fee for a new or renewed school bus permit shall be
8 three dollars.

9 4. Upon the applicant's completion of the requirements of
10 subsections 1, 2, and 3 of this section, the director of revenue
11 shall issue a temporary school bus permit to the applicant until
12 such time as a permanent school bus permit shall be issued
13 following the record clearance as provided in subsection 6 of
14 this section.

15 5. The director of revenue, to the best of the director's
16 knowledge, shall not issue or renew a school bus permit to any
17 applicant:

18 (1) Whose driving record shows that such applicant's
19 privilege to operate a motor vehicle has been suspended, revoked
20 or disqualified or whose driving record shows a history of moving
21 vehicle violations;

22 (2) Who has pled guilty to or been found guilty of any
23 felony or misdemeanor for violation of drug regulations as
24 defined in chapter 195, RSMo; of any felony for an offense
25 against the person as defined by chapter 565, RSMo, or any other
26 offense against the person involving the endangerment of a child
27 as prescribed by law; of any misdemeanor or felony for a sexual
28 offense as defined by chapter 566, RSMo; of any misdemeanor or

1 felony for prostitution as defined by chapter 567, RSMo; of any
2 misdemeanor or felony for an offense against the family as
3 defined in chapter 568, RSMo; of any felony or misdemeanor for a
4 weapons offense as defined by chapter 571, RSMo; of any
5 misdemeanor or felony for pornography or related offense as
6 defined by chapter 573, RSMo; or of any similar crime in any
7 federal, state, municipal or other court of similar jurisdiction
8 of which the director has knowledge;

9 (3) Who has pled guilty to or been found guilty of any
10 felony involving robbery, arson, burglary or a related offense as
11 defined by chapter 569, RSMo; or any similar crime in any
12 federal, state, municipal or other court of similar jurisdiction
13 within the preceding ten years of which the director has
14 knowledge.

15 6. The [department of social services or the] Missouri
16 highway patrol[, whichever has access to applicable records,]
17 shall provide a record of clearance or denial of clearance for
18 any applicant for a school bus permit for the [convictions]
19 offenses specified in subdivisions (2) and (3) of subsection 5 of
20 this section. The Missouri highway patrol in providing the
21 record of clearance or denial of clearance for any such applicant
22 is authorized to obtain from the Federal Bureau of Investigation
23 any information which might aid the Missouri highway patrol in
24 providing such record of clearance or denial of clearance. The
25 [department of social services or the] Missouri highway patrol
26 shall provide the record of clearance or denial of clearance
27 within thirty days of the date requested, relying on information
28 available at that time, except that the [department of social

1 services or the] Missouri highway patrol shall provide any
2 information subsequently discovered to the department of revenue.

3 7. Beginning January 1, 2004, the applicant shall submit
4 two sets of fingerprints. One set of fingerprints shall be used
5 by the highway patrol in order to search the criminal history
6 repository and the second set shall be forwarded to the Federal
7 Bureau of Investigation for searching the federal criminal
8 history files.

9 8. The applicant shall pay the fee for the state criminal
10 history information pursuant to section 43.530, RSMo, and pay the
11 appropriate fee determined by the Federal Bureau of Investigation
12 for the federal criminal history record when he or she applies
13 for the school bus permit pursuant to this section. The director
14 shall distribute the fees collected for the state and federal
15 criminal histories to the highway patrol.

16 9. The director may adopt any rules and regulations
17 necessary to carry out the provisions of this section. Any rule
18 or portion of a rule, as that term is defined in section 536.010,
19 RSMo, that is created under the authority delegated in this
20 section shall become effective only if it complies with and is
21 subject to all of the provisions of chapter 536, RSMo, and, if
22 applicable, section 536.028, RSMo. This section and chapter 536,
23 RSMo, are nonseverable and if any of the powers vested with the
24 general assembly pursuant to chapter 536, RSMo, to review, to
25 delay the effective date, or to disapprove and annul a rule are
26 subsequently held unconstitutional, then the grant of rulemaking
27 authority and any rule proposed or adopted after August 28, 2003,
28 shall be invalid and void.

1 402.199. 1. The general assembly hereby finds and declares
2 the following:

3 (1) It is an essential function of state government to
4 provide basic support for persons with a mental or physical
5 impairment that substantially limits one or more major life
6 activities, whether the impairment is congenital or acquired by
7 accident, injury or disease;

8 (2) The cost of providing basic support for persons with a
9 mental or physical impairment is difficult for many to afford and
10 they are forced to rely upon the government to provide such
11 support;

12 (3) Families and friends of persons with a mental or
13 physical impairment desire to supplement, but not replace, the
14 basic support provided by state government and other governmental
15 programs;

16 (4) The cost of medical, social or other supplemental
17 services is often provided by families and friends of persons
18 with mental or physical impairments, for the lifetime of such
19 persons;

20 (5) It is in the best interest of the people of this state
21 to encourage, enhance and foster the ability of families and
22 friends of Missouri residents and residents of adjacent states
23 with mental or physical impairments to supplement, but not to
24 replace, the basic support provided by state government and other
25 governmental programs and to provide for medical, social or other
26 supplemental services for such persons;

27 (6) Permitting and assisting families and friends of
28 Missouri residents and residents of adjacent states with mental

1 or physical impairments to supplement, but not to replace, the
2 basic support provided by state government and other governmental
3 programs and to provide medical, social or other supplemental
4 services for such persons as necessary and desirable for the
5 public health, safety and welfare of this state.

6 2. In light of the findings and declarations described in
7 subsection 1 of this section, the general assembly declares the
8 purpose of the Missouri family trust to be the encouragement,
9 enhancement and fostering of the provision of medical, social or
10 other supplemental services for persons with a mental or physical
11 impairment by family and friends of such persons.

12 402.200. As used in sections 402.199 to 402.220, the
13 following terms mean:

14 (1) "Board of trustees", the Missouri family trust board of
15 trustees;

16 (2) "Charitable trust", the trust established to provide
17 benefits for individuals, as set forth in section 402.215;

18 (3) "Department", the department of mental health;

19 (4) "Disability", a mental or physical impairment that
20 substantially limits one or more major life activities, whether
21 the impairment is congenital or acquired by accident, injury or
22 disease, and where the impairment is verified by medical
23 findings;

24 (5) "Life beneficiary" or "beneficiary", a designated
25 beneficiary of the Missouri family trust;

26 (6) "Net income", the earnings received on investments less
27 administrative expenses and fees;

28 (7) "Principal balance", the fair market value of all

1 contributions made to a particular account, less distributions,
2 determined as of the end of the calendar month immediately
3 preceding the occurrence giving rise to any determination of
4 principal balance;

5 (8) "Requesting party", the party desiring arbitration;

6 (9) "Responding party", the other party in arbitration of a
7 dispute regarding benefits to be provided by the trust;

8 (10) "Successor trust", the trust established upon
9 distribution by the board of trustees pursuant to notice of
10 withdrawal or termination and administered as set forth in
11 section 402.215;

12 (11) "Trust", the Missouri family trust established
13 pursuant to sections 402.200 to 402.220;

14 (12) "Trustee", a member of the Missouri family trust board
15 of trustees.

16 402.205. 1. The families, friends and guardians of persons
17 who have a disability or are eligible for services provided by
18 the department of mental health, or both, may participate in a
19 trust which may supplement the care, support, and treatment of
20 such persons pursuant to the provisions of sections 402.199 to
21 402.220. Neither the contribution to the trust for the benefit
22 of a life beneficiary nor the use of trust income to provide
23 benefits shall in any way reduce, impair or diminish the benefits
24 to which such person is otherwise entitled by law; and the
25 administration of the trust shall not be taken into consideration
26 in appropriations for the department of mental health to render
27 services required by law.

28 2. Unless otherwise prohibited by federal statutes or

1 regulations, all state agencies shall disregard the trust as a
2 resource when determining eligibility of Missouri residents for
3 assistance under chapter 208, RSMo.

4 3. The assets of the board of trustees and assets held in
5 trust pursuant to the provisions of sections 402.199 to 402.220
6 shall not be considered state money, assets of the state or
7 revenue for any purposes of the state constitution or statutes.
8 The property of the board of trustees and its income and
9 operations shall be exempt from all taxation by the state or any
10 of its political subdivisions.

11 402.215. 1. The board of trustees is authorized and
12 directed to establish and administer the Missouri family trust
13 and to advise, consult with, and render services to departments
14 and agencies of the state of Missouri and to other nonprofit
15 organizations which qualify as organizations pursuant to Section
16 501(c)(3) of the United States Internal Revenue Code of 1986, as
17 amended, and which provide services to Missouri residents with a
18 disability. The board shall be authorized to execute all
19 documents necessary to establish and administer the trust
20 including the formation of a not-for-profit corporation created
21 pursuant to chapter 355, RSMo, and to qualify as an organization
22 pursuant to Section 501(c)(3) of the United States Internal
23 Revenue Code of 1986, as amended.

24 2. The trust documents shall include and be limited by the
25 following provisions:

26 (1) The Missouri family trust shall be authorized to accept
27 contributions from any source including trustees, personal
28 representatives, personal custodians pursuant to chapter 404,

1 RSMo, and other fiduciaries, [other than directly] and, subject
2 to the provisions of subdivision (11) of this subsection, from
3 the life beneficiaries and their respective spouses, to be held,
4 administered, managed, invested and distributed in order to
5 facilitate the coordination and integration of private financing
6 for individuals who have a disability or are eligible for
7 services provided by the Missouri department of mental health, or
8 both, while maintaining the eligibility of such individuals for
9 government entitlement funding. All contributions, and the
10 earnings thereon, shall be administered as one trust fund;
11 however, separate accounts shall be established for each
12 designated beneficiary. The income earned, after deducting
13 administrative expenses, shall be credited to the accounts of the
14 respective life beneficiaries in proportion to the principal
15 balance in the account for each such life beneficiary, to the
16 total principal balances in the accounts for all life
17 beneficiaries.

18 (2) Every donor may designate a specific person as the life
19 beneficiary of the contribution made by such donor. In addition,
20 each donor may name a cotrustee, including the donor, and a
21 successor or successors to the cotrustee, to act with the
22 trustees of the trust on behalf of the designated life
23 beneficiary; provided, however, a life beneficiary shall not be
24 eligible to be a cotrustee or a successor cotrustee; provided,
25 however, that court approval of the specific person designated as
26 life beneficiary and as cotrustee or successor trustee shall be
27 required in connection with any trust created pursuant to section
28 473.657, RSMo, or section 475.093, RSMo.

1 (3) The [trust] cotrustee, with the consent of the
2 [cotrustee] trust, shall from time to time, but not less
3 frequently than annually [agree on] determine the amount of
4 income or principal or income and principal to be used to provide
5 noncash benefits and the nature and type of benefits to be
6 provided for the life beneficiary. Any net income which is not
7 used shall be added to principal annually. [In the event that
8 the trust and the donor, serving as the cotrustee, shall be
9 unable to agree either on the amount of income or principal or
10 income and principal to be used for or the benefits to be
11 provided, then none of the income or principal shall be used.]
12 In the event that the trust and the cotrustee[, other than the
13 donor,] shall be unable to agree either on the amount of income
14 or principal or income and principal to be used or the benefits
15 to be provided, then either the trust or the cotrustee shall have
16 the right to request that the matter be resolved by arbitration
17 which shall be conducted in accordance with the Commercial
18 Arbitration Rules of the American Arbitration Association. The
19 requesting party shall send a written request for arbitration to
20 the responding party and shall in such request set forth the
21 name, address and telephone number of such requesting party's
22 arbitrator. The responding party shall, within ten days after
23 receipt of the request for arbitration, set forth in writing to
24 the requesting party the name, address and telephone number of
25 the responding party's arbitrator. Copies of the request for
26 arbitration and response shall be sent to the director of the
27 department. If the two designated arbitrators shall be unable to
28 agree upon a third arbitrator within ten days after the

1 responding party shall have identified such party's arbitrator,
2 then the director of the department shall designate the third
3 arbitrator by written notice to the requesting and responding
4 parties' arbitrators. The three arbitrators shall meet, conduct
5 a hearing, and render a decision within thirty days after the
6 appointment of the third arbitrator. A decision of a majority of
7 the arbitrators shall be binding upon the requesting and
8 responding parties. Each party shall pay the fees and expenses
9 of such party's arbitrator and the fees and expenses of the third
10 arbitrator shall be borne equally by the parties. Judgment on
11 the arbitrators' award may be entered in any court of competent
12 jurisdiction.

13 (4) Any donor, during his or her lifetime, except for a
14 trust created pursuant to section 473.657, RSMo, or section
15 475.093, RSMo, may revoke any gift made to the trust; provided,
16 however, any donor may, at any time, voluntarily waive the right
17 to revoke. In the event that at the time the donor shall have
18 revoked his or her gift to the trust the life beneficiary shall
19 not have received any benefits provided by use of trust income or
20 principal, then an amount equal to one hundred percent of the
21 principal balance shall be returned to the donor. Any
22 undistributed net income shall be distributed to the charitable
23 trust. In the event that at the time the donor shall have
24 revoked his or her gift to the trust the life beneficiary shall
25 have received any benefits provided by the use of trust income or
26 principal, then an amount equal to ninety percent of the
27 principal balance shall be returned to the donor. The balance of
28 the principal balance together with all undistributed net income,

1 shall be distributed to the charitable trust.

2 (5) Any acting cotrustee, except a cotrustee of a trust
3 created pursuant to section 473.657, RSMo, or section 475.093,
4 RSMo, other than the original donor of a life beneficiary's
5 account, shall have the right, for good and sufficient reason
6 upon written notice to the trust and the department stating such
7 reason, to withdraw all or a portion of the principal balance.
8 In such event, the applicable portion, as set forth [below] in
9 subdivision (7) of this subsection, of the principal balance
10 shall then be distributed to the successor trust and the balance
11 of the principal balance together with any undistributed net
12 income, shall be distributed to the charitable trust.

13 (6) In the event that a life beneficiary for whose benefit
14 a contribution or contributions shall have been made to the
15 family trust, [except a cotrustee of a trust created pursuant to
16 section 473.657, RSMo, or section 475.093, RSMo,] shall [move
17 from the state of Missouri or otherwise] cease to be eligible for
18 services provided by the department of mental health and neither
19 the donor nor the then acting cotrustee, except a cotrustee of a
20 trust created pursuant to section 473.657, RSMo, or section
21 475.093, RSMo, shall revoke or withdraw [all] the applicable
22 portion, as set for in subdivision (7) of this subsection, of the
23 principal balance, then the board of trustees may, by written
24 notice to such donor or acting cotrustee, terminate the trust as
25 to such beneficiary and thereupon shall distribute the applicable
26 portion, as set forth [herein] in subdivision (7) of this
27 subsection, of the principal balance, to the trustee of the
28 successor trust to be held, administered and distributed by such

1 trustee in accordance with the provisions of the successor trust
2 described in subdivision [(10)] (12) of this subsection.

3 (7) If at the time of withdrawal or termination as provided
4 in subdivision (6) of this subsection of a life beneficiary's
5 account from the trust either the life beneficiary shall not have
6 received any benefits provided by the use of the trust income or
7 principal or the life beneficiary shall have received benefits
8 provided by the use of trust income or principal for a period of
9 not more than five years from the date a contribution shall have
10 first been made to the trust for such life beneficiary, then an
11 amount equal to ninety percent of the principal balance shall be
12 distributed to the successor trust, and the balance of the
13 principal balance together with all undistributed net income,
14 shall be distributed to the charitable trust; provided, however,
15 if the life beneficiary at the time of such withdrawal by the
16 cotrustee or termination as provided above shall have received
17 any benefits provided by the use of trust income or principal for
18 a period of more than five years from the date a contribution
19 shall have first been made to the trust for such life
20 beneficiary, then an amount equal to seventy-five percent of the
21 principal balance shall be distributed to the successor trust,
22 and the balance of the principal balance together with all
23 undistributed net income, shall be distributed to the charitable
24 trust.

25 (8) Subject to the provisions of subdivision (9) of this
26 subsection, if the life beneficiary dies before receiving any
27 benefits provided by the use of trust income or principal, then
28 an amount equal to one hundred percent of the principal balance

1 shall be distributed to such person or persons as the donor shall
2 have designated. Any undistributed net income shall be
3 distributed to the charitable trust. If at the time of death of
4 the life beneficiary, the life beneficiary shall have been
5 receiving benefits provided by the use of trust income or
6 principal or income and principal, then, in such event, an amount
7 equal to seventy-five percent of the principal balance shall be
8 distributed to such person or persons as the donor designated,
9 and the balance of the principal balance, together with all
10 undistributed net income, shall be distributed to the charitable
11 trust.

12 (9) In the event the trust is created as a result of a
13 distribution from a personal representative of an estate of which
14 the life beneficiary is a distributee, then if the life
15 beneficiary dies before receiving any benefits provided by the
16 use of trust income or principal, an amount equal to one hundred
17 percent of the principal balance shall be distributed to such
18 person or persons who are the life beneficiary's heirs at law.
19 [The balance, if any, of the principal balance, together with
20 all] Any undistributed income shall be distributed to the
21 charitable trust. If at the time of death of the life
22 beneficiary the life beneficiary shall have been receiving
23 benefits provided by the use of trust income or principal or
24 income and principal, then, an amount equal to seventy-five
25 percent of the principal balance shall be distributed to such
26 person or persons who are the life beneficiary's heirs at law.
27 The balance of the principal balance, together with all
28 undistributed income shall be distributed to the charitable

1 trust.

2 (10) In the event the trust is created as a result of the
3 recovery of damages by reason of a personal injury to the life
4 beneficiary, then if the life beneficiary dies before receiving
5 any benefits provided by the use of trust income or principal,
6 the state of Missouri shall receive all amounts remaining in the
7 life beneficiary's account up to an amount equal to the total
8 medical assistance paid on behalf of such life beneficiary under
9 a state plan under Title 42 of the United States Code, and then
10 to the extent there is any amount remaining in the life
11 beneficiary's account, an amount equal to one hundred percent of
12 the principal balance shall be distributed to such person or
13 persons who are the life beneficiary's heirs at law. If there
14 are no heirs, the balance, if any, of the principal balance,
15 together with all undistributed income shall be distributed to
16 the charitable trust. If at the time of death of the life
17 beneficiary the life beneficiary should have been receiving
18 benefits provided by the use of trust income or principal or
19 income and principal then the state of Missouri shall receive all
20 amounts remaining in the life beneficiary's account up to an
21 amount equal to the total medical assistance paid on behalf of
22 such life beneficiary under a state plan under Title 42 of the
23 United States Code, and then to the extent there is any amount
24 remaining in the life beneficiary's account, an amount equal to
25 seventy-five percent of the principal balance shall be
26 distributed to such person or persons who are the life
27 beneficiary's heirs at law. If there are no heirs, the balance
28 of the principal balance, together with all undistributed income,

1 shall be distributed to the charitable trust.

2 (11) In the event an account is established with the assets
3 of the beneficiary by the beneficiary, a family member, the
4 beneficiary's guardian, or pursuant to a court order, all in
5 accordance with Title 42 of the United States Code Section
6 1396p(d)(4)(C), then upon the death of the life beneficiary the
7 state of Missouri shall receive all amounts remaining in the life
8 beneficiary's account up to an amount equal to the total medical
9 assistance paid on behalf of such life beneficiary under a state
10 plan under Title 42 of the United States Code, and then to the
11 extent there is any amount remaining in the life beneficiary's
12 account, an amount equal to seventy-five percent of the principal
13 balance shall be distributed to such person or persons who are
14 the life beneficiary's heirs at law. If there are no heirs, the
15 balance of the principal balance, together with all undistributed
16 income, shall be distributed to the charitable trust.

17 (12) Notwithstanding the provisions of subdivisions (4) to
18 (8) of this subsection to the contrary, the donor may voluntarily
19 agree to a smaller percentage of the principal balance in any
20 account established by such donor than is provided in this
21 subsection to be returned to the donor or distributed to the
22 successor trust, as the case may be; and a corresponding larger
23 percentage of the principal balance in such account to be
24 distributed either to the charitable trust or to a designated
25 restricted account within the charitable trust.

26 (13) Upon receipt of a notice of withdrawal from a
27 designated cotrustee, other than the original donor, and a
28 determination by the board of trustees that the reason for such

1 withdrawal is good and sufficient, or upon the issuance of notice
2 of termination by the board of trustees, the board of trustees
3 shall distribute and pay over to the designated trustee of the
4 successor trust the applicable portion of the principal balance
5 as set forth in subdivision (7) of this subsection; provided,
6 however, that court approval of distribution to a successor
7 trustee shall be required in connection with any trust created
8 pursuant to section 473.657, RSMo, or section 475.093, RSMo. The
9 designated trustee of the successor trust shall hold, administer
10 and distribute the principal and income of the successor trust,
11 in the discretion of such trustee, for the maintenance, support,
12 health, education and general well-being of the beneficiary,
13 recognizing that it is the purpose of the successor trust to
14 supplement, not replace, any government benefits for the
15 beneficiary's basic support to which such beneficiary may be
16 entitled and to increase the quality of such beneficiary's life
17 by providing the beneficiary with those amenities which cannot
18 otherwise be provided by public assistance or entitlements or
19 other available sources. Permissible expenditures include, but
20 are not limited to, more sophisticated dental, medical and
21 diagnostic work or treatment than is otherwise available from
22 public assistance, private rehabilitative training, supplementary
23 education aid, entertainment, periodic vacations and outings,
24 expenditures to foster the interests, talents and hobbies of the
25 beneficiary, and expenditures to purchase personal property and
26 services which will make life more comfortable and enjoyable for
27 the beneficiary but which will not defeat his or her eligibility
28 for public assistance. Expenditures may include payment of the

1 funeral and burial costs of the beneficiary. The designated
2 trustee, in his or her discretion, may make payments from time to
3 time for a person to accompany the beneficiary on vacations and
4 outings and for the transportation of the beneficiary or of
5 friends and relatives of the beneficiary to visit the
6 beneficiary. Any undistributed income shall be added to the
7 principal from time to time. Expenditures shall not be made for
8 the primary support or maintenance of the beneficiary, including
9 basic food, shelter and clothing, if, as a result, the
10 beneficiary would no longer be eligible to receive public
11 benefits or assistance to which the beneficiary is then entitled.
12 After the death and burial of the beneficiary, the remaining
13 balance of the successor trust shall be distributed to such
14 person or persons as the donor shall have designated.

15 [(12)] (14) The charitable trust shall be administered as
16 part of the family trust, but as a separate account. The income
17 attributable to the charitable trust shall be used to provide
18 benefits for individuals who have a disability or who are
19 eligible for services provided by or through the department and
20 who either have no immediate family or whose immediate family, in
21 the reasonable opinion of the trustees, is financially unable to
22 make a contribution to the trust sufficient to provide benefits
23 for such individuals, while maintaining such individuals'
24 eligibility for government entitlement funding. As used in this
25 section, the term "immediate family" includes parents, children
26 and siblings. The individuals to be beneficiaries of the
27 charitable trust shall be recommended to the trustees by the
28 department and others from time to time. The trustees shall

1 annually [agree on] determine the amount of charitable trust
2 income to be used to provide benefits and the nature and type of
3 benefits to be provided for each identified beneficiary of the
4 charitable trust. Any income not used shall be added to
5 principal annually.

6 (15) Any person, with the consent of the board of trustees,
7 may establish a restricted account within the charitable trust
8 and shall be permitted to determine, with the consent of the
9 board of trustees, the beneficiaries of such restricted account
10 provided such beneficiaries qualify as participants of the trust
11 as set forth in subsection 1 of section 402.305.

12 402.217. 1. No beneficiary shall have any vested or
13 property rights or interests in the family trust, nor shall any
14 beneficiary have the power to anticipate, assign, convey,
15 alienate, or otherwise encumber any interest in the income or
16 principal of the family trust , nor shall such income or the
17 principal or any interest of any beneficiary thereunder be liable
18 for any debt incurred by such beneficiary, nor shall the
19 principal or income of the family trust be subject to seizure by
20 any creditor or any beneficiary under any writ or proceeding in
21 law or in equity.

22 2. Except for the right of a donor to revoke any gift made
23 to the trust, pursuant to subdivision (4) of subsection 2 of
24 section 402.215, and the right of any acting cotrustee, other
25 than the original donor, to withdraw all or a portion of the
26 [original contribution] principal balance, pursuant to
27 subdivision (5) of subsection 2 of section 402.215, neither the
28 donor nor any acting cotrustee shall have the right to sell,

1 assign, convey, alienate or otherwise encumber, for consideration
2 or otherwise, any interest in the income or principal of the
3 family trust, nor shall such income or the principal or any
4 interest of any beneficiary thereunder be liable for any debt
5 incurred by the donor or any acting cotrustee, nor shall the
6 principal or income of the family trust be subject to seizure by
7 any creditor of any donor or any acting cotrustee under any writ
8 or proceeding in law or in equity.

9 453.020. 1. The petition for adoption shall state:

10 (1) The name, sex and place of birth of the person sought
11 to be adopted;

12 (2) The name of his parents, if known to the petitioner;

13 (3) If the person sought to be adopted is a minor, the fact
14 that petitioner has the ability to properly care for, maintain
15 and educate such person; and

16 (4) If it is desired to change the name of such person, the
17 new name.

18 2. The petition for adoption shall include payment of a
19 fifty dollar filing fee which shall be used to fund the putative
20 father registry established pursuant to section 192.016, RSMo.

21 453.030. 1. In all cases the approval of the court of the
22 adoption shall be required and such approval shall be given or
23 withheld as the welfare of the person sought to be adopted may,
24 in the opinion of the court, demand.

25 2. The written consent of the person to be adopted shall be
26 required in all cases where the person sought to be adopted is
27 fourteen years of age or older, except where the court finds that
28 such child has not sufficient mental capacity to give the same.

1 3. With the exceptions specifically enumerated in section
2 453.040, when the person sought to be adopted is under the age of
3 eighteen years, the written consent of the following persons
4 shall be required and filed in and made a part of the files and
5 record of the proceeding:

6 (1) The mother of the child; and

7 (2) Any man who:

8 (a) Is presumed to be the father pursuant to the
9 subdivision (1), (2), or (3) of subsection 1 of section 210.822,
10 RSMo; or

11 (b) Has filed an action to establish his paternity in a
12 court of competent jurisdiction no later than fifteen days after
13 the birth of the child; or

14 (c) Filed with the putative father registry pursuant to
15 section 192.016, RSMo, a notice of intent to claim paternity or
16 an acknowledgment of paternity either prior to or within fifteen
17 days after the child's birth, and has filed an action to
18 establish his paternity in a court of competent jurisdiction no
19 later than fifteen days after the birth of the child; or

20 (3) The child's current adoptive parents or other legally
21 recognized mother and father.

22 Upon request by the petitioner and within one business day of
23 such request, the clerk of the local court shall verify whether
24 such written consents have been filed with the court.

25 4. The written consent required in subdivisions (2) and (3)
26 of subsection 3 of this section may be executed before or after
27 the commencement of the adoption proceedings, and shall be
28 acknowledged before a notary public. In lieu of such

1 acknowledgment, the signature of the person giving such written
2 consent shall be witnessed by the signatures of at least two
3 adult persons whose signatures and addresses shall be plainly
4 written thereon. The two adult witnesses shall not be the
5 prospective adoptive parents or any attorney representing a party
6 to the adoption proceeding. The notary public or witnesses shall
7 verify the identity of the party signing the consent.

8 5. The written consent required in subdivision (1) of
9 subsection 3 of this section by the birth parent shall not be
10 executed anytime before the child is forty-eight hours old. Such
11 written consent shall be executed in front of a judge or a notary
12 public. In lieu of such acknowledgment, the signature of the
13 person giving such written consent shall be witnessed by the
14 signatures of at least two adult persons who are present at the
15 execution whose signatures and addresses shall be plainly written
16 thereon and who determine and certify that the consent is
17 knowingly and freely given. The two adult witnesses shall not be
18 the prospective adoptive parents or any attorney representing a
19 party to the adoption proceeding. The notary public or witnesses
20 shall verify the identity of the party signing the consent.

21 6. The written consents shall be reviewed and, if found to
22 be in compliance with this section, approved by the court within
23 three business days of such consents being presented to the
24 court. Upon review, in lieu of approving the consent within
25 three business days, the court may set a date for a prompt
26 evidentiary hearing upon notice to the parties. Failure to
27 review and approve the written consent within three business days
28 shall not void the consent, but a party may seek a writ of

1 mandamus from the appropriate court, unless an evidentiary
2 hearing has been set by the court pursuant to this subsection.

3 7. The written consent required in subsection 3 of this
4 section may be withdrawn anytime until it has been reviewed and
5 accepted by a judge.

6 8. A consent form shall be developed through rules and
7 regulations promulgated by the department of social services. No
8 rule or portion of a rule promulgated under the authority of this
9 section shall become effective unless it has been promulgated
10 pursuant to the provisions of chapter 536, RSMo. If a written
11 consent is obtained after August 28, 1997, but prior to the
12 development of a consent form by the department and the written
13 consent complies with the provisions of subsection 9 of this
14 section, such written consent shall be deemed valid.

15 9. However, the consent form must specify that[:

16 (1)] the birth parent understands the importance of
17 identifying all possible fathers of the child and [shall] may
18 provide the names of all such persons [unless the mother has good
19 cause as to why she should not name such persons. The court
20 shall determine if good cause is justifiable. By signing the
21 consent, the birth parent acknowledges that those having an
22 interest in the child have been supplied with all available
23 information to assist in locating all possible fathers; and

24 (2) The birth parent understands that if he denies
25 paternity, but consents to the adoption, he waives any future
26 interest in the child].

27 10. The written consent to adoption required by subsection
28 3 and executed through procedures set forth in subsection 5 of

1 this section shall be valid and effective even though the parent
2 consenting was under eighteen years of age, if such parent was
3 represented by a guardian ad litem, at the time of the execution
4 thereof.

5 11. Where the person sought to be adopted is eighteen years
6 of age or older, his written consent alone to his adoption shall
7 be sufficient.

8 12. A birth parent, including a birth parent less than
9 eighteen years of age, shall have the right to legal
10 representation and payment of any reasonable legal fees incurred
11 throughout the adoption process. In addition, the court may
12 appoint an attorney to represent a birth parent if:

13 (1) A birth parent requests representation;

14 (2) The court finds that hiring an attorney to represent
15 such birth parent would cause a financial hardship for the birth
16 parent; and

17 (3) The birth parent is not already represented by counsel.

18 13. Except in cases where the court determines that the
19 adoptive parents are unable to pay reasonable attorney fees and
20 appoints pro bono counsel for the birth parents, the court shall
21 order the costs of the attorney fees incurred pursuant to
22 subsection 12 of this section to be paid by the prospective
23 adoptive parents or the child-placing agency.

24 453.060. 1. A writ of summons and a copy of the petition
25 shall be served on:

26 (1) Any person, agency, organization or institution whose
27 consent to the adoption is required by law unless such consent is
28 filed in court;

1 (2) Any person whose consent to the adoption, according to
2 the allegation of the petition for adoption, is not required for
3 the reasons set forth in subdivision (6) or (7) of section
4 453.040;

5 (3) Any person, agency, organization or institution, within
6 or without the state, having custody of the child sought to be
7 adopted under a decree of a court of competent jurisdiction even
8 though its consent to the adoption is not required by law;

9 (4) The legally appointed guardian of the child;

10 (5) Any person adjudicated by a court of this state or
11 another state, a territory of the United States or another
12 country to be the father of the child;

13 (6) Any person who has timely filed a notice of intent to
14 claim paternity of the child pursuant to section 192.016, RSMo,
15 or an acknowledgment of paternity pursuant to section 193.087,
16 RSMo.

17 2. Except as provided in this section and section 453.014,
18 it is not necessary to serve any person, agency, organization or
19 institution whose consent is not required pursuant to the
20 provisions of sections 453.030 to 453.050.

21 3. If service of summons cannot be made in the manner
22 prescribed in section 506.150, RSMo, then the service shall be
23 made by mail or publication as provided in section 506.160, RSMo.

24 4. Upon service, whether personal or constructive, the
25 court may act upon the petition without the consent of any party,
26 except that of a parent whose consent is required by sections
27 453.030 to 453.050, and the judgment is binding on all parties so
28 served. Any such party has the right to appeal from the judgment

1 in the manner and form provided by the civil code of Missouri.

2 5. In all cases where the putative father is unknown,
3 [service shall be made by publication on "John Doe" as provided
4 in section 506.160, RSMo] a search of the Missouri putative
5 father registry and any other state's registry shall be conducted
6 in all instances where conception may have occurred to determine
7 if a man has filed or been registered with the registry. If such
8 a man is discovered, service shall be carried out according to
9 the provisions of this section.

10 6. Upon request, the court may order that the writ of
11 summons and copy of the petition required by this section may be
12 served without the names and addresses of the petitioners when
13 the court deems it to be in the best interests of the child.

14 7. Upon the filing of an adoption petition, in all cases
15 where the mother has named any number of potential fathers, a
16 statement stating that the man has been named as a potential
17 father of the born or unborn child and a copy of the pamphlet or
18 publication required to be produced in subsection 9 of section
19 192.016, RSMo, shall be mailed to the last known address of each
20 named man.

21 453.061. Any man who has engaged in sexual intercourse with
22 a woman is deemed to be on notice that as a result a child may be
23 conceived and is entitled to notice of an adoption proceeding
24 only as provided in this chapter.

25 453.110. 1. No person, agency, organization or institution
26 shall surrender custody of a minor child, or transfer the custody
27 of such a child to another, and no person, agency, organization
28 or institution shall take possession or charge of a minor child

1 so transferred, without first having filed a petition before the
2 circuit court sitting as a juvenile court of the county where the
3 child may be, praying that such surrender or transfer may be
4 made, and having obtained such an order from such court approving
5 or ordering transfer of custody.

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

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

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

22 5. This section shall not be construed to prohibit any
23 parent, agency, organization or institution from placing a child
24 in a [family home for care] temporary placement, including but
25 not limited to a family home; church; athletic, academic, or
26 charitable camp; babysitting, military academy; child care
27 facility; foster home; or residential care facility, if the right
28 to supervise the care of the child and to resume custody thereof

1 is retained, or from placing a child with a licensed foster home
2 or license exempt residential facility within the state through a
3 child placing agency licensed by this state as part of a
4 preadoption placement.

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

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

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

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

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

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

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

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

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

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

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

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

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

11 491.075. 1. A statement made by a child under the age of
12 [twelve] fourteen relating to an offense under chapter 565, 566
13 or 568, RSMo, performed with or on a child by another, not
14 otherwise admissible by statute or court rule, is admissible in
15 evidence in criminal proceedings in the courts of this state as
16 substantive evidence to prove the truth of the matter asserted
17 if:

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

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

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

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

28 2. Notwithstanding subsection 1 of this section or any

1 provision of law or rule of evidence requiring corroboration of
2 statements, admissions or confessions of the defendant, and
3 notwithstanding any prohibition of hearsay evidence, a statement
4 by a child when under the age of [twelve] fourteen who is alleged
5 to be victim of an offense under chapter 565, 566 or 568, RSMo,
6 is sufficient corroboration of a statement, admission or
7 confession regardless of whether or not the child is available to
8 testify regarding the offense.

9 3. A statement may not be admitted under this section
10 unless the prosecuting attorney makes known to the accused or
11 [his] the accused's counsel his or her intention to offer the
12 statement and the particulars of the statement sufficiently in
13 advance of the proceedings to provide the accused or [his] the
14 accused's counsel with a fair opportunity to prepare to meet the
15 statement.

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

19 492.304. 1. In addition to the admissibility of a
20 statement under the provisions of section 492.303, the visual and
21 aural recording of a verbal or nonverbal statement of a child
22 when under the age of [twelve] fourteen who is alleged to be a
23 victim of an offense under the provisions of chapter 565, 566 or
24 568, RSMo, is admissible into evidence if:

25 (1) No attorney for either party was present when the
26 statement was made; except that, for any statement taken at a
27 state-funded child assessment center as provided for in
28 subsection 2 of section 210.001, RSMo, an attorney representing

1 the state of Missouri in a criminal investigation may, as a
2 member of a multidisciplinary investigation team, observe the
3 taking of such statement, but such attorney shall not be present
4 in the room where the interview is being conducted;

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

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

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

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

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

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

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

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

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

5 516.600. Any action to recover damages for injury or
6 illness caused by child sexual abuse in an action brought
7 pursuant to section 537.046 shall be commenced within twelve
8 years of the date the plaintiff attains the age of eighteen or
9 within three years of the date that the plaintiff discovers, or
10 reasonably should have discovered, that the injury or illness was
11 caused by child sexual abuse, whichever occurs later.

12 537.046. 1. As used in this section, the following terms
13 mean:

14 (1) "Childhood sexual abuse", any act committed by the
15 defendant against the plaintiff which act occurred when the
16 plaintiff was under the age of eighteen years and which act would
17 have been a violation of section 566.030, 566.040, 566.050,
18 566.060, 566.070, 566.080, 566.090, 566.100, 566.110, or 566.120,
19 RSMo, or section 568.020, RSMo;

20 (2) "Injury" or "illness", either a physical injury or
21 illness or a psychological injury or illness. A psychological
22 injury or illness need not be accompanied by physical injury or
23 illness.

24 2. [In any civil action for recovery of damages suffered as
25 a result of childhood sexual abuse, the time for commencement of
26 the action shall be within five years of the date the plaintiff
27 attains the age of eighteen or within three years of the date the
28 plaintiff discovers or reasonably should have discovered that the

1 injury or illness was caused by child sexual abuse, whichever
2 later occurs.

3 3.] This section shall apply to any action commenced on or
4 after August 28, 1990, including any action which would have been
5 barred by the application of the statute of limitation applicable
6 prior to that date.

7 610.120. 1. Records required to be closed shall not be
8 destroyed; they shall be inaccessible to the general public and
9 to all persons other than the defendant except as provided in
10 this section and section 43.507, RSMo. [They shall be available
11 to] The closed records shall be available to: criminal justice
12 agencies for the administration of criminal justice pursuant to
13 section 43.500, RSMo, criminal justice employment, screening
14 persons with access to criminal justice facilities, procedures
15 and sensitive information; to law enforcement agencies for
16 issuance or renewal of a license, permit, certification, or
17 registration of authority from such agency; those agencies
18 authorized pursuant to section 43.543, RSMo, to submit and when
19 submitting fingerprints to the central repository; the sentencing
20 advisory commission created in section 558.019, RSMo, for the
21 purpose of studying sentencing practices[, and only to courts,
22 law enforcement agencies, child care agencies,] in accordance
23 with section 43.507, RSMo; to qualified entities for the purpose
24 of screening providers as defined in section 43.540, RSMo; the
25 department of revenue for [driving record purposes, facilities as
26 defined in section 198.006, RSMo, in-home services provider
27 agencies as defined in section 660.250, RSMo,] driver license
28 administration; the division of workers' compensation for the

1 purposes of determining eligibility for crime victims'
2 compensation pursuant to sections 595.010 to 595.075, RSMo[,];
3 the department of health and senior services for the purpose of
4 licensing and regulating facilities and regulating in-home
5 service provider agencies; and federal agencies for purposes of
6 [prosecution, sentencing, parole consideration,] criminal justice
7 administration, criminal justice employment, child, elderly, or
8 disabled care [employment, nursing home employment], and [to
9 federal agencies] for such investigative purposes as authorized
10 by law or presidential executive order.

11 2. These records shall be made available only for the
12 [above] purposes [regardless of any previous statutory provision
13 which had closed such records to certain agencies or for certain
14 purposes.] and to the entities listed in this section. A
15 criminal justice agency receiving a request for criminal history
16 information under its control may require positive
17 identification, to include fingerprints of the subject of the
18 record search, prior to releasing closed record information.
19 Dissemination of closed and open records from the state criminal
20 records repository shall be in accordance with administrative
21 rules and regulations established in accordance with section
22 43.509, RSMo. All records which are closed records shall be
23 removed from the records of the courts, administrative agencies,
24 and law enforcement agencies which are available to the public
25 and shall be kept in separate records which are to be held
26 confidential and, where possible, pages of the public record
27 shall be retyped or rewritten omitting those portions of the
28 record which deal with the defendant's case. If retyping or

1 rewriting is not feasible because of the permanent nature of the
2 record books, such record entries shall be blacked out and
3 recopied in a confidential book.

4 [2. As used in this section, the term "child care" includes
5 providers and youth services agencies as those terms are defined
6 in section 43.540, RSMo, elementary and secondary school
7 teachers, and elementary and secondary school bus drivers,
8 whether such drivers are employed by a school or an entity which
9 has contracted with the school to provide transportation
10 services.]

11 610.123. 1. Any person who wishes to have a record of
12 arrest expunged pursuant to section 610.122 may file a verified
13 petition for expungement in the civil division of the circuit
14 court in the county of the arrest as provided in subsection 4 of
15 this section. The petition shall include the following
16 information or shall be dismissed if the information is not
17 given:

- 18 (1) The petitioner's:
 - 19 (a) Full name;
 - 20 (b) Sex;
 - 21 (c) Race;
 - 22 (d) Date of birth;
 - 23 (e) Driver's license number;
 - 24 (f) Social Security number; and
 - 25 (g) Address at the time of the arrest;
- 26 (2) The offense charged against the petitioner;
- 27 (3) The date the petitioner was arrested;
- 28 (4) The name of the county where the petitioner was

1 arrested and if the arrest occurred in a municipality, the name
2 of the municipality;

3 (5) The name of the agency that arrested the petitioner;

4 (6) The case number and court of the offense;

5 (7) Petitioner's fingerprints on a standard fingerprint
6 card at the time of filing a petition to expunge a record that
7 will be forwarded to the central repository for the sole purpose
8 of positively identifying the petitioner.

9 2. The petition shall name as defendants all law
10 enforcement agencies, courts, prosecuting attorneys, central
11 state depositories of criminal records or others who the
12 petitioner has reason to believe may possess the records subject
13 to expungement. The court's order shall not affect any person or
14 entity not named as a defendant in the action.

15 3. The court shall set a hearing on the matter no sooner
16 than thirty days from the filing of the petition and shall give
17 reasonable notice of the hearing to each official or agency or
18 other entity named in the petition.

19 4. If the court finds that the petitioner is entitled to
20 expungement of any record that is the subject of the petition, it
21 shall enter an order directing expungement. A copy of the order
22 shall be provided to each agency identified in the petition
23 pursuant to subsection 2 of this section.

24 5. The supreme court shall promulgate rules establishing
25 procedures for the handling of cases filed pursuant to the
26 provisions of this section and section 610.122. Such procedures
27 shall be similar to the procedures established in chapter 482,
28 RSMo, for the handling of small claims.

1 630.097. The department of mental health, in conjunction
2 with the department of social services, shall develop, implement,
3 and administer a unified accountable comprehensive children's
4 mental health service system. To ensure a full breadth of
5 services, the comprehensive children's mental health services
6 system shall include all state agencies and organizations
7 involved in the lives of the children served. The Missouri
8 comprehensive children's mental health services system shall
9 include collaboration with family members, the departments of
10 health and senior services; social services, division of family
11 services, division of youth services, and division of medical
12 services; elementary and secondary education; mental health,
13 division of alcohol and drug abuse, division of mental
14 retardation and developmental disabilities, and division of
15 comprehensive psychiatric services; and the office of state
16 courts administrators, juvenile justice, schools, and private,
17 not-for-profit child-serving agencies, including a limited
18 liability corporation solely owned by a not-for-profit. The
19 department of mental health shall establish a state interagency
20 comprehensive children's mental health services system team
21 comprised of representation from the departments of health and
22 senior services; social services, division of family services,
23 division of youth services, and division of medical services;
24 elementary and secondary education; mental health, division of
25 alcohol and drug abuse, division of mental retardation and
26 developmental disabilities, and division of comprehensive
27 psychiatric services; and the office of state courts
28 administrators, juvenile justice; and family members, to serve

1 children with severe emotional and behavioral disturbance
2 problems. The state team shall collaborate to develop uniform
3 language to be used in intake, assessment, and other tools to be
4 used with children. The comprehensive children's mental health
5 services system shall:

6 (1) Be child centered, family focused, and family driven,
7 with the needs of the child and family dictating the types and
8 mix of services provided, and shall include the families as full
9 participants in all aspects of the planning and delivery of
10 services;

11 (2) Provide community-based mental health services to
12 children and their families in the context in which the children
13 live and attend school;

14 (3) Respond in a culturally competent and responsive
15 manner;

16 (4) Stress prevention and early identification and
17 intervention;

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

19 (a) Educate the community about the mental health needs of
20 children;

21 (b) Address the unique physical, emotional, social, and
22 educational needs of children;

23 (c) Are coordinated with the range of social and human
24 services provided to children and their families by the
25 departments of elementary and secondary education, social
26 services, health and senior services, and public safety, and the
27 family courts;

28 (d) Provide a comprehensive array of services through an

1 individualized service plan;

2 (e) Provide services in the least restrictive environment
3 possible;

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

5 (6) Include early screening and prompt intervention to:

6 (a) Identify and treat the mental health needs of children
7 in the least restrictive environment appropriate to their needs;
8 and

9 (b) Prevent further deterioration;

10 (7) Address the unique problems of paying for mental health
11 services for children, including:

12 (a) Access to private insurance coverage;

13 (b) Public funding; and

14 (c) Private funding and services;

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

17 (9) Assure a smooth transition from mental health services
18 appropriate for a child to mental health services needed by a
19 person who is at least nineteen years of age; and

20 (10) Establish a service delivery system inclusive of
21 services, providers, and schools that have traditionally served
22 children and youth with severe emotional and behavioral
23 disturbance problems, and their families through state agencies
24 that serve on the state comprehensive children's mental health
25 services system team.

26 630.140. 1. Information and records compiled, obtained,
27 prepared or maintained by the residential facility, day program
28 operated, funded or licensed by the department or otherwise,

1 specialized service, or by any mental health facility or mental
2 health program in which people may be civilly detained pursuant
3 to chapter 632, RSMo, in the course of providing services to
4 either voluntary or involuntary patients, residents or clients
5 shall be confidential.

6 2. The facilities or programs shall disclose information
7 and records including medication given, dosage levels, and
8 individual ordering such medication to the following upon their
9 request:

10 (1) The parent of a minor patient, resident or client;

11 (2) The guardian or other person having legal custody of
12 the patient, resident or client;

13 (3) The attorney of a patient, resident or client who is a
14 ward of the juvenile court, an alleged incompetent, an
15 incompetent ward or a person detained under chapter 632, RSMo, as
16 evidenced by court orders of the attorney's appointment;

17 (4) An attorney or personal physician as authorized by the
18 patient, resident or client;

19 (5) Law enforcement officers and agencies, information
20 about patients, residents or clients committed pursuant to
21 chapter 552, RSMo, but only to the extent necessary to carry out
22 the responsibilities of their office, and all such law
23 enforcement officers shall be obligated to keep such information
24 confidential;

25 (6) The entity or agency authorized to implement a system
26 to protect and advocate the rights of persons with developmental
27 disabilities under the provisions of 42 U.S.C. 6042. The entity
28 or agency shall be able to obtain access to the records of a

1 person with developmental disabilities who is a client of the
2 entity or agency if such person has authorized the entity or
3 agency to have such access; and the records of any person with
4 developmental disabilities who, by reason of mental or physical
5 condition is unable to authorize the entity or agency to have
6 such access, if such person does not have a legal guardian,
7 conservator or other legal representative, and a complaint has
8 been received by the entity or agency with respect to such person
9 or there is probable cause to believe that such person has been
10 subject to abuse or neglect. The entity or agency obtaining
11 access to a person's records shall meet all requirements for
12 confidentiality as set out in this section;

13 (7) The entity or agency authorized to implement a system
14 to protect and advocate the rights of persons with mental illness
15 under the provisions of 42 U.S.C. 10801 shall be able to obtain
16 access to the records of a patient, resident or client who by
17 reason of mental or physical condition is unable to authorize the
18 system to have such access, who does not have a legal guardian,
19 conservator or other legal representative and with respect to
20 whom a complaint has been received by the system or there is
21 probable cause to believe that such individual has been subject
22 to abuse or neglect. The entity or agency obtaining access to a
23 person's records shall meet all requirements for confidentiality
24 as set out in this section. The provisions of this subdivision
25 shall apply to a person who has a significant mental illness or
26 impairment as determined by a mental health professional
27 qualified under the laws and regulations of the state;

28 (8) To mental health coordinators, but only to the extent

1 necessary to carry out their duties under chapter 632, RSMo.

2 3. The facilities or services may disclose information and
3 records under any of the following:

4 (1) As authorized by the patient, resident or client;

5 (2) To persons or agencies responsible for providing health
6 care services to such patients, residents or clients;

7 (3) To the extent necessary for a recipient to make a claim
8 or for a claim to be made on behalf of a recipient for aid or
9 insurance;

10 (4) To qualified personnel for the purpose of conducting
11 scientific research, management audits, financial audits, program
12 evaluations or similar studies; provided, that such personnel
13 shall not identify, directly or indirectly, any individual
14 patient, resident or client in any report of such research, audit
15 or evaluation, or otherwise disclose patient, resident or client
16 identities in any manner;

17 (5) To the courts as necessary for the administration of
18 chapter 211, RSMo, 475, RSMo, 552, RSMo, or 632, RSMo;

19 (6) To law enforcement officers or public health officers,
20 but only to the extent necessary to carry out the
21 responsibilities of their office, and all such law enforcement
22 and public health officers shall be obligated to keep such
23 information confidential;

24 (7) Pursuant to an order of a court or administrative
25 agency of competent jurisdiction;

26 (8) To the attorney representing petitioners, but only to
27 the extent necessary to carry out their duties under chapter 632,
28 RSMo;

1 (9) To the department of social services or the department
2 of health and senior services as necessary to report or have
3 investigated abuse, neglect, or rights violations of patients,
4 residents, or clients;

5 (10) To a county board established pursuant to sections
6 205.968 to 205.972, RSMo 1986, but only to the extent necessary
7 to carry out their statutory responsibilities. The county board
8 shall not identify, directly or indirectly, any individual
9 patient, resident or client.

10 4. The facility or program shall document the dates,
11 nature, purposes and recipients of any records disclosed under
12 this section and sections 630.145 and 630.150.

13 5. The records and files maintained in any court proceeding
14 under chapter 632, RSMo, shall be confidential and available only
15 to the patient, his attorney, guardian, or, in the case of a
16 minor, to a parent or other person having legal custody of the
17 patient, and to the petitioner and his attorney. In addition,
18 the court may order the release or use of such records or files
19 only upon good cause shown, and the court may impose such
20 restrictions as the court deems appropriate.

21 6. Nothing contained in this chapter shall limit the rights
22 of discovery in judicial or administrative procedures as
23 otherwise provided for by statute or rule.

24 7. The fact of admission of a voluntary or involuntary
25 patient to a mental health facility under chapter 632, RSMo, may
26 only be disclosed as specified in subsections 2 and 3 of this
27 section.

28 630.167. 1. Upon receipt of a report, the department or

1 its agents, contractors or vendors or the department of health
2 and senior services, if such facility or program is licensed
3 pursuant to chapter 197, RSMo, shall initiate an investigation
4 within twenty-four hours.

5 2. If the investigation indicates possible abuse or neglect
6 of a patient, resident or client, the investigator shall refer
7 the complaint together with the investigator's report to the
8 department director for appropriate action. If, during the
9 investigation or at its completion, the department has reasonable
10 cause to believe that immediate removal from a facility not
11 operated or funded by the department is necessary to protect the
12 residents from abuse or neglect, the department or the local
13 prosecuting attorney may, or the attorney general upon request of
14 the department shall, file a petition for temporary care and
15 protection of the residents in a circuit court of competent
16 jurisdiction. The circuit court in which the petition is filed
17 shall have equitable jurisdiction to issue an ex parte order
18 granting the department authority for the temporary care and
19 protection of the resident for a period not to exceed thirty
20 days.

21 3. (1) Reports referred to in section 630.165 and the
22 investigative reports referred to in this section shall be
23 confidential, shall not be deemed a public record, and shall not
24 be subject to the provisions of section 109.180, RSMo, or chapter
25 610, RSMo; except that: complete copies all such reports shall
26 be open and available to the parents or other guardian of the
27 patient, resident, or client who is the subject of such report,
28 except that the names and any other descriptive information of

1 the complainant or other person mentioned in the reports shall
2 not be disclosed unless such complainant or person specifically
3 consents to such disclosure. All reports referred to in this
4 section shall be admissible in any judicial proceedings or
5 hearing in accordance with section 36.390, RSMo, or any
6 administrative hearing before the director of the department of
7 mental health, or the director's designee. All such reports may
8 be disclosed by the department of mental health to law
9 enforcement officers and public health officers, but only to the
10 extent necessary to carry out the responsibilities of their
11 offices, and to the department of social services, to the
12 department of health and senior services, and to boards appointed
13 pursuant to sections 205.968 to 205.990, RSMo, that are providing
14 services to the patient, resident or client as necessary to
15 report or have investigated abuse, neglect, or rights violations
16 of patients, residents or clients provided that all such law
17 enforcement officers, public health officers, department of
18 social services' officers, department of health and senior
19 services officers, and boards shall be obligated to keep such
20 information confidential;

21 (2) Except as otherwise provided in this section, the
22 proceedings, findings, deliberations, reports and minutes of
23 committees of health care professionals as defined in section
24 537.035, RSMo, or mental health professionals as defined in
25 section 632.005, RSMo, who have the responsibility to evaluate,
26 maintain, or monitor the quality and utilization of mental health
27 services are privileged and shall not be subject to the
28 discovery, subpoena or other means of legal compulsion for their

1 release to any person or entity or be admissible into evidence
2 into any judicial or administrative action for failure to provide
3 adequate or appropriate care. Such committees may exist, either
4 within department facilities or its agents, contractors, or
5 vendors, as applicable. Except as otherwise provided in this
6 section, no person who was in attendance at any investigation or
7 committee proceeding shall be permitted or required to disclose
8 any information acquired in connection with or in the course of
9 such proceeding or to disclose any opinion, recommendation or
10 evaluation of the committee or board or any member thereof;
11 provided, however, that information otherwise discoverable or
12 admissible from original sources is not to be construed as immune
13 from discovery or use in any proceeding merely because it was
14 presented during proceedings before any committee or in the
15 course of any investigation, nor is any member, employee or agent
16 of such committee or other person appearing before it to be
17 prevented from testifying as to matters within their personal
18 knowledge and in accordance with the other provisions of this
19 section, but such witness cannot be questioned about the
20 testimony or other proceedings before any investigation or before
21 any committee;

22 (3) Nothing in this section shall limit authority otherwise
23 provided by law of a health care licensing board of the state of
24 Missouri to obtain information by subpoena or other authorized
25 process from investigation committees or to require disclosure of
26 otherwise confidential information relating to matters and
27 investigations within the jurisdiction of such health care
28 licensing boards; provided, however, that such information, once

1 obtained by such board and associated persons, shall be governed
2 in accordance with the provisions of this subsection;

3 (4) Nothing in this section shall limit authority otherwise
4 provided by law in subdivisions (5) and (6) of subsection 2 of
5 section 630.140 concerning access to records by the entity or
6 agency authorized to implement a system to protect and advocate
7 the rights of persons with developmental disabilities under the
8 provisions of 42 U.S.C. 6042 and the entity or agency authorized
9 to implement a system to protect and advocate the rights of
10 persons with mental illness under the provisions of 42 U.S.C.
11 10801. In addition, nothing in this section shall serve to
12 negate assurances that have been given by the governor of
13 Missouri to the U.S. Administration on Developmental
14 Disabilities, Office of Human Development Services, Department of
15 Health and Human Services concerning access to records by the
16 agency designated as the protection and advocacy system for the
17 state of Missouri. However, such information, once obtained by
18 such entity or agency, shall be governed in accordance with the
19 provisions of this subsection.

20 4. Anyone who makes a report pursuant to this section or
21 who testifies in any administrative or judicial proceeding
22 arising from the report shall be immune from any civil liability
23 for making such a report or for testifying unless such person
24 acted in bad faith or with malicious purpose.

25 5. Within five working days after a report required to be
26 made pursuant to this section is received, the person making the
27 report shall be notified in writing of its receipt and of the
28 initiation of the investigation.

1 6. No person who directs or exercises any authority in a
2 residential facility, day program or specialized service shall
3 evict, harass, dismiss or retaliate against a patient, resident
4 or client or employee because he or she or any member of his or
5 her family has made a report of any violation or suspected
6 violation of laws, ordinances or regulations applying to the
7 facility which he or she has reasonable cause to believe has been
8 committed or has occurred.

9 7. Any person who is discharged as a result of an
10 administrative substantiation of allegations contained in a
11 report of abuse or neglect may, after exhausting administrative
12 remedies as provided in chapter 36, RSMo, appeal such decision to
13 the circuit court of the county in which such person resides
14 within ninety days of such final administrative decision. The
15 court may accept an appeal up to twenty-four months after the
16 party filing the appeal received notice of the department's
17 determination, upon a showing that:

18 (1) Good cause exists for the untimely commencement of the
19 request for the review;

20 (2) If the opportunity to appeal is not granted it will
21 adversely affect the party's opportunity for employment; and

22 (3) There is no other adequate remedy at law.

23 630.170. 1. A person who is listed on the department of
24 mental health disqualification registry pursuant to this section,
25 who is listed on the department of social services, or the
26 department of health and senior services employee
27 disqualification list pursuant to section 660.315, RSMo, or who
28 has been convicted of, pled guilty to or nolo contendere to any

1 crime pursuant to section 630.155 or 630.160 shall be
2 disqualified from holding any position in any public or private
3 facility or day program operated, funded or licensed by the
4 department or in any mental health facility or mental health
5 program in which people are admitted on a voluntary or
6 involuntary basis or are civilly detained pursuant to chapter
7 632, RSMo.

8 2. A person convicted of, pled guilty to or nolo contendere
9 to any felony offense against persons as defined in chapter 565,
10 RSMo; of any felony sexual offense as defined in chapter 566,
11 RSMo; of any felony offense defined in section 568.020, 568.045,
12 568.050, 568.060, 569.020, 569.025, 569.030, 569.035, 569.040
13 [or], 569.050, 569.070, or 569.160, RSMo, or of an equivalent
14 felony offense, or any violation of subsection 3 of section
15 198.070, RSMo, shall be disqualified from holding any direct-care
16 position in any public or private facility, day program,
17 residential facility or specialized service operated, funded or
18 licensed by the department or any mental health facility or
19 mental health program in which people are admitted on a voluntary
20 basis or are civilly detained pursuant to chapter 632, RSMo.

21 3. A person who has received a suspended imposition of
22 sentence or a suspended execution of sentence following a plea of
23 guilty to any of the disqualifying crimes listed in subsection 1
24 or 2 of this section shall remain disqualified.

25 [3.] 4. Any person disqualified pursuant to the provisions
26 of subsection 1 or 2 of this section may [appeal] seek an
27 exception to the employment disqualification [to] from the
28 director of the department or the director's designee. The

1 request shall be written and may not be made more than once every
2 twelve months. The request may be granted by the director or
3 designee if in the judgment of the director or designee a clear
4 showing has been made by written submission only, that the person
5 will not commit any additional acts for which the person had
6 originally been disqualified for or any other acts that would be
7 harmful to a patient, resident or client of a facility, program
8 or service. The director or designee may grant [the appeal] an
9 exception subject to any conditions deemed appropriate and
10 failure to comply with such terms may result in the person again
11 being disqualified. Decisions by the director or designee
12 pursuant to the provisions of this subsection shall not be
13 subject to appeal. The right to [appeal] request an exception
14 pursuant to this subsection shall not apply to persons [convicted
15 of] who are disqualified due to being listed on the department of
16 social services or department of health and senior services
17 employee disqualification list pursuant to section 660.315, RSMo,
18 nor to persons disqualified from employment due to any crime
19 pursuant to the provisions of chapter 566 [or 568], RSMo, or
20 section 565.020 [or 565.021], RSMo, section 568.020 or 568.060,
21 RSMo, or section 569.025 or 569.070, RSMo.

22 5. An applicant for a direct care position in any public or
23 private facility, day program, residential facility, or
24 specialized service operated, funded, or licensed by the
25 department or any mental health facility or mental health program
26 in which people are admitted on a voluntary basis or are civilly
27 detained pursuant to chapter 632, RSMo, shall:

28 (1) Sign a consent form as required by section 43.540,

1 RSMo, to provide written consent for a criminal record review;

2 (2) Disclose the applicant's criminal history. For the
3 purposes of this subdivision, "criminal history" includes any
4 conviction or a plea of guilty to a misdemeanor or felony charge
5 and shall include any suspended imposition of sentence, any
6 suspended execution of sentence, or any period of probation or
7 parole; and

8 (3) Disclose if the applicant is listed on the employee
9 disqualification list as provided in section 660.315, RSMo, or
10 the department of mental health disqualification registry as
11 provided for in this section.

12 6. Any person who has received a good cause waiver issued
13 by the division of aging or division of senior services pursuant
14 to subsection 9 of section 660.317, RSMo, shall not require an
15 additional exception pursuant to this section in order to be
16 employed in a long term care facility licensed pursuant to
17 chapter 198, RSMo.

18 7. Any public or private residential facility, day program,
19 or specialized service licensed, certified, or funded by the
20 department shall, not later than two working days of hiring any
21 person for a full-time, part-time, or temporary position to have
22 contact with clients or residents or patients shall:

23 (1) Request a criminal background check as provided in
24 section 43.540, RSMo;

25 (2) Make an inquiry to the department of social services
26 and department of health and senior services whether the person
27 is listed on the employee disqualification list as provided in
28 section 660.315, RSMo; and

1 (3) Make an inquiry to the department of mental health
2 whether the person is listed on the disqualification registry as
3 provided in this section.

4 8. An applicant who knowingly fails to disclose his or her
5 criminal history as required in subsection 5 of this section is
6 guilty of a class A misdemeanor. A provider is guilty of a class
7 A misdemeanor if the provider knowingly hires a person to hold a
8 direct care position if that persons has been disqualified
9 pursuant to the provisions of subsection 1 or 2 of this section.

10 [4.] 9. The department may maintain a disqualification
11 registry and place on the registry the names of any persons who
12 have been finally determined by the department to be disqualified
13 pursuant to this section, or who have had administrative
14 substantiations made against them for abuse or neglect pursuant
15 to department rule. Such list shall reflect that the person is
16 barred from holding any position in any public or private
17 facility or day program operated, funded or licensed by the
18 department, or any mental health facility or mental health
19 program in which persons are admitted on a voluntary basis or are
20 civilly detained pursuant to chapter 632, RSMo.

21 630.210. 1. The director shall determine the maximum
22 amount for services which shall be charged in each of the
23 residential facilities, day programs or specialized services
24 operated or funded by the department for full-time or part-time
25 inpatient, resident or outpatient evaluation, care, treatment,
26 habilitation, rehabilitation or other service rendered to persons
27 affected by mental disorder, mental illness, mental retardation,
28 developmental disability or drug or alcohol abuse. The maximum

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

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

1 of Cole County or the county where the person responsible for
2 payment resides in the manner provided by chapter 536, RSMo.

3 3. The department shall not pay for services provided to a
4 patient, resident or client who is not domiciled in Missouri
5 unless the state is fully reimbursed for the services; except
6 that the department may pay for services provided to a transient
7 person for up to thirty days pending verification of his
8 domiciliary state, and for services provided for up to thirty
9 days in an emergency situation. The director shall promulgate
10 rules for determination of the domiciliary state of any patient,
11 resident or client receiving services from a facility, program or
12 service operated or funded by the department.

13 4. Whenever a patient, resident or client is receiving
14 services from a residential facility, day program or specialized
15 service operated or funded by the department, and the state,
16 county, municipality, parent, guardian or other person
17 responsible for support of the patient, resident or client fails
18 to pay any installment required to be paid for support, the
19 department or the residential facility, day program or
20 specialized service may discharge the patient, resident or client
21 as provided by chapter 31, RSMo. The patient, resident or client
22 shall not be discharged under this subsection until the final
23 disposition of any appeal filed under subsection 2 of this
24 section.

25 5. The standard means test may be waived for a child in
26 need of mental health services to avoid inappropriate custody
27 transfers to the division of family services. The department of
28 mental health shall notify the child's parent or custodian that

1 the standard means test may be waived.

2 660.317. 1. For the purposes of this section, the term
3 "provider" means any person, corporation or association who:

4 (1) Is licensed as an operator pursuant to chapter 198,
5 RSMo;

6 (2) Provides in-home services under contract with the
7 department;

8 (3) Employs nurses or nursing assistants for temporary or
9 intermittent placement in health care facilities; or

10 (4) Is an entity licensed pursuant to chapter 197, RSMo[;

11 (5) Is a public or private facility, day program,
12 residential facility or specialized service operated, funded or
13 licensed by the department of mental health].

14 2. For the purpose of this section "patient or resident"
15 has the same meaning as such term is defined in section 43.540,
16 RSMo.

17 3. Beginning August 28, 1997, not later than two working
18 days of hiring any person for a full-time, part-time or temporary
19 position to have contact with any patient or resident the
20 provider shall, or in the case of temporary employees hired
21 through an employment agency, the employment agency shall prior
22 to sending a temporary employee to a provider:

23 (1) Request a criminal background check as provided in
24 section 43.540, RSMo. Completion of an inquiry to the highway
25 patrol for criminal records that are available for disclosure to
26 a provider for the purpose of conducting an employee criminal
27 records background check shall be deemed to fulfill the
28 provider's duty to conduct employee criminal background checks

1 pursuant to this section; except that, completing the inquiries
2 pursuant to this subsection shall not be construed to exempt a
3 provider from further inquiry pursuant to common law requirements
4 governing due diligence; and

5 (2) Make an inquiry to the department of social services,
6 whether the person is listed on the employee disqualification
7 list as provided in section 660.315.

8 4. When the provider requests a criminal background check
9 pursuant to section 43.530, RSMo, the requesting entity may
10 require that the applicant reimburse the provider for the cost of
11 such record check.

12 5. An applicant for a position to have contact with
13 patients or residents of a provider shall:

14 (1) Sign a consent form as required by section 43.540,
15 RSMo, so the provider may request a criminal records review;

16 (2) Disclose the applicant's criminal history. For the
17 purposes of this subdivision "criminal history" includes any
18 conviction or a plea of guilty to a misdemeanor or felony charge
19 and shall include any suspended imposition of sentence, any
20 suspended execution of sentence or any period of probation or
21 parole; and

22 (3) Disclose if the applicant is listed on the employee
23 disqualification list as provided in section 660.315.

24 6. An applicant who knowingly fails to disclose his
25 criminal history as required in subsection 5 of this section is
26 guilty of a class A misdemeanor. A provider is guilty of a class
27 A misdemeanor if the provider knowingly hires a person to have
28 contact with patients or residents and the person has been

1 convicted of, pled guilty to or nolo contendere in this state or
2 any other state or has been found guilty of a crime, which if
3 committed in Missouri would be a class A or B felony violation of
4 chapter 565, 566 or 569, RSMo, or any violation of subsection 3
5 of section 198.070, RSMo, or section 568.020, RSMo.

6 7. The highway patrol shall examine whether protocols can
7 be developed to allow a provider to request a statewide
8 fingerprint criminal records review check through local law
9 enforcement agencies.

10 8. A provider may use a private investigatory agency rather
11 than the highway patrol to do a criminal history records review
12 check, and alternatively, the applicant pays the private
13 investigatory agency such fees as the provider and such agency
14 shall agree.

15 9. The department of social services shall promulgate rules
16 and regulations to waive the hiring restrictions pursuant to this
17 section for good cause. For purposes of this section, "good
18 cause" means the department has made a determination by examining
19 the employee's prior work history and other relevant factors that
20 such employee does not present a risk to the health or safety of
21 residents.

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

23 (1) Submit amendments to state plans and seek available
24 waivers from the federal Department of Health and Human Services
25 to enhance federal reimbursement and federal administrative
26 reimbursement for foster care and adoption assistance under Title
27 IV-E of the Social Security Act and Title XIX of the Social
28 Security Act; and

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

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

10 2. For purposes of this section, "diligent search" means
11 the efforts of the division, or an entity under contract with the
12 division, to locate a biological parent whose identity or
13 location is unknown, initiated as soon as the division is made
14 aware of the existence of such parent, with the search progress
15 reported at each court hearing until the parent is either
16 identified and located or the court excuses further search.

17 Section 3. 1. The department of mental health, in
18 conjunction with the department of social services, shall prepare
19 a plan to address the need for mental health services and
20 supports for:

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

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

28 2. Such plan shall include:

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

4 (2) An analysis of the budgetary and programmatic impact of
5 meeting the needs of the children and persons seventeen years of
6 age for mental health services and supports; and

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

10 3. The plan required in this section shall be completed on
11 or before January 1, 2004. The directors of the department of
12 social services and the department of mental health shall submit
13 a copy of the plan to the governor, the president pro tem of the
14 senate, and the speaker of the house of representatives.

15 [43.521. Sections 43.500 to 43.530 shall not
16 require fingerprinting of juvenile offenders or
17 reporting of information pertaining to a proceeding
18 pursuant to the Missouri juvenile code, except in those
19 cases where a juvenile is certified to the circuit
20 court to stand trial as an adult.]

21
22 [207.050. In every county there shall be
23 established a county family services commission to
24 consist of four persons, two from each of the two major
25 political parties, to be selected by the director of
26 social services from a list submitted to the director
27 of the department of social services by the county
28 commission, consisting of double the number of
29 appointments to be made. Each member of the county
30 family services commission shall serve for a term of
31 four years. Vacancies shall be filled in the same way
32 in which the original appointment was made. If the
33 county commission fails or refuses to submit a list to
34 the director of social services as required by this
35 section for the appointment of members of the county
36 family services commission within ten days after such
37 appointments are to be made the director of social
38 services shall make such appointments as may be
39 necessary from a list prepared by the director of

1 social services. The duties of the county family
2 services commission shall be advisory in nature with
3 the power to examine the records of any case pending
4 within their county and to make recommendations
5 thereon. They shall serve without compensation, but
6 shall be paid their traveling expenses and other
7 necessary expense in the performance of their duty. No
8 elective officer shall be appointed as a member of the
9 county family services commission, and upon becoming a
10 candidate for any elective office, such member of the
11 county family services commission shall forthwith
12 forfeit his position on the commission. Duties imposed
13 by this law upon the several county commissions shall
14 be performed in the city of St. Louis by the board of
15 estimate and apportionment.]

16
17 [211.321. 1. Records of juvenile court
18 proceedings as well as all information obtained and
19 social records prepared in the discharge of official
20 duty for the court shall not be open to inspection or
21 their contents disclosed, except by order of the court
22 to persons having a legitimate interest therein, unless
23 a petition or motion to modify is sustained which
24 charges the child with an offense which, if committed
25 by an adult, would be a class A felony under the
26 criminal code of Missouri, or capital murder, first
27 degree murder, or second degree murder or except as
28 provided in subsection 2 of this section. In addition,
29 whenever a report is required under section 557.026,
30 RSMo, there shall also be included a complete list of
31 certain violations of the juvenile code for which the
32 defendant had been adjudicated a delinquent while a
33 juvenile. This list shall be made available to the
34 probation officer and shall be included in the
35 presentence report. The violations to be included in
36 the report are limited to the following: rape, sodomy,
37 murder, kidnapping, robbery, arson, burglary or any
38 acts involving the rendering or threat of serious
39 bodily harm. The supreme court may promulgate rules to
40 be followed by the juvenile courts in separating the
41 records.

42 2. In all proceedings under subdivisions (1) and
43 (2) of subsection 1 of section 211.031, the records of
44 the juvenile court as well as all information obtained
45 and social records prepared in the discharge of
46 official duty for the court shall be kept confidential
47 and shall be open to inspection only by order of the
48 judge of the juvenile court or as otherwise provided by
49 statute. In all proceedings under subdivision (3) of
50 subsection 1 of section 211.031 the records of the
51 juvenile court as well as all information obtained and

1 social records prepared in the discharge of official
2 duty for the court shall be kept confidential and may
3 be open to inspection without court order only as
4 follows:

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

7 (a) To provide information to or discuss matters
8 concerning the child, the violation of law or the case
9 with the victim, witnesses, officials at the child's
10 school, law enforcement officials, prosecuting
11 attorneys, any person or agency having or proposed to
12 have legal or actual care, custody or control of the
13 child, or any person or agency providing or proposed to
14 provide treatment of the child. Information received
15 pursuant to this paragraph shall not be released to the
16 general public, but shall be released only to the
17 persons or agencies listed in this paragraph;

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

23 (2) After a child has been adjudicated delinquent
24 pursuant to subdivision (3) of subsection 1 of section
25 211.031, for an offense which would be a felony if
26 committed by an adult, the records of the dispositional
27 hearing and proceedings related thereto shall be open
28 to the public to the same extent that records of
29 criminal proceedings are open to the public. However,
30 the social summaries, investigations or updates in the
31 nature of presentence investigations, and status
32 reports submitted to the court by any treating agency
33 or individual after the dispositional order is entered
34 shall be kept confidential and shall be opened to
35 inspection only by order of the judge of the juvenile
36 court;

37 (3) As otherwise provided by statute;

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

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

1 provisions of section 195.140, RSMo.

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

8 5. The court may, either on its own motion or
9 upon application by the child or his representative, or
10 upon application by the juvenile officer, enter an
11 order to destroy all social histories, records, and
12 information, other than the official court file, and
13 may enter an order to seal the official court file, as
14 well as all peace officers' records, at any time after
15 the child has reached his seventeenth birthday if the
16 court finds that it is in the best interest of the
17 child that such action or any part thereof be taken,
18 unless the jurisdiction of the court is continued
19 beyond the child's seventeenth birthday, in which event
20 such action or any part thereof may be taken by the
21 court at any time after the closing of the child's
22 case.

23 6. Nothing in this section shall be construed to
24 prevent the release of general information regarding
25 the informal adjustment or formal adjudication of the
26 disposition of a child's case to a victim or a member
27 of the immediate family of a victim of any offense
28 committed by the child. Such general information shall
29 not be specific as to location and duration of
30 treatment or detention or as to any terms of
31 supervision.

32 7. Records of juvenile court proceedings as well
33 as all information obtained and social records prepared
34 in the discharge of official duty for the court shall
35 be disclosed to the child fatality review panel
36 reviewing the child's death pursuant to section
37 210.192, RSMo, unless the juvenile court on its own
38 motion, or upon application by the juvenile officer,
39 enters an order to seal the records of the victim
40 child.]