

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Bill No. 177, Page 1, Line 1, by inserting after the words "No. 177," the following:

"Page 1, Section A, Line 2, by inserting after said section and line the following:

"37.717. 1. The office shall create a safety reporting system in which employees of the children's division may report information regarding the safety of those served by the children's division and the safety of such division's employees.

2. The identity of any individual who reports to or participates in the reporting system under subsection 1 of this section shall:

(1) Be sealed from inspection by the public or any other entity or individual who is otherwise provided access to the department of social services' confidential records;

(2) Not be subject to discovery or introduction into evidence in any civil proceeding; and

(3) Be disclosed only as necessary to carry out the purpose of the reporting system under subsection 1 of this section.

3. Any criminal act reported into the reporting system under subsection 1 of this section shall be disclosed by the office of child advocate to the appropriate law enforcement agency or prosecuting or city attorney.

4. Any investigation conducted as a result of a report made under this section shall be conducted by an unbiased and disinterested investigator.

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

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

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

(b) For investigation reports, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment, or in retaliation for the filing of a report, identifying information shall

Action Taken _____ Date _____

1 be expunged by the division within forty-five days from the conclusion of the investigation;

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

10 (d) For investigation reports where the identification of the specific perpetrator or
11 perpetrators cannot be substantiated and the division has specific evidence to determine that a child
12 was abused or neglected, the division shall retain the report and all information but shall not place
13 an unknown perpetrator on the central registry. The division shall retain all information. The
14 division shall retain and disclose information and findings in the same manner as the division retains
15 and discloses family assessments. If the division made a finding of abuse or neglect against an
16 unknown perpetrator prior to August 28, 2017, the division shall remove the unknown perpetrator
17 from the central registry but shall retain and utilize all information as otherwise provided in this
18 section;

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

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

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

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

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

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

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

45 4. Any person named in an investigation as a perpetrator who is aggrieved by a
46 determination of abuse or neglect by the division as provided in this section may seek an
47 administrative review by the child abuse and neglect review board pursuant to the provisions of
48 section 210.153. Such request for review shall be made within sixty days of notification of the
49 division's decision under this section. In those cases where criminal charges arising out of facts of

1 the investigation are pending, the request for review shall be made within sixty days from the court's
2 final disposition or dismissal of the charges. Nothing in this section shall preclude the office of
3 child advocate from releasing findings regarding the professional performance of any individual
4 member of the multidisciplinary team as described in section 660.520.

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

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

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

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26 Further amend said bill,"; and

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

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31 THIS AMENDMENT AMENDS 0132H01.07H