

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 432, Page 1, Section A, Line 2, by inserting after all of said section and
2 line the following:

3 "193.075. 1. The forms of certificates and reports required by sections 193.005 to 193.325
4 or by regulations adopted hereunder shall include as a minimum the items recommended by the
5 federal agency responsible for national vital statistics.

6 2. Each certificate, report, and other document required by sections 193.005 to 193.325 shall
7 be on a form or in a format prescribed by the state registrar.

8 3. All vital records shall contain the date received for registration.

9 4. Information required in certificates or reports authorized by sections 193.005 to 193.325
10 may be filed and registered by photographic, electronic, or other means as prescribed by the state
11 registrar.

12 5. In addition to other personal data required by the registrar to be entered on a birth
13 certificate, each parent shall furnish to the registrar the Social Security account number, or numbers
14 if applicable, issued to the parent unless the registrar finds good cause for not requiring the
15 furnishing of such number or numbers. Good cause shall be determined in accordance with
16 regulations established by the Secretary of the United States Department of Health and Human
17 Services. The registrar shall make numbers furnished under this section available to the family
18 support division and the children's division of the department of social services. Such numbers shall
19 not be recorded on the birth certificate. The family support division shall not use any Social
20 Security number furnished under the section for any purpose other than for the establishment and
21 enforcement of child support obligations, and the confidentiality provisions and penalties contained
22 in section 454.440 shall apply. The children's division shall not use any Social Security number
23 furnished under this section for any purpose other than verifying the identity of a parent of a child
24 whose birth record information is provided under section 210.157 and the confidentiality provisions
25 of section 210.157 shall apply. Nothing in this section shall be construed to prohibit the department
26 of health and senior services from using Social Security numbers for statistical purposes.

27 210.150. 1. The children's division shall ensure the confidentiality of all reports and records
28 made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, the
29 central registry, and other appropriate persons, officials, and institutions pursuant to sections
30 210.109 to 210.183. To protect the rights of the family and the child named in the report as a victim,
31 the children's division shall establish guidelines which will ensure that any disclosure of information
32 concerning the abuse and neglect involving that child is made only to persons or agencies that have
33 a right to such information. The division may require persons to make written requests for access to
34 records maintained by the division. The division shall only release information to persons who have
35 a right to such information. The division shall notify persons receiving information pursuant to
36 subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for which the

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1 information is released and of the penalties for unauthorized dissemination of information. Such
2 information shall be used only for the purpose for which the information is released.

3 2. Only the following persons shall have access to investigation records contained in the
4 central registry:

5 (1) Appropriate federal, state or local criminal justice agency personnel, or any agent of
6 such entity, with a need for such information under the law to protect children from abuse or
7 neglect;

8 (2) A physician or a designated agent who reasonably believes that the child being
9 examined may be abused or neglected;

10 (3) Appropriate staff of the division and of its local offices, including interdisciplinary teams
11 which are formed to assist the division in investigation, evaluation and treatment of child abuse and
12 neglect cases or a multidisciplinary provider of professional treatment services for a child referred to
13 the provider;

14 (4) Any child named in the report as a victim, or a legal representative, or the parent, if not
15 the alleged perpetrator, or guardian of such person when such person is a minor, or is mentally ill or
16 otherwise incompetent, but the names of reporters shall not be furnished to persons in this category.
17 Prior to the release of any identifying information, the division shall determine if the release of such
18 identifying information may place a person's life or safety in danger. If the division makes the
19 determination that a person's life or safety may be in danger, the identifying information shall not be
20 released. The division shall provide a method for confirming or certifying that a designee is acting
21 on behalf of a subject;

22 (5) Any alleged perpetrator named in the report, but the names of reporters shall not be
23 furnished to persons in this category. Prior to the release of any identifying information, the division
24 shall determine if the release of such identifying information may place a person's life or safety in
25 danger. If the division makes the determination that a person's life or safety may be in danger, the
26 identifying information shall not be released. However, the investigation reports will not be
27 released to any alleged perpetrator with pending criminal charges arising out of the facts and
28 circumstances named in the investigation records until an indictment is returned or an information
29 filed;

30 (6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved in
31 the investigation of child abuse or neglect, juvenile court or other court conducting abuse or neglect
32 or child protective proceedings or child custody proceedings, and other federal, state and local
33 government entities, or any agent of such entity, with a need for such information in order to carry
34 out its responsibilities under the law to protect children from abuse or neglect;

35 (7) Any person engaged in a bona fide research purpose, with the permission of the director;
36 provided, however, that no information identifying the child named in the report as a victim or the
37 reporters shall be made available to the researcher, unless the identifying information is essential to
38 the research or evaluation and the child named in the report as a victim or, if the child is less than
39 eighteen years of age, through the child's parent, or guardian provides written permission;

40 (8) Any child-care facility; child-placing agency; residential-care facility, including group
41 homes; juvenile courts; public or private elementary schools; public or private secondary schools; or
42 any other public or private agency exercising temporary supervision over a child or providing or
43 having care or custody of a child who may request an examination of the central registry from the
44 division for all employees and volunteers or prospective employees and volunteers, who do or will
45 provide services or care to children. Any agency or business recognized by the division or business
46 which provides training and places or recommends people for employment or for volunteers in
47 positions where they will provide services or care to children may request the division to provide an
48 examination of the central registry. Such agency or business shall provide verification of its status
49 as a recognized agency. Requests for examinations shall be made to the division director or the

1 director's designee in writing by the chief administrative officer of the above homes, centers, public
2 and private elementary schools, public and private secondary schools, agencies, or courts. The
3 division shall respond in writing to that officer. The response shall include information pertaining to
4 the nature and disposition of any report or reports of abuse or neglect revealed by the examination of
5 the central registry. This response shall not include any identifying information regarding any
6 person other than the alleged perpetrator of the abuse or neglect;

7 (9) Any parent or legal guardian who inquires about a child abuse or neglect report
8 involving a specific person or child-care facility who does or may provide services or care to a child
9 of the person requesting the information. Request for examinations shall be made to the division
10 director or the director's designee, in writing, by the parent or legal guardian of the child and shall
11 be accompanied with a signed and notarized release form from the person who does or may provide
12 care or services to the child. The notarized release form shall include the full name, date of birth
13 and Social Security number of the person who does or may provide care or services to a child. The
14 response shall include information pertaining to the nature and disposition of any report or reports of
15 abuse or neglect revealed by the examination of the central registry. This response shall not include
16 any identifying information regarding any person other than the alleged perpetrator of the abuse or
17 neglect. The response shall be given within ten working days of the time it was received by the
18 division;

19 (10) Any person who inquires about a child abuse or neglect report involving a specific
20 child-care facility, child-placing agency, residential-care facility, public and private elementary
21 schools, public and private secondary schools, juvenile court or other state agency. The information
22 available to these persons is limited to the nature and disposition of any report contained in the
23 central registry and shall not include any identifying information pertaining to any person mentioned
24 in the report;

25 (11) Any state agency acting pursuant to statutes regarding a license of any person,
26 institution, or agency which provides care for or services to children;

27 (12) Any child fatality review panel established pursuant to section 210.192 or any state
28 child fatality review panel established pursuant to section 210.195;

29 (13) Any person who is a tenure-track or full-time research faculty member at an accredited
30 institution of higher education engaged in scholarly research, with the permission of the director.
31 Prior to the release of any identifying information, the director shall require the researcher to present
32 a plan for maintaining the confidentiality of the identifying information. The researcher shall be
33 prohibited from releasing the identifying information of individual cases; ~~and~~

34 (14) Appropriate staff of the United States Department of Defense including, but not limited
35 to, authorized family advocacy program staff or any other staff authorized to receive and respond to
36 reports requested under 10 U.S.C. Section 1787, in cases where a report has been made and the
37 suspected perpetrator or any person responsible for the care, custody, and control of the subject child
38 is a member of any branch of the military or is a member of the Armed Forces, as defined in section
39 41.030; and

40 (15) The state registrar of vital statistics, or his or her designee, but the information made
41 available shall be limited to identifying information only for the purposes of providing birth record
42 information under section 210.157.

43 3. Only the following persons shall have access to records maintained by the division
44 pursuant to section 210.152 for which the division has received a report of child abuse and neglect
45 and which the division has determined that there is insufficient evidence or in which the division
46 proceeded with the family assessment and services approach:

47 (1) Appropriate staff of the division;

48 (2) Any child named in the report as a victim, or a legal representative, or the parent or
49 guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent.

1 The names or other identifying information of reporters shall not be furnished to persons in this
2 category. Prior to the release of any identifying information, the division shall determine if the
3 release of such identifying information may place a person's life or safety in danger. If the division
4 makes the determination that a person's life or safety may be in danger, the identifying information
5 shall not be released. The division shall provide for a method for confirming or certifying that a
6 designee is acting on behalf of a subject;

7 (3) Any alleged perpetrator named in the report, but the names of reporters shall not be
8 furnished to persons in this category. Prior to the release of any identifying information, the division
9 shall determine if the release of such identifying information may place a person's life or safety in
10 danger. If the division makes the determination that a person's life or safety may be in danger, the
11 identifying information shall not be released. However, the investigation reports will not be
12 released to any alleged perpetrator with pending criminal charges arising out of the facts and
13 circumstances named in the investigation records until an indictment is returned or an information
14 filed;

15 (4) Any child fatality review panel established pursuant to section 210.192 or any state child
16 fatality review panel established pursuant to section 210.195;

17 (5) Appropriate criminal justice agency personnel or juvenile officer;

18 (6) Multidisciplinary agency or individual including a physician or physician's designee
19 who is providing services to the child or family, with the consent of the parent or guardian of the
20 child or legal representative of the child;

21 (7) Any person engaged in bona fide research purpose, with the permission of the director;
22 provided, however, that no information identifying the subjects of the reports or the reporters shall
23 be made available to the researcher, unless the identifying information is essential to the research or
24 evaluation and the subject, or if a child, through the child's parent or guardian, provides written
25 permission; and

26 (8) Appropriate staff of the United States Department of Defense including, but not limited
27 to, authorized family advocacy program staff or any other staff authorized to receive and respond to
28 reports requested under 10 U.S.C. Section 1787, in cases where a report has been made and the
29 suspected perpetrator or any person responsible for the care, custody, and control of the subject child
30 is a member of any branch of the military or is a member of the Armed Forces, as defined in section
31 41.030.

32 4. Any person who knowingly violates the provisions of this section, or who permits or
33 encourages the unauthorized dissemination of information contained in the information system or
34 the central registry and in reports and records made pursuant to sections 210.109 to 210.183, shall
35 be guilty of a class A misdemeanor.

36 5. Nothing in this section shall preclude the release of findings or information about cases
37 which resulted in a child fatality or near fatality. Such release is at the sole discretion of the director
38 of the department of social services, based upon a review of the potential harm to other children
39 within the immediate family.

40 6. Notwithstanding any provisions of this section or chapter to the contrary, if the division
41 receives a report and ascertains that a suspected perpetrator or any person responsible for the care,
42 custody, and control of the subject child is a member of any branch of the military or is a member of
43 the Armed Forces, as defined in section 41.030, the division shall report its findings to the most
44 relevant family advocacy program authorized by the United States Department of Defense or any
45 other relevant person authorized by the United States Department of Defense to receive reports
46 under 10 U.S.C. Section 1787."; and

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