

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

AMEND House Amendment No. _____ to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the number "26," the following:

"Page 1, Section A, Line 3, by inserting after said section and line the following:

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

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

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

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

2. The office shall have the authority:

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

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

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

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

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

(6) To initiate meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers;

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

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

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

(10) To mediate between alleged victims of sexual misconduct and school districts or charter schools

Action Taken _____ Date _____

as provided in subsection 1 of section 160.262.

3. For any information obtained from a state agency or entity under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity providing such information to the office of child advocate. For information obtained directly by the office of child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the children's division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report. Nothing in this section shall preclude the office of child advocate from releasing findings regarding the professional performance of any individual member of the multidisciplinary team as described in section 660.520.

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."; and

Further amend said bill,"; and

Further amend said amendment and page, Line 4, by deleting all of said line and inserting in lieu thereof the following:

""160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in section 556.061 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

(1) First degree murder under section 565.020;

- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping in the first degree under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Rape in the first degree under section 566.030;
- (6) Sodomy in the first degree under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;
- (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or manufacture of a controlled substance under section 579.055;
- (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in the second degree under section 565.027;
- (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or second degree assault under section 565.052;
- (16) Rape in the second degree under section 566.031;
- (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or kidnapping in the second degree under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section 566.067, 566.068, or 566.069;
- (21) Sodomy in the second degree pursuant to section 566.061;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse in the first degree pursuant to section 566.100;
- (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment in the first degree under section 565.090; or
- (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the first degree under section 565.225;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

- (1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

1 (2) Such student is under the direct supervision of another adult designated by the student's parent,
 2 legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student
 3 and the superintendent or the superintendent's designee has authorized the student to be on school property;

4 (3) Such student is enrolled in and attending an alternative school that is located within one thousand
 5 feet of a public school in the school district where such student attended school; or

6 (4) Such student resides within one thousand feet of any public school in the school district where
 7 such student attended school in which case such student may be on the property of his or her residence
 8 without direct adult supervision.

9 4. Any student who violates the condition of suspension required pursuant to subsection 3 of this
 10 section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161,
 11 167.164, and 167.171. In making this determination consideration shall be given to whether the student
 12 poses a threat to the safety of any child or school employee and whether such student's unsupervised presence
 13 within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness
 14 of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state
 15 and federal procedural rights. This section shall not limit a school district's ability to:

16 (1) Prohibit all students who are suspended from being on school property or attending an activity
 17 while on suspension;

18 (2) Discipline students for off-campus conduct that negatively affects the educational environment to
 19 the extent allowed by law.

20 5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a
 21 student who is determined to have brought a weapon to school, including but not limited to the school
 22 playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school
 23 activity whether on or off of the school property in violation of district policy, except that:

24 (1) The superintendent or, in a school district with no high school, the principal of the school which
 25 such child attends may modify such suspension on a case-by-case basis; and

26 (2) This section shall not prevent the school district from providing educational services in an
 27 alternative setting to a student suspended under the provisions of this section.

28 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18
 29 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack, a concealable
 30 firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a
 31 projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be
 32 construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil
 33 War era weapon on school property for educational purposes so long as the firearm is unloaded. The local
 34 board of education shall define weapon in the discipline policy. Such definition shall include the weapons
 35 defined in this subsection but may also include other weapons.

36 7. All school district personnel responsible for the care and supervision of students are authorized to
 37 hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on
 38 any school bus going to or returning from school, during school-sponsored activities, or during intermission
 39 or recess periods.

40 8. Teachers and other authorized district personnel in public schools responsible for the care,
 41 supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the
 42 school district, shall not be civilly liable when acting in conformity with the established policies developed by
 43 each board, including but not limited to policies of student discipline or when reporting to his or her
 44 supervisor or other person as mandated by state law acts of school violence or threatened acts of school
 45 violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer,
 46 when such individual is acting in conformity with the established policies developed by the board. Nothing
 47 in this section shall be construed to create a new cause of action against such school district, or to relieve the
 48 school district from liability for the negligent acts of such persons.

49 9. Each school board shall define in its discipline policy acts of violence and any other acts that
 50 constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but
 51 not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another
 52 person while on school property, including a school bus in service on behalf of the district, or while involved
 53 in school activities. School districts shall for each student enrolled in the school district compile and

maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. ~~[The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.]~~

~~11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall report the allegation to the children's division as set forth in section 210.115. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.~~

~~12.] 11. Upon receipt of any reports of child abuse by the children's division [other than reports provided under subsection 11 of this section], pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.~~

~~13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.~~

~~14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.~~

~~15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.~~

~~16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.~~

~~17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.~~

~~18. The reports shall contain a statement of conclusion as to whether the report of alleged child~~

abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22.] 12. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

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 of child abuse or neglect. This information system shall have the ability to receive reports over a single, statewide toll-free number and electronically. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information, including all information needed for the reporting required under section 210.188. Such reports shall include the following information, if possible:

(a) The names and addresses of the child and his or her parents or other persons responsible for his or her care;

(b) The child's age, sex, and race;

(c) The nature and extent of the child's injuries, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect to the child or his or her siblings;

(d) The name, age, and address of the person responsible for the injuries, abuse, or neglect;

(e) The family composition;

1 (f) The name and address of the person making the report, the person's occupation, and if the person
2 may be reached. However, the division shall advise any person making a report of child abuse or neglect that
3 such report may be made anonymously; and

4 (g) The actions taken by the reporting source, including the removal or keeping of the child,
5 notifying the coroner or medical examiner, and other information or evidence that the person making the
6 report believes may be helpful in the furtherance of the purposes of sections 210.110 to 210.165.

7 2. (1) The division shall utilize structured decision-making protocols, including a standard risk
8 assessment that shall be completed within seventy-two hours of the report of abuse or neglect, for
9 classification purposes of all child abuse and neglect reports. The protocols developed by the division shall
10 give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be
11 initiated within twenty-four hours and shall be classified based upon the reported risk and injury to the child.
12 The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all
13 child abuse and neglect reports.

14 (2) The director of the division and the office of state courts administrator shall develop a joint safety
15 assessment tool before December 31, 2020, and such tool shall be implemented before January 1, 2022. The
16 safety assessment tool shall replace the standard risk assessment required under subdivision (1) of this
17 subsection and shall also be completed within seventy-two hours of the report of abuse or neglect.

18 3. Upon receipt of a report, the division shall determine if the report merits investigation, including
19 reports which if true would constitute a suspected violation of any of the following: section 565.020,
20 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030
21 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under chapter 566 if the
22 victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older,
23 section 567.050 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045,
24 568.050, 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to
25 commit any such crimes. The division shall immediately communicate all reports that merit investigation to
26 its appropriate local office and any relevant information as may be contained in the information system. The
27 local division staff shall determine, through the use of protocols developed by the division, whether an
28 investigation or the family assessment and services approach should be used to respond to the allegation. The
29 protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

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

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

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

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

48 8. The local office of the division shall cause an investigation or family assessment and services
49 approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in
50 cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect
51 is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated
52 within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious
53 physical harm or threat to life, an investigation shall include direct observation of the subject child within

twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger. If the parents of the child are not the alleged perpetrators, a parent of the child must be notified prior to the child being interviewed by the division. No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

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

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

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

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

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

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

13. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local

1 public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

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

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

19 16. If the appropriate local division personnel determines to use a family assessment and services
20 approach, the division shall:

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

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

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

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

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

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

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

50 (c) The child victim, the subject of the investigation or another witness with information relevant to
51 the investigation is unable or temporarily unwilling to provide complete information within the specified time
52 frames due to illness, injury, unavailability, mental capacity, age, developmental disability, or other cause.
53

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

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

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

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

24 19. The division shall provide to any individual who is not satisfied with the results of an
25 investigation information about the office of child advocate and the services it may provide under sections
26 37.700 to 37.730.

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

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

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

33
34 If a report has been made, the court may stay the custody proceeding until the children's division completes
35 its investigation.

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

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

44 23. The children's division is hereby granted the authority to promulgate rules and regulations
45 pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109
46 to 210.183.

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

53 210.152. 1. All information, including telephone reports reported pursuant to section 210.145,

1 relating to reports of abuse or neglect received by the division shall be retained by the division or removed
2 from the records of the division as follows:

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

5 (2) (a) For investigation reports initiated against a person required to report pursuant to section
6 210.115, where insufficient evidence of abuse or neglect is found by the division and where the division
7 determines the allegation of abuse or neglect was made maliciously, for purposes of harassment, or in
8 retaliation for the filing of a report by a person required to report, identifying information shall be expunged
9 by the division within forty-five days from the conclusion of the investigation;

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

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

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

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

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

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

39 (1) That the division has determined by a probable cause finding prior to August 28, 2004, or by a
40 preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that the division shall
41 retain all information regarding the abuse or neglect; that such information shall remain confidential and will
42 not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section
43 210.150; that the alleged perpetrator has sixty days from the date of receipt of the notice to seek reversal of
44 the division's determination through a review by the child abuse and neglect review board as provided in
45 subsection 4 of this section;

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

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

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

53 4. Any person named in an investigation as a perpetrator who is aggrieved by a determination of

abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts of the investigation are pending, the request for review shall be made within sixty days from the court's final disposition or dismissal of the charges. Nothing in this section shall preclude the office of child advocate from releasing findings regarding the professional performance of any individual member of the multidisciplinary team as described in section 660.520.

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

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

211.012. For purposes of this chapter, section 221.044, and the original jurisdiction of the"; and

Further amend said amendment, Page 4, Line 24, by inserting after said line the following:

"211.261. 1. An appeal shall be allowed to the child from any final judgment, order or decree made under the provisions of this chapter and may be taken on the part of the child by its parent, guardian, legal custodian, spouse, relative or next friend. An appeal shall be allowed to a parent from any final judgment, order or decree made under the provisions of this chapter which adversely affects him. An appeal shall be allowed to the juvenile officer from any final judgment, order or decree made under this chapter, except that no such appeal shall be allowed concerning a final determination pursuant to subdivision (3) of subsection 1 of section 211.031. Notice of appeal shall be filed within thirty days after the final judgment, order or decree has been entered but neither the notice of appeal nor any motion filed subsequent to the final judgment acts as a supersedeas unless the court so orders.

2. Notwithstanding the provisions of subsection 1 of this section, an appeal shall be allowed to the;

(1) Juvenile officer from any order suppressing evidence, a confession or an admission, in proceedings under subdivision (3) of subsection 1 of section 211.031; or

(2) Parent, guardian ad litem, or juvenile officer from any order changing or modifying the placement of a child.

3. The appeal provided for in subsection 2 of this section shall be an interlocutory appeal, filed in the appropriate district of the Missouri court of appeals. Notice of such interlocutory appeal shall be filed within three days of the entry of the order of trial court; the time limits applicable to such appeal shall be the same as in interlocutory appeals allowed to the state in criminal cases."; and

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

THIS AMENDMENT AMENDS 0828H05.61H.