

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1683
100TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, April 30, 2020, with recommendation that the Senate Committee Substitute do pass.

4370S.04C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 192.2000, 192.2305, 193.265, 208.151, 209.150, 209.200, 209.204, 210.109, 210.112, 210.135, 210.145, 210.150, 210.160, 210.566, 210.790, 211.171, 431.056, 453.121, 595.220, RSMo, and to enact in lieu thereof twenty-five new sections relating to the protection of vulnerable persons, with penalty provisions.

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

Section A. Sections 192.2000, 192.2305, 193.265, 208.151, 209.150, 209.200, 209.204, 210.109, 210.112, 210.135, 210.145, 210.150, 210.160, 210.566, 210.790, 211.171, 431.056, 453.121, 595.220, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 191.116, 192.2000, 192.2305, 192.2520, 193.265, 197.135, 208.151, 209.150, 209.200, 209.204, 210.109, 210.112, 210.123, 210.135, 210.145, 210.150, 210.160, 210.566, 211.135, 211.171, 431.056, 453.121, 595.201, 595.202, and 595.220, to read as follows:

191.116. 1. There is hereby established in the department of health and senior services the "Alzheimer's State Plan Task Force". The task force shall consist of twenty-one members, as follows:

(1) The lieutenant governor, or his or her designee, who shall serve as chair of the task force;

(2) The directors of the departments of health and senior services, social services, and mental health, or their designees;

(3) One member of the house of representatives to be appointed by the speaker of the house of representatives;

(4) One member of the senate to be appointed by the president pro tempore of the senate;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

12 **(5) One member who has early-stage Alzheimer's disease or a**
13 **related dementia;**

14 **(6) One member who is a family caregiver of a person with**
15 **Alzheimer's disease or a related dementia;**

16 **(7) One member who is a licensed physician with experience in**
17 **the diagnosis, treatment, and research of Alzheimer's disease;**

18 **(8) One member from the office of state ombudsman for long-**
19 **term care facility residents;**

20 **(9) One member representing residential long-term care;**

21 **(10) One member representing the home care profession;**

22 **(11) One member representing the adult day services profession;**

23 **(12) One member representing the area agencies on aging;**

24 **(13) One member with expertise in minority health;**

25 **(14) One member representing the law enforcement community;**

26 **(15) One member from the department of higher education and**
27 **workforce development with knowledge of workforce training;**

28 **(16) Two members representing voluntary health organizations**
29 **in Alzheimer's disease care, support, and research, which may include**
30 **the Greater Missouri Chapter of the Alzheimer's Association and the**
31 **Heart of America Chapter of the Alzheimer's Association;**

32 **(17) One member representing licensed skilled nursing facilities;**
33 **and**

34 **(18) One member representing Missouri veterans' homes.**

35 **2. The members of the task force, other than the lieutenant**
36 **governor, members from the general assembly, and department and**
37 **division directors, shall be appointed by the governor with the advice**
38 **and consent of the senate. Members shall serve on the task force**
39 **without compensation.**

40 **3. The task force shall assess all state programs that address**
41 **Alzheimer's disease and update and maintain an integrated state plan**
42 **to overcome the challenges caused by Alzheimer's disease. The state**
43 **plan shall include implementation steps and recommendations for**
44 **priority actions based on this assessment. The task force's actions shall**
45 **include, but shall not be limited to, the following:**

46 **(1) Assess the current and future impact of Alzheimer's disease**
47 **on residents of the state of Missouri;**

48 **(2) Examine the existing services and resources addressing the**

49 needs of persons with Alzheimer's disease and their families and
50 caregivers;

51 (3) Develop recommendations to respond to the escalating public
52 health crisis regarding Alzheimer's disease;

53 (4) Ensure the inclusion of ethnic and racial populations that
54 have a higher risk for Alzheimer's disease or are least likely to receive
55 care in clinical, research, and service efforts, with the purpose of
56 decreasing health disparities in Alzheimer's disease treatment;

57 (5) Identify opportunities for the state of Missouri to coordinate
58 with federal government entities to integrate and inform the fight
59 against Alzheimer's disease;

60 (6) Provide information and coordination of Alzheimer's disease
61 research and services across all state agencies;

62 (7) Examine dementia-specific training requirements across
63 health care, adult protective services workers, law enforcement, and all
64 other areas in which staff are involved with the delivery of care to
65 those with Alzheimer's disease and other dementias; and

66 (8) Develop strategies to increase the diagnostic rate of
67 Alzheimer's disease in Missouri.

68 4. The task force shall deliver a report of recommendations to
69 the governor and members of the general assembly no later than June
70 1, 2021.

71 5. The task force shall continue to meet at the request of the
72 chair and at a minimum of one time annually for the purpose of
73 evaluating the implementation and impact of the task force
74 recommendations and shall provide annual supplemental report
75 updates on the findings to the governor and the general assembly.

76 6. The provisions of this section shall expire on December 31,
77 2026.

192.2000. 1. The "Division of Aging" is hereby transferred from the
2 department of social services to the department of health and senior services by
3 a type I transfer as defined in the Omnibus State Reorganization Act of
4 1974. The department shall aid and assist the elderly and low-income disabled
5 adults living in the state of Missouri to secure and maintain maximum economic
6 and personal independence and dignity. The department shall regulate adult
7 long-term care facilities pursuant to the laws of this state and rules and
8 regulations of federal and state agencies, to safeguard the lives and rights of

9 residents in these facilities.

10 2. In addition to its duties and responsibilities enumerated pursuant to
11 other provisions of law, the department shall:

12 (1) Serve as advocate for the elderly by promoting a comprehensive,
13 coordinated service program through administration of Older Americans Act
14 (OAA) programs (Title III) P.L. 89-73, (42 U.S.C. Section 3001, et seq.), as
15 amended;

16 (2) Assure that an information and referral system is developed and
17 operated for the elderly, including information on home and community based
18 services;

19 (3) Provide technical assistance, planning and training to local area
20 agencies on aging;

21 (4) Contract with the federal government to conduct surveys of long-term
22 care facilities certified for participation in the Title XVIII program;

23 (5) Conduct medical review (inspections of care) activities such as
24 utilization reviews, independent professional reviews, and periodic medical
25 reviews to determine medical and social needs for the purpose of eligibility for
26 Title XIX, and for level of care determination;

27 (6) Certify long-term care facilities for participation in the Title XIX
28 program;

29 (7) Conduct a survey and review of compliance with P.L. 96-566 Sec.
30 505(d) for Supplemental Security Income recipients in long-term care facilities
31 and serve as the liaison between the Social Security Administration and the
32 department of health and senior services concerning Supplemental Security
33 Income beneficiaries;

34 (8) Review plans of proposed long-term care facilities before they are
35 constructed to determine if they meet applicable state and federal construction
36 standards;

37 (9) Provide consultation to long-term care facilities in all areas governed
38 by state and federal regulations;

39 (10) Serve as the central state agency with primary responsibility for the
40 planning, coordination, development, and evaluation of policy, programs, and
41 services for elderly persons in Missouri consistent with the provisions of
42 subsection 1 of this section and serve as the designated state unit on aging, as
43 defined in the Older Americans Act of 1965;

44 (11) Develop long-range state plans for programs, services, and activities

45 for elderly and handicapped persons. State plans should be revised annually and
46 should be based on area agency on aging plans, statewide priorities, and state
47 and federal requirements;

48 (12) Receive and disburse all federal and state funds allocated to the
49 division and solicit, accept, and administer grants, including federal grants, or
50 gifts made to the division or to the state for the benefit of elderly persons in this
51 state;

52 (13) Serve, within government and in the state at large, as an advocate
53 for elderly persons by holding hearings and conducting studies or investigations
54 concerning matters affecting the health, safety, and welfare of elderly persons and
55 by assisting elderly persons to assure their rights to apply for and receive
56 services and to be given fair hearings when such services are denied;

57 (14) Conduct research and other appropriate activities to determine the
58 needs of elderly persons in this state, including, but not limited to, their needs
59 for social and health services, and to determine what existing services and
60 facilities, private and public, are available to elderly persons to meet those needs;

61 (15) Maintain and serve as a clearinghouse for up-to-date information and
62 technical assistance related to the needs and interests of elderly persons and
63 persons with Alzheimer's disease or related dementias, including information on
64 the home and community based services program, dementia-specific training
65 materials and dementia-specific trainers. Such dementia-specific information and
66 technical assistance shall be maintained and provided in consultation with
67 agencies, organizations and/or institutions of higher learning with expertise in
68 dementia care;

69 (16) **Provide information and support to persons with Alzheimer's**
70 **disease and related dementias by establishing a family support group**
71 **in every county;**

72 (17) Provide area agencies on aging with assistance in applying for
73 federal, state, and private grants and identifying new funding sources;

74 [(17)] (18) Determine area agencies on aging annual allocations for Title
75 XX and Title III of the Older Americans Act expenditures;

76 [(18)] (19) Provide transportation services, home-delivered and congregate
77 meals, in-home services, counseling and other services to the elderly and low-
78 income handicapped adults as designated in the Social Services Block Grant
79 Report, through contract with other agencies, and shall monitor such agencies to
80 ensure that services contracted for are delivered and meet standards of quality

81 set by the division;

82 [(19)] **(20)** Monitor the process pursuant to the federal Patient Self-
83 determination Act, 42 U.S.C. Section 1396a (w), in long-term care facilities by
84 which information is provided to patients concerning durable powers of attorney
85 and living wills.

86 3. The department may withdraw designation of an area agency on aging
87 only when it can be shown the federal or state laws or rules have not been
88 complied with, state or federal funds are not being expended for the purposes for
89 which they were intended, or the elderly are not receiving appropriate services
90 within available resources, and after consultation with the director of the area
91 agency on aging and the area agency board. Withdrawal of any particular
92 program of services may be appealed to the director of the department of health
93 and senior services and the governor. In the event that the division withdraws
94 the area agency on aging designation in accordance with the Older Americans
95 Act, the department shall administer the services to clients previously performed
96 by the area agency on aging until a new area agency on aging is designated.

97 4. Any person hired by the department of health and senior services after
98 August 13, 1988, to conduct or supervise inspections, surveys or investigations
99 pursuant to chapter 198 shall complete at least one hundred hours of basic
100 orientation regarding the inspection process and applicable rules and statutes
101 during the first six months of employment. Any such person shall annually, on
102 the anniversary date of employment, present to the department evidence of
103 having completed at least twenty hours of continuing education in at least two of
104 the following categories: communication techniques, skills development, resident
105 care, or policy update. The department of health and senior services shall by rule
106 describe the curriculum and structure of such continuing education.

107 5. The department may issue and promulgate rules to enforce, implement
108 and effectuate the powers and duties established in this section and sections
109 198.070 and 198.090 and sections 192.2400 and 192.2475 to 192.2500. Any rule
110 or portion of a rule, as that term is defined in section 536.010, that is created
111 under the authority delegated in this section shall become effective only if it
112 complies with and is subject to all of the provisions of chapter 536 and, if
113 applicable, section 536.028. This section and chapter 536 are nonseverable and
114 if any of the powers vested with the general assembly pursuant to chapter 536 to
115 review, to delay the effective date or to disapprove and annul a rule are
116 subsequently held unconstitutional, then the grant of rulemaking authority and

117 any rule proposed or adopted after August 28, 2001, shall be invalid and void.

118 6. Home and community based services is a program, operated and
119 coordinated by the department of health and senior services, which informs
120 individuals of the variety of care options available to them when they may need
121 long-term care.

122 7. The division shall maintain minimum dementia-specific training
123 requirements for employees involved in the delivery of care to persons with
124 Alzheimer's disease or related dementias who are employed by skilled nursing
125 facilities, intermediate care facilities, residential care facilities, agencies
126 providing in-home care services authorized by the division of aging, adult day-
127 care programs, independent contractors providing direct care to persons with
128 Alzheimer's disease or related dementias and the division of aging. Such training
129 shall be incorporated into new employee orientation and ongoing in-service
130 curricula for all employees involved in the care of persons with dementia. The
131 department of health and senior services shall maintain minimum dementia-
132 specific training requirements for employees involved in the delivery of care to
133 persons with Alzheimer's disease or related dementias who are employed by home
134 health and hospice agencies licensed by chapter 197. Such training shall be
135 incorporated into the home health and hospice agency's new employee orientation
136 and ongoing in-service curricula for all employees involved in the care of persons
137 with dementia. The dementia training need not require additional hours of
138 orientation or ongoing in-service. Training shall include at a minimum, the
139 following:

140 (1) For employees providing direct care to persons with Alzheimer's
141 disease or related dementias, the training shall include an overview of
142 Alzheimer's disease and related dementias, communicating with persons with
143 dementia, behavior management, promoting independence in activities of daily
144 living, and understanding and dealing with family issues;

145 (2) For other employees who do not provide direct care for, but may have
146 daily contact with, persons with Alzheimer's disease or related dementias, the
147 training shall include an overview of dementias and communicating with persons
148 with dementia.

149 As used in this subsection, the term "employee" includes persons hired as
150 independent contractors. The training requirements of this subsection shall not
151 be construed as superceding any other laws or rules regarding dementia-specific
152 training.

192.2305. 1. There is hereby established within the department of health
2 and senior services the "Office of State Ombudsman for Long-Term Care Facility
3 Residents", for the purpose of helping to assure the adequacy of care received by
4 residents of long-term care facilities **and Missouri veterans' homes, as**
5 **defined in section 42.002**, and to improve the quality of life experienced by
6 them, in accordance with the federal Older Americans Act, 42 U.S.C. Section
7 3001, et seq.

8 2. The office shall be administered by the state ombudsman, who shall
9 devote his or her entire time to the duties of his or her position.

10 3. The office shall establish and implement procedures for receiving,
11 processing, responding to, and resolving complaints made by or on behalf of
12 residents of long-term care facilities **and Missouri veterans' homes** relating
13 to action, inaction, or decisions of providers, or their representatives, of long-term
14 care services, of public agencies or of social service agencies, which may adversely
15 affect the health, safety, welfare or rights of such residents.

16 4. The department shall establish and implement procedures for
17 resolution of complaints. The ombudsman or representatives of the office shall
18 have the authority to:

19 (1) Enter any long-term care facility **or Missouri veterans' homes** and
20 have access to residents of the facility at a reasonable time and in a reasonable
21 manner. The ombudsman shall have access to review resident records, if given
22 permission by the resident or the resident's legal guardian. Residents of the
23 facility shall have the right to request, deny, or terminate visits with an
24 ombudsman;

25 (2) Make the necessary inquiries and review such information and records
26 as the ombudsman or representative of the office deems necessary to accomplish
27 the objective of verifying these complaints.

28 5. The office shall acknowledge complaints, report its findings, make
29 recommendations, gather and disseminate information and other material, and
30 publicize its existence.

31 6. The ombudsman may recommend to the relevant governmental agency
32 changes in the rules and regulations adopted or proposed by such governmental
33 agency which do or may adversely affect the health, safety, welfare, or civil or
34 human rights of any resident in a facility. The office shall analyze and monitor
35 the development and implementation of federal, state and local laws, regulations
36 and policies with respect to long-term care facilities and services **and Missouri**

37 **veterans' homes** in the state and shall recommend to the department changes
38 in such laws, regulations and policies deemed by the office to be appropriate.

39 7. The office shall promote community contact and involvement with
40 residents of facilities through the use of volunteers and volunteer programs
41 directed by the regional ombudsman coordinators.

42 8. The office shall develop and establish by regulation of the department
43 statewide policies and standards for implementing the activities of the
44 ombudsman program, including the qualifications and the training of regional
45 ombudsman coordinators and ombudsman volunteers.

46 9. The office shall develop and propose programs for use, training and
47 coordination of volunteers in conjunction with the regional ombudsman
48 coordinators and may:

49 (1) Establish and conduct recruitment programs for volunteers;

50 (2) Establish and conduct training seminars, meetings and other programs
51 for volunteers; and

52 (3) Supply personnel, written materials and such other reasonable
53 assistance, including publicizing their activities, as may be deemed necessary.

54 10. The regional ombudsman coordinators and ombudsman volunteers
55 shall have the authority to report instances of abuse and neglect to the
56 ombudsman hotline operated by the department.

57 11. If the regional ombudsman coordinator or volunteer finds that a
58 nursing home administrator is not willing to work with the ombudsman program
59 to resolve complaints, the state ombudsman shall be notified. The department
60 shall establish procedures by rule in accordance with chapter 536 for
61 implementation of this subsection.

62 12. The office shall prepare and distribute to each facility written notices
63 which set forth the address and telephone number of the office, a brief
64 explanation of the function of the office, the procedure to follow in filing a
65 complaint and other pertinent information.

66 13. The administrator of each facility shall ensure that such written
67 notice is given to every resident or the resident's guardian upon admission to the
68 facility and to every person already in residence, or to his or her guardian. The
69 administrator shall also post such written notice in a conspicuous, public place
70 in the facility in the number and manner set forth in the regulations adopted by
71 the department.

72 14. The office shall inform residents, their guardians or their families of

73 their rights and entitlements under state and federal laws and rules and
74 regulations by means of the distribution of educational materials and group
75 meetings.

192.2520. 1. Sections 192.2520 and 197.135 shall be known and
2 may be cited as the "Justice for Survivors Act".

3 2. As used in this section, the following terms shall mean:

4 (1) "Appropriate medical provider", the same meaning as used in
5 section 595.220;

6 (2) "Department", the department of health and senior services;

7 (3) "Evidentiary collection kit", the same meaning as used in
8 section 595.220;

9 (4) "Forensic examination", the same meaning as used in section
10 595.220;

11 (5) "Telehealth", the same meaning as used in section 191.1145.

12 3. No later than July 1, 2022, there shall be established within
13 the department a statewide telehealth network for forensic
14 examinations of victims of sexual offenses in order to provide access to
15 sexual assault nurse examiners (SANE) or other similarly trained
16 appropriate medical providers. A statewide coordinator for the
17 telehealth network shall be selected by the director of the department
18 of health and senior services and shall have oversight responsibilities
19 and provide support for the training programs offered by the network,
20 as well as the implementation and operation of the network.

21 4. The network shall provide mentoring and educational training
22 services, including:

23 (1) Conducting a forensic examination of a victim of a sexual
24 offense, in accordance with best practices, while utilizing an
25 evidentiary collection kit;

26 (2) Proper documentation, transmission, and storage of the
27 examination evidence;

28 (3) Utilizing trauma-informed care to address the needs of
29 victims;

30 (4) Utilizing telehealth technology while conducting a live
31 examination; and

32 (5) Providing ongoing case consultation and serving as an expert
33 witness in event of a trial.

34 The network shall, in the mentoring and educational training services

35 provided, emphasize the importance of obtaining a victim's informed
36 consent to evidence collection, including issues involving minor
37 consent, and the scope and limitations of confidentiality regarding
38 information gathered during the forensic examination.

39 5. The training offered may be made available both online or in
40 person, including the use of video conferencing technology to connect
41 trained interdisciplinary experts with providers in a case-based
42 learning environment.

43 6. The network shall, through telehealth services available
44 twenty-four hours a day, seven days a week, by a SANE or another
45 similarly trained appropriate medical provider, provide mentoring,
46 consultation services, guidance, and technical assistance to appropriate
47 medical providers during and outside of a forensic examination of a
48 victim of a sexual offense. The network shall ensure that the system
49 through which the network provides telehealth services meets national
50 standards for interoperability to connect to telehealth systems.

51 7. The department may consult and enter into any necessary
52 contracts with any other local, state, or federal agency, institution of
53 higher education, or private entity to carry out the provisions of this
54 section, including, but not limited to, a contract to:

- 55 (1) Develop, implement, maintain, or operate the network;
56 (2) Train and provide technical assistance to appropriate
57 medical providers on conducting forensic examinations of victims of
58 sexual offenses and the use of telehealth services; and
59 (3) Provide consultation, guidance, or technical assistance to
60 appropriate medical providers using telehealth services during a
61 forensic examination of a victim of a sexual offense.

62 8. Beginning October 1, 2021, and each year thereafter, all
63 hospitals licensed under chapter 197 shall report to the department the
64 following information for the previous year:

- 65 (1) The number of forensic examinations of victims of a sexual
66 offense performed at the hospital;
67 (2) The number of forensic examinations of victims of a sexual
68 offense requested to be performed by a victim of a sexual offense that
69 the hospital did not perform and the reason why the examination was
70 not performed;
71 (3) The number of evidentiary collection kits submitted to a law

72 enforcement agency for testing; and

73 (4) After July 1, 2022, the number of appropriate medical
74 providers employed at or contracted with the hospital who utilized the
75 training and telehealth services provided by the network.

76 The information reported under this subsection and subsection 9 of this
77 section shall not include any personally identifiable information of any
78 victim of a sexual offense or any appropriate medical provider
79 performing a forensic examination of such victim.

80 9. Beginning January 1, 2022, and each year thereafter, the
81 department shall make publicly available a report that shall include the
82 information submitted under subsection 8 of this section. The report
83 shall also include, in collaboration with the department of public
84 safety, information about the number of evidentiary collection kits
85 submitted by a person or entity outside of a hospital setting, as well as
86 the number of appropriate medical providers utilizing the training and
87 telehealth services provided by the network outside of a hospital
88 setting.

89 10. (1) The funding for the network shall be subject to
90 appropriations. In addition to appropriations from the general
91 assembly, the department shall apply for available grants and shall be
92 able to accept other gifts, grants, bequests, and donations to develop
93 and maintain the network and the training offered by the network.

94 (2) There is hereby created in the state treasury the "Justice for
95 Survivors Telehealth Network Fund", which shall consist of any gifts,
96 grants, bequests, and donations accepted under this subsection. The
97 state treasurer shall be custodian of the fund. In accordance with
98 sections 30.170 and 30.180, the state treasurer may approve
99 disbursements. The fund shall be a dedicated fund and money in the
100 fund shall be used solely by the department for the purpose of
101 developing and maintaining the network and the training offered by
102 the network. The state treasurer shall invest moneys in the fund in the
103 same manner as other funds are invested. Any interest and moneys
104 earned on such investments shall be credited to the fund.

105 11. The department shall promulgate rules and regulations in
106 order to implement the provisions of this section, including, but not
107 limited to, the following:

108 (1) The operation of a statewide telehealth network for forensic

109 **examinations of victims of sexual offenses;**

110 **(2) The development of training for appropriate medical**
111 **providers conducting a forensic examination of a victim of a sexual**
112 **offense; and**

113 **(3) Maintenance of records and data privacy and security of**
114 **patient information.**

115 **Any rule or portion of a rule, as that term is defined in section 536.010,**
116 **that is created under the authority delegated in this section shall**
117 **become effective only if it complies with and is subject to all of the**
118 **provisions of chapter 536 and, if applicable, section 536.028. This**
119 **section and chapter 536 are nonseverable and if any of the powers**
120 **vested with the general assembly pursuant to chapter 536 to review, to**
121 **delay the effective date, or to disapprove and annul a rule are**
122 **subsequently held unconstitutional, then the grant of rulemaking**
123 **authority and any rule proposed or adopted after August 28, 2020, shall**
124 **be invalid and void.**

193.265. 1. For the issuance of a certification or copy of a death record,
2 the applicant shall pay a fee of thirteen dollars for the first certification or copy
3 and a fee of ten dollars for each additional copy ordered at that time. For the
4 issuance of a certification or copy of a birth, marriage, divorce, or fetal death
5 record, the applicant shall pay a fee of fifteen dollars. No fee shall be required
6 or collected for a certification of birth, death, or marriage if the request for
7 certification is made by the children's division, the division of youth services, a
8 guardian ad litem, or a juvenile officer on behalf of a child or person under
9 twenty-one years of age who has come under the jurisdiction of the juvenile court
10 under section 211.031. All fees shall be deposited to the state department of
11 revenue. Beginning August 28, 2004, for each vital records fee collected, the
12 director of revenue shall credit four dollars to the general revenue fund, five
13 dollars to the children's trust fund, one dollar shall be credited to the endowed
14 care cemetery audit fund, and three dollars for the first copy of death records and
15 five dollars for birth, marriage, divorce, and fetal death records shall be credited
16 to the Missouri public services health fund established in section 192.900. Money
17 in the endowed care cemetery audit fund shall be available by appropriation to
18 the division of professional registration to pay its expenses in administering
19 sections 214.270 to 214.410. All interest earned on money deposited in the
20 endowed care cemetery audit fund shall be credited to the endowed care cemetery

21 fund. Notwithstanding the provisions of section 33.080 to the contrary, money
22 placed in the endowed care cemetery audit fund shall not be transferred and
23 placed to the credit of general revenue until the amount in the fund at the end
24 of the biennium exceeds three times the amount of the appropriation from the
25 endowed care cemetery audit fund for the preceding fiscal year. The money
26 deposited in the public health services fund under this section shall be deposited
27 in a separate account in the fund, and moneys in such account, upon
28 appropriation, shall be used to automate and improve the state vital records
29 system, and develop and maintain an electronic birth and death registration
30 system. For any search of the files and records, when no record is found, the
31 state shall be entitled to a fee equal to the amount for a certification of a vital
32 record for a five-year search to be paid by the applicant. For the processing of
33 each legitimation, adoption, court order or recording after the registrant's twelfth
34 birthday, the state shall be entitled to a fee equal to the amount for a certification
35 of a vital record. Except whenever a certified copy or copies of a vital record is
36 required to perfect any claim of any person on relief, or any dependent of any
37 person who was on relief for any claim upon the government of the state or
38 United States, the state registrar shall, upon request, furnish a certified copy or
39 so many certified copies as are necessary, without any fee or compensation
40 therefor.

41 2. For the issuance of a certification of a death record by the local
42 registrar, the applicant shall pay a fee of thirteen dollars for the first certification
43 or copy and a fee of ten dollars for each additional copy ordered at that time. For
44 the issuance of a certification or copy of a birth, marriage, divorce, or fetal death
45 record, the applicant shall pay a fee of fifteen dollars; except that, in any county
46 with a charter form of government and with more than six hundred thousand but
47 fewer than seven hundred thousand inhabitants, a donation of one dollar may be
48 collected by the local registrar over and above any fees required by law when a
49 certification or copy of any marriage license or birth certificate is provided, with
50 such donations collected to be forwarded monthly by the local registrar to the
51 county treasurer of such county and the donations so forwarded to be deposited
52 by the county treasurer into the housing resource commission fund to assist
53 homeless families and provide financial assistance to organizations addressing
54 homelessness in such county. The local registrar shall include a check-off box on
55 the application form for such copies. All fees, other than the donations collected
56 in any county with a charter form of government and with more than six hundred

57 thousand but fewer than seven hundred thousand inhabitants for marriage
58 licenses and birth certificates, shall be deposited to the official city or county
59 health agency. A certified copy of a death record by the local registrar can only
60 be issued within twenty-four hours of receipt of the record by the local
61 registrar. Computer-generated certifications of death records may be issued by
62 the local registrar after twenty-four hours of receipt of the records. The fees paid
63 to the official county health agency shall be retained by the local agency for local
64 public health purposes.

65 **3. No fee under this section shall be required or collected from**
66 **a parent or guardian of a homeless child or homeless youth, as defined**
67 **in subsection 1 of section 167.020, or an unaccompanied youth, as**
68 **defined in 42 U.S.C. Section 11434a(6), for the issuance of a**
69 **certification, or copy of such certification, of birth of such child or**
70 **youth. An unaccompanied youth shall be eligible to receive a**
71 **certification or copy of his or her own birth record without the consent**
72 **or signature of his or her parent or guardian.**

197.135. 1. Beginning January 1, 2023, any hospital licensed
2 under this chapter shall perform a forensic examination using an
3 evidentiary collection kit upon the request and consent of the victim
4 of a sexual offense, or the victim's guardian, when the victim is at least
5 fourteen years of age. In the case of minor consent, the provisions of
6 subsection 2 of section 595.220 shall apply. Victims under fourteen
7 years of age shall be referred to a SAFE CARE provider, as such term
8 is defined in section 334.950, for medical or forensic evaluation and
9 case review. Nothing in this section shall be interpreted to preclude a
10 hospital from performing a forensic examination for a victim under
11 fourteen years of age upon the request and consent of the victim or
12 victim's guardian, subject to the provisions of section 595.220 and the
13 rules promulgated by the department of public safety.

14 **2. An appropriate medical provider, as such term is defined in**
15 **section 595.220, shall perform the forensic examination of a victim of**
16 **a sexual offense. The hospital shall ensure that any provider**
17 **performing the examination has received training conducting such**
18 **examinations that is, at a minimum, equivalent to the training offered**
19 **by the statewide telehealth network under subsection 4 of section**
20 **192.2520. If the provider is not a sexual assault nurse examiner (SANE),**
21 **or another similarly trained physician or nurse, then the hospital shall**

22 utilize telehealth services during the examination, such as those
23 provided by the statewide telehealth network, to provide guidance and
24 support through a SANE, or other similarly trained physician or nurse,
25 who may observe the live forensic examination and who shall
26 communicate with and support the onsite provider with the
27 examination, forensic evidence collection, and proper transmission and
28 storage of the examination evidence.

29 3. The department of health and senior services may issue a
30 waiver of the telehealth requirements of subsection 2 of this section if
31 the hospital demonstrates to the department, in writing, a technological
32 hardship in accessing telehealth services or a lack of access to
33 adequate broadband services sufficient to access telehealth
34 services. Such waivers shall be granted sparingly and for no more than
35 a year in length at a time, with the opportunity for renewal at the
36 department's discretion.

37 4. The department shall waive the requirements of this section
38 if the statewide telehealth network established under section 192.2520
39 ceases operation, the director of the department of health and senior
40 services has provided written notice to hospitals licensed under this
41 chapter that the network has ceased operation, and the hospital cannot,
42 in good faith, comply with the requirements of this section without
43 assistance or resources of the statewide telehealth network. Such
44 waiver shall remain in effect until such time as the statewide telehealth
45 network resumes operation or until the hospital is able to demonstrate
46 compliance with the provisions of this section without the assistance
47 or resources of the statewide telehealth network.

48 5. The provisions of section 595.220 shall apply to the
49 reimbursement of the reasonable costs of the examinations and the
50 provision of the evidentiary collection kits.

208.151. 1. Medical assistance on behalf of needy persons shall be known
2 as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to
3 comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social
4 Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy
5 persons shall be eligible to receive MO HealthNet benefits to the extent and in
6 the manner hereinafter provided:

7 (1) All participants receiving state supplemental payments for the aged,
8 blind and disabled;

9 (2) All participants receiving aid to families with dependent children
10 benefits, including all persons under nineteen years of age who would be
11 classified as dependent children except for the requirements of subdivision (1) of
12 subsection 1 of section 208.040. Participants eligible under this subdivision who
13 are participating in treatment court, as defined in section 478.001, shall have
14 their eligibility automatically extended sixty days from the time their dependent
15 child is removed from the custody of the participant, subject to approval of the
16 Centers for Medicare and Medicaid Services;

17 (3) All participants receiving blind pension benefits;

18 (4) All persons who would be determined to be eligible for old age
19 assistance benefits, permanent and total disability benefits, or aid to the blind
20 benefits under the eligibility standards in effect December 31, 1973, or less
21 restrictive standards as established by rule of the family support division, who
22 are sixty-five years of age or over and are patients in state institutions for mental
23 diseases or tuberculosis;

24 (5) All persons under the age of twenty-one years who would be eligible
25 for aid to families with dependent children except for the requirements of
26 subdivision (2) of subsection 1 of section 208.040, and who are residing in an
27 intermediate care facility, or receiving active treatment as inpatients in
28 psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as
29 amended;

30 (6) All persons under the age of twenty-one years who would be eligible
31 for aid to families with dependent children benefits except for the requirement of
32 deprivation of parental support as provided for in subdivision (2) of subsection 1
33 of section 208.040;

34 (7) All persons eligible to receive nursing care benefits;

35 (8) All participants receiving family foster home or nonprofit private
36 child-care institution care, subsidized adoption benefits and parental school care
37 wherein state funds are used as partial or full payment for such care;

38 (9) All persons who were participants receiving old age assistance
39 benefits, aid to the permanently and totally disabled, or aid to the blind benefits
40 on December 31, 1973, and who continue to meet the eligibility requirements,
41 except income, for these assistance categories, but who are no longer receiving
42 such benefits because of the implementation of Title XVI of the federal Social
43 Security Act, as amended;

44 (10) Pregnant women who meet the requirements for aid to families with

45 dependent children, except for the existence of a dependent child in the home;

46 (11) Pregnant women who meet the requirements for aid to families with
47 dependent children, except for the existence of a dependent child who is deprived
48 of parental support as provided for in subdivision (2) of subsection 1 of section
49 208.040;

50 (12) Pregnant women or infants under one year of age, or both, whose
51 family income does not exceed an income eligibility standard equal to one
52 hundred eighty-five percent of the federal poverty level as established and
53 amended by the federal Department of Health and Human Services, or its
54 successor agency;

55 (13) Children who have attained one year of age but have not attained six
56 years of age who are eligible for medical assistance under 6401 of P.L. 101-239
57 (Omnibus Budget Reconciliation Act of 1989). The family support division shall
58 use an income eligibility standard equal to one hundred thirty-three percent of
59 the federal poverty level established by the Department of Health and Human
60 Services, or its successor agency;

61 (14) Children who have attained six years of age but have not attained
62 nineteen years of age. For children who have attained six years of age but have
63 not attained nineteen years of age, the family support division shall use an
64 income assessment methodology which provides for eligibility when family income
65 is equal to or less than equal to one hundred percent of the federal poverty level
66 established by the Department of Health and Human Services, or its successor
67 agency. As necessary to provide MO HealthNet coverage under this subdivision,
68 the department of social services may revise the state MO HealthNet plan to
69 extend coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to children who
70 have attained six years of age but have not attained nineteen years of age as
71 permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a
72 more liberal income assessment methodology as authorized by paragraph (2) of
73 subsection (r) of 42 U.S.C. Section 1396a;

74 (15) The family support division shall not establish a resource eligibility
75 standard in assessing eligibility for persons under subdivision (12), (13) or (14)
76 of this subsection. The MO HealthNet division shall define the amount and scope
77 of benefits which are available to individuals eligible under each of the
78 subdivisions (12), (13), and (14) of this subsection, in accordance with the
79 requirements of federal law and regulations promulgated thereunder;

80 (16) Notwithstanding any other provisions of law to the contrary,

81 ambulatory prenatal care shall be made available to pregnant women during a
82 period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as
83 amended;

84 (17) A child born to a woman eligible for and receiving MO HealthNet
85 benefits under this section on the date of the child's birth shall be deemed to have
86 applied for MO HealthNet benefits and to have been found eligible for such
87 assistance under such plan on the date of such birth and to remain eligible for
88 such assistance for a period of time determined in accordance with applicable
89 federal and state law and regulations so long as the child is a member of the
90 woman's household and either the woman remains eligible for such assistance or
91 for children born on or after January 1, 1991, the woman would remain eligible
92 for such assistance if she were still pregnant. Upon notification of such child's
93 birth, the family support division shall assign a MO HealthNet eligibility
94 identification number to the child so that claims may be submitted and paid
95 under such child's identification number;

96 (18) Pregnant women and children eligible for MO HealthNet benefits
97 pursuant to subdivision (12), (13) or (14) of this subsection shall not as a
98 condition of eligibility for MO HealthNet benefits be required to apply for aid to
99 families with dependent children. The family support division shall utilize an
100 application for eligibility for such persons which eliminates information
101 requirements other than those necessary to apply for MO HealthNet
102 benefits. The division shall provide such application forms to applicants whose
103 preliminary income information indicates that they are ineligible for aid to
104 families with dependent children. Applicants for MO HealthNet benefits under
105 subdivision (12), (13) or (14) of this subsection shall be informed of the aid to
106 families with dependent children program and that they are entitled to apply for
107 such benefits. Any forms utilized by the family support division for assessing
108 eligibility under this chapter shall be as simple as practicable;

109 (19) Subject to appropriations necessary to recruit and train such staff,
110 the family support division shall provide one or more full-time, permanent
111 eligibility specialists to process applications for MO HealthNet benefits at the site
112 of a health care provider, if the health care provider requests the placement of
113 such eligibility specialists and reimburses the division for the expenses including
114 but not limited to salaries, benefits, travel, training, telephone, supplies, and
115 equipment of such eligibility specialists. The division may provide a health care
116 provider with a part-time or temporary eligibility specialist at the site of a health

117 care provider if the health care provider requests the placement of such an
118 eligibility specialist and reimburses the division for the expenses, including but
119 not limited to the salary, benefits, travel, training, telephone, supplies, and
120 equipment, of such an eligibility specialist. The division may seek to employ such
121 eligibility specialists who are otherwise qualified for such positions and who are
122 current or former welfare participants. The division may consider training such
123 current or former welfare participants as eligibility specialists for this program;

124 (20) Pregnant women who are eligible for, have applied for and have
125 received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this
126 subsection shall continue to be considered eligible for all pregnancy-related and
127 postpartum MO HealthNet benefits provided under section 208.152 until the end
128 of the sixty-day period beginning on the last day of their pregnancy. Pregnant
129 women receiving substance abuse treatment within sixty days of giving birth
130 shall, subject to appropriations and any necessary federal approval, be eligible for
131 MO HealthNet benefits for substance abuse treatment and mental health services
132 for the treatment of substance abuse for no more than twelve additional months,
133 as long as the woman remains adherent with treatment. The department of
134 mental health and the department of social services shall seek any necessary
135 waivers or state plan amendments from the Centers for Medicare and Medicaid
136 Services and shall develop rules relating to treatment plan adherence. No later
137 than fifteen months after receiving any necessary waiver, the department of
138 mental health and the department of social services shall report to the house of
139 representatives budget committee and the senate appropriations committee on the
140 compliance with federal cost neutrality requirements;

141 (21) Case management services for pregnant women and young children
142 at risk shall be a covered service. To the greatest extent possible, and in
143 compliance with federal law and regulations, the department of health and senior
144 services shall provide case management services to pregnant women by contract
145 or agreement with the department of social services through local health
146 departments organized under the provisions of chapter 192 or chapter 205 or a
147 city health department operated under a city charter or a combined city-county
148 health department or other department of health and senior services designees.
149 To the greatest extent possible the department of social services and the
150 department of health and senior services shall mutually coordinate all services
151 for pregnant women and children with the crippled children's program, the
152 prevention of intellectual disability and developmental disability program and the

153 prenatal care program administered by the department of health and senior
154 services. The department of social services shall by regulation establish the
155 methodology for reimbursement for case management services provided by the
156 department of health and senior services. For purposes of this section, the term
157 "case management" shall mean those activities of local public health personnel
158 to identify prospective MO HealthNet-eligible high-risk mothers and enroll them
159 in the state's MO HealthNet program, refer them to local physicians or local
160 health departments who provide prenatal care under physician protocol and who
161 participate in the MO HealthNet program for prenatal care and to ensure that
162 said high-risk mothers receive support from all private and public programs for
163 which they are eligible and shall not include involvement in any MO HealthNet
164 prepaid, case-managed programs;

165 (22) By January 1, 1988, the department of social services and the
166 department of health and senior services shall study all significant aspects of
167 presumptive eligibility for pregnant women and submit a joint report on the
168 subject, including projected costs and the time needed for implementation, to the
169 general assembly. The department of social services, at the direction of the
170 general assembly, may implement presumptive eligibility by regulation
171 promulgated pursuant to chapter 207;

172 (23) All participants who would be eligible for aid to families with
173 dependent children benefits except for the requirements of paragraph (d) of
174 subdivision (1) of section 208.150;

175 (24) (a) All persons who would be determined to be eligible for old age
176 assistance benefits under the eligibility standards in effect December 31, 1973,
177 as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as
178 contained in the MO HealthNet state plan as of January 1, 2005; except that, on
179 or after July 1, 2005, less restrictive income methodologies, as authorized in 42
180 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized
181 by annual appropriation;

182 (b) All persons who would be determined to be eligible for aid to the blind
183 benefits under the eligibility standards in effect December 31, 1973, as authorized
184 by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the
185 MO HealthNet state plan as of January 1, 2005, except that less restrictive
186 income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be
187 used to raise the income limit to one hundred percent of the federal poverty level;

188 (c) All persons who would be determined to be eligible for permanent and

189 total disability benefits under the eligibility standards in effect December 31,
190 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive
191 methodologies as contained in the MO HealthNet state plan as of January 1,
192 2005; except that, on or after July 1, 2005, less restrictive income methodologies,
193 as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income
194 limit if authorized by annual appropriations. Eligibility standards for permanent
195 and total disability benefits shall not be limited by age;

196 (25) Persons who have been diagnosed with breast or cervical cancer and
197 who are eligible for coverage pursuant to 42 U.S.C. Section
198 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of
199 presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

200 (26) Persons who are in foster care under the responsibility of the state
201 of Missouri on the date such persons attained the age of eighteen years, or at any
202 time during the thirty-day period preceding their eighteenth birthday, or persons
203 who received foster care for at least six months in another state, are residing in
204 Missouri, and are at least eighteen years of age, without regard to income or
205 assets, if such persons:

206 (a) Are under twenty-six years of age;

207 (b) Are not eligible for coverage under another mandatory coverage group;

208 and

209 (c) Were covered by Medicaid while they were in foster care;

210 **(27) Any homeless child or homeless youth, as those terms are**
211 **defined in section 167.020, subject to approval of a state plan**
212 **amendment by the Centers for Medicare and Medicaid Services.**

213 2. Rules and regulations to implement this section shall be promulgated
214 in accordance with chapter 536. Any rule or portion of a rule, as that term is
215 defined in section 536.010, that is created under the authority delegated in this
216 section shall become effective only if it complies with and is subject to all of the
217 provisions of chapter 536 and, if applicable, section 536.028. This section and
218 chapter 536 are nonseverable and if any of the powers vested with the general
219 assembly pursuant to chapter 536 to review, to delay the effective date or to
220 disapprove and annul a rule are subsequently held unconstitutional, then the
221 grant of rulemaking authority and any rule proposed or adopted after August 28,
222 2002, shall be invalid and void.

223 3. After December 31, 1973, and before April 1, 1990, any family eligible
224 for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least

225 three of the last six months immediately preceding the month in which such
226 family became ineligible for such assistance because of increased income from
227 employment shall, while a member of such family is employed, remain eligible for
228 MO HealthNet benefits for four calendar months following the month in which
229 such family would otherwise be determined to be ineligible for such assistance
230 because of income and resource limitation. After April 1, 1990, any family
231 receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least
232 three of the six months immediately preceding the month in which such family
233 becomes ineligible for such aid, because of hours of employment or income from
234 employment of the caretaker relative, shall remain eligible for MO HealthNet
235 benefits for six calendar months following the month of such ineligibility as long
236 as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each
237 family which has received such medical assistance during the entire six-month
238 period described in this section and which meets reporting requirements and
239 income tests established by the division and continues to include a child as
240 provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits
241 without fee for an additional six months. The MO HealthNet division may
242 provide by rule and as authorized by annual appropriation the scope of MO
243 HealthNet coverage to be granted to such families.

244 4. When any individual has been determined to be eligible for MO
245 HealthNet benefits, such medical assistance will be made available to him or her
246 for care and services furnished in or after the third month before the month in
247 which he made application for such assistance if such individual was, or upon
248 application would have been, eligible for such assistance at the time such care
249 and services were furnished; provided, further, that such medical expenses
250 remain unpaid.

251 5. The department of social services may apply to the federal Department
252 of Health and Human Services for a MO HealthNet waiver amendment to the
253 Section 1115 demonstration waiver or for any additional MO HealthNet waivers
254 necessary not to exceed one million dollars in additional costs to the state, unless
255 subject to appropriation or directed by statute, but in no event shall such waiver
256 applications or amendments seek to waive the services of a rural health clinic or
257 a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and
258 (2) or the payment requirements for such clinics and centers as provided in 42
259 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is
260 approved by the oversight committee created in section 208.955. A request for

261 such a waiver so submitted shall only become effective by executive order not
262 sooner than ninety days after the final adjournment of the session of the general
263 assembly to which it is submitted, unless it is disapproved within sixty days of
264 its submission to a regular session by a senate or house resolution adopted by a
265 majority vote of the respective elected members thereof, unless the request for
266 such a waiver is made subject to appropriation or directed by statute.

267 6. Notwithstanding any other provision of law to the contrary, in any
268 given fiscal year, any persons made eligible for MO HealthNet benefits under
269 subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if
270 annual appropriations are made for such eligibility. This subsection shall not
271 apply to classes of individuals listed in 42 U.S.C. Section [1396a(a)(10)(A)(I)]
272 **1396a(a)(10)(A)(i)**.

209.150. 1. Every person with a [visual, aural, or other] disability,
2 [including diabetes,] as defined in section 213.010, shall have the same rights
3 afforded to a person with no such disability to the full and free use of the streets,
4 highways, sidewalks, walkways, public buildings, public facilities, and other
5 public places.

6 2. Every person with a [visual, aural, or other] disability, [including
7 diabetes,] as defined in section 213.010, is entitled to full and equal
8 accommodations, advantages, facilities, and privileges of all common carriers,
9 airplanes, motor vehicles, railroad trains, motor buses, taxis, streetcars, boats or
10 any other public conveyances or modes of transportation, hotels, lodging places,
11 places of public accommodation, amusement or resort, and other places to which
12 the general public is invited, subject only to the conditions and limitations
13 established by law and applicable alike to all persons.

14 3. Every person with a [visual, aural, or other] disability, [including
15 diabetes,] as defined in section 213.010, shall have the right to be accompanied
16 by a [guide dog, hearing dog, or] service dog **or dogs, as defined in section**
17 **209.200**, which is especially trained for the purpose, in any of the places listed
18 in subsection 2 of this section without being required to pay an extra charge for
19 the [guide dog, hearing dog, or] service dog **or dogs, as defined in section**
20 **209.200**; provided that such person shall be liable for any damage done to the
21 premises or facilities by such dog.

22 4. As used in sections 209.150 to 209.190, the term "service dog" [means
23 any dog specifically trained to assist a person with a physical or mental disability
24 by performing necessary tasks or doing work which the person cannot

25 perform. Such tasks shall include, but not be limited to, pulling a wheelchair,
26 retrieving items, carrying supplies, and search and rescue of an individual with
27 a disability] **shall have the same definition as in section 209.200.**

209.200. As used in sections [209.200] **209.150** to 209.204, not to exceed
2 the provisions of the Americans With Disabilities Act, the following terms shall
3 mean:

4 (1) "Disability", as defined in section 213.010 including diabetes;

5 (2) "Service dog", a dog that is being or has been [specially] **individually**
6 trained to do work or perform tasks [which] **for the benefit [a particular person]**
7 **of an individual** with a disability, **including a physical, sensory,**
8 **psychiatric, intellectual, or other mental disability.** Service dog includes
9 but is not limited to:

10 (a) "Guide dog", a dog that is being or has been specially trained to assist
11 a particular blind or visually impaired person;

12 (b) "Hearing dog", a dog that is being or has been specially trained to
13 assist a particular deaf or hearing-impaired person;

14 (c) "Medical alert or [respond] **response dog**", a dog that is being or has
15 been trained to alert a person with a disability that a particular medical event
16 is about to occur or to respond to a medical event that has occurred;

17 (d) **"Mental health service dog" or "psychiatric service dog", a dog**
18 **individually trained for its owner who is diagnosed with a psychiatric**
19 **disability, medical condition, or developmental disability recognized in**
20 **the most recently published Diagnostic and Statistical Manual of**
21 **Mental Disorders (DSM) to perform tasks that mitigate or assist with**
22 **difficulties directly related to the owner's psychiatric disability,**
23 **medical condition, or developmental disability;**

24 (e) "Mobility dog", a dog that is being or has been specially trained to
25 assist a person with a disability caused by physical impairments;

26 [(e)] (f) "Professional therapy dog", a dog which is selected, trained, and
27 tested to provide specific physical therapeutic functions, under the direction and
28 control of a qualified handler who works with the dog as a team as a part of the
29 handler's occupation or profession. Such dogs, with their handlers, perform such
30 functions in institutional settings, community-based group settings, or when
31 providing services to specific persons who have disabilities. Professional therapy
32 dogs do not include dogs, certified or not, which are used by volunteers in
33 visitation therapy;

34 [(f)] (g) "Search and rescue dog", a dog that is being or has been trained
35 to search for or prevent a person with a mental disability, including but not
36 limited to verbal and nonverbal autism, from becoming lost;

37 (3) "Service dog team", a team consisting of a trained service dog, a
38 disabled person or child, and a person who is an adult and who has been trained
39 to handle the service dog.

209.204. 1. Any person who knowingly impersonates a person with a
2 disability for the purpose of receiving the accommodations regarding service dogs
3 under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., is
4 guilty of a class C misdemeanor and shall also be civilly liable for the amount of
5 any actual damages resulting from such impersonation. Any second or
6 subsequent violation of this section is a class B misdemeanor. For purposes of
7 this section, "impersonates a person with a disability" means a representation by
8 word or action as a person with a disability [or a representation of a dog by word
9 or action as a service dog].

10 **2. No person shall knowingly misrepresent a dog as a service dog**
11 **for the purpose of receiving the accommodations regarding service**
12 **dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101,**
13 **et seq. For purposes of this section, "misrepresent a dog as a service**
14 **dog" means a representation by word or action that a dog has been**
15 **trained as a service dog, as defined in section 209.200. Misrepresentation**
16 **of a service dog shall include, but shall not be limited to:**

17 **(1) Knowingly creating documents that falsely represent that a**
18 **dog is a service dog;**

19 **(2) Knowingly providing to another person documents falsely**
20 **stating that a dog is a service dog;**

21 **(3) Knowingly fitting a dog, if the dog is not a service dog, with**
22 **a harness, collar, vest, or sign of the type commonly used by a person**
23 **with a disability to indicate a dog is a service dog; or**

24 **(4) Knowingly representing that a dog is a service dog if the dog**
25 **has not completed training to perform disability-related tasks or do**
26 **disability-related work for a person with a disability.**

27 **A person who violates this subsection is guilty of a class C**
28 **misdemeanor and shall also be civilly liable for any actual damages**
29 **resulting from such misrepresentation. Any second or subsequent**
30 **violation of this subsection is a class B misdemeanor.**

31 **3. No person shall knowingly misrepresent any animal as an**
32 **assistance animal for the purpose of receiving the accommodations**
33 **regarding assistance animals under the Fair Housing Act, 42 U.S.C.**
34 **Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section 701, et**
35 **seq. For the purposes of this section an "assistance animal" is an**
36 **animal that works, provides assistance, or performs tasks, or is being**
37 **trained to work, provide assistance, or perform tasks, for the benefit of**
38 **a person with a disability, or that provides emotional support that**
39 **alleviates one or more identified effects of a person's disability. While**
40 **dogs are the most common type of assistance animal, other animals may**
41 **also be assistance animals. Misrepresentation of an assistance animal**
42 **shall include, but shall not be limited to:**

43 **(1) Knowingly creating documents that falsely represent that an**
44 **animal is an assistance animal;**

45 **(2) Knowingly providing to another person documents falsely**
46 **stating that an animal is an assistance animal;**

47 **(3) Knowingly fitting an animal, if the animal is not an assistance**
48 **animal, with a harness, collar, vest, or sign of the type commonly used**
49 **by a person with a disability to indicate an animal is an assistance**
50 **animal; or**

51 **(4) Knowingly and intentionally misrepresenting a material fact**
52 **to a health care provider for the purpose of obtaining documentation**
53 **from the health care provider necessary to designate an animal as an**
54 **assistance animal. All documentation for an assistance animal shall be**
55 **from a qualified professional as permitted under the Fair Housing Act,**
56 **42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C.**
57 **Section 701, et seq.**

58 **A person who violates this subsection is guilty of a class C**
59 **misdemeanor and shall also be civilly liable for any actual damages**
60 **resulting from such misrepresentation. Any second or subsequent**
61 **violation of this subsection is a class B misdemeanor.**

62 **4. The governor's council on disability shall prepare and make**
63 **available online a placard suitable for posting in a front window or**
64 **door, stating that service dogs are welcome and that misrepresentation**
65 **of a service dog is a violation of Missouri law, and a brochure detailing**
66 **permissible questions, as allowed by the Americans with Disabilities**
67 **Act, a business owner may ask in order to determine whether a dog is**

68 **a service dog and guidelines defining unacceptable behavior.**

69 **5. The governor's council on disability shall prepare and make**
70 **available online a brochure for landlords and tenants regarding laws**
71 **relating to service dogs, assistance animals, and housing under federal**
72 **and Missouri law.**

210.109. 1. The children's division shall establish a child protection
2 system for the entire state.

3 2. The child protection system shall promote the safety of children and the
4 integrity and preservation of their families by conducting investigations or family
5 assessments and providing services in response to reports of child abuse or
6 neglect. The system shall coordinate community resources and provide assistance
7 or services to children and families identified to be at risk, and to prevent and
8 remedy child abuse and neglect.

9 3. In addition to any duties specified in section 210.145, in implementing
10 the child protection system, the division shall:

11 (1) Maintain a central registry;

12 (2) Receive reports and establish and maintain an information system
13 operating at all times, capable of receiving and maintaining reports;

14 (3) Attempt to obtain the name and address of any person making a report
15 in all cases, after obtaining relevant information regarding the alleged abuse or
16 neglect, although reports may be made anonymously; except that, reports by
17 mandatory reporters under section 210.115, including employees of the children's
18 division, juvenile officers, and school personnel shall not be made anonymously,
19 provided that the reporter shall be informed, at the time of the report, that the
20 reporter's name and any other personally identifiable information shall be held
21 as confidential and shall not be made public as provided under this section and
22 section 211.319;

23 (4) Upon receipt of a report, check with the information system to
24 determine whether previous reports have been made regarding actual or
25 suspected abuse or neglect of the subject child, of any siblings, and the
26 perpetrator, and relevant dispositional information regarding such previous
27 reports;

28 (5) Provide protective or preventive services to the family and child and
29 to others in the home to prevent abuse or neglect, to safeguard their health and
30 welfare, and to help preserve and stabilize the family whenever possible. The
31 juvenile court shall cooperate with the division in providing such services;

32 (6) Collaborate with the community to identify comprehensive local
33 services and assure access to those services for children and families where there
34 is risk of abuse or neglect;

35 (7) Maintain a record which contains the facts ascertained which support
36 the determination as well as the facts that do not support the determination;

37 (8) Whenever available and appropriate, contract for the provision of
38 children's services through children's services providers and agencies in the
39 community; except that the state shall be the sole provider of child abuse and
40 neglect hotline services, the initial child abuse and neglect investigation, and the
41 initial family assessment. The division shall attempt to seek input from child
42 welfare service providers in completing the initial family assessment. In all legal
43 proceedings involving children in the custody of the division, the division shall
44 be represented in court by either division personnel or persons with whom the
45 division contracts with for such legal representation. All children's services
46 providers and agencies shall be subject to criminal background checks pursuant
47 to chapter 43 and shall submit names of all employees to the family care safety
48 registry; **and**

49 **(9) Upon receipt of a report, attempt to ascertain whether the**
50 **suspected perpetrator or any person responsible for the care, custody,**
51 **and control of the subject child is a member of the Armed Forces, as**
52 **defined in section 41.030.**

53 As used in this subsection, "report" includes any telephone call made pursuant
54 to section 210.145.

210.112. 1. It is the policy of this state and its agencies to implement a
2 foster care and child protection and welfare system focused on providing the
3 highest quality of services and outcomes for children and their families. The
4 department of social services shall implement such system subject to the
5 following principles:

6 (1) The safety and welfare of children is paramount;

7 (2) **All** providers of direct services to children and their families will be
8 evaluated in a uniform, **transparent, objective,** and consistent basis **based on**
9 **an evaluation tool established in subsection 2 of this section;**

10 (3) Services to children and their families shall be provided in a timely
11 manner to maximize the opportunity for successful outcomes, **and such services**
12 **shall be tracked and routinely evaluated through a quality assurance**
13 **program; [and]**

14 (4) Any provider of direct services to children and families shall have the
15 appropriate and relevant training, education, and expertise to provide the highest
16 quality of services possible which shall be consistent with [the] federal **and state**
17 standards[, but not less than the standards and policies used by the children's
18 division as of January 1, 2004];

19 (5) **Resources and efforts shall be committed to pursue the best**
20 **possible opportunity for a successful outcome for each child. Successful**
21 **outcomes may include preparing youth for a productive and successful**
22 **life as an adult outside the foster care system, such as independent**
23 **living. For those providers that work with children requiring intensive**
24 **twenty-four-hour treatment services, successful outcomes shall be based**
25 **on the least restrictive alternative possible based on the child's needs as**
26 **well as the quality of care received; and**

27 (6) **All service providers shall prioritize methods of reducing or**
28 **eliminating a child's need for residential treatment through**
29 **community-based services and supports.**

30 2. (1) **In conjunction with the response and evaluation team**
31 **established under subsection 3 of this section, as well as other**
32 **individuals the division deems appropriate, the division shall establish**
33 **an evaluation tool that complies with state and federal guidelines.**

34 (2) **The evaluation tool shall include metrics supporting best**
35 **practices for case management and service provision including, but not**
36 **limited to, the frequency of face-to-face visits with the child.**

37 (3) **There shall be a mechanism whereby providers may propose**
38 **different evaluation metrics on a case-by-case basis if such case may**
39 **have circumstances far beyond those that would be expected. Such**
40 **cases shall be evaluated by the response and evaluation team under**
41 **subsection 3 of this section.**

42 (4) **Data regarding all evaluation metrics shall be collected by**
43 **the division on a monthly basis, and the division shall issue a quarterly**
44 **report regarding the evaluation data for each provider, both public and**
45 **private, by county. The response and evaluation team shall determine**
46 **how to aggregate cases for the division and large contractors so that**
47 **performance and outcomes may be compared effectively while also**
48 **protecting confidentiality. Such reports shall be made public and shall**
49 **include information by county.**

50 (5) **The standards and metrics developed through this evaluation**

51 tool shall be used to evaluate competitive bids for future contracts
52 established under subsection 4 of this section.

53 3. The division shall create a response and evaluation
54 team. Membership of the team shall be composed of five staff members
55 from the division with experience in foster care appointed by the
56 director of the division; five representatives, one from each contract
57 region for foster care case management contracts under subsection 4
58 of this section, who shall be annually rotated among contractors in
59 each region, which shall appoint the agency; two experts working in
60 either research or higher education on issues relating to child welfare
61 and foster care appointed by the director of the division and who shall
62 be actively working for either an academic institution or policy
63 foundation; one juvenile officer or a Missouri juvenile justice director
64 to be appointed by the Missouri juvenile justice association; and one
65 juvenile or family court judge appointed by the supreme court. The
66 division shall provide the necessary staffing for the team's operations.
67 All members shall be appointed, and the team shall meet for the first
68 time before January 1, 2021. The team shall:

69 (1) Review the evaluation tool and metrics set forth in subsection
70 2 of this section on a semiannual basis to determine any adjustments
71 needed or issues that could affect the quality of such tools and approve
72 or deny on a case-by-case basis:

73 (a) Cases that a provider feels are anomalous and should not be
74 part of developing the case management tool under subsection 2 of this
75 section;

76 (b) Alternative evaluation metrics recommended by providers
77 based on the best interests of the child under subsections 2 and 5 of
78 this section; or

79 (c) Review and recommend any structure for incentives or other
80 reimbursement strategies under subsection 6 of this section;

81 (2) Develop and execute periodic provider evaluations of cases
82 managed by the division and children service providers contracted
83 with the state to provide foster care case management services in the
84 field under the evaluation tool created under subsection 2 of this
85 section to ensure basic requirements of the program are met, which
86 shall include, but are not limited to, random file review to ensure
87 documentation shows required visits and case management plan notes;

88 **and**

89 **(3) Develop a system for reviewing and working with providers**
90 **identified under subdivision (2) of this subsection or providers who**
91 **request such assistance from the division, who show signs of**
92 **performance weakness to ensure technical assistance and other**
93 **services are offered to assist the providers in achieving successful**
94 **outcomes for their cases.**

95 4. [On or before July 1, 2005, and subject to appropriations,] The
96 children's division and any other state agency deemed necessary by the division
97 shall, in consultation with [the community and] **service providers [of services]**
98 **and other relevant parties**, enter into and implement contracts with qualified
99 children's services providers and agencies to provide a comprehensive and
100 deliberate system of service delivery for children and their families. Contracts
101 shall be awarded through a competitive process and provided by [children's
102 services providers and agencies currently contracting with the state to provide
103 such services and by] **qualified** public and private not-for-profit or limited
104 liability corporations owned exclusively by not-for-profit corporations children's
105 services providers and agencies which have:

106 (1) A proven record of providing child welfare services within the state of
107 Missouri which shall be consistent with the federal standards, but not less than
108 the standards and policies used by the children's division as of January 1, 2004;
109 and

110 (2) The ability to provide a range of child welfare services[, which may
111 include] **including, but not limited to**, case management services, family-
112 centered services, foster and adoptive parent recruitment and retention,
113 residential care, in-home services, foster care services, adoption services, relative
114 care case management, planned permanent living services, and family
115 reunification services.

116 No contracts **under this section** shall be issued for services related to the child
117 abuse and neglect hotline, investigations of alleged abuse and neglect, and initial
118 family assessments. Any contracts entered into by the division shall be in
119 accordance with all federal laws and regulations, and shall [not result in the loss
120 of] **seek to maximize** federal funding. [Such] Children's services providers and
121 agencies under contract with the division shall be subject to all federal, state, and
122 local laws and regulations relating to the provision of such services, and shall be
123 subject to oversight and inspection by appropriate state agencies to assure

124 compliance with standards which shall be consistent with the federal standards[,
125 but not less than the standards and policies used by the children's division as of
126 January 1, 2004.

127 3. In entering into and implementing contracts under subsection 2 of this
128 section, the division shall consider and direct their efforts towards geographic
129 areas of the state, including Greene County, where eligible direct children's
130 services providers and agencies are currently available and capable of providing
131 a broad range of services, including case management services, family-centered
132 services, foster and adoptive parent recruitment and retention, residential care,
133 family preservation services, foster care services, adoption services, relative care
134 case management, other planned living arrangements, and family reunification
135 services consistent with federal guidelines. Nothing in this subsection shall
136 prohibit the division from contracting on an as-needed basis for any individual
137 child welfare service listed above.

138 4. The contracts entered into under this section shall assure that:

139 (1) Child welfare services shall be delivered to a child and the child's
140 family by professionals who have substantial and relevant training, education, or
141 competencies otherwise demonstrated in the area of children and family services;

142 (2) Children's services providers and agencies shall be evaluated by the
143 division based on objective, consistent, and performance-based criteria;

144 (3) Any case management services provided shall be subject to a case
145 management plan established under subsection 5 of this section which is
146 consistent with all relevant federal guidelines. The case management plan shall
147 focus on attaining permanency in children's living conditions to the greatest
148 extent possible and shall include concurrent planning and independent living
149 where appropriate in accordance with the best interests of each child served and
150 considering relevant factors applicable to each individual case as provided by law,
151 including:

152 (a) The interaction and interrelationship of a child with the child's foster
153 parents, biological or adoptive parents, siblings, and any other person who may
154 significantly affect the child's best interests;

155 (b) A child's adjustment to his or her foster home, school, and community;

156 (c) The mental and physical health of all individuals involved, including
157 any history of abuse of or by any individuals involved;

158 (d) The needs of the child for a continuing relationship with the child's
159 biological or adoptive parents and the ability and willingness of the child's

160 biological or adoptive parents to actively perform their functions as parents with
161 regard to the needs of the child; and

162 (e) For any child, treatment services may be available as defined in
163 section 210.110. Assessments, as defined in section 210.110, may occur to
164 determine which treatment services best meet the child's psychological and social
165 needs. When the assessment indicates that a child's needs can be best resolved
166 by intensive twenty-four-hour treatment services, the division will locate,
167 contract, and place the child with the appropriate organizations. This placement
168 will be viewed as the least restrictive for the child based on the assessment;

169 (4) The delivery system shall have sufficient flexibility to take into
170 account children and families on a case-by-case basis;

171 (5) The delivery system shall provide a mechanism for the assessment of
172 strategies to work with children and families immediately upon entry into the
173 system to maximize permanency and successful outcome in the shortest time
174 possible and shall include concurrent planning. Outcome measures for private
175 and public agencies shall be equal for each program; and

176 (6) Payment to the children's services providers and agencies shall be
177 made based on the reasonable costs of services, including responsibilities
178 necessary to execute the contract. Contracts shall provide incentives in addition
179 to the costs of services provided in recognition of accomplishment of the case goals
180 and the corresponding cost savings to the state. The division shall promulgate
181 rules to implement the provisions of this subdivision.

182 5. Contracts entered into under this section shall require that a case
183 management plan consistent with all relevant federal guidelines shall be
184 developed for each child at the earliest time after the initial investigation, but in
185 no event longer than thirty days after the initial investigation or referral to the
186 contractor by the division. Such case management plan shall be presented to the
187 court and be the foundation of service delivery to the child and family. The case
188 management plan shall, at a minimum, include:

189 (1) An outcome target based on the child and family situation achieving
190 permanency or independent living, where appropriate;

191 (2) Services authorized and necessary to facilitate the outcome target;

192 (3) Time frames in which services will be delivered; and

193 (4) Necessary evaluations and reporting.

194 In addition to any visits and assessments required under case management,
195 services to be provided by a public or private children's services provider under

196 the specific case management plan may include family-centered services, foster
197 and adoptive parent recruitment and retention, residential care, in-home services,
198 foster care services, adoption services, relative care case services, planned
199 permanent living services, and family reunification services. In all cases, an
200 appropriate level of services shall be provided to the child and family after
201 permanency is achieved to assure a continued successful outcome.

202 6. By December 1, 2018, the division shall convene a task force to review
203 the recruitment, licensing and retention of foster and adoptive parents statewide.
204 In addition to representatives of the division and department, the task force shall
205 include representatives of the private sector and faith-based community which
206 provide recruitment and licensure services. The purpose of the task force shall
207 and will be to study the extent to which changes in the system of recruiting,
208 licensing, and retaining foster and adoptive parents would enhance the
209 effectiveness of the system statewide. The task force shall develop a report of its
210 findings with recommendations by December 1, 2019, and provide copies of the
211 report to the general assembly, to the joint committee on child abuse and neglect
212 under section 21.771, and to the governor.

213 7. On or before July 15, 2006, and each July fifteenth thereafter that the
214 project is in operation, the division shall submit a report to the general assembly
215 which shall include:

216 (1) Details about the specifics of the contracts, including the number of
217 children and families served, the cost to the state for contracting such services,
218 the current status of the children and families served, an assessment of the
219 quality of services provided and outcomes achieved, and an overall evaluation of
220 the project; and

221 (2) Any recommendations regarding the continuation or possible statewide
222 implementation of such project; and

223 (3) Any information or recommendations directly related to the provision
224 of direct services for children and their families that any of the contracting
225 children's services providers "and agencies request to have included in the
226 report].

227 [8.] 5. The division shall accept as prima facie evidence of completion of
228 the requirements for licensure under sections 210.481 to 210.511 proof that an
229 agency is accredited by any of the following nationally recognized bodies: the
230 Council on Accreditation of Services, Children and Families, Inc.; the Joint
231 Commission on Accreditation of Hospitals; or the Commission on Accreditation

232 of Rehabilitation Facilities. [The division shall not require any further evidence
233 of qualification for licensure if such proof of voluntary accreditation is submitted.]

234 **6. Payment to the children's services providers and agencies**
235 **shall be made based on the reasonable costs of services, including**
236 **responsibilities necessary to execute the contract. Any reimbursement**
237 **increases made through enhanced appropriations for services shall be**
238 **allocated to providers regardless of whether the provider is public or**
239 **private. Such increases shall be considered additive to the existing**
240 **contracts. In addition to payments reflecting the cost of services,**
241 **contracts shall include incentives provided in recognition of**
242 **performance based on the evaluation tool created under subsection 2**
243 **of this section and the corresponding savings for the state. The**
244 **response and evaluation team under subsection 3 of this section shall**
245 **review a formula to distribute such payments, as recommended by the**
246 **division.**

247 **7. The division shall consider immediate actions that are in the**
248 **best interests of the children served including, but not limited to,**
249 **placing the agency on a corrective plan, halting new referrals,**
250 **transferring cases to other performing providers, or terminating the**
251 **provider's contract. The division shall take steps necessary to evaluate**
252 **the nature of the issue and act accordingly in the most timely fashion**
253 **possible.**

254 [9.] **8.** By [February 1, 2005] **July 1, 2021**, the children's division shall
255 promulgate and have in effect rules to implement the provisions of this section
256 and, pursuant to this section, shall define implementation plans and dates. Any
257 rule or portion of a rule, as that term is defined in section 536.010, that is created
258 under the authority delegated in this section shall become effective only if it
259 complies with and is subject to all of the provisions of chapter 536 and, if
260 applicable, section 536.028. This section and chapter 536 are nonseverable and
261 if any of the powers vested with the general assembly pursuant to chapter 536 to
262 review, to delay the effective date, or to disapprove and annul a rule are
263 subsequently held unconstitutional, then the grant of rulemaking authority and
264 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

210.123. 1. As used in this section, the following terms and
2 **phrases mean:**

3 **(1) "Relative", as that term is defined in section 210.565. Such**

4 relative shall be an adult;

5 (2) "Temporary alternative placement agreement", a voluntary
6 agreement between the division, a relative of the child, and the parent
7 or guardian of the child to provide a temporary, out of home placement
8 for a child if the parent or guardian is temporarily unable to provide
9 care or support for the child and the child is not in imminent danger
10 of death or serious bodily injury, or being sexually abused such that the
11 division determines that a referral to the juvenile office with a
12 recommendation to file a petition or to remove the child is not
13 appropriate. The agreement shall be reduced to writing within three
14 business days. The written agreement shall be signed by the parent or
15 guardian, the relative, and the authorized representative of the
16 division. A temporary alternative placement agreement shall be valid
17 for no more than ninety days. If the agreement shall be extended
18 beyond ninety days, then, before the expiration of the ninety-day
19 period, the division shall send a referral to the juvenile officer to make
20 a determination whether to file a petition, to set the matter for a
21 preliminary child welfare hearing, or to take other appropriate action
22 as the juvenile officer deems necessary. The temporary alternative
23 placement agreement shall include:

24 (a) A plan for return of the child to the child's parent or legal
25 guardian within the time specified under the agreement, or diligent
26 implementation of an alternative, legal arrangement for the safe care,
27 custody, and control of the child including, but not limited to,
28 execution of a power of attorney under section 475.602, an affidavit for
29 relative caretaker under section 431.058, legal guardianship, the entry
30 of an order of child protection, or entry of temporary or permanent
31 legal custody arrangements by a court of competent jurisdiction;

32 (b) A requirement that the parties cooperate with the division
33 and participate in all services offered by the division;

34 (c) A notice to all parties that the division will notify the
35 juvenile officer that a temporary alternative placement agreement has
36 been implemented, that a copy of the agreement will be provided to the
37 juvenile officer, that the temporary alternative placement agreement
38 is not binding on the juvenile officer, and the division retains the
39 authority to refer the case to the juvenile officer with a
40 recommendation for further action at any time;

41 **(d) Identifying the behaviorally specific changes that the parent**
42 **or guardian of the child shall make to ensure that the child's safety and**
43 **welfare can be assured before the child is returned to the home;**

44 **(e) Identifying the services that the division shall offer the**
45 **parents and the child to address the reasons the child is being placed**
46 **out of the home;**

47 **(f) Requiring that the child reside in the state of Missouri for the**
48 **duration of the agreement; and**

49 **(g) That the agreement is voluntary and that the parent or**
50 **guardian may withdraw from the agreement upon five days' written**
51 **notice.**

52 **2. As provided in this section, the division may enter into a**
53 **temporary alternative placement agreement with parents and legal**
54 **guardians of a minor child who cannot safely remain in the child's**
55 **home on a temporary basis. The purpose of such agreement is to**
56 **mitigate trauma to the child and to enable the division to make**
57 **reasonable efforts to assure the safety of a child in a placement familiar**
58 **to the child, and to give the child and the child's family an opportunity**
59 **to develop and implement a plan to assure the stability and well-being**
60 **of the child in the short term. The child shall reside in the state of**
61 **Missouri for the duration of the temporary alternative placement**
62 **agreement unless the child requires medical treatment in another state**
63 **that is not reasonably available within the state of Missouri.**

64 **3. (1) The division shall conduct a walk-through of the relative's**
65 **home where the child will be staying and conduct a background check**
66 **of the relative and any adult household member before determining**
67 **whether the relative is suitable.**

68 **(2) The background check shall include a check of the central**
69 **registry, the sexual offender registry, the department of social**
70 **services's family care safety registry, and the records of the division to**
71 **determine if circumstances exist that indicate the child shall not be**
72 **safe if placed in the home. The division may, in its discretion, follow**
73 **up with a fingerprint-based criminal background check.**

74 **(3) The suitable relative shall be a resident of the state of**
75 **Missouri and shall remain a resident of the state of Missouri for the**
76 **duration of the agreement.**

77 **4. (1) The division may only enter into a temporary alternative**

78 placement agreement if:

79 (a) The child cannot remain safely in the home of the child's
80 parent or legal guardian;

81 (b) It is not apparent that the child is otherwise in imminent
82 danger of death, serious physical injury, or being sexually abused such
83 that an immediate referral to the juvenile officer with a
84 recommendation to remove the child and initiate juvenile court
85 proceedings is appropriate;

86 (c) There is a relative who is ready, willing, and able to provide
87 safe care for the child on a temporary basis;

88 (d) The division has reasonably available services for the child
89 and family to support and supervise the implementation of the
90 agreement;

91 (e) The child's parent or legal guardian voluntarily enters into
92 the agreement; and

93 (f) The child's parent or legal guardian executes all necessary
94 documents and consents to implement the agreement.

95 (2) The fact that the parent or legal guardian has been advised
96 that the division or juvenile officer may take additional action within
97 his or her authority under law shall not constitute a basis for claiming
98 that the parent or legal guardian's agreement is not voluntary or was
99 coerced.

100 (3) The parent or guardian shall give at least five days' written
101 notice of intent to terminate the agreement to the division and the
102 relative placement provider. The agreement shall remain in effect until
103 the termination of the agreement is effective.

104 5. (1) The relative shall have the authority to make the day-to-
105 day decisions for the care of the child during the agreement, as
106 provided in the agreement, and shall further have the authority to
107 make educational and medical decisions for the child as provided in
108 this section.

109 (2) The relative shall not have the authority to authorize end-of-
110 life care, authorize the child to have an abortion, or initiate treatment
111 for gender dysphoria.

112 (3) The relative shall consult with the child's parents, legal
113 guardian, and the division before making decisions pertaining to the
114 child other than routine, day-to-day decisions necessary to care for the

115 child.

116 (4) The division shall provide a notice to the relative on a form
117 promulgated by the division for use in notifying schools, medical care
118 providers, and others that the suitable relative or adult has the
119 temporary authority to make these decisions. Individuals and
120 institutions, including schools and medical care providers, acting upon
121 the authority of such notice shall be immune from liability for acting
122 upon the authority as set forth in the letter.

123 6. (1) The division shall closely monitor, track, and document
124 the implementation of the provisions of the temporary alternative
125 placement agreement for the duration of the agreement.

126 (2) The division shall have personal contact with the child as
127 may be appropriate to ensure that the temporary alternative placement
128 agreement is being safely implemented, but in no event less than two
129 times each month. At least one personal contact with the child shall be
130 in the child's alternative placement.

131 (3) The division shall schedule a team decision making meeting
132 within ten days of the execution of a temporary alternative placement
133 agreement and at least once every month thereafter for the duration of
134 the agreement.

135 (4) Within ten days of the execution of a temporary alternative
136 placement agreement, the division shall open a family centered services
137 case and keep the case open for the duration of the agreement.

138 (5) No later than ten days before the termination of the
139 temporary alternative placement agreement, the division shall submit
140 a written report to the juvenile office. The division shall provide a
141 copy of the report to the placement provider and the child's parent or
142 guardian. The report shall include a copy of the agreement, a specific
143 description of the steps taken to complete the agreement, and a
144 recommendation to the juvenile officer about whether further action
145 may be necessary.

146 7. If the parent or guardian does not agree to the temporary
147 alternative placement agreement, the division shall refer the matter to
148 the juvenile officer for appropriate action as determined by the
149 juvenile officer.

150 8. All parties to the temporary alternative care agreement shall
151 exercise diligent efforts to implement the agreement. The suitable

152 **adult or suitable relative and the parents or guardians shall fully**
153 **cooperate with the division.**

154 **9. If the division determines that the goals of the temporary**
155 **alternative placement agreement are not accomplished within the time**
156 **period specified in the agreement and the safety or wellbeing of the**
157 **child cannot be assured if the child were to return home, the division**
158 **shall refer the case to the juvenile officer.**

159 **10. A temporary alternative placement agreement may be**
160 **executed in conjunction with the informal adjustment process through**
161 **the juvenile officer.**

162 **11. The juvenile officer shall not be bound by the terms of a**
163 **temporary alternative placement agreement, unless the juvenile officer**
164 **is a signatory to the agreement, and the juvenile officer may exercise**
165 **discretion to take appropriate action within the juvenile officer's**
166 **authority under law. However, the juvenile officer shall take into**
167 **consideration the provisions of and the implementation of the**
168 **agreement when taking action under such authority.**

169 **12. The division shall promulgate regulations to implement the**
170 **provisions of this section. This section shall not be effective until the**
171 **regulations are promulgated.**

210.135. 1. Any person, official, or institution complying with the
2 provisions of sections 210.110 to 210.165 in the making of a report, the taking of
3 color photographs, or the making of radiologic examinations pursuant to sections
4 210.110 to 210.165, or both such taking of color photographs and making of
5 radiologic examinations, or the removal or retaining a child pursuant to sections
6 210.110 to 210.165, or in cooperating with the division, or any other law
7 enforcement agency, juvenile office, court, or child-protective service agency of
8 this or any other state, in any of the activities pursuant to sections 210.110 to
9 210.165, or any other allegation of child abuse, neglect or assault, pursuant to
10 sections 568.045 to 568.060, shall have immunity from any liability, civil or
11 criminal, that otherwise might result by reason of such actions. Provided,
12 however, any person, official or institution intentionally filing a false report,
13 acting in bad faith, or with ill intent, shall not have immunity from any liability,
14 civil or criminal. Any such person, official, or institution shall have the same
15 immunity with respect to participation in any judicial proceeding resulting from
16 the report.

17 **2. An employee, including a contracted employee, of a state-**
18 **funded child assessment center, as provided for in subsection 2 of**
19 **section 210.001, shall be immune from any civil liability that arises**
20 **from the employee's participation in the investigation process and**
21 **services by the child assessment center, unless such person acted in**
22 **bad faith. This subsection shall not displace or limit any other**
23 **immunity provided by law.**

24 **3.** Any person, who is not a school district employee, who makes a report
25 to any employee of the school district of child abuse by a school employee shall
26 have immunity from any liability, civil or criminal, that otherwise might result
27 because of such report. Provided, however, that any such person who makes a
28 false report, knowing that the report is false, or who acts in bad faith or with ill
29 intent in making such report shall not have immunity from any liability, civil or
30 criminal. Any such person shall have the same immunity with respect to
31 participation in any judicial proceeding resulting from the report.

32 **[3.] 4.** In a case involving the death or serious injury of a child after a
33 report has been made under sections 210.109 to 210.165, the division shall
34 conduct a preliminary evaluation in order to determine whether a review of the
35 ability of the circuit manager or case worker or workers to perform their duties
36 competently is necessary. The preliminary evaluation shall examine:

37 (1) The hotline worker or workers who took any reports related to such
38 case;

39 (2) The division case worker or workers assigned to the investigation of
40 such report; and

41 (3) The circuit manager assigned to the county where the report was
42 investigated.

43 Any preliminary evaluation shall be completed no later than three days after the
44 child's death. If the division determines a review and assessment is necessary,
45 it shall be completed no later than three days after the child's death.

210.145. 1. The division shall develop protocols which give priority to:

2 (1) Ensuring the well-being and safety of the child in instances where
3 child abuse or neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families
5 consistent with state and federal law;

6 (3) Providing due process for those accused of child abuse or neglect; and

7 (4) Maintaining an information system operating at all times, capable of

8 receiving and maintaining reports. This information system shall have the ability
9 to receive reports over a single, statewide toll-free number. Such information
10 system shall maintain the results of all investigations, family assessments and
11 services, and other relevant information.

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

21 **(2) The director of the division and the office of state courts**
22 **administrator shall develop a joint safety assessment tool before**
23 **December 31, 2020, and such tool shall be implemented before January**
24 **1, 2022. The safety assessment tool shall replace the standard risk**
25 **assessment required under subdivision (1) of this subsection.**

26 3. Upon receipt of a report, the division shall determine if the report
27 merits investigation, including reports which if true would constitute a suspected
28 violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or
29 565.050 if the victim is a child less than eighteen years of age, section 566.030 or
30 566.060 if the victim is a child less than eighteen years of age, or other crimes
31 under chapter 566 if the victim is a child less than eighteen years of age and the
32 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a
33 child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050,
34 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an
35 attempt to commit any such crimes. The division shall immediately communicate
36 all reports that merit investigation to its appropriate local office and any relevant
37 information as may be contained in the information system. The local division
38 staff shall determine, through the use of protocols developed by the division,
39 whether an investigation or the family assessment and services approach should
40 be used to respond to the allegation. The protocols developed by the division
41 shall give priority to ensuring the well-being and safety of the child.

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

44 Missouri, or if the incident occurred in Missouri.

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

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

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

66 8. The local office of the division shall cause an investigation or family
67 assessment and services approach to be initiated in accordance with the protocols
68 established in subsection 2 of this section, except in cases where the sole basis for
69 the report is educational neglect. If the report indicates that educational neglect
70 is the only complaint and there is no suspicion of other neglect or abuse, the
71 investigation shall be initiated within seventy-two hours of receipt of the report.
72 If the report indicates the child is in danger of serious physical harm or threat
73 to life, an investigation shall include direct observation of the subject child within
74 twenty-four hours of the receipt of the report. Local law enforcement shall take
75 all necessary steps to facilitate such direct observation. Callers to the child abuse
76 and neglect hotline shall be instructed by the division's hotline to call 911 in
77 instances where the child may be in immediate danger. If the parents of the
78 child are not the alleged perpetrators, a parent of the child must be notified prior
79 to the child being interviewed by the division. No person responding to or

80 investigating a child abuse and neglect report shall call prior to a home visit or
81 leave any documentation of any attempted visit, such as business cards,
82 pamphlets, or other similar identifying information if he or she has a reasonable
83 basis to believe the following factors are present:

84 (1) (a) No person is present in the home at the time of the home visit; and

85 (b) The alleged perpetrator resides in the home or the physical safety of
86 the child may be compromised if the alleged perpetrator becomes aware of the
87 attempted visit;

88 (2) The alleged perpetrator will be alerted regarding the attempted visit;

89 or

90 (3) The family has a history of domestic violence or fleeing the community.

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

108 9. The director of the division shall name at least one chief investigator
109 for each local division office, who shall direct the division response on any case
110 involving a second or subsequent incident regarding the same subject child or
111 perpetrator. The duties of a chief investigator shall include verification of direct
112 observation of the subject child by the division and shall ensure information
113 regarding the status of an investigation is provided to the public school district
114 liaison. The public school district liaison shall develop protocol in conjunction
115 with the chief investigator to ensure information regarding an investigation is

116 shared with appropriate school personnel. The superintendent of each school
117 district shall designate a specific person or persons to act as the public school
118 district liaison. Should the subject child attend a nonpublic school the chief
119 investigator shall notify the school principal of the investigation. Upon
120 notification of an investigation, all information received by the public school
121 district liaison or the school shall be subject to the provisions of the federal
122 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g,
123 and federal rule 34 C.F.R. Part 99.

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

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

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

140 13. Multidisciplinary teams shall be used whenever conducting the
141 investigation as determined by the division in conjunction with local law
142 enforcement. Multidisciplinary teams shall be used in providing protective or
143 preventive social services, including the services of law enforcement, a liaison of
144 the local public school, the juvenile officer, the juvenile court, and other agencies,
145 both public and private.

146 14. For all family support team meetings involving an alleged victim of
147 child abuse or neglect, the parents, legal counsel for the parents, foster parents,
148 the legal guardian or custodian of the child, the guardian ad litem for the child,
149 and the volunteer advocate for the child shall be provided notice and be permitted
150 to attend all such meetings. Family members, other than alleged perpetrators,
151 or other community informal or formal service providers that provide significant

152 support to the child and other individuals may also be invited at the discretion
153 of the parents of the child. In addition, the parents, the legal counsel for the
154 parents, the legal guardian or custodian and the foster parents may request that
155 other individuals, other than alleged perpetrators, be permitted to attend such
156 team meetings. Once a person is provided notice of or attends such team
157 meetings, the division or the convenor of the meeting shall provide such persons
158 with notice of all such subsequent meetings involving the child. Families may
159 determine whether individuals invited at their discretion shall continue to be
160 invited.

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

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

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

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

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

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

191 17. (1) Within forty-five days of an oral report of abuse or neglect, the
192 local office shall update the information in the information system. The
193 information system shall contain, at a minimum, the determination made by the
194 division as a result of the investigation, identifying information on the subjects
195 of the report, those responsible for the care of the subject child and other relevant
196 dispositional information. The division shall complete all investigations within
197 forty-five days, unless good cause for the failure to complete the investigation is
198 specifically documented in the information system. Good cause for failure to
199 complete an investigation shall include, but not be limited to:

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

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

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

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

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

219 (3) If the investigation is not completed within forty-five days, the
220 information system shall be updated at regular intervals and upon the completion
221 of the investigation, which shall be completed no later than ninety days after
222 receipt of a report of abuse or neglect, or one hundred twenty days after receipt
223 of a report of abuse or neglect involving sexual abuse, or until the division's

224 investigation is complete in cases involving a child fatality or near-fatality. The
225 information in the information system shall be updated to reflect any subsequent
226 findings, including any changes to the findings based on an administrative or
227 judicial hearing on the matter.

228 18. A person required to report under section 210.115 to the division and
229 any person making a report of child abuse or neglect made to the division which
230 is not made anonymously shall be informed by the division of his or her right to
231 obtain information concerning the disposition of his or her report. Such person
232 shall receive, from the local office, if requested, information on the general
233 disposition of his or her report. Such person may receive, if requested, findings
234 and information concerning the case. Such release of information shall be at the
235 discretion of the director based upon a review of the reporter's ability to assist in
236 protecting the child or the potential harm to the child or other children within the
237 family. The local office shall respond to the request within forty-five days. The
238 findings shall be made available to the reporter within five days of the outcome
239 of the investigation. If the report is determined to be unsubstantiated, the
240 reporter may request that the report be referred by the division to the office of
241 child advocate for children's protection and services established in sections 37.700
242 to 37.730. Upon request by a reporter under this subsection, the division shall
243 refer an unsubstantiated report of child abuse or neglect to the office of child
244 advocate for children's protection and services.

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

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

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

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

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

259 21. Nothing in this chapter shall be construed to prohibit the children's

260 division from coinvestigating a report of child abuse or neglect or sharing records
261 and information with child welfare, law enforcement, or judicial officers of
262 another state, territory, or nation if the children's division determines it is
263 appropriate to do so under the standard set forth in subsection 4 of section
264 210.150 and if such receiving agency is exercising its authority under the law.

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

269 23. The children's division is hereby granted the authority to promulgate
270 rules and regulations pursuant to the provisions of section 207.021 and chapter
271 536 to carry out the provisions of sections 210.109 to 210.183.

272 24. Any rule or portion of a rule, as that term is defined in section
273 536.010, that is created under the authority delegated in this section shall
274 become effective only if it complies with and is subject to all of the provisions of
275 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
276 nonseverable and if any of the powers vested with the general assembly pursuant
277 to chapter 536 to review, to delay the effective date or to disapprove and annul
278 a rule are subsequently held unconstitutional, then the grant of rulemaking
279 authority and any rule proposed or adopted after August 28, 2000, shall be
280 invalid and void.

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

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

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

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

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

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

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

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

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

59 (8) Any child-care facility; child-placing agency; residential-care facility,
60 including group homes; juvenile courts; public or private elementary schools;
61 public or private secondary schools; or any other public or private agency
62 exercising temporary supervision over a child or providing or having care or
63 custody of a child who may request an examination of the central registry from
64 the division for all employees and volunteers or prospective employees and
65 volunteers, who do or will provide services or care to children. Any agency or
66 business recognized by the division or business which provides training and
67 places or recommends people for employment or for volunteers in positions where
68 they will provide services or care to children may request the division to provide
69 an examination of the central registry. Such agency or business shall provide
70 verification of its status as a recognized agency. Requests for examinations shall
71 be made to the division director or the director's designee in writing by the chief
72 administrative officer of the above homes, centers, public and private elementary
73 schools, public and private secondary schools, agencies, or courts. The division
74 shall respond in writing to that officer. The response shall include information
75 pertaining to the nature and disposition of any report or reports of abuse or
76 neglect revealed by the examination of the central registry. This response shall
77 not include any identifying information regarding any person other than the
78 alleged perpetrator of the abuse or neglect;

79 (9) Any parent or legal guardian who inquires about a child abuse or
80 neglect report involving a specific person or child-care facility who does or may
81 provide services or care to a child of the person requesting the
82 information. Request for examinations shall be made to the division director or
83 the director's designee, in writing, by the parent or legal guardian of the child
84 and shall be accompanied with a signed and notarized release form from the
85 person who does or may provide care or services to the child. The notarized
86 release form shall include the full name, date of birth and Social Security number
87 of the person who does or may provide care or services to a child. The response

88 shall include information pertaining to the nature and disposition of any report
89 or reports of abuse or neglect revealed by the examination of the central
90 registry. This response shall not include any identifying information regarding
91 any person other than the alleged perpetrator of the abuse or neglect. The
92 response shall be given within ten working days of the time it was received by the
93 division;

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

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

103 (12) Any child fatality review panel established pursuant to section
104 210.192 or any state child fatality review panel established pursuant to section
105 210.195;

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

113 **(14) Appropriate staff of the United States Department of**
114 **Defense including, but not limited to, authorized family advocacy**
115 **program staff or any other staff authorized to receive and respond to**
116 **reports requested under 10 U.S.C. Section 1787, in cases where a report**
117 **has been made and the suspected perpetrator or any person responsible**
118 **for the care, custody, and control of the subject child is a member of**
119 **the Armed Forces, as defined in section 41.030.**

120 3. Only the following persons shall have access to records maintained by
121 the division pursuant to section 210.152 for which the division has received a
122 report of child abuse and neglect and which the division has determined that
123 there is insufficient evidence or in which the division proceeded with the family

124 assessment and services approach:

125 (1) Appropriate staff of the division;

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

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

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

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

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

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

157 (8) **Appropriate staff of the United States Department of Defense**
158 **including, but not limited to, authorized family advocacy program staff**
159 **or any other staff authorized to receive and respond to reports**

160 **requested under 10 U.S.C. Section 1787, in cases where a report has**
161 **been made and the suspected perpetrator or any person responsible for**
162 **the care, custody, and control of the subject child is a member of the**
163 **Armed Forces, as defined in section 41.030.**

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

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

174 **6. Notwithstanding any provisions of this section or chapter to**
175 **the contrary, if the division receives a report and ascertains that a**
176 **suspected perpetrator or any person responsible for the care, custody,**
177 **and control of the subject child is a member of the Armed Forces, as**
178 **defined in section 41.030, the division shall report its findings to the**
179 **most relevant family advocacy program authorized by the United States**
180 **Department of Defense or any other relevant person authorized by the**
181 **United States Department of Defense to receive reports under 10 U.S.C.**
182 **Section 1787.**

210.160. 1. In every case involving an abused or neglected child which
2 results in a judicial proceeding, the judge shall appoint a guardian ad litem to
3 appear for and represent:

4 (1) A child who is the subject of proceedings pursuant to sections 210.110
5 to 210.165 except proceedings under subsection 6 of section 210.152, sections
6 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170,
7 or proceedings to determine custody or visitation rights under sections 452.375
8 to 452.410; or

9 (2) A parent who is a minor, or who is a mentally ill person or otherwise
10 incompetent, and whose child is the subject of proceedings under sections 210.110
11 to 210.165, sections 210.700 to 210.760, sections 211.442 to 211.487, or sections
12 453.005 to 453.170.

13 2. The judge, either sua sponte or upon motion of a party, may appoint a

14 guardian ad litem to appear for and represent an abused or neglected child
15 involved in proceedings arising under subsection 6 of section 210.152.

16 3. **The guardian ad litem shall establish a relationship with the**
17 **child and shall meet face-to-face with the child in a private setting at**
18 **a time and place that allows the guardian ad litem to observe the child**
19 **and ascertain the child's wishes, safety and placement needs, and the**
20 **need for further meetings and investigation. Such initial interview**
21 **shall take place within seven business days following the receipt of**
22 **notification of the appointment by the guardian ad litem and receipt of**
23 **information pertaining to the custody and location of the child. The**
24 **time during which the initial interview shall occur may be extended or**
25 **waived in its entirety, by leave of the court, or may be shortened by the**
26 **court sua sponte, if doing so would be in the best interests of the child**
27 **when considering the child's age, maturity, and other compelling**
28 **circumstances. The child's current placement or legal custodian shall**
29 **cooperate with the guardian ad litem to schedule the initial meeting**
30 **and take all steps necessary to effectuate the meeting. The guardian ad**
31 **litem shall continue to maintain contact with the child for the duration**
32 **of the appointment.**

33 4. The guardian ad litem shall be provided with all reports relevant to the
34 case made to or by any agency or person, shall have access to all records of such
35 agencies or persons relating to the child or such child's family members or
36 placements of the child[,] and, upon appointment by the court to a case, shall be
37 informed of [and], have the right to attend, **and shall attend, as appropriate**
38 **and necessary**, any and all family support team meetings involving the
39 child. Employees of the division, officers of the court, and employees of any
40 agency involved shall fully inform the guardian ad litem of all aspects of the case
41 of which they have knowledge or belief.

42 [4.] 5. The appointing judge shall require the guardian ad litem to
43 faithfully discharge such guardian ad litem's duties, and upon failure to do so
44 shall discharge such guardian ad litem and appoint another. The appointing
45 judge shall have the authority to examine the general and criminal background
46 of persons appointed as guardians ad litem, including utilization of the family
47 care safety registry and access line pursuant to sections 210.900 to 210.937, to
48 ensure the safety and welfare of the children such persons are appointed to
49 represent. The judge in making appointments pursuant to this section shall give

50 preference to persons who served as guardian ad litem for the child in the earlier
51 proceeding, unless there is a reason on the record for not giving such preference.

52 [5.] 6. The guardian ad litem may be awarded a reasonable fee for such
53 services to be set by the court. The court, in its discretion, may award such fees
54 as a judgment to be paid by any party to the proceedings or from public
55 funds. However, no fees as a judgment shall be taxed against a party or parties
56 who have not been found to have abused or neglected a child or children. Such
57 an award of guardian fees shall constitute a final judgment in favor of the
58 guardian ad litem. Such final judgment shall be enforceable against the parties
59 in accordance with chapter 513.

60 [6.] 7. The court may designate volunteer advocates, who may or may not
61 be attorneys licensed to practice law, to assist in the performance of the guardian
62 ad litem duties for the court. Nonattorney volunteer advocates shall not provide
63 legal representation. The court shall have the authority to examine the general
64 and criminal background of persons designated as volunteer advocates, including
65 utilization of the family care safety registry and access line pursuant to sections
66 210.900 to 210.937, to ensure the safety and welfare of the children such persons
67 are designated to represent. The volunteer advocate shall be provided with all
68 reports relevant to the case made to or by any agency or person, shall have access
69 to all records of such agencies or persons relating to the child or such child's
70 family members or placements of the child, and upon designation by the court to
71 a case, shall be informed of and have the right to attend any and all family
72 support team meetings involving the child. Any such designated person shall
73 receive no compensation from public funds. This shall not preclude
74 reimbursement for reasonable expenses.

75 [7.] 8. Any person appointed to perform guardian ad litem duties shall
76 have completed a training program in permanency planning and shall advocate
77 for timely court hearings whenever possible to attain permanency for a child as
78 expeditiously as possible to reduce the effects that prolonged foster care may have
79 on a child. A nonattorney volunteer advocate shall have access to a court
80 appointed attorney guardian ad litem should the circumstances of the particular
81 case so require.

210.566. 1. (1) The children's division and its contractors, recognizing
2 that foster parents are not clients but rather are colleagues in the child welfare
3 team, shall treat foster parents in a manner consistent with the National
4 Association of Social Workers' ethical standards of conduct as described in its

5 Social Workers' Ethical Responsibilities to Colleagues. Foster parents shall treat
6 the children in their care, the child's birth family and members of the child
7 welfare team in a manner consistent with their ethical responsibilities as
8 professional team members.

9 (2) The children's division and its contractors shall provide written
10 notification of the rights enumerated in this section at the time [of] **a child is**
11 **placed with the prospective foster parent, at** initial licensure, and at the
12 time of each licensure renewal following the initial licensure period.

13 2. (1) The children's division and its contractors shall provide foster
14 parents with regularly scheduled opportunities for preservice training, and
15 regularly scheduled opportunities for pertinent inservice training, as determined
16 by the Missouri State Foster Care and Adoption Advisory Board.

17 (2) The children's division and its contractors shall provide to foster
18 parents and potential adoptive parents, prior to placement, all pertinent
19 information, including but not limited to full disclosure of all medical,
20 psychological, and psychiatric conditions of the child, as well as information from
21 previous placements that would indicate that the child or children may have a
22 propensity to cause violence to any member of the foster family home. The foster
23 parents shall be provided with any information regarding the child or the child's
24 family, including but not limited to the case plan, any family history of mental
25 or physical illness, sexual abuse of the child or sexual abuse perpetrated by the
26 child, criminal background of the child or the child's family, fire-setting or other
27 destructive behavior by the child, substance abuse by the child or child's family,
28 or any other information which is pertinent to the care and needs of the child and
29 to protect the foster or adoptive family. **The children's division and its**
30 **contractors shall provide full access to the child's medical,**
31 **psychological, and psychiatric records in its possession at the time of**
32 **placement, including records prior to the child coming into care, at the**
33 **time the child is placed with a foster parent. After initial placement,**
34 **the children's division and its contractors shall have a continuing duty**
35 **and obligation to provide access to such records that come into its**
36 **possession or of which the division or its contractors become**
37 **aware. Access shall include providing information and authorization**
38 **for foster parents to review or to obtain the records directly from the**
39 **medical, psychological, or psychiatric services provider. A foster**
40 **parent may decline access to any or all of the child's records. Knowingly**

41 providing false or misleading information to foster parents in order to secure
42 placement shall be denoted in the caseworker's personnel file and shall be kept
43 on record by the division.

44 (3) The children's division and its contractors shall arrange preplacement
45 visits, except in emergencies.

46 (4) The foster parents may ask questions about the child's case plan,
47 encourage a placement or refuse a placement without reprisal from the
48 caseworker or agency. After a placement, the children's division and its
49 contractors shall update the foster parents as new information about the child is
50 gathered.

51 (5) Foster parents shall be informed in a timely manner by the children's
52 division and its contractors of all team meetings and staffings concerning their
53 licensure status or children placed in their homes, and shall be allowed to
54 participate, consistent with section 210.761.

55 (6) The children's division and its contractors shall establish reasonably
56 accessible respite care for children in foster care for short periods of time, jointly
57 determined by foster parents and the child's caseworker pursuant to section
58 210.545. Foster parents shall follow all procedures established by the children's
59 division and its contractors for requesting and using respite care.

60 (7) Foster parents shall treat all information received from the children's
61 division and its contractors about the child and the child's family as
62 confidential. Information necessary for the medical or psychiatric care of the
63 child may be provided to the appropriate practitioners. Foster parents may share
64 information necessary with school personnel in order to secure a safe and
65 appropriate education for the child. Additionally, foster parents shall share
66 information they may learn about the child and the child's family, and concerns
67 that arise in the care of the child, with the caseworker and other members of the
68 child welfare team. Recognizing that placement changes are difficult for children,
69 foster parents shall seek all necessary information, and participate in
70 preplacement visits whenever possible, before deciding whether to accept a child
71 for placement.

72 3. (1) Foster parents shall make decisions about the daily living concerns
73 of the child, and shall be permitted to continue the practice of their own family
74 values and routines while respecting the child's cultural heritage. All discipline
75 shall be consistent with state laws and regulations. The children's division shall
76 allow foster parents to help plan visitation between the child and the child's

77 siblings or biological family. Visitations should be scheduled at a time that meets
78 the needs of the child, the biological family members, and the foster family
79 whenever possible. Recognizing that visitation with family members is an
80 important right of children in foster care, foster parents shall be flexible and
81 cooperative with regard to family visits. **The children's division shall not**
82 **require foster parents to conduct supervised visits or be present during**
83 **any supervised visits between the child and the child's siblings or**
84 **biological family.**

85 (2) Foster parents shall provide care that is respectful of the child's
86 cultural identity and needs. Recognizing that cultural competence can be
87 learned, the children's division and their contractors shall provide foster parents
88 with training that specifically addresses cultural needs of children, including but
89 not limited to, information on skin and hair care, information on any specific
90 religious or cultural practices of the child's biological family, and referrals to
91 community resources for ongoing education and support.

92 (3) Foster parents shall recognize that the purpose of discipline is to teach
93 and direct the behavior of the child, and ensure that it is administered in a
94 humane and sensitive manner. Foster parents shall use discipline methods which
95 are consistent with children's division policy.

96 4. (1) Consistent with state laws and regulations, the children's division
97 and its contractors shall provide, upon request by the foster parents, information
98 about a child's progress after the child leaves foster care.

99 (2) Except in emergencies, foster parents shall be given two weeks
100 advance notice and a written statement of the reasons before a child is removed
101 from their care. When requesting removal of a child from their home, foster
102 parents shall give two weeks advance notice, consistent with division policy, to
103 the child's caseworker, except in emergency situations.

104 (3) Recognizing the critical nature of attachment for children, if a child
105 reenters the foster care system and is not placed in a relative home, the child's
106 former foster parents shall be given first consideration for placement of the child.

107 (4) If a child becomes free for adoption while in foster care, the child's
108 foster family shall be given preferential consideration as adoptive parents
109 consistent with section 453.070.

110 (5) If a foster child becomes free for adoption and the foster parents desire
111 to adopt the child, they shall inform the caseworker within sixty days of the
112 caseworker's initial query. If they do not choose to pursue adoption, foster

113 parents shall make every effort to support and encourage the child's placement
114 in a permanent home, including but not limited to providing information on the
115 history and care needs of the child and accommodating transitional visitation.

116 5. Foster parents shall be informed by the court no later than two weeks
117 prior to all court hearings pertaining to a child in their care, and informed of
118 their right to attend and participate, consistent with section 211.464.

119 6. The children's division and their contractors shall provide access to a
120 fair and impartial grievance process to address licensure, case management
121 decisions, and delivery of service issues. Foster parents shall have timely access
122 to the child placement agency's appeals process, and shall be free from acts of
123 retaliation when exercising the right to appeal.

124 7. The children's division and their contractors shall provide training to
125 foster parents on the policies and procedures governing the licensure of foster
126 homes, the provision of foster care, and the adoption process. Foster parents
127 shall, upon request, be provided with written documentation of the policies of the
128 children's division and their contractors. Per licensure requirements, foster
129 parents shall comply with the policies of the child placement agency.

130 8. For purposes of this section, "foster parent" means a resource family
131 providing care of children in state custody.

**211.135. The court, after considering all information provided by
2 the children's division and input from the family support team, shall
3 order the child to appear in court only:**

4 **(1) If necessary to make a decision; and**

5 **(2) After considering:**

6 **(a) The appropriateness of the courtroom environment for the
7 child based on the level of trauma to the child either in the past or to
8 be caused by the experience in the courtroom; and**

9 **(b) The hardship to be endured by the child and current
10 guardians in regards to the disruption in regular activities, including
11 school and work, and the needs of any other children in the home,
12 so long as the court is in compliance with all federal guidelines.**

211.171. 1. The procedure to be followed at the hearing shall be
2 determined by the juvenile court judge and may be as formal or informal as he
3 or she considers desirable, consistent with constitutional and statutory
4 requirements. The judge may take testimony and inquire into the habits,
5 surroundings, conditions and tendencies of the child and the family to enable the

6 court to render such order or judgment as will best promote the welfare of the
7 child and carry out the objectives of this chapter.

8 2. The hearing may, in the discretion of the court, proceed in the absence
9 of the child and may be adjourned from time to time.

10 3. The current foster [parents] **parent** of a child, or any preadoptive
11 parent or relative currently providing care for the child, shall be provided with
12 notice of, and an opportunity to be heard in, any hearing to be held with respect
13 to [the child, and a foster parent shall have standing] **a child in his or her**
14 **care** to participate in all court hearings pertaining to a child in their care. **If a**
15 **foster parent alleges the court failed to allow the foster parent to be**
16 **heard orally or by submission of correspondence at any hearing**
17 **regarding a child in their care, the foster parent may seek remedial**
18 **writ relief pursuant to Missouri supreme court rules 84, 94, and 97. No**
19 **docket fee shall be required to be paid by the foster parent. The**
20 **children's division shall not remove a child from placement with a**
21 **foster parent based solely upon the foster parent's filing of a petition**
22 **for a remedial writ or while a writ is pending, unless removal is**
23 **necessary to ensure the health and safety of the child.**

24 4. The court shall ensure a child's foster parent has received full
25 access to the child's medical, psychological, and psychiatric records,
26 including prior records, from the children's division and its contractors
27 under section 210.566, by inquiring at the first hearing at which the
28 foster parent is present.

29 5. All cases of children shall be heard separately from the trial of cases
30 against adults.

31 [5.] 6. Stenographic notes or an authorized recording of the hearing shall
32 be required if the court so orders or, if requested by any party interested in the
33 proceeding.

34 [6.] 7. The general public shall be excluded and only such persons
35 admitted as have a direct interest in the case or in the work of the court except
36 in cases where the child is accused of conduct which, if committed by an adult,
37 would be considered a class A or B felony; or for conduct which would be
38 considered a class C felony, if the child has previously been formally adjudicated
39 for the commission of two or more unrelated acts which would have been class A,
40 B or C felonies, if committed by an adult.

41 [7.] 8. The practice and procedure customary in proceedings in equity

42 shall govern all proceedings in the juvenile court; except that, the court shall not
43 grant a continuance in such proceedings absent compelling extenuating
44 circumstances, and in such cases, the court shall make written findings on the
45 record detailing the specific reasons for granting a continuance.

46 [8.] 9. The court shall allow the victim of any offense to submit a written
47 statement to the court. The court shall allow the victim to appear before the
48 court personally or by counsel for the purpose of making a statement, unless the
49 court finds that the presence of the victim would not serve justice. The statement
50 shall relate solely to the facts of the case and any personal injuries or financial
51 loss incurred by the victim. A member of the immediate family of the victim may
52 appear personally or by counsel to make a statement if the victim has died or is
53 otherwise unable to appear as a result of the offense committed by the child.

431.056. 1. A minor shall be qualified and competent to contract for
2 housing, employment, purchase of an automobile, receipt of a student loan,
3 admission to high school or postsecondary school, obtaining medical **and mental**
4 **health** care, establishing a bank account, admission to a shelter for victims of
5 domestic violence, as that phrase is used in sections 455.200 to 455.220, a rape
6 crisis center, as defined in section 455.003, or a homeless shelter, and receipt of
7 services as a victim of domestic violence or sexual assault, as such terms are
8 defined in section 455.010, including, but not limited to, counseling, court
9 advocacy, financial assistance, and other advocacy services, if:

10 (1) The minor is sixteen or seventeen years of age; and

11 (2) The minor is homeless, as defined in subsection 1 of section 167.020,
12 or a victim of domestic violence, as defined in section 455.010, unless the child is
13 under the supervision of the children's division or the jurisdiction of the juvenile
14 court; and

15 (3) The minor is self-supporting, such that the minor is without the
16 physical or financial support of a parent or legal guardian; and

17 (4) The minor's parent or legal guardian has consented to the minor living
18 independent of the parents' or guardians' control. Consent may be expressed or
19 implied, such that:

20 (a) Expressed consent is any verbal or written statement made by the
21 parents or guardian of the minor displaying approval or agreement that the
22 minor may live independently of the parent's or guardian's control;

23 (b) a. Implied consent is any action made by the parent or guardian of
24 the minor that indicates the parent or guardian is unwilling or unable to

25 adequately care for the minor. Such actions may include, but are not limited to:

26 [a.] (i) Barring the minor from the home or otherwise indicating that the
27 minor is not welcome to stay;

28 [b.] (ii) Refusing to provide any or all financial support for the minor; or

29 [c.] (iii) Abusing or neglecting the minor, as defined in section 210.110,
30 or committing an act or acts of domestic violence against the minor, as defined
31 in section 455.010.

32 **b. Implied consent, in addition to the actions described in**
33 **subparagraph a of this paragraph, may also be demonstrated by a letter**
34 **signed by the following persons verifying that the minor is an**
35 **unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6):**

36 (i) **A director or designee of a governmental or nonprofit agency**
37 **that receives public or private funding to provide services to homeless**
38 **persons;**

39 (ii) **A local education agency liaison for homeless children and**
40 **youth designated under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school**
41 **social worker or counselor; or**

42 (iii) **A licensed attorney representing the minor in any legal**
43 **matter.**

44 2. A minor who is sixteen years of age or older and who is in the legal
45 custody of the children's division pursuant to an order of a court of competent
46 jurisdiction shall be qualified and competent to contract for the purchase of
47 automobile insurance with the consent of the children's division or the juvenile
48 court. The minor shall be responsible for paying the costs of the insurance
49 premiums and shall be liable for damages caused by his or her negligent
50 operation of a motor vehicle. No state department, foster parent, or entity
51 providing case management of children on behalf of a department shall be
52 responsible for paying any insurance premiums nor liable for any damages of any
53 kind as a result of the operation of a motor vehicle by the minor.

54 3. A minor who is sixteen years of age or older and who is in the legal
55 custody of the children's division pursuant to an order of a court of competent
56 jurisdiction shall be qualified and competent to contract for the opening of a
57 checking or savings bank account with the consent of the children's division or
58 the juvenile court. The minor shall be responsible for paying all banking-related
59 costs associated with the checking or savings account and shall be liable for any
60 and all penalties should he or she violate a banking agreement. No state

61 department, foster parent, or entity providing case management of children on
62 behalf of a department shall be responsible for paying any bank fees nor liable
63 for any and all penalties related to violation of a banking agreement.

64 **4. Any legally-constituted entity or licensed provider who**
65 **contracts with a minor under subsection 1 of this section shall be**
66 **immune from any civil or criminal liability based on the entity's or**
67 **provider's determination to contract with the minor; provided that, if**
68 **an entity's or provider's determination of compliance with subsection**
69 **1 of this section, or conduct in contracting with the minor, is the result**
70 **of the entity's or provider's gross negligence or willful or wanton acts**
71 **or omissions, then the entity or provider may be held liable for their**
72 **gross negligence or willful or wanton acts or omissions. Consent given**
73 **under this section shall not be subject to later disaffirmance by reason**
74 **of the minor's age.**

453.121. 1. As used in this section, unless the context clearly indicates
2 otherwise, the following terms mean:

3 (1) "Adopted adult", any adopted person who is eighteen years of age or
4 over;

5 (2) "Adopted child", any adopted person who is less than eighteen years
6 of age;

7 (3) "Adult sibling", any brother or sister of the whole or half blood who is
8 eighteen years of age or over;

9 (4) "Biological parent", the natural and biological mother or father of the
10 adopted child;

11 (5) "Identifying information", **individually identifying** information
12 [which includes the name, date of birth, place of birth and last known address of
13 the biological parent] **for or about a unique individual, including**
14 **information likely to disclose the contact information, location, or**
15 **identity of such individual;**

16 (6) "Lineal descendant", [a legal descendant of a person] as defined in
17 section 472.010;

18 (7) "Nonidentifying information", information [concerning the physical
19 description, nationality, religious background and medical history of the biological
20 parent or sibling] **that is not identifying information.**

21 2. All papers, records, and information pertaining to an adoption whether
22 part of any permanent record or file may be disclosed only in accordance with this

23 section.

24 3. Nonidentifying information, if known, concerning undisclosed biological
25 parents or siblings shall be furnished by the child-placing agency or the juvenile
26 court to the adoptive parents, legal guardians, adopted adult or the adopted
27 adult's lineal descendants if the adopted adult is deceased, upon written request
28 therefor.

29 4. An adopted adult, or the adopted adult's lineal descendants if the
30 adopted adult is deceased, may make a written request to the circuit court having
31 original jurisdiction of such adoption to secure and disclose information
32 identifying the adopted adult's biological parents. If the biological parents have
33 consented to the release of identifying information under subsection 8 of this
34 section, the court shall disclose such identifying information to the adopted adult
35 or the adopted adult's lineal descendants if the adopted adult is deceased. If the
36 biological parents have not consented to the release of identifying information
37 under subsection 8 of this section, the court shall, within ten days of receipt of
38 the request, notify in writing the child-placing agency or juvenile court personnel
39 having access to the information requested of the request by the adopted adult
40 or the adopted adult's lineal descendants.

41 5. Within three months after receiving notice of the request of the adopted
42 adult, or the adopted adult's lineal descendants, the child-placing agency or the
43 juvenile court personnel shall make reasonable efforts to notify the biological
44 parents of the request of the adopted adult or the adopted adult's lineal
45 descendants. The child-placing agency or juvenile court personnel may charge
46 actual costs to the adopted adult or the adopted adult's lineal descendants for the
47 cost of making such search. All communications under this subsection are
48 confidential. For purposes of this subsection, "notify" means a personal and
49 confidential contact with the biological parent of the adopted adult, which initial
50 contact shall be made by an employee of the child-placing agency which processed
51 the adoption, juvenile court personnel or some other licensed child-placing agency
52 designated by the child-placing agency or juvenile court. Nothing in this section
53 shall be construed to permit the disclosure of communications privileged pursuant
54 to section 491.060. At the end of three months, the child-placing agency or
55 juvenile court personnel shall file a report with the court stating that each
56 biological parent that was located was given the following information:

57 (1) The nature of the identifying information to which the agency has
58 access;

59 (2) The nature of any nonidentifying information requested;

60 (3) The date of the request of the adopted adult or the adopted adult's
61 lineal descendants;

62 (4) The right of the biological parent to file an affidavit with the court
63 stating that the identifying information should be disclosed;

64 (5) The effect of a failure of the biological parent to file an affidavit
65 stating that the identifying information should be disclosed.

66 6. If the child-placing agency or juvenile court personnel reports to the
67 court that it has been unable to notify the biological parent within three months,
68 the identifying information shall not be disclosed to the adopted adult or the
69 adopted adult's lineal descendants. Additional requests for the same or
70 substantially the same information may not be made to the court within one year
71 from the end of the three-month period during which the attempted notification
72 was made, unless good cause is shown and leave of court is granted.

73 7. If, within three months, the child-placing agency or juvenile court
74 personnel reports to the court that it has notified the biological parent pursuant
75 to subsection 5 of this section, the court shall receive the identifying information
76 from the child-placing agency. If an affidavit duly executed by a biological parent
77 authorizing the release of information is filed with the court or if a biological
78 parent is found to be deceased, the court shall disclose the identifying information
79 as to that biological parent to the adopted adult or the adopted adult's lineal
80 descendants if the adopted adult is deceased, provided that the other biological
81 parent either:

82 (1) Is unknown;

83 (2) Is known but cannot be found and notified pursuant to subsection 5
84 of this section;

85 (3) Is deceased; or

86 (4) Has filed with the court an affidavit authorizing release of identifying
87 information.

88 If the biological parent fails or refuses to file an affidavit with the court
89 authorizing the release of identifying information, then the identifying
90 information shall not be released to the adopted adult. No additional request for
91 the same or substantially the same information may be made within three years
92 of the time the biological parent fails or refuses to file an affidavit authorizing the
93 release of identifying information.

94 8. **Notwithstanding any provision of law to the contrary, all**

95 **information, including identifying information, shall be released to an**
96 **adopted adult if the adopted adult's biological parent lost his or her**
97 **parental rights through a nonconsensual termination of parental rights**
98 **proceeding.**

99 **9.** Any adopted adult whose adoption was finalized in this state or whose
100 biological parents had their parental rights terminated in this state may request
101 the court to secure and disclose identifying information concerning an adult
102 sibling. Identifying information pertaining exclusively to the adult sibling,
103 whether part of the permanent record of a file in the court or in an agency, shall
104 be released only upon consent of that adult sibling.

105 **[9.] 10.** The central office of the children's division within the department
106 of social services shall maintain a registry by which biological parents, adult
107 siblings, and adoptive adults may indicate their desire to be contacted by each
108 other. The division may request such identification for the registry as a party
109 may possess to assure positive identifications. At the time of registry, a biological
110 parent or adult sibling may consent in writing to the release of identifying
111 information to an adopted adult. If such a consent has not been executed and the
112 division believes that a match has occurred on the registry between biological
113 parents or adult siblings and an adopted adult, an employee of the division shall
114 make the confidential contact provided in subsection 5 of this section with the
115 biological parents or adult siblings and with the adopted adult. If the division
116 believes that a match has occurred on the registry between one biological parent
117 or adult sibling and an adopted adult, an employee of the division shall make the
118 confidential contact provided by subsection 5 of this section with the biological
119 parent or adult sibling. The division shall then attempt to make such
120 confidential contact with the other biological parent, and shall proceed thereafter
121 to make such confidential contact with the adopted adult only if the division
122 determines that the other biological parent meets one of the conditions specified
123 in subsection 7 of this section. The biological parent, adult sibling, or adopted
124 adult may refuse to go forward with any further contact between the parties when
125 contacted by the division.

126 **[10.] 11.** The provisions of this section, except as provided in subsection
127 5 of this section governing the release of identifying and nonidentifying adoptive
128 information apply to adoptions completed before and after August 13, 1986.

129 **[11.] 12.** All papers, records, and information known to or in the
130 possession of an adoptive parent or adoptive child that pertain to an adoption,

131 regardless of whether part of any permanent record or file, may be disclosed by
132 the adoptive parent or adoptive child. The provisions of this subsection shall not
133 be construed to create a right to have access to information not otherwise allowed
134 under this section.

**595.201. 1. This section shall be known and may be cited as the
2 "Sexual Assault Survivors' Bill of Rights".**

**3 2. The rights provided to survivors in this section attach
4 whenever a survivor is subject to a forensic examination, as provided
5 in section 595.220; and whenever a survivor is subject to an interview
6 by a law enforcement official, prosecuting attorney, or defense
7 attorney. A survivor retains all the rights of this section at all times
8 regardless of whether the survivor agrees to participate in the criminal
9 justice system or in family court; and regardless of whether the
10 survivor consents to a forensic examination to collect sexual assault
11 forensic evidence. The following rights shall be afforded to sexual
12 assault survivors:**

**13 (1) A survivor has the right to consult, subject to the
14 confidentiality requirements of section 455.003, with an employee or
15 volunteer of a rape crisis center during any forensic examination, as
16 well as the right to have a support person of the survivor's choosing
17 present, subject to hospital licensing requirements under chapter 197
18 and regulations promulgated thereunder; and during any interview by
19 a law enforcement official, prosecuting attorney, or defense attorney.
20 A survivor retains this right even if the survivor has waived the right
21 in a previous examination or interview;**

**22 (2) Reasonable costs incurred by a medical provider for the
23 forensic examination portion of the examination of a survivor shall be
24 paid by the department of public safety, out of appropriations made for
25 that purpose, as provided under section 595.220. Evidentiary collection
26 kits shall be developed and made available, subject to appropriations,
27 to appropriate medical providers by the highway patrol or its designees
28 and eligible crime laboratories. All appropriate medical provider
29 charges for eligible forensic examinations shall be billed to and paid by
30 the department of public safety;**

**31 (3) Before a medical provider commences a forensic examination
32 of a survivor, the medical provider shall provide the survivor with a
33 document to be developed by the department of public safety that**

34 explains the rights of survivors, pursuant to this section, in clear
35 language that is comprehensible to a person proficient in English at the
36 fifth grade level, accessible to persons with visual disabilities, and
37 available in all major languages of the state. This document shall
38 include, but is not limited to:

39 (a) The survivor's rights pursuant to this section and other rules
40 and regulations by the department of public safety and the department
41 of health and senior services;

42 (b) The survivor's right to consult with an employee or volunteer
43 of a rape crisis center, to be summoned by the medical provider before
44 the commencement of the forensic examination, unless no employee or
45 volunteer of a rape crisis center can be summoned in a reasonably
46 timely manner, and to have present at least one support person of the
47 victim's choosing;

48 (c) If an employee or volunteer of a rape crisis center or a
49 support person cannot be summoned in a timely manner, the
50 ramifications of delaying the forensic examination; and

51 (d) After the forensic examination, the survivor's right to shower
52 at no cost, unless showering facilities are not reasonably available;

53 (4) Before commencing an interview of a survivor, a law
54 enforcement officer, prosecuting attorney, or defense attorney shall
55 inform the survivor of the following:

56 (a) The survivor's rights pursuant to this section and other rules
57 and regulations by the department of public safety and the department
58 of health and senior services, which shall be signed by the survivor of
59 sexual assault to confirm receipt;

60 (b) The survivor's right to consult with an employee or volunteer
61 of a rape crisis center during any interview by a law enforcement
62 official, prosecuting attorney, or defense attorney, to be summoned by
63 the interviewer before the commencement of the interview, unless no
64 employee or volunteer of a rape crisis center can be summoned in a
65 reasonably timely manner;

66 (c) The survivor's right to have a support person of the
67 survivor's choosing present during any interview by a law enforcement
68 officer, prosecuting attorney, or defense attorney, unless the law
69 enforcement officer, prosecuting attorney, or defense attorney
70 determines in his or her good faith professional judgment that the

71 presence of that individual would be detrimental to the purpose of the
72 interview; and

73 (d) For interviews by a law enforcement officer, the survivor's
74 right to be interviewed by a law enforcement official of the gender of
75 the survivor's choosing. If no law enforcement official of that gender
76 is reasonably available, the survivor shall be interviewed by an
77 available law enforcement official only upon the survivor's consent;

78 (5) The right to counsel during an interview by a law
79 enforcement officer or during any interaction with the legal or criminal
80 justice systems within the state;

81 (6) A law enforcement official, prosecuting attorney, or defense
82 attorney shall not, for any reason, discourage a survivor from receiving
83 a forensic examination;

84 (7) A survivor has the right to prompt analysis of sexual assault
85 forensic evidence, as provided under section 595.220;

86 (8) A survivor has the right to be informed, upon the survivor's
87 request, of the results of the analysis of the survivor's sexual assault
88 forensic evidence, whether the analysis yielded a DNA profile, and
89 whether the analysis yielded a DNA match, either to the named
90 perpetrator or to a suspect already in CODIS. The survivor has the
91 right to receive this information through a secure and confidential
92 message in writing from the crime laboratory so that the survivor can
93 call regarding the results;

94 (9) A defendant or person accused or convicted of a crime
95 against a survivor shall have no standing to object to any failure to
96 comply with this section, and the failure to provide a right or notice to
97 a survivor under this section may not be used by a defendant to seek
98 to have the conviction or sentence set aside;

99 (10) The failure of a law enforcement agency to take possession
100 of any sexual assault forensic evidence or to submit that evidence for
101 analysis within the time prescribed under section 595.220 does not alter
102 the authority of a law enforcement agency to take possession of that
103 evidence or to submit that evidence to the crime laboratory, and does
104 not alter the authority of the crime laboratory to accept and analyze
105 the evidence or to upload the DNA profile obtained from that evidence
106 into CODIS. The failure to comply with the requirements of this
107 section does not constitute grounds in any criminal or civil proceeding

108 for challenging the validity of a database match or of any database
109 information, and any evidence of that DNA record shall not be excluded
110 by a court on those grounds;

111 (11) No sexual assault forensic evidence shall be used to
112 prosecute a survivor for any misdemeanor crimes or any misdemeanor
113 crime pursuant to sections 579.015 to 579.185; or as a basis to search for
114 further evidence of any unrelated misdemeanor crimes or any
115 misdemeanor crime pursuant to sections 579.015 to 579.185, that shall
116 have been committed by the survivor, except that sexual assault
117 forensic evidence shall be admissible as evidence in any criminal or
118 civil proceeding against the defendant or person accused;

119 (12) Upon initial interaction with a survivor, a law enforcement
120 officer shall provide the survivor with a document to be developed by
121 the department of public safety that explains the rights of survivors,
122 pursuant to this section, in clear language that is comprehensible to a
123 person proficient in English at the fifth grade level, accessible to
124 persons with visual disabilities, and available in all major languages of
125 the state. This document shall include, but is not limited to:

126 (a) A clear statement that a survivor is not required to
127 participate in the criminal justice system or to receive a forensic
128 examination in order to retain the rights provided by this section and
129 other relevant law;

130 (b) Telephone and internet means of contacting nearby rape
131 crisis centers and employees or volunteers of a rape crisis center;

132 (c) Forms of law enforcement protection available to the
133 survivor, including temporary protection orders, and the process to
134 obtain such protection;

135 (d) Instructions for requesting the results of the analysis of the
136 survivor's sexual assault forensic evidence; and

137 (e) State and federal compensation funds for medical and other
138 costs associated with the sexual assault and any municipal, state, or
139 federal right to restitution for survivors in the event of a criminal trial;

140 (13) A law enforcement official shall, upon written request by a
141 survivor, furnish within fourteen days of receiving such request a free,
142 complete, and unaltered copy of all law enforcement reports concerning
143 the sexual assault, regardless of whether the report has been closed by
144 the law enforcement agency;

145 **(14) A prosecuting attorney shall, upon written request by a**
146 **survivor, provide:**

147 **(a) Timely notice of any pretrial disposition of the case;**

148 **(b) Timely notice of the final disposition of the case, including**
149 **the conviction, sentence, and place and time of incarceration;**

150 **(c) Timely notice of a convicted defendant's location, including**
151 **whenever the defendant receives a temporary, provisional, or final**
152 **release from custody, escapes from custody, is moved from a secure**
153 **facility to a less secure facility, or re-enters custody; and**

154 **(d) A convicted defendant's information on a sex offender**
155 **registry, if any;**

156 **(15) In either a civil or criminal case relating to the sexual**
157 **assault, a survivor has the right to be reasonably protected from the**
158 **defendant and persons acting on behalf of the defendant, as provided**
159 **under section 595.209 and Article I, Section 32 of the Missouri**
160 **Constitution;**

161 **(16) A survivor has the right to be free from intimidation,**
162 **harassment, and abuse, as provided under section 595.209 and Article**
163 **I, Section 32 of the Missouri Constitution;**

164 **(17) A survivor shall not be required to submit to a polygraph**
165 **examination as a prerequisite to filing an accusatory pleading, as**
166 **provided under section 595.223, or to participating in any part of the**
167 **criminal justice system;**

168 **(18) A survivor has the right to be heard through a survivor**
169 **impact statement at any proceeding involving a post-arrest release**
170 **decision, plea, sentencing, post-conviction release decision, or any**
171 **other proceeding where a right of the survivor is at issue, as provided**
172 **under section 595.229 and Article I, Section 32 of the Missouri**
173 **Constitution.**

174 **3. For purposes of this section, the following terms mean:**

175 **(1) "CODIS", the Federal Bureau of Investigation's Combined DNA**
176 **Index System that allows the storage and exchange of DNA records**
177 **submitted by federal, state, and local DNA crime laboratories. The term**
178 **"CODIS" includes the National DNA Index System administered and**
179 **operated by the Federal Bureau of Investigation;**

180 **(2) "Crime", an act committed in this state which, regardless of**
181 **whether it is adjudicated, involves the application of force or violence**

182 or the threat of force or violence by the offender upon the victim and
183 shall include the crime of driving while intoxicated, vehicular
184 manslaughter and hit and run; and provided, further, that no act
185 involving the operation of a motor vehicle, except driving while
186 intoxicated, vehicular manslaughter and hit and run, which results in
187 injury to another shall constitute a crime for the purpose of this
188 section, unless such injury was intentionally inflicted through the use
189 of a motor vehicle. A crime shall also include an act of terrorism, as
190 defined in 18 U.S.C. Section 2331, which has been committed outside of
191 the United States against a resident of Missouri;

192 (3) "Crime laboratory", a laboratory operated or supported
193 financially by the state, or any unit of city, county, or other local
194 Missouri government that employs at least one scientist who examines
195 physical evidence in criminal matters and provides expert or opinion
196 testimony with respect to such physical evidence in a state court of
197 law;

198 (4) "Disposition", the sentencing or determination of a penalty or
199 punishment to be imposed upon a person convicted of a crime or found
200 delinquent or against who a finding of sufficient facts for conviction or
201 finding of delinquency is made;

202 (5) "Law enforcement official", a sheriff and his regular deputies,
203 municipal police officer, or member of the Missouri state highway
204 patrol and such other persons as may be designated by law as peace
205 officers;

206 (6) "Medical provider", any qualified health care professional,
207 hospital, other emergency medical facility, or other facility conducting
208 a forensic examination of the survivor;

209 (7) "Rape crisis center", any public or private agency that offers
210 assistance to victims of sexual assault, as the term sexual assault is
211 defined in section 455.010, who are adults, as defined by section 455.010,
212 or qualified minors, as defined by section 431.056;

213 (8) "Restitution", money or services which a court orders a
214 defendant to pay or render to a survivor as part of the disposition;

215 (9) "Sexual assault survivor", any person who is a victim of an
216 alleged sexual offense under sections 566.010 to 566.223 and, if the
217 survivor is incompetent, deceased, or a minor who is unable to consent
218 to counseling services, the parent, guardian, spouse, or any other

219 lawful representative of the survivor, unless such person is the alleged
220 assailant;

221 (10) "Sexual assault forensic evidence", any human biological
222 specimen collected by a medical provider during a forensic medical
223 examination from an alleged survivor, as provided for in section
224 595.220, including, but not limited to, a toxicology kit;

225 (11) "Survivor", a natural person who suffers direct or threatened
226 physical, emotional, or financial harm as the result of the commission
227 or attempted commission of a crime. The term "victim" also includes
228 the family members of a minor, incompetent, or homicide victim.

595.202. 1. There is hereby created the "Missouri Rights of
2 Victims of Sexual Assault Task Force" to consist of the following
3 members:

4 (1) The following four members of the general assembly:

5 (a) Two members of the senate, with no more than one member
6 from the same political party and each member to be appointed by the
7 president pro tempore of the senate; and

8 (b) Two members of the house of representatives, with no more
9 than one member from the same political party and each member to be
10 appointed by the speaker of the house of representatives;

11 (2) The director of the department of health and senior services
12 or his or her designee;

13 (3) A private citizen appointed by the governor;

14 (4) A representative of a statewide coalition against domestic
15 and sexual violence appointed by the governor;

16 (5) A representative of rape crisis centers appointed by the
17 governor;

18 (6) The superintendent of the Missouri highway patrol or his or
19 her designee;

20 (7) A law enforcement officer appointed by the governor;

21 (8) The director of the Missouri highway patrol crime lab or his
22 or her designee;

23 (9) An attorney appointed by the governor; and

24 (10) A representative of the Missouri Hospital Association.

25 2. The task force shall study nationally recognized best practices
26 and make recommendations regarding:

27 (1) The development and implementation of an effective

28 mechanism for submitting, tracking, and investigating complaints
29 regarding the handling of, or response to, a sexual assault report or
30 investigation by any agency or organization involved in the response;

31 (2) The development of documentation for medical providers and
32 law enforcement officers, in conjunction with the department of public
33 safety, to provide to survivors informing them of their rights pursuant
34 to section 595.201;

35 (3) Whether a need exists for additional employees or volunteers
36 of a rape crisis center for victims of sexual assault, and if such a need
37 does exist, the task force shall:

38 (a) Create a plan for how the state can provide, in conjunction
39 with rape crisis centers, victims' advocates organizations, and the
40 department of health and senior services, additional employees or
41 volunteers of a rape crisis center to meet the needs identified; and

42 (b) Determine the cost of funding such a plan;

43 (4) Whether a need exists to expand the right to an employee or
44 volunteer of a rape crisis center beyond the medical examination and
45 law enforcement interview settings, and if such a need does exist, the
46 task force shall:

47 (a) Identify the scope and nature of the need; and

48 (b) Make recommendations on how best to fill that need, whether
49 legislatively or otherwise;

50 (5) Whether a need exists to provide for ongoing evaluation of
51 the implementation of these rights, and if such a need does exist, the
52 task force shall:

53 (a) Identify the scope and nature of the need; and

54 (b) Make recommendations on how best to fill that need, whether
55 legislatively or otherwise.

56 3. The task force shall:

57 (1) Collect data regarding sexual assault reporting, arrests,
58 prosecution rates, access to sexual assault victims services, and any
59 other data important for its deliberations and recommendations; and

60 (2) Collect feedback from stakeholders, practitioners, and
61 leadership throughout the state and local law enforcement, victim
62 services, forensic science practitioners, and health care communities
63 to inform development of future best practices or clinical guidelines
64 regarding the care and treatment of survivors.

65 **4. The department of public safety shall provide administrative**
66 **support to the task force.**

67 **5. On or before December 31, 2021, the task force shall submit a**
68 **report on its findings to the governor and general assembly. The report**
69 **shall include any dissenting opinions in addition to any majority**
70 **opinions.**

71 **6. The task force shall expire on December 31, 2021.**

595.220. 1. The department of public safety shall make payments to
2 appropriate medical providers, out of appropriations made for that purpose, to
3 cover the reasonable charges of the forensic examination of persons who may be
4 a victim of a sexual offense if:

5 (1) The victim or the victim's guardian consents in writing to the
6 examination; and

7 (2) The report of the examination is made on a form approved by the
8 attorney general with the advice of the department of public safety.

9 The department shall establish maximum reimbursement rates for charges
10 submitted under this section, which shall reflect the reasonable cost of providing
11 the forensic exam.

12 2. A minor may consent to examination under this section. Such consent
13 is not subject to disaffirmance because of minority, and consent of parent or
14 guardian of the minor is not required for such examination. The appropriate
15 medical provider making the examination shall give written notice to the parent
16 or guardian of a minor that such an examination has taken place.

17 3. The department of public safety, with the advice of the attorney
18 general, shall develop the forms and procedures for gathering, transmitting, and
19 storing evidence during and after the forensic examination under the provisions
20 of this section. The department of health and senior services shall develop a
21 checklist, protocols, and procedures for appropriate medical providers to refer to
22 while providing medical treatment to victims of a sexual offense, including those
23 specific to victims who are minors. The procedures for transmitting and storing
24 examination evidence shall include the following requirements:

25 (1) An appropriate medical provider shall provide electronic notification
26 to the appropriate law enforcement agency when the provider has a reported or
27 anonymous evidentiary collection kit;

28 (2) Within fourteen days of notification from the appropriate medical
29 provider, the law enforcement agency shall take possession of the evidentiary

30 collection kit;

31 (3) Within fourteen days of taking possession, the law enforcement agency
32 shall provide the evidentiary collection kit to a laboratory;

33 (4) A law enforcement agency shall secure an evidentiary collection kit for
34 a period of thirty years if the offense has not been adjudicated.

35 4. Evidentiary collection kits shall be developed and made available,
36 subject to appropriation, to appropriate medical providers by the highway patrol
37 or its designees and eligible crime laboratories. Such kits shall be distributed
38 with the forms and procedures for gathering evidence during forensic
39 examinations of victims of a sexual offense to appropriate medical providers upon
40 request of the provider, in the amount requested, and at no charge to the medical
41 provider. All appropriate medical providers shall, with the written consent of the
42 victim, perform a forensic examination using the evidentiary collection kit, or
43 other collection procedures developed for victims who are minors, and forms and
44 procedures for gathering evidence following the checklist for any person
45 presenting as a victim of a sexual offense.

46 5. In reviewing claims submitted under this section, the department shall
47 first determine if the claim was submitted within ninety days of the examination.
48 If the claim is submitted within ninety days, the department shall, at a
49 minimum, use the following criteria in reviewing the claim: examination charges
50 submitted shall be itemized and fall within the definition of forensic examination
51 as defined in subdivision (6) of subsection 8 of this section.

52 6. All appropriate medical provider charges for eligible forensic
53 examinations shall be billed to and paid by the department of public safety. No
54 appropriate medical provider conducting forensic examinations and providing
55 medical treatment to victims of sexual offenses shall charge the victim for the
56 forensic examination. For appropriate medical provider charges related to the
57 medical treatment of victims of sexual offenses, if the victim is an eligible
58 claimant under the crime victims' compensation fund, the victim shall seek
59 compensation under sections 595.010 to 595.075.

60 7. The department of public safety shall establish rules regarding the
61 reimbursement of the costs of forensic examinations for children under fourteen
62 years of age, including establishing conditions and definitions for emergency and
63 nonemergency forensic examinations and may by rule establish additional
64 qualifications for appropriate medical providers performing nonemergency
65 forensic examinations for children under fourteen years of age. The department

66 shall provide reimbursement regardless of whether or not the findings indicate
67 that the child was abused.

68 8. For purposes of this section, the following terms mean:

69 (1) "Anonymous evidentiary collection kit", an evidentiary collection kit
70 collected from a victim[, or his or her designee,] **who wishes to remain**
71 **anonymous, but** who has consented, **or his or her designee has consented**
72 **on his or her behalf**, to the collection of the evidentiary collection kit[,] and to
73 participate in the criminal justice process[, but who wishes to remain
74 anonymous];

75 (2) "Appropriate medical provider":

76 (a) Any licensed nurse, physician, or physician assistant, and any
77 institution employing licensed nurses, physicians, or physician assistants,
78 provided that such licensed professionals are the only persons at such institution
79 to perform tasks under the provisions of this section; or

80 (b) For the purposes of any nonemergency forensic examination of a child
81 under fourteen years of age, the department of public safety may establish
82 additional qualifications for any provider listed in paragraph (a) of this
83 subdivision under rules authorized under subsection 7 of this section;

84 (3) "**Component**", **any piece of evidence that contains, or may**
85 **contain, DNA related to the sexual offense for which the forensic**
86 **examination was performed and that is not stored or maintained within**
87 **the evidentiary collection kit;**

88 (4) "Consent", the electronically documented authorization by the victim,
89 or his or her designee, to allow the evidentiary collection kit to be analyzed;

90 [(4)] (5) "Emergency forensic examination", an examination of a person
91 under fourteen years of age that occurs within five days of the alleged sexual
92 offense. The department of public safety may further define the term emergency
93 forensic examination by rule;

94 [(5)] (6) "Evidentiary collection kit", a kit used during a forensic
95 examination that includes materials necessary for appropriate medical providers
96 to gather evidence in accordance with the forms and procedures developed by the
97 department of public safety for forensic examinations;

98 [(6)] (7) "Forensic examination", an examination performed by an
99 appropriate medical provider on a victim of an alleged sexual offense to gather
100 evidence for the evidentiary collection kit or using other collection procedures
101 developed for victims who are minors;

102 [(7)] (8) "Medical treatment", the treatment of all injuries and health
103 concerns resulting directly from a patient's sexual assault or victimization;

104 [(8)] (9) "Nonemergency forensic examination", an examination of a
105 person under fourteen years of age that occurs more than five days after the
106 alleged sexual offense. The department of public safety may further define the
107 term nonemergency forensic examination by rule;

108 [(9)] (10) "Reported evidentiary collection kit", an evidentiary collection
109 kit collected from a victim, or his or her designee, who has consented to the
110 collection of the evidentiary collection kit and has consented to participate in the
111 criminal justice process;

112 [(10)] (11) "Unreported evidentiary collection kit", an evidentiary
113 collection kit collected from a victim, or his or her designee, who has consented
114 to the collection of the evidentiary collection kit but has not consented to
115 participate in the criminal justice process.

116 9. The attorney general shall establish protocols and an electronic
117 platform to implement an electronic evidence tracking system that:

118 (1) Identifies, documents, records, and tracks evidentiary collection kits
119 and their components, including individual specimen containers, through their
120 existence from forensic examination, to possession by a law enforcement agency,
121 to testing, to use as evidence in criminal proceedings, and until disposition of
122 such proceedings;

123 (2) Assigns a unique alphanumeric identifier to each respective
124 evidentiary collection kit, and all its respective components, and to each
125 respective person, or his or her designees, who may handle an evidentiary test
126 kit;

127 (3) Links the identifiers of an evidentiary collection kit and its
128 components, which shall be machine-readable indicia;

129 (4) Allows each person, or his or her designees, who is properly
130 credentialed to handle an evidentiary test kit to check the status of an
131 evidentiary test kit or its components and to save a portfolio of identifiers so that
132 the person, or his or her designees, may track, obtain reports, and receive updates
133 [of] **on** the status of evidentiary collection kits or their components; and

134 (5) Allows sexual assault victims, or their designees, [access in order to
135 monitor the current status of their evidentiary test kit] **to track and obtain**
136 **reports on the status and location of their evidentiary collection**
137 **kits. This shall be a secured web-based or similar electronic-based**

138 **communications system that shall require sexual assault victims, or**
139 **their designees, to register to access tracking and reports of their**
140 **evidentiary collection kits.**

141 **10. Appropriate medical providers, law enforcement agencies,**
142 **laboratories, court personnel, persons or entities involved in the final**
143 **disposition or destruction of evidentiary collection kits, and all other**
144 **entities which and persons who have custody of evidentiary collection**
145 **kits shall participate in the electronic evidence tracking system.**

146 **11. The department of public safety, with the advice of the**
147 **attorney general and the assistance of the department of health and**
148 **senior services, shall develop and retain within the state a central**
149 **repository for unreported evidentiary collection kits, where such kits**
150 **can be kept in a temperature-controlled environment that preserves the**
151 **integrity of the evidence and diminishes degradation. Unreported**
152 **evidentiary collection kits shall be retained for a period of five years.**
153 **In the case of a minor under the age of eighteen when the unreported**
154 **kit was collected, the unreported evidentiary kit shall be retained for**
155 **a period of five years after the victim attains the age of eighteen.**

156 **12. Records entered into the electronic evidence tracking system**
157 **shall be confidential and shall not be subject to disclosure under**
158 **chapter 610.**

159 **13. The department shall have authority to promulgate rules and**
160 **regulations necessary to implement the provisions of this section. Any rule or**
161 **portion of a rule, as that term is defined in section 536.010, that is created under**
162 **the authority delegated in this section shall become effective only if it complies**
163 **with and is subject to all of the provisions of chapter 536 and, if applicable,**
164 **section 536.028. This section and chapter 536 are nonseverable and if any of the**
165 **powers vested with the general assembly pursuant to chapter 536 to review, to**
166 **delay the effective date, or to disapprove and annul a rule are subsequently held**
167 **unconstitutional, then the grant of rulemaking authority and any rule proposed**
168 **or adopted after August 28, 2009, shall be invalid and void.**

2 **[210.790. A foster parent shall have standing to participate**
in all court hearings pertaining to a child in their care.]

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