

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2040
99TH GENERAL ASSEMBLY

5757H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 210, RSMo, by adding thereto one new section relating to child abuse investigations, with penalty provisions.

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

Section A. Chapter 210, RSMo, is amended by adding thereto one new section, to be
2 known as section 210.143, to read as follows:

210.143. 1. The children's division, juvenile officer, or prosecuting attorney may
2 **petition the circuit court for an order directing a parent, guardian, or other person with**
3 **care, custody, or control of a child who is the subject of an investigation of child abuse or**
4 **neglect to present the child at a place and time designated by the court to a children's**
5 **division worker for an assessment of the child's health, safety, and well-being.**

6 **2. The court shall enter an order under this section if the court determines that**
7 **there is reasonable suspicion to suspect that the child has been abused or neglected and the**
8 **parent or guardian does not voluntarily provide access to the child, the assessment is**
9 **reasonably necessary for the completion of an investigation or the collection of evidence,**
10 **and doing so is in the best interest of the child.**

11 **3. The petition and order may be made on an ex parte basis if it is reasonable to**
12 **believe that providing notice may place the child at risk for further abuse or neglect, if it**
13 **is reasonable to believe that providing notice may cause the child to be removed from the**
14 **state of Missouri or the jurisdiction of the court, or if it is reasonable to believe that**
15 **evidence relevant to the investigation will be unavailable if the ex parte order is not**
16 **entered.**

17 **4. Any person served with a subpoena, petition, or order under this section shall**
18 **not be required to file an answer, but may file a motion for a protective order or other**

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

19 appropriate relief. The motion shall be filed at or before the time for production or
20 disclosure set out in the subpoena or order. The motion shall be in writing, but it may be
21 informal and no particular form shall be required. The clerk shall serve a copy of the
22 motion on the director of the children's division or on the agency who applied for the
23 order. The court shall expedite a hearing on the motion and shall issue its decision no later
24 than one business day after the date the motion is filed. The court may review the motion
25 in camera and stay implementation of the order once for up to three days. Any
26 information that may reveal the identity of a hotline reporter shall not be disclosed to
27 anyone in any proceeding under this subsection unless otherwise allowed by law.

28 5. The petition for a subpoena or an order under this section shall be filed in the
29 juvenile or family court that may have taken judicial custody of the child under section
30 211.031 or in the circuit court of the county:

31 (1) Where the child resides;

32 (2) Where the child may be found;

33 (3) Where the parent or legal guardian of the child resides or may be found;

34 (4) Where the alleged perpetrator of the child abuse or neglect resides or may be
35 found;

36 (5) Where the subject of the subpoena may be located or found; or

37 (6) Of Cole if none of the other venue provisions of this subsection apply.

38 6. The court shall expedite all proceedings under this section so as to ensure the
39 safety of the child, the preservation of relevant evidence, that child abuse and neglect
40 investigations may be completed within statutory time frames, and that due process is
41 provided to the parties involved.

42 7. Any person who knowingly violates this subsection shall be guilty of a class A
43 misdemeanor.

44 8. The time frames for the children's division to complete its investigation and
45 notify the alleged perpetrator of its decision set forth in sections 210.145, 210.152, and
46 210.183 shall be tolled from the date that the division files a petition for a subpoena until
47 the information is produced in full, until such subpoena is withdrawn, or until a court of
48 competent jurisdiction quashes such subpoena.

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