

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By  
\_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 355, Page 8, Section 210.004, Line 3, by  
2 inserting after all of said section and line the following:

3  
4 "210.150. 1. The children's division shall ensure the confidentiality of all reports and  
5 records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local  
6 offices, the central registry, and other appropriate persons, officials, and institutions pursuant to  
7 sections 210.109 to 210.183. To protect the rights of the family and the child named in the report as  
8 a victim, the children's division shall establish guidelines which will ensure that any disclosure of  
9 information concerning the abuse and neglect involving that child is made only to persons or  
10 agencies that have a right to such information. The division may require persons to make written  
11 requests for access to records maintained by the division. The division shall only release  
12 information to persons who have a right to such information. The division shall notify persons  
13 receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of  
14 the purpose for which the information is released and of the penalties for unauthorized  
15 dissemination of information. Such information shall be used only for the purpose for which the  
16 information is released.

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

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

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

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

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

36 (5) Any alleged perpetrator named in the report, but the names of reporters shall not be

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 furnished to persons in this category. Prior to the release of any identifying information, the division  
2 shall determine if the release of such identifying information may place a person's life or safety in  
3 danger. If the division makes the determination that a person's life or safety may be in danger, the  
4 identifying information shall not be released. However, the investigation reports will not be  
5 released to any alleged perpetrator with pending criminal charges arising out of the facts and  
6 circumstances named in the investigation records until an indictment is returned or an information  
7 filed;

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

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

18 (8) Any child-care facility; child-placing agency; residential-care facility, including group  
19 homes; juvenile courts; public or private elementary schools; public or private secondary schools; or  
20 any other public or private agency exercising temporary supervision over a child or providing or  
21 having care or custody of a child who may request an examination of the central registry from the  
22 division for all employees and volunteers or prospective employees and volunteers, who do or will  
23 provide services or care to children. Any agency or business recognized by the division or business  
24 which provides training and places or recommends people for employment or for volunteers in  
25 positions where they will provide services or care to children may request the division to provide an  
26 examination of the central registry. Such agency or business shall provide verification of its status  
27 as a recognized agency. Requests for examinations shall be made to the division director or the  
28 director's designee in writing by the chief administrative officer of the above homes, centers, public  
29 and private elementary schools, public and private secondary schools, agencies, or courts. The  
30 division shall respond in writing to that officer. The response shall include information pertaining to  
31 the nature and disposition of any report or reports of abuse or neglect revealed by the examination of  
32 the central registry. This response shall not include any identifying information regarding any  
33 person other than the alleged perpetrator of the abuse or neglect;

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

46 (10) Any person who inquires about a child abuse or neglect report involving a specific  
47 child-care facility, child-placing agency, residential-care facility, public and private elementary  
48 schools, public and private secondary schools, juvenile court or other state agency. The information  
49 available to these persons is limited to the nature and disposition of any report contained in the

1 central registry and shall not include any identifying information pertaining to any person mentioned  
2 in the report;

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

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

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

12 (14) Appropriate staff of the United States Department of Defense including, but not limited  
13 to, authorized family advocacy program staff or any other staff authorized to receive and respond to  
14 reports requested under 10 U.S.C. Section 1787, in cases where a report has been made and the  
15 suspected perpetrator or any person responsible for the care, custody, and control of the subject child  
16 is a member of any branch of the military or is a member of the Armed Forces, as defined in section  
17 41.030; and

18 (15) The state registrar of vital statistics, or his or her designee, but the information made  
19 available shall be limited to identifying information only for the purposes of providing birth record  
20 information under section 210.156.

21 (16) The National Center for Missing & Exploited Children for the purpose of assisting with  
22 locating, recovering or providing services to a child or youth that is determined by the agency to be  
23 missing.

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

28 (1) Appropriate staff of the division;

29 (2) Any child named in the report as a victim, or a legal representative, or the parent or  
30 guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent.  
31 The names or other identifying information of reporters shall not be furnished to persons in this  
32 category. Prior to the release of any identifying information, the division shall determine if the  
33 release of such identifying information may place a person's life or safety in danger. If the division  
34 makes the determination that a person's life or safety may be in danger, the identifying information  
35 shall not be released. The division shall provide for a method for confirming or certifying that a  
36 designee is acting on behalf of a subject;

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

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

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

48 (6) Multidisciplinary agency or individual including a physician or physician's designee  
49 who is providing services to the child or family, with the consent of the parent or guardian of the

1 child or legal representative of the child;

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

7 (8) Appropriate staff of the United States Department of Defense including, but not limited  
8 to, authorized family advocacy program staff or any other staff authorized to receive and respond to  
9 reports requested under 10 U.S.C. Section 1787, in cases where a report has been made and the  
10 suspected perpetrator or any person responsible for the care, custody, and control of the subject child  
11 is a member of any branch of the military or is a member of the Armed Forces, as defined in section  
12 41.030.

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

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

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

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