

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 673
101ST GENERAL ASSEMBLY

0186H.05C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 37.710, 160.261, 191.737, 208.151, 210.001, 210.109, 210.110, 210.113, 210.117, 210.118, 210.130, 210.135, 210.140, 210.145, 210.147, 210.152, 210.160, 210.188, 210.565, 210.762, 210.790, 210.950, 211.021, 211.032, 211.038, 211.081, 211.261, 211.447, 217.777, 307.179, 453.030, 453.040, 453.080, 492.304, and 559.120, RSMo, and to enact in lieu thereof thirty-nine new sections relating to the protection of children, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 37.710, 160.261, 191.737, 208.151, 210.001, 210.109, 210.110, 210.113, 210.117, 210.118, 210.130, 210.135, 210.140, 210.145, 210.147, 210.152, 210.160, 210.188, 210.565, 210.762, 210.790, 210.950, 211.021, 211.032, 211.038, 211.081, 211.261, 211.447, 217.777, 307.179, 453.030, 453.040, 453.080, 492.304, and 559.120, RSMo, are repealed and thirty-nine new sections enacted in lieu thereof, to be known as sections 37.710, 37.717, 160.261, 191.737, 208.151, 210.001, 210.109, 210.110, 210.113, 210.118, 210.119, 210.135, 210.140, 210.145, 210.147, 210.152, 210.160, 210.188, 210.565, 210.652, 210.715, 210.762, 210.950, 210.1220, 211.021, 211.032, 211.038, 211.072, 211.081, 211.261, 211.447, 211.505, 217.777, 307.179, 453.030, 453.040, 453.080, 492.304, and 559.120, to read as follows:

- 37.710. 1. The office shall have access to the following information:
- (1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children's division, the department of mental health, and the juvenile court;
 - (2) All written reports of child abuse and neglect; and
 - (3) All current records required to be maintained pursuant to chapters 210 and 211.

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.

7 2. The office shall have the authority:

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

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

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

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

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

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

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

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

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

36 (10) To mediate between alleged victims of sexual misconduct and school districts or
37 charter schools as provided in subsection 1 of section 160.262.

38 3. For any information obtained from a state agency or entity under sections 37.700 to
39 37.730, the office of child advocate shall be subject to the same disclosure restrictions and
40 confidentiality requirements that apply to the state agency or entity providing such information
41 to the office of child advocate. For information obtained directly by the office of child advocate
42 under sections 37.700 to 37.730, the office of child advocate shall be subject to the same

43 disclosure restrictions and confidentiality requirements that apply to the children's division
44 regarding information obtained during a child abuse and neglect investigation resulting in an
45 unsubstantiated report. **Nothing in this section shall preclude the office of child advocate**
46 **from releasing findings regarding the professional performance of any individual member**
47 **of the multidisciplinary team as described in section 660.520.**

37.717. 1. **The office shall create a safety reporting system in which employees of**
2 **the children's division may report information regarding the safety of those served by the**
3 **children's division and the safety of such division's employees.**

4 2. **The identity of any individual who reports to or participates in the reporting**
5 **system under subsection 1 of this section shall:**

6 (1) **Be sealed from inspection by the public or any other entity or individual who**
7 **is otherwise provided access to the department of social services' confidential records;**

8 (2) **Not be subject to discovery or introduction into evidence in any civil**
9 **proceeding; and**

10 (3) **Be disclosed only as necessary to carry out the purpose of the reporting system**
11 **under subsection 1 of this section.**

12 3. **Any criminal act reported into the reporting system under subsection 1 of this**
13 **section shall be disclosed by the office of child advocate to the appropriate law enforcement**
14 **agency or prosecuting or city attorney.**

15 4. **Any investigation conducted as a result of a report made under this section shall**
16 **be conducted by an unbiased and disinterested investigator.**

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

13 2. The policy shall require school administrators to report acts of school violence to all
14 teachers at the attendance center and, in addition, to other school district employees with a need
15 to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school

16 personnel who are directly responsible for the student's education or who otherwise interact with
17 the student on a professional basis while acting within the scope of their assigned duties. As
18 used in this section, the phrase "act of school violence" or "violent behavior" means the exertion
19 of physical force by a student with the intent to do serious physical injury as defined in section
20 556.061 to another person while on school property, including a school bus in service on behalf
21 of the district, or while involved in school activities. The policy shall at a minimum require
22 school administrators to report, as soon as reasonably practical, to the appropriate law
23 enforcement agency any of the following crimes, or any act which if committed by an adult
24 would be one of the following crimes:

- 25 (1) First degree murder under section 565.020;
- 26 (2) Second degree murder under section 565.021;
- 27 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or
28 kidnapping in the first degree under section 565.110;
- 29 (4) First degree assault under section 565.050;
- 30 (5) Rape in the first degree under section 566.030;
- 31 (6) Sodomy in the first degree under section 566.060;
- 32 (7) Burglary in the first degree under section 569.160;
- 33 (8) Burglary in the second degree under section 569.170;
- 34 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1,
35 2017, or robbery in the first degree under section 570.023;
- 36 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017,
37 or manufacture of a controlled substance under section 579.055;
- 38 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January
39 1, 2017, or delivery of a controlled substance under section 579.020;
- 40 (12) Arson in the first degree under section 569.040;
- 41 (13) Voluntary manslaughter under section 565.023;
- 42 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1,
43 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary
44 manslaughter in the second degree under section 565.027;
- 45 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017,
46 or second degree assault under section 565.052;
- 47 (16) Rape in the second degree under section 566.031;
- 48 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or
49 kidnapping in the second degree under section 565.120;
- 50 (18) Property damage in the first degree under section 569.100;
- 51 (19) The possession of a weapon under chapter 571;

52 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior
53 to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section
54 566.067, 566.068, or 566.069;

55 (21) Sodomy in the second degree pursuant to section 566.061;

56 (22) Sexual misconduct involving a child pursuant to section 566.083;

57 (23) Sexual abuse in the first degree pursuant to section 566.100;

58 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or
59 harassment in the first degree under section 565.090; or

60 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in
61 the first degree under section 565.225;

62

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

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

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

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

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

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

92 4. Any student who violates the condition of suspension required pursuant to subsection
93 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of
94 sections 167.161, 167.164, and 167.171. In making this determination consideration shall be
95 given to whether the student poses a threat to the safety of any child or school employee and
96 whether such student's unsupervised presence within one thousand feet of the school is disruptive
97 to the educational process or undermines the effectiveness of the school's disciplinary policy.
98 Removal of any pupil who is a student with a disability is subject to state and federal procedural
99 rights. This section shall not limit a school district's ability to:

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

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

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

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

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

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

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

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

136 9. Each school board shall define in its discipline policy acts of violence and any other
137 acts that constitute a serious violation of that policy. "Acts of violence" as defined by school
138 boards shall include but not be limited to exertion of physical force by a student with the intent
139 to do serious bodily harm to another person while on school property, including a school bus in
140 service on behalf of the district, or while involved in school activities. School districts shall for
141 each student enrolled in the school district compile and maintain records of any serious violation
142 of the district's discipline policy. Such records shall be made available to teachers and other
143 school district employees with a need to know while acting within the scope of their assigned
144 duties, and shall be provided as required in section 167.020 to any school district in which the
145 student subsequently attempts to enroll.

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

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

168 ~~12.]~~ 11. Upon receipt of any reports of child abuse by the children's division [other than
169 reports provided under subsection 11 of this section], pursuant to sections 210.110 to 210.165
170 which allegedly involve personnel of a school district, the children's division shall notify the
171 superintendent of schools of the district or, if the person named in the alleged incident is the
172 superintendent of schools, the president of the school board of the school district where the
173 alleged incident occurred.

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

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

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

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

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

202 ~~18. The reports shall contain a statement of conclusion as to whether the report of alleged~~
203 ~~child abuse is substantiated or is unsubstantiated.~~

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

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

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

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

217 ~~20. The findings and conclusions of the school board under subsection 19 of this section~~
218 ~~shall be sent to the children's division. If the findings and conclusions of the school board are~~
219 ~~that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated,~~
220 ~~the case closed, and no record shall be entered in the children's division central registry. If the~~
221 ~~findings and conclusions of the school board are that the report of the alleged child abuse is~~
222 ~~substantiated, the children's division shall report the incident to the prosecuting attorney of the~~
223 ~~appropriate county along with the findings and conclusions of the school district and shall~~
224 ~~include the information in the division's central registry. If the findings and conclusions of the~~
225 ~~school board are that the issue involved in the alleged incident of child abuse is unresolved, the~~
226 ~~children's division shall report the incident to the prosecuting attorney of the appropriate county~~
227 ~~along with the findings and conclusions of the school board, however, the incident and the names~~
228 ~~of the parties allegedly involved shall not be entered into the central registry of the children's~~

229 ~~division unless and until the alleged child abuse is substantiated by a court of competent~~
230 ~~jurisdiction.~~

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

235 ~~—— 22.]~~ 12. In order to ensure the safety of all students, should a student be expelled for
236 bringing a weapon to school, violent behavior, or for an act of school violence, that student shall
237 not, for the purposes of the accreditation process of the Missouri school improvement plan, be
238 considered a dropout or be included in the calculation of that district's educational persistence
239 ratio.

191.737. 1. Notwithstanding the physician-patient privilege, any physician or health care
2 provider ~~may~~ **shall** refer to the children's division families in which children may have been
3 exposed to a controlled substance listed in section 195.017, schedules I, II and III, or alcohol as
4 evidenced by a written assessment, made or approved by a physician, health care provider, or by
5 the children's division, that documents the child as being at risk of abuse or neglect and either:

6 (1) Medical documentation of signs and symptoms consistent with controlled substances
7 or alcohol exposure in the child at birth; or

8 (2) Results of a confirmed toxicology test for controlled substances performed at birth
9 on the mother or the child.

10 2. **(1)** Notwithstanding the physician-patient privilege, any physician or health care
11 provider shall refer to the children's division families in which infants are born and identified as
12 affected by substance abuse, withdrawal symptoms resulting from prenatal drug exposure, or a
13 Fetal Alcohol Spectrum Disorder as evidenced by:

14 ~~[(1)]~~ **(a)** Medical documentation of signs and symptoms consistent with controlled
15 substances or alcohol exposure in the child at birth; or

16 ~~[(2)]~~ **(b)** Results of a confirmed toxicology test for controlled substances performed at
17 birth on the mother or the child.

18 **(2) Nothing in this section shall require any physician or health care provider to**
19 **make a referral to the children's division if the infant is born to a woman who is**
20 **undergoing medication-assisted treatment under the supervision of a health care provider.**

21 3. Nothing in this section shall preclude a physician or other mandated reporter from
22 reporting abuse or neglect of a child as required pursuant to the provisions of section 210.115.

23 4. Any physician or health care provider complying with the provisions of this section,
24 in good faith, shall have immunity from any civil liability that might otherwise result by reason
25 of such actions.

26 5. Referral and associated documentation provided for in this section shall be
27 confidential and shall not be used in any criminal prosecution.

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

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

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

15 (3) All participants receiving blind pension benefits;

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

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

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

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

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

33 (9) All persons who were participants receiving old age assistance benefits, aid to the
34 permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who

35 continue to meet the eligibility requirements, except income, for these assistance categories, but
36 who are no longer receiving such benefits because of the implementation of Title XVI of the
37 federal Social Security Act, as amended;

38 (10) Pregnant women who meet the requirements for aid to families with dependent
39 children, except for the existence of a dependent child in the home;

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

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

47 (13) Children who have attained one year of age but have not attained six years of age
48 who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget
49 Reconciliation Act of 1989) (42 U.S.C. Sections 1396a to 1396b). The family support division
50 shall use an income eligibility standard equal to one hundred thirty-three percent of the federal
51 poverty level established by the Department of Health and Human Services, or its successor
52 agency;

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

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

69 (16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal
70 care shall be made available to pregnant women during a period of presumptive eligibility
71 pursuant to 42 U.S.C. Section 1396r-1, as amended;

72 (17) A child born to a woman eligible for and receiving MO HealthNet benefits under
73 this section on the date of the child's birth shall be deemed to have applied for MO HealthNet
74 benefits and to have been found eligible for such assistance under such plan on the date of such
75 birth and to remain eligible for such assistance for a period of time determined in accordance
76 with applicable federal and state law and regulations so long as the child is a member of the
77 woman's household and either the woman remains eligible for such assistance or for children
78 born on or after January 1, 1991, the woman would remain eligible for such assistance if she
79 were still pregnant. Upon notification of such child's birth, the family support division shall
80 assign a MO HealthNet eligibility identification number to the child so that claims may be
81 submitted and paid under such child's identification number;

82 (18) Pregnant women and children eligible for MO HealthNet benefits pursuant to
83 subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO
84 HealthNet benefits be required to apply for aid to families with dependent children. The family
85 support division shall utilize an application for eligibility for such persons which eliminates
86 information requirements other than those necessary to apply for MO HealthNet benefits. The
87 division shall provide such application forms to applicants whose preliminary income
88 information indicates that they are ineligible for aid to families with dependent children.
89 Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection
90 shall be informed of the aid to families with dependent children program and that they are
91 entitled to apply for such benefits. Any forms utilized by the family support division for
92 assessing eligibility under this chapter shall be as simple as practicable;

93 (19) Subject to appropriations necessary to recruit and train such staff, the family support
94 division shall provide one or more full-time, permanent eligibility specialists to process
95 applications for MO HealthNet benefits at the site of a health care provider, if the health care
96 provider requests the placement of such eligibility specialists and reimburses the division for the
97 expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and
98 equipment of such eligibility specialists. The division may provide a health care provider with
99 a part-time or temporary eligibility specialist at the site of a health care provider if the health care
100 provider requests the placement of such an eligibility specialist and reimburses the division for
101 the expenses, including but not limited to the salary, benefits, travel, training, telephone,
102 supplies, and equipment, of such an eligibility specialist. The division may seek to employ such
103 eligibility specialists who are otherwise qualified for such positions and who are current or

104 former welfare participants. The division may consider training such current or former welfare
105 participants as eligibility specialists for this program;

106 (20) Pregnant women who are eligible for, have applied for and have received MO
107 HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to
108 be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided
109 under section 208.152 until the end of the sixty-day period beginning on the last day of their
110 pregnancy. Pregnant women receiving mental health treatment for postpartum depression or
111 related mental health conditions within sixty days of giving birth shall, subject to appropriations
112 and any necessary federal approval, be eligible for MO HealthNet benefits for mental health
113 services for the treatment of postpartum depression and related mental health conditions for up
114 to twelve additional months. Pregnant women receiving substance abuse treatment within sixty
115 days of giving birth shall, subject to appropriations and any necessary federal approval, be
116 eligible for MO HealthNet benefits for substance abuse treatment and mental health services for
117 the treatment of substance abuse for no more than twelve additional months, as long as the
118 woman remains adherent with treatment. The department of mental health and the department
119 of social services shall seek any necessary waivers or state plan amendments from the Centers
120 for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence.
121 No later than fifteen months after receiving any necessary waiver, the department of mental
122 health and the department of social services shall report to the house of representatives budget
123 committee and the senate appropriations committee on the compliance with federal cost
124 neutrality requirements;

125 (21) Case management services for pregnant women and young children at risk shall be
126 a covered service. To the greatest extent possible, and in compliance with federal law and
127 regulations, the department of health and senior services shall provide case management services
128 to pregnant women by contract or agreement with the department of social services through local
129 health departments organized under the provisions of chapter 192 or chapter 205 or a city health
130 department operated under a city charter or a combined city-county health department or other
131 department of health and senior services designees. To the greatest extent possible the
132 department of social services and the department of health and senior services shall mutually
133 coordinate all services for pregnant women and children with the crippled children's program,
134 the prevention of intellectual disability and developmental disability program and the prenatal
135 care program administered by the department of health and senior services. The department of
136 social services shall by regulation establish the methodology for reimbursement for case
137 management services provided by the department of health and senior services. For purposes
138 of this section, the term "case management" shall mean those activities of local public health
139 personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in

140 the state's MO HealthNet program, refer them to local physicians or local health departments
141 who provide prenatal care under physician protocol and who participate in the MO HealthNet
142 program for prenatal care and to ensure that said high-risk mothers receive support from all
143 private and public programs for which they are eligible and shall not include involvement in any
144 MO HealthNet prepaid, case-managed programs;

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

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

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

159 (b) All persons who would be determined to be eligible for aid to the blind benefits
160 under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section
161 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of
162 January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C.
163 Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal
164 poverty level;

165 (c) All persons who would be determined to be eligible for permanent and total disability
166 benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C.
167 Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan
168 as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income
169 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the
170 income limit if authorized by annual appropriations. Eligibility standards for permanent and total
171 disability benefits shall not be limited by age;

172 (25) Persons who have been diagnosed with breast or cervical cancer and who are
173 eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons
174 shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section
175 1396r-1;

176 (26) Persons who ~~[are] were~~ in foster care under the responsibility of ~~[the] any state [of~~
177 ~~Missouri on the date such persons attained the age of eighteen years, or at any time during the~~
178 ~~thirty-day period preceding their eighteenth birthday, or persons who received foster care]~~ for
179 at least six months ~~[in another state]~~ **at any time when such persons were thirteen years of**
180 **age or older**, are residing in Missouri, and are at least eighteen years of age, without regard to
181 income or assets, if such persons:

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

183 (b) Are not eligible for coverage under another mandatory coverage group **and do not**
184 **have access to any other private insurance;** and

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

186 (27) Any homeless child or homeless youth, as those terms are defined in section
187 167.020, subject to approval of a state plan amendment by the Centers for Medicare and
188 Medicaid Services.

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

197 3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance
198 pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months
199 immediately preceding the month in which such family became ineligible for such assistance
200 because of increased income from employment shall, while a member of such family is
201 employed, remain eligible for MO HealthNet benefits for four calendar months following the
202 month in which such family would otherwise be determined to be ineligible for such assistance
203 because of income and resource limitation. After April 1, 1990, any family receiving aid
204 pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months
205 immediately preceding the month in which such family becomes ineligible for such aid, because
206 of hours of employment or income from employment of the caretaker relative, shall remain
207 eligible for MO HealthNet benefits for six calendar months following the month of such
208 ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6.
209 Each family which has received such medical assistance during the entire six-month period
210 described in this section and which meets reporting requirements and income tests established
211 by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall

212 receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet
213 division may provide by rule and as authorized by annual appropriation the scope of MO
214 HealthNet coverage to be granted to such families.

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

221 5. The department of social services may apply to the federal Department of Health and
222 Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration
223 waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars
224 in additional costs to the state, unless subject to appropriation or directed by statute, but in no
225 event shall such waiver applications or amendments seek to waive the services of a rural health
226 clinic or a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and (2)
227 or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section
228 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight
229 committee created in section 208.955. A request for such a waiver so submitted shall only
230 become effective by executive order not sooner than ninety days after the final adjournment of
231 the session of the general assembly to which it is submitted, unless it is disapproved within sixty
232 days of its submission to a regular session by a senate or house resolution adopted by a majority
233 vote of the respective elected members thereof, unless the request for such a waiver is made
234 subject to appropriation or directed by statute.

235 6. Notwithstanding any other provision of law to the contrary, in any given fiscal year,
236 any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of
237 subsection 1 of this section shall only be eligible if annual appropriations are made for such
238 eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section
239 1396a(a)(10)(A)(i).

240 7. (1) Notwithstanding any provision of law to the contrary, a military service member,
241 or an immediate family member residing with such military service member, who is a legal
242 resident of this state and is eligible for MO HealthNet developmental disability services, shall
243 have his or her eligibility for MO HealthNet developmental disability services temporarily
244 suspended for any period of time during which such person temporarily resides outside of this
245 state for reasons relating to military service, but shall have his or her eligibility immediately
246 restored upon returning to this state to reside.

247 (2) Notwithstanding any provision of law to the contrary, if a military service member,
 248 or an immediate family member residing with such military service member, is not a legal
 249 resident of this state, but would otherwise be eligible for MO HealthNet developmental disability
 250 services, such individual shall be deemed eligible for MO HealthNet developmental disability
 251 services for the duration of any time in which such individual is temporarily present in this state
 252 for reasons relating to military service.

210.001. 1. The department of social services shall address the needs of homeless,
 2 dependent and neglected children in the supervision and custody of the children's division and
 3 to their families-in-conflict **in accordance with federal law** by[:

4 ~~———— (1) Serving children and families as a unit in the least restrictive setting available and~~
 5 ~~in close proximity to the family home, consistent with the best interests and special needs of the~~
 6 ~~child;~~

7 ~~———— (2) Insuring that appropriate social services are provided to the family unit both prior to~~
 8 ~~the removal of the child from the home and after family reunification;~~

9 ~~———— (3) Developing and implementing preventive and early intervention social services~~
 10 ~~which have demonstrated the ability to delay or reduce the need for out-of-home placements and~~
 11 ~~ameliorate problems before they become chronic] **developing and monitoring processes to**
 12 **identify and serve homeless children and families at risk of child abuse or neglect, and**
 13 **delivering services to help preserve families, facilitate reunification, and avoid a family**
 14 **disruption or removal of a child if such effort is practical and in the best interests of the**
 15 **child.**~~

16 2. The department of social services shall fund only regional child assessment centers
 17 known as:

- 18 (1) The St. Louis City child assessment center;
- 19 (2) The St. Louis County child assessment center;
- 20 (3) The Jackson County child assessment center;
- 21 (4) The Buchanan County child assessment center;
- 22 (5) The Greene County child assessment center;
- 23 (6) The Boone County child assessment center;
- 24 (7) The Joplin child assessment center;
- 25 (8) The St. Charles County child assessment center;
- 26 (9) The Jefferson County child assessment center;
- 27 (10) The Pettis County child assessment center;
- 28 (11) The southeast Missouri child assessment center;
- 29 (12) The Camden County child assessment center;
- 30 (13) The Clay-Platte County child assessment center;

- 31 (14) The Lakes Area child assessment center;
 32 (15) The Ozark Foothills child assessment center; and
 33 (16) The North Central Missouri child assessment center;

34

35 provided the other approved assessment centers included in subdivisions (1) to ~~[(14)]~~ (16) of this
 36 subsection submit to the department of social services a modified funding formula for all
 37 approved child assessment centers, which would require no additional state funding.

38 **3. The department shall, when prioritizing positive outcomes for children, monitor**
 39 **and measure its success by preventing harm to children and limiting out-of-community**
 40 **placements, preserving and restoring families of origin, using foster care when**
 41 **appropriate, and helping children be adopted into new families when appropriate. At all**
 42 **times, the safety of the child shall be the priority.**

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

3 2. The child protection system shall promote the safety of children and the integrity and
 4 preservation of their families by conducting investigations or family assessments and providing
 5 services ~~[in response]~~ **to be built on the priorities set forth under section 210.001 and, as**
 6 **appropriate, federal goals and guidelines. The system shall respond promptly and**
 7 **appropriately to all reports of child abuse or neglect. The system shall coordinate community**
 8 resources and provide assistance or services to children and families identified to be at risk, and
 9 to prevent and remedy child abuse and neglect.

10 3. ~~[In addition to any duties specified in section 210.145, in implementing the child~~
 11 ~~protection system,]~~ The division shall:

12 (1) Maintain a central registry;

13 (2) Receive reports and establish and maintain an information system operating at all
 14 times, capable of receiving and maintaining reports, **and track all data and information**
 15 **regarding the activities taken in response to such reports;**

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

23 (4) Upon receipt of a report, check with the information system to determine whether
 24 previous reports have been made regarding actual or suspected abuse or neglect of the subject

25 child, of any siblings, and the perpetrator, and relevant dispositional information regarding such
26 previous reports;

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

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

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

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

45 (9) Upon receipt of a report, attempt to ascertain whether the suspected perpetrator or
46 any person responsible for the care, custody, and control of the subject child is a member of any
47 branch of the military, as defined under section 40.005, or is a member of the Armed Forces, as
48 defined in section 41.030; **and**

49 **(10) Annually monitor and measure the efficiency and effectiveness of the division**
50 **in performing all of its required functions including, but not limited to, case reviews**
51 **conducted by the response and evaluation team as outlined in section 210.112 and**
52 **providing the report required under section 210.188. The division may also engage in**
53 **other reviews and studies, as appropriate.**

54

55 ~~[As used in this subsection, "report" includes any telephone call made pursuant to section~~
56 ~~210.145.]~~

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the
2 following terms mean:

3 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child
4 other than by accidental means by those responsible for the child's care, custody, and control,

5 except that discipline including spanking, administered in a reasonable manner, shall not be
6 construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or
7 severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section [7102(9)-(10)]
8 **7102, as amended;**

9 (2) "Assessment and treatment services for children", an approach to be developed by
10 the children's division which will recognize and treat the specific needs of at-risk and abused or
11 neglected children. The developmental and medical assessment may be a broad physical,
12 developmental, and mental health screening to be completed within thirty days of a child's entry
13 into custody and in accordance with the periodicity schedule set forth by the American Academy
14 of Pediatrics thereafter as long as the child remains in care. Screenings may be offered at a
15 centralized location and include, at a minimum, the following:

16 (a) Complete physical to be performed by a pediatrician familiar with the effects of abuse
17 and neglect on young children;

18 (b) Developmental, behavioral, and emotional screening in addition to early periodic
19 screening, diagnosis, and treatment services, including a core set of standardized and recognized
20 instruments as well as interviews with the child and appropriate caregivers. The screening
21 battery may be performed by a licensed mental health professional familiar with the effects of
22 abuse and neglect on young children, who will then serve as the liaison between all service
23 providers in ensuring that needed services are provided. Such treatment services may include
24 in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family
25 counseling, parenting training and other best practices.

26

27 Children whose screenings indicate an area of concern may complete a comprehensive, in-depth
28 health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

29 (3) "Central registry", a registry of persons where the division has found probable cause
30 to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004,
31 or a court has substantiated through court adjudication that the individual has committed child
32 abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to
33 section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if the victim
34 is a child less than eighteen years of age, or any other crime pursuant to chapter 566 if the victim
35 is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older,
36 a crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023,
37 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such
38 crimes. Any persons placed on the registry prior to August 28, 2004, shall remain on the registry
39 for the duration of time required by section 210.152;

40 (4) "Child", any person, regardless of physical or mental condition, under eighteen years
41 of age;

42 (5) "Children's services providers and agencies", any public, quasi-public, or private
43 entity with the appropriate and relevant training and expertise in delivering services to children
44 and their families as determined by the children's division, and capable of providing direct
45 services and other family services for children in the custody of the children's division or any
46 such entities or agencies that are receiving state moneys for such services;

47 **(6) "Department", the department of social services;**

48 [~~(6)~~] (7) "Director", the director of the Missouri children's division within the department
49 of social services;

50 [~~(7)~~] (8) "Division", the Missouri children's division within the department of social
51 services;

52 [~~(8)~~] (9) "Family assessment and services", an approach to be developed by the children's
53 division which will provide for a prompt assessment of a child who has been reported to the
54 division as a victim of abuse or neglect by a person responsible for that child's care, custody or
55 control and of that child's family, including risk of abuse and neglect and, if necessary, the
56 provision of community-based services to reduce the risk and support the family;

57 [~~(9)~~] (10) "Family support team meeting" or "team meeting", a meeting convened by the
58 division or children's services provider in behalf of the family and/or child for the purpose of
59 determining service and treatment needs, determining the need for placement and developing a
60 plan for reunification or other permanency options, determining the appropriate placement of the
61 child, evaluating case progress, and establishing and revising the case plan;

62 [~~(10)~~] (11) "Investigation", the collection of physical and verbal evidence to determine
63 if a child has been abused or neglected;

64 [~~(11)~~] (12) "Jail or detention center personnel", employees and volunteers working in any
65 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is
66 provided to persons who are being held under custody of the law;

67 [~~(12)~~] (13) "Neglect", failure to provide, by those responsible for the care, custody, and
68 control of the child, the proper or necessary support, education as required by law, nutrition or
69 medical, surgical, or any other care necessary for the child's well-being. Victims of neglect shall
70 also include any victims of sex trafficking or severe forms of trafficking as those terms are
71 defined in 22 U.S.C. 78 Section [~~7102(9)-(10)~~] **7102, as amended;**

72 [~~(13)~~] (14) "Preponderance of the evidence", that degree of evidence that is of greater
73 weight or more convincing than the evidence which is offered in opposition to it or evidence
74 which as a whole shows the fact to be proved to be more probable than not;

75 [(14)] (15) "Probable cause", available facts when viewed in the light of surrounding
76 circumstances which would cause a reasonable person to believe a child was abused or
77 neglected;

78 [(15)] (16) "Report", the communication of an allegation of child abuse or neglect to the
79 division pursuant to section 210.115, **including any telephone call or electronic report made**
80 **under section 210.145;**

81 [(16)] (17) "Those responsible for the care, custody, and control of the child", includes,
82 but is not limited to:

83 (a) The parents or legal guardians of a child;

84 (b) Other members of the child's household;

85 (c) Those exercising supervision over a child for any part of a twenty-four-hour day;

86 (d) Any adult person who has access to the child based on relationship to the parents of
87 the child or members of the child's household or the family;

88 (e) Any person who takes control of the child by deception, force, or coercion; or

89 (f) School personnel, contractors, and volunteers, if the relationship with the child was
90 established through the school or through school-related activities, even if the alleged abuse or
91 neglect occurred outside of school hours or off school grounds.

210.113. It is the intent and goal of the general assembly to have the department ~~[attain]~~
2 **maintain** accreditation by the Council for Accreditation for Families and Children's Services
3 ~~[within five years of August 28, 2004].~~

210.118. 1. Except for actions under the uniform parentage act, sections 210.817 to
2 210.852, in any action under chapter 210 or 211 in which the court finds by a preponderance of
3 the evidence that a party is responsible for child abuse or neglect, as those terms are defined in
4 section 210.110, the clerk shall send a certified copy of the judgment or order to the children's
5 division and to the appropriate prosecuting attorney. Upon receipt of the order, the children's
6 division shall list the individual as a perpetrator of child abuse or neglect in the central registry.

7 2. In every case in which the person has pled guilty to or been found guilty of:

8 (1) ~~[A crime]~~ **An offense** under section 565.020, 565.021, 565.023, ~~[565.024,]~~ 565.050,
9 ~~[566.030, 566.060, or 567.050 and the victim is a child under eighteen years of age;~~

10 ~~——— (2) Any other crime in chapter 566 if the victim is a child under eighteen years of age~~
11 ~~and the perpetrator is twenty-one years of age or older;~~

12 (3) ~~A crime under section]~~ 568.020, 568.030, 568.045, 568.050, 568.060, **568.065,**
13 **568.080, 568.090, [573.023, 573.025, 573.035, 573.037,]** 573.040, ~~[573.200, or 573.205]~~ **or**
14 **568.175 in which a child was a victim or any offense under chapter 566 or 573 in which a**
15 **child was a victim;** or

16 [(4)] (2) An attempt to commit any such ~~[crimes]~~ **offenses;**

17 the court shall enter an order directing the children's division to list the individual as a perpetrator
18 of child abuse or neglect in the central registry. The clerk shall send a certified copy of the order
19 to the children's division. Upon receipt of the order, the children's division shall list the
20 individual as a perpetrator of child abuse or neglect in the central registry.

210.119. The department shall create and maintain a comprehensive child welfare information system (CCWIS) that shall serve as the statewide information system for documenting and reporting child welfare information. The CCWIS shall maintain data between counties, business partners, and state departments and allow real-time information sharing and measurable data retrieval at the county and agency levels that are critical to administering the child welfare program of Missouri. Public and private foster care case management organizations shall have real-time access to child- and family-specific information, financial data, and aggregate program information to efficiently and effectively track outcomes, monitor county and agency performance and compliance, and make business decisions based on accurate and timely information.

210.135. 1. Any person, official, **employee of the department of social services**, or institution complying with the provisions of sections [~~210.110~~] **210.109** to 210.165 in the making of a report, the taking of color photographs, or the making of radiologic examinations pursuant to sections [~~210.110~~] **210.109** to 210.165 **and chapter 211**, or both such taking of color photographs and making of radiologic examinations, or the removal or retaining a child pursuant to sections [~~210.110~~] **210.109** to 210.165 **and chapter 211**, or in cooperating with the division, **with a qualified individual working under section 210.715**, or any other law enforcement agency, juvenile office, court, or child-protective service agency of this or any other state, in any of the activities pursuant to sections [~~210.110~~] **210.109** to 210.165 **and chapter 211**, or any other allegation of child abuse, neglect or assault, pursuant to sections 568.045 to 568.060, shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions. Provided, however, any person, official or institution intentionally filing a false report, acting in bad faith, or with ill intent, shall not have immunity from any liability, civil or criminal. Any such person, official, or institution shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

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

3. Any person, who is not a school district employee, who makes a report to any employee of the school district of child abuse by a school employee shall have immunity from

23 any liability, civil or criminal, that otherwise might result because of such report. Provided,
24 however, that any such person who makes a false report, knowing that the report is false, or who
25 acts in bad faith or with ill intent in making such report shall not have immunity from any
26 liability, civil or criminal. Any such person shall have the same immunity with respect to
27 participation in any judicial proceeding resulting from the report.

28 4. In a case involving the death or serious injury of a child after a report has been made
29 under sections 210.109 to 210.165, the division shall conduct a preliminary evaluation in order
30 to determine whether a review of the ability of the circuit manager or case worker or workers to
31 perform their duties competently is necessary. The preliminary evaluation shall examine:

- 32 (1) The hotline worker or workers who took any reports related to such case;
33 (2) The division case worker or workers assigned to the investigation of such report; and
34 (3) The circuit manager assigned to the county where the report was investigated.

35

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

210.140. Any legally recognized privileged communication, except that between attorney
2 and client or involving communications made to a minister or clergyperson, shall not apply to
3 situations involving known or suspected child abuse or neglect and shall not constitute grounds
4 for failure to report as required or permitted by sections ~~[210.110]~~ **210.109** to 210.165, to
5 cooperate with the division in any of its activities pursuant to ~~[sections 210.110 to 210.165]~~ **this**
6 **chapter, chapter 211, and chapter 453**, or to give or accept evidence in any judicial proceeding
7 relating to child abuse or neglect.

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 child abuse or
3 neglect has been alleged;
4 (2) Promoting the preservation and reunification of children and families consistent with
5 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 receiving and
8 maintaining reports **of child abuse or neglect**. This information system shall have the ability
9 to receive reports over a single, statewide toll-free number **and electronically**. Such information
10 system shall maintain the results of all investigations, family assessments and services, and other
11 relevant information, **including all information needed for the reporting required under**
12 **section 210.188. Such reports shall include the following information, if possible:**

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

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

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

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

20 **(e) The family composition;**

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

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

28 2. (1) The division shall utilize structured decision-making protocols, including a
29 standard risk assessment that shall be completed within seventy-two hours of the report of abuse
30 or neglect, for classification purposes of all child abuse and neglect reports. The protocols
31 developed by the division shall give priority to ensuring the well-being and safety of the child.
32 All child abuse and neglect reports shall be initiated within twenty-four hours and shall be
33 classified based upon the reported risk and injury to the child. The division shall promulgate
34 rules regarding the structured decision-making protocols to be utilized for all child abuse and
35 neglect reports.

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

41 3. Upon receipt of a report, the division shall determine if the report merits investigation,
42 including reports which if true would constitute a suspected violation of any of the following:
43 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen
44 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,
45 or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the
46 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than
47 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or
48 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such

49 crimes. The division shall immediately communicate all reports that merit investigation to its
50 appropriate local office and any relevant information as may be contained in the information
51 system. The local division staff shall determine, through the use of protocols developed by the
52 division, whether an investigation or the family assessment and services approach should be used
53 to respond to the allegation. The protocols developed by the division shall give priority to
54 ensuring the well-being and safety of the child.

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

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

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

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

76 8. The local office of the division shall cause an investigation or family assessment and
77 services approach to be initiated in accordance with the protocols established in subsection 2 of
78 this section, except in cases where the sole basis for the report is educational neglect. If the
79 report indicates that educational neglect is the only complaint and there is no suspicion of other
80 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the
81 report. If the report indicates the child is in danger of serious physical harm or threat to life, an
82 investigation shall include direct observation of the subject child within twenty-four hours of the
83 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct
84 observation. Callers to the child abuse and neglect hotline shall be instructed by the division's

85 hotline to call 911 in instances where the child may be in immediate danger. If the parents of the
86 child are not the alleged perpetrators, a parent of the child must be notified prior to the child
87 being interviewed by the division. No person responding to or investigating a child abuse and
88 neglect report shall call prior to a home visit or leave any documentation of any attempted visit,
89 such as business cards, pamphlets, or other similar identifying information if he or she has a
90 reasonable basis to believe the following factors are present:

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

96

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

111 9. The director of the division shall name at least one chief investigator for each local
112 division office, who shall direct the division response on any case involving a second or
113 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
114 investigator shall include verification of direct observation of the subject child by the division
115 and shall ensure information regarding the status of an investigation is provided to the public
116 school district liaison. The public school district liaison shall develop protocol in conjunction
117 with the chief investigator to ensure information regarding an investigation is shared with
118 appropriate school personnel. The superintendent of each school district shall designate a
119 specific person or persons to act as the public school district liaison. Should the subject child
120 attend a nonpublic school the chief investigator shall notify the school principal of the

121 investigation. Upon notification of an investigation, all information received by the public
122 school district liaison or the school shall be subject to the provisions of the federal Family
123 Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal rule 34
124 C.F.R. Part 99.

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

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

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

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

143 14. For all family support team meetings involving an alleged victim of child abuse or
144 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian
145 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
146 provided notice and be permitted to attend all such meetings. Family members, other than
147 alleged perpetrators, or other community informal or formal service providers that provide
148 significant support to the child and other individuals may also be invited at the discretion of the
149 parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian
150 or custodian and the foster parents may request that other individuals, other than alleged
151 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
152 attends such team meetings, the division or the convenor of the meeting shall provide such
153 persons with notice of all such subsequent meetings involving the child. Families may determine
154 whether individuals invited at their discretion shall continue to be invited.

155 15. If the appropriate local division personnel determine after an investigation has begun
156 that completing an investigation is not appropriate, the division shall conduct a family

157 assessment and services approach. The division shall provide written notification to local law
158 enforcement prior to terminating any investigative process. The reason for the termination of
159 the investigative process shall be documented in the record of the division and the written
160 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
161 any investigation by law enforcement.

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

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

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

174 (3) Commence an immediate investigation if at any time during the family assessment
175 and services approach the division determines that an investigation, as delineated in sections
176 210.109 to 210.183, is required. The division staff who have conducted the assessment may
177 remain involved in the provision of services to the child and family;

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

180 17. (1) Within forty-five days of an oral report of abuse or neglect, the local office shall
181 update the information in the information system. The information system shall contain, at a
182 minimum, the determination made by the division as a result of the investigation, identifying
183 information on the subjects of the report, those responsible for the care of the subject child and
184 other relevant dispositional information. The division shall complete all investigations within
185 forty-five days, unless good cause for the failure to complete the investigation is specifically
186 documented in the information system. Good cause for failure to complete an investigation shall
187 include, but not be limited to:

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

191 (b) The attorney general or the prosecuting or circuit attorney of the city or county in
192 which a criminal investigation is pending certifies in writing to the division that there is a

193 pending criminal investigation of the incident under investigation by the division and the issuing
194 of a decision by the division will adversely impact the progress of the investigation; or

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

199

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

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

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

212 18. A person required to report under section 210.115 to the division and any person
213 making a report of child abuse or neglect made to the division which is not made anonymously
214 shall be informed by the division of his or her right to obtain information concerning the
215 disposition of his or her report. Such person shall receive, from the local office, if requested,
216 information on the general disposition of his or her report. Such person may receive, if
217 requested, findings and information concerning the case. Such release of information shall be
218 at the discretion of the director based upon a review of the reporter's ability to assist in protecting
219 the child or the potential harm to the child or other children within the family. The local office
220 shall respond to the request within forty-five days. The findings shall be made available to the
221 reporter within five days of the outcome of the investigation. If the report is determined to be
222 unsubstantiated, the reporter may request that the report be referred by the division to the office
223 of child advocate for children's protection and services established in sections 37.700 to 37.730.
224 Upon request by a reporter under this subsection, the division shall refer an unsubstantiated
225 report of child abuse or neglect to the office of child advocate for children's protection and
226 services.

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

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

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

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

238

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

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

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

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

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

210.147. ~~[1. Except as otherwise provided by law,]~~ All information provided at any
2 family support team meeting ~~[held in relation to the removal of a child from the child's home]~~
3 is confidential; except that:

4 (1) Any parent or party may waive confidentiality for himself or herself to the extent
5 permitted by law; and

6 (2) Any parent of the child shall have an absolute right to video and/or audio tape such
7 team meetings to the extent permitted by law; and

8 (3) No parent or party shall be required to sign a confidentiality agreement before
9 testifying or providing information at such team meetings. Any person, other than a parent or
10 party, who does not agree to maintain confidentiality of the information provided at such team
11 meetings may be excluded from all or any portion of such team meetings during which such
12 person is not testifying or providing information.

13 ~~[2. The division shall be responsible for developing a form to be signed at the conclusion
14 of any team meeting held in relation to a child removed from the home and placed in the custody
15 of the state that reflects the core commitments made by the children's division or the convener
16 of the team meeting and the parents of the child or any other party. The content of the form shall
17 be consistent with service agreements or case plans required by statute, but not the specific
18 address of the child, whether the child shall remain in current placement or be moved to a new
19 placement, visitation schedule for the child's family, and any additional core commitments. Any
20 dissenting views shall be recorded and attested to on such form. The parents and any other party
21 shall be provided with a copy of the signed document.]~~

210.152. 1. All information, including telephone reports reported pursuant to section
2 210.145, relating to reports of abuse or neglect received by the division shall be retained by the
3 division or removed from the records of the division as follows:

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

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

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

17 (c) For investigation reports initiated by a person required to report under section
18 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying

19 information shall be retained for ten years from the conclusion of the investigation. For all other
20 investigation reports where insufficient evidence of abuse or neglect is found by the division,
21 identifying information shall be retained for five years from the conclusion of the investigation.
22 Such reports shall include any exculpatory evidence known by the division, including
23 exculpatory evidence obtained after the closing of the case. At the end of such time period, the
24 identifying information shall be removed from the records of the division and destroyed;

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

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

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

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

45 (1) That the division has determined by a probable cause finding prior to August 28,
46 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists
47 and that the division shall retain all information regarding the abuse or neglect; that such
48 information shall remain confidential and will not be released except to law enforcement
49 agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged
50 perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's
51 determination through a review by the child abuse and neglect review board as provided in
52 subsection 4 of this section;

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

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

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

61 4. Any person named in an investigation as a perpetrator who is aggrieved by a
62 determination of abuse or neglect by the division as provided in this section may seek an
63 administrative review by the child abuse and neglect review board pursuant to the provisions of
64 section 210.153. Such request for review shall be made within sixty days of notification of the
65 division's decision under this section. In those cases where criminal charges arising out of facts
66 of the investigation are pending, the request for review shall be made within sixty days from the
67 court's final disposition or dismissal of the charges. **Nothing in this section shall preclude the
68 office of child advocate from releasing findings regarding the professional performance of
69 any individual member of the multidisciplinary team as described in section 660.520.**

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

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

87 7. In any such action for administrative review, the child abuse and neglect review board
88 shall notify the child or the parent, guardian or legal representative of the child that a review has
89 been requested.

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

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

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

10 2. The judge, either sua sponte or upon motion of a party, may appoint a guardian ad
11 litem to appear for and represent an abused or neglected child involved in proceedings arising
12 under subsection 6 of section 210.152.

13 3. The guardian ad litem shall be provided with all reports relevant to the case made to
14 or by any agency or person, shall have access to all records of such agencies or persons relating
15 to the child or such child's family members or placements of the child, and upon appointment
16 by the court to a case, shall be informed of and have the right to attend any and all family support
17 team meetings involving the child. Employees of the division, officers of the court, **law**
18 **enforcement personnel**, and employees of any agency involved shall fully inform the guardian
19 ad litem of all aspects of the case of which they have knowledge or belief **within forty-eight**
20 **hours of an inquiry by a guardian ad litem.**

21 4. The appointing judge shall require the guardian ad litem to faithfully discharge such
22 guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and
23 appoint another. The appointing judge shall have the authority to examine the general and
24 criminal background of persons appointed as guardians ad litem, including utilization of the
25 family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the
26 safety and welfare of the children such persons are appointed to represent. The judge in making
27 appointments pursuant to this section shall give preference to persons who served as guardian
28 ad litem for the child in the earlier proceeding, unless there is a reason on the record for not
29 giving such preference.

30 5. The guardian ad litem may be awarded a reasonable fee for such services to be set by
31 the court. The court, in its discretion, may award such fees as a judgment to be paid by any party
32 to the proceedings or from public funds. However, no fees as a judgment shall be taxed against
33 a party or parties who have not been found to have abused or neglected a child or children. Such
34 an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem.
35 Such final judgment shall be enforceable against the parties in accordance with chapter 513.

36 6. The court may designate volunteer advocates, who may or may not be attorneys
37 licensed to practice law, to assist in the performance of the guardian ad litem duties for the court.
38 Nonattorney volunteer advocates shall not provide legal representation. The court shall have the
39 authority to examine the general and criminal background of persons designated as volunteer
40 advocates, including utilization of the family care safety registry and access line pursuant to
41 sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are
42 designated to represent. The volunteer advocate shall be provided with all reports relevant to the
43 case made to or by any agency or person, shall have access to all records of such agencies or
44 persons relating to the child or such child's family members or placements of the child, and upon
45 designation by the court to a case, shall be informed of and have the right to attend any and all
46 family support team meetings involving the child. Any such designated person shall receive no
47 compensation from public funds. This shall not preclude reimbursement for reasonable
48 expenses.

49 7. Any person appointed to perform guardian ad litem duties shall have completed a
50 training program in permanency planning and shall advocate for timely court hearings whenever
51 possible to attain permanency for a child as expeditiously as possible to reduce the effects that
52 prolonged foster care may have on a child. A nonattorney volunteer advocate shall have access
53 to a court appointed attorney guardian ad litem should the circumstances of the particular case
54 so require.

55 **8. A guardian ad litem may conduct well-child checks in emergency situations**
56 **under a court order.**

210.188. 1. Beginning February 1, 2006, and each February first thereafter, the
2 department of social services shall submit a report to the governor and the general assembly that
3 includes the following information for the previous calendar year **and, if applicable, such**
4 **information shall be broken down by county and by agency or agencies managing cases on**
5 **behalf of the department:**

6 (1) The number of children who were reported to the state of Missouri during the year
7 as abused or neglected;

8 (2) Of the number of children described in subdivision (1) of this section, the number
9 with respect to whom such reports were substantiated or unsubstantiated;

10 (3) Of the number of children described in subdivision (2) of this section:

11 (a) The number that did not receive or refused services during the year under a children's
12 division program;

13 (b) The number that did receive services during the year under a state program; and

14 (c) The number that were removed from their families during the year by disposition of
15 the case;

16 (4) The number of families that received preventive services from the state or a private
17 service provider during the year;

18 (5) The number of deaths in the state during the year resulting from child abuse or
19 neglect;

20 (6) Of the number of children described in subdivision (5) of this section, the number
21 of children who were in foster care or received services from a private service provider;

22 (7) The number of child protective services workers responsible for the intake and
23 screening of reports filed during the year;

24 (8) The agency response time with respect to each such report with respect to initial
25 investigation of reports of child abuse or neglect;

26 (9) The response time with respect to the provision of services to families and children
27 where an allegation of abuse or neglect has been made;

28 (10) The number of child protective services workers responsible for intake, assessment,
29 and investigation of child abuse and neglect reports relative to the number of reports investigated
30 during the year;

31 (11) The number of children reunited with their families or receiving family preservation
32 services that, within five years, result in subsequent substantiated reports of child abuse and
33 neglect, including the death of the child; and

34 (12) The number of children in foster care who have been adopted.

35 **2. (1) The division shall compile individual-level anonymized data for the prior**
36 **calendar year that allows researchers to track children through the child protection system**
37 **and allows analysis of outcomes and comparisons. For every child, such data shall include:**

38 **(a) General demographics, including county of residence, age, special needs, and**
39 **reason or reasons for entry;**

40 **(b) Parental demographics, including age, previous involvement, other children and**
41 **living arrangements for each child, special needs, services to be provided, and the date each**
42 **condition is met;**

43 **(c) Information regarding all services provided, including the case management**
44 **contractor and court assignment; and**

45 **(d) Information regarding all placements, including the type of placement, date of**
46 **changes, and reasons for the changes.**

47

48 **Beginning March 1, 2022, and each March first thereafter, the department shall provide**
49 **the data required under this subdivision to any Missouri research institution that agrees**
50 **to provide the division access to any research conducted by such institution utilizing such**
51 **data.**

52 **(2) Before September first of each year, the division shall provide a report to the**
53 **general assembly detailing by county and case management provider, regardless of**
54 **whether the case management provider is an agency or contracted entity, the:**

- 55 **(a) Number of referrals to the child welfare system;**
56 **(b) Number of children entering care;**
57 **(c) Total number of children in care;**
58 **(d) Number of children under one year of age entering care during that year;**
59 **(e) Number of children under one year of age in care;**
60 **(f) Number of children receiving psychotropic or other medication;**
61 **(g) Average time to permanency;**
62 **(h) Average time to terminate a parent's parental rights;**
63 **(i) Average time between the termination of parental rights and adoption;**
64 **(j) Number of voluntary and involuntary termination of parental rights cases;**
65 **(k) Number of specific consents to adoption;**
66 **(l) Number of postadoption contract agreements;**
67 **(m) Number of children reentering care; and**
68 **(n) Number of children aging out of the foster care system.**

210.565. 1. Whenever a child is placed in a foster home and the court has determined
2 pursuant to subsection 4 of this section that foster home placement with relatives is not contrary
3 to the best interest of the child, the children's division shall give foster home placement to
4 relatives of the child. Notwithstanding any rule of the division to the contrary, the children's
5 division shall make diligent efforts to locate the grandparents, adult siblings, and parents of
6 siblings of the child and determine whether they wish to be considered for placement of the
7 child. Grandparents who request consideration shall be given preference and first consideration
8 for foster home placement of the child. If more than one grandparent requests consideration, the
9 family support team shall make recommendations to the juvenile or family court about which
10 grandparent should be considered for placement.

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

12 (1) "Adult sibling", any brother or sister of whole or half-blood who is at least eighteen
13 years of age;

14 (2) "Relative", a grandparent or any other person related to another by blood or affinity
15 or a person who is not so related to the child but has a close relationship with the child or the
16 child's family. The status of a grandparent shall not be affected by the death or the dissolution
17 of the marriage of a son or daughter;

18 (3) "Sibling", one of two or more individuals who have one or both parents in common
19 through blood, marriage, or adoption, including siblings as defined by the child's tribal code or
20 custom.

21 3. The following shall be the order or preference for placement of a child under this
22 section:

23 (1) Grandparents;

24 (2) Adult siblings or parents of siblings;

25 (3) Relatives related by blood or affinity within the third degree;

26 (4) Other relatives; and

27 (5) Any foster parent who is currently licensed and capable of accepting placement of
28 the child.

29 4. The preference for placement and first consideration for grandparents or preference
30 for placement with other relatives created by this section shall only apply where the court finds
31 that placement with such grandparents or other relatives is not contrary to the best interest of the
32 child considering all circumstances. If the court finds that it is contrary to the best interest of a
33 child to be placed with grandparents or other relatives, the court shall make specific findings on
34 the record detailing the reasons why the best interests of the child necessitate placement of the
35 child with persons other than grandparents or other relatives.

36 5. Recognizing the critical nature of sibling bonds for children, the children's division
37 shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or
38 adoptive placement, unless doing so would be contrary to the safety or well-being of any of the
39 siblings. If siblings are not placed together, the children's division shall ~~[make reasonable efforts~~
40 ~~to]~~ provide frequent visitation or other ongoing interaction between the siblings, unless this
41 interaction would be contrary to a sibling's safety or well-being.

42 6. The age of the child's grandparent or other relative shall not be the only factor that the
43 children's division takes into consideration when it makes placement decisions and
44 recommendations to the court about placing the child with such grandparent or other relative.

45 7. For any Native American child placed in protective custody, the children's division
46 shall comply with the placement requirements set forth in 25 U.S.C. Section 1915.

47 8. A grandparent or other relative may, on a case-by-case basis, have standards for
48 licensure not related to safety waived for specific children in care that would otherwise impede
49 licensing of the grandparent's or relative's home. In addition, any person receiving a preference
50 may be licensed in an expedited manner if a child is placed under such person's care.

51 9. The guardian ad litem shall ascertain the child's wishes and feelings about his or her
52 placement by conducting an interview or interviews with the child, if appropriate based on the
53 child's age and maturity level, which shall be considered as a factor in placement decisions and

54 recommendations, but shall not supersede the preference for relative placement created by this
55 section or be contrary to the child's best interests.

**210.652. Beginning August 28, 2021, the department of social services, in
2 conjunction with the office of administration, shall implement a computerized method to
3 allow for the electronic exchange of data and documents required by the Interstate
4 Compact on the Placement of Children to place children across state lines.**

**210.715. 1. The department of social services shall establish programs to implement
2 provisions related to the federal Family First Prevention Services Act (Titles IV-B and IV-
3 E of the Social Security Act as amended by Public Law 115-123, enacted February 9, 2018),
4 as amended, to provide enhanced support to children and their families to prevent foster
5 care placements when doing so serves the safety and well-being of children. The program
6 shall promote family-based care, ensuring the limited use of residential setting placements
7 when found to be the least restrictive, appropriate placement, as approved by the juvenile
8 or family court.**

**9 2. As used in this section, "child", "children", and "youth" mean any person under
10 eighteen years of age or any person eighteen years of age or older and under twenty-two
11 years of age in the legal custody of the children's division and over whom the court has
12 maintained jurisdiction.**

**13 3. A "residential setting" means a congregate setting that provides twenty-four
14 hour supervision to a child for the purpose of rehabilitative treatment relating to emotional
15 or psychiatric needs, learning difficulties, behavioral disorders, trauma histories, or
16 developmental challenges that require a higher level of supervision and treatment than
17 available in a foster home setting. Such setting shall include:**

**18 (1) A qualified residential treatment program (QRTP) as defined by regulations by
19 the department of social services;**

**20 (2) A psychiatric residential treatment facility (PRTF) as defined by regulations by
21 the department of social services;**

**22 (3) A setting specializing in providing prenatal, postpartum, or parenting support
23 for youth;**

**24 (4) A supervised congregate setting in which a youth who is eighteen years of age
25 or older can live independently;**

**26 (5) A setting providing high-quality residential care and supportive services to
27 children and youth who have been found to be, or are at risk of becoming, sex trafficking
28 victims;**

29 (6) A residential treatment agency licensed by the children's division.

30 **4. A "qualified individual" means a trained professional or licensed clinician who**
31 **is not an employee of the children's division or a foster care case management contractor,**
32 **or subcontractor thereof, of the children's division and who is not connected to, or**
33 **affiliated with, any placement setting in which children are placed by the state. The**
34 **department of social services shall enter into contracts with appropriate individuals or**
35 **entities to serve as qualified individuals. The children's division shall establish the**
36 **qualifications of a qualified individual by regulation.**

37 **5. If a child is placed in a residential setting, the children's division shall arrange**
38 **for a qualified individual to complete an assessment of the child within thirty days of the**
39 **start of each placement in a residential setting. The assessment shall be in writing and**
40 **shall:**

41 **(1) Assess the strengths and needs of the child using an age-appropriate, trauma-**
42 **informed, evidence-based, validated tool approved by the children's division;**

43 **(2) Assess whether the needs of the child can be met through placement with family**
44 **members or in a foster home;**

45 **(3) If the needs of the child cannot be met with family members or in a foster home,**
46 **explain why the child's placement in a residential setting shall be the most effective and**
47 **appropriate level of care in the least restrictive environment;**

48 **(4) Describe how that placement is consistent with the short-term and long-term**
49 **goals for the child as specified in the child's permanency plan; and**

50 **(5) Develop a list of child-specific short-term and long-term mental and behavioral**
51 **health goals.**

52 **6. The children's division shall assemble a family support team for the child in**
53 **accordance with the requirements of section 210.762. The qualified individual conducting**
54 **the assessment shall work in conjunction with the family of, and family support team for,**
55 **the child while conducting and making the assessment.**

56 **7. Notwithstanding any other provision of law, the qualified individual shall have**
57 **unlimited access to any and all records and information pertaining to the child that the**
58 **qualified individual determines are necessary to complete the assessment including, but not**
59 **limited to, medical records, therapy records, psychological or psychiatric evaluations,**
60 **educational records, and placement history, including progress reports from such**
61 **placements.**

62 **8. (1) The qualified individual shall provide the written assessment to the**
63 **children's division. The children's division shall provide a copy of the assessment to the**
64 **parties of the juvenile proceeding, the members of the family support team, and the court.**
65 **The children's division may redact any information from the report that may be**

66 confidential as a matter of law or may be harmful to the best interests, safety, and welfare
67 of the child. The copy of the report as redacted shall be admitted into evidence and
68 considered by the court without further foundation unless any party to the juvenile
69 proceeding objects. The objection shall be in writing and specify the legal and factual basis
70 for the objection. The burden of proof shall be on the party objecting to the admissibility
71 of the report; except that, the children's division shall have the burden to establish the legal
72 and factual basis for any redactions. The court may hold a hearing, take evidence on the
73 objection, and independently determine whether any redactions are appropriate.

74 (2) The children's division shall provide information to the court as to the division's
75 efforts made to meet the needs of the child in a less restrictive setting and the services
76 provided to meet the needs of the child.

77 9. Within sixty days of the start of each placement in a residential setting, the court
78 shall assess the appropriateness for the child to remain in a residential setting. In
79 conducting such assessment, the court shall make specific written findings of fact and:

80 (1) Consider the assessment, determination, and documentation made by the
81 qualified individual conducting the assessment;

82 (2) Determine whether the needs of the child can be met through placement in a
83 foster home or, if not, whether placement of the child in a residential setting provides the
84 most effective and appropriate level of care for the child, in the least restrictive
85 environment;

86 (3) Determine whether that placement is consistent with the short-term and long-
87 term goals for the child, as specified in the permanency plan for the child; and

88 (4) Approve or disapprove the placement.

89 10. The court shall reassess the appropriateness for the child to remain in a
90 residential setting at every hearing subsequent to placement in a residential setting and
91 make written findings of fact as required under subsection 9 of this section, but not less
92 than every six months, until the child is discharged to a less restrictive, nonresidential
93 setting.

94 11. If any party to the case at any time opposes the child's placement in a
95 residential setting, the opposing party may request a hearing. After a hearing, the court
96 shall make a finding as prescribed under subsection 9 of this section.

97 12. The children's division is authorized to promulgate rules, including emergency
98 rules, to implement the provisions of this section and of the federal Family First Prevention
99 Services Act (Title IV-B and IV-E of the Social Security Act as amended by Public Law
100 115-123, enacted February 9, 2018), or amendments thereto, and, under this section, shall
101 define implementation plans and dates. Any rule or portion of a rule, as that term is

102 **defined in section 536.010, that is created under the authority delegated in this section shall**
103 **become effective only if it complies with and is subject to all of the provisions of chapter**
104 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**
105 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**
106 **to delay the effective date, or to disapprove and annul a rule are subsequently held**
107 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
108 **after August 28, 2021, shall be invalid and void.**

210.762. 1. When a child is taken into custody by a juvenile officer, **physician**, or law
2 enforcement official **under section 210.125 and comes under the jurisdiction of the court**
3 under subdivision (1) **or (2)** of subsection 1 of section 211.031 and ~~initially~~ placed with the
4 division, the division may make a temporary placement and shall arrange for a family support
5 team meeting prior to or within twenty-four hours following the protective custody hearing held
6 under section 211.032. After a child is in the division's custody ~~[and a temporary placement has~~
7 ~~been made]~~, the division shall arrange an additional family support team meeting prior to taking
8 any action relating to the placement of such child; except that, when the welfare of a child in the
9 custody of the division requires an immediate or emergency change of placement, the division
10 may make a temporary placement and shall schedule a family support team meeting within
11 seventy-two hours. The requirement for a family support team meeting shall not apply when the
12 parent has consented in writing to the termination of his or her parental rights in conjunction with
13 a placement in a licensed child-placing agency under subsection 6 of section 453.010.

14 2. The parents, the legal counsel for the parents, the foster parents, the legal guardian or
15 custodian of the child, the guardian ad litem for the child, and the volunteer advocate, and any
16 designee of the parent that has written authorization shall be notified and invited to participate
17 in all family support team meetings. The family support team meeting may include such other
18 persons whose attendance at the meeting may assist the team in making appropriate decisions
19 in the best interests of the child, **including biological family members and relatives, as**
20 **appropriate, as well as professionals who are a resource to the family of the child, such as**
21 **teachers, medical or mental health providers who have treated the child, or clergy. In the**
22 **case of a child who has attained fourteen years of age, the family support team shall**
23 **include the members of the family support team for the child selected by the child. The**
24 **division may exclude an individual from a family support team meeting or make**
25 **alternative arrangements for an individual to express his or her views if an individual**
26 **becomes disruptive to the meeting.**

27 3. If the division finds that it is not in the best interest of a child to be placed with
28 relatives, the division shall make specific findings in the division's report detailing the reasons

29 why the best interests of the child necessitate placement of the child with persons other than
30 relatives.

31 ~~[3. The division shall use the form created in subsection 2 of section 210.147 to be~~
32 ~~signed upon the conclusion of the meeting pursuant to subsection 1 of this section confirming~~
33 ~~that all involved parties are aware of the team's decision regarding the custody and placement~~
34 ~~of the child. Any dissenting views must be recorded and attested to on such form.]~~

35 **4. The division shall be responsible for developing a form to be signed at the**
36 **conclusion of any team meeting held in relation to a child removed from the home and**
37 **placed in the custody of the state that reflects the core commitments made by the children's**
38 **division or the convenor of the team meeting and the parents of the child or any other**
39 **party. The content of the form shall:**

40 **(1) Be consistent with services agreements or case plans required by statute but not**
41 **the specific address of the child;**

42 **(2) Include whether the child shall remain in current placement or be moved to a**
43 **new placement;**

44 **(3) Include a visitation schedule for the child's family; and**

45 **(4) Include any additional core commitments.**

46
47 **Any dissenting views shall be recorded and attested to on such form. The parents and any**
48 **other party shall be provided with a copy of the signed document.**

49 **5. The [case manager] division shall be responsible for including such form with the**
50 **case records of the child.**

210.950. 1. This section shall be known and may be cited as the "Safe Place for
2 Newborns Act of 2002". The purpose of this section is to protect newborn children from injury
3 and death caused by abandonment by a parent, and to provide safe and secure alternatives to such
4 abandonment.

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

6 (1) "Hospital", as defined in section 197.020;

7 (2) "Maternity home", the same meaning as such term is defined in section 135.600;

8 (3) **"Newborn safety incubator", a medical device used to**
9 **maintain an optimal environment for the care of a newborn infant;**

10 (4) "Nonrelinquishing parent", the biological parent who does not leave a newborn infant
11 with any person listed in subsection 3 of this section in accordance with this section;

12 ~~[(4)]~~ (5) "Pregnancy resource center", the same meaning as such term is defined in
13 section 135.630;

14 [~~(5)~~] (6) "Relinquishing parent", the biological parent or person acting on such parent's
15 behalf who leaves a newborn infant with any person listed in subsection 3 of this section in
16 accordance with this section.

17 3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045
18 or 568.050 for actions related to the voluntary relinquishment of a child up to forty-five days old
19 pursuant to this section if:

20 (1) Expressing intent not to return for the child, the parent voluntarily delivered the child
21 safely to **a newborn safety incubator as defined under this section, or to** the physical custody
22 of any of the following persons:

23 (a) An employee, agent, or member of the staff of any hospital, maternity home, or
24 pregnancy resource center in a health care provider position or on duty in a nonmedical paid or
25 volunteer position;

26 (b) A firefighter or emergency medical technician on duty in a paid position or on duty
27 in a volunteer position; or

28 (c) A law enforcement officer;

29 (2) The child was no more than forty-five days old when delivered by the parent to any
30 person listed in subdivision (1) of this subsection; and

31 (3) The child has not been abused or neglected by the parent prior to such voluntary
32 delivery.

33 4. A parent voluntarily relinquishing a child under this section shall not be required to
34 provide any identifying information about the child or the parent. No person shall induce or
35 coerce, or attempt to induce or coerce, a parent into revealing his or her identity. No officer,
36 employee, or agent of this state or any political subdivision of this state shall attempt to locate
37 or determine the identity of such parent. In addition, any person who obtains information on the
38 relinquishing parent shall not disclose such information except to the following:

39 (1) A birth parent who has waived anonymity or the child's adoptive parent;

40 (2) The staff of the department of health and senior services, the department of social
41 services, or any county health or social services agency or licensed child welfare agency that
42 provides services to the child;

43 (3) A person performing juvenile court intake or dispositional services;

44 (4) The attending physician;

45 (5) The child's foster parent or any other person who has physical custody of the child;

46 (6) A juvenile court or other court of competent jurisdiction conducting proceedings
47 relating to the child;

48 (7) The attorney representing the interests of the public in proceedings relating to the
49 child; and

50 (8) The attorney representing the interests of the child.

51 5. A person listed in subdivision (1) of subsection 3 of this section shall, without a court
52 order, take physical custody of a child the person reasonably believes to be no more than forty-
53 five days old and is delivered in accordance with this section by a person purporting to be the
54 child's parent. If delivery of a newborn is made pursuant to this section in any place other than
55 a hospital, the person taking physical custody of the child shall arrange for the immediate
56 transportation of the child to the nearest hospital licensed pursuant to chapter 197.

57 6. The hospital, its employees, agents and medical staff shall perform treatment in
58 accordance with the prevailing standard of care as necessary to protect the physical health or
59 safety of the child. The hospital shall notify the children's division and the local juvenile officer
60 upon receipt of a child pursuant to this section. The local juvenile officer shall immediately
61 begin protective custody proceedings and request the child be made a ward of the court during
62 the child's stay in the medical facility. Upon discharge of the child from the medical facility and
63 pursuant to a protective custody order ordering custody of the child to the division, the children's
64 division shall take physical custody of the child. The parent's voluntary delivery of the child in
65 accordance with this section shall constitute the parent's implied consent to any such act and a
66 voluntary relinquishment of such parent's parental rights.

67 7. In any termination of parental rights proceeding initiated after the relinquishment of
68 a child pursuant to this section, the juvenile officer shall make public notice that a child has been
69 relinquished, including the sex of the child, and the date and location of such relinquishment.
70 Within thirty days of such public notice, the parent wishing to establish parental rights shall
71 identify himself or herself to the court and state his or her intentions regarding the child. The
72 court shall initiate proceedings to establish paternity, or if no person identifies himself as the
73 father within thirty days, maternity. The juvenile officer shall make examination of the putative
74 father registry established in section 192.016 to determine whether attempts have previously been
75 made to preserve parental rights to the child. If such attempts have been made, the juvenile
76 officer shall make reasonable efforts to provide notice of the abandonment of the child to such
77 putative father.

78 8. (1) If a relinquishing parent of a child relinquishes custody of the child to any person
79 listed in subsection 3 of this section in accordance with this section and to preserve the parental
80 rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps necessary
81 to establish parentage within thirty days after the public notice or specific notice provided in
82 subsection 7 of this section.

83 (2) If either parent fails to take steps to establish parentage within the thirty-day period
84 specified in subdivision (1) of this subsection, either parent may have all of his or her rights
85 terminated with respect to the child.

86 (3) When either parent inquires at a hospital regarding a child whose custody was
87 relinquished pursuant to this section, such facility shall refer such parent to the children's division
88 and the juvenile court exercising jurisdiction over the child.

89 9. The persons listed in subdivision (1) of subsection 3 of this section shall be immune
90 from civil, criminal, and administrative liability for accepting physical custody of a child
91 pursuant to this section if such persons accept custody in good faith. Such immunity shall not
92 extend to any acts or omissions, including negligent or intentional acts or omissions, occurring
93 after the acceptance of such child.

94 10. The children's division shall:

95 (1) Provide information and answer questions about the process established by this
96 section on the statewide, toll-free telephone number maintained pursuant to section 210.145;

97 (2) Provide information to the public by way of pamphlets, brochures, or by other ways
98 to deliver information about the process established by this section.

99 11. It shall be an affirmative defense to prosecution for a violation of sections 568.030,
100 568.032, 568.045, and 568.050 that a parent who is a defendant voluntarily relinquished a child
101 no more than one year old under this section.

102 12. Nothing in this section shall be construed as conflicting with section 210.125.

103 **13. (1) A newborn safety incubator shall:**

104 (a) **Be located within fifty feet of a police station, fire station, or medical facility**
105 **licensed under chapter 197 that is staffed at all hours;**

106 (b) **Have safety mechanisms including, but not limited to, climate controls, a**
107 **backup power supply in the event of a power failure, and an alarm to notify personnel**
108 **when an infant is placed in the incubator; and**

109 (c) **Be cleaned and disinfected in accordance with equipment guidelines and health**
110 **care best practices.**

111 (2) **The director of the Missouri department of health and senior services may**
112 **promulgate all necessary rules and regulations for the administration of this section,**
113 **including rules governing the specifications, installation, maintenance, and oversight of**
114 **newborn safety incubators as defined under this section. Any rule or portion of a rule, as**
115 **that term is defined in section 536.010, that is created under the authority delegated in this**
116 **section shall become effective only if it complies with and is subject to all of the provisions**
117 **of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
118 **nonseverable, and if any of the powers vested with the general assembly pursuant to**
119 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
120 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
121 **proposed or adopted after August 28, 2021, shall be invalid and void.**

210.1220. 1. As used in this section, the following terms mean:

2 **(1) "Division", the Missouri children's division within the department of social**
3 **services;**

4 **(2) "Emergency medical care", immediate care required to protect the life, safety,**
5 **or health of the child, including diagnosis and treatment of an emergent medical, mental,**
6 **surgical, dental, or other condition or contagious disease, in order to prevent serious harm**
7 **to the child and to address current or imminent substantial suffering, including the**
8 **alleviation of severe pain;**

9 **(3) "Extraordinary medical care", includes, but is not limited to, extraordinary**
10 **dental treatment, sterilization, experimental drug treatments, invasive or extensive medical**
11 **testing, any elective body modification procedures requiring general anesthesia,**
12 **chemotherapy, end-of-life decisions, termination of life support, do-not-resuscitate orders,**
13 **and abortions;**

14 **(4) "Nonroutine medical care", treatment that falls outside the standard of routine**
15 **care, but is not extraordinary or emergency medical care, and includes surgery, anesthesia,**
16 **inpatient hospitalization, nonroutine dental care, behavioral therapy or behavioral health**
17 **services, and psychiatric treatment;**

18 **(5) "Routine medical care", includes, but is not limited to, treatment for ordinary**
19 **illnesses, routine dental care, immunizations, well-child visits, physicals, preventive health**
20 **services, and ongoing treatment for acute or chronic medical conditions that do not require**
21 **extraordinary or emergency medical care.**

22 **2. The division or its designees may consent to routine and nonroutine medical care**
23 **for a child in the division's legal custody. Resource providers may consent only to routine**
24 **medical care unless otherwise designated by the court. An individual eighteen years of age**
25 **or older in the division's legal custody may consent to his or her own medical care unless**
26 **otherwise restricted by the court after notice and opportunity for hearing. Decisions**
27 **regarding extraordinary medical care shall be determined by the juvenile court by court**
28 **order, unless the individual is eighteen years of age or older and is not otherwise restricted**
29 **by the court.**

30 **3. Emergency medical care shall be provided to the child or individual in the**
31 **division's legal custody when recommended by a licensed physician, surgeon, or dentist.**

32 **4. No informed consent authorization shall be required by any medical provider**
33 **upon the issuance of a valid court order by the juvenile or family court for medical care**
34 **authorized within the scope of the order. Such order shall be deemed a properly executed**
35 **informed consent form for procedures and treatments specified in the order.**

36 **5. The court shall expedite hearings and rulings on motions to authorize**
37 **extraordinary medical care.**

211.021. As used in this chapter, unless the context clearly requires otherwise:

- 2 (1) "Adult" means a person eighteen years of age or older;
- 3 (2) "Child" means any person under eighteen years of age;
- 4 (3) "Juvenile court" means the juvenile division or divisions of the circuit court of the
5 county, or judges while hearing juvenile cases assigned to them;
- 6 (4) "Legal custody" means the right to the care, custody and control of a child and the
7 duty to provide food, clothing, shelter, [ordinary] medical care, education, treatment and
8 discipline of a child. Legal custody may be taken from a parent only by court action and if the
9 legal custody is taken from a parent without termination of parental rights, the parent's duty to
10 provide support continues even though the person having legal custody may provide the
11 necessities of daily living;
- 12 (5) "Parent" means either a natural parent or a parent by adoption and if the child is
13 illegitimate, "parent" means the mother;
- 14 (6) "Shelter care" means the temporary care of juveniles in physically unrestricting
15 facilities pending final court disposition. These facilities may include:
- 16 (a) "Foster home", the private home of foster parents providing twenty-four-hour care
17 to one to three children unrelated to the foster parents by blood, marriage or adoption;
- 18 (b) "Group foster home", the private home of foster parents providing twenty-four-hour
19 care to no more than six children unrelated to the foster parents by blood, marriage or adoption;
- 20 (c) "Group home", a child care facility which approximates a family setting, provides
21 access to community activities and resources, and provides care to no more than twelve children.

211.032. 1. Except as otherwise provided in a circuit participating in a pilot project
2 established by the Missouri supreme court, when a child, alleged to be in need of care and
3 treatment pursuant to subdivision (1) of subsection 1 of section 211.031, is taken into custody,
4 the juvenile or family court shall notify the parties of the right to have a protective custody
5 hearing. Such notification shall be in writing.

6 2. Upon request from any party, the court shall hold a protective custody hearing. Such
7 hearing shall be held within three days of the request for a hearing, excluding Saturdays, Sundays
8 and legal holidays. For circuits participating in a pilot project established by the Missouri
9 supreme court, the parties shall be notified at the status conference of their right to request a
10 protective custody hearing.

11 3. No later than February 1, 2005, the Missouri supreme court shall require a mandatory
12 court proceeding to be held within three days, excluding Saturdays, Sundays, and legal holidays,
13 in all cases under subdivision (1) of subsection 1 of section 211.031. The Missouri supreme

14 court shall promulgate rules for the implementation of such mandatory court proceedings and
15 may consider recommendations from any pilot projects established by the Missouri supreme
16 court regarding such proceedings. Nothing in this subsection shall prevent the Missouri supreme
17 court from expanding pilot projects prior to the implementation of this subsection.

18 4. The court shall hold an adjudication hearing no later than sixty days after the child has
19 been taken into custody. The court shall notify the parties in writing of the specific date, time,
20 and place of such hearing. If at such hearing the court determines that sufficient cause exists for
21 the child to remain in the custody of the state, the court shall conduct a dispositional hearing no
22 later than ninety days after the child has been taken into custody and shall conduct review
23 hearings regarding the reunification efforts made by the division every ninety to one hundred
24 twenty days for the first year the child is in the custody of the division. After the first year,
25 review hearings shall be held as necessary, but in no event less than once every six months for
26 as long as the child is in the custody of the division.

27 5. At all hearings held pursuant to this section the court may receive testimony and other
28 evidence relevant to the necessity of detaining the child out of the custody of the parents,
29 guardian or custodian.

30 6. By January 1, 2005, the supreme court shall develop rules regarding the effect of
31 untimely hearings.

32 7. If the placement of any child in the custody of the children's division will result in the
33 child attending a school other than the school the child was attending when taken into custody:

34 (1) The child's records from such school shall automatically be forwarded to the school
35 that the child is transferring to upon notification within two business days by the division; or

36 (2) Upon request of the foster family, the guardian ad litem, or the volunteer advocate
37 and whenever possible, the child shall be permitted to continue to attend the same school that
38 the child was enrolled in and attending at the time the child was taken into custody by the
39 division. The division, in consultation with the department of elementary and secondary
40 education, shall establish the necessary procedures to implement the provisions of this
41 subsection.

42 **8. If a child comes under the court's jurisdiction due to allegations of child abuse**
43 **or neglect and all children in the home are under three years of age, the court shall:**

44 (1) **Conduct monthly hearings on the status of the case;**

45 (2) **Support frequent visitation with the child's parents and with the concurrent**
46 **permanency resource parent if it is in the best interest of the child;**

47 (3) **At the hearing on disposition and at each permanency hearing thereafter, enter**
48 **an order requiring that the parties exercise reasonable efforts to finalize a primary and**
49 **concurrent permanency plan for each child.**

50 **9. The Missouri office of the state courts administrator shall develop a plan, to be**
 51 **approved by the joint committee on child abuse and neglect by July 1, 2022, for**
 52 **implementation by July 1, 2023.**

211.038. 1. A child under the jurisdiction of the juvenile court shall not be reunited with
 2 a parent or placed in a home in which the parent or any person residing in the home has been
 3 found guilty of **or pled guilty to** any of the following offenses when a child was the victim:

4 (1) ~~[A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061, 566.062,~~
 5 ~~566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.100, 566.101, 566.111, 566.151,~~
 6 ~~566.203, 566.206, 566.209, 566.211, or 566.215;~~

7 ~~———— (2) A violation of section 568.020;~~

8 ~~———— (3) Abuse of a child under section 568.060 when such abuse is sexual in nature;~~

9 ~~———— (4) A violation of section 568.065;~~

10 ~~———— (5) A violation of section 573.200;~~

11 ~~———— (6) A violation of section 573.205; or~~

12 ~~———— (7) A violation of section 568.175]~~ **Any of the offenses listed in subdivision (4) of**
 13 **subsection 2 of section 211.447;**

14 ~~[(8)]~~ **(2)** A violation of section 566.040, 566.070, or 566.090 as such sections existed
 15 prior to August 28, 2013; or

16 ~~[(9)]~~ **(3)** A violation of section 566.212, 568.080, or 568.090 as such sections existed
 17 prior to January 1, 2017.

18 2. For all other **felony** violations of offenses ~~[in chapters 566 and 568]~~ **that would**
 19 **endanger a child** not specifically ~~[listed]~~ **provided** in subsection 1 of this section or for a
 20 violation of an offense committed in another state when a child is the victim ~~[that would be a~~
 21 ~~violation of chapter 566 or 568 if committed in Missouri]~~, the juvenile court may exercise its
 22 discretion regarding the placement of a child under the jurisdiction of the juvenile court in a
 23 home in which a parent or any person residing in the home has been found guilty of, or pled
 24 guilty to, any such offense.

25 3. If the juvenile court determines that a child has abused another child, such abusing
 26 child shall be prohibited from returning to or residing in any residence located within one
 27 thousand feet of the residence of the abused child, or any child care facility or school that the
 28 abused child attends, until the abused child reaches eighteen years of age. The prohibitions of
 29 this subsection shall not apply where the alleged abuse occurred between siblings or children
 30 living in the same home.

211.072. 1. (1) A juvenile under eighteen years of age who has been certified to
 2 **stand trial as an adult for an offense under section 211.071 and who is currently placed in**
 3 **a juvenile detention facility shall remain in the juvenile detention facility pending**

4 finalization of the judgment and completion of appeal, if any, of the judgment dismissing
5 the juvenile petition to allow for prosecution under the general laws unless otherwise
6 ordered by the juvenile court.

7 (2) Upon the judgment dismissing the petition to allow prosecution under the
8 general laws becoming final and adult charges being filed, if the juvenile is currently in a
9 juvenile detention facility, the juvenile shall remain in the juvenile detention facility unless
10 the juvenile posts bond or the juvenile is transferred to a jail or other adult detention
11 facility.

12 (3) If the juvenile officer does not believe a juvenile detention facility would be the
13 appropriate placement or would continue to serve as the appropriate placement, the
14 juvenile officer may file a motion in the adult criminal case requesting that the juvenile be
15 transferred from the juvenile detention facility to a jail or other adult detention facility.
16 The court shall hear evidence relating to the appropriateness of the juvenile remaining in
17 the juvenile detention facility or being transferred to a jail or other adult detention facility.
18 At such hearing, the following shall have the right to be present and have the opportunity
19 to present evidence and recommendations at such hearing:

20 (a) The juvenile;

21 (b) The juvenile's parents;

22 (c) The juvenile's counsel, the prosecuting attorney, the juvenile officer or his or
23 her designee for the circuit in which the juvenile was certified; and

24 (d) The juvenile officer or his or her designee for the circuit in which the pretrial
25 certified juvenile is proposed to be held, if different, counsel for the juvenile officer, and
26 representatives of the county proposed to have custody of the pretrial certified juvenile.

27 2. (1) Following such hearing, the court shall order that the juvenile continue to
28 be held in the juvenile detention facility, subject to all Missouri juvenile detention
29 standards, or shall order that the pretrial certified juvenile be held in a jail or other adult
30 detention facility but only after the court has made findings that it would be in the interest
31 of justice to move the pretrial certified juvenile to a jail or other adult detention facility.

32 (2) The court shall weigh the following factors when deciding whether to detain a
33 certified juvenile in a jail or other adult detention facility:

34 (a) The certified juvenile's age;

35 (b) The certified juvenile's physical and mental maturity;

36 (c) The certified juvenile's present mental state, including whether the juvenile
37 presents an imminent risk of self-harm;

38 (d) The nature and circumstances of the charges;

39 (e) The certified juvenile's history of delinquency;

40 (f) The relative ability of the available adult and juvenile facilities to meet both the
41 needs of the certified juvenile and to protect the public and other youth in the juvenile
42 detention facility's custody;

43 (g) The opinion of the juvenile officer in the circuit of the proposed placement as
44 to the ability of that juvenile detention facility to provide for appropriate care, custody,
45 and control of the pretrial certified juvenile; and

46 (h) Any other relevant factors.

47 3. In the event the court finds that the best interests of justice require the certified
48 juvenile to be held in a jail or other adult detention facility, the court shall hold a hearing
49 once every sixty days to determine whether the placement of the certified juvenile in the
50 jail or other adult detention facility is still in the best interests of justice.

51 4. A certified juvenile shall not be held in a jail or other adult detention facility for
52 more than one hundred eighty days unless the court finds, for good cause, that an extension
53 is necessary or the juvenile, through counsel, waives the one- hundred-eighty-day
54 maximum period.

55 5. Beginning December 21, 2021, all previously certified pretrial juveniles under
56 eighteen years of age who had been certified prior to the effective date of this section shall
57 be transferred from a jail or other adult detention facility to a juvenile detention facility
58 unless a hearing is held and the court finds, based upon the factors under subsection 2 of
59 this section, that it would be in the best interests of justice to keep the juvenile in the jail
60 or other adult detention facility.

61 6. All pretrial certified juveniles under eighteen years of age who are held in a jail
62 or other adult detention facility under the interests of justice exception shall continue to
63 be subject to the protections of the Prison Rape Elimination Act's (PREA) youthful inmates
64 provisions and shall be sight and sound separated from adult inmates.

65 7. If the certified juvenile remains in a juvenile detention facility, the juvenile
66 officer may file a motion to reconsider placement. The court shall consider the factors set
67 forth under subsection 2 of this section, and the individuals set forth under subsection 1
68 of this section shall have a right to be present and present evidence. The court may amend
69 its earlier order in light of the evidence and arguments presented at subsequent hearings
70 upon making a finding that it would not be in the best interests of justice for the juvenile
71 to remain in a juvenile detention facility.

72 8. Issues related to the setting and posting of bond along with any bond forfeiture
73 proceedings shall be held in the pretrial certified juvenile's adult criminal case.

74 **9. Upon attaining eighteen years of age or upon conviction on the adult charges, the**
75 **juvenile shall be transferred from the juvenile detention facility to the appropriate jail or**
76 **other adult detention facility.**

77 **10. Any responsibility for transportation of the postcertified juvenile who remains**
78 **in a juvenile detention facility shall be handled in the same manner as in all other adult**
79 **criminal cases in which the defendant is in custody.**

80 **11. The per diem provisions set forth under section 211.156 shall apply to**
81 **postcertified juveniles who are being held in a juvenile detention facility.**

211.081. 1. Whenever any person informs the juvenile officer in writing that a child
2 appears to be within the purview of applicable provisions of section 211.031, the juvenile officer
3 shall make or cause to be made a preliminary inquiry to determine the facts and to determine
4 whether or not the interests of the public or of the child require that further action be taken. On
5 the basis of this inquiry, the juvenile officer may make such informal adjustment as is practicable
6 without a petition or file a petition. Any other provision of this chapter to the contrary
7 notwithstanding, the juvenile court shall not make any order for disposition of a child which
8 would place or commit the child to any location outside the state of Missouri without first
9 receiving the approval of the children's division.

10 2. Placement in any ~~[institutional]~~ **residential** setting, **as defined in subsection 3 of**
11 **section 210.715**, shall represent the least restrictive appropriate placement for the child and shall
12 ~~[be recommended based upon a psychological or psychiatric evaluation or both]~~ **meet all**
13 **requirements set forth in section 210.715.** Prior to entering any order for disposition of a child
14 which would order residential treatment or other services inside the state of Missouri, the
15 juvenile court shall enter findings which include the recommendation of the psychological or
16 psychiatric evaluation or both; and certification from the division director or designee as to
17 whether a provider or funds or both are available, including a projection of their future
18 availability. If the children's division indicates that funding is not available, the division shall
19 recommend and make available for placement by the court an alternative placement for the child.
20 The division shall have the burden of demonstrating that they have exercised due diligence in
21 utilizing all available services to carry out the recommendation of the evaluation team and serve
22 the best interest of the child. The judge shall not order placement or an alternative placement
23 with a specific provider but may reasonably designate the scope and type of the services which
24 shall be provided by the department to the child. **For purposes of this subsection, the word**
25 **"child" shall have the same definition as set forth under section 210.715.**

26 3. Obligations of the state incurred under the provisions of section 211.181 shall not
27 exceed, in any fiscal year, the amount appropriated for this purpose.

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

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

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

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

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

211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it appears that the information could justify the filing of a petition, the juvenile officer may take further action, including filing a petition. If it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child [~~one-year~~] **three years** of age or

16 under at the time of filing of the petition. The court may find that an infant has been abandoned
17 if:

18 (a) The parent has left the child under circumstances that the identity of the child was
19 unknown and could not be ascertained, despite diligent searching, and the parent has not come
20 forward to claim the child; or

21 (b) The parent has, ~~[without good cause, left the child without any provision for parental~~
22 ~~support and without making arrangements to visit or communicate with the child, although able~~
23 ~~to do so]~~ **for a period of one hundred and twenty days immediately prior to the filing of the**
24 **petition for termination of parental rights, willfully, substantially, and continuously**
25 **neglected to provide the child with necessary care and protection and has made no attempt**
26 **to contact the child or the caregiver of the child;** or

27 (c) The parent has voluntarily relinquished a child under section 210.950; or

28 (3) A court of competent jurisdiction has determined that the parent has:

29 (a) Committed murder of another child of the parent; or

30 (b) Committed voluntary manslaughter of another child of the parent; or

31 (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or
32 voluntary manslaughter; or

33 (d) Committed a felony assault that resulted in serious bodily injury to the child or to
34 another child of the parent; or

35 (4) The parent has been found guilty of or pled guilty to a felony violation of chapter
36 **565, 566, 567, 568, or 573** when the child or any child ~~[in the family]~~ was a victim~~], or a~~
37 ~~violation of section 568.020 or 568.065 when the child or any child in the family was a victim]~~
38 **excluding any felony for the offense of criminal nonsupport under section 568.040.** As used
39 in this subdivision, a "child" means any person who was under eighteen years of age at the time
40 of the ~~[crime and who resided with such parent or was related within the third degree of~~
41 ~~consanguinity or affinity to such parent]~~ **offense.**

42 3. A termination of parental rights petition shall be filed by the juvenile officer or the
43 division, or if such a petition has been filed by another party, the juvenile officer or the division
44 shall seek to be joined as a party to the petition, within sixty days of the judicial determinations
45 required in subsection 2 of this section, except as provided in subsection 4 of this section.
46 Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate
47 a petition for termination of parental rights which is filed outside of sixty days.

48 4. If grounds exist for termination of parental rights pursuant to subsection 2 of this
49 section, the juvenile officer or the division may, but is not required to, file a petition to terminate
50 the parental rights of the child's parent or parents if:

51 (1) The child is being cared for by a relative; or

52 (2) There exists a compelling reason for determining that filing such a petition would
53 not be in the best interest of the child, as documented in the permanency plan which shall be
54 made available for court review; or

55 (3) The family of the child has not been provided such services as provided for in section
56 211.183.

57 5. The juvenile officer or the division may file a petition to terminate the parental rights
58 of the child's parent when it appears that one or more of the following grounds for termination
59 exist:

60 (1) The child has been abandoned. For purposes of this subdivision a "child" means any
61 child over ~~[one year]~~ **three years** of age at the time of filing of the petition. The court shall find
62 that the child has been abandoned if, for a period of six months or longer:

63 (a) The parent has left the child under such circumstances that the identity of the child
64 was unknown and could not be ascertained, despite diligent searching, and the parent has not
65 come forward to claim the child; or

66 (b) The parent has, ~~[without good cause, left the child without any provision for parental~~
67 ~~support and without making arrangements to visit or communicate with the child, although able~~
68 ~~to do so]~~ **for a period of six months immediately prior to the filing of the petition for**
69 **termination of parental rights, willfully, substantially, and continuously neglected to**
70 **provide the child with necessary care and protection;**

71 (2) The child has been abused or neglected. In determining whether to terminate parental
72 rights pursuant to this subdivision, the court shall consider and make findings on the following
73 conditions or acts of the parent:

74 (a) A mental condition which is shown by competent evidence either to be permanent
75 or such that there is no reasonable likelihood that the condition can be reversed and which
76 renders the parent unable to knowingly provide the child the necessary care, custody and control;

77 (b) Chemical dependency which prevents the parent from consistently providing the
78 necessary care, custody and control of the child and which cannot be treated so as to enable the
79 parent to consistently provide such care, custody and control;

80 (c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child
81 or any child in the family by the parent, including an act of incest, or by another under
82 circumstances that indicate that the parent knew or should have known that such acts were being
83 committed toward the child or any child in the family; or

84 (d) Repeated or continuous failure by the parent, although physically or financially able,
85 to provide the child with adequate food, clothing, shelter, or education as defined by law, or other
86 care and control necessary for the child's physical, mental, or emotional health and development.

87

88 Nothing in this subdivision shall be construed to permit discrimination on the basis of disability
89 or disease;

90 (3) The child has been under the jurisdiction of the juvenile court for a period of one
91 year, and the court finds that the conditions which led to the assumption of jurisdiction still
92 persist, or conditions of a potentially harmful nature continue to exist, that there is little
93 likelihood that those conditions will be remedied at an early date so that the child can be returned
94 to the parent in the near future, or the continuation of the parent-child relationship greatly
95 diminishes the child's prospects for early integration into a stable and permanent home. In
96 determining whether to terminate parental rights under this subdivision, the court shall consider
97 and make findings on the following:

98 (a) The terms of a social service plan entered into by the parent and the division and the
99 extent to which the parties have made progress in complying with those terms;

100 (b) The success or failure of the efforts of the juvenile officer, the division or other
101 agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to
102 provide a proper home for the child;

103 (c) A mental condition which is shown by competent evidence either to be permanent
104 or such that there is no reasonable likelihood that the condition can be reversed and which
105 renders the parent unable to knowingly provide the child the necessary care, custody and control;

106 (d) Chemical dependency which prevents the parent from consistently providing the
107 necessary care, custody and control over the child and which cannot be treated so as to enable
108 the parent to consistently provide such care, custody and control; or

109 (4) The child was conceived and born as a result of an act of ~~[forcible]~~ rape ~~[or rape in~~
110 ~~the first degree]~~. When the biological father has pled guilty to, or is convicted of, the ~~[forcible]~~
111 ~~rape [or rape in the first degree]~~ of the birth mother, such a plea or conviction shall be conclusive
112 evidence supporting the termination of the biological father's parental rights; or

113 (5) (a) The parent is unfit to be a party to the parent and child relationship because of
114 a consistent pattern of committing a specific abuse including, but not limited to, specific
115 conditions directly relating to the parent and child relationship which are determined by the court
116 to be of a duration or nature that renders the parent unable for the reasonably foreseeable future
117 to care appropriately for the ongoing physical, mental, or emotional needs of the child.

118 (b) It is presumed that a parent is unfit to be a party to the parent and child relationship
119 upon a showing that:

120 a. Within a three-year period immediately prior to the termination adjudication, the
121 parent's parental rights to one or more other children were involuntarily terminated pursuant to
122 subsection 2 or 4 of this section or subdivision (1), (2), or (3) of this subsection or similar laws
123 of other states;

124 b. If the parent is the birth mother and within eight hours after the child's birth, the child's
125 birth mother tested positive and over eight-hundredths of one percent blood alcohol content
126 pursuant to testing under section 577.020 for alcohol, or tested positive for cocaine, heroin,
127 methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug
128 as defined in section 196.973, excepting those controlled substances or prescription drugs present
129 in the mother's body as a result of medical treatment administered to the mother, and the birth
130 mother is the biological mother of at least one other child who was adjudicated an abused or
131 neglected minor by the mother or the mother has previously failed to complete recommended
132 treatment services by the children's division through a family-centered services case;

133 c. If the parent is the birth mother and at the time of the child's birth or within eight hours
134 after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a
135 controlled substance as defined in section 195.010, or a prescription drug as defined in section
136 196.973, excepting those controlled substances or prescription drugs present in the mother's body
137 as a result of medical treatment administered to the mother, and the birth mother is the biological
138 mother of at least one other child who was adjudicated an abused or neglected minor by the
139 mother or the mother has previously failed to complete recommended treatment services by the
140 children's division through a family-centered services case; ~~[or]~~

141 d. Within a three-year period immediately prior to the termination adjudication, the
142 parent has pled guilty to or has been convicted of a felony involving the possession, distribution,
143 or manufacture of cocaine, heroin, or methamphetamine, and the parent is the biological parent
144 of at least one other child who was adjudicated an abused or neglected minor by such parent or
145 such parent has previously failed to complete recommended treatment services by the children's
146 division through a family-centered services case; **or**

147 **e. For at least fifteen of the twenty-two months prior to the filing of the petition, the**
148 **child has been in foster care under the jurisdiction of the juvenile court.**

149 6. The juvenile court may terminate the rights of a parent to a child upon a petition filed
150 by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court
151 finds that the termination is in the best interest of the child and when it appears by clear, cogent
152 and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of
153 this section.

154 7. When considering whether to terminate the parent-child relationship pursuant to
155 subsection 2 or 4 of this section or subdivision (1), (2), or (3) of subsection 5 of this section, the
156 court shall evaluate and make findings on the following factors, when appropriate and applicable
157 to the case:

158 (1) The emotional ties to the birth parent;

159 (2) The extent to which the parent has maintained regular visitation or other contact with
160 the child;

161 (3) The extent of payment by the parent for the cost of care and maintenance of the child
162 when financially able to do so including the time that the child is in the custody of the division
163 or other child-placing agency;

164 (4) Whether additional services would be likely to bring about lasting parental
165 adjustment enabling a return of the child to the parent within an ascertainable period of time;

166 (5) The parent's disinterest in or lack of commitment to the child;

167 (6) The conviction of the parent of a felony offense that the court finds is of such a
168 nature that the child will be deprived of a stable home for a period of years; provided, however,
169 that incarceration in and of itself shall not be grounds for termination of parental rights;

170 (7) Deliberate acts of the parent or acts of another of which the parent knew or should
171 have known that subjects the child to a substantial risk of physical or mental harm.

172 8. The court may attach little or no weight to infrequent visitations, communications, or
173 contributions. It is irrelevant in a termination proceeding that the maintenance of the
174 parent-child relationship may serve as an inducement for the parent's rehabilitation.

175 9. In actions for adoption pursuant to chapter 453, the court may hear and determine the
176 issues raised in a petition for adoption containing a prayer for termination of parental rights filed
177 with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

178 10. The disability or disease of a parent shall not constitute a basis for a determination
179 that a child is a child in need of care, for the removal of custody of a child from the parent, or for
180 the termination of parental rights without a specific showing that there is a causal relation
181 between the disability or disease and harm to the child.

182 11. A court of competent jurisdiction may terminate the parental rights of a biological
183 father of a child if he is an alleged perpetrator of forcible rape under section 566.030 as it existed
184 prior to August 28, 2013, or rape in the first degree under section 566.030 that resulted in the
185 conception and birth of the child. The biological mother who is the victim of the ~~[forcible]~~ rape
186 ~~[or rape in the first degree]~~ **that resulted in the conception and birth of the child** or, if she is
187 a minor, someone on her behalf may file a petition to terminate the parental rights of the
188 biological father. The court may terminate the parental rights of the biological father if the court
189 finds that by:

190 (1) Clear, cogent, and convincing evidence the biological father committed the act of
191 ~~[forcible]~~ rape ~~[or rape in the first degree]~~ against the biological mother;

192 (2) Clear, cogent, and convincing evidence the child was conceived as a result of that
193 act of ~~[forcible]~~ rape ~~[or rape in the first degree]~~; and

194 (3) The preponderance of the evidence the termination of the parental rights of the
195 biological father is in the best interests of the child.

196 12. In any action to terminate the parental rights of the biological father under subsection
197 11 of this section or subdivision (5) of subsection 5 of this section, a court of competent
198 jurisdiction may order that the mother and the child conceived and born as a result of [~~foreible~~
199 rape [~~or rape in the first degree~~] are entitled to obtain from the biological father certain payments,
200 support, beneficiary designations, or other financial benefits. The court shall issue such order
201 only if the mother gives her consent; provided, that the court shall first inform the mother that
202 such order may require or obligate the mother to have continuous or future communication and
203 contact with the biological father. Such order shall be issued without the biological father being
204 entitled to or granted any custody, guardianship, visitation privileges, or other parent-child
205 relationship, and may include any or all of the following:

206 (1) Payment for the reasonable expenses of the mother or the child, or both, related to
207 pregnancy, labor, delivery, postpartum care, newborn care, or early childhood care;

208 (2) Child support under this chapter or chapter 210, 452, or 454;

209 (3) All rights of the child to inherit under the probate code, as defined in section
210 472.010; provided that, for purposes of intestate succession, the biological father or his kindred
211 shall have no right to inherit from or through the child;

212 (4) The designation of the child as the beneficiary of a life or accidental death insurance
213 policy, annuity, contract, plan, or other product sold or issued by a life insurance company; or

214 (5) Any other payments, support, beneficiary designations, or financial benefits that are
215 in the best interests of the child or for the reasonable expenses of the mother, or both.

216

217 If the mother declines to seek a court order for child support under this subsection, no state
218 agency shall require the mother to do so in order to receive public assistance benefits for herself
219 or the child, including, but not limited to, benefits for temporary assistance for needy families,
220 supplemental nutrition assistance program, or MO HealthNet. The court order terminating the
221 parental rights of the biological father under subdivision (5) of subsection 5 of this section or
222 subsection 11 of this section shall serve as a sufficient basis for a good cause or other exemptions
223 under 42 U.S.C. Section 654(29) and the state agency shall not require the mother or the child
224 to otherwise provide the identity, location, income, or assets of the biological father or have
225 contact or communicate with the biological father. However, nothing in this subsection shall
226 prohibit a state agency from requesting that the mother assign any child support rights she
227 receives under this subsection to the state as a condition of receipt of public assistance benefits
228 under applicable federal and state law.

211.505. 1. As used in this section, "safe baby court" means a specialized court program established for children under three years of age that connects families with services and support needed to promote healthy child development and provides faster exits from court or division supervision.

2. In conjunction with completing a risk assessment and in consultation with appropriate stakeholders required under chapter 210, the children's division shall recommend a safe baby court for children under three years of age and their families, but the children's division shall be responsible for recording and tracking movement of the child in the system and legal changes in the case.

3. Two years after the effective date of this section, safe baby courts shall be implemented in every court of this state.

217.777. 1. The department shall administer a community corrections program to encourage the establishment of local sentencing alternatives for offenders to:

(1) Promote accountability of offenders to crime victims, local communities and the state by providing increased opportunities for offenders to make restitution to victims of crime through financial reimbursement or community service;

(2) Ensure that victims of crime are included in meaningful ways in Missouri's response to crime;

(3) Provide structured opportunities for local communities to determine effective local sentencing options to assure that individual community programs are specifically designed to meet local needs;

(4) Reduce the cost of punishment, supervision and treatment significantly below the annual per-offender cost of confinement within the traditional prison system;

(5) Utilize community supervision centers to effectively respond to violations and prevent revocations; ~~and~~

(6) Improve public confidence in the criminal justice system by involving the public in the development of community-based sentencing options for eligible offenders; **and**

(7) Promote opportunities for nonviolent primary caregivers to care for their dependent children.

2. The program shall be designed to implement and operate community-based restorative justice projects including, but not limited to: preventive or diversionary programs, community-based intensive probation and parole services, community-based treatment centers, day reporting centers, and the operation of facilities for the detention, confinement, care and treatment of adults under the purview of this chapter.

3. The department shall promulgate rules and regulations for operation of the program established pursuant to this section as provided for in section 217.040 and chapter 536.

26 4. Any proposed program or strategy created pursuant to this section shall be developed
27 after identification of a need in the community for such programs, through consultation with
28 representatives of the general public, judiciary, law enforcement and defense and prosecution
29 bar.

30 5. In communities where local volunteer community boards are established at the request
31 of the court, the following guidelines apply:

32 (1) The department shall provide a program of training to eligible volunteers and develop
33 specific conditions of a probation program and conditions of probation for offenders referred to
34 it by the court. Such conditions, as established by the community boards and the department,
35 may include compensation and restitution to the community and the victim by fines, fees, day
36 fines, victim-offender mediation, participation in victim impact panels, community service, or
37 a combination of the aforementioned conditions;

38 (2) The term of probation shall not exceed five years and may be concluded by the court
39 when conditions imposed are met to the satisfaction of the local volunteer community board.

40 6. The department may staff programs created pursuant to this section with employees
41 of the department or may contract with other public or private agencies for delivery of services
42 as otherwise provided by law.

307.179. 1. As used in this section, the following terms shall mean:

2 (1) "Child booster seat", a seating system which meets the Federal Motor Vehicle Safety
3 Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to
4 properly sit in a federally approved safety belt system;

5 (2) "Child passenger restraint system", a seating system which meets the Federal Motor
6 Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either
7 permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal
8 attachment system;

9 (3) "Driver", a person who is in actual physical control of a motor vehicle.

10 2. Every driver transporting a child under the age of sixteen years shall be responsible,
11 when transporting such child in a motor vehicle operated by that driver on the streets or
12 highways of this state, for providing for the protection of such child as follows:

13 (1) **Children shall be secured in a rear-facing passenger restraint system until the**
14 **child reaches two years of age;**

15 (2) Children less than four years of age, regardless of weight, shall be secured in a child
16 passenger restraint system appropriate for that child;

17 ~~(2)~~ (3) Children weighing less than forty pounds, regardless of age, shall be secured
18 in a child passenger restraint system appropriate for that child;

19 ~~[(3)]~~ **(4)** Children at least four years of age but less than eight years of age, who also
20 weigh at least forty pounds but less than eighty pounds, and who are also less than four feet, nine
21 inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for
22 that child;

23 ~~[(4)]~~ **(5)** Children at least eighty pounds or children more than four feet, nine inches in
24 height shall be secured by a vehicle safety belt or booster seat appropriate for that child;

25 ~~[(5)]~~ **(6)** A child who otherwise would be required to be secured in a booster seat may
26 be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat
27 of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat
28 installation;

29 ~~[(6)]~~ **(7)** When transporting children in the immediate family when there are more
30 children than there are seating positions in the enclosed area of a motor vehicle, the children who
31 are not able to be restrained by a child safety restraint device appropriate for the child shall sit
32 in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only
33 for a front seat area. The driver transporting children referred to in this subsection is not in
34 violation of this section.

35

36 This subsection shall only apply to the use of a child passenger restraint system or vehicle safety
37 belt for children less than sixteen years of age being transported in a motor vehicle.

38 3. Any driver who violates subdivision (1), (2), ~~[or]~~ **(3), or (4)** of subsection 2 of this
39 section is guilty of an infraction and, upon conviction, may be punished by a fine of not more
40 than fifty dollars and court costs. Any driver who violates subdivision ~~[(4)]~~ **(5)** of subsection 2
41 of this section shall be subject to the penalty in subsection 6 of section 307.178. If a driver
42 receives a citation for violating subdivision (1), (2), ~~[or]~~ **(3), or (4)** of subsection 2 of this
43 section, the charges shall be dismissed or withdrawn if the driver prior to or at his or her hearing
44 provides evidence of acquisition of a child passenger restraint system or child booster seat which
45 is satisfactory to the court or the party responsible for prosecuting the driver's citation.

46 4. The provisions of this section shall not apply to any public carrier for hire. The
47 provisions of this section shall not apply to students four years of age or older who are
48 passengers on a school bus designed for carrying eleven passengers or more and which is
49 manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school
50 buses are defined in section 301.010.

51 5. The highways and transportation commission shall initiate and develop a program of
52 public information to develop understanding of, and ensure compliance with, the provisions of
53 this section.

453.030. 1. In all cases the approval of the court of the adoption shall be required and such approval shall be given or withheld as the welfare of the person sought to be adopted may, in the opinion of the court, demand.

2. The written consent of the person to be adopted shall be required in all cases where the person sought to be adopted is fourteen years of age or older, except where the court finds that such child has not sufficient mental capacity to give the same. In a case involving a child under fourteen years of age, the guardian ad litem shall ascertain the child's wishes and feelings about his or her adoption by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered by the court as a factor in determining if the adoption is in the child's best interests.

3. With the exceptions specifically enumerated in section 453.040, when the person sought to be adopted is under the age of eighteen years, the written consent of the following persons shall be required and filed in and made a part of the files and record of the proceeding:

(1) The mother of the child;

(2) Any man who:

(a) Is presumed to be the father pursuant to subdivision (1), (2), or (3) of subsection 1 of section 210.822; or

(b) Has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child and has served a copy of the petition on the mother in accordance with section 506.100; or

(c) Filed with the putative father registry pursuant to section 192.016 a notice of intent to claim paternity or an acknowledgment of paternity either prior to or within fifteen days after the child's birth, and has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child; and

(3) The child's current adoptive parents or other legally recognized mother and father.

Upon request by the petitioner and within one business day of such request, the clerk of the local court shall verify whether such written consents have been filed with the court.

4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section may be executed before or after the birth of the child or before or after the commencement of the adoption proceedings, and shall be executed in front of a judge or acknowledged before a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting birth parent of the consequences of the consent. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons whose signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party

37 to the adoption proceeding other than the attorney representing the party signing the consent.
38 The notary public or witnesses shall verify the identity of the party signing the consent.
39 Notwithstanding any other provision of law to the contrary, a properly executed written consent
40 under this subsection shall be considered irrevocable.

41 5. The written consent required in subdivision (1) of subsection 3 of this section by the
42 birth mother shall not be executed anytime before the child is forty-eight hours old. Such written
43 consent shall be executed in front of a judge or acknowledged before a notary public. If consent
44 is executed in front of a judge, it shall be the duty of the judge to advise the consenting party of
45 the consequences of the consent. In lieu of acknowledgment before a notary public, the signature
46 of the person giving such written consent shall be witnessed by the signatures of at least two
47 adult persons who are present at the execution whose signatures and addresses shall be plainly
48 written thereon and who determine and certify that the consent is knowingly and freely given.
49 The two adult witnesses shall not be the prospective adoptive parents or any attorney
50 representing a party to the adoption proceeding other than the attorney representing the party
51 signing the consent. The notary public or witnesses shall verify the identity of the party signing
52 the consent.

53 6. A consent is final when executed, unless the consenting party, prior to a final decree
54 of adoption, alleges and proves by clear and convincing evidence that the consent was not freely
55 and voluntarily given. The burden of proving the consent was not freely and voluntarily given
56 shall rest with the consenting party. Consents in all cases shall have been executed not more
57 than six months prior to the date the petition for adoption is filed.

58 7. A consent form shall be developed through rules and regulations promulgated by the
59 **children's division of the** department of social services. No rule or portion of a rule
60 promulgated under the authority of this section shall become effective unless it has been
61 promulgated pursuant to the provisions of chapter 536. If a written consent is obtained after
62 August 28, 1997, but prior to the development of a consent form by the department and the
63 written consent complies with the provisions of subsection 8 of this section, such written consent
64 shall be deemed valid.

65 8. However, the consent form must specify that:

66 (1) The birth parent understands the importance of identifying all possible fathers of the
67 child and may provide the names of all such persons; and

68 (2) The birth parent understands that if he denies paternity, but consents to the adoption,
69 he waives any future interest in the child.

70 9. The written consent to adoption required by subsection 3 and executed through
71 procedures set forth in subsection 5 of this section shall be valid and effective even though the

72 parent consenting was under eighteen years of age, if such parent was represented by a guardian
73 ad litem, at the time of the execution thereof.

74 10. Where the person sought to be adopted is eighteen years of age or older, his or her
75 written consent alone to his or her adoption shall be sufficient.

76 11. A birth parent, including a birth parent less than eighteen years of age, shall have the
77 right to legal representation [~~and payment of any reasonable legal fees incurred throughout the~~
78 ~~adoption process~~]. In addition, the court may appoint an attorney to represent a birth parent if:

79 (1) **The court determines that a birth parent is in need of representation by counsel**
80 **or a birth parent requests such representation;**

81 (2) The court finds that hiring an attorney to represent such birth parent would cause a
82 financial hardship for the birth parent; and

83 (3) The birth parent is not already represented by counsel.

84 12. [~~Except in cases where the court determines that the adoptive parents are unable to~~
85 ~~pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall~~
86 ~~order the costs of the attorney fees incurred pursuant to subsection 11 of this section to be paid~~
87 ~~by the prospective adoptive parents or the child-placing agency.~~

88 ———13.] The court shall receive and acknowledge a written consent to adoption properly
89 executed by a birth parent under this section when such consent is in the best interests of the
90 child.

453.040. The consent to the adoption of a child is not required of:

2 (1) A parent whose rights with reference to the child have been terminated pursuant to
3 law, including section 211.444 or section 211.447 or other similar laws in other states;

4 (2) A parent of a child who has legally consented to a future adoption of the child;

5 (3) A parent whose identity is unknown and cannot be ascertained at the time of the
6 filing of the petition;

7 (4) A man who has not been established to be the father and who is not presumed by law
8 to be the father, and who, after the conception of the child, executes a verified statement denying
9 paternity and disclaiming any interest in the child and acknowledging that this statement is
10 irrevocable when executed and follows the consent as set forth in section 453.030;

11 (5) A parent or other person who has not executed a consent and who, after proper
12 service of process, fails to file an answer or make an appearance in a proceeding for adoption or
13 for termination of parental rights at the time such cause is heard;

14 (6) A parent who has a mental condition which is shown by competent evidence either
15 to be permanent or such that there is no reasonable likelihood that the condition can be reversed
16 and which renders the parent unable to knowingly provide the child the necessary care, custody
17 and control;

18 (7) A parent who has, for a period of at least six months, for a child [~~one year~~] **over**
 19 **three years** of age [~~or older~~], or at least sixty days, for a child [~~under one year~~] **three years** of
 20 age **or under**, immediately prior to the filing of the petition for adoption, [~~willfully abandoned~~
 21 ~~the child or, for a period of at least six months immediately prior to the filing of the petition for~~
 22 ~~adoption,~~] willfully, substantially and continuously neglected to provide [~~him~~] **the child** with
 23 necessary care and protection;

24 (8) A parent whose rights to the child may be terminated for any of the grounds set forth
 25 in section 211.447 and whose rights have been terminated after hearing and proof of such
 26 grounds as required by sections 211.442 to 211.487. Such petition for termination may be filed
 27 as a count in an adoption petition.

453.080. 1. The court shall conduct a hearing to determine whether the adoption shall
 2 be finalized. If their attorney appears in person, out-of-state adoptive petitioners may appear by
 3 video conference. During such hearing, the court shall ascertain whether:

4 (1) The person sought to be adopted, if a child, has been in the lawful and actual custody
 5 of the petitioner for a period of at least six months prior to entry of the adoption decree; except
 6 that the six-month period may be waived if the person sought to be adopted is a child who is
 7 under the prior and continuing jurisdiction of a court pursuant to chapter 211 and the person
 8 desiring to adopt the child is the child's current foster parent. Lawful and actual custody shall
 9 include a transfer of custody pursuant to the laws of this state, another state, a territory of the
 10 United States, or another country;

11 (2) The court has received and reviewed a postplacement assessment on the monthly
 12 contacts with the adoptive family pursuant to section 453.077, except for good cause shown in
 13 the case of a child adopted from a foreign country;

14 (3) The court has received and reviewed an updated financial affidavit;

15 (4) The court has received the recommendations of the guardian ad litem and has
 16 received and reviewed the recommendations of the person placing the child, the person making
 17 the assessment and the person making the postplacement assessment;

18 (5) There is compliance with the Indian Child Welfare Act, if applicable;

19 (6) There is compliance with the Interstate Compact on the Placement of Children
 20 pursuant to section 210.620; and

21 (7) It is fit and proper that such adoption should be made **and that the adoption is in**
 22 **the best interests of the child.**

23 2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of
 24 custody has occurred pursuant to section 453.110, the court may authorize the filing for
 25 finalization in another state if the adoptive parents are domiciled in that state.

26 3. If the court determines the adoption should be finalized, a decree shall be issued
27 setting forth the facts and ordering that from the date of the decree the adoptee shall be for all
28 legal intents and purposes the child of the petitioner or petitioners. The court may decree that
29 the name of the person sought to be adopted be changed, according to the prayer of the petition.

30 4. Before the completion of an adoption, the exchange of information among the parties
31 shall be at the discretion of the parties. Prospective adoptive parents and birth parents may enter
32 into a written post adoption contact agreement to allow contact, communication, and the
33 exchange of photographs after the adoption between the adoptive parents and the birth parents.
34 The court shall not order any party to enter into a post adoption contact agreement. The
35 agreement shall be filed with and approved by the court at or before the finalization of the
36 adoption. The court shall approve an agreement only if the agreement is in the best interests of
37 the child. The court may enforce or modify an agreement made under this subsection unless such
38 enforcement or modification is not in the best interests of the child. The agreement shall include:

39 (1) An acknowledgment by the birth parents that the adoption is irrevocable, even if the
40 adoptive parents do not abide by the post adoption contact agreement;

41 (2) An acknowledgment by the adoptive parents that the agreement grants the birth
42 parents the right to seek to enforce the provisions of the post adoption contact agreement.
43 Remedies for a breach of the agreement shall include specific performance of the terms of the
44 agreement; provided, that nothing in the agreement shall preclude a party seeking to enforce the
45 agreement from utilizing child welfare mediation before, or in addition to, the commencement
46 of a civil action for specific enforcement;

47 (3) An acknowledgment that the post adoption contact agreement shall be filed with and
48 approved by the court in order to be enforceable; and

49 (4) An acknowledgment that the birth parents' consent to the adoption was not
50 conditioned on the post adoption contact agreement and that acceptance of the agreement is fully
51 voluntary.

52

53 Upon completion of an adoption, further contact among the parties shall be at the discretion of
54 the adoptive parents or in accordance with a post adoption contact agreement executed under this
55 subsection. The court shall not have jurisdiction to deny an exchange of identifying information
56 between an adoptive parent and a birth parent.

57 5. Before the completion of an adoption, the court shall make available to the birth
58 parent or parents a contact preference form developed by the state registrar pursuant to section
59 193.128 and provided to the court by the department of health and senior services. If a birth
60 parent chooses to complete the form, the clerk of the court shall send the form with the certificate
61 of decree of adoption to the state registrar. Such form shall accompany the original birth

62 certificate of the adopted person and may be updated by a birth parent at any time upon the
63 request of the birth parent.

492.304. 1. In addition to the admissibility of a statement under the provisions of section
2 492.303, the visual and aural recording of a verbal or nonverbal statement of a child when under
3 the age of fourteen who is alleged to be a victim of an offense under the provisions of chapter
4 565, 566 or 568 is admissible into evidence if:

5 (1) No attorney for either party was present when the statement was made; except that,
6 for any statement taken at a state-funded child assessment center [~~as provided for in subsection~~
7 ~~2 of section 210.001~~], an attorney representing the state of Missouri in a criminal investigation
8 may, as a member of a multidisciplinary investigation team, observe the taking of such statement,
9 but such attorney shall not be present in the room where the interview is being conducted;

10 (2) The recording is both visual and aural and is recorded on film or videotape or by
11 other electronic means;

12 (3) The recording equipment was capable of making an accurate recording, the operator
13 of the equipment was competent, and the recording is accurate and has not been altered;

14 (4) The statement was not made in response to questioning calculated to lead the child
15 to make a particular statement or to act in a particular way;

16 (5) Every voice on the recording is identified;

17 (6) The person conducting the interview of the child in the recording is present at the
18 proceeding and available to testify or be cross-examined by either party; and

19 (7) The defendant or the attorney for the defendant is afforded an opportunity to view
20 the recording before it is offered into evidence.

21 2. If the child does not testify at the proceeding, the visual and aural recording of a verbal
22 or nonverbal statement of the child shall not be admissible under this section unless the recording
23 qualifies for admission under section 491.075.

24 3. If the visual and aural recording of a verbal or nonverbal statement of a child is
25 admissible under this section and the child testifies at the proceeding, it shall be admissible in
26 addition to the testimony of the child at the proceeding whether or not it repeats or duplicates the
27 child's testimony.

28 4. As used in this section, a nonverbal statement shall be defined as any demonstration
29 of the child by his or her actions, facial expressions, demonstrations with a doll or other visual
30 aid whether or not this demonstration is accompanied by words.

559.120. The circuit court may place a defendant on probation and require his or her
2 participation in a program established pursuant to section 217.777 if, having regard to the nature
3 and circumstances of the offense and to the history and character of the defendant, the court is
4 of the opinion that:

5 (1) Traditional institutional confinement of the defendant is not necessary for the
6 protection of the public, given adequate supervision; and

7 (2) The defendant is in need of guidance, training, or other assistance, which, in his or
8 her case, can be effectively administered through participation in a community-based treatment
9 program.

10

11 **If the court holds such opinions and further finds that the defendant is the primary**
12 **caregiver of one or more dependent children, the court shall consider requiring the**
13 **defendant to participate in a community-based treatment program.**

~~[210.117. 1. A child taken into the custody of the state shall not be
2 reunited with a parent or placed in a home in which the parent or any person
3 residing in the home has been found guilty of any of the following offenses when
4 a child was the victim:~~

5 ~~(1) A felony violation of section 566.030, 566.031, 566.032, 566.060;~~
6 ~~566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083;~~
7 ~~566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, 566.211, or~~
8 ~~566.215;~~

9 ~~(2) A violation of section 568.020;~~

10 ~~(3) Abuse of a child under section 568.060 when such abuse is sexual in~~
11 ~~nature;~~

12 ~~(4) A violation of section 568.065;~~

13 ~~(5) A violation of section 573.200;~~

14 ~~(6) A violation of section 573.205; or~~

15 ~~(7) A violation of section 568.175;~~

16 ~~(8) A violation of section 566.040, 566.070, or 566.090 as such sections~~
17 ~~existed prior to August 28, 2013; or~~

18 ~~(9) A violation of section 566.212, 568.080, or 568.090 as such sections~~
19 ~~existed prior to January 1, 2017.~~

20 ~~2. For all other violations of offenses in chapters 566 and 568 not~~
21 ~~specifically listed in subsection 1 of this section or for a violation of an offense~~
22 ~~committed in another state when a child is the victim that would be a violation~~
23 ~~of chapter 566 or 568, if committed in Missouri, the division may exercise its~~
24 ~~discretion regarding the placement of a child taken into the custody of the state~~
25 ~~in which a parent or any person residing in the home has been found guilty of any~~
26 ~~such offense.~~

27 ~~3. In any case where the children's division determines based on a~~
28 ~~substantiated report of child abuse that a child has abused another child, the~~
29 ~~abusing child shall be prohibited from returning to or residing in any residence,~~
30 ~~facility, or school within one thousand feet of the residence of the abused child~~
31 ~~or any child care facility or school that the abused child attends, unless and until~~
32 ~~a court of competent jurisdiction determines that the alleged abuse did not occur~~
33 ~~or the abused child reaches the age of eighteen, whichever earlier occurs. The~~

34 ~~provisions of this subsection shall not apply when the abusing child and the~~
35 ~~abused child are siblings or children living in the same home.]~~

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~~[210.130. 1. Oral reports of abuse or neglect shall be made to the~~
2 ~~division by telephone or otherwise.~~

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~~3 2. Such reports shall include the following information: The names and~~
4 ~~addresses of the child and his parents or other persons responsible for his care,~~
5 ~~if known; the child's age, sex, and race; the nature and extent of the child's~~
6 ~~injuries, abuse, or neglect, including any evidence of previous injuries, abuse, or~~
7 ~~neglect to the child or his siblings; the name, age and address of the person~~
8 ~~responsible for the injuries, abuse or neglect, if known; family composition; the~~
9 ~~source of the report; the name and address of the person making the report, his~~
10 ~~occupation, and where he can be reached; the actions taken by the reporting~~
11 ~~source, including the taking of color photographs or the making of radiologic~~
12 ~~examinations pursuant to sections 210.110 to 210.165, or both such taking of~~
13 ~~color photographs or making of radiologic examinations, removal or keeping of~~
14 ~~the child, notifying the coroner or medical examiner, and other information that~~
15 ~~the person making the report believes may be helpful in the furtherance of the~~
16 ~~purposes of sections 210.110 to 210.165.~~

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~~17 3. Evidence of sexual abuse or sexual molestation of any child under~~
18 ~~eighteen years of age shall be turned over to the division within twenty-four hours~~
19 ~~by those mandated to report.]~~

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

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Section B. Because immediate action is necessary to protect children, the repeal and
2 reenactment of section 210.950 of section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and the repeal and reenactment of section
5 210.950 of section A of this act shall be in full force and effect upon its passage and approval.

