

FIRST REGULAR SESSION
[REPERFECTED]
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 432
101ST GENERAL ASSEMBLY

1150H.03R

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 193.075 and 210.150, RSMo, and to enact in lieu thereof three new sections relating to the birth match program, with a penalty provision.

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

Section A. Sections 193.075 and 210.150, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 193.075, 210.150, and 210.157, to read as follows:

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

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

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

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

5. In addition to other personal data required by the registrar to be entered on a birth certificate, each parent shall furnish to the registrar the Social Security account number, or numbers if applicable, issued to the parent unless the registrar finds good cause for not requiring the furnishing of such number or numbers. Good cause shall be determined in accordance with regulations established by the Secretary of the United States Department of Health and Human Services. The registrar shall make numbers furnished under this section available to the family support division **and the children's division** of the department of social services. Such numbers

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 shall not be recorded on the birth certificate. The family support division shall not use any Social
18 Security number furnished under the section for any purpose other than for the establishment and
19 enforcement of child support obligations, and the confidentiality provisions and penalties
20 contained in section 454.440 shall apply. **The children's division shall not use any Social**
21 **Security number furnished under this section for any purpose other than verifying the**
22 **identity of a parent of a child whose birth record information is provided under section**
23 **210.157 and the confidentiality provisions of section 210.157 shall apply.** Nothing in this
24 section shall be construed to prohibit the department of health and senior services from using
25 Social Security numbers for statistical purposes.

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

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

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

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

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

25 (4) Any child named in the report as a victim, or a legal representative, or the parent, if
26 not the alleged perpetrator, or guardian of such person when such person is a minor, or is
27 mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to

28 persons in this category. Prior to the release of any identifying information, the division shall
29 determine if the release of such identifying information may place a person's life or safety in
30 danger. If the division makes the determination that a person's life or safety may be in danger,
31 the identifying information shall not be released. The division shall provide a method for
32 confirming or certifying that a designee is acting on behalf of a subject;

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

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

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

52 (8) Any child-care facility; child-placing agency; residential-care facility, including
53 group homes; juvenile courts; public or private elementary schools; public or private secondary
54 schools; or any other public or private agency exercising temporary supervision over a child or
55 providing or having care or custody of a child who may request an examination of the central
56 registry from the division for all employees and volunteers or prospective employees and
57 volunteers, who do or will provide services or care to children. Any agency or business
58 recognized by the division or business which provides training and places or recommends people
59 for employment or for volunteers in positions where they will provide services or care to children
60 may request the division to provide an examination of the central registry. Such agency or
61 business shall provide verification of its status as a recognized agency. Requests for
62 examinations shall be made to the division director or the director's designee in writing by the
63 chief administrative officer of the above homes, centers, public and private elementary schools,

64 public and private secondary schools, agencies, or courts. The division shall respond in writing
65 to that officer. The response shall include information pertaining to the nature and disposition
66 of any report or reports of abuse or neglect revealed by the examination of the central registry.
67 This response shall not include any identifying information regarding any person other than the
68 alleged perpetrator of the abuse or neglect;

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

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

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

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

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

97 (14) Appropriate staff of the United States Department of Defense including, but not
98 limited to, authorized family advocacy program staff or any other staff authorized to receive and
99 respond to reports requested under 10 U.S.C. Section 1787, in cases where a report has been

100 made and the suspected perpetrator or any person responsible for the care, custody, and control
101 of the subject child is a member of any branch of the military or is a member of the Armed
102 Forces, as defined in section 41.030; and

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

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

110 (1) Appropriate staff of the division;

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

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

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

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

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

133 (7) Any person engaged in bona fide research purpose, with the permission of the
134 director; provided, however, that no information identifying the subjects of the reports or the
135 reporters shall be made available to the researcher, unless the identifying information is essential

136 to the research or evaluation and the subject, or if a child, through the child's parent or guardian,
137 provides written permission; and

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

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

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

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

**210.157. 1. This section shall be known and may be cited as the "Birth Match
2 Program".**

**3 2. The children's division shall make available to the state registrar of vital
4 statistics the identifying information of the following individuals of whom the division has
5 knowledge:**

**6 (1) Individuals whose parental rights have been terminated under section 211.447
7 and who are identified in the central registry as having a finding by the division or a court
8 adjudication of child abuse or neglect; and**

**9 (2) Individuals identified in the central registry who have pled guilty or have been
10 found guilty of an offense under the following, if the victim is a child less than eighteen
11 years of age: chapter 566 or section 565.020, 565.021, 565.023, 565.024, 567.050, 568.020,
12 568.065, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205.**

13 **3. The state registrar shall provide to the division the birth record information of**
14 **children born to individuals whose identifying information has been provided under**
15 **subsection 2 of this section within the previous ten years. The division shall verify that the**
16 **parent of the child is the same individual whose identifying information was provided and,**
17 **if the parent's identity has been verified, shall provide the appropriate local office with**
18 **information regarding the birth of the child. Appropriate local division personnel shall**
19 **initiate contact with the family, or make a good faith effort to do so, to determine if the**
20 **parent or family has a need for services and provide such voluntary and time-limited**
21 **services as appropriate. The division shall document the results of such contact and**
22 **services provided, if any, in the information system established under section 210.109.**

23 **4. The children's division and the state registrar shall ensure the confidentiality of**
24 **all identifying information and birth records provided under this section and shall not**
25 **disclose such information and records except as needed to effectuate the provisions of this**
26 **section. Such information and records shall be considered closed records under chapter**
27 **610.**

28 **5. The division may promulgate rules and regulations to implement the provisions**
29 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
30 **is created under the authority delegated in this section shall become effective only if it**
31 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
32 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
33 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
34 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
35 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2021,**
36 **shall be invalid and void.**

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