

SECOND REGULAR SESSION

HOUSE BILL NO. 1592

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ELLINGER (Sponsor), OTTO,
MORGAN AND WHITE (Co-sponsors).

5134L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 210.145, 210.150, and 452.375, RSMo, and to enact in lieu thereof three new sections relating to admissibility of allegations of abuse, with a penalty provision.

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

Section A. Sections 210.145, 210.150, and 452.375, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 210.145, 210.150, and 452.375, to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

51 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct
52 observation. Callers to the child abuse and neglect hotline shall be instructed by the division's
53 hotline to call 911 in instances where the child may be in immediate danger. If the parents of the
54 child are not the alleged abusers, a parent of the child must be notified prior to the child being
55 interviewed by the division. No person responding to or investigating a child abuse and neglect
56 report shall call prior to a home visit or leave any documentation of any attempted visit, such as
57 business cards, pamphlets, or other similar identifying information if he or she has a reasonable
58 basis to believe the following factors are present:

- 59 (1) (a) No person is present in the home at the time of the home visit; and
60 (b) The alleged perpetrator resides in the home or the physical safety of the child may
61 be compromised if the alleged perpetrator becomes aware of the attempted visit;
62 (2) The alleged perpetrator will be alerted regarding the attempted visit; or
63 (3) The family has a history of domestic violence or fleeing the community.
64

65 If the alleged perpetrator is present during a visit by the person responding to or investigating the
66 report, such person shall provide written material to the alleged perpetrator informing him or her
67 of his or her rights regarding such visit, including but not limited to the right to contact an
68 attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written
69 material or have such material read to him or her by the case worker before the visit commences,
70 but in no event shall such time exceed five minutes; except that, such requirement to provide
71 written material and reasonable time to read such material shall not apply in cases where the
72 child faces an immediate threat or danger, or the person responding to ~~or~~ investigating the report
73 is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in
74 a school or child care facility the division shall not meet with the child in any school building
75 or child-care facility building where abuse of such child is alleged to have occurred. When the
76 child is reported absent from the residence, the location and the well-being of the child shall be
77 verified. For purposes of this subsection, child care facility shall have the same meaning as such
78 term is defined in section 210.201.

79 7. The director of the division shall name at least one chief investigator for each local
80 division office, who shall direct the division response on any case involving a second or
81 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
82 investigator shall include verification of direct observation of the subject child by the division
83 and shall ensure information regarding the status of an investigation is provided to the public
84 school district liaison. The public school district liaison shall develop protocol in conjunction
85 with the chief investigator to ensure information regarding an investigation is shared with
86 appropriate school personnel. The superintendent of each school district shall designate a

87 specific person or persons to act as the public school district liaison. Should the subject child
88 attend a nonpublic school the chief investigator shall notify the school principal of the
89 investigation. Upon notification of an investigation, all information received by the public
90 school district liaison or the school shall be subject to the provisions of the federal Family
91 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34
92 C.F.R., Part 99.

93 8. The investigation shall include but not be limited to the nature, extent, and cause of
94 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the
95 names and conditions of other children in the home, if any; the home environment and the
96 relationship of the subject child to the parents or other persons responsible for the child's care;
97 any indication of incidents of physical violence against any other household or family member;
98 and other pertinent data.

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

103 10. Upon completion of the investigation, if the division suspects that the report was
104 made maliciously or for the purpose of harassment, the division shall refer the report and any
105 evidence of malice or harassment to the local prosecuting or circuit attorney.

106 11. Multidisciplinary teams shall be used whenever conducting the investigation as
107 determined by the division in conjunction with local law enforcement. Multidisciplinary teams
108 shall be used in providing protective or preventive social services, including the services of law
109 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and
110 other agencies, both public and private.

111 12. For all family support team meetings involving an alleged victim of child abuse or
112 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian
113 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
114 provided notice and be permitted to attend all such meetings. Family members, other than
115 alleged perpetrators, or other community informal or formal service providers that provide
116 significant support to the child and other individuals may also be invited at the discretion of the
117 parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian
118 or custodian and the foster parents may request that other individuals, other than alleged
119 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
120 attends such team meetings, the division or the convenor of the meeting shall provide such
121 persons with notice of all such subsequent meetings involving the child. Families may determine
122 whether individuals invited at their discretion shall continue to be invited.

123 13. If the appropriate local division personnel determine after an investigation has begun
124 that completing an investigation is not appropriate, the division shall conduct a family
125 assessment and services approach. The division shall provide written notification to local law
126 enforcement prior to terminating any investigative process. The reason for the termination of
127 the investigative process shall be documented in the record of the division and the written
128 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
129 any investigation by law enforcement.

130 14. If the appropriate local division personnel determines to use a family assessment and
131 services approach, the division shall:

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

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

142 (3) Commence an immediate investigation if at any time during the family assessment
143 and services approach the division determines that an investigation, as delineated in sections
144 210.109 to 210.183, is required. The division staff who have conducted the assessment may
145 remain involved in the provision of services to the child and family;

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

148 15. Within thirty days of an oral report of abuse or neglect, the local office shall update
149 the information in the information system. The information system shall contain, at a minimum,
150 the determination made by the division as a result of the investigation, identifying information
151 on the subjects of the report, those responsible for the care of the subject child and other relevant
152 dispositional information. The division shall complete all investigations within thirty days,
153 unless good cause for the failure to complete the investigation is documented in the information
154 system. If a child involved in a pending investigation dies, the investigation shall remain open
155 until the division's investigation surrounding the death is completed. If the investigation is not
156 completed within thirty days, the information system shall be updated at regular intervals and
157 upon the completion of the investigation. The information in the information system shall be

158 updated to reflect any subsequent findings, including any changes to the findings based on an
159 administrative or judicial hearing on the matter.

160 16. A person required to report under section 210.115 to the division and any person
161 making a report of child abuse or neglect made to the division which is not made anonymously
162 shall be informed by the division of his or her right to obtain information concerning the
163 disposition of his or her report. Such person shall receive, from the local office, if requested,
164 information on the general disposition of his or her report. Such person may receive, if
165 requested, findings and information concerning the case. Such release of information shall be
166 at the discretion of the director based upon a review of the reporter's ability to assist in protecting
167 the child or the potential harm to the child or other children within the family. The local office
168 shall respond to the request within forty-five days. The findings shall be made available to the
169 reporter within five days of the outcome of the investigation. If the report is determined to be
170 unsubstantiated, the reporter may request that the report be referred by the division to the office
171 of child advocate for children's protection and services established in sections 37.700 to 37.730.
172 Upon request by a reporter under this subsection, the division shall refer an unsubstantiated
173 report of child abuse or neglect to the office of child advocate for children's protection and
174 services.

175 17. The division shall provide to any individual who is not satisfied with the results of
176 an investigation information about the office of child advocate and the services it may provide
177 under sections 37.700 to 37.730.

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

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

183 (2) **Nothing in this subsection shall prohibit the admissibility of a report or the**
184 **identity of the person making such a report in accordance with subsection 14 of section**
185 **452.375; and**

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

189

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

192 19. In any judicial proceeding involving the custody of a child where the court
193 determines that the child is in need of services under paragraph (d) of subdivision (1) of

194 subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or
195 custodian shall not be entered into the registry.

196 20. The children's division is hereby granted the authority to promulgate rules and
197 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the
198 provisions of sections 210.109 to 210.183.

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

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

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

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

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

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

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

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

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

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

52 (8) Any child-care facility; child-placing agency; residential-care facility, including
53 group homes; juvenile courts; public or private elementary schools; public or private secondary
54 schools; or any other public or private agency exercising temporary supervision over a child or
55 providing or having care or custody of a child who may request an examination of the central
56 registry from the division for all employees and volunteers or prospective employees and
57 volunteers, who do or will provide services or care to children. Any agency or business
58 recognized by the division or business which provides training and places or recommends people
59 for employment or for volunteers in positions where they will provide services or care to children
60 may request the division to provide an examination of the central registry. Such agency or

61 business shall provide verification of its status as a recognized agency. Requests for
62 examinations shall be made to the division director or the director's designee in writing by the
63 chief administrative officer of the above homes, centers, public and private elementary schools,
64 public and private secondary schools, agencies, or courts. The division shall respond in writing
65 to that officer. The response shall include information pertaining to the nature and disposition
66 of any report or reports of abuse or neglect revealed by the examination of the central registry.
67 This response shall not include any identifying information regarding any person other than the
68 alleged perpetrator of the abuse or neglect;

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

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

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

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

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

96

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

(1) Appropriate staff of the division;

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

(3) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category; **except that, the names of reporters shall be furnished to persons in this category in accordance with subsection 14 of section 452.375.** Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

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

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

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

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

4. Any person who knowingly violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the information system

132 or the central registry and in reports and records made pursuant to sections 210.109 to 210.183,
133 shall be guilty of a class A misdemeanor.

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

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

2 (1) "Custody" means joint legal custody, sole legal custody, joint physical custody or sole
3 physical custody or any combination thereof;

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

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

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

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

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

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

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

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

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

26 (6) The mental and physical health of all individuals involved, including any history of
27 abuse of any individuals involved. If the court finds that a pattern of domestic violence as
28 defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the
29 abusive parent is in the best interest of the child, then the court shall enter written findings of fact
30 and conclusions of law. Custody and visitation rights shall be ordered in a manner that best

31 protects the child and any other child or children for whom the parent has custodial or visitation
32 rights, and the parent or other family or household member who is the victim of domestic
33 violence from any further harm;

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

35 (8) The wishes of a child as to the child's custodian. The fact that a parent sends his or
36 her child or children to a home school, as defined in section 167.031, shall not be the sole factor
37 that a court considers in determining custody of such child or children.

38 3. (1) In any court proceedings relating to custody of a child, the court shall not award
39 custody or unsupervised visitation of a child to a parent if such parent or any person residing with
40 such parent has been found guilty of, or pled guilty to, any of the following offenses when a child
41 was the victim:

42 (a) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
43 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
44 566.209, 566.212, or 566.215;

45 (b) A violation of section 568.020;

46 (c) A violation of subdivision (2) of subsection 1 of section 568.060;

47 (d) A violation of section 568.065;

48 (e) A violation of section 568.080;

49 (f) A violation of section 568.090; or

50 (g) A violation of section 568.175.

51 (2) For all other violations of offenses in chapters 566 and 568 not specifically listed in
52 subdivision (1) of this subsection or for a violation of an offense committed in another state
53 when a child is the victim that would be a violation of chapter 566 or 568 if committed in
54 Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a
55 parent if such parent or any person residing with such parent has been found guilty of, or pled
56 guilty to, any such offense.

57 4. The general assembly finds and declares that it is the public policy of this state that
58 frequent, continuing and meaningful contact with both parents after the parents have separated
59 or dissolved their marriage is in the best interest of the child, except for cases where the court
60 specifically finds that such contact is not in the best interest of the child, and that it is the public
61 policy of this state to encourage parents to participate in decisions affecting the health, education
62 and welfare of their children, and to resolve disputes involving their children amicably through
63 alternative dispute resolution. In order to effectuate these policies, the court shall determine the
64 custody arrangement which will best assure both parents participate in such decisions and have
65 frequent, continuing and meaningful contact with their children so long as it is in the best
66 interests of the child.

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

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

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

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

77 (4) Sole custody to either parent; or

78 (5) Third-party custody or visitation:

79 (a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian,
80 or the welfare of the child requires, and it is in the best interests of the child, then custody,
81 temporary custody or visitation may be awarded to any other person or persons deemed by the
82 court to be suitable and able to provide an adequate and stable environment for the child. Before
83 the court awards custody, temporary custody or visitation to a third person under this
84 subdivision, the court shall make that person a party to the action;

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

87 6. If the parties have not agreed to a custodial arrangement, or the court determines such
88 arrangement is not in the best interest of the child, the court shall include a written finding in the
89 judgment or order based on the public policy in subsection 4 of this section and each of the
90 factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific
91 relevant factors that made a particular arrangement in the best interest of the child. If a proposed
92 custodial arrangement is rejected by the court, the court shall include a written finding in the
93 judgment or order detailing the specific relevant factors resulting in the rejection of such
94 arrangement.

95 7. Upon a finding by the court that either parent has refused to exchange information
96 with the other parent, which shall include but not be limited to information concerning the
97 health, education and welfare of the child, the court shall order the parent to comply immediately
98 and to pay the prevailing party a sum equal to the prevailing party's cost associated with
99 obtaining the requested information, which shall include but not be limited to reasonable
100 attorney's fees and court costs.

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

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

10. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

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

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

13. If the court finds that domestic violence or abuse, as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence **or abuse**, as defined in section

136 455.010, and any other children for whom such parent has custodial or visitation rights from any
137 further harm.

138 **14. Notwithstanding any other provision of law to the contrary, if three or more**
139 **unsubstantiated reports of abuse involving any of the parties or children of the marriage**
140 **are made to the child abuse and neglect hotline under section 210.145 within thirty days**
141 **prior to or during a dissolution or child custody proceeding, the identity of the person**
142 **making any such report or reports shall be admissible as evidence in the dissolution or**
143 **child custody proceeding.**

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