

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE NO. 2
FOR
SENATE BILL NO. 762
AN ACT

2 To repeal sections 26.740, 43.503, 43.530,
3 43.540, 135.327, 135.333, 167.020, 207.050,
4 207.060, 210.025, 210.109, 210.110, 210.145,
5 210.150, 210.152, 210.153, 210.160, 210.183,
6 210.201, 210.211, 210.518, 210.565, 210.760,
7 210.903, 210.909, 211.031, 211.032, 211.059,
8 211.171, 211.181, 211.321, 302.272, 431.056,
9 452.310, 452.375, 452.400, 453.025, 453.110,
10 475.024, 487.100, 491.075, 492.304, 537.046,
11 and 701.336, RSMo, and to enact in lieu
12 thereof seventy-two new sections relating to
13 foster care and protection of children, with
14 penalty provisions and an emergency clause.

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

17 Section A. Sections 26.740, 43.503, 43.530, 43.540,
18 135.327, 135.333, 167.020, 207.050, 207.060, 210.025, 210.109,
19 210.110, 210.145, 210.150, 210.152, 210.153, 210.160, 210.183,
20 210.201, 210.211, 210.518, 210.565, 210.760, 210.903, 210.909,
21 211.031, 211.032, 211.059, 211.171, 211.181, 211.321, 302.272,
22 431.056, 452.310, 452.375, 452.400, 453.025, 453.110, 475.024,
23 487.100, 491.075, 492.304, 537.046, and 701.336, RSMo, are

1 repealed and seventy-two new sections enacted in lieu thereof, to
2 be known as sections 37.699, 37.700, 37.705, 37.710, 37.715,
3 37.725, 37.730, 43.503, 43.530, 43.540, 135.327, 135.333,
4 167.020, 168.283, 191.748, 207.050, 207.060, 207.085, 208.647,
5 210.025, 210.108, 210.109, 210.110, 210.111, 210.112, 210.113,
6 210.117, 210.127, 210.145, 210.147, 210.150, 210.152, 210.153,
7 210.160, 210.183, 210.187, 210.188, 210.201, 210.211, 210.482,
8 210.487, 210.518, 210.535, 210.542, 210.565, 210.760, 210.762,
9 210.903, 210.909, 211.031, 211.032, 211.038, 211.059, 211.171,
10 211.181, 211.319, 211.321, 302.272, 431.056, 452.310, 452.375,
11 452.400, 453.025, 453.110, 475.024, 487.100, 491.075, 492.304,
12 537.046, 701.336, 1, and 2, to read as follows:

13 37.699. Sections 37.700 to 37.730, 168.283, 191.748,
14 207.085, 210.109, 210.110, 210.111, 210.112, 210.113, 210.127,
15 210.145, 210.147, 210.150, 210.152, 210.153, 210.160, 210.183,
16 210.187, 210.188, 210.482, 210.487, 210.518, 210.535, 210.542,
17 210.565, 210.760, 210.762, 211.031, 211.032, 211.059, 211.319,
18 and 537.046, RSMo, shall be known and may be cited as the
19 "Dominic James Memorial Foster Care Reform Act of 2004".

20 37.700. As used in sections 37.700 to 37.730, the following
21 terms mean:

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

25 (2) "Recipient", any child who is receiving child welfare

1 services from the department of social services or its
2 contractors, or services from the department of mental health.

3 37.705. 1. There is hereby established within the office
4 of administration the "Office of Child Advocate for Children's
5 Protection and Services", for the purpose of assuring that
6 children receive adequate protection and care from services,
7 programs offered by the department of social services, or the
8 department of mental health, or the juvenile court. The child
9 advocate shall report directly to the commissioner of the office
10 of administration.

11 2. The office shall be administered by the child advocate,
12 who shall be appointed jointly by the governor and the chief
13 justice of the Missouri supreme court with the advice and consent
14 of the senate. The child advocate shall hold office for a term
15 of six years and shall continue to hold office until a successor
16 has been duly appointed. The advocate shall act independently of
17 the department of social services, the department of mental
18 health, and the juvenile court in the performance of his or her
19 duties. The office of administration shall provide
20 administrative support and staff as deemed necessary.

21 37.710. 1. The office shall have access to the following
22 information:

23 (1) The names and physical location of all children in
24 protective services, treatment, or other programs under the
25 jurisdiction of the children's division, the department of mental

1 health, and the juvenile court;

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

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

5 2. The office shall have the authority:

6 (1) To communicate privately by any means possible with any
7 child under protective services and anyone working with the
8 child, including the family, relatives, courts, employees of the
9 department of social services and the department of mental
10 health, and other persons or entities providing treatment and
11 services;

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

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

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

23 (5) To initiate meetings with the department of social
24 services, the department of mental health, the juvenile court,
25 and juvenile officers;

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

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

11 (8) Subject to appropriation, to establish as needed local
12 panels on a regional or county basis to adequately and
13 efficiently carry out the functions and duties of the office, and
14 address complaints in a timely manner.

15 3. For any information obtained from a state agency or
16 entity under sections 37.700 to 37.730, the office of child
17 advocate shall be subject to the same disclosure restrictions and
18 confidentiality requirements that apply to the state agency or
19 entity providing such information to the office of child
20 advocate. For information obtained directly by the office of
21 child advocate under sections 37.700 to 37.730, the office of
22 child advocate shall be subject to the same disclosure
23 restrictions and confidentiality requirements that apply to the
24 children's division regarding information obtained during an
25 child abuse and neglect investigation resulting in an

1 unsubstantiated report.

2 37.715. 1. The office shall establish and implement
3 procedures for receiving, processing, responding to, and
4 resolving complaints made by or on behalf of children who are
5 recipients of the services of the departments of social services
6 and mental health, and the juvenile court. Such procedures shall
7 address complaints relating to the actions, inactions, or
8 decisions of providers or their representatives, public or
9 private child welfare agencies, social service agencies, or the
10 courts which may adversely affect the health, safety, welfare, or
11 rights of such recipient.

12 2. The office shall establish and implement procedures for
13 the handling and, whenever possible, the resolution of
14 complaints.

15 3. The office shall have the authority to make the
16 necessary inquiries and review relevant information and records
17 as the office deems necessary.

18 4. The office may recommend to any state or local agency
19 changes in the rules adopted or proposed by such state or local
20 agency which adversely affect or may adversely affect the health,
21 safety, welfare, or civil or human rights of any recipient. The
22 office shall make recommendations on changes to any current

1 policies and procedures. The office shall analyze and monitor the
2 development and implementation of federal, state and local laws,
3 regulations and policies with respect to services in the state
4 and shall recommend to the department, courts, general assembly,
5 and governor changes in such laws, regulations and policies
6 deemed by the office to be appropriate.

7 5. The office shall inform recipients, their guardians or
8 their families of their rights and entitlements under state and
9 federal laws and regulations through the distribution of
10 educational materials.

11 6. The office shall annually submit to the governor, the
12 general assembly, and the Missouri supreme court a detailed
13 report on the work of the office of the child advocate for
14 children's protection and services. Such report shall include,
15 but not be limited to, the number of complaints received by the
16 office, the disposition of such complaints, the number of
17 recipients involved in complaints, the state entities named in
18 complaints and whether such complaints were found to be
19 substantiated, and any recommendations for improving the delivery
20 of services to reduce complaints or improving the function of the
21 office of the child advocate for children's protection and
22 services.

23 37.725. 1. Any files maintained by the advocate program
24 shall be disclosed only at the discretion of the child advocate;
25 except that the identity of any complainant or recipient shall

1 not be disclosed by the office unless:

2 (1) The complainant or recipient, or the complainant's or
3 recipient's legal representative, consents in writing to such
4 disclosure; or

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

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

11 3. Any representative of the office conducting or
12 participating in any examination of a complaint who knowingly and
13 willfully discloses to any person other than the office, or those
14 persons authorized by the office to receive it, the name of any
15 witness examined or any information obtained or given during such
16 examination is guilty of a class A misdemeanor. However, the
17 office conducting or participating in any examination of a
18 complaint shall disclose the final result of the examination with
19 the consent of the recipient.

20 4. The office shall not be required to testify in any court
21 with respect to matters held to be confidential in this section
22 except as the court may deem necessary to enforce the provisions
23 of sections 37.700 to 37.730, or where otherwise required by
24 court order.

25 37.730. 1. Any employee or an unpaid volunteer of the

1 office shall be treated as a representative of the office. No
2 representative of the office shall be held liable for good faith
3 performance of his or her official duties under the provisions of
4 sections 37.700 to 37.730 and such representative shall be immune
5 from suit for the good faith performance of such duties. Every
6 representative of the office shall be considered a state employee
7 under section 105.711, RSMo.

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

13 43.503. 1. For the purpose of maintaining complete and
14 accurate criminal history record information, all police officers
15 of this state, the clerk of each court, the department of
16 corrections, the sheriff of each county, the chief law
17 enforcement official of a city not within a county and the
18 prosecuting attorney of each county or the circuit attorney of a
19 city not within a county shall submit certain criminal arrest,
20 charge, and disposition information to the central repository for
21 filing without undue delay in the form and manner required by
22 sections 43.500 to 43.543.

23 2. All law enforcement agencies making misdemeanor and
24 felony arrests as determined by section 43.506 shall furnish
25 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,
10 appropriate charge codes, and descriptions to the central
11 repository upon its behalf.

12 3. 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 should not be made
21 available to the central repository. The individual's name and
22 the unique number associated with the fingerprints and other
23 pertinent information shall be provided to the court of
24 jurisdiction by the agency taking the juvenile into custody. The
25 juvenile's fingerprints and other information shall be forwarded

1 to the central repository and the courts without undue delay.
2 The fingerprint information from the card shall be captured and
3 stored in the automated fingerprint identification system
4 operated by the central repository. In the event the
5 fingerprints are found to match other tenprints or unsolved
6 latent prints, the central repository shall notify the submitting
7 agency who shall notify the court of jurisdiction as per local
8 agreement.

9 4. Upon certification of the individual as an adult, the
10 certifying court shall order a law enforcement agency to
11 immediately fingerprint the individual. The law enforcement
12 agency shall submit such fingerprints to the central repository
13 within fifteen days and shall furnish the offense cycle number
14 associated with the fingerprints to the prosecuting attorney or
15 the circuit attorney of a city not within a county and to the
16 clerk of the court ordering the subject fingerprinted. If the
17 juvenile is acquitted of the crime and is no longer certified as
18 an adult, the prosecuting attorney shall notify within fifteen
19 days the central repository of the change of status of the
20 juvenile. Records of a child who has been fingerprinted and
21 photographed after being taken into custody shall be closed
22 records as provided under section 610.100, RSMo, if a petition
23 has not been filed within thirty days of the date that the child
24 was taken into custody; and if a petition for the child has not
25 been filed within one year of the date the child was taken into

1 custody, any records relating to the child concerning the alleged
2 offense may be expunged under the procedures in sections 610.122
3 to 610.126, RSMo.

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

17 6. The clerk of the courts of each county or city not
18 within a county shall furnish the central repository, on standard
19 forms supplied by the highway patrol or in a manner approved by
20 the highway patrol, with all final dispositions of cases for
21 which the central repository has a record of an arrest or a
22 record of fingerprints reported pursuant to sections 43.500 to
23 43.506. Such information shall include, for each charge:

24 (1) All judgments of not guilty, acquittals on the ground
25 of mental disease or defect excluding responsibility, judgments

1 or pleas of guilty including the sentence, if any, or probation,
2 if any, pronounced by the court, nolle pros, discharges, releases
3 and dismissals in the trial court;

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

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

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

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

1 certified mail, return receipt requested, or in a manner and
2 format mutually agreed to, within fifteen days of such
3 disposition.

4 8. Information and fingerprints, and other indicia
5 forwarded to the central repository, normally obtained from a
6 person at the time of the arrest, may be obtained at any time the
7 subject is in the criminal justice system or committed to the
8 department of mental health. A law enforcement agency or the
9 department of corrections may fingerprint the person and obtain
10 the necessary information at any time the subject is in custody.
11 If at the time of disposition, the defendant has not been
12 fingerprinted for an offense in which a fingerprint is required
13 by statute to be collected, maintained, or disseminated by the
14 central repository, the court shall order a law enforcement
15 agency to fingerprint immediately the defendant. The law
16 enforcement agency shall submit such fingerprints to the central
17 repository without undue delay and within thirty days and shall
18 furnish the offense cycle number associated with the fingerprints
19 to the prosecuting attorney or the circuit attorney of a city not
20 within a county and to the court clerk of the court ordering the
21 subject fingerprinted.

22 9. The department of corrections and the department of
23 mental health shall furnish the central repository with all
24 information concerning the receipt, escape, execution, death,
25 release, pardon, parole, commutation of sentence, granting of

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

10 43.530. 1. For each request requiring the payment of a fee
11 received by the central repository, the requesting entity shall
12 pay a fee of not more than [five] eight dollars per request for
13 criminal history record information not based on a fingerprint
14 search and pay a fee of not more than fourteen dollars per
15 request for criminal history record information based on a
16 fingerprint search. Each such request shall be limited to check
17 and search on one individual. Each request shall be accompanied
18 by a check, warrant, voucher, money order, or electronic payment
19 payable to the state of Missouri-criminal record system or
20 payment shall be made in a manner approved by the highway patrol.
21 The highway patrol may establish procedures for receiving
22 requests for criminal history record information for
23 classification and search for fingerprints, from courts and other
24 entities, and for the payment of such requests. There is hereby
25 established by the treasurer of the state of Missouri a fund to

1 be entitled as the "Criminal Record System Fund".

2 Notwithstanding the provisions of section 33.080, RSMo, to the
3 contrary, if the moneys collected and deposited into this fund
4 are not totally expended annually for the purposes set forth in
5 sections 43.500 to 43.543, the unexpended moneys in such fund
6 shall remain in the fund and the balance shall be kept in the
7 fund to accumulate from year to year.

8 2. For purposes of obtaining criminal records prior to
9 issuance of a school bus operator's permit pursuant to section
10 302.272, RSMo, and for determining eligibility for such permit,
11 the applicant for such permit shall submit two sets of
12 fingerprints to the director of revenue when applying for the
13 permit. The fingerprints shall be collected in a manner approved
14 by the superintendent of the highway patrol. The school bus
15 permit applicant shall pay the appropriate fee described in this
16 section and pay the appropriate fee determined by the Federal
17 Bureau of Investigation for the federal criminal history record
18 when he or she applies for the school bus permit. Collections
19 for records described in this subsection shall be deposited in
20 the criminal record system fund.

21 43.540. 1. As used in this section, the following terms
22 mean:

23 (1) "Authorized state agency", a division of state
24 government or an office of state government designated by the
25 statutes of Missouri to issue or renew a license, permit,

1 certification, or registration of authority to a qualified
2 entity;

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

5 (3) "Missouri criminal record review", a review of criminal
6 history records [or] and sex offender registration records
7 pursuant to sections 589.400 to 589.425, RSMo, maintained by the
8 Missouri state highway patrol in the Missouri criminal records
9 repository;

10 (4) "National criminal record review", a review of the
11 criminal history records maintained by the Federal Bureau of
12 Investigation;

13 (5) "Patient or resident", a person who by reason of age,
14 illness, disease or physical or mental infirmity receives or
15 requires care or services furnished by a provider, as defined in
16 this section, or who resides or boards in, or is otherwise kept,
17 cared for, treated or accommodated in a facility as defined in
18 section 198.006, RSMo, for a period exceeding twenty-four
19 consecutive hours;

20 (6) "Provider", a person who:

21 (a) Has or may have unsupervised access to children, the
22 elderly, or persons with disabilities; and

23 (b) a. Is employed by or seeks employment with a qualified
24 entity; or

25 [(c)] b. Volunteers or seeks to volunteer with a qualified

1 entity; or

2 [(d)] c. Owns or operates a qualified entity;

3 (7) "Qualified entity", a person, business, or
4 organization, whether public or private, for profit, not for
5 profit, or voluntary, that provides care, placement, or
6 educational services for children, the elderly, or persons with
7 disabilities as patients or residents, including a business or
8 organization that licenses or certifies others to provide care or
9 placement services;

10 (8) "Youth services agency", any public or private agency,
11 school, or association which provides programs, care or treatment
12 for or which exercises supervision over minors.

13 2. A qualified entity may obtain a Missouri criminal record
14 review of a provider from the highway patrol by furnishing
15 information on forms and in the manner approved by the highway
16 patrol.

17 3. A qualified entity may request a Missouri criminal
18 record review and a national criminal record review of a provider
19 through an authorized state agency. No authorized state agency
20 is required by this section to process Missouri or national
21 criminal record reviews for a qualified entity, however, if an
22 authorized state agency agrees to process Missouri and national
23 criminal record reviews for a qualified entity, the qualified
24 entity shall provide to the authorized state agency on forms and
25 in a manner approved by the highway patrol the following:

1 (1) Two sets of fingerprints of the provider if a national
2 criminal record review is requested;

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

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

5 (b) Whether the provider has been convicted of or has pled
6 guilty to a crime which includes a suspended imposition of
7 sentence;

8 (c) If the provider has been convicted of or has pled
9 guilty to a crime, a description of the crime, and the
10 particulars of the conviction or plea;

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

13 (e) The right of the provider to review the report received
14 by the qualified entity; and

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

18 4. The authorized state agency shall forward the required
19 forms and fees to the highway patrol. The results of the record
20 review shall be forwarded to the authorized state agency who will
21 notify the qualified entity. The authorized state agency may
22 assess a fee to the qualified entity to cover the cost of
23 handling the criminal record review and may establish an account
24 solely for the collection and dissemination of fees associated
25 with the criminal record reviews.

1 5. Any information received by an authorized state agency
2 or a qualified entity pursuant to the provisions of this section
3 shall be used solely for internal purposes in determining the
4 suitability of a provider. The dissemination of criminal history
5 information from the Federal Bureau of Investigation beyond the
6 authorized state agency or related governmental entity is
7 prohibited. All criminal record check information shall be
8 confidential and any person who discloses the information beyond
9 the scope allowed is guilty of a class A misdemeanor.

10 6. The highway patrol shall make available or approve the
11 necessary forms, procedures, and agreements necessary to
12 implement the provisions of this section.

13 135.327. 1. Any [person] individual residing in this state
14 who legally adopts a special needs child on or after January 1,
15 1988, and before January 1, 2000, shall be eligible to receive a
16 tax credit of up to ten thousand dollars for nonrecurring
17 adoption expenses for each child adopted that may be applied to
18 taxes due under chapter 143, RSMo. Any business entity providing
19 funds to an employee to enable that employee to legally adopt a
20 special needs child shall be eligible to receive a tax credit of
21 up to ten thousand dollars for nonrecurring adoption expenses for
22 each child adopted that may be applied to taxes due under such
23 business entity's state tax liability, except that only one ten
24 thousand dollar credit is available for each special needs child
25 that is adopted.

1 2. Any [person] individual residing in this state who
2 proceeds in good faith with the adoption of a special needs child
3 on or after January 1, 2000, shall be eligible to receive a tax
4 credit of up to ten thousand dollars for nonrecurring adoption
5 expenses for each child that may be applied to taxes due under
6 chapter 143, RSMo, or which shall be refunded in an amount in
7 excess of the individual's tax liability for the year in which
8 the credit is claimed. Any business entity providing funds to an
9 employee to enable that employee to proceed in good faith with
10 the adoption of a special needs child shall be eligible to
11 receive a tax credit of up to ten thousand dollars for
12 nonrecurring adoption expenses for each child that may be applied
13 to taxes due under such business entity's state tax liability,
14 except that only one ten thousand dollar credit is available for
15 each special needs child that is adopted.

16 3. Individuals and business entities may claim a tax credit
17 for their total nonrecurring adoption expenses in each year that
18 the expenses are incurred. A claim for fifty percent of the
19 credit shall be allowed when the child is placed in the home. A
20 claim for the remaining fifty percent shall be allowed when the
21 adoption is final. The total of these tax credits shall not
22 exceed the maximum limit of ten thousand dollars per child. The
23 cumulative amount of tax credits which may be claimed by
24 taxpayers claiming the credit for nonrecurring adoption expenses
25 on behalf of a business entity's employee in any one fiscal year

1 shall not exceed two million dollars.

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

7 135.333. 1. Except as provided in subsection 2 of section
8 135.327, any amount of tax credit which exceeds the tax due shall
9 not be refunded but may be carried over to any subsequent taxable
10 year, not to exceed a total of five years for which a tax credit
11 may be taken for each child adopted.

12 2. Tax credits that are assigned, transferred or sold as
13 allowed in section 135.327 may be assigned, transferred or sold
14 in their entirety notwithstanding the taxpayer's tax due.

15 167.020. 1. As used in this section, the term "homeless
16 child" or "homeless youth" shall mean a person less than
17 twenty-one years of age who lacks a fixed, regular and adequate
18 nighttime residence, including a child or youth who:

19 (1) Is [living on the street, in a car, tent, abandoned
20 building or some other form of shelter not designed as a
21 permanent home;

22 (2) Is living in a community shelter facility;

23 (3) Is living in transitional housing for less than one
24 full year] sharing the housing of other persons due to loss of
25 housing, economic hardship, or a similar reason; is living in

1 motels, hotels, trailer parks, or camping grounds due to lack of
2 alternative adequate accommodations; is living in emergency or
3 transitional shelters; is abandoned in hospitals; or is awaiting
4 foster care placement;

5 (2) Has a primary nighttime residence that is a public or
6 private place not designed for or ordinarily used as a regular
7 sleeping accommodation for human beings;

8 (3) Is living in cars, parks, public spaces, abandoned
9 buildings, substandard housing, bus or train stations, or similar
10 settings; and

11 (4) Is a migratory child or youth who qualify as homeless
12 because the child or youth is living in circumstances described
13 in subdivisions (1) to (3) of this subsection.

14 2. In order to register a pupil, the parent or legal
15 guardian of the pupil or the pupil himself or herself shall
16 provide, at the time of registration, one of the following:

17 (1) Proof of residency in the district. Except as
18 otherwise provided in section 167.151, the term "residency" shall
19 mean that a person both physically resides within a school
20 district and is domiciled within that district. The domicile of
21 a minor child shall be the domicile of a parent, military
22 guardian pursuant to a military-issued guardianship or
23 court-appointed legal guardian; or

24 (2) Proof that the person registering the student has
25 requested a waiver under subsection 3 of this section within the

1 last forty-five days. In instances where there is reason to
2 suspect that admission of the pupil will create an immediate
3 danger to the safety of other pupils and employees of the
4 district, the superintendent or the superintendent's designee may
5 convene a hearing within three working days of the request to
6 register and determine whether or not the pupil may register.

7 3. Any person subject to the requirements of subsection 2
8 of this section may request a waiver from the district board of
9 any of those requirements on the basis of hardship or good cause.
10 Under no circumstances shall athletic ability be a valid basis of
11 hardship or good cause for the issuance of a waiver of the
12 requirements of subsection 2 of this section. The district board
13 shall convene a hearing as soon as possible, but no later than
14 forty-five days after receipt of the waiver request made under
15 this subsection or the waiver request shall be granted. The
16 district board may grant the request for a waiver of any
17 requirement of subsection 2 of this section. The district board
18 may also reject the request for a waiver in which case the pupil
19 shall not be allowed to register. Any person aggrieved by a
20 decision of a district board on a request for a waiver under this
21 subsection may appeal such decision to the circuit court in the
22 county where the school district is located.

23 4. Any person who knowingly submits false information to
24 satisfy any requirement of subsection 2 of this section is guilty
25 of a class A misdemeanor.

1 5. In addition to any other penalties authorized by law, a
2 district board may file a civil action to recover, from the
3 parent, military guardian or legal guardian of the pupil, the
4 costs of school attendance for any pupil who was enrolled at a
5 school in the district and whose parent, military guardian or
6 legal guardian filed false information to satisfy any requirement
7 of subsection 2 of this section.

8 6. Subsection 2 of this section shall not apply to a pupil
9 who is a homeless child or youth, or a pupil attending a school
10 not in the pupil's district of residence as a participant in an
11 interdistrict transfer program established under a court-ordered
12 desegregation program, a pupil who is a ward of the state and has
13 been placed in a residential care facility by state officials, a
14 pupil who has been placed in a residential care facility due to a
15 mental illness or developmental disability, a pupil attending a
16 school pursuant to sections 167.121 and 167.151, a pupil placed
17 in a residential facility by a juvenile court, a pupil with a
18 disability identified under state eligibility criteria if the
19 student is in the district for reasons other than accessing the
20 district's educational program, or a pupil attending a regional
21 or cooperative alternative education program or an alternative
22 education program on a contractual basis.

23 7. Within two business days of enrolling a pupil, the
24 school official enrolling a pupil, including any special
25 education pupil, shall request those records required by district

1 policy for student transfer and those discipline records required
2 by subsection 7 of section 160.261, RSMo, from all schools
3 previously attended by the pupil within the last twelve months.
4 Any school district that receives a request for such records from
5 another school district enrolling a pupil that had previously
6 attended a school in such district shall respond to such request
7 within five business days of receiving the request. School
8 districts may report or disclose education records to law
9 enforcement and juvenile justice authorities if the disclosure
10 concerns law enforcement's or juvenile justice authorities'
11 ability to effectively serve, prior to adjudication, the student
12 whose records are released. The officials and authorities to
13 whom such information is disclosed must comply with applicable
14 restrictions set forth in 20 U.S.C. Section 1232g (b)(1)(E).

15 168.283. 1. The school district shall ensure that a
16 criminal background check is conducted on any person employed
17 after January 1, 2005, authorized to have contact with pupils and
18 prior to the individual having contact with any pupil. Such
19 persons include, but are not limited to, administrators,
20 teachers, aides, paraprofessionals, assistants, secretaries,
21 custodians, cooks, and nurses. For bus drivers, the school
22 district shall request the background check information from the
23 department of revenue under subsection 10 of section 302.212,
24 RSMo.

25 2. In order to facilitate the criminal history background

1 check on any person employed after January 1, 2005, the applicant
2 shall submit two sets of fingerprints collected pursuant to
3 standards determined by the Missouri highway patrol. One set of
4 fingerprints shall be used by the highway patrol to search the
5 criminal history repository and the family care safety registry
6 pursuant to sections 210.900 to 210.936, RSMo, and the second set
7 shall be forwarded to the Federal Bureau of Investigation for
8 searching the federal criminal history files.

9 3. The applicant shall pay the fee for the state criminal
10 history record information pursuant to section 43.530, RSMo, and
11 sections 210.900 to 210.936, RSMo, and pay the appropriate fee
12 determined by the Federal Bureau of Investigation for the federal
13 criminal history record when he or she applies for a position
14 authorized to have contact with pupils pursuant to this section.
15 The department shall distribute the fees collected for the state
16 and federal criminal histories to the Missouri highway patrol.

17 4. The school district may adopt a policy to provide for
18 reimbursement of expenses incurred by an employee for state and
19 federal criminal history information pursuant to section 43.530,
20 RSMo.

21 5. If, as a result of the criminal history background check
22 mandated by this section, it is determined that the holder of a
23 certificate issued pursuant to section 168.021 has pled guilty or
24 nolo contendere to, or been found guilty of a crime or offense
25 listed in section 168.071, RSMo, or a similar crime or offense

1 committed in another state, the United States, or any other
2 country, regardless of imposition of sentence, such information
3 shall be reported to the department of elementary and secondary
4 education.

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

8 7. Nothing in this section shall be construed to alter the
9 standards for suspension, denial, or revocation of a certificate
10 issued pursuant to this chapter.

11 8. The state board of education may promulgate rules for
12 criminal history background checks made pursuant to this section.
13 Any rule or portion of a rule, as that term is defined in section
14 536.010, RSMo, that is created under the authority delegated in
15 this section shall become effective only if it complies with and
16 is subject to all of the provisions of chapter 536, RSMo, and, if
17 applicable, section 536.028, RSMo. This section and chapter 536,
18 RSMo, are nonseverable and if any of the powers vested with the
19 general assembly pursuant to chapter 536, RSMo, to review, to
20 delay the effective date, or to disapprove and annul a rule are
21 subsequently held unconstitutional, then the grant of rulemaking
22 authority and any rule proposed or adopted after the effective
23 date of this section shall be invalid and void.

24 9. The provisions of this section shall become effective
25 January 1, 2005.

1 191.748. Every hospital and any health care facility
2 licensed in this state that provides obstetrical services shall
3 require all new mothers to view a video on the dangers of shaking
4 a baby and shaken baby syndrome before their discharge from the
5 facility. Such video shall be approved by the department of
6 health and senior services and shall not exceed ten minutes in
7 length.

8 207.050. In every county there [~~shall~~] may be established a
9 county family services commission to consist of four persons, two
10 from each of the two major political parties, to be selected by
11 the director of social services from a list submitted to the
12 director of the department of social services by the county
13 commission, consisting of double the number of appointments to be
14 made. Each member of the county family services commission shall
15 serve for a term of four years. Vacancies shall be filled in the
16 same way in which the original appointment was made. [If the
17 county commission fails or refuses to submit a list to the
18 director of social services as required by this section for the
19 appointment of members of the county family services commission
20 within ten days after such appointments are to be made the
21 director of social services shall make such appointments as may
22 be necessary from a list prepared by the director of social
23 services.] The duties of the county family services commission
24 shall be advisory in nature with the power to examine the records
25 of any case pending within their county and to make

1 recommendations thereon. They shall serve without compensation,
2 but shall be paid their traveling expenses and other necessary
3 expense in the performance of their duty. No elective officer
4 shall be appointed as a member of the county family services
5 commission, and upon becoming a candidate for any elective
6 office, such member of the county family services commission
7 shall forthwith forfeit his or her position on the commission.
8 Duties imposed by this law upon the several county commissions
9 shall be performed in the city of St. Louis by the board of
10 estimate and apportionment.

11 207.060. 1. The [director of family services shall
12 establish] directors of the family support division and
13 children's division shall jointly operate and maintain a county
14 office in every county, which may be in the charge of a county
15 welfare director who shall have been a resident of the state of
16 Missouri for a period of at least two years immediately prior to
17 taking office and whose salary shall be paid from funds
18 appropriated for the family support division [of family services]
19 and children's division.

20 2. For the purpose of establishing and maintaining county
21 offices, or carrying out any of the duties of the [division of
22 family services] divisions, the [director of family services]
23 division directors may enter into agreements with any political
24 subdivision of this state, and as a part of such agreement, may
25 accept moneys, services, or quarters as a contribution toward the

1 support and maintenance of such county offices. Any funds so
2 received shall be payable to the director of revenue and
3 deposited in the proper special account in the state treasury,
4 and become and be a part of state funds appropriated for the use
5 of the [division of family services] family support division and
6 children's division.

7 3. Other employees in the county offices shall be employed
8 with due regard to the population of the county, existing
9 conditions and purpose to be accomplished. Such employees shall
10 be paid as are other employees of the [division of family
11 services] family support division and children's division.

12 207.085. 1. Any employee of the children's division,
13 including supervisory personnel and private contractors with the
14 division, who is involved with child protective services and
15 purposely, knowingly, and willfully violates a stated or written
16 policy of the division, any rule promulgated by the division, or
17 any state law directly related to the child abuse and neglect
18 activities of the division shall be dismissed if the violation
19 directly results in serious physical injury or death, subject to
20 the provisions of subsection 2 of this section. The provisions
21 of this section shall apply to merit system employees of the
22 division, as well as all other employees of the division and
23 private contractors with the division, and upon a showing of a
24 violation, such employees shall be dismissed for cause, subject
25 to the provisions of subsection 2 of this section, and shall have

1 the right of appeal pursuant to sections 36.380 and 36.390, RSMo.
2 For purposes of this section, a "private contractor with the
3 division" means any private entity or community action agency
4 with the appropriate and relevant training and expertise in
5 delivering services to children and their families as determined
6 by the children's division, and capable of providing direct
7 services and other family services for children in the custody of
8 the children's division or any such entities or agencies that are
9 receiving state moneys for such services.

10 2. The provisions of sections 660.019 to 660.021, RSMo,
11 shall apply to this section. If an employee of the division or a
12 private contractor with the division is responsible for
13 assignments in excess of specified caseload standards established
14 in section 660.020, RSMo, and the employee purposely, knowingly,
15 and willfully violates a stated or written policy of the
16 division, any rule promulgated by the division, or any state law
17 directly related to the child abuse and neglect activities of the
18 division and the violation directly results in serious physical
19 injury or death, the employee's good faith efforts to follow the
20 stated or written policies of the division, the rules promulgated
21 by the division, or the state laws directly related to the child
22 abuse and neglect activities of the division shall be a
23 mitigating factor in determining whether an employee of the
24 division or a private contractor with the division is dismissed
25 pursuant to subsection 1 of this section.

1 208.647. Any child identified as having special health care
2 needs, defined as a condition which left untreated would result
3 in the death or serious physical injury of a child, that does not
4 have access to affordable employer-subsidized health care
5 insurance shall not be required to be without health care
6 coverage for six months in order to be eligible for services
7 under sections 208.631 to 208.657 and shall not be subject to the
8 waiting period required under section 208.646, as long as the
9 child meets all other qualifications for eligibility.

10 210.025. 1. To qualify for receipt of state or federal
11 funds for providing child-care services in the home either by
12 direct payment or through reimbursement to a child-care
13 beneficiary, an applicant and any person over the age of
14 [eighteen] seventeen who is living in the applicant's home shall
15 be required to submit to a criminal background check pursuant to
16 section 43.540, RSMo, and a check of the central registry for
17 child abuse established in section 210.145. Effective January 1,
18 2001, the requirements of this subsection or subsection 2 of this
19 section shall be satisfied through registration with the family
20 care safety registry established in sections 210.900 to 210.936.
21 Any costs associated with such checks shall be paid by the
22 applicant.

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

1 (1) Determine if a [probable cause] finding of child abuse
2 or neglect by probable cause prior to the effective date of this
3 section or by a preponderance of the evidence after the effective
4 date of this section involving the applicant or any person over
5 the age of [eighteen] seventeen who is living in the applicant's
6 home has been recorded pursuant to section 210.221 or 210.145;

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

11 (3) Upon initial application, require the applicant to
12 submit to fingerprinting and request a criminal background check
13 of the applicant and any person over the age of [eighteen]
14 seventeen who is living in the applicant's home pursuant to
15 section 43.540, RSMo, and section 210.487, and inquire of the
16 applicant whether any children less than seventeen years of age
17 residing in the applicant's home have ever been certified as an
18 adult and convicted of, or pled guilty or nolo contendere to any
19 crime.

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

1 who is living in the applicant's home and who the division has
2 determined has been certified as an adult for the commission of a
3 crime:

4 (1) Has had a [probable cause] finding of child abuse or
5 neglect by probable cause prior to the effective date of this
6 section or by a preponderance of the evidence after the effective
7 date of this section pursuant to section 210.145 or section
8 210.152;

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

11 (3) Has pled guilty or nolo contendere to or been found
12 guilty of any felony for an offense against the person as defined
13 by chapter 565, RSMo, or any other offense against the person
14 involving the endangerment of a child as prescribed by law; of
15 any misdemeanor or felony for a sexual offense as defined by
16 chapter 566, RSMo; of any misdemeanor or felony for an offense
17 against the family as defined in chapter 568, RSMo, with the
18 exception of the sale of fireworks, as defined in section
19 320.110, RSMo, to a child under the age of eighteen; of any
20 misdemeanor or felony for pornography or related offense as
21 defined by chapter 573, RSMo; or of any similar crime in any
22 federal, state, municipal or other court of similar jurisdiction
23 of which the director has knowledge or any offenses or reports
24 which will disqualify an applicant from receiving state or
25 federal funds.

1 4. An applicant shall be given an opportunity by the
2 division to offer any extenuating or mitigating circumstances
3 regarding the findings, refusals or violations against such
4 applicant or any person over the age of [eighteen] seventeen or
5 less than seventeen who is living in the applicant's home listed
6 in subsection 2 of this section. Such extenuating and mitigating
7 circumstances may be considered by the division in its
8 determination of whether to permit such applicant to receive
9 state or federal funds for providing child care in the home.

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

14 6. If an applicant is denied state or federal funds for
15 providing child care in the home based on the background check
16 results for any person over the age of [eighteen] seventeen who
17 is living in the applicant's home, the applicant shall not apply
18 for such funds until such person is no longer living in the
19 applicant's home.

20 7. Any rule or portion of a rule, as that term is defined
21 in section 536.010, RSMo, that is created under the authority
22 delegated in this section shall become effective only if it
23 complies with and is subject to all of the provisions of chapter
24 536, RSMo, and, if applicable, section 536.028, RSMo. All
25 rulemaking authority delegated prior to August 28, 1999, is of no

1 force and effect and repealed. Nothing in this section shall be
2 interpreted to repeal or affect the validity of any rule filed or
3 adopted prior to August 28, 1999, if it fully complied with all
4 applicable provisions of law. This section and chapter 536,
5 RSMo, are nonseverable and if any of the powers vested with the
6 general assembly pursuant to chapter 536, RSMo, to review, to
7 delay the effective date or to disapprove and annul a rule are
8 subsequently held unconstitutional, then the grant of rulemaking
9 authority and any rule proposed or adopted after August 28, 1999,
10 shall be invalid and void.

11 210.108. 1. As used in this section, "voluntary placement
12 agreement" means a written agreement between the department of
13 social services and a parent, legal guardian, or custodian of a
14 child seventeen years of age or younger solely in need of mental
15 health treatment. A voluntary placement agreement developed
16 under a department of mental health assessment and certification
17 of appropriateness authorizes the department of social services
18 to administer the placement and care of a child while the parent,
19 legal guardian, or custodian of the child retains legal custody.

20 2. The department of social services may enter into a
21 cooperative interagency agreement with the department of mental
22 health authorizing the department of mental health to administer
23 the placement and care of a child under a voluntary placement
24 agreement. The department of mental health is defined as a child
25 placing agency under section 210.481 solely for children placed

1 under a voluntary placement agreement.

2 3. Any function delegated from the department of social
3 services to the department of mental health regarding the
4 placement and care of children shall be administered and
5 supervised by the department of social services to ensure
6 compliance with federal and state law.

7 4. The departments of social services and mental health may
8 promulgate rules under this section. Any rule or portion of a
9 rule, as that term is defined in section 536.010, RSMo, that is
10 created under the authority delegated in this section shall
11 become effective only if it complies with and is subject to all
12 of the provisions of chapter 536, RSMo, and, if applicable,
13 section 536.028, RSMo. This section and chapter 536, RSMo, are
14 nonseverable and if any of the powers vested with the general
15 assembly pursuant to chapter 536, RSMo, to review, to delay the
16 effective date, or to disapprove and annul a rule are
17 subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after August 28, 2004,
19 shall be invalid and void.

20 210.109. 1. The children's division [of family services]
21 shall establish a child protection system for the entire state.

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

1 neglect. The system shall [endeavor to] coordinate community
2 resources and provide assistance or services to children and
3 families identified to be at risk, and to prevent and remedy
4 child abuse and neglect.

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

7 (1) Maintain a central registry;

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

11 (3) Attempt to obtain the name and address of any person
12 making a report in all cases, after obtaining relevant
13 information regarding the alleged abuse or neglect, although
14 reports may be made anonymously; except that, reports by
15 mandatory reporters under section 210.115, including employees of
16 the children's division, juvenile officers, and school personnel
17 shall not be made anonymously;

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

23 (5) Provide protective or preventive services to the family
24 and child and to others in the home to prevent abuse or neglect,
25 to safeguard their health and welfare, and to help preserve and

1 stabilize the family whenever possible. The juvenile court shall
2 cooperate with the division in providing such services;

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

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

10 (8) Whenever available and appropriate, contract for the
11 provision of children's services through children's services
12 providers and agencies in the community; except that the state
13 shall be the sole provider of child abuse and neglect hotline
14 services, the initial child abuse and neglect investigation, and
15 the initial family assessment. In all court proceedings
16 involving children in the custody of the division, the division
17 may be represented in court by either division personnel or
18 persons with whom the division contracts with for such legal
19 representation. All children's services providers and agencies
20 shall be subject to criminal background checks pursuant to
21 chapter 43, RSMo, and shall submit names of all employees to the
22 family care safety registry.

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

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

9 5. The documentation required by subsection 4 of this
10 section shall include an independent evaluation of the child
11 protection system completed according to accepted, objective
12 research principles.]

13 210.110. As used in sections 210.109 to 210.165, and
14 sections 210.180 to 210.183, the following terms mean:

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

20 (2) "Central registry", a registry of persons where the
21 division has found probable cause to believe prior to the
22 effective date of this section or by a preponderance of the
23 evidence after the effective date of this section or a court has
24 substantiated through court adjudication that the individual has
25 committed child abuse or neglect or the person has pled guilty or

1 has been found guilty of a crime pursuant to section 565.020,
2 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a
3 child less than eighteen years of age, section 566.030 or
4 566.060, RSMo, if the victim is a child less than eighteen years
5 of age, or other crime pursuant to chapter 566, RSMo, if the
6 victim is a child less than eighteen years of age and the
7 perpetrator is twenty-one years of age or older, section 567.050,
8 RSMo, if the victim is a child less than eighteen years of age,
9 section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or
10 568.090, RSMo, section 573.025 or 573.035, RSMo, or an attempt to
11 commit any such crimes. Any persons placed on the registry prior
12 to the effective date of this section, shall remain on the
13 registry for the duration of time required by section 210.152;

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

16 (4) "Children's services providers and agencies", any
17 public or private entity or community action agency with the
18 appropriate and relevant training and expertise in delivering
19 services to children and their families as determined by the
20 children's division, and capable of providing direct services and
21 other family services for children in the custody of the
22 children's division or any such entities or agencies that are
23 receiving state moneys for such services;

24 (5) "Director", the director of the Missouri children's
25 division [of family] within the department of social services;

1 [(5)] (6) "Division", the Missouri children's division [of
2 family] within the department of social services;

3 (7) "Emergency", a real and substantive risk of sexual
4 abuse, imminent danger of death, or serious physical harm;

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

13 [(7)] (9) "Investigation", the collection of physical and
14 verbal evidence to determine if a child has been abused or
15 neglected;

16 [(8)] (10) "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)] (11) "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)] (12) "Probable cause", available facts when viewed

1 in the light of surrounding circumstances which would cause a
2 reasonable person to believe a child was abused or neglected;

3 [(11)] (13) "Preponderance of the evidence", that degree of
4 evidence that is of greater weight or more convincing than the
5 evidence which is offered in opposition to it or evidence which
6 as a whole shows the fact to be proved to be more probable than
7 not;

8 (14) "Report", the communication of an allegation of child
9 abuse or neglect to the division pursuant to section 210.115;

10 [(12)] (15) "Those responsible for the care, custody, and
11 control of the child", those included but not limited to the
12 parents or guardian of a child, other members of the child's
13 household, or those exercising supervision over a child for any
14 part of a twenty-four-hour day. Those responsible for the care,
15 custody and control shall also include any adult who, based on
16 relationship to the parents of the child, members of the child's
17 household or the family, has access to the child.

18 210.111. By January 1, 2005, the children's division shall
19 identify all children in the custody of the division currently
20 receiving foster care services and shall report to the general
21 assembly the type of foster care being provided, including but
22 not limited to care provided in a licensed foster care home,
23 institutional setting, residential setting, independent living
24 setting, or kinship care setting, and the status of all such
25 children. Nothing in this section shall be construed as

1 requiring the division to disclose the identity or precise
2 location of any child in the custody of the division.

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

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

10 (2) Services shall be provided on a competitive basis where
11 public and private providers of direct services to children and
12 their families will be evaluated in a uniform and consistent
13 basis;

14 (3) Services to children and their families shall be
15 provided in a timely manner to maximize the opportunity for
16 successful outcomes; and

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

20 2. On or before July 1, 2005, and subject to
21 appropriations, the children's division and any other state
22 agency deemed necessary by the division shall, in consultation
23 with the community and providers of services, enter into and
24 implement contracts with qualified children's services providers
25 and agencies to provide a comprehensive and deliberate system of

1 service delivery for children and their families. In
2 implementing the contracts, direct services for children and
3 their families currently provided by the children's division,
4 except for services related to the child abuse and neglect
5 hotline, investigations of alleged child abuse and neglect, and
6 initial family assessments, shall be contracted for by a
7 competitive bid process and provided by children's services
8 providers and agencies currently contracting with the state to
9 provide such services and by public and private not-for-profit or
10 limited liability corporations owned exclusively by not-for-
11 profit corporations children's services providers and agencies
12 which have:

13 (1) A proven record of providing child welfare services
14 within the state of Missouri; and

15 (2) The ability to provide a range of child welfare
16 services, which may include case management services, family-
17 centered services, foster and adoptive parent recruitment and
18 retention, residential care, mentoring, intensive in-home
19 services, foster care services, adoption services, relative care
20 case management, independent living services, and family
21 reunification services.

22 Any contracts entered into by the division shall be in accordance
23 with all federal laws and regulations, and shall not result in
24 the loss of federal funding. Such children's services providers

1 and agencies under contract with the division shall be subject to
2 all federal, state, and local laws and regulations relating to
3 the provision of such services.

4 3. In entering into and implementing contracts under
5 subsection 2 of this section, the division shall consider and
6 direct their efforts towards geographic areas of the state,
7 including Greene County, where eligible direct children's
8 services providers and agencies are currently available and
9 capable of providing a broad range of services, including case
10 management services, family-centered services, foster and
11 adoptive parent recruitment and retention, residential care,
12 family preservation services, foster care services, adoption
13 services, relative care case management, other planned living
14 arrangements, and family reunification services. Nothing in this
15 subsection shall prohibit the division from contracting on an as-
16 needed basis for any individual child welfare service listed
17 above.

18 4. The contracts entered into under this section shall
19 provide the following criteria:

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

24 (2) Children's services providers and agencies shall be
25 evaluated by the division based on objective, consistent, and

1 performance-based criteria;

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

11 (a) The interaction and interrelationship of a child with
12 the child's foster parents, biological or adoptive parents,
13 siblings, and any other person who may significantly affect the
14 child's best interests;

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

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

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

25 (4) The delivery system shall have sufficient flexibility

1 to take into account children and families on a case-by-case
2 basis;

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

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

12 (7) Payment to the children's services providers and
13 agencies shall be made in reasonable amounts based on the costs
14 of services and responsibilities necessary to execute the
15 contract. Contracts may provide financial incentives in addition
16 to the costs of services provided in recognition of
17 accomplishment of the case goals and the corresponding cost
18 savings to the state. The division shall promulgate rules to
19 implement the provisions of this subdivision. This subdivision
20 shall only apply to contracts for family-centered services,
21 family preservation, and case management services.

22 5. Contracts entered into under this section shall require
23 that a case management plan consistent with all relevant federal
24 guidelines shall be developed for each child at the earliest time
25 after the initial investigation, but in no event longer than

1 fourteen days after the initial investigation or referral to the
2 contractor by the division. Such case management plan shall be
3 presented to the court and be the foundation of service delivery
4 to the child and family. The case management plan shall, at a
5 minimum, include:

6 (1) An outcome target based on the child and family
7 situation achieving permanency or independent living, where
8 appropriate;

9 (2) Services authorized and necessary to facilitate the
10 outcome target;

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

12 (4) Necessary evaluations and reporting.

13 In addition to any visits and assessments required under case
14 management, services to be provided by a public or private
15 children's services provider under the specific case management
16 plan may include family-centered services, foster and adoptive
17 parent recruitment and retention, residential care, mentoring,
18 intensive in-home services, foster care services, adoption
19 services, relative care case services, independent living
20 services, and family reunification services. In all cases, an
21 appropriate level of services shall be provided to the child and
22 family after permanency is achieved to assure a continued
23 successful outcome.

24 6. On or before July 15, 2006, and each July fifteenth

1 thereafter that the project is in operation, the division shall
2 submit a report to the general assembly which shall include:

3 (1) Details about the specifics of the contracts, including
4 the number of children and families served, the cost to the state
5 for contracting such services, the current status of the children
6 and families served, an assessment of the quality of services
7 provided and outcomes achieved, and an overall evaluation of the
8 project; and

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

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

15 7. By February 1, 2005, the children's division shall
16 promulgate and have in effect rules to implement the provisions
17 of this section, and pursuant to this section, shall define
18 implementation plans and dates. Any rule or portion of a rule,
19 as that term is defined in section 536.010, RSMo, that is created
20 under the authority delegated in this section shall become
21 effective only if it complies with and is subject to all of the
22 provisions of chapter 536, RSMo, and, if applicable, section
23 536.028, RSMo. This section and chapter 536, RSMo, are
24 nonseverable and if any of the powers vested with the general
25 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 the effective
4 date of this section shall be invalid and void.

5 210.113. It is the intent and goal of the general assembly
6 to have the department attain accreditation by the Council for
7 Accreditation for Families and Children's Services within five
8 years of the effective date of this section.

9 210.117. No child taken into the custody of the state shall
10 be reunited with a parent or placed in a home in which the parent
11 or any person residing in the home has been found guilty of, or
12 pled guilty to, a felony violation of chapter 566, RSMo, except
13 for section 566.034, RSMo, when a child was the victim, or a
14 violation of chapter 568, RSMo, when a child was the victim, or
15 an offense committed in another state when a child is the victim,
16 that would be a felony violation of chapter 566, RSMo, except for
17 section 566.034, RSMo, or chapter 568, RSMo, except for section
18 568.040, RSMo, if committed in Missouri.

19 210.127. 1. If the location or identity of the biological
20 parent or parents of a child in the custody of the division is
21 unknown, the children's division shall utilize all reasonable and
22 effective means available to conduct a diligent search for the
23 biological parent or parents of such child.

24 2. For purposes of this section, "diligent search" means
25 the efforts of the division, or an entity under contract with the

1 division, to locate a biological parent whose identity or
2 location is unknown, initiated as soon as the division is made
3 aware of the existence of such parent, with the search progress
4 reported at each court hearing until the parent is either
5 identified and located or the court excuses further search.

6 210.145. 1. The division shall [establish and maintain]
7 develop protocols which give priority to:

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

10 (2) Promoting the preservation and reunification of
11 children and families;

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

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

20 2. The division shall utilize structured decision-making
21 protocols for classification purposes of all child abuse and
22 neglect reports. The protocols developed by the division shall
23 give priority to ensuring the well-being and safety of the child.
24 All child abuse and neglect reports shall be initiated within
25 twenty-four hours and shall be classified based upon the reported

1 risk and injury to the child. The division shall promulgate
2 rules regarding the structured decision-making protocols to be
3 utilized for all child abuse and neglect reports.

4 3. Upon receipt of a report, the division shall determine
5 if the report merits investigation, including reports which if
6 true would constitute a suspected violation of any of the
7 following: section 565.020, 565.021, 565.023, 565.024, or
8 565.050, RSMo, if the victim is a child less than eighteen years
9 of age, section 566.030 or 566.060, RSMo, if the victim is a
10 child less than eighteen years of age, or other crimes under
11 chapter 566, RSMo, if the victim is a child less than eighteen
12 years of age and the perpetrator is twenty-one years of age or
13 older, section 567.050, RSMo, if the victim is a child less than
14 eighteen years of age, section 568.020, 568.030, 568.045,
15 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025,
16 573.035, 573.037, or 573.040, RSMo, or an attempt to commit any
17 such crimes. The division shall immediately communicate [such
18 report] all reports that merit investigation to its appropriate
19 local office and any relevant information as may be contained in
20 the information system. The local division staff shall
21 determine, through the use of protocols developed by the
22 division, whether an investigation or the family assessment and
23 services approach should be used to respond to the allegation.
24 The protocols developed by the division shall give priority to
25 ensuring the well-being and safety of the child.

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

23 [4.] 5. The local office of the division shall cause an
24 investigation or family assessment and services approach to be
25 initiated [immediately or no later than within twenty-four hours

1 of receipt of the report from the division] in accordance with
2 the protocols established in subsection 2 of this section, except
3 in cases where the sole basis for the report is educational
4 neglect. If the report indicates that educational neglect is the
5 only complaint and there is no suspicion of other neglect or
6 abuse, the investigation shall be initiated within seventy-two
7 hours of receipt of the report. If the report indicates the
8 child is in danger of serious physical harm or threat to life, an
9 investigation shall include direct observation of the subject
10 child within twenty-four hours of the receipt of the report.
11 Local law enforcement shall take all necessary steps to
12 facilitate such direct observation. If the parents of the child
13 are not the alleged abusers, a parent of the child must be
14 notified prior to the child being interviewed by the division.
15 If the abuse is alleged to have occurred in a school or child-
16 care facility the division shall not meet with the child [at the
17 child's school or child-care facility] in the same school
18 building or child-care facility building where abuse of such
19 child is alleged to have occurred. When the child is reported
20 absent from the residence, the location and the well-being of the
21 child shall be verified. For purposes of this subsection,
22 "child-care facility" shall have the same meaning as such term is
23 defined in section 210.201.

24 [5.] 6. The director of the division shall name at least
25 one chief investigator for each local division office, who shall

1 direct the division response on any case involving a second or
2 subsequent incident regarding the same subject child or
3 perpetrator. The duties of a chief investigator shall include
4 verification of direct observation of the subject child by the
5 division and shall ensure information regarding the status of an
6 investigation is provided to the public school district liaison.
7 The public school district liaison shall develop protocol in
8 conjunction with the chief investigator to ensure information
9 regarding an investigation is shared with appropriate school
10 personnel. The superintendent of each school district shall
11 designate a specific person or persons to act as the public
12 school district liaison. Should the subject child attend a
13 nonpublic school the chief investigator shall notify the school
14 principal of the investigation. Upon notification of an
15 investigation, all information received by the public school
16 district liaison or the school shall be subject to the provisions
17 of the federal Family Educational Rights and Privacy Act (FERPA),
18 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

19 [6.] 7. The investigation shall include but not be limited
20 to the nature, extent, and cause of the abuse or neglect; the
21 identity and age of the person responsible for the abuse or
22 neglect; the names and conditions of other children in the home,
23 if any; the home environment and the relationship of the subject
24 child to the parents or other persons responsible for the child's
25 care; any indication of incidents of physical violence against

1 any other household or family member; and other pertinent data.

2 [7.] 8. When a report has been made by a person required to
3 report under section 210.115, the division shall contact the
4 person who made such report within forty-eight hours of the
5 receipt of the report in order to ensure that full information
6 has been received and to obtain any additional information or
7 medical records, or both, that may be pertinent.

8 [8.] 9. Upon completion of the investigation, if the
9 division suspects that the report was made maliciously or for the
10 purpose of harassment, the division shall refer the report and
11 any evidence of malice or harassment to the local prosecuting or
12 circuit attorney.

13 [9.] 10. Multidisciplinary teams shall be used whenever
14 conducting the investigation as determined by the division in
15 conjunction with local law enforcement. Multidisciplinary teams
16 shall be used in providing protective or preventive social
17 services, including the services of law enforcement, a liaison of
18 the local public school, the juvenile officer, the juvenile
19 court, and other agencies, both public and private.

20 11. For all family support team meetings involving an
21 alleged victim of child abuse or neglect, the parents, legal
22 counsel for the parents, foster parents, the legal guardian or
23 custodian of the child, the guardian ad litem for the child, and
24 the volunteer advocate for the child shall be provided notice and
25 be permitted to attend all such meetings. Family members, other

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

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

23 [11.] 13. If the appropriate local division personnel
24 determines to use a family assessment and services approach, the
25 division shall:

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

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

16 (3) Commence an immediate investigation if at any time
17 during the family assessment and services approach the division
18 determines that an investigation, as delineated in sections
19 210.109 to 210.183, is required. The division staff who have
20 conducted the assessment may remain involved in the provision of
21 services to the child and family;

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

25 [12.] 14. Within thirty days of an oral report of abuse or

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

16 [13.] 15. A person required to report under section 210.115
17 to the division shall be informed by the division of his or her
18 right to obtain information concerning the disposition of his or
19 her report. Such person shall receive, from the local office, if
20 requested, information on the general disposition of his or her
21 report. A person required to report to the division pursuant to
22 section 210.115 may receive, if requested, findings and
23 information concerning the case. Such release of information
24 shall be at the discretion of the director based upon a review of
25 the mandated reporter's ability to assist in protecting the child

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

6 16. In addition to the requirements of subsection 15 of
7 this section, for any report of child abuse or neglect made to
8 the division which is not made anonymously, the division shall,
9 within ten days of making a determination, inform the reporter of
10 whether the division determined the report to be substantiated or
11 unsubstantiated. If the report is determined to be
12 unsubstantiated, the reporter may request that the report be
13 referred by the division to the office of child advocate for
14 children's protection and services established in sections 37.700
15 to 37.730, RSMo. Upon request by a reporter under this
16 subsection, the division shall refer an unsubstantiated report of
17 child abuse or neglect to the office of child advocate for
18 children's protection and services.

19 [14.] 17. In any judicial proceeding involving the custody
20 of a child the fact that a report may have been made pursuant to
21 sections 210.109 to 210.183 shall not be admissible. However[,];

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

25 (2) The court may on its own motion, or shall if requested

1 by a party to the proceeding, make an inquiry not on the record
2 with the children's division to determine if such a report has
3 been made. If a report has been made, the court may stay the
4 custody proceeding until the children's division completes its
5 investigation. The court shall request the investigative records
6 pursuant to section 210.150 and determine the relevance, if any,
7 and admissibility of the information contained in the
8 investigative records before continuing the custody proceeding.

9 [15.] 18. In any judicial proceeding involving the custody
10 of a child where the court determines that the child is in need
11 of services pursuant to subdivision (d) of subsection 1 of
12 section 211.031, RSMo, and has taken jurisdiction, the child's
13 parent, guardian or custodian shall not be entered into the
14 registry.

15 [16.] 19. The children's division [of family services] is
16 hereby granted the authority to promulgate rules and regulations
17 pursuant to the provisions of section 207.021, RSMo, and chapter
18 536, RSMo, to carry out the provisions of sections 210.109 to
19 210.183.

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

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

7 210.147. 1. Except as otherwise provided by law, all
8 information provided at any meeting or administrative hearing
9 held in relation to the removal of a child from the child's home
10 is confidential; except that:

11 (1) Any parent or party may waive confidentiality for
12 himself or herself to the extent permitted by law; and

13 (2) Any parent of the child shall have an absolute right to
14 video and/or audio tape such meetings or hearings to the extent
15 permitted by law; and

16 (3) No parent or party shall be required to sign a
17 confidentiality agreement before testifying or providing
18 information at such meetings or hearings. Any person, other than
19 a parent or party, who does not agree to maintain confidentiality
20 of the information provided at such meetings or hearings may be
21 excluded from all or any portion of such meetings or hearings
22 during which such person is not testifying or providing
23 information.

24 2. The division shall be responsible for developing a form
25 to be signed at the conclusion of any meeting or administrative

1 hearing held in relation to a child removed from the home and
2 placed in the custody of the state that reflects the core
3 commitments made by the children's division or the convenor of
4 the meeting and the parents of the child or any other party.
5 Beginning on the effective date of this section, the form shall
6 be used and shall, at a minimum, contain the following
7 provisions:

8 "CORE COMMITMENTS OF THE MEETING

9 (1) Location of the child (not the specific address):
10 (Circle One)

11 Remain in Current Placement New Placement

12 (2) Visitation Schedule for the Child's Family: (Circle
13 One)

14 Supervised Unsupervised

15 (3) Actions Required of the Parents of the Child:

16 1.....
17
18

19 2.....
20
21

22 3.....
23
24

25 (4) Additional core commitments (if any):

1
2
3
4
5
6
7

8 The core commitments stated above have been discussed at the
9 meeting and are true and accurate statements of the core
10 commitments agreed to by the parties on this day of
11, 20....

12
13

14 Parent 1 or Party 1

15
16

17 Parent 2 or Party 2

18
19

20 Division Representative/

21 Convenor"

22 The parents and any other party shall be provided with a copy of
23 the signed document.

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

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

23 (1) Appropriate federal, state or local criminal justice
24 agency personnel, or any agent of such entity, with a need for
25 such information under the law to protect children from abuse or

1 neglect;

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

5 (3) Appropriate staff of the division and of its local
6 offices, including interdisciplinary teams which are formed to
7 assist the division in investigation, evaluation and treatment of
8 child abuse and neglect cases or a multidisciplinary provider of
9 professional treatment services for a child referred to the
10 provider;

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

23 (5) Any alleged perpetrator named in the report, but the
24 names of reporters shall not be furnished to persons in this
25 category. Prior to the release of any identifying information,

1 the division [of family services] shall determine if the release
2 of such identifying information may place a person's life or
3 safety in danger. If the division makes the determination that a
4 person's life or safety may be in danger, the identifying
5 information shall not be released. However, the investigation
6 reports will not be released to any alleged perpetrator with
7 pending criminal charges arising out of the facts and
8 circumstances named in the investigation records until an
9 indictment is returned or an information filed;

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

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

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

1 abuse or neglect;

2 (9) Any parent or legal guardian who inquires about a child
3 abuse or neglect report involving a specific person or child-care
4 facility who does or may provide services or care to a child of
5 the person requesting the information. Request for examinations
6 shall be made to the division director or the director's
7 designee, in writing, by the parent or legal guardian of the
8 child and shall be accompanied with a signed and notarized
9 release form from the person who does or may provide care or
10 services to the child. The notarized release form shall include
11 the full name, date of birth and Social Security number of the
12 person who does or may provide care or services to a child. The
13 response shall include information pertaining to the nature and
14 disposition of any report or reports of abuse or neglect revealed
15 by the examination of the central registry. This response shall
16 not include any identifying information regarding any person
17 other than the alleged perpetrator of the abuse or neglect. The
18 response shall be given within ten working days of the time it
19 was received by the division;

20 (10) Any person who inquires about a child abuse or neglect
21 report involving a specific child-care facility, child-placing
22 agency, residential-care facility, public and private elementary
23 schools, public and private secondary schools, juvenile court or
24 other state agency. The information available to these persons
25 is limited to the nature and disposition of any report contained

1 in the central registry and shall not include any identifying
2 information pertaining to any person mentioned in the report;

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

6 (12) Any child fatality review panel established pursuant
7 to section 210.192 or any state child fatality review panel
8 established pursuant to section 210.195;

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

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

23 (1) Appropriate staff of the division;

24 (2) Any child named in the report as a victim, or a legal
25 representative, or the parent or guardian of such person when

1 such person is a minor, or is mentally ill or otherwise
2 incompetent. The names or other identifying information of
3 reporters shall not be furnished to persons in this category.
4 Prior to the release of any identifying information, the division
5 [of family services] shall determine if the release of such
6 identifying information may place a person's life or safety in
7 danger. If the division makes the determination that a person's
8 life or safety may be in danger, the identifying information
9 shall not be released. The division shall provide for a method
10 for confirming or certifying that a designee is acting on behalf
11 of a subject;

12 (3) Any alleged perpetrator named in the report, but the
13 names of reporters shall not be furnished to persons in this
14 category. Prior to the release of any identifying information,
15 the division [of family services] shall determine if the release
16 of such identifying information may place a person's life or
17 safety in danger. If the division makes the determination that a
18 person's life or safety may be in danger, the identifying
19 information shall not be released. However, the investigation
20 reports will not be released to any alleged perpetrator with
21 pending criminal charges arising out of the facts and
22 circumstances named in the investigation records until an
23 indictment is returned or an information filed;

24 (4) Any child fatality review panel established pursuant to
25 section 210.192 or any state child fatality review panel

1 established pursuant to section 210.195;

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

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

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

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

21 5. Nothing in this section shall preclude the release of
22 findings or information about cases which resulted in a child
23 fatality or near fatality. Such release is at the sole
24 discretion of the director of the department of social services,
25 based upon a review of the potential harm to other children

1 within the immediate family.

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

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

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

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

25 (2) [There is insufficient probable cause of abuse or

1 neglect.] That the division has not made a probable cause finding
2 or determined by a preponderance of the evidence that abuse or
3 neglect exists.

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

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

24 5. If the alleged perpetrator is aggrieved by the decision
25 of the child abuse and neglect review board, the alleged

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

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

20 210.153. 1. There is hereby created in the department of
21 social services the "Child Abuse and Neglect Review Board", which
22 shall provide an independent review of child abuse and neglect
23 determinations in instances in which the alleged perpetrator is
24 aggrieved by the decision of the children's division [of family
25 services]. The division may establish more than one board to

1 assure timely review of the determination.

2 2. The board shall consist of nine members, who shall be
3 appointed by the governor with the advice and consent of the
4 senate, and shall include:

5 (1) A physician, nurse or other medical professional;

6 (2) A licensed child or family psychologist, counselor or
7 social worker;

8 (3) An attorney who has acted as a guardian ad litem or
9 other attorney who has represented a subject of a child abuse and
10 neglect report;

11 (4) A representative from law enforcement or a juvenile
12 office.

13 3. Other members of the board may be selected from:

14 (1) A person from another profession or field who has an
15 interest in child abuse or neglect;

16 (2) A college or university professor or elementary or
17 secondary teacher;

18 (3) A child advocate;

19 (4) A parent, foster parent or grandparent.

20 4. The following persons may participate in a child abuse
21 and neglect review board review:

22 (1) Appropriate children's division [of family services]
23 staff and legal counsel for the department;

24 (2) The alleged perpetrator, who may be represented pro se
25 or be represented by legal counsel. The alleged perpetrator's

1 presence is not required for the review to be conducted. The
2 alleged perpetrator may submit a written statement for the
3 board's consideration in lieu of personal appearance; and

4 (3) Witnesses providing information on behalf of the child,
5 the alleged perpetrator or the department. Witnesses shall only
6 be allowed to attend that portion of the review in which they are
7 presenting information.

8 5. The members of the board shall serve without
9 compensation, but shall receive reimbursement for reasonable and
10 necessary expenses actually incurred in the performance of their
11 duties.

12 6. All records and information compiled, obtained, prepared
13 or maintained by the child abuse and neglect review board in the
14 course of any review shall be confidential information.

15 7. The department shall promulgate rules and regulations
16 governing the operation of the child abuse and neglect review
17 board except as otherwise provided for in this section. These
18 rules and regulations shall, at a minimum, describe the length of
19 terms, the selection of the chairperson, confidentiality,
20 notification of parties and time frames for the completion of the
21 review.

22 8. Findings of probable cause to suspect prior to the
23 effective date of this section or findings by a preponderance of
24 the evidence after the effective date of this section of child
25 abuse and neglect by the division which are substantiated by

1 court adjudication shall not be heard by the child abuse and
2 neglect review board.

3 210.160. 1. In every case involving an abused or neglected
4 child which results in a judicial proceeding, the judge shall
5 appoint a guardian ad litem to appear for and represent:

6 (1) A child who is the subject of proceedings pursuant to
7 sections 210.110 to 210.165, sections 210.700 to 210.760,
8 sections 211.442 to 211.487, RSMo, or sections 453.005 to
9 453.170, RSMo, or proceedings to determine custody or visitation
10 rights under sections 452.375 to 452.410, RSMo; or

11 (2) A parent who is a minor, or who is a mentally ill
12 person or otherwise incompetent, and whose child is the subject
13 of proceedings under sections 210.110 to 210.165, sections
14 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or
15 sections 453.005 to 453.170, RSMo.

16 2. The guardian ad litem shall be provided with all reports
17 relevant to the case made to or by any agency or person [and],
18 shall have access to all records of such agencies or persons
19 relating to the child or such child's family members or
20 placements of the child, and upon appointment by the court to a
21 case, shall be informed of and have the right to attend any and
22 all family support team meetings involving the child. Employees
23 of the division, officers of the court, and employees of any
24 agency involved shall fully inform the guardian ad litem of all
25 aspects of the case of which they have knowledge or belief.

1 3. The appointing judge shall require the guardian ad litem
2 to faithfully discharge such guardian ad litem's duties, and upon
3 failure to do so shall discharge such guardian ad litem and
4 appoint another. The appointing judge shall have the authority
5 to examine the general and criminal background of persons
6 appointed as guardians ad litem, including utilization of the
7 family care safety registry and access line pursuant to sections
8 210.900 to 210.937, to ensure the safety and welfare of the
9 children such persons are appointed to represent. The judge in
10 making appointments pursuant to this section shall give
11 preference to persons who served as guardian ad litem for the
12 child in the earlier proceeding, unless there is a reason on the
13 record for not giving such preference.

14 4. The guardian ad litem may be awarded a reasonable fee
15 for such services to be set by the court. The court, in its
16 discretion, may award such fees as a judgment to be paid by any
17 party to the proceedings or from public funds. However, no fees
18 as a judgment shall be taxed against a party or parties who have
19 not been found to have abused or neglected a child or children.
20 Such an award of guardian fees shall constitute a final judgment
21 in favor of the guardian ad litem. Such final judgment shall be
22 enforceable against the parties in accordance with chapter 513,
23 RSMo.

24 5. The court may designate volunteer advocates, who may or
25 may not be attorneys licensed to practice law, to assist in the

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

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

25 210.183. 1. At the time of the initial investigation of a

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

6 "The investigation is being undertaken by the Children's
7 Division [of Family Services] pursuant to the requirements of
8 chapter 210 of the Revised Missouri Statutes in response to a
9 report of child abuse or neglect.

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

13 ["]This investigation is required by law to be conducted in
14 order to enable the Children's Division [of Family Services] to
15 identify incidents of abuse or neglect in order to provide
16 protective or preventive social services to families who are in
17 need of such services.

18 ["]The division shall make every reasonable attempt to
19 complete the investigation within thirty days. Within ninety
20 days you will receive a letter from the Division which will
21 inform you of one of the following:

22 ["](1) That the Division has found insufficient evidence of
23 abuse or neglect; or

24 ["](2) That there appears to be [probable cause] by a
25 preponderance of the evidence reason to suspect the existence of

1 child abuse or neglect in the judgment of the Division and that
2 the Division will contact the family to offer social services.

3 ["If the Division finds [there is probable cause] by a
4 preponderance of the evidence reason to believe child abuse or
5 neglect has occurred or the case is substantiated by court
6 adjudication, a record of the report and information gathered
7 during the investigation will remain on file with the Division.

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

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

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

2 (2) The name of the person responding and his or her office
3 telephone number;

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

7 210.187. 1. The task force on children's justice
8 established by the children's division within the department of
9 social services to recommend improvements in the area of child
10 abuse and neglect services and provide funding for such
11 recommendations shall provide an independent review of policies
12 and procedures of state and local child protective services
13 agencies, and where appropriate, specific cases, and shall
14 evaluate the extent to which the agencies are effectively
15 discharging their child protection responsibilities.

16 2. Consistent with the task force's function of reviewing
17 applications for federal grant moneys available to the state
18 under the Children's Justice Act which are designed to assist
19 eligible states in implementing programs for the handling,
20 investigation, and prosecution of child abuse cases, the task
21 force shall consider the awarding of grant moneys which address
22 the issues that arise from the independent review conducted by
23 the task force pursuant to subsection 1 of this section. As
24 authorized by the Children's Justice Act, grant moneys shall be
25 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 federal or 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, 2006, 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

1 the following information for the previous calendar year:

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

4 (2) Of the number of children described in subdivision (1)
5 of this section, the number with respect to whom such reports
6 were substantiated or unsubstantiated;

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

9 (a) The number that did not receive or refused services
10 during the year under a children's division 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;

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

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

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

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

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

17 210.201. As used in sections 210.201 to 210.257, the
18 following terms mean:

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

21 (2) "Child-care facility", a house or other place conducted
22 or maintained by any person who advertises or holds himself out
23 as providing care for more than four children during the daytime,
24 for compensation or otherwise, except those operated by a school
25 system or in connection with a business establishment which

1 provides child care as a convenience for its customers or its
2 employees for no more than four hours per day, but a child-care
3 facility shall not include any private or religious organization
4 elementary or secondary school, a religious organization academic
5 preschool or kindergarten for four- and five-year-old children, a
6 home school, as defined in section 167.031, RSMo, a weekly Sunday
7 or Sabbath school, a vacation Bible school or child care made
8 available while the parents or guardians are attending worship
9 services or other meetings and activities conducted or sponsored
10 by a religious organization. If a facility or program is exempt
11 from licensure based on the school exception established in this
12 subdivision, such facility or program shall submit documentation
13 annually to the department to verify its licensure-exempt status;
14 except that, under no circumstances shall any private or
15 religious organization elementary or secondary school, a
16 religious organization academic preschool or kindergarten for
17 four- and five-year-old children, a home school, as defined in
18 section 167.031, RSMo, a weekly Sunday or Sabbath school, a
19 vacation Bible school or child care made available while the
20 parents or guardians are attending worship services or other
21 meetings and activities conducted or sponsored by a religious
22 organization be required to submit documentation annually to the
23 department to verify its licensure-exempt status;

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

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

7 210.211. 1. It shall be unlawful for any person to
8 establish, maintain or operate a child-care facility for
9 children, or to advertise or hold himself or herself out as being
10 able to perform any of the services as defined in section
11 210.201, without having in effect a written license granted by
12 the department of health and senior services; except that nothing
13 in sections 210.203 to 210.245 shall apply to:

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

19 (2) Any person who has been duly appointed by a court of
20 competent jurisdiction the guardian of the person of the child or
21 children, or the person who has legal custody of the child or
22 children;

23 (3) Any person who receives free of charge, and not as a
24 business, for periods not exceeding ninety consecutive days, as
25 bona fide, occasional and personal guests the child or children

1 of personal friends of such person, and who receives custody of
2 no other unrelated child or children;

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

7 (5) Any child-care facility maintained or operated under
8 the exclusive control of a religious organization. When a
9 nonreligious organization, having as its principal purpose the
10 provision of child-care services, enters into an arrangement with
11 a religious organization for the maintenance or operation of a
12 child-care facility, the facility is not under the exclusive
13 control of the religious organization;

14 (6) Any residential facility or day program licensed by the
15 department of mental health pursuant to sections 630.705 to
16 630.760, RSMo, which provides care, treatment and habilitation
17 exclusively to children who have a primary diagnosis of mental
18 disorder, mental illness, mental retardation or developmental
19 disability, as defined in section 630.005, RSMo; and

20 (7) Any nursery school.

21 2. Notwithstanding the provisions of subsection 1 of this
22 section, no child-care facility shall be exempt from licensure if
23 such facility receives any state or federal funds for providing
24 care for children, except for federal funds for those programs
25 which meet the requirements for participation in the Child and

1 Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to
2 parents for child care pursuant to sections 210.201 to 210.257
3 shall not be construed to be funds received by [the] a person or
4 facility listed in subdivisions (1) and (5) of subsection 1 of
5 this section.

6 210.482. 1. If the emergency placement of a child in a
7 private home is necessary due to the unexpected absence of the
8 child's parents, legal guardian, or custodian, the juvenile court
9 or children's division:

10 (1) May request that a local or state law enforcement
11 agency or juvenile officer, subject to any required federal
12 authorization, immediately conduct a name-based criminal history
13 record check to include full orders of protection and outstanding
14 warrants of each person over the age of seventeen residing in the
15 home by using the Missouri uniform law enforcement system (MULES)
16 and the National Crime Information Center to access the
17 Interstate Identification Index maintained by the Federal Bureau
18 of Investigation; and

19 (2) Shall determine or, in the case of the juvenile court,
20 shall request the division to determine whether any person over
21 the age of seventeen years residing in the home is listed on the
22 child abuse and neglect registry.

23 For any children less than seventeen years of age residing in the
24 applicant's home, the family support division shall inquire of

1 the applicant whether any children less than seventeen years of
2 age residing in the applicant's home have ever been certified as
3 an adult and convicted of, or pled guilty or nolo contendere to
4 any crime.

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

1 ceases to reside in the private home.

2 3. If the placement of a child is denied as a result of a
3 name-based criminal history check and the denial is contested,
4 all persons over the age of seventeen residing in the home and
5 all children less than seventeen years of age residing in the
6 home who the division has determined has been certified as an
7 adult for the commission of a crime shall, within fifteen
8 business days, submit to the juvenile court or the children's
9 division two sets of fingerprints in the same manner described in
10 subsection 2 of this section, accompanying fees, and written
11 permission authorizing the juvenile court or the children's
12 division to forward the fingerprints to the state criminal record
13 repository for submission to the Federal Bureau of Investigation.
14 One set of fingerprints shall be used by the highway patrol to
15 search the criminal history repository and the second set shall
16 be forwarded to the Federal Bureau of Investigation for searching
17 the federal criminal history files.

18 4. Subject to appropriation, the total cost of
19 fingerprinting required by this section may be paid by the state,
20 including reimbursement of persons incurring fingerprinting costs
21 under this section.

22 5. For the purposes of this section, "emergency placement"
23 refers to those limited instances when the juvenile court or
24 children's division is placing a child in the home of private
25 individuals, including neighbors, friends, or relatives, as a

1 result of a sudden unavailability of the child's primary
2 caretaker.

3 210.487. 1. When conducting investigations of persons for
4 the purpose of foster parent licensing, the division shall:

5 (1) Conduct a search for all persons over the age of
6 seventeen in the applicant's household for evidence of full
7 orders of protection. The office of state courts administrator
8 shall allow access to the automated court information system by
9 the division. The clerk of each court contacted by the division
10 shall provide the division information within ten days of a
11 request; and

12 (2) Obtain two sets of fingerprints for any person over the
13 age of seventeen in the applicant's household in the same manner
14 set forth in subsection 2 of section 210.482. One set of
15 fingerprints shall be used by the highway patrol to search the
16 criminal history repository and the second set shall be forwarded
17 to the Federal Bureau of Investigation for searching the federal
18 criminal history files. The highway patrol shall assist the
19 division and provide the criminal fingerprint background
20 information, upon request; and

21 (3) Determine whether any person over the age of seventeen
22 residing in the home is listed on the child abuse and neglect
23 registry.

24 2. Subject to appropriation, the total cost of
25 fingerprinting required by this section may be paid by the state,

1 including reimbursement of persons incurring fingerprinting costs
2 under this section.

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

6 4. The division may promulgate rules that are necessary to
7 implement the provisions of this section. Any rule or portion of
8 a rule, as that term is defined in section 536.010, RSMo, that is
9 created under the authority delegated in this section shall
10 become effective only if it complies with and is subject to all
11 of the provisions of chapter 536, RSMo, and, if applicable,
12 section 536.028, RSMo. This section and chapter 536, RSMo, are
13 nonseverable and if any of the powers vested with the general
14 assembly pursuant to chapter 536, RSMo, to review, to delay the
15 effective date, or to disapprove and annul a rule are
16 subsequently held unconstitutional, then the grant of rulemaking
17 authority and any rule proposed or adopted after the effective
18 date of this section shall be invalid and void.

19 210.518. 1. The department of social services, the
20 department of mental health, the department of elementary and
21 secondary education and all subdivisions thereof shall develop
22 and implement through interagency agreement a common system of
23 classification for assessing the needs of a child and common
24 terminology to describe the services to be provided to the child.
25 The agreement must establish a standardized form and set of

1 records to be kept for such children which shall include, if
2 applicable to such child, any individualized education plan,
3 diagnostic summary, school history, school records, medical
4 history, court records, placement orders and any criminal
5 history. The agreement shall be adopted and in effect on or
6 before July 1, 1999.

7 2. To facilitate the coordination of services being
8 provided to children, interagency meetings pursuant to subsection
9 1 of this section shall be held as frequently as appropriate to
10 address and review any actions being taken by agency personnel
11 involved in the provision of services to a child and to ensure
12 the existence of a continuation of services to prevent and treat
13 child abuse and neglect, evaluate data, policy, and practices,
14 and assure the quality of services provided to children. The
15 agencies shall document which staff members attended such
16 meetings. If any services for the child are provided through
17 contracted providers, such providers shall be included in the
18 meetings described in this section.

19 210.535. The department of social services, shall:

20 (1) Submit amendments to state plans and seek available
21 waivers from the federal Department of Health and Human Services
22 to enhance federal reimbursement and federal administrative
23 reimbursement for foster care and adoption assistance under Title
24 IV-E of the Social Security Act and Title XIX of the Social
25 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.

4 210.542. 1. The children's division shall provide certain
5 standards and training that prospective foster care parents shall
6 meet before becoming licensed.

7 2. The children's division shall provide performance-based
8 criteria for the evaluation of licensed foster parents and may
9 establish by rule the frequency of such evaluation.

10 210.565. 1. Whenever a child is placed in a foster home
11 and the court has determined pursuant to subsection 3 of this
12 section that foster home placement with relatives is not contrary
13 to the best interest of the child, the children's division [of
14 family services] shall give [preference and first consideration
15 for] foster home placement to relatives of the child.
16 Notwithstanding any rule of the division to the contrary,
17 grandparents who request consideration shall be given preference
18 and first consideration for foster home placement.

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

23 3. The preference for placement with relatives created by
24 this section shall only apply where the court finds that
25 placement with such relatives is [in] not contrary to the best

1 interest of the child considering all circumstances. If the
2 court finds that it is contrary to the best interest of a child
3 to be placed with relatives, the court shall make specific
4 findings on the record detailing the reasons why the best
5 interests of the child necessitate placement of the child with
6 persons other than relatives.

7 4. The age of the child's relative shall not be the only
8 factor that the children's division takes into consideration when
9 it makes placement decisions and recommendations to the court
10 about placing the child with such relative.

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

14 210.760. 1. In making placements in foster care the
15 children's division [of family services] shall:

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

18 (2) Provide full and accurate medical information and
19 medical history to the persons providing foster care at the time
20 of placement;

21 (3) Give a minimum of five days advance notice to the
22 persons providing foster care before removing a child from their
23 care;

24 (4) Provide the persons giving foster care with a written
25 statement of the reasons for removing a child at the time of the

notification required by this section; [and]

(5) Notify the child's parent or legal guardian that the child has been placed in foster care; and

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

2. Except as otherwise provided in section 210.125, no child shall be removed from school prior to the end of the official school day for that child for placement in foster care without a court order specifying that the child shall be removed from school.

210.762. 1. When a child is taken into custody by a juvenile officer or law enforcement official under subdivision (1) of subsection 1 of section 211.031, RSMo, and initially placed with the division, the division may make a temporary placement and shall arrange for a family support team meeting prior to or within twenty-four hours following the protective custody hearing held under section 211.032, RSMo. After a child is in the division's custody and a temporary placement has been made, the division shall arrange an additional family support team meeting prior to taking any action relating to the placement of such child; except that, when the welfare of a child in the

1 custody of the division requires an immediate or emergency change
2 of placement, the division may make a temporary placement and
3 shall schedule a family support team meeting within seventy-two
4 hours.

5 2. The parents, the legal counsel for the parents, the
6 foster parents, the legal guardian or custodian of the child, the
7 guardian ad litem for the child, and the volunteer advocate, and
8 any designee of the parent that has written authorization shall
9 be notified and invited to participate in all family support team
10 meetings. The family support team meeting may include such other
11 persons whose attendance at the meeting may assist the team in
12 making appropriate decisions in the best interests of the child.
13 If the division finds that it is not in the best interest of a
14 child to be placed with relatives, the division shall make
15 specific findings in the division's report detailing the reasons
16 why the best interests of the child necessitate placement of the
17 child with persons other than relatives.

18 3. The division shall use the form created in subsection 2
19 of section 210.147 to be signed upon the conclusion of the
20 meeting pursuant to subsection 1 of this section confirming that
21 all involved parties are aware of the team's decision regarding
22 the custody and placement of the child. Any dissenting views
23 must be recorded and attested to on such form.

24 4. The case manager shall be responsible for including such
25 form with the case records of the child.

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

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

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

14 (2) Probable cause findings of abuse and neglect prior to
15 the effective date of this section or findings of abuse and
16 neglect by a preponderance of the evidence after the effective
17 date of this section pursuant to sections 210.109 to 210.183 and,
18 as of January 1, 2003, financial exploitation of the elderly or
19 disabled, pursuant to section 570.145, RSMo;

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

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

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

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

3 (7) Residential living facility and nursing home license
4 denials, revocations, suspensions and probationary status
5 pursuant to chapter 198, RSMo; and

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

9 210.909. 1. Upon submission of a completed registration
10 form by a child-care worker, elder-care worker or personal-care
11 attendant, the department shall:

12 (1) Determine if a probable cause finding of child abuse or
13 neglect prior to the effective date of this section or a finding
14 of child abuse or neglect by a preponderance of the evidence
15 after the effective date of this section involving the applicant
16 has been recorded pursuant to sections 210.109 to 210.183 and, as
17 of January 1, 2003, if there is a probable cause finding of
18 financial exploitation of the elderly or disabled pursuant to
19 section 570.145, RSMo;

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

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

25 (4) As of January 1, 2003, determine if the applicant is

1 listed on the department of mental health's employee
2 disqualification registry;

3 (5) Determine through a request to the patrol pursuant to
4 section 43.540, RSMo, whether the applicant has any criminal
5 history record for a felony or misdemeanor or any offense for
6 which the person has registered pursuant to sections 589.400 to
7 589.425, RSMo; and

8 (6) If the background check involves a provider, determine
9 if a facility has been refused licensure or has experienced
10 licensure suspension, revocation or probationary status pursuant
11 to sections 210.201 to 210.259 or chapter 198, RSMo; and

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

16 2. Upon completion of the background check described in
17 subsection 1 of this section, the department shall include
18 information in the registry for each registrant as to whether any
19 convictions, employee disqualification listings, registry
20 listings, probable cause findings, pleas of guilty or nolo
21 contendere, or license denial, revocation or suspension have been
22 documented through the records checks authorized pursuant to the
23 provisions of sections 210.900 to 210.936. 3. The department
24 shall notify such registrant in writing of the results of the
25 determination recorded on the registry pursuant to this section.

1 211.031. 1. Except as otherwise provided in this chapter,
2 the juvenile court or the family court in circuits that have a
3 family court as provided in sections 487.010 to 487.190, RSMo,
4 shall have exclusive original jurisdiction in proceedings:

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

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

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

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

23 (d) The child or person seventeen years of age is a child
24 in need of mental health services and the parent, guardian or
25 custodian is unable to afford or access appropriate mental health

1 treatment or care for the child;

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

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

7 (b) The child disobeys the reasonable and lawful directions
8 of his or her parents or other custodian and is beyond their
9 control; or

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

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

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

22 (3) Involving any child who is alleged to have violated a
23 state law or municipal ordinance, or any person who is alleged to
24 have violated a state law or municipal ordinance prior to
25 attaining the age of seventeen years, in which cases jurisdiction

1 may be taken by the court of the circuit in which the child or
2 person resides or may be found or in which the violation is
3 alleged to have occurred; except that, the juvenile court shall
4 not have jurisdiction over any child fifteen and one-half years
5 of age who is alleged to have violated a state or municipal
6 traffic ordinance or regulation, the violation of which does not
7 constitute a felony, or any child who is alleged to have violated
8 a state or municipal ordinance or regulation prohibiting
9 possession or use of any tobacco product;

10 (4) For the adoption of a person;

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

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

17 (1) Prior to the filing of a petition and upon request of
18 any party or at the discretion of the juvenile officer, the
19 matter in the interest of a child or person seventeen years of
20 age may be transferred by the juvenile officer, with the prior
21 consent of the juvenile officer of the receiving court, to the
22 county of the child's residence or the residence of the person
23 seventeen years of age for future action;

24 (2) Upon the motion of any party or on its own motion prior
25 to final disposition on the pending matter, the court in which a

1 proceeding is commenced may transfer the proceeding of a child or
2 person seventeen years of age to the court located in the county
3 of the child's residence or the residence of the person seventeen
4 years of age, or the county in which the offense pursuant to
5 subdivision (3) of subsection 1 of this section is alleged to
6 have occurred for further action;

7 (3) Upon motion of any party or on its own motion, the
8 court in which jurisdiction has been taken pursuant to subsection
9 1 of this section may at any time thereafter transfer
10 jurisdiction of a child or person seventeen years of age to the
11 court located in the county of the child's residence or the
12 residence of the person seventeen years of age for further action
13 with the prior consent of the receiving court;

14 (4) Upon motion of any party or upon its own motion at any
15 time following a judgment of disposition or treatment pursuant to
16 section 211.181, the court having jurisdiction of the cause may
17 place the child or person seventeen years of age under the
18 supervision of another juvenile court within or without the state
19 pursuant to section 210.570, RSMo, with the consent of the
20 receiving court;

21 (5) Upon motion of any child or person seventeen years of
22 age or his or her parent, the court having jurisdiction shall
23 grant one change of judge pursuant to Missouri Supreme Court
24 Rules;

25 (6) Upon the transfer of any matter, proceeding,

1 jurisdiction or supervision of a child or person seventeen years
2 of age, certified copies of all legal and social documents and
3 records pertaining to the case on file with the clerk of the
4 transferring juvenile court shall accompany the transfer.

5 3. In any proceeding involving any child or person
6 seventeen years of age taken into custody in a county other than
7 the county of the child's residence or the residence of a person
8 seventeen years of age, the juvenile court of the county of the
9 child's residence or the residence of a person seventeen years of
10 age shall be notified of such taking into custody within
11 seventy-two hours.

12 4. When an investigation by a juvenile officer pursuant to
13 this section reveals that the only basis for action involves an
14 alleged violation of section 167.031, RSMo, involving a child who
15 alleges to be home schooled, the juvenile officer shall contact a
16 parent or parents of such child to verify that the child is being
17 home schooled and not in violation of section 167.031, RSMo,
18 before making a report of such a violation. Any report of a
19 violation of section 167.031, RSMo, made by a juvenile officer
20 regarding a child who is being home schooled shall be made to the
21 prosecuting attorney of the county where the child legally
22 resides.

23 211.032. 1. When a child or person seventeen years of age,
24 alleged to be in need of care and treatment pursuant to
25 subdivision (1) of subsection 1 of section 211.031, is taken into

1 custody, the [juvenile or family] court shall notify the parties
2 [of the right to have a protective custody hearing. Such
3 notification shall be in writing.

4 2. Upon request from any party, the court shall] and hold a
5 protective custody hearing[. Such hearing shall be held] within
6 three days of the [request for a hearing] child being taken into
7 custody, excluding Saturdays, Sundays and legal holidays. No
8 continuances shall be granted for such protective custody hearing
9 except upon a written motion for cause filed and signed by the
10 party requesting the continuance and such party's attorney if
11 represented by counsel.

12 [3.] 2. The court shall hold an adjudication hearing no
13 later than sixty days after the child has been taken into
14 custody. The court shall notify the parties in writing of the
15 specific date, time, and place of such hearing. If at such
16 hearing the court determines that sufficient cause exists for the
17 child to remain in the custody of the state, the court shall
18 conduct a dispositional hearing no later than ninety days after
19 the child has been taken into custody and shall conduct review
20 hearings regarding the reunification efforts made by the division
21 every ninety to one hundred twenty days for the first year the
22 child is in the custody of the division. After the first year,
23 review hearings shall be held as necessary, but in no event less
24 than once every six months for as long as the child is in the
25 custody of the division.

1 3. 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 4. By January 1, 2005, the supreme court shall develop
6 rules regarding the effect of untimely hearings.

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

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

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

23 211.038. No child under the jurisdiction of the juvenile
24 court shall be reunited with a parent or placed in a home in
25 which the parent or any person residing in the home has been

1 found guilty of, or pled guilty to, a felony violation of chapter
2 566, RSMo, except for section 566.034, RSMo, when a child was the
3 victim, or a violation of chapter 568, RSMo, when a child was the
4 victim, or an offense committed in another state when a child is
5 the victim, that would be a felony violation of chapter 566,
6 RSMo, except for section 566.034, RSMo, or chapter 568, RSMo,
7 except for section 568.040, RSMo, if committed in Missouri.

8 211.059. 1. When a child is taken into custody by a
9 juvenile officer or law enforcement official, with or without a
10 warrant for an offense in violation of the juvenile code or the
11 general law which would place the child under the jurisdiction of
12 the juvenile court pursuant to subdivision (2) or (3) of
13 subsection 1 of section 211.031, the child shall be advised prior
14 to questioning:

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

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

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

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

23 2. If the child indicates in any manner and at any stage of
24 questioning pursuant to this section that he does not wish to be
25 questioned further, the officer shall cease questioning.

1 3. When a child is taken into custody by a juvenile officer
2 or law enforcement official which places the child under the
3 jurisdiction of the juvenile court under subdivision (1) of
4 subsection 1 of section 211.031, including any interactions with
5 the child by the children's division, the following shall apply:

6 (1) If the child indicates in any manner at any stage of
7 questioning that the child does not wish to be questioned any
8 further, or that the child wishes to have his or her parent,
9 legal guardian, or custodian if such parent, guardian, or
10 custodian is not the alleged perpetrator, or his or her attorney
11 present during questioning, the questioning of the child shall
12 cease; and

13 (2) Notwithstanding any prohibition of hearsay evidence,
14 all video or audio recordings of any meetings, interviews, or
15 interrogations of a child shall be presumed admissible as
16 evidence in any court or administrative proceeding involving the
17 child if the following conditions are met:

18 (a) Such meetings, interviews, or interrogations of the
19 child are conducted by the state prior to or after the child is
20 taken into the custody of the state; and

21 (b) Such video or audio recordings were made prior to the
22 adjudication hearing in the case. Nothing in this paragraph
23 shall be construed to prohibit the videotaping or audiotaping of
24 any such meetings, interviews, or interrogations of a child after
25 the adjudication hearing; and

1 (3) Only upon a showing by clear and convincing evidence
2 that such a video or audio recording lacks sufficient indicia of
3 reliability shall such recording be inadmissible.

4 The provisions of this subsection shall not apply to statements
5 admissible under section 491.075 or 492.304, RSMo, in criminal
6 proceedings.

7 211.171. 1. The procedure to be followed at the hearing
8 shall be determined by the juvenile court judge and may be as
9 formal or informal as he or she considers desirable, consistent
10 with constitutional and statutory requirements. The judge may
11 take testimony and inquire into the habits, surroundings,
12 conditions and tendencies of the child and the family to enable
13 the court to render such order or judgment as will best promote
14 the welfare of the child and carry out the objectives of this
15 chapter.

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

19 3. The current foster parents of a child, or any
20 preadoptive parent or relative currently providing care for the
21 child, shall be provided with notice of, and an opportunity to be
22 heard in, any [permanency or other review] hearing to be held
23 with respect to the child. This subsection shall not be
24 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 requested
8 by any party interested in the proceeding.

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

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

24 8. The court shall allow the victim of any offense to
25 submit a written statement to the court. The court shall allow

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

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

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

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

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

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

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

13 (d) The juvenile officer;

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

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

1 the laws of this state;

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

15 (6) The department of social services, in conjunction with
16 the department of mental health, shall apply to the United States
17 Department of Health and Human Services for such federal waivers
18 as required to provide services for such children, including the
19 acquisition of community-based services waivers.

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

25 (1) Place the child under supervision in his own home or in

1 custody of a relative or other suitable person after the court or
2 a public agency or institution designated by the court conducts
3 an investigation of the home, relative or person and finds such
4 home, relative or person to be suitable and upon such conditions
5 as the court may require;

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

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

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) Place the child in a family home;

22 (4) Cause the child to be examined and treated by a
23 physician, psychiatrist or psychologist and when the health or
24 condition of the child requires it, cause the child to be placed
25 in a public or private hospital, clinic or institution for

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

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

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

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

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

25 (a) A public agency or institution authorized by law to

1 care for children or to place them in family homes;

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

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

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

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

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

13 (8) Order the child to a term of community service under
14 the supervision of the court or of an organization selected by
15 the court. Every person, organization, and agency, and each
16 employee thereof, charged with the supervision of a child under
17 this subdivision, or who benefits from any services performed as
18 a result of an order issued under this subdivision, shall be
19 immune from any suit by the child ordered to perform services
20 under this subdivision, or any person deriving a cause of action
21 from such child, if such cause of action arises from the
22 supervision of the child's performance of services under this
23 subdivision and if such cause of action does not arise from an
24 intentional tort. A child ordered to perform services under this
25 subdivision shall not be deemed an employee within the meaning of

1 the provisions of chapter 287, RSMo, nor shall the services of
2 such child be deemed employment within the meaning of the
3 provisions of chapter 288, RSMo. Execution of any order entered
4 by the court, including a commitment to any state agency, may be
5 suspended and the child placed on probation subject to such
6 conditions as the court deems reasonable. After a hearing,
7 probation may be revoked and the suspended order executed;

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

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

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

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

21 211.319. 1. On or before July 1, 2005, all juvenile court
22 proceedings conducted pursuant to subdivision (1) of subsection 1
23 of section 211.031 and for termination of parental rights cases
24 pursuant to sections 211.442 to 211.487 initiated by a juvenile
25 officer or the division shall be open to the public. The court,

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

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

20 3. For juvenile court proceedings described in subsection 1
21 of this section, pleadings and orders of the juvenile court other
22 than confidential files and those specifically ordered closed by
23 the juvenile court judge shall be open to the general public.
24 For purposes of this section, "confidential file" means all other
25 records and reports considered closed or confidential by law,

1 including but not limited to medical reports, psychological or
2 psychiatric evaluations, investigation reports of the children's
3 division, social histories, home studies, and police reports and
4 law enforcement records. Only persons who are found by the court
5 to have a legitimate interest shall be allowed access to
6 confidential or closed files. In determining whether a person
7 has a legitimate interest, the court shall consider the nature of
8 the proceedings, the welfare and safety of the public, and the
9 interest of any child involved.

10 4. For records made available to the public pursuant to
11 this section:

12 (1) The identity of any child involved except the
13 perpetrator shall not be disclosed and all references in such
14 records to the identity of any child involved except the
15 perpetrator shall be redacted prior to disclosure to the public;
16 and

17 (2) All information that may identify or lead to the
18 disclosure of the identity of a reporter of child abuse under
19 sections 210.109 to 210.183, RSMo, and section 352.400, RSMo,
20 shall not be disclosed to the public.

21 5. The provisions of this section shall apply to juvenile
22 court proceedings and records specified in this section in which
23 the initial pleadings are filed on or after July 1, 2005.

24 211.321. 1. Records of juvenile court proceedings as well
25 as all information obtained and social records prepared in the

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

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

1 subsection 1 of section 211.031 the records of the juvenile court
2 as well as all information obtained and social records prepared
3 in the discharge of official duty for the court shall be kept
4 confidential and may be open to inspection without court order
5 only as follows:

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

7 (a) To provide information to or discuss matters concerning
8 the child, the violation of law or the case with the victim,
9 witnesses, officials at the child's school, law enforcement
10 officials, prosecuting attorneys, any person or agency having or
11 proposed to have legal or actual care, custody or control of the
12 child, or any person or agency providing or proposed to provide
13 treatment of the child. Information received pursuant to this
14 paragraph shall not be released to the general public, but shall
15 be released only to the persons or agencies listed in this
16 paragraph;

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

21 (2) After a child has been adjudicated delinquent pursuant
22 to subdivision (3) of subsection 1 of section 211.031, for an
23 offense which would be a felony if committed by an adult, the
24 records of the dispositional hearing and proceedings related
25 thereto shall be open to the public to the same extent that

1 records of criminal proceedings are open to the public. However,
2 the social summaries, investigations or updates in the nature of
3 presentence investigations, and status reports submitted to the
4 court by any treating agency or individual after the
5 dispositional order is entered shall be kept confidential and
6 shall be opened to inspection only by order of the judge of the
7 juvenile court;

8 (3) As otherwise provided by statute;

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

11 3. Peace officers' records, if any are kept, of children
12 shall be kept separate from the records of persons seventeen
13 years of age or over and shall not be open to inspection or their
14 contents disclosed, except by order of the court. This
15 subsection does not apply to children who are transferred to
16 courts of general jurisdiction as provided by section 211.071 or
17 to juveniles convicted under the provisions of sections 578.421
18 to 578.437, RSMo. This subsection does not apply to the
19 inspection or disclosure of the contents of the records of peace
20 officers for the purpose of pursuing a civil forfeiture action
21 pursuant to the provisions of section 195.140, RSMo.

22 4. Nothing in this section shall be construed to prevent
23 the release of information and data to persons or organizations
24 authorized by law to compile statistics relating to juveniles.
25 The court shall adopt procedures to protect the confidentiality

1 of children's names and identities.

2 5. The court may, either on its own motion or upon
3 application by the child or his representative, or upon
4 application by the juvenile officer, enter an order to destroy
5 all social histories, records, and information, other than the
6 official court file, and may enter an order to seal the official
7 court file, as well as all peace officers' records, at any time
8 after the child has reached his seventeenth birthday if the court
9 finds that it is in the best interest of the child that such
10 action or any part thereof be taken, unless the jurisdiction of
11 the court is continued beyond the child's seventeenth birthday,
12 in which event such action or any part thereof may be taken by
13 the court at any time after the closing of the child's case.

14 6. Nothing in this section shall be construed to prevent
15 the release of general information regarding the informal
16 adjustment or formal adjudication of the disposition of a child's
17 case to a victim or a member of the immediate family of a victim
18 of any offense committed by the child. Such general information
19 shall not be specific as to location and duration of treatment or
20 detention or as to any terms of supervision.

21 7. Records of juvenile court proceedings as well as all
22 information obtained and social records prepared in the discharge
23 of official duty for the court shall be disclosed to the child
24 fatality review panel reviewing the child's death pursuant to
25 section 210.192, RSMo, unless the juvenile court on its own

1 motion, or upon application by the juvenile officer, enters an
2 order to seal the records of the victim child.

3 302.272. 1. No person shall operate any school bus owned
4 by or under contract with a public school or the state board of
5 education unless such driver has qualified for a school bus
6 permit under this section and complied with the pertinent rules
7 and regulations of the department of revenue. A school bus
8 permit shall be issued to any applicant who meets the following
9 qualifications:

10 (1) The applicant has a valid state license issued under
11 this chapter or has a license valid in any other state;

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

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

18 (4) The applicant has successfully passed an examination
19 for the operation of a school bus as prescribed by the director
20 of revenue. The examination shall include, but need not be
21 limited to, a written skills examination of applicable laws,
22 rules and procedures, and a driving test in the type of vehicle
23 to be operated. The test shall be completed in the appropriate
24 class of vehicle to be driven. For purposes of this section
25 classes of school buses shall comply with the Commercial Motor

1 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570).

2 2. Except as otherwise provided in this section, a school
3 bus permit shall be renewed every three years and shall require
4 the applicant to provide a medical examination as specified in
5 subdivision (3) of subsection 1 of this section and to
6 successfully pass a written skills examination as prescribed by
7 the director of revenue in consultation with the department of
8 elementary and secondary education. If the applicant is at least
9 seventy years of age, the school bus permit shall be renewed
10 annually, and the applicant shall successfully pass the
11 examination prescribed in subdivision (4) of subsection 1 of this
12 section prior to receiving the renewed permit. The director may
13 waive the written skills examination on renewal of a school bus
14 permit upon verification of the applicant's successful completion
15 within the preceding twelve months of a training program which
16 has been approved by the director in consultation with the
17 department of elementary and secondary education and which is at
18 least eight hours in duration with special instruction in school
19 bus driving.

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

22 4. Upon the applicant's completion of the requirements of
23 subsections 1, 2, and 3 of this section, the director of revenue
24 shall issue a temporary school bus permit to the applicant until
25 such time as a permanent school bus permit shall be issued

1 following the record clearance as provided in subsection 6 of
2 this section.

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

6 (1) Whose driving record shows that such applicant's
7 privilege to operate a motor vehicle has been suspended, revoked
8 or disqualified or whose driving record shows a history of moving
9 vehicle violations;

10 (2) Who has pled guilty to or been found guilty of any
11 felony or misdemeanor for violation of drug regulations as
12 defined in chapter 195, RSMo; of any felony for an offense
13 against the person as defined by chapter 565, RSMo, or any other
14 offense against the person involving the endangerment of a child
15 as prescribed by law; of any misdemeanor or felony for a sexual
16 offense as defined by chapter 566, RSMo; of any misdemeanor or
17 felony for prostitution as defined by chapter 567, RSMo; of any
18 misdemeanor or felony for an offense against the family as
19 defined in chapter 568, RSMo; of any felony or misdemeanor for a
20 weapons offense as defined by chapter 571, RSMo; of any
21 misdemeanor or felony for pornography or related offense as
22 defined by chapter 573, RSMo; or of any similar crime in any
23 federal, state, municipal or other court of similar jurisdiction
24 of which the director has knowledge;

25 (3) Who has pled guilty to or been found guilty of any

1 felony involving robbery, arson, burglary or a related offense as
2 defined by chapter 569, RSMo; or any similar crime in any
3 federal, state, municipal or other court of similar jurisdiction
4 within the preceding ten years of which the director has
5 knowledge.

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

22 7. Beginning January 1, 2005, the director shall request
23 that the department of social services determine whether the
24 applicant is listed on the child abuse and neglect registry and
25 shall require the applicant to submit two sets of fingerprints.

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

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

12 9. If, as a result of the criminal history background check
13 required by this section, it is determined that an applicant has
14 pled guilty or nolo contendere to, or been found guilty of a
15 child abuse offense or sexual offense under the laws of this
16 state, any other state, the United States, or any other country,
17 regardless of imposition of sentence, the director of revenue
18 shall not issue or renew a school bus permit to such applicant.
19 If, as a result of the criminal history background check required
20 by this section, it is determined that an applicant has pled
21 guilty or nolo contendere to, or been found guilty of any other
22 crime under the laws of this state, any other state, the United
23 States, or any other country, regardless of imposition of
24 sentence, such information shall be reported to any school
25 district requesting such information from the department

1 regarding any bus driver applying for a position with or employed
2 by a school or school district.

3 10. The director may adopt any rules and regulations
4 necessary to carry out the provisions of this section. Any rule
5 or portion of a rule, as that term is defined in section 536.010,
6 RSMo, that is created under the authority delegated in this
7 section shall become effective only if it complies with and is
8 subject to all of the provisions of chapter 536, RSMo, and, if
9 applicable, section 536.028, RSMo. This section and chapter 536,
10 RSMo, are nonseverable and if any of the powers vested with the
11 general assembly pursuant to chapter 536, RSMo, to review, to
12 delay the effective date, or to disapprove and annul a rule are
13 subsequently held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after the effective
15 date of this section, shall be invalid and void.

16 431.056. 1. A minor shall be qualified and competent to
17 contract for housing, employment, purchase of an automobile,
18 receipt of a student loan, admission to high school or
19 postsecondary school, obtaining medical care, establishing a bank
20 account and admission to a shelter for victims of domestic
21 violence, as defined in section 455.200, RSMo, or a homeless
22 shelter if:

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

24 (2) The minor is homeless, as defined in [subdivisions (1),
25 (2) and (3) of] subsection 1 of section 167.020, RSMo, or a

1 victim of domestic violence, as defined in section 455.200, RSMo,
2 unless the child is under the supervision of the children's
3 division [of family services] or the jurisdiction of the juvenile
4 court; and

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

8 (4) The minor's [parents have] parent or legal guardian has
9 consented to the minor living independent of the parents' or
10 guardians' control. Consent may be expressed or implied, such
11 that:

12 (1) Expressed consent is any verbal or written statement
13 made by the parents or guardian of the minor displaying approval
14 or agreement that the minor may live independently of the
15 parent's or guardian's control;

16 (2) Implied consent is any action made by the parent or
17 guardian of the minor that indicates the parent or guardian is
18 unwilling or unable to adequately care for the minor. Such
19 actions may include, but are not limited to:

20 (a) Barring the minor from the home or otherwise indicating
21 that the minor is not welcome to stay;

22 (b) Refusing to provide any or all financial support for
23 the minor; or

24 (c) Abusing or neglecting the minor, as defined in section
25 210.110, RSMo.

1 452.310. 1. In any proceeding commenced pursuant to this
2 chapter, the petition, a motion to modify, a motion for a family
3 access order and a motion for contempt shall be verified. The
4 petition in a proceeding for dissolution of marriage shall allege
5 that the marriage is irretrievably broken and that therefore
6 there remains no reasonable likelihood that the marriage can be
7 preserved. The petition in a proceeding for legal separation
8 shall allege that the marriage is not irretrievably broken and
9 that therefore there remains a reasonable likelihood that the
10 marriage can be preserved.

11 2. The petition in a proceeding for dissolution of marriage
12 or legal separation shall set forth:

13 (1) The residence of each party, including the county, and
14 the length of residence of each party in this state and in the
15 county of residence;

16 (2) The date of the marriage and the place at which it is
17 registered;

18 (3) The date on which the parties separated;

19 (4) The name, date of birth and address of each child, and
20 the parent with whom each child has primarily resided for the
21 sixty days immediately preceding the filing of the petition for
22 dissolution of marriage or legal separation;

23 (5) Whether the wife is pregnant;

24 (6) The Social Security number of the petitioner,
25 respondent and each child;

1 (7) Any arrangements as to the custody and support of the
2 children and the maintenance of each party; and

3 (8) The relief sought.

4 3. Upon the filing of the petition in a proceeding for
5 dissolution of marriage or legal separation, each child shall
6 immediately be subject to the jurisdiction of the court in which
7 the proceeding is commenced, unless a proceeding involving
8 allegations of abuse or neglect of the child is pending in
9 juvenile court. Until permitted by order of the court, neither
10 parent shall remove any child from the jurisdiction of the court
11 or from any parent with whom the child has primarily resided for
12 the sixty days immediately preceding the filing of a petition for
13 dissolution of marriage or legal separation.

14 4. The mere fact that one parent has actual possession of
15 the child at the time of filing shall not create a preference in
16 favor of such parent in any judicial determination regarding
17 custody of the child.

18 5. The respondent shall be served in the manner provided by
19 the rules of the supreme court and applicable court rules and, to
20 avoid an interlocutory judgment of default, shall file a verified
21 answer within thirty days of the date of service which shall not
22 only admit or deny the allegations of the petition, but shall
23 also set forth:

24 (1) The Social Security number of the petitioner,
25 respondent and each child;

1 (2) Any arrangements as to the custody and support of the
2 child and the maintenance of each party; and

3 (3) The relief sought.

4 6. Previously existing defenses to divorce and legal
5 separation, including but not limited to condonation, connivance,
6 collusion, recrimination, insanity, and lapse of time, are
7 abolished.

8 7. The petitioner and respondent shall submit a proposed
9 parenting plan, either individually or jointly, within thirty
10 days after service of process or the filing of the entry of
11 appearance, whichever event first occurs of a motion to modify or
12 a petition involving custody or visitation issues. The proposed
13 parenting plan shall set forth the arrangements that the party
14 believes to be in the best interest of the minor children and
15 shall include but not be limited to:

16 (1) A specific written schedule detailing the custody,
17 visitation and residential time for each child with each party
18 including:

19 (a) Major holidays stating which holidays a party has each
20 year;

21 (b) School holidays for school-age children;

22 (c) The child's birthday, Mother's Day and Father's Day;

23 (d) Weekday and weekend schedules and for school-age
24 children how the winter, spring, summer and other vacations from
25 school will be spent;

1 (e) The times and places for transfer of the child between
2 the parties in connection with the residential schedule;

3 (f) A plan for sharing transportation duties associated
4 with the residential schedule;

5 (g) Appropriate times for telephone access;

6 (h) Suggested procedures for notifying the other party when
7 a party requests a temporary variation from the residential
8 schedule;

9 (i) Any suggested restrictions or limitations on access to
10 a party and the reasons such restrictions are requested;

11 (2) A specific written plan regarding legal custody which
12 details how the decision-making rights and responsibilities will
13 be shared between the parties including the following:

14 (a) Educational decisions and methods of communicating
15 information from the school to both parties;

16 (b) Medical, dental and health care decisions including how
17 health care providers will be selected and a method of
18 communicating medical conditions of the child and how emergency
19 care will be handled;

20 (c) Extracurricular activities, including a method for
21 determining which activities the child will participate in when
22 those activities involve time during which each party is the
23 custodian;

24 (d) Child care providers, including how such providers will
25 be selected;

1 (e) Communication procedures including access to telephone
2 numbers as appropriate;

3 (f) A dispute resolution procedure for those matters on
4 which the parties disagree or in interpreting the parenting plan;

5 (g) If a party suggests no shared decision-making, a
6 statement of the reasons for such a request;

7 (3) How the expenses of the child, including child care,
8 educational and extraordinary expenses as defined in the child
9 support guidelines established by the supreme court, will be paid
10 including:

11 (a) The suggested amount of child support to be paid by
12 each party;

13 (b) The party who will maintain or provide health insurance
14 for the child and how the medical, dental, vision, psychological
15 and other health care expenses of the child not paid by insurance
16 will be paid by the parties;

17 (c) The payment of educational expenses, if any;

18 (d) The payment of extraordinary expenses of the child, if
19 any;

20 (e) Child care expenses, if any;

21 (f) Transportation expenses, if any.

22 8. If the proposed parenting plans of the parties differ
23 and the parties cannot resolve the differences or if any party
24 fails to file a proposed parenting plan, upon motion of either
25 party and an opportunity for the parties to be heard, the court

1 shall enter a temporary order containing a parenting plan setting
2 forth the arrangements specified in subsection 7 of this section
3 which will remain in effect until further order of the court.

4 The temporary order entered by the court shall not create a
5 preference for the court in its adjudication of final custody,
6 child support or visitation.

7 9. Within one hundred twenty days after August 28, 1998,
8 the Missouri supreme court shall have in effect guidelines for a
9 parenting plan form which may be used by the parties pursuant to
10 this section in any dissolution of marriage, legal separation or
11 modification proceeding involving issues of custody and
12 visitation relating to the child.

13 10. The filing of a parenting plan for any child over the
14 age of eighteen for whom custody, visitation, or support is being
15 established or modified by a court of competent jurisdiction is
16 not required. Nothing in this section shall be construed as
17 precluding the filing of a parenting plan upon agreement of the
18 parties or if ordered to do so by the court for any child over
19 the age of eighteen for whom custody, visitation, or support is
20 being established or modified by a court of competent
21 jurisdiction.

22 452.375. 1. As used in this chapter, unless the context
23 clearly indicates otherwise:

24 (1) "Custody", means joint legal custody, sole legal
25 custody, joint physical custody or sole physical custody or any

1 combination thereof;

2 (2) "Joint legal custody" means that the parents share the
3 decision-making rights, responsibilities, and authority relating
4 to the health, education and welfare of the child, and, unless
5 allocated, apportioned, or decreed, the parents shall confer with
6 one another in the exercise of decision-making rights,
7 responsibilities, and authority;

8 (3) "Joint physical custody" means an order awarding each
9 of the parents significant, but not necessarily equal, periods of
10 time during which a child resides with or is under the care and
11 supervision of each of the parents. Joint physical custody shall
12 be shared by the parents in such a way as to assure the child of
13 frequent, continuing and meaningful contact with both parents;

14 (4) "Third-party custody" means a third party designated as
15 a legal and physical custodian pursuant to subdivision (5) of
16 subsection 5 of this section.

17 2. The court shall determine custody in accordance with the
18 best interests of the child. The court shall consider all
19 relevant factors including:

20 (1) The wishes of the child's parents as to custody and the
21 proposed parenting plan submitted by both parties;

22 (2) The needs of the child for a frequent, continuing and
23 meaningful relationship with both parents and the ability and
24 willingness of parents to actively perform their functions as
25 mother and father for the needs of the child;

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

4 (4) Which parent is more likely to allow the child
5 frequent, continuing and meaningful contact with the other
6 parent;

7 (5) The child's adjustment to the child's home, school, and
8 community;

9 (6) The mental and physical health of all individuals
10 involved, including any history of abuse of any individuals
11 involved. If the court finds that a pattern of domestic violence
12 has occurred, and, if the court also finds that awarding custody
13 to the abusive parent is in the best interest of the child, then
14 the court shall enter written findings of fact and conclusions of
15 law. Custody and visitation rights shall be ordered in a manner
16 that best protects the child and any other child or children for
17 whom the parent has custodial or visitation rights, and the
18 parent or other family or household member who is the victim of
19 domestic violence from any further harm;

20 (7) The intention of either parent to relocate the
21 principal residence of the child; and

22 (8) The wishes of a child as to the child's custodian.

23 The fact that a parent sends his or her child or children to a
24 home school, as defined in section 167.031, RSMo, shall not be

1 the sole factor that a court considers in determining custody of
2 such child or children.

3 3. In any court proceedings relating to custody of a child,
4 the court shall not award custody or unsupervised visitation of a
5 child to a parent if such parent or any person residing with such
6 parent has been found guilty of, or pled guilty to, a felony
7 violation of chapter 566, RSMo, except for section 566.034, RSMo,
8 when [the] a child was the victim, or a violation of chapter 568,
9 RSMo, except for section 568.040, RSMo, when [the] a child was
10 the victim, or an offense committed in another state when a child
11 is the victim, that would be a felony violation of chapter 566,
12 RSMo, except for section 566.034, RSMo, or chapter 568, RSMo, if
13 committed in Missouri.

14 4. The general assembly finds and declares that it is the
15 public policy of this state that frequent, continuing and
16 meaningful contact with both parents after the parents have
17 separated or dissolved their marriage is in the best interest of
18 the child, except for cases where the court specifically finds
19 that such contact is not in the best interest of the child, and
20 that it is the public policy of this state to encourage parents
21 to participate in decisions affecting the health, education and
22 welfare of their children, and to resolve disputes involving
23 their children amicably through alternative dispute resolution.
24 In order to effectuate these policies, the court shall determine
25 the custody arrangement which will best assure both parents

1 participate in such decisions and have frequent, continuing and
2 meaningful contact with their children so long as it is in the
3 best interests of the child.

4 5. Prior to awarding the appropriate custody arrangement in
5 the best interest of the child, the court shall consider each of
6 the following as follows:

7 (1) Joint physical and joint legal custody to both parents,
8 which shall not be denied solely for the reason that one parent
9 opposes a joint physical and joint legal custody award. The
10 residence of one of the parents shall be designated as the
11 address of the child for mailing and educational purposes;

12 (2) Joint physical custody with one party granted sole
13 legal custody. The residence of one of the parents shall be
14 designated as the address of the child for mailing and
15 educational purposes;

16 (3) Joint legal custody with one party granted sole
17 physical custody;

18 (4) Sole custody to either parent; or

19 (5) Third-party custody or visitation:

20 (a) When the court finds that each parent is unfit,
21 unsuitable, or unable to be a custodian, or the welfare of the
22 child requires, and it is in the best interests of the child,
23 then custody, temporary custody or visitation may be awarded to
24 any other person or persons deemed by the court to be suitable
25 and able to provide an adequate and stable environment for the

1 child. Before the court awards custody, temporary custody or
2 visitation to a third person under this subdivision, the court
3 shall make that person a party to the action;

4 (b) Under the provisions of this subsection, any person may
5 petition the court to intervene as a party in interest at any
6 time as provided by supreme court rule.

7 6. If the parties have not agreed to a custodial
8 arrangement, or the court determines such arrangement is not in
9 the best interest of the child, the court shall include a written
10 finding in the judgment or order based on the public policy in
11 subsection 4 of this section and each of the factors listed in
12 subdivisions (1) to (8) of subsection 2 of this section detailing
13 the specific relevant factors that made a particular arrangement
14 in the best interest of the child. If a proposed custodial
15 arrangement is rejected by the court, the court shall include a
16 written finding in the judgment or order detailing the specific
17 relevant factors resulting in the rejection of such arrangement.

18 7. Upon a finding by the court that either parent has
19 refused to exchange information with the other parent, which
20 shall include but not be limited to information concerning the
21 health, education and welfare of the child, the court shall order
22 the parent to comply immediately and to pay the prevailing party
23 a sum equal to the prevailing party's cost associated with
24 obtaining the requested information, which shall include but not
25 be limited to reasonable attorney's fees and court costs.

1 8. As between the parents of a child, no preference may be
2 given to either parent in the awarding of custody because of that
3 parent's age, sex, or financial status, nor because of the age or
4 sex of the child.

5 9. Any judgment providing for custody shall include a
6 specific written parenting plan setting forth the terms of such
7 parenting plan arrangements specified in subsection 7 of section
8 452.310. Such plan may be a parenting plan submitted by the
9 parties pursuant to section 452.310 or, in the absence thereof, a
10 plan determined by the court, but in all cases, the custody plan
11 approved and ordered by the court shall be in the court's
12 discretion and shall be in the best interest of the child.

13 10. Unless a parent has been denied custody rights pursuant
14 to this section or visitation rights under section 452.400, both
15 parents shall have access to records and information pertaining
16 to a minor child, including, but not limited to, medical, dental,
17 and school records. If the parent without custody has been
18 granted restricted or supervised visitation because the court has
19 found that the parent with custody or [the] any child has been
20 the victim of domestic violence, as defined in section 455.200,
21 RSMo, by the parent without custody, the court may order that the
22 reports and records made available pursuant to this subsection
23 not include the address of the parent with custody or the child.
24 Unless a parent has been denied custody rights pursuant to this
25 section or visitation rights under section 452.400, any judgment

1 of dissolution or other applicable court order shall specifically
2 allow both parents access to such records and reports.

3 11. Except as otherwise precluded by state or federal law,
4 if any individual, professional, public or private institution or
5 organization denies access or fails to provide or disclose any
6 and all records and information, including, but not limited to,
7 past and present dental, medical and school records pertaining to
8 a minor child, to either parent upon the written request of such
9 parent, the court shall, upon its finding that the individual,
10 professional, public or private institution or organization
11 denied such request without good cause, order that party to
12 comply immediately with such request and to pay to the prevailing
13 party all costs incurred, including, but not limited to,
14 attorney's fees and court costs associated with obtaining the
15 requested information.

16 12. An award of joint custody does not preclude an award of
17 child support pursuant to section 452.340 and applicable supreme
18 court rules. The court shall consider the factors contained in
19 section 452.340 and applicable supreme court rules in determining
20 an amount reasonable or necessary for the support of the child.

21 13. If the court finds that domestic violence or abuse, as
22 defined in sections 455.010 and 455.501, RSMo, has occurred, the
23 court shall make specific findings of fact to show that the
24 custody or visitation arrangement ordered by the court best
25 protects the child and the parent or other family or household

1 member who is the victim of domestic violence or abuse, as
2 defined in sections 455.010 and 455.501, RSMo, and any other
3 children for whom such parent has custodial or visitation rights
4 from any further harm.

5 452.400. 1. A parent not granted custody of the child is
6 entitled to reasonable visitation rights unless the court finds,
7 after a hearing, that visitation would endanger the child's
8 physical health or impair his or her emotional development. The
9 court shall enter an order specifically detailing the visitation
10 rights of the parent without physical custody rights to the child
11 and any other children for whom such parent has custodial or
12 visitation rights. In determining the granting of visitation
13 rights, the court shall consider evidence of domestic violence.
14 If the court finds that domestic violence has occurred, the court
15 may find that granting visitation to the abusive party is in the
16 best interests of the child. The court shall not grant
17 visitation to the parent not granted custody if such parent or
18 any person residing with such parent has been found guilty of or
19 pled guilty to a felony violation of chapter 566, RSMo, except
20 for section 566.034, RSMo, when [the] a child was the victim, or
21 a violation of chapter 568, RSMo, except for section 568.040,
22 RSMo, when [the] a child was the victim, or an offense committed
23 in another state[,] when [the] a child is the victim, that would
24 be a felony violation of chapter 566, RSMo, except for section
25 566.034, RSMo, or chapter 568, RSMo, [except for section 568.040,

1 RSMo,] if committed in Missouri. The court shall consider the
2 parent's history of inflicting, or tendency to inflict, physical
3 harm, bodily injury, assault, or the fear of physical harm,
4 bodily injury, or assault on other persons and shall grant
5 visitation in a manner that best protects the child and the
6 parent or other family or household member who is the victim of
7 domestic violence, and any other children for whom the parent has
8 custodial or visitation rights from any further harm. The court,
9 if requested by a party, shall make specific findings of fact to
10 show that the visitation arrangements made by the court best
11 protect the child or the parent or other family or household
12 member who is the victim of domestic violence, or any other child
13 for whom the parent has custodial or visitation rights from any
14 further harm.

15 2. The court may modify an order granting or denying
16 visitation rights whenever modification would serve the best
17 interests of the child, but the court shall not restrict a
18 parent's visitation rights unless it finds that the visitation
19 would endanger the child's physical health or impair his or her
20 emotional development. In any proceeding modifying visitation
21 rights, the court shall not grant unsupervised visitation to a
22 parent if the parent or any person residing with such parent has
23 been found guilty of or pled guilty to a felony violation of
24 chapter 566, RSMo, except for section 566.034, RSMo, when a child
25 was the victim, or a violation of chapter 568, RSMo, except for

1 section 568.040, RSMo, when a child was the victim, or an offense
2 committed in another state when a child is the victim, that would
3 be a felony violation of chapter 566, RSMo, except for section
4 566.034, RSMo, or chapter 568, RSMo, except for section 568.040,
5 RSMo, if committed in Missouri. When a court restricts a
6 parent's visitation rights or when a court orders supervised
7 visitation because of allegations of abuse or domestic violence,
8 a showing of proof of treatment and rehabilitation shall be made
9 to the court before unsupervised visitation may be ordered.
10 "Supervised visitation", as used in this section, is visitation
11 which takes place in the presence of a responsible adult
12 appointed by the court for the protection of the child.

13 3. The court shall mandate compliance with its order by all
14 parties to the action, including parents, children and third
15 parties. In the event of noncompliance, the aggrieved person may
16 file a verified motion for contempt. If custody, visitation or
17 third-party custody is denied or interfered with by a parent or
18 third party without good cause, the aggrieved person may file a
19 family access motion with the court stating the specific facts
20 which constitute a violation of the judgment of dissolution or
21 legal separation. The state courts administrator shall develop a
22 simple form for pro se motions to the aggrieved person, which
23 shall be provided to the person by the circuit clerk. Clerks,
24 under the supervision of a circuit clerk, shall explain to
25 aggrieved parties the procedures for filing the form. Notice of

1 the fact that clerks will provide such assistance shall be
2 conspicuously posted in the clerk's offices. The location of the
3 office where the family access motion may be filed shall be
4 conspicuously posted in the court building. The performance of
5 duties described in this section shall not constitute the
6 practice of law as defined in section 484.010, RSMo. Such form
7 for pro se motions shall not require the assistance of legal
8 counsel to prepare and file. The cost of filing the motion shall
9 be the standard court costs otherwise due for instituting a civil
10 action in the circuit court.

11 4. Within five court days after the filing of the family
12 access motion pursuant to subsection 3 of this section, the clerk
13 of the court shall issue a summons pursuant to applicable state
14 law, and applicable local or supreme court rules. A copy of the
15 motion shall be personally served upon the respondent by personal
16 process server as provided by law or by any sheriff. Such
17 service shall be served at the earliest time and shall take
18 priority over service in other civil actions, except those of an
19 emergency nature or those filed pursuant to chapter 455, RSMo.
20 The motion shall contain the following statement in boldface
21 type: "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO
22 RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF
23 SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN
24 THE FOLLOWING:

25 (1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY,

1 VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE
2 AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;

3 (2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE
4 THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A
5 CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;

6 (3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS
7 AGAINST THE VIOLATOR;

8 (4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO
9 ENSURE FUTURE COMPLIANCE WITH THE COURT'S ORDERS;

10 (5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO
11 REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE AGGRIEVED
12 PARTY AND THE CHILD; AND

13 (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE
14 EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY
15 INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF
16 CUSTODY, VISITATION OR THIRD-PARTY CUSTODY.".

17 5. If an alternative dispute resolution program is
18 available pursuant to section 452.372, the clerk shall also
19 provide information to all parties on the availability of any
20 such services, and within fourteen days of the date of service,
21 the court may schedule alternative dispute resolution.

22 6. Upon a finding by the court pursuant to a motion for a
23 family access order or a motion for contempt that its order for
24 custody, visitation or third-party custody has not been complied
25 with, without good cause, the court shall order a remedy, which

1 may include, but not be limited to:

2 (1) A compensatory period of visitation, custody or
3 third-party custody at a time convenient for the aggrieved party
4 not less than the period of time denied;

5 (2) Participation by the violator in counseling to educate
6 the violator about the importance of providing the child with a
7 continuing and meaningful relationship with both parents;

8 (3) Assessment of a fine of up to five hundred dollars
9 against the violator payable to the aggrieved party;

10 (4) Requiring the violator to post bond or security to
11 ensure future compliance with the court's access orders; and

12 (5) Ordering the violator to pay the cost of counseling to
13 reestablish the parent-child relationship between the aggrieved
14 party and the child.

15 7. The reasonable expenses incurred as a result of denial
16 or interference with custody or visitation, including attorney's
17 fees and costs of a proceeding to enforce visitation rights,
18 custody or third-party custody, shall be assessed, if requested
19 and for good cause, against the parent or party who unreasonably
20 denies or interferes with visitation, custody or third-party
21 custody. In addition, the court may utilize any and all powers
22 relating to contempt conferred on it by law or rule of the
23 Missouri supreme court.

24 8. Final disposition of a motion for a family access order
25 filed pursuant to this section shall take place not more than

1 sixty days after the service of such motion, unless waived by the
2 parties or determined to be in the best interest of the child.
3 Final disposition shall not include appellate review.

4 9. Motions filed pursuant to this section shall not be
5 deemed an independent civil action from the original action
6 pursuant to which the judgment or order sought to be enforced was
7 entered.

8 453.025. 1. The court shall, in all cases where the person
9 sought to be adopted is under eighteen years of age, appoint a
10 guardian ad litem, if not previously appointed pursuant to
11 section 210.160, RSMo, to represent the person sought to be
12 adopted.

13 2. When the parent is a minor or incompetent, the court
14 shall appoint a guardian ad litem to represent such parent.

15 3. The guardian ad litem may be awarded a reasonable fee
16 for such services to be set by the court. The court, in its
17 discretion, may award such fees as a judgment to be paid by any
18 party to the proceedings or from public funds. Such an award of
19 guardian fees shall constitute a final judgment in favor of the
20 guardian ad litem. Such final judgment shall be enforceable
21 against the parties in accordance with chapter 513, RSMo.

22 4. The guardian ad litem shall:

23 (1) Be the legal advocate for the best interest of the
24 party he is appointed to represent with the power and authority
25 to cross-examine, subpoena witnesses, and offer testimony;

1 (2) Initiate an appeal of any disposition that he
2 determines to be adverse to the interests of the party he
3 represents; and

4 (3) Ascertain the child's wishes, feelings and attitudes
5 regarding the adoption by interviewing persons with knowledge of
6 the child, and if appropriate, to meet with the child.

7 453.110. 1. No person, agency, organization or institution
8 shall surrender custody of a minor child, or transfer the custody
9 of such a child to another, and no person, agency, organization
10 or institution shall take possession or charge of a minor child
11 so transferred, without first having filed a petition before the
12 circuit court sitting as a juvenile court of the county where the
13 child may be, praying that such surrender or transfer may be
14 made, and having obtained such an order from such court approving
15 or ordering transfer of custody.

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

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

25 4. The investigation required by subsection 2 of this

1 section shall be initiated by the division of family services
2 within forty-eight hours of the filing of the court order
3 requesting the investigation and report and shall be completed
4 within thirty days. The court shall order the person having
5 custody in violation of the provisions of this section to pay the
6 costs of the investigation and report.

7 5. This section shall not be construed to prohibit any
8 parent, agency, organization or institution from placing a child
9 [in a family home] with another individual for care if the right
10 to supervise the care of the child and to resume custody thereof
11 is retained, or from placing a child with a licensed foster home
12 within the state through a child placing agency licensed by this
13 state as part of a preadoption placement.

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

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

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

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

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

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

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

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

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

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

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

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

15 475.024. A parent of a minor, by a properly executed power
16 of attorney, may delegate to another individual, for a period not
17 exceeding one year, any of his or her powers regarding care or
18 custody of the minor child, except his or her power to consent to
19 marriage or adoption of the minor child.

20 487.100. In any family court case the judge or commissioner
21 may, on the judge's or commissioner's own motion or, at the
22 request of a party, order or recommend mediation, counseling or a
23 home study. The costs of such mediation, counseling or home
24 study may be assessed against any party at any time and may be
25 taxed as court costs paid by the party against whom costs are

1 taxed or may be paid from the family services and justice fund
2 established pursuant to section 487.170. The amount assessed for
3 such mediation, counseling, or home study shall be such amount as
4 the court determines to be reasonable under the circumstances.
5 The party's ability to pay shall be a consideration when such
6 costs are assessed.

7 491.075. 1. A statement made by a child under the age of
8 [twelve] fourteen relating to an offense under chapter 565, 566
9 or 568, RSMo, performed with or on a child by another, not
10 otherwise admissible by statute or court rule, is admissible in
11 evidence in criminal proceedings in the courts of this state as
12 substantive evidence to prove the truth of the matter asserted
13 if:

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

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

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

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

24 2. Notwithstanding subsection 1 of this section or any
25 provision of law or rule of evidence requiring corroboration of

1 statements, admissions or confessions of the defendant, and
2 notwithstanding any prohibition of hearsay evidence, a statement
3 by a child when under the age of [twelve] fourteen who is alleged
4 to be victim of an offense under chapter 565, 566 or 568, RSMo,
5 is sufficient corroboration of a statement, admission or
6 confession regardless of whether or not the child is available to
7 testify regarding the offense.

8 3. A statement may not be admitted under this section
9 unless the prosecuting attorney makes known to the accused or
10 [his] the accused's counsel his or her intention to offer the
11 statement and the particulars of the statement sufficiently in
12 advance of the proceedings to provide the accused or [his] the
13 accused's counsel with a fair opportunity to prepare to meet the
14 statement.

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

18 492.304. 1. In addition to the admissibility of a
19 statement under the provisions of section 492.303, the visual and
20 aural recording of a verbal or nonverbal statement of a child
21 when under the age of [twelve] fourteen who is alleged to be a
22 victim of an offense under the provisions of chapter 565, 566 or
23 568, RSMo, is admissible into evidence if:

24 (1) No attorney for either party was present when the
25 statement was made; except that, for any statement taken at a

1 state-funded child assessment center as provided for in
2 subsection 2 of section 210.001, RSMo, an attorney representing
3 the state of Missouri in a criminal investigation may, as a
4 member of a multidisciplinary investigation team, observe the
5 taking of such statement, but such attorney shall not be present
6 in the room where the interview is being conducted;

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

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

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

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

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

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

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

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

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

10 537.046. 1. As used in this section, the following terms
11 mean:

12 (1) "Childhood sexual abuse", any act committed by the
13 defendant against the plaintiff which act occurred when the
14 plaintiff was under the age of eighteen years and which act would
15 have been a violation of section 566.030, 566.040, 566.050,
16 566.060, 566.070, 566.080, 566.090, 566.100, 566.110, or 566.120,
17 RSMo, or section 568.020, RSMo;

18 (2) "Injury" or "illness", either a physical injury or
19 illness or a psychological injury or illness. A psychological
20 injury or illness need not be accompanied by physical injury or
21 illness.

22 2. [In any civil action for recovery of damages suffered as
23 a result of childhood sexual abuse, the time for commencement of
24 the action shall be within five years of the date the plaintiff
25 attains the age of eighteen or within three years of the date the

1 plaintiff discovers or reasonably should have discovered that the
2 injury or illness was caused by child sexual abuse, whichever
3 later occurs.] Any action to recover damages from injury or
4 illness caused by childhood sexual abuse in an action brought
5 pursuant to this section, shall be commenced within ten years of
6 the plaintiff attaining the age of twenty-one or within three
7 years of the date the plaintiff discovers, or reasonably should
8 have discovered, that the injury or illness was caused by
9 childhood sexual abuse, whichever later occurs.

10 3. This section shall apply to any action commenced on or
11 after [August 28, 1990] the effective date of this section,
12 including any action which would have been barred by the
13 application of the statute of limitation applicable prior to that
14 date.

15 701.336. 1. The department of health and senior services
16 shall cooperate with the federal government in implementing
17 subsections (d) and (e) of 15 U.S.C. 2685 to establish public
18 education activities and an information clearinghouse regarding
19 childhood lead poisoning. The department may develop additional
20 educational materials on lead hazards to children, lead poisoning
21 prevention, lead poisoning screening, lead abatement and
22 disposal, and on health hazards during abatement.

23 2. The department of health and senior services and the
24 department of social services, in collaboration with related not-
25 for-profit organizations, health maintenance organizations, and

1 the Missouri consolidated health care plan, shall devise an
2 educational strategy to increase the number of children who are
3 tested for lead poisoning under the Medicaid program. The goal
4 of the educational strategy is to have seventy-five percent of
5 the children who receive Medicaid tested for lead poisoning. The
6 educational strategy shall be implemented over a three-year
7 period and shall be in accordance with all federal laws and
8 regulations.

9 3. The division of family services, in collaboration with
10 the department of health and senior services, shall regularly
11 inform eligible clients of the availability and desirability of
12 lead screening and treatment services, including those available
13 through the early and periodic screening, diagnosis, and
14 treatment (EPSDT) component of the Medicaid program.

15 Section 1. For purposes of proceedings and investigations
16 conducted pursuant to chapter 211, RSMo, children shall be
17 promptly returned to the care and custody of a nonoffending
18 parent entitled to physical custody of the child if:

19 (1) The parents have continuously maintained joint domicile
20 for a period of at least six months prior to the alleged incident
21 or the parents are maintaining separate households; and

22 (2) A preponderance of the evidence indicates that only one
23 of the parents is the subject of an investigation of abuse or
24 neglect; and

25 (3) The nonoffending parent does not have a history of

1 criminal behavior, drug or alcohol abuse, child abuse or child
2 neglect, domestic violence, stalking, or full orders of
3 protection entered against them within the past five years; and

4 (4) The parents are maintaining joint domicile and the
5 offending parent is removed from the home voluntarily or
6 involuntarily, or the parents live separately and the child is
7 removed from the home of the custodial parent; and

8 (5) A nonoffending parent requests custody of the child and
9 agrees to cooperate with any orders of the court limiting contact
10 or establishing visitation with the offending parent and the
11 nonoffending parent complies with such orders.

12 When the parents maintain joint domicile, the offending parent
13 shall be presumed to have given permission for the nonoffending
14 parent to live in the household. The court shall order temporary
15 or permanent change of custody of the child to the nonoffending
16 parent if the nonoffending parent does not have legal custody of
17 the child, and shall order modifications to any public assistance
18 benefits which may be required to assure the well-being of the
19 child.

20 Section 2. If any provision of this act is found by a court
21 of competent jurisdiction to be invalid or unconstitutional it is
22 the stated intent of the legislature that the legislature would
23 have approved the remaining portions of the act, and the
24 remaining portions of the act shall remain in full force and

1 effect.

2 [26.740. 1. There is hereby created
3 within the office of the governor a "Child
4 Abuse, Custody and Neglect Commission" which
5 shall evaluate the laws and rules relating to
6 child abuse, neglect, child custody and
7 visitation and termination of parental rights
8 and shall make recommendations on further
9 action or legislative remedies, if any, to be
10 taken as necessary. The commission shall
11 review and recommend standardized guidelines
12 for judicial review of what constitutes the
13 best interest of the child.

14 2. The child abuse, custody and neglect
15 commission shall be composed of twelve
16 members to be appointed by the governor,
17 including a county prosecutor, a law
18 enforcement officer, a juvenile officer, a
19 certified guardian ad litem, a juvenile court
20 judge, a member of the clergy, a
21 psychologist, a pediatrician, an educator,
22 the chairman of the children's services
23 commission, a division of family services
24 designee, and one citizen of the state of
25 Missouri, chosen to reflect the racial
26 composition of the state, to serve four-year
27 terms and of the members first appointed,
28 four shall serve for a term of two years,
29 four shall serve for a term of three years,
30 and four shall serve for a term of four
31 years.

32 3. The commission shall make its first
33 report to the governor and the general
34 assembly by February 1, 2002, and any
35 subsequent reports shall be made to the
36 governor, the chief justice of the supreme
37 court and the general assembly as necessary.

38 4. All members shall serve without
39 compensation but shall be reimbursed for all
40 actual and necessary expenses incurred in the
41 performance of their official duties for the
42 commission.

43 5. The office of the governor shall
44 provide funding, administrative support, and
45 staff for the effective operation of the
46 commission.

47 6. This section shall expire on August
48 28, 2004.]

1 Section B. Because immediate action is necessary to ensure
2 the safety of children receiving child protective services
3 section A of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace, and safety,
5 and is hereby declared to be an emergency act within the meaning
6 of the constitution, and section A of this act shall be in full
7 force and effect on July 1, 2004, or upon its passage and
8 approval, whichever later occurs.