

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR

SENATE BILL NO. 869

97TH GENERAL ASSEMBLY

2014

5745H.04T

AN ACT

To repeal sections 21.771, 37.710, 105.271, 208.631, 208.636, 208.640, 208.643, 208.646, 210.027, 210.145, 210.152, 210.160, 210.183, 210.211, 211.171, 334.950, 453.073, and 453.074, RSMo, and to enact in lieu thereof eighteen new sections relating to children, with an existing penalty provision and an effective date.

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

Section A. Sections 21.771, 37.710, 105.271, 208.631, 208.636, 208.640, 208.643, 208.646, 210.027, 210.145, 210.152, 210.160, 210.183, 210.211, 211.171, 334.950, 453.073, and 453.074, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 21.771, 37.710, 105.271, 208.631, 208.636, 208.640, 208.643, 208.646, 210.027, 210.145, 210.152, 210.160, 210.183, 210.211, 211.171, 334.950, 453.073, and 453.074, to read as follows:

21.771. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place. No party shall be represented by more than four members from the house of representatives nor more than four

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 members from the senate. A majority of the committee shall constitute a quorum,
12 but the concurrence of a majority of the members shall be required for the
13 determination of any matter within the committee's duties.

14 2. The joint committee shall:

15 (1) Make a continuing study and analysis of the state child abuse and
16 neglect reporting and investigation system;

17 (2) Devise a plan for improving the structured decision making regarding
18 the removal of a child from a home;

19 (3) Determine the additional personnel and resources necessary to
20 adequately protect the children of this state and improve their welfare and the
21 welfare of families;

22 (4) Address the need for additional foster care homes and to improve the
23 quality of care provided to abused and neglected children in the custody of the
24 state;

25 (5) Determine from its study and analysis the need for changes in
26 statutory law; [and]

27 (6) Make any other recommendation to the general assembly necessary to
28 provide adequate protections for the children of our state; **and**

29 **(7) Make recommendations on how to improve abuse and neglect**
30 **proceedings including examining the role of the judge, children's**
31 **division, the juvenile officer, the guardian ad litem, and the foster**
32 **parents.**

33 3. The joint committee shall meet within thirty days after its creation and
34 organize by selecting a chairperson and a vice chairperson, one of whom shall be
35 a member of the senate and the other a member of the house of
36 representatives. The chairperson shall alternate between members of the house
37 and senate every two years after the committee's organization.

38 4. The committee shall meet at least quarterly. The committee may meet
39 at locations other than Jefferson City when the committee deems it necessary.

40 5. The committee shall be staffed by legislative personnel as is deemed
41 necessary to assist the committee in the performance of its duties.

42 6. The members of the committee shall serve without compensation but
43 shall be entitled to reimbursement for actual and necessary expenses incurred in
44 the performance of their official duties.

45 7. It shall be the duty of the committee to compile a full report of its
46 activities for submission to the general assembly. The report shall be submitted

47 not later than the fifteenth of January of each year in which the general assembly
48 convenes in regular session and shall include any recommendations which the
49 committee may have for legislative action as well as any recommendations for
50 administrative or procedural changes in the internal management or organization
51 of state or local government agencies and departments. Copies of the report
52 containing such recommendations shall be sent to the appropriate directors of
53 state or local government agencies or departments included in the report.

54 8. The provisions of this section shall expire on January 15, 2018.

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

2 (1) The names and physical location of all children in protective services,
3 treatment, or other programs under the jurisdiction of the children's division, the
4 department of mental health, and the juvenile court;

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

6 (3) All current records required to be maintained pursuant to chapters 210
7 and 211.

8 2. The office shall have the authority:

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

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

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

20 (4) To file any findings or reports of the child advocate regarding the
21 parent or child with the court, and issue recommendations regarding the
22 disposition of an investigation, which may be provided to the court and to the
23 investigating agency;

24 (5) To file amicus curiae briefs on behalf of the interests of the parent or
25 child, **or to file such pleadings necessary to intervene on behalf of the**
26 **child at the appropriate judicial level using the resources of the office**
27 **of the attorney general;**

28 (6) To initiate meetings with the department of social services, the

29 department of mental health, the juvenile court, and juvenile officers;

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

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

39 (9) Subject to appropriation, to establish as needed local panels on a
40 regional or county basis to adequately and efficiently carry out the functions and
41 duties of the office, and address complaints in a timely manner; and

42 (10) To mediate between alleged victims of sexual misconduct and school
43 districts or charter schools as provided in subsection 1 of section 160.262.

44 3. For any information obtained from a state agency or entity under
45 sections 37.700 to 37.730, the office of child advocate shall be subject to the same
46 disclosure restrictions and confidentiality requirements that apply to the state
47 agency or entity providing such information to the office of child advocate. For
48 information obtained directly by the office of child advocate under sections 37.700
49 to 37.730, the office of child advocate shall be subject to the same disclosure
50 restrictions and confidentiality requirements that apply to the children's division
51 regarding information obtained during a child abuse and neglect investigation
52 resulting in an unsubstantiated report.

105.271. 1. [An] **A foster or** adoptive parent who is employed by the
2 state of Missouri, its departments, agencies, or political subdivisions, may use his
3 or her accrued sick leave, annual leave, or the same leave without pay granted
4 to biological parents to take time off for purposes of arranging for the **foster or**
5 adopted child's placement or caring for the child after placement. The employer
6 shall not penalize an employee for requesting or obtaining time off according to
7 this section.

8 2. **The state of Missouri, its departments, and agencies shall, and**
9 **political subdivisions may, provide for a leave sharing program to**
10 **permit its employees to donate annual leave, overtime, or compensatory**
11 **time to an employee who is arranging for a foster or adopted child's**
12 **placement or caring for the child after placement, which has caused or**

13 is likely to cause such employee to take leave without pay or to
14 terminate employment. Such donated annual leave, overtime, or
15 compensatory time may be transferable between employees in different
16 departments, agencies, or political subdivisions of the state, with the
17 agreement of the chief administrative officers of such departments,
18 agencies, or political subdivisions.

19 3. Any donated annual leave, overtime, or compensatory time
20 authorized under this section shall only be used by the recipient
21 employee for purposes of arranging for the foster or adopted child's
22 placement or caring for the child after placement. Nothing in this
23 section shall be construed as prohibiting a leave sharing program for
24 other purposes.

25 4. All forms of paid leave available for use by the recipient
26 employee shall be used prior to using donated annual leave, overtime,
27 or compensatory time.

28 5. All donated annual leave, overtime, or compensatory time
29 shall be given voluntarily. No employee shall be coerced, threatened,
30 intimidated, or financially induced into donating annual leave,
31 overtime, or compensatory time for purposes of the leave sharing
32 program.

33 6. For purposes of this section, the phrase "foster or adoptive
34 parent" refers to both those pursuing to foster or adopt a child and
35 those who have a foster or adopted child placed in the home. The
36 phrase "for purposes of arranging for the foster or adopted child's
37 placement or caring for the child after placement" includes, but is not
38 limited to:

39 (1) Appointments with state officials, child placing agencies,
40 social workers, health professionals, or attorneys;

41 (2) Court proceedings;

42 (3) Required travel;

43 (4) Training and licensure as a foster parent;

44 (5) Any periods of time during which foster or adoptive parents
45 are ordered or required by the state, a child placing agency, or by a
46 court to take time off from work to care for the foster or adopted child;
47 or

48 (6) Any other activities necessary to allow the foster care or
49 adoption to proceed.

50 7. A stepparent, as defined in section 453.015, who is employed by the
51 state of Missouri, its departments, agencies, or political subdivisions, may use his
52 or her accrued sick leave, annual leave or the same leave without pay granted to
53 biological parents to take time off to care for his or her stepchild. The employer
54 shall not penalize an employee for requesting or obtaining time off according to
55 this section.

56 [3.] 8. The leave authorized by this section may be requested by the
57 employee only if the employee is the person who is primarily responsible for
58 furnishing the care and nurture of the child.

59 **9. The commissioner of administration may promulgate rules as**
60 **necessary to implement the provisions of this section. Any rule or**
61 **portion of a rule, as that term is defined in section 536.010, that is**
62 **created under the authority delegated in this section shall become**
63 **effective only if it complies with and is subject to all of the provisions**
64 **of chapter 536 and, if applicable, section 536.028. This section and**
65 **chapter 536 are nonseverable and if any of the powers vested with the**
66 **general assembly under chapter 536 to review, to delay the effective**
67 **date, or to disapprove and annul a rule are subsequently held**
68 **unconstitutional, then the grant of rulemaking authority and any rule**
69 **proposed or adopted after August 28, 2014, shall be invalid and void.**

208.631. 1. Notwithstanding any other provision of law to the contrary,
2 the MO HealthNet division shall establish a program to pay for health care for
3 uninsured children. Coverage pursuant to sections 208.631 to [208.659] **208.658**
4 is subject to appropriation. The provisions of sections 208.631 to [208.569]
5 **208.658**, health care for uninsured children, shall be void and of no effect if there
6 are no funds of the United States appropriated by Congress to be provided to the
7 state on the basis of a state plan approved by the federal government under the
8 federal Social Security Act. If funds are appropriated by the United States
9 Congress, the department of social services is authorized to manage the state
10 children's health insurance program (SCHIP) allotment in order to ensure that
11 the state receives maximum federal financial participation. Children in
12 households with incomes up to one hundred fifty percent of the federal poverty
13 level may meet all Title XIX program guidelines as required by the Centers for
14 Medicare and Medicaid Services. Children in households with incomes of one
15 hundred fifty percent to three hundred percent of the federal poverty level shall
16 continue to be eligible as they were and receive services as they did on June 30,

17 2007, unless changed by the Missouri general assembly.

18 2. For the purposes of sections 208.631 to [208.659] **208.658**, "children"
19 are persons up to nineteen years of age. "Uninsured children" are persons up to
20 nineteen years of age who are emancipated and do not have access to affordable
21 employer-subsidized health care insurance or other health care coverage or
22 persons whose parent or guardian have not had access to affordable employer-
23 subsidized health care insurance or other health care coverage for their children
24 [for six months] prior to application, are residents of the state of Missouri, and
25 have parents or guardians who meet the requirements in section 208.636. A child
26 who is eligible for MO HealthNet benefits as authorized in section 208.151 is not
27 uninsured for the purposes of sections 208.631 to [208.659] **208.658**.

 208.636. Parents and guardians of uninsured children eligible for the
2 program established in sections 208.631 to [208.657] **208.658** shall:

3 (1) Furnish to the department of social services the uninsured child's
4 Social Security number or numbers, if the uninsured child has more than one
5 such number;

6 (2) Cooperate with the department of social services in identifying and
7 providing information to assist the state in pursuing any third-party insurance
8 carrier who may be liable to pay for health care;

9 (3) Cooperate with the department of social services, division of child
10 support enforcement in establishing paternity and in obtaining support payments,
11 including medical support; **and**

12 (4) Demonstrate upon request their child's participation in wellness
13 programs including immunizations and a periodic physical examination. This
14 subdivision shall not apply to any child whose parent or legal guardian objects
15 in writing to such wellness programs including immunizations and an annual
16 physical examination because of religious beliefs or medical contraindications[;
17 and

18 (5) Demonstrate annually that their total net worth does not exceed two
19 hundred fifty thousand dollars in total value].

 208.640. 1. Parents and guardians of uninsured children with incomes of
2 more than one hundred fifty but less than three hundred percent of the federal
3 poverty level who do not have access to affordable employer-sponsored health care
4 insurance or other affordable health care coverage may obtain coverage for their
5 children under this section. Health insurance plans that do not cover an eligible
6 child's preexisting condition shall not be considered affordable employer-

7 sponsored health care insurance or other affordable health care coverage. For the
8 purposes of sections 208.631 to [208.659] **208.658**, "affordable employer-sponsored
9 health care insurance or other affordable health care coverage" refers to health
10 insurance requiring a monthly premium of:

11 (1) Three percent of one hundred fifty percent of the federal poverty level
12 for a family of three for families with a gross income of more than one hundred
13 fifty and up to one hundred eighty-five percent of the federal poverty level for a
14 family of three;

15 (2) Four percent of one hundred eighty-five percent of the federal poverty
16 level for a family of three for a family with a gross income of more than one
17 hundred eighty-five and up to two hundred twenty-five percent of the federal
18 poverty level;

19 (3) Five percent of two hundred twenty-five percent of the federal poverty
20 level for a family of three for a family with a gross income of more than two
21 hundred twenty-five but less than three hundred percent of the federal poverty
22 level.

23 The parents and guardians of eligible uninsured children pursuant to this section
24 are responsible for a monthly premium as required by annual state appropriation;
25 provided that the total aggregate cost sharing for a family covered by these
26 sections shall not exceed five percent of such family's income for the years
27 involved. No co-payments or other cost sharing is permitted with respect to
28 benefits for well-baby and well-child care including age-appropriate
29 immunizations. Cost-sharing provisions for their children under sections 208.631
30 to [208.659] **208.658** shall not exceed the limits established by 42 U.S.C. Section
31 1397cc(e). If a child has exceeded the annual coverage limits for all health care
32 services, the child is not considered insured and does not have access to
33 affordable health insurance within the meaning of this section.

34 2. The department of social services shall study the expansion of a
35 presumptive eligibility process for children for medical assistance benefits.

208.643. 1. The department of social services shall implement policies
2 establishing a program to pay for health care for uninsured children by rules
3 promulgated pursuant to chapter 536, either statewide or in certain geographic
4 areas, subject to obtaining necessary federal approval and appropriation
5 authority. The rules may provide for a health care services package that includes
6 all medical services covered by section 208.152, except nonemergency
7 transportation.

8 2. Available income shall be determined by the department of social
9 services by rule, which shall comply with federal laws and regulations relating
10 to the state's eligibility to receive federal funds to implement the insurance
11 program established in sections 208.631 to [208.657] **208.658**.

208.646. There shall be a thirty-day waiting period after enrollment for
2 uninsured children in families with an income of more than two hundred twenty-
3 five percent of the federal poverty level before the child becomes eligible for
4 insurance under the provisions of sections 208.631 to [208.660] **208.658**. If the
5 parent or guardian with an income of more than two hundred twenty-five percent
6 of the federal poverty level fails to meet the co-payment or premium
7 requirements, the child shall not be eligible for coverage under sections 208.631
8 to [208.660] **208.658** for [six months] **ninety days** after the department provides
9 notice of such failure to the parent or guardian.

210.027. 1. For child-care providers who receive state or federal funds for
2 providing child-care [services in the home] **fee assistance**, either by direct
3 payment or through reimbursement to a child-care beneficiary, the department
4 of social services shall:

5 (1) **Establish publicly available website access to provider-**
6 **specific information about any health and safety licensing or regulatory**
7 **requirements for the providers, and including dates of inspections,**
8 **history of violations, and compliance actions taken, as well as the**
9 **consumer education information required under subdivision (12) of this**
10 **section;**

11 (2) **Establish or designate one hotline for parents to submit**
12 **complaints about child care providers;**

13 (3) Be authorized to revoke the registration of a registered provider for
14 due cause;

15 [(2)] (4) Require providers to be at least eighteen years of age;

16 [(3)] (5) **Establish minimum requirements for building and**
17 **physical premises to include:**

18 (a) **Compliance with state and local fire, health, and building**
19 **codes, which shall include the ability to evacuate children in the case**
20 **of an emergency; and**

21 (b) **Emergency preparedness and response planning.**

22 **Child care providers shall meet these minimum requirements prior to**
23 **receiving federal assistance.** Where there are no local ordinances or

24 regulations regarding smoke detectors, **the department shall** require providers,
25 by rule, to install and maintain an adequate number of smoke detectors in the
26 residence **or other building** where child care is provided;

27 **[(4)] (6) Require providers to be tested for tuberculosis on the schedule**
28 **required for employees in licensed facilities;**

29 **[(5)] (7) Require providers to notify parents if the provider does not have**
30 **immediate access to a telephone;**

31 **[(6)] (8) Make providers aware of local opportunities for training in first**
32 **aid and child care;**

33 **(9) Promulgate rules and regulations to define pre-service**
34 **training requirements for child care providers and employees pursuant**
35 **to applicable federal laws and regulations;**

36 **(10) Establish procedures for conducting unscheduled onsite**
37 **monitoring of child care providers prior to receiving state or federal**
38 **funds for providing child care services either by direct payment or**
39 **through reimbursement to a child care beneficiary, and annually**
40 **thereafter;**

41 **(11) Require child care providers who receive assistance under**
42 **applicable federal laws and regulations to report to the department any**
43 **serious injuries or death of children occurring in child care; and**

44 **(12) With input from statewide stakeholders such as parents,**
45 **child care providers or administrators, and system advocate group,**
46 **establish a transparent system of quality indicators appropriate to the**
47 **provider setting that shall provide parents with a way to differentiate**
48 **between child care providers available in their communities as**
49 **required by federal rules. The system shall describe the standards used**
50 **to assess the quality of child care providers. The system shall indicate**
51 **whether the provider meets Missouri's registration or licensing**
52 **standards, is in compliance with applicable health and safety**
53 **requirements, and the nature of any violations related to registration**
54 **or licensing requirements. The system shall also indicate if the**
55 **provider utilizes curricula and if the provider is in compliance with**
56 **staff educational requirements. Such system of quality indicators**
57 **established under this subdivision with the input from stakeholders**
58 **shall be promulgated by rules. Any rule or portion of a rule, as that**
59 **term is defined in section 536.010 that is created under the authority**
60 **delegated in this section shall become effective only if it complies with**

61 and is subject to all of the provisions of chapter 536, and, if applicable,
62 section 536.028. This section and chapter 536 are nonseverable and if
63 any of the powers vested with the general assembly pursuant to chapter
64 536, to review, to delay the effective date, or to disapprove and annul
65 a rule are subsequently held unconstitutional, then the grant of
66 rulemaking authority and any rule proposed or adopted after August
67 28, 2014, shall be invalid and void. This subdivision shall not be
68 construed as authorizing the operation, establishment, maintenance, or
69 mandating or offering of incentives to participate in a quality rating
70 system under section 161.216.

71 2. No state agency shall enforce the provisions of this section
72 until October 1, 2015, or six months after the implementation of federal
73 regulations mandating such provisions, whichever is later.

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

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

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

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

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

12 2. The division shall utilize structured decision-making protocols for
13 classification purposes of all child abuse and neglect reports. The protocols
14 developed by the division shall give priority to ensuring the well-being and safety
15 of the child. All child abuse and neglect reports shall be initiated within twenty-
16 four hours and shall be classified based upon the reported risk and injury to the
17 child. The division shall promulgate rules regarding the structured decision-
18 making protocols to be utilized for all child abuse and neglect reports.

19 3. Upon receipt of a report, the division shall determine if the report
20 merits investigation, including reports which if true would constitute a suspected
21 violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or
22 565.050 if the victim is a child less than eighteen years of age, section 566.030 or
23 566.060 if the victim is a child less than eighteen years of age, or other crimes

24 under chapter 566 if the victim is a child less than eighteen years of age and the
25 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a
26 child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050,
27 568.060, 568.080, or 568.090, section 573.025, 573.035, 573.037, or 573.040, or an
28 attempt to commit any such crimes. The division shall immediately communicate
29 all reports that merit investigation to its appropriate local office and any relevant
30 information as may be contained in the information system. The local division
31 staff shall determine, through the use of protocols developed by the division,
32 whether an investigation or the family assessment and services approach should
33 be used to respond to the allegation. The protocols developed by the division
34 shall give priority to ensuring the well-being and safety of the child.

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

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

50 6. The local office of the division shall cause an investigation or family
51 assessment and services approach to be initiated in accordance with the protocols
52 established in subsection 2 of this section, except in cases where the sole basis for
53 the report is educational neglect. If the report indicates that educational neglect
54 is the only complaint and there is no suspicion of other neglect or abuse, the
55 investigation shall be initiated within seventy-two hours of receipt of the report.
56 If the report indicates the child is in danger of serious physical harm or threat
57 to life, an investigation shall include direct observation of the subject child within
58 twenty-four hours of the receipt of the report. Local law enforcement shall take
59 all necessary steps to facilitate such direct observation. Callers to the child abuse

60 and neglect hotline shall be instructed by the division's hotline to call 911 in
61 instances where the child may be in immediate danger. If the parents of the
62 child are not the alleged [abusers] **perpetrators**, a parent of the child must be
63 notified prior to the child being interviewed by the division. No person
64 responding to or investigating a child abuse and neglect report shall call prior to
65 a home visit or leave any documentation of any attempted visit, such as business
66 cards, pamphlets, or other similar identifying information if he or she has a
67 reasonable basis to believe the following factors are present:

68 (1) (a) No person is present in the home at the time of the home visit; and

69 (b) The alleged perpetrator resides in the home or the physical safety of
70 the child may be compromised if the alleged perpetrator becomes aware of the
71 attempted visit;

72 (2) The alleged perpetrator will be alerted regarding the attempted visit;
73 or

74 (3) The family has a history of domestic violence or fleeing the community.

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

92 7. The director of the division shall name at least one chief investigator
93 for each local division office, who shall direct the division response on any case
94 involving a second or subsequent incident regarding the same subject child or
95 perpetrator. The duties of a chief investigator shall include verification of direct

96 observation of the subject child by the division and shall ensure information
97 regarding the status of an investigation is provided to the public school district
98 liaison. The public school district liaison shall develop protocol in conjunction
99 with the chief investigator to ensure information regarding an investigation is
100 shared with appropriate school personnel. The superintendent of each school
101 district shall designate a specific person or persons to act as the public school
102 district liaison. Should the subject child attend a nonpublic school the chief
103 investigator shall notify the school principal of the investigation. Upon
104 notification of an investigation, all information received by the public school
105 district liaison or the school shall be subject to the provisions of the federal
106 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g,
107 and federal rule 34 C.F.R., Part 99.

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

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

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

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

130 12. For all family support team meetings involving an alleged victim of
131 child abuse or neglect, the parents, legal counsel for the parents, foster parents,

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

145 13. If the appropriate local division personnel determine after an
146 investigation has begun that completing an investigation is not appropriate, the
147 division shall conduct a family assessment and services approach. The division
148 shall provide written notification to local law enforcement prior to terminating
149 any investigative process. The reason for the termination of the investigative
150 process shall be documented in the record of the division and the written
151 notification submitted to local law enforcement. Such notification shall not
152 preclude nor prevent any investigation by law enforcement.

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

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

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

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

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

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

175 15. (1) Within [thirty] **forty-five** days of an oral report of abuse or
176 neglect, the local office shall update the information in the information
177 system. The information system shall contain, at a minimum, the determination
178 made by the division as a result of the investigation, identifying information on
179 the subjects of the report, those responsible for the care of the subject child and
180 other relevant dispositional information. The division shall complete all
181 investigations within [thirty] **forty-five** days, unless good cause for the failure
182 to complete the investigation is **specifically** documented in the information
183 system. **Good cause for failure to complete an investigation shall**
184 **include, but not be limited to:**

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

189 (b) **The attorney general or the prosecuting or circuit attorney**
190 **of the city or county in which a criminal investigation is pending**
191 **certifies in writing to the division that there is a pending criminal**
192 **investigation of the incident under investigation by the division and**
193 **the issuing of a decision by the division will adversely impact the**
194 **progress of the investigation; or**

195 (c) **The child victim, the subject of the investigation or another**
196 **witness with information relevant to the investigation is unable or**
197 **temporarily unwilling to provide complete information within the**
198 **specified time frames due to illness, injury, unavailability, mental**
199 **capacity, age, developmental disability, or other cause.**
200 **The division shall document any such reasons for failure to complete**
201 **the investigation.**

202 (2) **If [a child involved in a pending investigation dies] a child fatality**
203 **or near-fatality is involved in a report of abuse or neglect, the**

204 investigation shall remain open until the division's investigation surrounding [the
205 death] **such death or near-fatal injury** is completed.

206 **(3)** If the investigation is not completed within [thirty] **forty-five** days,
207 the information system shall be updated at regular intervals and upon the
208 completion of the investigation, **which shall be completed no later than**
209 **ninety days after receipt of a report of abuse or neglect, or one**
210 **hundred and twenty days after receipt of a report of abuse or neglect**
211 **involving sexual abuse, or until the division's investigation is complete**
212 **in cases involving a child fatality or near-fatality.** The information in the
213 information system shall be updated to reflect any subsequent findings, including
214 any changes to the findings based on an administrative or judicial hearing on the
215 matter.

216 16. A person required to report under section 210.115 to the division and
217 any person making a report of child abuse or neglect made to the division which
218 is not made anonymously shall be informed by the division of his or her right to
219 obtain information concerning the disposition of his or her report. Such person
220 shall receive, from the local office, if requested, information on the general
221 disposition of his or her report. Such person may receive, if requested, findings
222 and information concerning the case. Such release of information shall be at the
223 discretion of the director based upon a review of the reporter's ability to assist in
224 protecting the child or the potential harm to the child or other children within the
225 family. The local office shall respond to the request within forty-five days. The
226 findings shall be made available to the reporter within five days of the outcome
227 of the investigation. If the report is determined to be unsubstantiated, the
228 reporter may request that the report be referred by the division to the office of
229 child advocate for children's protection and services established in sections 37.700
230 to 37.730. Upon request by a reporter under this subsection, the division shall
231 refer an unsubstantiated report of child abuse or neglect to the office of child
232 advocate for children's protection and services.

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

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

239 (1) Nothing in this subsection shall prohibit the introduction of evidence

240 from independent sources to support the allegations that may have caused a
241 report to have been made; and

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

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

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

251 20. The children's division is hereby granted the authority to promulgate
252 rules and regulations pursuant to the provisions of section 207.021 and chapter
253 536 to carry out the provisions of sections 210.109 to 210.183.

254 21. Any rule or portion of a rule, as that term is defined in section
255 536.010, that is created under the authority delegated in this section shall
256 become effective only if it complies with and is subject to all of the provisions of
257 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
258 nonseverable and if any of the powers vested with the general assembly pursuant
259 to chapter 536 to review, to delay the effective date or to disapprove and annul
260 a rule are subsequently held unconstitutional, then the grant of rulemaking
261 authority and any rule proposed or adopted after August 28, 2000, shall be
262 invalid and void.

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

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

7 (2) (a) For investigation reports initiated against a person required to
8 report pursuant to section 210.115, where insufficient evidence of abuse or neglect
9 is found by the division and where the division determines the allegation of abuse
10 or neglect was made maliciously, for purposes of harassment or in retaliation for
11 the filing of a report by a person required to report, identifying information shall
12 be expunged by the division within forty-five days from the conclusion of the
13 investigation;

14 (b) For investigation reports, where insufficient evidence of abuse or
15 neglect is found by the division and where the division determines the allegation
16 of abuse or neglect was made maliciously, for purposes of harassment or in
17 retaliation for the filing of a report, identifying information shall be expunged by
18 the division within forty-five days from the conclusion of the investigation;

19 (c) For investigation reports initiated by a person required to report under
20 section 210.115, where insufficient evidence of abuse or neglect is found by the
21 division, identifying information shall be retained for five years from the
22 conclusion of the investigation. For all other investigation reports where
23 insufficient evidence of abuse or neglect is found by the division, identifying
24 information shall be retained for two years from the conclusion of the
25 investigation. Such reports shall include any exculpatory evidence known by the
26 division, including exculpatory evidence obtained after the closing of the case. At
27 the end of such time period, the identifying information shall be removed from
28 the records of the division and destroyed;

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

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

35 2. Within ninety days, **or within one hundred twenty days in cases**
36 **involving sexual abuse, or until the division's investigation is complete**
37 **in cases involving a child fatality or near-fatality**, after receipt of a report
38 of abuse or neglect that is investigated, the alleged perpetrator named in the
39 report and the parents of the child named in the report, if the alleged perpetrator
40 is not a parent, shall be notified in writing of any determination made by the
41 division based on the investigation. The notice shall advise either:

42 (1) That the division has determined by a probable cause finding prior to
43 August 28, 2004, or by a preponderance of the evidence after August 28, 2004,
44 that abuse or neglect exists and that the division shall retain all identifying
45 information regarding the abuse or neglect; that such information shall remain
46 confidential and will not be released except to law enforcement agencies,
47 prosecuting or circuit attorneys, or as provided in section 210.150; that the
48 alleged perpetrator has sixty days from the date of receipt of the notice to seek
49 reversal of the division's determination through a review by the child abuse and

50 neglect review board as provided in subsection 4 of this section; or

51 (2) That the division has not made a probable cause finding or determined
52 by a preponderance of the evidence that abuse or neglect exists.

53 3. The children's division may reopen a case for review at the request of
54 the alleged perpetrator, the alleged victim, or the office of the child advocate if
55 new, specific, and credible evidence is obtained that the division's decision was
56 based on fraud or misrepresentation of material facts relevant to the division's
57 decision and there is credible evidence that absent such fraud or
58 misrepresentation the division's decision would have been different. If the
59 alleged victim is under the age of eighteen, the request for review may be made
60 by the alleged victim's parent, legal custodian, or legal guardian. All requests to
61 reopen an investigation for review shall be made within a reasonable time and
62 not more than one year after the children's division made its decision. The
63 division shall not reopen a case for review based on any information which the
64 person requesting the review knew, should have known, or could by the exercise
65 of reasonable care have known before the date of the division's final decision in
66 the case, unless the person requesting the review shows by a preponderance of
67 the evidence that he or she could not have provided such information to the
68 division before the date of the division's final decision in the case. Any person,
69 other than the office of the child advocate, who makes a request to reopen a case
70 for review based on facts which the person knows to be false or misleading or who
71 acts in bad faith or with the intent to harass the alleged victim or perpetrator
72 shall not have immunity from any liability, civil or criminal, for providing the
73 information and requesting that the division reopen the investigation. Any
74 person who makes a request to reopen an investigation based on facts which the
75 person knows to be false shall be guilty of a class A misdemeanor. The children's
76 division shall not reopen an investigation under any circumstances while the case
77 is pending before a court of this state nor when a court has entered a final
78 judgment after de novo judicial review pursuant to this section.

79 4. Any person named in an investigation as a perpetrator who is
80 aggrieved by a determination of abuse or neglect by the division as provided in
81 this section may seek an administrative review by the child abuse and neglect
82 review board pursuant to the provisions of section 210.153. Such request for
83 review shall be made within sixty days of notification of the division's decision
84 under this section. In those cases where criminal charges arising out of facts of
85 the investigation are pending, the request for review shall be made within sixty

86 days from the court's final disposition or dismissal of the charges.

87 5. In any such action for administrative review, the child abuse and
88 neglect review board shall sustain the division's determination if such
89 determination was supported by evidence of probable cause prior to August 28,
90 2004, or is supported by a preponderance of the evidence after August 28, 2004,
91 and is not against the weight of such evidence. The child abuse and neglect
92 review board hearing shall be closed to all persons except the parties, their
93 attorneys and those persons providing testimony on behalf of the parties.

94 6. If the alleged perpetrator is aggrieved by the decision of the child abuse
95 and neglect review board, the alleged perpetrator may seek de novo judicial
96 review in the circuit court in the county in which the alleged perpetrator resides
97 and in circuits with split venue, in the venue in which the alleged perpetrator
98 resides, or in Cole County. If the alleged perpetrator is not a resident of the
99 state, proper venue shall be in Cole County. The case may be assigned to the
100 family court division where such a division has been established. The request for
101 a judicial review shall be made within sixty days of notification of the decision of
102 the child abuse and neglect review board decision. In reviewing such decisions,
103 the circuit court shall provide the alleged perpetrator the opportunity to appear
104 and present testimony. The alleged perpetrator may subpoena any witnesses
105 except the alleged victim or the reporter. However, the circuit court shall have
106 the discretion to allow the parties to submit the case upon a stipulated record.

107 7. In any such action for administrative review, the child abuse and
108 neglect review board shall notify the child or the parent, guardian or legal
109 representative of the child that a review has been requested.

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

4 (1) A child who is the subject of proceedings pursuant to sections 210.110
5 to 210.165 **except proceedings under subsection 6 of section 210.152**,
6 sections 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to
7 453.170, or proceedings to determine custody or visitation rights under sections
8 452.375 to 452.410; or

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

13 2. **The judge, either sua sponte or upon motion of a party, may**
14 **appoint a guardian ad litem to appear for and represent an abused or**
15 **neglected child involved in proceedings arising under subsection 6 of**
16 **section 210.152.**

17 [2.] 3. The guardian ad litem shall be provided with all reports relevant
18 to the case made to or by any agency or person, shall have access to all records
19 of such agencies or persons relating to the child or such child's family members
20 or placements of the child, and upon appointment by the court to a case, shall be
21 informed of and have the right to attend any and all family support team
22 meetings involving the child. Employees of the division, officers of the court, and
23 employees of any agency involved shall fully inform the guardian ad litem of all
24 aspects of the case of which they have knowledge or belief.

25 [3.] 4. The appointing judge shall require the guardian ad litem to
26 faithfully discharge such guardian ad litem's duties, and upon failure to do so
27 shall discharge such guardian ad litem and appoint another. The appointing
28 judge shall have the authority to examine the general and criminal background
29 of persons appointed as guardians ad litem, including utilization of the family
30 care safety registry and access line pursuant to sections 210.900 to 210.937, to
31 ensure the safety and welfare of the children such persons are appointed to
32 represent. The judge in making appointments pursuant to this section shall give
33 preference to persons who served as guardian ad litem for the child in the earlier
34 proceeding, unless there is a reason on the record for not giving such preference.

35 [4.] 5. The guardian ad litem may be awarded a reasonable fee for such
36 services to be set by the court. The court, in its discretion, may award such fees
37 as a judgment to be paid by any party to the proceedings or from public
38 funds. However, no fees as a judgment shall be taxed against a party or parties
39 who have not been found to have abused or neglected a child or children. Such
40 an award of guardian fees shall constitute a final judgment in favor of the
41 guardian ad litem. Such final judgment shall be enforceable against the parties
42 in accordance with chapter 513.

43 [5.] 6. The court may designate volunteer advocates, who may or may not
44 be attorneys licensed to practice law, to assist in the performance of the guardian
45 ad litem duties for the court. Nonattorney volunteer advocates shall not provide
46 legal representation. The court shall have the authority to examine the general
47 and criminal background of persons designated as volunteer advocates, including
48 utilization of the family care safety registry and access line pursuant to sections

49 210.900 to 210.937, to ensure the safety and welfare of the children such persons
50 are designated to represent. The volunteer advocate shall be provided with all
51 reports relevant to the case made to or by any agency or person, shall have access
52 to all records of such agencies or persons relating to the child or such child's
53 family members or placements of the child, and upon designation by the court to
54 a case, shall be informed of and have the right to attend any and all family
55 support team meetings involving the child. Any such designated person shall
56 receive no compensation from public funds. This shall not preclude
57 reimbursement for reasonable expenses.

58 [6.] 7. Any person appointed to perform guardian ad litem duties shall
59 have completed a training program in permanency planning and shall advocate
60 for timely court hearings whenever possible to attain permanency for a child as
61 expeditiously as possible to reduce the effects that prolonged foster care may have
62 on a child. A nonattorney volunteer advocate shall have access to a court
63 appointed attorney guardian ad litem should the circumstances of the particular
64 case so require.

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

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

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

11 This investigation is required by law to be conducted in order to enable the
12 Children's Division to identify incidents of abuse or neglect in order to provide
13 protective or preventive social services to families who are in need of such
14 services.

15 The division shall make every reasonable attempt to complete the
16 investigation within [thirty days, except if a child involved in the pending
17 investigation dies the investigation shall remain open until the division's
18 investigation surrounding the death is completed.] **forty-five days, except for**
19 **good cause which shall be documented**, otherwise, within ninety days, or
20 **one hundred and twenty days after receipt of a report of abuse or**

21 **neglect involving sexual abuse, or when the division's investigation is**
22 **complete in cases involving a child fatality or near-fatality,** you will
23 receive a letter from the Division which will inform you of one of the following:

24 (1) That the Division has found insufficient evidence of abuse or neglect;
25 or

26 (2) That there appears to be by a preponderance of the evidence reason
27 to suspect the existence of child abuse or neglect in the judgment of the Division
28 and that the Division will contact the family to offer social services.

29 If the Division finds by a preponderance of the evidence reason to believe
30 child abuse or neglect has occurred or the case is substantiated by court
31 adjudication, a record of the report and information gathered during the
32 investigation will remain on file with the Division.

33 If you disagree with the determination of the Division and feel that there
34 is insufficient reason to believe by a preponderance of the evidence that abuse or
35 neglect has occurred, you have a right to request an administrative review at
36 which time you may hire an attorney to represent you. If you request an
37 administrative review on the issue, you will be notified of the date and time of
38 your administrative review hearing by the child abuse and neglect review board.
39 If the Division's decision is reversed by the child abuse and neglect review board,
40 the Division records concerning the report and investigation will be updated to
41 reflect such finding. If the child abuse and neglect review board upholds the
42 Division's decision, an appeal may be filed in circuit court within sixty days of the
43 child abuse and neglect review board's decision."

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

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

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

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

210.211. 1. It shall be unlawful for any person to establish, maintain or
2 operate a child-care facility for children, or to advertise or hold himself or herself
3 out as being able to perform any of the services as defined in section 210.201,
4 without having in effect a written license granted by the department of health

5 and senior services; except that nothing in sections 210.203 to 210.245 shall apply
6 to:

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

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

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

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

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

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

32 (7) Any nursery school.

33 2. Notwithstanding the provisions of subsection 1 of this section, no child-
34 care facility shall be exempt from licensure if such facility receives any state or
35 federal funds for providing care for children, except for federal funds for those
36 programs which meet the requirements for participation in the Child and Adult
37 Care Food Program pursuant to 42 U.S.C. 1766. Grants to parents for child care
38 pursuant to sections 210.201 to 210.257 shall not be construed to be funds
39 received by a person or facility listed in subdivisions (1) and (5) of subsection 1
40 of this section.

41 3. Any child care facility not exempt from licensure shall disclose the
42 licensure status of the facility to the parents or guardians of children for which
43 the facility provides care. No child care facility exempt from licensure shall
44 represent to any parent or guardian of children for which the facility provides
45 care that the facility is licensed when such facility is in fact not licensed.

46 **4. Any in-home licensed child care facility that is organized as**
47 **a corporation, association, firm, partnership, proprietorship, limited**
48 **liability company, or any other type of business entity in this state**
49 **shall qualify for the exemption for related children for children who**
50 **are related to the member of the corporation, association, firm,**
51 **partnership, proprietorship, limited liability company, or other type of**
52 **business entity who is responsible for the daily operation of the child**
53 **care facility and who meets the requirements of the child care**
54 **provider. If more than one member of the corporation, association,**
55 **firm, partnership, proprietorship, limited liability company, or other**
56 **type of business entity is responsible for the daily operation of the**
57 **child care facility, the exemption for related children shall only be**
58 **granted for children who are related to one of the members. All child**
59 **care facilities under this subsection shall disclose the licensure status**
60 **of the facility to the parents or guardians of children for which the**
61 **facility provides care. A parent or guardian shall sign a written notice**
62 **indicating he or she is aware of the licensure status of the facility. The**
63 **facility shall keep a copy of this signed written notice on file. All child**
64 **care facilities shall provide the parent or guardian enrolling a child in**
65 **the facility with a written explanation of the disciplinary philosophy**
66 **and policies of the child care facility.**

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

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

10 3. The current foster parents of a child, or any preadoptive parent or

11 relative currently providing care for the child, shall be provided with notice of,
12 and an opportunity to be heard in, any hearing to be held with respect to the
13 child, **and a foster parent shall have standing to participate in all court**
14 **hearings pertaining to a child in their care.** [This subsection shall not be
15 construed to require that any such foster parent, preadoptive parent or relative
16 providing care for a child be made a party to the case solely on the basis of such
17 notice and opportunity to be heard.]

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

20 5. Stenographic notes or an authorized recording of the hearing shall be
21 required if the court so orders or, if requested by any party interested in the
22 proceeding.

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

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

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

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

- 2 (1) "Child abuse medical resource centers", medical institutions affiliated
3 with accredited children's hospitals or recognized institutions of higher education
4 with accredited medical school programs that provide training, support,

5 mentoring, and peer review to SAFE CARE providers in Missouri;

6 (2) "SAFE CARE provider", a physician, advanced practice nurse, or
7 physician's assistant licensed in this state who provides medical diagnosis and
8 treatment to children suspected of being victims of abuse and who receives:

9 (a) Missouri-based initial intensive training regarding child maltreatment
10 from the SAFE CARE network;

11 (b) Ongoing update training on child maltreatment from the SAFE CARE
12 network;

13 (c) Peer review and new provider mentoring regarding the forensic
14 evaluation of children suspected of being victims of abuse from the SAFE CARE
15 network;

16 (3) "Sexual assault forensic examination child abuse resource education
17 network" or "SAFE CARE network", a network of SAFE CARE providers and
18 child abuse medical resource centers that collaborate to provide forensic
19 evaluations, medical training, support, mentoring, and peer review for SAFE
20 CARE providers for the medical evaluation of child abuse victims in this state to
21 improve outcomes for children who are victims of or at risk for child
22 maltreatment by enhancing the skills and role of the medical provider in a
23 multidisciplinary context.

24 2. Child abuse medical resource centers may collaborate directly or
25 through the use of technology with SAFE CARE providers to promote improved
26 services to children who are suspected victims of abuse that will need to have a
27 forensic medical evaluation conducted by providing specialized training for
28 forensic medical evaluations for children conducted in a hospital, child advocacy
29 center, or by a private health care professional without the need for a
30 collaborative agreement between the child abuse medical resource center and a
31 SAFE CARE provider.

32 3. SAFE CARE providers who are a part of the SAFE CARE network in
33 Missouri may collaborate directly or through the use of technology with other
34 SAFE CARE providers and child abuse medical resource centers to promote
35 improved services to children who are suspected victims of abuse that will need
36 to have a forensic medical evaluation conducted by providing specialized training
37 for forensic medical evaluations for children conducted in a hospital, child
38 advocacy center, or by a private health care professional without the need for a
39 collaborative agreement between the child abuse medical resource center and a
40 SAFE CARE provider.

41 4. The SAFE CARE network shall develop recommendations concerning
42 medically based screening processes and forensic evidence collection for children
43 who may be in need of an emergency examination following an alleged sexual
44 assault. Such recommendations shall be provided to the SAFE CARE providers,
45 child advocacy centers, hospitals and licensed practitioners that provide
46 emergency examinations for children suspected of being victims of abuse.

47 **5. The department of public safety shall establish rules and make**
48 **payments to SAFE CARE providers, out of appropriations made for that**
49 **purpose, who provide forensic examinations of persons under eighteen**
50 **years of age who are alleged victims of physical abuse.**

51 **6. The department shall establish maximum reimbursement rates**
52 **for charges submitted under this section, which shall reflect the**
53 **reasonable cost of providing the forensic exam.**

54 **7. The department shall only reimburse providers for forensic**
55 **evaluations and case reviews. The department shall not reimburse**
56 **providers for medical procedures, facility fees, supplies or**
57 **laboratory/radiology tests.**

58 **8. In order for the department to provide reimbursement, the**
59 **child shall be the subject of a child abuse investigation or reported to**
60 **the children's division as a result of the examination.**

61 **9. A minor may consent to examination under this section. Such**
62 **consent is not subject to disaffirmance because of the individual's**
63 **status as a minor, and the consent of a parent or guardian of the minor**
64 **is not required for such examination.**

 453.073. 1. The children's division is authorized to grant a subsidy to a
2 child in one of the forms of allotment defined in section 453.065. Determination
3 of the amount of monetary need is to be made by the division at the time of
4 placement, if practicable, and in reference to the needs of the child, including
5 consideration of the physical and mental condition, and age of the child in each
6 case; provided, however, that the subsidy amount shall not exceed the expenses
7 of foster care and medical care for foster children paid under the homeless,
8 dependent and neglected foster care program.

9 **2. Beginning January 1, 2015, subsidy agreements entered into**
10 **under this section shall include a provision allowing for the suspension**
11 **or redirection of subsidy payments in the event that the child has been:**

12 **(1) Adjudicated dependent and made a ward of the court under**

13 **subdivision (1) of subsection 1 of section 211.031; and**

14 **(2) Removed from the physical or legal custody of the parent or**
15 **parents by a court of competent jurisdiction.**

16 **3.** The subsidy shall be paid for children who have been in the care and
17 custody of the children's division under the homeless, dependent and neglected
18 foster care program. In the case of a child who has been in the care and custody
19 of a private child-caring or child-placing agency or in the care and custody of the
20 division of youth services or the department of mental health, a subsidy shall be
21 available from the children's division subsidy program in the same manner and
22 under the same circumstances and conditions as provided for a child who has
23 been in the care and custody of the children's division.

24 **[3.] 4.** Within thirty days after the authorization for the grant of a
25 subsidy by the children's division, a written agreement shall be entered into by
26 the division and the parents. The agreement shall set forth the following terms
27 and conditions:

28 (1) The type of allotment;

29 (2) The amount of assistance payments;

30 (3) The services to be provided;

31 (4) The time period for which the subsidy is granted, if such period is
32 reasonably ascertainable;

33 (5) The obligation of the parents to inform the division when they are no
34 longer providing support to the child or when events affect the subsidy eligibility
35 of the child;

36 (6) The eligibility of the child for Medicaid; **and**

37 **(7) That the children's division may suspend or redirect subsidy**
38 **payments under subsection 2 of this section.**

453.074. 1. The **children's** division [of family services] shall have the
2 following duties in the administration of the subsidy program:

3 (1) Notify all petitioners for adoption of the availability of subsidies for
4 a child;

5 (2) Provide all petitioners for adoption with the rules and eligibility
6 requirements for subsidies;

7 (3) Inform the parents of a child receiving a subsidy of reductions,
8 **suspensions, or redirections under subsection 2 of section 453.073**, or
9 other modifications in the terms and conditions of the written agreement;

10 (4) Establish procedures for the resolution of disputes involving the delay,

11 denial, **suspensions, or redirections under subsection 2 of section**
12 **453.073**, amount or type of subsidy;

13 (5) File an annual report to the legislature in the budget proposal on the
14 adoption subsidy program, including but not limited to, the number and types of
15 subsidies being paid, an accounting of state and federal funds expended, and a
16 projection of future monetary needs to maintain the subsidy program;

17 (6) Comply with all federal laws relating to adoption subsidies in order
18 to maintain the eligibility of the state of Missouri for federal funds.

19 2. The provisions of this section shall not apply to the adoption of a child
20 by the spouse of a biological parent or an adoptive parent.

Section B. The repeal and reenactment of section 210.027 shall become
2 effective upon the department of health and senior services providing notice to
3 the revisor of statutes that the implementation of federal regulations mandating
4 such provisions has occurred.

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