

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 1,
2 Section A, Line 3, by inserting after all of said section and line the following:

3
4 "191.737. 1. Notwithstanding the physician-patient privilege, any physician or health care provider
5 may refer to the ~~[department of health and senior services]~~ children's division families in which children may
6 have been exposed to a controlled substance listed in section 195.017, schedules I, II and III, or alcohol as
7 evidenced by:

8 (1) Medical documentation of signs and symptoms consistent with controlled substances or alcohol
9 exposure in the child at birth; or

10 (2) Results of a confirmed toxicology test for controlled substances performed at birth on the mother
11 or the child; and

12 (3) A written assessment made or approved by a physician, health care provider, or by the children's
13 division which documents the child as being at risk of abuse or neglect.

14 2. Nothing in this section shall preclude a physician or other mandated reporter from reporting abuse
15 or neglect of a child as required pursuant to the provisions of section 210.115.

16 3. ~~[Upon notification pursuant to subsection 1 of this section, the department of health and senior~~
17 ~~services shall offer service coordination services to the family. The department of health and senior services~~
18 ~~shall coordinate social services, health care, mental health services, and needed education and rehabilitation~~
19 ~~services. Service coordination services shall be initiated within seventy-two hours of notification. The~~
20 ~~department of health and senior services shall notify the department of social services and the department of~~
21 ~~mental health within seventy-two hours of initial notification.~~

22 ~~4.]~~ Any physician or health care provider complying with the provisions of this section, in good
23 faith, shall have immunity from any civil liability that might otherwise result by reason of such actions.

24 ~~[5.]~~ 4. Referral and associated documentation provided for in this section shall be confidential and
25 shall not be used in any criminal prosecution.

26 191.739. 1. The department of social services shall provide protective services for children that
27 meet the criteria established in section 191.737. In addition the department of social services may provide
28 preventive services for children that meet the criteria established in section 191.737.

29 2. No department shall cease providing services for any child exposed to substances as set forth in
30 section 191.737 wherein a physician or health care provider has made or approved a written assessment
31 which documents the child as being at risk of abuse or neglect until ~~[such]~~ a physician or health care
32 provider~~[-or his designee,]~~ authorizes such file to be closed.

33 193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee
34 of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at
35 that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the
36 applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth,
37 death, or marriage if the request for certification is made by the children's division, the division of youth
38 services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of
39 age who has come under the jurisdiction of the juvenile court under section 211.031. All fees shall be

Action Taken _____ Date _____

deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public services health fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees required by law when a certification or copy of any marriage license or birth certificate is provided, with such donations collected to be forwarded monthly by the local registrar to the county treasurer of such county and the donations so forwarded to be deposited by the county treasurer into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in such county. The local registrar shall include a check-off box on the application form for such copies. All fees, other than the donations collected in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official city or county health agency. A certified copy of a death record by the local registrar can only be issued within twenty-four hours of receipt of the record by the local registrar. Computer-generated certifications of death records may be issued by the local registrar after twenty-four hours of receipt of the records. The fees paid to the official county health agency shall be retained by the local agency for local public health purposes.

210.003. 1. No child shall be permitted to enroll in or attend any public, private or parochial day care center, preschool or nursery school caring for ten or more children unless such child has been adequately immunized against vaccine-preventable childhood illnesses specified by the department of health and senior services in accordance with recommendations of the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP). The parent or guardian of such child shall provide satisfactory evidence of the required immunizations.

2. A child who has not completed all immunizations appropriate for his age may enroll, if:

(1) Satisfactory evidence is produced that such child has begun the process of immunization. The child may continue to attend as long as the immunization process is being accomplished according to the ACIP/Missouri department of health and senior services recommended schedule; [ø]

(2) The parent or guardian has signed and placed on file with the day care administrator a statement of exemption which may be either of the following:

(a) A medical exemption, by which a child shall be exempted from the requirements of this section

1 upon certification by a licensed physician that such immunization would seriously endanger the child's health
2 or life; or

3 (b) A parent or guardian exemption, by which a child shall be exempted from the requirements of
4 this section if one parent or guardian files a written objection to immunization with the day care
5 administrator; or

6 (3) The child is homeless or in the custody of the children's division and cannot provide satisfactory
7 evidence of the required immunizations. Satisfactory evidence shall be presented within thirty days of
8 enrollment and shall confirm either that the child has completed all immunizations appropriate for his or her
9 age or has begun the process of immunization. If the child has begun the process of immunization, he or she
10 may continue to attend as long as the process is being accomplished according to the schedule recommended
11 by the department of health and senior services.
12

13 Exemptions shall be accepted by the day care administrator when the necessary information as determined by
14 the department of health and senior services is filed with the day care administrator by the parent or guardian.
15 Exemption forms shall be provided by the department of health and senior services.

16 3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease within a
17 particular facility, the administrator of the facility shall follow the control measures instituted by the local
18 health authority or the department of health and senior services or both the local health authority and the
19 department of health and senior services, as established in Rule 19 CSR 20-20.040, "Measures for the
20 Control of Communicable, Environmental and Occupational Diseases".

21 4. The administrator of each public, private or parochial day care center, preschool or nursery school
22 shall cause to be prepared a record of immunization of every child enrolled in or attending a facility under his
23 jurisdiction. An annual summary report shall be made by January fifteenth showing the immunization status
24 of each child enrolled, using forms provided for this purpose by the department of health and senior services.
25 The immunization records shall be available for review by department of health and senior services personnel
26 upon request.

27 5. For purposes of this section, satisfactory evidence of immunization means a statement, certificate
28 or record from a physician or other recognized health facility or personnel, stating that the required
29 immunizations have been given to the child and verifying the type of vaccine and the month, day and year of
30 administration.

31 6. Nothing in this section shall preclude any political subdivision from adopting more stringent rules
32 regarding the immunization of preschool children.

33 7. All public, private, and parochial day care centers, preschools, and nursery schools shall notify
34 the parent or guardian of each child at the time of initial enrollment in or attendance at the facility that the
35 parent or guardian may request notice of whether there are children currently enrolled in or attending the
36 facility for whom an immunization exemption has been filed. Beginning December 1, 2015, all public,
37 private, and parochial day care centers, preschools, and nursery schools shall notify the parent or guardian of
38 each child currently enrolled in or attending the facility that the parent or guardian may request notice of
39 whether there are children currently enrolled in or attending the facility for whom an immunization
40 exemption has been filed. Any public, private, or parochial day care center, preschool, or nursery school
41 shall notify the parent or guardian of a child enrolled in or attending the facility, upon request, of whether
42 there are children currently enrolled in or attending the facility for whom an immunization exemption has
43 been filed.

44 210.102. 1. ~~[It shall be the duty of the Missouri children's services commission to:~~

45 ~~—— (1) Make recommendations which will encourage greater interagency coordination, cooperation,~~
46 ~~more effective utilization of existing resources and less duplication of effort in activities of state agencies~~
47 ~~which affect the legal rights and well-being of children in Missouri;~~

48 ~~—— (2) Develop an integrated state plan for the care provided to children in this state through state~~
49 ~~programs;~~

50 ~~—— (3) Develop a plan to improve the quality of children's programs statewide. Such plan shall include,~~
51 ~~but not be limited to:~~

52 ~~—— (a) Methods for promoting geographic availability and financial accessibility for all children and~~
53 ~~families in need of such services;~~

1 ~~_____ (b) Program recommendations for children's services which include child development, education,~~
 2 ~~supervision, health and social services;~~

3 ~~_____ (4) Design and implement evaluation of the activities of the commission in fulfilling the duties as~~
 4 ~~set out in this section;~~

5 ~~_____ (5) Report annually to the governor with five copies each to the house of representatives and senate~~
 6 ~~about its activities including, but not limited to the following:~~

7 ~~_____ (a) A general description of the activities pertaining to children of each state agency having a~~
 8 ~~member on the commission;~~

9 ~~_____ (b) A general description of the plans and goals, as they affect children, of each state agency having~~
 10 ~~a member on the commission;~~

11 ~~_____ (c) Recommendations for statutory and appropriation initiatives to implement the integrated state~~
 12 ~~plan;~~

13 ~~_____ (d) A report from the commission regarding the state of children in Missouri.~~

14 ~~_____ 2.] There is hereby established within the [children's services commission] department of social~~
 15 ~~services the "Coordinating Board for Early Childhood", which shall constitute a body corporate and politic,~~
 16 ~~and shall include but not be limited to the following members:~~

17 (1) A representative from the governor's office;

18 (2) A representative from each of the following departments: health and senior services, mental
 19 health, social services, and elementary and secondary education;

20 (3) A representative of the judiciary;

21 (4) A representative of the family and community trust board (FACT);

22 (5) A representative from the head start program;

23 (6) Nine members appointed by the governor with the advice and consent of the senate who are
 24 representatives of the groups, such as business, philanthropy, civic groups, faith-based organizations, parent
 25 groups, advocacy organizations, early childhood service providers, and other stakeholders.

26
 27 The coordinating board may make all rules it deems necessary to enable it to conduct its meetings, elect its
 28 officers, and set the terms and duties of its officers. The coordinating board shall elect from amongst its
 29 members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary.
 30 Members of the board shall serve without compensation but may be reimbursed for actual expenses
 31 necessary to the performance of their official duties for the board.

32 ~~[3-]~~ 2. The coordinating board for early childhood shall have the power to:

33 (1) Develop a comprehensive statewide long-range strategic plan for a cohesive early childhood
 34 system;

35 (2) Confer with public and private entities for the purpose of promoting and improving the
 36 development of children from birth through age five of this state;

37 (3) Identify legislative recommendations to improve services for children from birth through age
 38 five;

39 (4) Promote coordination of existing services and programs across public and private entities;

40 (5) Promote research-based approaches to services and ongoing program evaluation;

41 (6) Identify service gaps and advise public and private entities on methods to close such gaps;

42 (7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the coordinating
 43 board for early childhood fund from any source, public or private, and enter into contracts or other
 44 transactions with any federal or state agency, any private organizations, or any other source in furtherance of
 45 the purpose of ~~[subsections 2 and 3]~~ subsection 1 of this section and this subsection, and take any and all
 46 actions necessary to avail itself of such aid and cooperation;

47 (8) Direct disbursements from the coordinating board for early childhood fund as provided in this
 48 section;

49 (9) Administer the coordinating board for early childhood fund and invest any portion of the moneys
 50 not required for immediate disbursement in obligations of the United States or any agency or instrumentality
 51 of the United States, in obligations of the state of Missouri and its political subdivisions, in certificates of
 52 deposit and time deposits, or other obligations of banks and savings and loan associations, or in such other
 53 obligations as may be prescribed by the board;

(10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal property or any interests therein, wherever situated;

(11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its property or any interest therein, wherever situated;

(12) Employ and fix the compensation of an executive director and such other agents or employees as it considers necessary;

(13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the manner in which its business may be transacted;

(14) Adopt and use an official seal;

(15) Assess or charge fees as the board determines to be reasonable to carry out its purposes;

(16) Make all expenditures which are incident and necessary to carry out its purposes;

(17) Sue and be sued in its official name;

(18) Take such action, enter into such agreements, and exercise all functions necessary or appropriate to carry out the duties and purposes set forth in this section.

[4.] 3. There is hereby created the "Coordinating Board for Early Childhood Fund" which shall consist of the following:

(1) Any moneys appropriated by the general assembly for use by the board in carrying out the powers set out in subsections ~~[2 and 3]~~ 1 and 2 of this section;

(2) Any moneys received from grants or which are given, donated, or contributed to the fund from any source;

(3) Any moneys received as fees authorized under subsections ~~[2 and 3]~~ 1 and 2 of this section;

(4) Any moneys received as interest on deposits or as income on approved investments of the fund;

(5) Any moneys obtained from any other available source.

Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the coordinating board for early childhood fund at the end of the biennium shall not revert to the credit of the general revenue fund

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

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);

(2) "Assessment and treatment services for children ~~[under ten years old]~~", an approach to be developed by the children's division which will recognize and treat the specific needs of at-risk and abused or neglected children ~~[under the age of ten]~~. The developmental and medical assessment may be a broad physical, developmental, and mental health screening to be completed within thirty days of a child's entry into custody and ~~[every six months]~~ in accordance with the periodicity schedule set forth by the American Academy of Pediatrics thereafter as long as the child remains in care. Screenings may be offered at a centralized location and include, at a minimum, the following:

(a) Complete physical to be performed by a pediatrician familiar with the effects of abuse and neglect on young children;

(b) Developmental, behavioral, and emotional screening in addition to early periodic screening, diagnosis, and treatment services, including a core set of standardized and recognized instruments as well as interviews with the child and appropriate caregivers. The screening battery may be performed by a licensed mental health professional familiar with the effects of abuse and neglect on young children, who will then serve as the liaison between all service providers in ensuring that needed services are provided. Such treatment services may include in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family counseling, parenting training and other best practices.

Children whose screenings indicate an area of concern may complete a comprehensive, in-depth health,

1 psychodiagnostic, or developmental assessment within sixty days of entry into custody;

2 (3) "Central registry", a registry of persons where the division has found probable cause to believe
3 prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, or a court has
4 substantiated through court adjudication that the individual has committed child abuse or neglect or the
5 person has pled guilty or has been found guilty of a crime pursuant to section 565.020, 565.021, 565.023,
6 565.024, 565.050, 566.030, 566.060, or 567.050 if the victim is a child less than eighteen years of age, or
7 any other crime pursuant to chapter 566 if the victim is a child less than eighteen years of age and the
8 perpetrator is twenty-one years of age or older, a crime under section 568.020, 568.030, 568.045, 568.050,
9 568.060, 568.080, 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205, or an
10 attempt to commit any such crimes. Any persons placed on the registry prior to August 28, 2004, shall
11 remain on the registry for the duration of time required by section 210.152;

12 (4) "Child", any person, regardless of physical or mental condition, under eighteen years of age;

13 (5) "Children's services providers and agencies", any public, quasi-public, or private entity with the
14 appropriate and relevant training and expertise in delivering services to children and their families as
15 determined by the children's division, and capable of providing direct services and other family services for
16 children in the custody of the children's division or any such entities or agencies that are receiving state
17 moneys for such services;

18 (6) "Director", the director of the Missouri children's division within the department of social
19 services;

20 (7) "Division", the Missouri children's division within the department of social services;

21 (8) "Family assessment and services", an approach to be developed by the children's division which
22 will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or
23 neglect by a person responsible for that child's care, custody or control and of that child's family, including
24 risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and
25 support the family;

26 (9) "Family support team meeting" or "team meeting", a meeting convened by the division or
27 children's services provider in behalf of the family and/or child for the purpose of determining service and
28 treatment needs, determining the need for placement and developing a plan for reunification or other
29 permanency options, determining the appropriate placement of the child, evaluating case progress, and
30 establishing and revising the case plan;

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

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

36 (12) "Neglect", failure to provide, by those responsible for the care, custody, and control of the
37 child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any
38 other care necessary for the child's well-being. Victims of neglect shall also include any victims of sex
39 trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);

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

43 (14) "Probable cause", available facts when viewed in the light of surrounding circumstances which
44 would cause a reasonable person to believe a child was abused or neglected;

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

47 (16) "Those responsible for the care, custody, and control of the child", includes, but is not limited
48 to:

49 (a) The parents or legal guardians of a child;

50 (b) Other members of the child's household;

51 (c) Those exercising supervision over a child for any part of a twenty-four-hour day;

52 (d) Any person who has access to the child based on relationship to the parents of the child or
53 members of the child's household or the family; or

(e) Any person who takes control of the child by deception, force, or coercion."; and

Further amend said bill, Section 210.115, Page 3, Line 65, by inserting after all of said section and line the following:

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

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

4. The division may accept a report for investigation or family assessment if either the child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident occurred in Missouri.

5. If the division receives a report in which neither the child nor the alleged perpetrator resides in Missouri or may be found in Missouri and the incident did not occur in Missouri, the division shall document the report and communicate it to the appropriate agency or agencies in the state where the child is believed to be located, along with any relevant information or records as may be contained in the division's information system.

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

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

[6-] 8. The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in

cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger. If the parents of the child are not the alleged perpetrators, a parent of the child must be notified prior to the child being interviewed by the division. No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

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

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

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

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

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

[10-] 12. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or

1 harassment to the local prosecuting or circuit attorney.

2 ~~[41.]~~ 13. Multidisciplinary teams shall be used whenever conducting the investigation as determined
3 by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in
4 providing protective or preventive social services, including the services of law enforcement, a liaison of the
5 local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

6 ~~[42.]~~ 14. For all family support team meetings involving an alleged victim of child abuse or neglect,
7 the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the
8 guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be
9 permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community
10 informal or formal service providers that provide significant support to the child and other individuals may
11 also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the
12 parents, the legal guardian or custodian and the foster parents may request that other individuals, other than
13 alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
14 attends such team meetings, the division or the convenor of the meeting shall provide such persons with
15 notice of all such subsequent meetings involving the child. Families may determine whether individuals
16 invited at their discretion shall continue to be invited.

17 ~~[43.]~~ 15. If the appropriate local division personnel determine after an investigation has begun that
18 completing an investigation is not appropriate, the division shall conduct a family assessment and services
19 approach. The division shall provide written notification to local law enforcement prior to terminating any
20 investigative process. The reason for the termination of the investigative process shall be documented in the
21 record of the division and the written notification submitted to local law enforcement. Such notification shall
22 not preclude nor prevent any investigation by law enforcement.

23 ~~[44.]~~ 16. If the appropriate local division personnel determines to use a family assessment and
24 services approach, the division shall:

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

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

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

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

40 ~~[45.]~~ 17. (1) Within forty-five days of an oral report of abuse or neglect, the local office shall update
41 the information in the information system. The information system shall contain, at a minimum, the
42 determination made by the division as a result of the investigation, identifying information on the subjects of
43 the report, those responsible for the care of the subject child and other relevant dispositional information.
44 The division shall complete all investigations within forty-five days, unless good cause for the failure to
45 complete the investigation is specifically documented in the information system. Good cause for failure to
46 complete an investigation shall include, but not be limited to:

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

50 (b) The attorney general or the prosecuting or circuit attorney of the city or county in which a
51 criminal investigation is pending certifies in writing to the division that there is a pending criminal
52 investigation of the incident under investigation by the division and the issuing of a decision by the division
53 will adversely impact the progress of the investigation; or

(c) The child victim, the subject of the investigation or another witness with information relevant to the investigation is unable or temporarily unwilling to provide complete information within the specified time frames due to illness, injury, unavailability, mental capacity, age, developmental disability, or other cause.

The division shall document any such reasons for failure to complete the investigation.

(2) If a child fatality or near-fatality is involved in a report of abuse or neglect, the investigation shall remain open until the division's investigation surrounding such death or near-fatal injury is completed.

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

~~[46-]~~ 18. A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

~~[47-]~~ 19. The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

~~[48-]~~ 20. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

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

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

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

~~[49-]~~ 21. Nothing in this chapter shall be construed to prohibit the children's division from coinvestigating a report of child abuse or neglect or sharing records and information with child welfare, law enforcement, or judicial officers of another state, territory, or nation if the children's division determines it is appropriate to do so under the standard set forth in subsection 4 of section 210.150 and if such receiving agency is exercising its authority under the law.

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

~~[20-]~~ 23. The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

~~[21-]~~ 24. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to

all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

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

(1) For investigation reports contained in the central registry, ~~identifying~~ the report and all information shall be retained by the division;

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

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

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

(d) For investigation reports where the identification of the specific perpetrator or perpetrators cannot be substantiated and the division has specific evidence to determine that a child was abused or neglected, the division shall retain the report and all ~~identifying~~ information but shall not place an unknown perpetrator on the central registry. The division shall retain all ~~identifying~~ information ~~for the purpose of utilizing such information in subsequent investigations or family assessments of the same child, the child's family, or members of the child's household~~. The division shall retain and disclose information and findings in the same manner as the division retains and discloses family assessments. If the division made a finding of abuse or neglect against an unknown perpetrator prior to August 28, 2017, the division shall remove the unknown perpetrator from the central registry but shall retain and utilize all ~~identifying~~ information as otherwise provided in this section;

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

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

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

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

1 board as provided in subsection 4 of this section;

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

4 (3) The division has been unable to determine the identity of the perpetrator of the abuse or neglect.
5 The notice shall also inform the child's parents and legal guardian that the division shall retain, utilize, and
6 disclose all information and findings as provided in family assessment and services cases.

7 3. The children's division may reopen a case for review if new, specific, and credible evidence is
8 obtained.

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

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

20 6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board,
21 the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the
22 alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator
23 resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in
24 Cole County. The case may be assigned to the family court division where such a division has been
25 established. The request for a judicial review shall be made within sixty days of notification of the decision
26 of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall
27 provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may
28 subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the
29 discretion to allow the parties to submit the case upon a stipulated record.

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

32 210.498. 1. Any parent or legal guardian of a child in foster care may have access to investigation
33 records kept by the division regarding ~~[a decision for]~~ the denial ~~[of or the]~~, suspension, or revocation of ~~[a]~~
34 ~~the license [to a specific person to operate or maintain] of a foster home [if such specific person does or may~~
35 ~~provide services or care to a child of the person requesting the information] in which the child was placed.~~
36 The request for the release of such information shall be made to the division director or the director's
37 designee, in writing, by the parent or legal guardian of the child and shall be accompanied ~~[with]~~ by a signed
38 and notarized release form from the person who does or may provide care or services to the child. The
39 notarized release form shall include the full name, date of birth and Social Security number of the person
40 who does or may provide care or services to a child. The response shall include only information pertaining
41 to the nature and disposition of any denial, suspension, or revocation of a license to operate a foster home.
42 This response shall not include any identifying information regarding any person other than the person to
43 whom a foster home license was denied, suspended, or revoked. The response shall not include financial,
44 medical, or other personal information relating to the foster home provider or the foster home provider's
45 family unless the division determines that the information is directly relevant to the disposition of the
46 investigation and report. The response shall be given within ten working days of the time it was received by
47 the division.

48 2. The division may disclose or utilize information and records relating to foster homes in its
49 discretion and as needed for the administration of the foster care program including, but not limited to, the
50 licensure of foster homes and for the protection, care, and safety of children who are or who may be placed in
51 foster care.

52 3. Upon written request, the director of the department of social services shall authorize the
53 disclosure of information and findings pertaining to foster homes in cases of child fatalities or near-fatalities

1 to courts, juvenile officers, law enforcement agencies, and prosecuting and circuit attorneys that have a need
 2 for the information to conduct their duties under law. Nothing in this subsection shall otherwise preclude the
 3 disclosure of such information as provided for under subsection 5 of section 210.150.

4 4. The division may disclose information and records pertaining to foster homes to juvenile officers,
 5 courts, the office of child advocate, guardians ad litem, law enforcement agencies, child welfare agencies,
 6 child placement agencies, prosecuting attorneys, and other local, state, and federal government agencies that
 7 have a need for the information to conduct their duties under law.

8 5. Information and records pertaining to the licensure of foster homes and the care and treatment of
 9 children in foster homes shall be considered closed records under chapter 610 and may only be disclosed and
 10 utilized under this section.

11 210.1030. 1. There is hereby created the "Trauma-Informed Care for Children and Families Task
 12 Force". The mission of the task force shall be to promote the healthy development of children and their
 13 families living in Missouri communities by promoting comprehensive trauma-informed children and family
 14 support systems and interagency cooperation.

15 2. The task force shall consist of the following members:

16 (1) The directors, or their designees, of the departments of elementary and secondary education,
 17 health and senior services, mental health, social services, public safety, and corrections;

18 (2) The director, or his or her designee, of the office of child advocate;

19 (3) Six members from the private sector with knowledge of trauma-informed care methods, two of
 20 whom shall be appointed by the speaker of the house of representatives, one of whom shall be appointed by
 21 the minority leader of the house of representatives, two of whom shall be appointed by the president pro
 22 tempore of the senate, and one of whom shall be appointed by the minority leader of the senate;

23 (4) Two members of the house of representatives appointed by the speaker of the house of
 24 representatives and one member of the house of representatives appointed by the minority leader of the house
 25 of representatives; and

26 (5) Two members of the senate appointed by the president pro tempore of the senate and one
 27 member of the senate appointed by the minority leader of the senate.

28 3. The task force shall incorporate evidence-based and evidence-informed best practices including,
 29 but not limited to, the Missouri Model: A Developmental Framework for Trauma-Informed, with respect to:

30 (1) Early identification of children and youth and their families, as appropriate, who have
 31 experienced or are at risk of experiencing trauma;

32 (2) The expeditious referral of such children and youth and their families, as appropriate, who
 33 require specialized services to the appropriate trauma-informed support services, including treatment, in
 34 accordance with applicable privacy laws; and

35 (3) The implementation of trauma-informed approaches and interventions in child and youth-serving
 36 schools, organizations, homes, and other settings to foster safe, stable, and nurturing environments and
 37 relationships that prevent and mitigate the effects of trauma.

38 4. The staff of senate research, house research, and the joint committee on legislative research shall
 39 provide such legal, research, clerical, technical, and bill drafting services as the task force may require in the
 40 performance of its duties.

41 5. The task force, its members, and any staff assigned to the task force shall receive reimbursement
 42 for their actual and necessary expenses incurred in attending meetings of the task force or any subcommittee
 43 thereof.

44 6. The task force shall meet within two months of the effective date of this section.

45 7. The task force shall report a summary of its activities and any recommendations for legislation to
 46 the general assembly and to the joint committee on child abuse and neglect under section 21.771 by January
 47 1, 2019.

48 8. The task force shall terminate on January 1, 2019.

49 211.093. 1. Any order or judgment entered by the court under authority of this chapter or chapter
 50 210 shall, so long as [~~such order or judgment remains in effect~~] the juvenile court exercises continuing
 51 jurisdiction, take precedence over any order or judgment concerning the status or custody of a child under
 52 [age] twenty-one years of age entered by a court under authority of chapter 452, 453, 454 or 455, or orders of
 53 guardianship under chapter 475, but only to the extent inconsistent therewith.

2. In addition to all other powers conveyed upon the court by this chapter and chapter 210, any court exercising jurisdiction over a child under subdivision (1) of subsection 1 of section 211.031 shall have authority to enter an order regarding custody of the child under chapter 452, enter a child support order computed under the guidelines set forth in section 452.340, and establish rights of visitation for the parents of the child. In every case in which the juvenile or family court exercises authority over a child under subdivision (1) or (2) of subsection 1 of section 211.031, the court shall have concurrent authority and jurisdiction with the circuit court to enter a final order and judgment establishing the paternity of the child under the uniform parentage act under sections 210.817 to 210.852, unless the child has a legal father already established under sections 210.817 to 210.852 by affidavit or court order.

3. Any custody, support, or visitation order entered by the court under subsection 2 of this section shall remain in full force and effect after the termination of juvenile court proceedings unless the court's order specifically states otherwise. Any custody, child support, or visitation order shall take precedence over and shall automatically stay any prior orders concerning custody, child support, guardianship, or visitation for the child under the juvenile court's jurisdiction. Orders entered under subsection 2 of this section shall remain in full force and effect until a subsequent order with respect to custody, child support, guardianship, or visitation of the child is entered by a court under the authority of this chapter or chapter 210, 452, 453, 454, or 455, or orders of guardianship under chapter 475. Any final judgment and order establishing paternity under this section shall be a final and binding judgment of the circuit court as in other civil judgments entered under the uniform parentage act under sections 210.817 to 210.852, and the court may enter the final paternity judgment and order under a different, nonjuvenile case number.

4. If the juvenile court terminates jurisdiction without entering a continuing custody, support, or visitation order under subsections 2 and 3 of this section, legal and physical custody of the child shall be returned to the custodian, parent, or legal guardian who exercised custody prior to the juvenile court assuming jurisdiction under subdivision (1) of subsection 1 of section 211.031, and any custody or visitation orders in effect at the time the juvenile court assumed jurisdiction shall be restored.

5. The juvenile court shall not have the authority to hear modification motions or other actions to rehear any orders entered under this section after the juvenile court terminates jurisdiction on the underlying case. A circuit court in the same county as the juvenile court shall have jurisdiction to hear any motions for rehearing or modifications of any orders entered under this section after the juvenile court terminates jurisdiction. Any future actions shall be conducted under sections 210.817 to 210.852, this chapter, or chapter 452, 453, 454, 455, or 475, as appropriate.

6. On entry of a child support order, the circuit clerk shall follow the procedures set forth in section 454.412 and upon request send a certified copy of the order to the family support division.

211.444. [1-] The juvenile court may, upon petition of the juvenile officer or a child-placing agency licensed under sections 210.481 to 210.536 in conjunction with a placement with such agency under subsection 6 of section 453.010, or [the court before which] a private attorney filing a petition for adoption [has been filed pursuant to] under the provisions of chapter 453, terminate the rights of a parent or receive the consent to adoption or waiver of consent to adoption executed by a parent or a named father to a child, including a child who is a ward of the court, if the court finds that such termination or consent to adoption or waiver of consent to adoption is in the best interests of the child and the parent has, in a properly executed writing under section 453.030 or 453.050, consented [in writing] to the termination of his or her parental rights or consented to an adoption or waived consent to adoption.

[2- The written consent required by subsection 1 of this section may be executed before or after the institution of the proceedings and shall be acknowledged before a notary public. In lieu of such acknowledgment, the signature of the person giving the written consent shall be witnessed by at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective parents. The notary public or witnesses shall verify the identity of the party signing the consent.

3- The written consent required by subsection 1 of this section shall be valid and effective only after the child is at least forty-eight hours old and if it complies with the other requirements of section 453.030.]

211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry

1 and if it appears that the information could justify the filing of a petition, the juvenile officer may take further
 2 action, including filing a petition. If it does not appear to the juvenile officer that a petition should be filed,
 3 such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall
 4 include the reasons that the petition will not be filed.

5 2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of
 6 the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been
 7 filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition,
 8 when:

9 (1) Information available to the juvenile officer or the division establishes that the child has been in
 10 foster care for at least fifteen of the most recent twenty-two months; or

11 (2) A court of competent jurisdiction has determined the child to be an abandoned infant. For
 12 purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the
 13 petition. The court may find that an infant has been abandoned if:

14 (a) The parent has left the child under circumstances that the identity of the child was unknown and
 15 could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child;
 16 or

17 (b) The parent has, without good cause, left the child without any provision for parental support and
 18 without making arrangements to visit or communicate with the child, although able to do so; or

19 (c) The parent has voluntarily relinquished a child under section 210.950; or

20 (3) A court of competent jurisdiction has determined that the parent has:

21 (a) Committed murder of another child of the parent; or

22 (b) Committed voluntary manslaughter of another child of the parent; or

23 (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary
 24 manslaughter; or

25 (d) Committed a felony assault that resulted in serious bodily injury to the child or to another child
 26 of the parent; or

27 (4) The parent has been found guilty of or pled guilty to a felony violation of chapters 566 or 573
 28 when the child or any child in the family was a victim, or a violation of sections 568.020 or 568.065 when
 29 the child or any child in the family was a victim. As used in this subdivision, a "child" means any person
 30 who was under eighteen years of age at the time of the crime and who resided with such parent or was related
 31 within the third degree of consanguinity or affinity to such parent.

32 3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if
 33 such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a
 34 party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section,
 35 except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive
 36 the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of
 37 sixty days.

38 4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the
 39 juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of
 40 the child's parent or parents if:

41 (1) The child is being cared for by a relative; or

42 (2) There exists a compelling reason for determining that filing such a petition would not be in the
 43 best interest of the child, as documented in the permanency plan which shall be made available for court
 44 review; or

45 (3) The family of the child has not been provided such services as provided for in section 211.183.

46 5. The juvenile officer or the division may file a petition to terminate the parental rights of the
 47 child's parent when it appears that one or more of the following grounds for termination exist:

48 (1) The child has been abandoned. For purposes of this subdivision a "child" means any child over
 49 one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if,
 50 for a period of six months or longer:

51 (a) The parent has left the child under such circumstances that the identity of the child was unknown
 52 and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the
 53 child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development.

Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

~~(4) [The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or~~

~~——(5)]~~ The child was conceived and born as a result of an act of forcible rape or rape in the first degree. When the biological father has pled guilty to, or is convicted of, the forcible rape or rape in the first degree of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

~~[(6)]~~ (5) (a) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse including, but not limited to, specific conditions directly relating to the parent and child relationship which are determined by the court to be of a duration or nature that renders the parent unable for the reasonably foreseeable future to care appropriately for the ongoing physical, mental, or emotional needs of the child.

(b) It is presumed that a parent is unfit to be a party to the parent and child relationship upon a showing that:

a. Within a three-year period immediately prior to the termination adjudication, the parent's parental

rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivision (1), (2), or (3) ~~or (4)~~ of this subsection or similar laws of other states;

b. If the parent is the birth mother and within eight hours after the child's birth, the child's birth mother tested positive and over .08 blood alcohol content pursuant to testing under section 577.020 for alcohol, or tested positive for cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case;

c. If the parent is the birth mother and at the time of the child's birth or within eight hours after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case; or

d. Within a three-year period immediately prior to the termination adjudication, the parent has pled guilty to or has been convicted of a felony involving the possession, distribution, or manufacture of cocaine, heroin, or methamphetamine, and the parent is the biological parent of at least one other child who was adjudicated an abused or neglected minor by such parent or such parent has previously failed to complete recommended treatment services by the children's division through a family-centered services case.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), or (3) ~~or (4)~~ of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

431.056. 1. A minor shall be qualified and competent to contract for housing, employment,

1 purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school,
 2 obtaining medical care, establishing a bank account, admission to a shelter for victims of domestic violence,
 3 as ~~[defined in section]~~ that phrase is used in sections 455.200 to 455.220, a rape crisis center, as defined in
 4 section 455.003, or a homeless shelter, and receipt of services as a victim of domestic violence or sexual
 5 ~~[abuse]~~ assault, as such terms are defined in section 455.010, including but not limited to counseling, court
 6 advocacy, financial assistance, and other advocacy services, if:

- 7 (1) The minor is sixteen or seventeen years of age; and
- 8 (2) The minor is homeless, as defined in subsection 1 of section 167.020, or a victim of domestic
 9 violence, as defined in section ~~[455.200]~~ 455.010, unless the child is under the supervision of the children's
 10 division or the jurisdiction of the juvenile court; and
- 11 (3) The minor is self-supporting, such that the minor is without the physical or financial support of a
 12 parent or legal guardian; and
- 13 (4) The minor's parent or legal guardian has consented to the minor living independent of the
 14 parents' or guardians' control. Consent may be expressed or implied, such that:
 15 (a) Expressed consent is any verbal or written statement made by the parents or guardian of the
 16 minor displaying approval or agreement that the minor may live independently of the parent's or guardian's
 17 control;
 18 (b) Implied consent is any action made by the parent or guardian of the minor that indicates the
 19 parent or guardian is unwilling or unable to adequately care for the minor. Such actions may include, but are
 20 not limited to:
 21 a. Barring the minor from the home or otherwise indicating that the minor is not welcome to stay;
 22 b. Refusing to provide any or all financial support for the minor; or
 23 c. Abusing or neglecting the minor, as defined in section 210.110 or committing an act or acts of
 24 domestic violence against the minor, as defined in section 455.010.

25 2. A minor who is sixteen years of age or older and who is in the legal custody of the children's
 26 division pursuant to an order of a court of competent jurisdiction shall be qualified and competent to contract
 27 for the purchase of automobile insurance with the consent of the children's division or the juvenile court.
 28 The minor shall be responsible for paying the costs of the insurance premiums and shall be liable for
 29 damages caused by his or her negligent operation of a motor vehicle. No state department, foster parent, or
 30 entity providing case management of children on behalf of a department shall be responsible for paying any
 31 insurance premiums nor liable for any damages of any kind as a result of the operation of a motor vehicle by
 32 the minor.

33 3. A minor who is sixteen years of age or older and who is in the legal custody of the children's
 34 division pursuant to an order of a court of competent jurisdiction shall be qualified and competent to contract
 35 for the opening of a checking or savings bank account with the consent of the children's division or the
 36 juvenile court. The minor shall be responsible for paying all banking related costs associated with the
 37 checking or savings account and shall be liable for any and all penalties should he or she violate a banking
 38 agreement. No state department, foster parent, or entity providing case management of children on behalf of
 39 a department shall be responsible for paying any bank fees nor liable for any and all penalties related to
 40 violation of a banking agreement.

41 453.015. As used in sections 453.010 to 453.400, the following terms mean:

- 42 (1) "Minor" or "child", any person who has not attained the age of eighteen years or any person in
 43 the custody of the children's division who has not attained the age of twenty-one;
- 44 (2) "Parent", a birth parent or parents of a child, including the putative father of the child, as well as
 45 the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by
 46 adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his
 47 own by affirmatively asserting his paternity;
- 48 (3) "Post adoption contact agreement", a voluntary written agreement executed by one or both of a
 49 child's birth parents and each adoptive parent describing future contact between the parties to the agreement
 50 and the child; provided, that such agreement shall be approved by the court under subsection 4 of section
 51 453.080;
- 52 (4) "Putative father", the alleged or presumed father of a child including a person who has filed a
 53 notice of intent to claim paternity with the putative father registry established in section 192.016 and a

1 person who has filed a voluntary acknowledgment of paternity pursuant to section 193.087;

2 ~~[(4)]~~ (5) "Stepparent", the spouse of a biological or adoptive parent. The term does not include the
3 state if the child is a ward of the state. The term does not include a person whose parental rights have been
4 terminated.

5 453.030. 1. In all cases the approval of the court of the adoption shall be required and such approval
6 shall be given or withheld as the welfare of the person sought to be adopted may, in the opinion of the court,
7 demand.

8 2. The written consent of the person to be adopted shall be required in all cases where the person
9 sought to be adopted is fourteen years of age or older, except where the court finds that such child has not
10 sufficient mental capacity to give the same. In a case involving a child under fourteen years of age, the
11 guardian ad litem shall ascertain the child's wishes and feelings about his or her adoption by conducting an
12 interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall
13 be considered by the court as a factor in determining if the adoption is in the child's best interests.

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

17 (1) The mother of the child; ~~[and]~~

18 (2) ~~[Only the]~~ Any man who:

19 (a) Is presumed to be the father pursuant to ~~[the]~~ subdivision (1), (2), or (3) of subsection 1 of
20 section 210.822; or

21 (b) Has filed an action to establish his paternity in a court of competent jurisdiction no later than
22 fifteen days after the birth of the child and has served a copy of the petition on the mother in accordance with
23 section 506.100; or

24 (c) Filed with the putative father registry pursuant to section 192.016 a notice of intent to claim
25 paternity or an acknowledgment of paternity either prior to or within fifteen days after the child's birth, and
26 has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days
27 after the birth of the child; ~~[or]~~ and

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

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

31 4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section may be
32 executed before or after the birth of the child or before or after the commencement of the adoption
33 proceedings, and shall be executed in front of a judge or acknowledged before a notary public. If consent is
34 executed in front of a judge, it shall be the duty of the judge to advise the consenting birth parent of the
35 consequences of the consent. In lieu of such acknowledgment, the signature of the person giving such
36 written consent shall be witnessed by the signatures of at least two adult persons whose signatures and
37 addresses shall be plainly written thereon. The two adult witnesses shall not be the prospective adoptive
38 parents or any attorney representing a party to the adoption proceeding other than the attorney representing
39 the party signing the consent. The notary public or witnesses shall verify the identity of the party signing the
40 consent. Notwithstanding any other provision of law to the contrary, a properly executed written consent
41 under this subsection shall be considered irrevocable.

42 5. The written consent required in subdivision (1) of subsection 3 of this section by the birth ~~[parent]~~
43 mother shall not be executed anytime before the child is forty-eight hours old. Such written consent shall be
44 executed in front of a judge or acknowledged before a notary public. If consent is executed in front of a
45 judge, it shall be the duty of the judge to advise the consenting party of the consequences of the consent. In
46 lieu of ~~[such]~~ acknowledgment before a notary public, the signature of the person giving such written consent
47 shall be witnessed by the signatures of at least two adult persons who are present at the execution whose
48 signatures and addresses shall be plainly written thereon and who determine and certify that the consent is
49 knowingly and freely given. The two adult witnesses shall not be the prospective adoptive parents or any
50 attorney representing a party to the adoption proceeding other than the attorney representing the party signing
51 the consent. The notary public or witnesses shall verify the identity of the party signing the consent.

52 6. A consent is final when executed, unless the consenting party, prior to a final decree of adoption,
53 alleges and proves by clear and convincing evidence that the consent was not freely and voluntarily given.

The burden of proving the consent was not freely and voluntarily given shall rest with the consenting party. Consents in all cases shall have been executed not more than six months prior to the date the petition for adoption is filed.

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

8. However, the consent form must specify that:

(1) The birth parent understands the importance of identifying all possible fathers of the child and may provide the names of all such persons; and

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

9. The written consent to adoption required by subsection 3 and executed through procedures set forth in subsection 5 of this section shall be valid and effective even though the parent consenting was under eighteen years of age, if such parent was represented by a guardian ad litem, at the time of the execution thereof.

10. Where the person sought to be adopted is eighteen years of age or older, his or her written consent alone to his or her adoption shall be sufficient.

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

(1) A birth parent requests representation;

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

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

12. Except in cases where the court determines that the adoptive parents are unable to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall order the costs of the attorney fees incurred pursuant to subsection 11 of this section to be paid by the prospective adoptive parents or the child-placing agency.

13. The court shall receive and acknowledge a written consent to adoption properly executed by a birth parent under this section when such consent is in the best interests of the child.

453.080. 1. The court shall conduct a hearing to determine whether the adoption shall be finalized. Out-of-state adoptive petitioners may appear by their attorney or by video or telephone conference rather than in person. During such hearing, the court shall ascertain whether:

(1) The person sought to be adopted, if a child, has been in the lawful and actual custody of the petitioner for a period of at least six months prior to entry of the adoption decree; except that the six-month period may be waived if the person sought to be adopted is a child who is under the prior and continuing jurisdiction of a court pursuant to chapter 211 and the person desiring to adopt the child is the child's current foster parent. Lawful and actual custody shall include a transfer of custody pursuant to the laws of this state, another state, a territory of the United States, or another country;

(2) The court has received and reviewed a postplacement assessment on the monthly contacts with the adoptive family pursuant to section 453.077, except for good cause shown in the case of a child adopted from a foreign country;

(3) The court has received and reviewed an updated financial affidavit;

(4) The court has received the recommendations of the guardian ad litem and has received and reviewed the recommendations of the person placing the child, the person making the assessment and the person making the postplacement assessment;

(5) ~~[There is compliance with the uniform child custody jurisdiction act, sections 452.440 to 452.550;~~

~~—(6)]~~ There is compliance with the Indian Child Welfare Act, if applicable;

~~[(7)]~~ (6) There is compliance with the Interstate Compact on the Placement of Children pursuant to

1 section 210.620; and

2 ~~[(8)]~~ (7) It is fit and proper that such adoption should be made.

3 2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of custody has
4 occurred pursuant to section 453.110, the court may authorize the filing for finalization in another state if the
5 adoptive parents are domiciled in that state.

6 3. If the court determines the adoption should be finalized, a decree shall be issued setting forth the
7 facts and ordering that from the date of the decree the adoptee shall be for all legal intents and purposes the
8 child of the petitioner or petitioners. The court may decree that the name of the person sought to be adopted
9 be changed, according to the prayer of the petition.

10 4. Before the completion of an adoption, the exchange of information among the parties shall be at
11 the discretion of the parties. Prospective adoptive parents and birth parents may enter into a written post
12 adoption contact agreement to allow contact, communication, and the exchange of photographs after the
13 adoption between the adoptive parents and the birth parents. The court shall not order any party to enter into
14 a post adoption contact agreement. The agreement shall be filed with and approved by the court at or before
15 the finalization of the adoption. The court shall approve an agreement only if the agreement is in the best
16 interests of the child. The court may enforce or modify an agreement made under this subsection unless such
17 enforcement or modification is not in the best interests of the child. The agreement shall include:

18 (1) An acknowledgment by the birth parents that the adoption is irrevocable, even if the adoptive
19 parents do not abide by the post adoption contact agreement;

20 (2) An acknowledgment by the adoptive parents that the agreement grants the birth parents the right
21 to seek to enforce the provisions of the post adoption contact agreement. Remedies for a breach of the
22 agreement shall include specific performance of the terms of the agreement; provided, that nothing in the
23 agreement shall preclude a party seeking to enforce the agreement from utilizing child welfare mediation
24 before, or in addition to, the commencement of a civil action for specific enforcement;

25 (3) An acknowledgment that the post adoption contact agreement shall be filed with and approved
26 by the court in order to be enforceable; and

27 (4) An acknowledgment that the birth parents' consent to the adoption was not conditioned on the
28 post adoption contact agreement and that acceptance of the agreement is fully voluntary.

29
30 Upon completion of an adoption, further contact among the parties shall be at the discretion of the adoptive
31 parents or in accordance with a post adoption contact agreement executed under this subsection. The court
32 shall not have jurisdiction to deny ~~[continuing contact between the adopted person and the birth parent, or an~~
33 ~~adoptive parent and a birth parent. Additionally, the court shall not have jurisdiction to deny]~~ an exchange of
34 identifying information between an adoptive parent and a birth parent.

35 5. Before the completion of an adoption, the court shall make available to the birth parent or parents
36 a contact preference form developed by the state registrar pursuant to section 193.128 and provided to the
37 court by the department of health and senior services. If a birth parent chooses to complete the form, the
38 clerk of the court shall send the form with the certificate of decree of adoption to the state registrar. Such
39 form shall accompany the original birth certificate of the adopted person and may be updated by a birth
40 parent at any time upon the request of the birth parent.

41 453.121. 1. As used in this section, unless the context clearly indicates otherwise, the following
42 terms mean:

43 (1) "Adopted adult", any adopted person who is eighteen years of age or over;

44 (2) "Adopted child", any adopted person who is less than eighteen years of age;

45 (3) "Adult sibling", any brother or sister of the whole or half blood who is eighteen years of age or
46 over;

47 (4) "Biological parent", the natural and biological mother or father of the adopted child;

48 (5) "Identifying information", information which includes the name, date of birth, place of birth and
49 last known address of the biological parent;

50 (6) "Lineal descendant", a legal descendant of a person as defined in section 472.010;

51 (7) "Nonidentifying information", information concerning the physical description, nationality,
52 religious background and medical history of the biological parent or sibling.

53 2. All papers, records, and information pertaining to an adoption whether part of any permanent

1 record or file may be disclosed only in accordance with this section.

2 3. Nonidentifying information, if known, concerning undisclosed biological parents or siblings shall
3 be furnished by the child-placing agency or the juvenile court to the adoptive parents, legal guardians,
4 adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased, upon written request
5 therefor.

6 4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is deceased, may
7 make a written request to the circuit court having original jurisdiction of such adoption to secure and disclose
8 information identifying the adopted adult's biological parents. If the biological parents have consented to the
9 release of identifying information under subsection 8 of this section, the court shall disclose such identifying
10 information to the adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased. If
11 the biological parents have not consented to the release of identifying information under subsection 8 of this
12 section, the court shall, within ten days of receipt of the request, notify in writing the child-placing agency or
13 juvenile court personnel having access to the information requested of the request by the adopted adult or the
14 adopted adult's lineal descendants.

15 5. Within three months after receiving notice of the request of the adopted adult, or the adopted
16 adult's lineal descendants, the child-placing agency or the juvenile court personnel shall make reasonable
17 efforts to notify the biological parents of the request of the adopted adult or the adopted adult's lineal
18 descendants. The child-placing agency or juvenile court personnel may charge actual costs to the adopted
19 adult or the adopted adult's lineal descendants for the cost of making such search. All communications under
20 this subsection are confidential. For purposes of this subsection, "notify" means a personal and confidential
21 contact with the biological parent of the adopted adult, which initial contact shall be made by an employee of
22 the child-placing agency which processed the adoption, juvenile court personnel or some other licensed
23 child-placing agency designated by the child-placing agency or juvenile court. Nothing in this section shall
24 be construed to permit the disclosure of communications privileged pursuant to section 491.060. At the end
25 of three months, the child-placing agency or juvenile court personnel shall file a report with the court stating
26 that each biological parent that was located was given the following information:

- 27 (1) The nature of the identifying information to which the agency has access;
- 28 (2) The nature of any nonidentifying information requested;
- 29 (3) The date of the request of the adopted adult or the adopted adult's lineal descendants;
- 30 (4) The right of the biological parent to file an affidavit with the court stating that the identifying
31 information should be disclosed;
- 32 (5) The effect of a failure of the biological parent to file an affidavit stating that the identifying
33 information should be disclosed.

34 6. If the child-placing agency or juvenile court personnel reports to the court that it has been unable
35 to notify the biological parent within three months, the identifying information shall not be disclosed to the
36 adopted adult or the adopted adult's lineal descendants. Additional requests for the same or substantially the
37 same information may not be made to the court within one year from the end of the three-month period
38 during which the attempted notification was made, unless good cause is shown and leave of court is granted.

39 7. If, within three months, the child-placing agency or juvenile court personnel reports to the court
40 that it has notified the biological parent pursuant to subsection 5 of this section, the court shall receive the
41 identifying information from the child-placing agency. If an affidavit duly executed by a biological parent
42 authorizing the release of information is filed with the court or if a biological parent is found to be deceased,
43 the court shall disclose the identifying information as to that biological parent to the adopted adult or the
44 adopted adult's lineal descendants if the adopted adult is deceased, provided that the other biological parent
45 either:

- 46 (1) Is unknown;
- 47 (2) Is known but cannot be found and notified pursuant to ~~[section 5 of this act]~~ subsection 5 of this
48 section;
- 49 (3) Is deceased; or
- 50 (4) Has filed with the court an affidavit authorizing release of identifying information.

51 If the biological parent fails or refuses to file an affidavit with the court authorizing the release of identifying
52 information, then the identifying information shall not be released to the adopted adult. No additional
53 request for the same or substantially the same information may be made within three years of the time the

1 biological parent fails or refuses to file an affidavit authorizing the release of identifying information.

2 8. Any adopted adult whose adoption was finalized in this state or whose biological parents had
3 their parental rights terminated in this state may request the court to secure and disclose identifying
4 information concerning an adult sibling. Identifying information pertaining exclusively to the adult sibling,
5 whether part of the permanent record of a file in the court or in an agency, shall be released only upon
6 consent of that adult sibling.

7 9. The central office of the children's division within the department of social services shall maintain
8 a registry by which biological parents, adult siblings, and adoptive adults may indicate their desire to be
9 contacted by each other. The division may request such identification for the registry as a party may possess
10 to assure positive identifications. At the time of registry, a biological parent or adult sibling may consent in
11 writing to the release of identifying information to an adopted adult. If such a consent has not been executed
12 and the division believes that a match has occurred on the registry between biological parents or adult
13 siblings and an adopted adult, an employee of the division shall make the confidential contact provided in
14 subsection 5 of this section with the biological parents or adult siblings and with the adopted adult. If the
15 division believes that a match has occurred on the registry between one biological parent or adult sibling and
16 an adopted adult, an employee of the division shall make the confidential contact provided by subsection 5 of
17 this section with the biological parent or adult sibling. The division shall then attempt to make such
18 confidential contact with the other biological parent, and shall proceed thereafter to make such confidential
19 contact with the adopted adult only if the division determines that the other biological parent meets one of
20 the conditions specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult
21 may refuse to go forward with any further contact between the parties when contacted by the division.

22 10. The provisions of this section, except as provided in subsection 5 of this section governing the
23 release of identifying and nonidentifying adoptive information apply to adoptions completed before and after
24 August 13, 1986.

25 11. All papers, records, and information known to or in the possession of an adoptive parent or
26 adoptive child that pertain to an adoption, regardless of whether part of any permanent record or file, may be
27 disclosed by the adoptive parent or adoptive child. The provisions of this subsection shall not be construed
28 to create a right to have access to information not otherwise allowed under this section."; and
29

30 Further amend said bill, Page 8, Section 475.604, Line 24, by inserting after all of said section and line the
31 following:
32

33 "556.036. 1. A prosecution for murder, rape in the first degree, forcible rape, attempted rape in the
34 first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, attempted sodomy in the
35 first degree, attempted forcible sodomy, or any class A felony may be commenced at any time.

36 2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced
37 within the following periods of limitation:

38 (1) For any felony, three years, except as provided in subdivision (4) of this subsection;

39 (2) For any misdemeanor, one year;

40 (3) For any infraction, six months;

41 (4) For any violation of section 569.040, when classified as a class B felony, or any violation of
42 section 569.050 or 569.055, five years.

43 3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless
44 be commenced for:

45 (1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within
46 one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent
47 an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision
48 extend the period of limitation by more than three years. As used in this subdivision, the term "person who
49 has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting or circuit
50 attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to
51 sections 407.511 to 407.556; and

52 (2) Any offense based upon misconduct in office by a public officer or employee at any time when
53 the person is in public office or employment or within two years thereafter, but in no case shall this provision

1 extend the period of limitation by more than three years; and

2 (3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to
3 a public servant in the performance of his or her duties within one year after discovery of the offense, but in
4 no case shall this provision extend the period of limitation by more than three years.

5 4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit
6 a continuing course of conduct plainly appears, at the time when the course of conduct or the person's
7 complicity therein is terminated. Time starts to run on the day after the offense is committed.

8 5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and
9 for a felony when the complaint or indictment is filed.

10 6. The period of limitation does not run:

11 (1) During any time when the accused is absent from the state, but in no case shall this provision
12 extend the period of limitation otherwise applicable by more than three years; [or]

13 (2) During any time when the accused is concealing himself or herself from justice either within or
14 without this state; [or]

15 (3) During any time when a prosecution against the accused for the offense is pending in this state;
16 [or]

17 (4) During any time when the accused is found to lack mental fitness to proceed pursuant to section
18 552.020; or

19 (5) During any period of time after which a DNA profile is developed from evidence collected in
20 relation to the commission of a crime and included in a published laboratory report until the date upon which
21 the accused is identified by name based upon a match between that DNA evidence profile and the known
22 DNA profile of the accused. For purposes of this section, the term "DNA profile" means the collective
23 results of the DNA analysis of an evidence sample.

24 556.037. 1. Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual
25 offenses involving a person eighteen years of age or under ~~[must be commenced within thirty years after the~~
26 ~~victim reaches the age of eighteen unless the prosecutions are for rape in the first degree, forcible rape,~~
27 ~~attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy,~~
28 ~~kidnapping, kidnapping in the first degree, attempted sodomy in the first degree, or attempted forcible~~
29 ~~sodomy in which case such prosecutions]~~ may be commenced at any time.

30 2. For purposes of this section, "sexual offenses" include, but are not limited to, all offenses for
31 which registration is required under sections 589.400 to 589.425.

32 610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is
33 authorized to close meetings, records and votes, to the extent they relate to the following:

34 (1) Legal actions, causes of action or litigation involving a public governmental body and any
35 confidential or privileged communications between a public governmental body or its representatives and its
36 attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or
37 litigation involving a public governmental body or any agent or entity representing its interests or acting on
38 its behalf or with its authority, including any insurance company acting on behalf of a public government
39 body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing
40 by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is
41 ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the
42 action clearly outweighs the public policy considerations of section 610.011, however, the amount of any
43 moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in
44 matters involving the exercise of the power of eminent domain, the vote shall be announced or become
45 public immediately following the action on the motion to authorize institution of such a legal action. Legal
46 work product shall be considered a closed record;

47 (2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge
48 of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or
49 public record approving a contract relating to the leasing, purchase or sale of real estate by a public
50 governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

51 (3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body
52 when personal information about the employee is discussed or recorded. However, any vote on a final
53 decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a

1 public governmental body shall be made available with a record of how each member voted to the public
 2 within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any
 3 employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period
 4 before such decision is made available to the public. As used in this subdivision, the term "personal
 5 information" means information relating to the performance or merit of individual employees;

6 (4) The state militia or national guard or any part thereof;

7 (5) Nonjudicial mental or physical health proceedings involving identifiable persons, including
 8 medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

9 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of
 10 individual test or examination scores; however, personally identifiable student records maintained by public
 11 educational institutions shall be open for inspection by the parents, guardian or other custodian of students
 12 under the age of eighteen years and by the parents, guardian or other custodian and the student if the student
 13 is over the age of eighteen years;

14 (7) Testing and examination materials, before the test or examination is given or, if it is to be given
 15 again, before so given again;

16 (8) Welfare cases of identifiable individuals;

17 (9) Preparation, including any discussions or work product, on behalf of a public governmental body
 18 or its representatives for negotiations with employee groups;

19 (10) Software codes for electronic data processing and documentation thereof;

20 (11) Specifications for competitive bidding, until either the specifications are officially approved by
 21 the public governmental body or the specifications are published for bid;

22 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related
 23 documents or any documents related to a negotiated contract until a contract is executed, or all proposals are
 24 rejected;

25 (13) Individually identifiable personnel records, performance ratings or records pertaining to
 26 employees or applicants for employment, except that this exemption shall not apply to the names, positions,
 27 salaries and lengths of service of officers and employees of public agencies once they are employed as such,
 28 and the names of private sources donating or contributing money to the salary of a chancellor or president at
 29 all public colleges and universities in the state of Missouri and the amount of money contributed by the
 30 source;

31 (14) Records which are protected from disclosure by law;

32 (15) Meetings and public records relating to scientific and technological innovations in which the
 33 owner has a proprietary interest;

34 (16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

35 (17) Confidential or privileged communications between a public governmental body and its
 36 auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be
 37 considered open records pursuant to this chapter;

38 (18) Operational guidelines, policies and specific response plans developed, adopted, or maintained
 39 by any public agency responsible for law enforcement, public safety, first response, or public health for use
 40 in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has
 41 the potential to endanger individual or public safety or health. Financial records related to the procurement
 42 of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be
 43 open. When seeking to close information pursuant to this exception, the public governmental body shall
 44 affirmatively state in writing that disclosure would impair the public governmental body's ability to protect
 45 the security or safety of persons or real property, and shall in the same writing state that the public interest in
 46 nondisclosure outweighs the public interest in disclosure of the records;

47 (19) Existing or proposed security systems and structural plans of real property owned or leased by a
 48 public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or
 49 operating an infrastructure to any public governmental body for use by that body to devise plans for
 50 protection of that infrastructure, the public disclosure of which would threaten public safety;

51 (a) Records related to the procurement of or expenditures relating to security systems purchased
 52 with public funds shall be open;

53 (b) When seeking to close information pursuant to this exception, the public governmental body

shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

(22) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; [and]

(23) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business; and

(24) Records relating to foster home or kinship placements of children in foster care under section 210.498.

~~[210.101. 1. There is hereby established the "Missouri Children's Services Commission", which shall be composed of the following members:~~

~~(1) The director or the director's designee of the following departments: corrections, elementary and secondary education, higher education, health and senior services,~~

~~labor and industrial relations, mental health, public safety, and social services;~~

~~(2) One judge of a family or juvenile court, who shall be appointed by the chief justice of the supreme court;~~

~~(3) Two members, one from each political party, of the house of representatives, who shall be appointed by the speaker of the house of representatives;~~

~~(4) Two members, one from each political party, of the senate, who shall be appointed by the president pro tempore of the senate;~~

~~All members shall serve for as long as they hold the position which made them eligible for appointment to the Missouri children's services commission under this subsection. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.~~

~~2. All meetings of the Missouri children's services commission shall be open to the public and shall, for all purposes, be deemed open public meetings under the provisions of sections 610.010 to 610.030. The Missouri children's services commission shall meet no less than once every two months. Notice of all meetings of the commission shall be given to the general assembly in the same manner required for notifying the general public of meetings of the general assembly.~~

~~3. The Missouri children's services commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.~~

~~—4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary-reporter, and such other officers as it deems necessary.~~

~~5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in the state of Missouri.~~

~~6. The officers of the commission may hire an executive director. Funding for the executive director may be provided from the Missouri children's services commission fund or other sources provided by law.~~

~~7. The commission, by majority vote, may invite individuals representing local and federal agencies or private organizations and the general public to serve as ex-officio members of the commission. Such individuals shall not have a vote in commission business and shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.]~~

[210.103. 1. There is established in the state treasury a special fund, to be known as the "Missouri Children's Services Commission Fund". The state treasurer shall credit to and deposit in the Missouri children's services commission fund all amounts which may be received from general revenue, grants, gifts, bequests, the federal government, or other sources granted or given for the purposes of sections 210.101 and 210.102.]

~~2. The state treasurer shall invest moneys in the Missouri children's services commission fund in the same manner as surplus state funds are invested pursuant to section 30.260. All earnings resulting from the investment of moneys in the Missouri children's services commission fund shall be credited to the Missouri children's services commission fund.~~

~~3. The administration of the Missouri children's services commission fund, including, but not limited to, the disbursement of funds therefrom, shall be as prescribed by the Missouri children's services commission in its bylaws.~~

~~—4. The provisions of section 33.080, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue of this state at the end of each biennium, shall not apply to the Missouri children's services commission fund.~~

~~5. Amounts received in the fund shall only be used by the commission for purposes authorized under sections 210.101 and 210.102.]"; and~~

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.