

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 819, Page 1, Section A, Line 3, by inserting after all of said section and
2 line the following:

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

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

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

12 (3) A written assessment made or approved by a physician, health care provider, or by the
13 children's 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
15 reporting abuse 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~~
17 ~~senior services shall offer service coordination services to the family. The department of health and~~
18 ~~senior services shall coordinate social services, health care, mental health services, and needed~~
19 ~~education and rehabilitation services. Service coordination services shall be initiated within~~
20 ~~seventy-two hours of notification. The department of health and senior services shall notify the~~
21 ~~department of social services and the department of mental health within seventy-two hours of~~
22 ~~initial notification.~~

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

26 ~~[5-]~~ 4. Referral and associated documentation provided for in this section shall be
27 confidential and shall not be used in any criminal prosecution.

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

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

35 193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall
36 pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each

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1 additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage,
 2 divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be
 3 required or collected for a certification of birth, death, or marriage if the request for certification is
 4 made by the children's division, the division of youth services, a guardian ad litem, or a juvenile
 5 officer on behalf of a child or person under twenty-one years of age who has come under the
 6 jurisdiction of the juvenile court under section 211.031. All fees shall be deposited to the state
 7 department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director
 8 of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust
 9 fund, one dollar shall be credited to the endowed care cemetery audit fund, and three dollars for the
 10 first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall
 11 be credited to the Missouri public services health fund established in section 192.900. Money in the
 12 endowed care cemetery audit fund shall be available by appropriation to the division of professional
 13 registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on
 14 money deposited in the endowed care cemetery audit fund shall be credited to the endowed care
 15 cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in
 16 the endowed care cemetery audit fund shall not be transferred and placed to the credit of general
 17 revenue until the amount in the fund at the end of the biennium exceeds three times the amount of
 18 the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The
 19 money deposited in the public health services fund under this section shall be deposited in a separate
 20 account in the fund, and moneys in such account, upon appropriation, shall be used to automate and
 21 improve the state vital records system, and develop and maintain an electronic birth and death
 22 registration system. For any search of the files and records, when no record is found, the state shall
 23 be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to
 24 be paid by the applicant. For the processing of each legitimation, adoption, court order or recording
 25 after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a
 26 certification of a vital record. Except whenever a certified copy or copies of a vital record is
 27 required to perfect any claim of any person on relief, or any dependent of any person who was on
 28 relief for any claim upon the government of the state or United States, the state registrar shall, upon
 29 request, furnish a certified copy or so many certified copies as are necessary, without any fee or
 30 compensation therefor.

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

1 county health agency shall be retained by the local agency for local public health purposes.

2 210.003. 1. No child shall be permitted to enroll in or attend any public, private or
3 parochial day care center, preschool or nursery school caring for ten or more children unless such
4 child has been adequately immunized against vaccine-preventable childhood illnesses specified by
5 the department of health and senior services in accordance with recommendations of the Centers for
6 Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP). The
7 parent or guardian of such child shall provide satisfactory evidence of the required immunizations.

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

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

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

15 (a) A medical exemption, by which a child shall be exempted from the requirements of this
16 section upon certification by a licensed physician that such immunization would seriously endanger
17 the child's health or life; or

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

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

28
29 Exemptions shall be accepted by the day care administrator when the necessary information as
30 determined by the department of health and senior services is filed with the day care administrator
31 by the parent or guardian. Exemption forms shall be provided by the department of health and
32 senior services.

33 3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease within
34 a particular facility, the administrator of the facility shall follow the control measures instituted by
35 the local health authority or the department of health and senior services or both the local health
36 authority and the department of health and senior services, as established in Rule 19 CSR 20-
37 20.040, "Measures for the Control of Communicable, Environmental and Occupational Diseases".

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

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

48 6. Nothing in this section shall preclude any political subdivision from adopting more

1 stringent rules regarding the immunization of preschool children.

2 7. All public, private, and parochial day care centers, preschools, and nursery schools shall
3 notify the parent or guardian of each child at the time of initial enrollment in or attendance at the
4 facility that the parent or guardian may request notice of whether there are children currently
5 enrolled in or attending the facility for whom an immunization exemption has been filed.

6 Beginning December 1, 2015, all public, private, and parochial day care centers, preschools, and
7 nursery schools shall notify the parent or guardian of each child currently enrolled in or attending
8 the facility that the parent or guardian may request notice of whether there are children currently
9 enrolled in or attending the facility for whom an immunization exemption has been filed. Any
10 public, private, or parochial day care center, preschool, or nursery school shall notify the parent or
11 guardian of a child enrolled in or attending the facility, upon request, of whether there are children
12 currently enrolled in or attending the facility for whom an immunization exemption has been filed.

13 210.102. 1. ~~[It shall be the duty of the Missouri children's services commission to:~~

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

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

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

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

23 ~~—— (b) Program recommendations for children's services which include child development,~~
24 ~~education, supervision, health and social services;~~

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

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

29 ~~—— (a) A general description of the activities pertaining to children of each state agency having~~
30 ~~a member on the commission;~~

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

33 ~~—— (c) Recommendations for statutory and appropriation initiatives to implement the integrated~~
34 ~~state plan;~~

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

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

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

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

42 (3) A representative of the judiciary;

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

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

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

1
2 The coordinating board may make all rules it deems necessary to enable it to conduct its meetings,
3 elect its officers, and set the terms and duties of its officers. The coordinating board shall elect from
4 amongst its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as
5 it deems necessary. Members of the board shall serve without compensation but may be reimbursed
6 for actual expenses necessary to the performance of their official duties for the board.

7 [3-] 2. The coordinating board for early childhood shall have the power to:

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (14) Adopt and use an official seal;

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

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

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

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

47 [4-] 3. There is hereby created the "Coordinating Board for Early Childhood Fund" which
48 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, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

(3) "Central registry", a registry of persons where the division has found probable cause to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, or a court has substantiated through court adjudication that the individual has committed child abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if the victim is a child less than eighteen years of age, or any other crime pursuant to 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, a crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023, 573.025,

1 573.035, 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such crimes. Any
2 persons placed on the registry prior to August 28, 2004, shall remain on the registry for the duration
3 of time required by section 210.152;

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

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

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

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

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

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

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

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

29 (12) "Neglect", failure to provide, by those responsible for the care, custody, and control of
30 the child, the proper or necessary support, education as required by law, nutrition or medical,
31 surgical, or any other care necessary for the child's well-being. Victims of neglect shall also include
32 any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C.
33 78 Section 7102(9)-(10);

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

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

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

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

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

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

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

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

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

Further amend said bill, Page 3, Section 210.112, Line 80, by deleting the words "under ten years old" and inserting in lieu thereof the words "[~~under ten years old~~]"; and

Further amend said bill and section, Pages 4 and 5, Lines 120 to 129, by deleting said lines and inserting in lieu thereof the following:

"6. By December 1, 2018, the division shall convene a task force to review the recruitment, licensing and retention of foster and adoptive parents statewide. In addition to representatives of the division and department, the task force shall include representatives of the private sector and faith-based community which provide recruitment and licensure services. The purpose of the task force shall and will be to study the extent to which changes in the system of recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness of the system statewide. The task force shall develop a report of its findings with recommendations by December 1, [2014] 2019, and provide copies of the report to the general assembly, to the joint committee on child abuse and neglect under section 21.771, and to the governor."; and

Further amend said bill and section, Page 6, Line 160, 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

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

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

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

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

17 [5.] 7. The local office shall contact the appropriate law enforcement agency immediately
18 upon receipt of a report which division personnel determine merits an investigation and provide
19 such agency with a detailed description of the report received. In such cases the local division
20 office shall request the assistance of the local law enforcement agency in all aspects of the
21 investigation of the complaint. The appropriate law enforcement agency shall either assist the
22 division in the investigation or provide the division, within twenty-four hours, an explanation in
23 writing detailing the reasons why it is unable to assist.

24 [6.] 8. The local office of the division shall cause an investigation or family assessment and
25 services approach to be initiated in accordance with the protocols established in subsection 2 of this
26 section, except in cases where the sole basis for the report is educational neglect. If the report
27 indicates that educational neglect is the only complaint and there is no suspicion of other neglect or
28 abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the
29 report indicates the child is in danger of serious physical harm or threat to life, an investigation shall
30 include direct observation of the subject child within twenty-four hours of the receipt of the report.
31 Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to
32 the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in
33 instances where the child may be in immediate danger. If the parents of the child are not the alleged
34 perpetrators, a parent of the child must be notified prior to the child being interviewed by the
35 division. No person responding to or investigating a child abuse and neglect report shall call prior
36 to a home visit or leave any documentation of any attempted visit, such as business cards,
37 pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the
38 following factors are present:

- 39 (1) (a) No person is present in the home at the time of the home visit; and
40 (b) The alleged perpetrator resides in the home or the physical safety of the child may be
41 compromised if the alleged perpetrator becomes aware of the attempted visit;
42 (2) The alleged perpetrator will be alerted regarding the attempted visit; or
43 (3) The family has a history of domestic violence or fleeing the community.
44

45 If the alleged perpetrator is present during a visit by the person responding to or investigating the
46 report, such person shall provide written material to the alleged perpetrator informing him or her of
47 his or her rights regarding such visit, including but not limited to the right to contact an attorney.
48 The alleged perpetrator shall be given a reasonable amount of time to read such written material or

1 have such material read to him or her by the case worker before the visit commences, but in no
 2 event shall such time exceed five minutes; except that, such requirement to provide written material
 3 and reasonable time to read such material shall not apply in cases where the child faces an
 4 immediate threat or danger, or the person responding to or investigating the report is or feels
 5 threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or
 6 child care facility the division shall not meet with the child in any school building or child-care
 7 facility building where abuse of such child is alleged to have occurred. When the child is reported
 8 absent from the residence, the location and the well-being of the child shall be verified. For
 9 purposes of this subsection, "child care facility" shall have the same meaning as such term is defined
 10 in section 210.201.

11 [7-] 9. The director of the division shall name at least one chief investigator for each local
 12 division office, who shall direct the division response on any case involving a second or subsequent
 13 incident regarding the same subject child or perpetrator. The duties of a chief investigator shall
 14 include verification of direct observation of the subject child by the division and shall ensure
 15 information regarding the status of an investigation is provided to the public school district liaison.
 16 The public school district liaison shall develop protocol in conjunction with the chief investigator to
 17 ensure information regarding an investigation is shared with appropriate school personnel. The
 18 superintendent of each school district shall designate a specific person or persons to act as the public
 19 school district liaison. Should the subject child attend a nonpublic school the chief investigator shall
 20 notify the school principal of the investigation. Upon notification of an investigation, all
 21 information received by the public school district liaison or the school shall be subject to the
 22 provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section
 23 1232g, and federal rule 34 C.F.R., Part 99.

24 [8-] 10. The investigation shall include but not be limited to the nature, extent, and cause of
 25 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the
 26 names and conditions of other children in the home, if any; the home environment and the
 27 relationship of the subject child to the parents or other persons responsible for the child's care; any
 28 indication of incidents of physical violence against any other household or family member; and
 29 other pertinent data.

30 [9-] 11. When a report has been made by a person required to report under section 210.115,
 31 the division shall contact the person who made such report within forty-eight hours of the receipt of
 32 the report in order to ensure that full information has been received and to obtain any additional
 33 information or medical records, or both, that may be pertinent.

34 [10-] 12. Upon completion of the investigation, if the division suspects that the report was
 35 made maliciously or for the purpose of harassment, the division shall refer the report and any
 36 evidence of malice or harassment to the local prosecuting or circuit attorney.

37 [11-] 13. Multidisciplinary teams shall be used whenever conducting the investigation as
 38 determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall
 39 be used in providing protective or preventive social services, including the services of law
 40 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other
 41 agencies, both public and private.

42 [12-] 14. For all family support team meetings involving an alleged victim of child abuse or
 43 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of
 44 the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
 45 provided notice and be permitted to attend all such meetings. Family members, other than alleged
 46 perpetrators, or other community informal or formal service providers that provide significant
 47 support to the child and other individuals may also be invited at the discretion of the parents of the
 48 child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and

1 the foster parents may request that other individuals, other than alleged perpetrators, be permitted to
2 attend such team meetings. Once a person is provided notice of or attends such team meetings, the
3 division or the convenor of the meeting shall provide such persons with notice of all such
4 subsequent meetings involving the child. Families may determine whether individuals invited at
5 their discretion shall continue to be invited.

6 [13-] 15. If the appropriate local division personnel determine after an investigation has
7 begun that completing an investigation is not appropriate, the division shall conduct a family
8 assessment and services approach. The division shall provide written notification to local law
9 enforcement prior to terminating any investigative process. The reason for the termination of the
10 investigative process shall be documented in the record of the division and the written notification
11 submitted to local law enforcement. Such notification shall not preclude nor prevent any
12 investigation by law enforcement.

13 [14-] 16. If the appropriate local division personnel determines to use a family assessment
14 and services approach, the division shall:

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

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

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

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

30 [15-] 17. (1) Within forty-five days of an oral report of abuse or neglect, the local office
31 shall update the information in the information system. The information system shall contain, at a
32 minimum, the determination made by the division as a result of the investigation, identifying
33 information on the subjects of the report, those responsible for the care of the subject child and other
34 relevant dispositional information. The division shall complete all investigations within forty-five
35 days, unless good cause for the failure to complete the investigation is specifically documented in
36 the information system. Good cause for failure to complete an investigation shall include, but not
37 be limited to:

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

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

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

1
2 The division shall document any such reasons for failure to complete the investigation.

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

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

13 [46:] 18. A person required to report under section 210.115 to the division and any person
14 making a report of child abuse or neglect made to the division which is not made anonymously shall
15 be informed by the division of his or her right to obtain information concerning the disposition of
16 his or her report. Such person shall receive, from the local office, if requested, information on the
17 general disposition of his or her report. Such person may receive, if requested, findings and
18 information concerning the case. Such release of information shall be at the discretion of the
19 director based upon a review of the reporter's ability to assist in protecting the child or the potential
20 harm to the child or other children within the family. The local office shall respond to the request
21 within forty-five days. The findings shall be made available to the reporter within five days of the
22 outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may
23 request that the report be referred by the division to the office of child advocate for children's
24 protection and services established in sections 37.700 to 37.730. Upon request by a reporter under
25 this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the
26 office of child advocate for children's protection and services.

27 [47:] 19. The division shall provide to any individual who is not satisfied with the results of
28 an investigation information about the office of child advocate and the services it may provide under
29 sections 37.700 to 37.730.

30 [48:] 20. In any judicial proceeding involving the custody of a child the fact that a report
31 may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

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

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

37
38 If a report has been made, the court may stay the custody proceeding until the children's division
39 completes its investigation.

40 [49:] 21. Nothing in this chapter shall be construed to prohibit the children's division from
41 coinvestigating a report of child abuse or neglect or sharing records and information with child
42 welfare, law enforcement, or judicial officers of another state, territory, or nation if the children's
43 division determines it is appropriate to do so under the standard set forth in subsection 4 of section
44 210.150 and if such receiving agency is exercising its authority under the law.

45 22. In any judicial proceeding involving the custody of a child where the court determines
46 that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section
47 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into
48 the registry.

1 [20-] 23. The children's division is hereby granted the authority to promulgate rules and
 2 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions
 3 of sections 210.109 to 210.183.

4 [21-] 24. Any rule or portion of a rule, as that term is defined in section 536.010, that is
 5 created under the authority delegated in this section shall become effective only if it complies with
 6 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
 7 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
 8 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
 9 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
 10 adopted after August 28, 2000, shall be invalid and void.

11 210.152. 1. All [identifying] information, including telephone reports reported pursuant to
 12 section 210.145, relating to reports of abuse or neglect received by the division shall be retained by
 13 the division [and] or removed from the records of the division as follows:

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

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

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

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

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

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

47 (4) For reports in which the division is unable to locate the child alleged to have been
 48 abused or neglected, [identifying] information shall be retained for [ten] eighteen years from the

1 date of the report and then shall be removed from the records [of] by the division.

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

8 (1) That the division has determined by a probable cause finding prior to August 28, 2004,
9 or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that
10 the division shall retain all [identifying] information regarding the abuse or neglect; that such
11 information shall remain confidential and will not be released except to law enforcement agencies,
12 prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has
13 sixty days from the date of receipt of the notice to seek reversal of the division's determination
14 through a review by the child abuse and neglect review board as provided in subsection 4 of this
15 section;

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

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

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

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

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

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

48 7. In any such action for administrative review, the child abuse and neglect review board

1 shall notify the child or the parent, guardian or legal representative of the child that a review has
2 been requested."; and

3
4 Further amend said bill and page, Section 210.487, Line 9, by deleting the word "and" and inserting
5 in lieu thereof the word "[and]"; and

6
7 Further amend said bill and section, Page 7, Line 59, by inserting after said section and line the
8 following:

9
10 "210.498. 1. Any parent or legal guardian of a child in foster care may have access to
11 investigation records kept by the division regarding ~~[a decision for]~~ the denial ~~[of or the]~~,
12 suspension, or revocation of ~~[a] the license [to a specific person to operate or maintain] of~~ a foster
13 home ~~[if such specific person does or may provide services or care to a child of the person~~
14 ~~requesting the information]~~ in which the child was placed. The request for the release of such
15 information shall be made to the division director or the director's designee, in writing, by the parent
16 or legal guardian of the child and shall be accompanied ~~[with]~~ by a signed and notarized release
17 form from the person who does or may provide care or services to the child. The notarized release
18 form shall include the full name, date of birth and Social Security number of the person who does or
19 may provide care or services to a child. The response shall include only information pertaining to
20 the nature and disposition of any denial, suspension, or revocation of a license to operate a foster
21 home. This response shall not include any identifying information regarding any person other than
22 the person to whom a foster home license was denied, suspended, or revoked. The response shall
23 not include financial, medical, or other personal information relating to the foster home provider or
24 the foster home provider's family unless the division determines that the information is directly
25 relevant to the disposition of the investigation and report. The response shall be given within ten
26 working days of the time it was received by the division.

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

31 3. Upon written request, the director of the department of social services shall authorize the
32 disclosure of information and findings pertaining to foster homes in cases of child fatalities or near-
33 fatalities to courts, juvenile officers, law enforcement agencies, and prosecuting and circuit
34 attorneys that have a need for the information to conduct their duties under law. Nothing in this
35 subsection shall otherwise preclude the disclosure of such information as provided for under
36 subsection 5 of section 210.150.

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

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

44 210.790. A current foster parent of a child or any pre-adoptive parent or relative currently
45 providing care for a child shall be provided with notice of, and an opportunity to be heard in, any
46 hearing to be held with respect to the child. A foster parent shall have standing to participate in all
47 court hearings pertaining to a child in [their] his or her care. A foster parent of a child in a juvenile
48 court case under subdivision (1) or (2) of subsection 1 of section 211.031 with whom the child has

1 resided with for at least six months shall have the right to intervene as a party upon motion in
 2 proceedings related to child abuse and neglect. Nothing in this section shall be construed to
 3 authorize the court to join a foster parent as a party to the case without the foster parent's consent.

4 210.1030. 1. There is hereby created the "Trauma-Informed Care for Children and Families
 5 Task Force". The mission of the task force shall be to promote the healthy development of children
 6 and their families living in Missouri communities by promoting comprehensive trauma-informed
 7 children and family support systems and interagency cooperation.

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

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

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

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

17 (4) Two members of the house of representatives appointed by the speaker of the house of
 18 representatives and one member of the house of representatives appointed by the minority leader of
 19 the house of representatives; and

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

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

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

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

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

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

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

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

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

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

44 211.093. 1. Any order or judgment entered by the court under authority of this chapter or
 45 chapter 210 shall, so long as [such order or judgment remains in effect] the juvenile court exercises
 46 continuing jurisdiction, take precedence over any order or judgment concerning the status or
 47 custody of a child under [age] twenty-one years of age entered by a court under authority of chapter
 48 452, 453, 454 or 455, or orders of guardianship under chapter 475, but only to the extent

1 inconsistent therewith.

2 2. In addition to all other powers conveyed upon the court by this chapter and chapter 210,
 3 any court exercising jurisdiction over a child under subdivision (1) of subsection 1 of section
 4 211.031 shall have authority to enter an order regarding custody of the child under chapter 452,
 5 enter a child support order computed under the guidelines set forth in section 452.340, and establish
 6 rights of visitation for the parents of the child. In every case in which the juvenile or family court
 7 exercises authority over a child under subdivision (1) or (2) of subsection 1 of section 211.031, the
 8 court shall have concurrent authority and jurisdiction with the circuit court to enter a final order and
 9 judgment establishing the paternity of the child under the uniform parentage act under sections
 10 210.817 to 210.852, unless the child has a legal father already established under sections 210.817 to
 11 210.852 by affidavit or court order.

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

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

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

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

38 211.444. [1-] The juvenile court may, upon petition of the juvenile officer [or], the attorney
 39 appointed by the court as guardian ad litem, a child-placing agency licensed under sections 210.481
 40 to 210.536 in conjunction with a placement with such agency under subsection 6 of section 453.010,
 41 or [the court before which] a private attorney filing a petition for adoption [has been filed pursuant
 42 to] under the provisions of chapter 453, terminate the rights of a parent or receive the consent to
 43 adoption or waiver of consent to adoption executed by a parent or a named father to a child,
 44 including a child who is a ward of the court, if the court finds that such termination or consent to
 45 adoption or waiver of consent to adoption is in the best interests of the child and the parent has, in a
 46 properly executed writing under section 453.030 or 453.050, consented [in writing] to the
 47 termination of his or her parental rights or consented to an adoption or waived consent to adoption.

48 [2- The written consent required by subsection 1 of this section may be executed before or

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

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

10 211.447. 1. Any information that could justify the filing of a petition to terminate parental
 11 rights may be referred to the juvenile officer by any person. The juvenile officer shall make a
 12 preliminary inquiry and if it appears that the information could justify the filing of a petition, the
 13 juvenile officer may take further action, including filing a petition. If it does not appear to the
 14 juvenile officer that a petition should be filed, such officer shall so notify the informant in writing
 15 within thirty days of the referral. Such notification shall include the reasons that the petition will
 16 not be filed.

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

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

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

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

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

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

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

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

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

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

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

40 (4) The parent has been found guilty of or pled guilty to a felony violation of chapters 566
 41 or 573 when the child or any child in the family was a victim, or a violation of sections 568.020 or
 42 568.065 when the child or any child in the family was a victim. As used in this subdivision, a
 43 "child" means any person who was under eighteen years of age at the time of the crime and who
 44 resided with such parent or was related within the third degree of consanguinity or affinity to such
 45 parent.

46 3. A termination of parental rights petition shall be filed by the juvenile officer or the
 47 division, or if such a petition has been filed by another party, the juvenile officer or the division
 48 shall seek to be joined as a party to the petition, within sixty days of the judicial determinations

1 required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to
2 comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for
3 termination of parental rights which is filed outside of sixty days.

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

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

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

11 (3) The family of the child has not been provided such services as provided for in section
12 211.183.

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

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

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

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

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

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

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

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

37 (d) Repeated or continuous failure by the parent, although physically or financially able, to
38 provide the child with adequate food, clothing, shelter, or education as defined by law, or other care
39 and control necessary for the child's physical, mental, or emotional health and development.
40 Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or
41 disease;

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

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

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

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

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

12 (4) ~~[(6)] The parent has been found guilty or pled guilty to a felony violation of chapter 566~~
13 ~~when the child or any child in the family was a victim, or a violation of section 568.020 when the~~
14 ~~child or any child in the family was a victim. As used in this subdivision, a "child" means any~~
15 ~~person who was under eighteen years of age at the time of the crime and who resided with such~~
16 ~~parent or was related within the third degree of consanguinity or affinity to such parent; or~~

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

21 ~~[(6)]~~ (5) (a) The parent is unfit to be a party to the parent and child relationship because of
22 a consistent pattern of committing a specific abuse including, but not limited to, specific conditions
23 directly relating to the parent and child relationship which are determined by the court to be of a
24 duration or nature that renders the parent unable for the reasonably foreseeable future to care
25 appropriately for the ongoing physical, mental, or emotional needs of the child.

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

28 a. Within a three-year period immediately prior to the termination adjudication, the parent's
29 parental rights to one or more other children were involuntarily terminated pursuant to subsection 2
30 or 4 of this section or subdivision (1), (2), or (3) ~~or (4)]~~ of this subsection or similar laws of other
31 states;

32 b. If the parent is the birth mother and within eight hours after the child's birth, the child's
33 birth mother tested positive and over .08 blood alcohol content pursuant to testing under section
34 577.020 for alcohol, or tested positive for cocaine, heroin, methamphetamine, a controlled substance
35 as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those
36 controlled substances or prescription drugs present in the mother's body as a result of medical
37 treatment administered to the mother, and the birth mother is the biological mother of at least one
38 other child who was adjudicated an abused or neglected minor by the mother or the mother has
39 previously failed to complete recommended treatment services by the children's division through a
40 family-centered services case;

41 c. If the parent is the birth mother and at the time of the child's birth or within eight hours
42 after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a
43 controlled substance as defined in section 195.010, or a prescription drug as defined in section
44 196.973, excepting those controlled substances or prescription drugs present in the mother's body as
45 a result of medical treatment administered to the mother, and the birth mother is the biological
46 mother of at least one other child who was adjudicated an abused or neglected minor by the mother
47 or the mother has previously failed to complete recommended treatment services by the children's
48 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, purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school, obtaining medical care, establishing a bank account, admission to a shelter for victims of domestic violence, as ~~defined in section~~ that phrase is used in sections 455.200 to 455.220, a rape crisis center, as defined in section 455.003, or a homeless shelter, and receipt of services as a victim of domestic violence or sexual [abuse] assault, as such terms are defined in section 455.010, including but not limited to counseling, court advocacy, financial assistance, and other advocacy services, if:

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

(2) The minor is homeless, as defined in subsection 1 of section 167.020, or a victim of domestic violence, as defined in section [455.200] 455.010, unless the child is under the supervision of the children's division or the jurisdiction of the juvenile court; and

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

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

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

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

a. Barring the minor from the home or otherwise indicating that the minor is not welcome to stay;

b. Refusing to provide any or all financial support for the minor; or

c. Abusing or neglecting the minor, as defined in section 210.110 or committing an act or acts of domestic violence against the minor, as defined in section 455.010.

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

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

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

(1) "Minor" or "child", any person who has not attained the age of eighteen years or any person in the custody of the children's division who has not attained the age of twenty-one;

(2) "Parent", a birth parent or parents of a child, including the putative father of the child, as well as the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his own by affirmatively asserting his paternity;

(3) "Post adoption contact agreement", a voluntary written agreement executed by one or both of a child's birth parents and each adoptive parent describing future contact between the parties to the agreement and the child; provided, that such agreement shall be approved by the court under subsection 4 of section 453.080;

(4) "Putative father", the alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry established in section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant to section

1 193.087;

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

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

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

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

18 (1) The mother of the child; ~~and~~

19 (2) ~~Only the~~ Any man who:

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

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

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

29 (3) The child's current adoptive parents or other legally recognized mother and father.
30 Upon request by the petitioner and within one business day of such request, the clerk of the local
31 court shall verify whether such written consents have been filed with the court.

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

44 5. The written consent required in subdivision (1) of subsection 3 of this section by the birth
45 ~~parent~~ mother shall not be executed anytime before the child is forty-eight hours old. Such written
46 consent shall be executed in front of a judge or acknowledged before a notary public. If consent is
47 executed in front of a judge, it shall be the duty of the judge to advise the consenting party of the
48 consequences of the consent. In lieu of ~~such~~ acknowledgment before a notary public, the

signature of the person giving such written consent shall be witnessed by the signatures of 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 adoptive parents or any attorney representing a party to the adoption proceeding other than the attorney representing the party signing the consent. The notary public or witnesses shall verify the identity of the party signing the consent.

6. A consent is final when executed, unless the consenting party, prior to a final decree of adoption, 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 section 210.620; and

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

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

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

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

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

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

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

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

Upon completion of an adoption, further contact among the parties shall be at the discretion of the adoptive parents or in accordance with a post adoption contact agreement executed under this subsection. The court shall not have jurisdiction to deny ~~[continuing contact between the adopted~~

1 ~~person and the birth parent, or an adoptive parent and a birth parent. Additionally, the court shall~~
 2 ~~not have jurisdiction to deny]~~ an exchange of identifying information between an adoptive parent
 3 and a birth parent.

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

11 453.121. 1. As used in this section, unless the context clearly indicates otherwise, the
 12 following terms mean:

- 13 (1) "Adopted adult", any adopted person who is eighteen years of age or over;
- 14 (2) "Adopted child", any adopted person who is less than eighteen years of age;
- 15 (3) "Adult sibling", any brother or sister of the whole or half blood who is eighteen years of
 16 age or over;
- 17 (4) "Biological parent", the natural and biological mother or father of the adopted child;
- 18 (5) "Identifying information", information which includes the name, date of birth, place of
 19 birth and last known address of the biological parent;
- 20 (6) "Lineal descendant", a legal descendant of a person as defined in section 472.010;
- 21 (7) "Nonidentifying information", information concerning the physical description,
 22 nationality, religious background and medical history of the biological parent or sibling.

23 2. All papers, records, and information pertaining to an adoption whether part of any
 24 permanent record or file may be disclosed only in accordance with this section.

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

29 4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is
 30 deceased, may make a written request to the circuit court having original jurisdiction of such
 31 adoption to secure and disclose information identifying the adopted adult's biological parents. If the
 32 biological parents have consented to the release of identifying information under subsection 8 of this
 33 section, the court shall disclose such identifying information to the adopted adult or the adopted
 34 adult's lineal descendants if the adopted adult is deceased. If the biological parents have not
 35 consented to the release of identifying information under subsection 8 of this section, the court shall,
 36 within ten days of receipt of the request, notify in writing the child-placing agency or juvenile court
 37 personnel having access to the information requested of the request by the adopted adult or the
 38 adopted adult's lineal descendants.

39 5. Within three months after receiving notice of the request of the adopted adult, or the
 40 adopted adult's lineal descendants, the child-placing agency or the juvenile court personnel shall
 41 make reasonable efforts to notify the biological parents of the request of the adopted adult or the
 42 adopted adult's lineal descendants. The child-placing agency or juvenile court personnel may charge
 43 actual costs to the adopted adult or the adopted adult's lineal descendants for the cost of making
 44 such search. All communications under this subsection are confidential. For purposes of this
 45 subsection, "notify" means a personal and confidential contact with the biological parent of the
 46 adopted adult, which initial contact shall be made by an employee of the child-placing agency which
 47 processed the adoption, juvenile court personnel or some other licensed child-placing agency
 48 designated by the child-placing agency or juvenile court. Nothing in this section shall be construed

1 to permit the disclosure of communications privileged pursuant to section 491.060. At the end of
 2 three months, the child-placing agency or juvenile court personnel shall file a report with the court
 3 stating that each biological parent that was located was given the following information:

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

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

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

- 24 (1) Is unknown;
- 25 (2) Is known but cannot be found and notified pursuant to ~~[section 5 of this act]~~ subsection
 26 5 of this section;
- 27 (3) Is deceased; or
- 28 (4) Has filed with the court an affidavit authorizing release of identifying information.

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

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

39 9. The central office of the children's division within the department of social services shall
 40 maintain a registry by which biological parents, adult siblings, and adoptive adults may indicate
 41 their desire to be contacted by each other. The division may request such identification for the
 42 registry as a party may possess to assure positive identifications. At the time of registry, a
 43 biological parent or adult sibling may consent in writing to the release of identifying information to
 44 an adopted adult. If such a consent has not been executed and the division believes that a match has
 45 occurred on the registry between biological parents or adult siblings and an adopted adult, an
 46 employee of the division shall make the confidential contact provided in subsection 5 of this section
 47 with the biological parents or adult siblings and with the adopted adult. If the division believes that
 48 a match has occurred on the registry between one biological parent or adult sibling and an adopted

adult, an employee of the division shall make the confidential contact provided by subsection 5 of this section with the biological parent or adult sibling. The division shall then attempt to make such confidential contact with the other biological parent, and shall proceed thereafter to make such confidential contact with the adopted adult only if the division determines that the other biological parent meets one of the conditions specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult may refuse to go forward with any further contact between the parties when contacted by the division.

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

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

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

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

- (1) For any felony, three years, except as provided in subdivision (4) of this subsection;
- (2) For any misdemeanor, one year;
- (3) For any infraction, six months;
- (4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

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

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

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the person is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

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

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

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

6. The period of limitation does not run:

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

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

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

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

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

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

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

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

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

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

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

1 record of how each member voted to the public within seventy-two hours of the close of the meeting
2 where such action occurs; provided, however, that any employee so affected shall be entitled to
3 prompt notice of such decision during the seventy-two-hour period before such decision is made
4 available to the public. As used in this subdivision, the term "personal information" means
5 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,
8 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or
9 treatment;

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

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

17 (8) Welfare cases of identifiable individuals;

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

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

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

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

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

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

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

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

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

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

1 outweighs the public interest in disclosure of the records;

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

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

9 (b) When seeking to close information pursuant to this exception, the public governmental
10 body shall affirmatively state in writing that disclosure would impair the public governmental
11 body's ability to protect the security or safety of persons or real property, and shall in the same
12 writing state that the public interest in nondisclosure outweighs the public interest in disclosure of
13 the records;

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

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

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

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

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

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

42 ~~[210.101. 1. There is hereby established the "Missouri Children's Services~~
43 ~~Commission", which shall be composed of the following members:~~

44 ~~(1) The director or the director's designee of the following departments:~~
45 ~~corrections, elementary and secondary education, higher education, health~~
46 ~~and senior services, labor and industrial relations, mental health, public~~
47 ~~safety, and social services;~~

48 ~~(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~~

1 ~~moneys in the Missouri children's services commission fund shall be credited~~
2 ~~to the Missouri children's services commission fund.~~

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

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

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

12
13 Further amend said bill by amending the title, enacting clause, and intersectional references
14 accordingly.