

SECOND REGULAR SESSION

HOUSE COMMITTEE BILL NO. 12

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANKLIN.

6461H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 135.800, 160.261, 167.117, 191.737, 191.739, 208.151, 210.110, 210.117, 210.145, 210.152, 210.790, 211.038, 211.444, 211.447, 452.375, 452.400, 453.015, 453.030, 453.080, and 487.110, RSMo, and to enact in lieu thereof twenty-four new sections relating to the protection of vulnerable persons, with penalty provisions.

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

Section A. Sections 135.800, 160.261, 167.117, 191.737, 191.739, 208.151, 210.110, 210.117, 210.145, 210.152, 210.790, 211.038, 211.444, 211.447, 452.375, 452.400, 453.015, 453.030, 453.080, and 487.110, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 135.621, 135.800, 160.261, 167.117, 191.737, 191.739, 207.087, 208.151, 210.110, 210.117, 210.143, 210.145, 210.152, 210.514, 210.790, 211.038, 211.444, 211.447, 452.375, 452.400, 453.015, 453.030, 453.080, and 487.110, to read as follows:

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

- (1) "Contribution", a donation of cash, stock, bonds, other marketable securities, or real property;**
- (2) "Department", the department of social services;**
- (3) "Diaper bank", a nonprofit entity located in this state established and operating primarily for the purpose of collecting or purchasing disposable diapers or other hygiene products for infants, children, or incontinent adults and that regularly distributes such diapers or other hygiene products through two or more schools, health care facilities, governmental agencies, or other nonprofit entities for eventual distribution to individuals free of charge;**

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.

11 (4) "Tax credit", a credit against the tax otherwise due under chapter 143,
12 excluding withholding tax imposed under sections 143.191 to 143.265, or otherwise due
13 under chapter 148 or 153;

14 (5) "Taxpayer", a person, firm, partner in a firm, corporation, or shareholder in
15 an S corporation doing business in the state of Missouri and subject to the state income tax
16 imposed under chapter 143; an insurance company paying an annual tax on its gross
17 premium receipts in this state; any other financial institution paying taxes to the state of
18 Missouri or any political subdivision of this state under chapter 148; an express company
19 that pays an annual tax on its gross receipts in this state under chapter 153; an individual
20 subject to the state income tax under chapter 143; or any charitable organization that is
21 exempt from federal income tax and whose Missouri unrelated business taxable income,
22 if any, would be subject to the state income tax imposed under chapter 143.

23 2. For all tax years beginning on or after July 1, 2019, a taxpayer shall be allowed
24 to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty
25 percent of the amount of such taxpayer's contributions to a diaper bank.

26 3. The amount of the tax credit claimed shall not exceed the amount of the
27 taxpayer's state tax liability for the tax year for which the credit is claimed, and such
28 taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per
29 tax year. However, any tax credit that cannot be claimed in the tax year the contribution
30 was made may be carried over only to the next succeeding tax year. No tax credit issued
31 under this section shall be assigned, transferred, or sold.

32 4. Except for any excess credit that is carried over under subsection 3 of this
33 section, no taxpayer shall be allowed to claim a tax credit unless the taxpayer contributes
34 at least one hundred dollars to one or more diaper banks during the tax year for which the
35 credit is claimed.

36 5. The department shall determine, at least annually, which entities in this state
37 qualify as diaper banks. The department may require of an entity seeking to be classified
38 as a diaper bank any information which is reasonably necessary to make such a
39 determination. The department shall classify an entity as a diaper bank if such entity
40 satisfies the definition under subsection 1 of this section.

41 6. The department shall establish a procedure by which a taxpayer can determine
42 if an entity has been classified as a diaper bank.

43 7. Diaper banks may decline a contribution from a taxpayer.

44 8. The cumulative amount of tax credits that may be claimed by all the taxpayers
45 contributing to diaper banks in any one fiscal year shall not exceed five hundred thousand
46 dollars. Tax credits shall be issued in the order contributions are received. If the amount

47 of tax credits redeemed in a tax year is less than five hundred thousand dollars, the
48 difference shall be added to the cumulative limit created under this subsection for the next
49 fiscal year and carried over to subsequent fiscal years until claimed.

50 **9.** The department shall establish a procedure by which, from the beginning of the
51 fiscal year until some point in time later in the fiscal year to be determined by the
52 department, the cumulative amount of tax credits are equally apportioned among all
53 entities classified as diaper banks. If a diaper bank fails to use all, or some percentage to
54 be determined by the department, of its apportioned tax credits during this predetermined
55 period of time, the department may reapportion such unused tax credits to diaper banks
56 that have used all, or some percentage to be determined by the department, of their
57 apportioned tax credits during this predetermined period of time. The department may
58 establish multiple periods each fiscal year and reapportion accordingly. To the maximum
59 extent possible, the department shall establish the procedure described under this
60 subsection in such a manner as to ensure that taxpayers can claim as many of the tax
61 credits as possible, up to the cumulative limit created under subsection 8 of this section.

62 **10.** Each diaper bank shall provide information to the department concerning the
63 identity of each taxpayer making a contribution and the amount of the contribution. The
64 department shall provide the information to the department of revenue. The department
65 shall be subject to the confidentiality and penalty provisions of section 32.057 relating to
66 the disclosure of tax information.

67 **11.** Under section 23.253 of the Missouri sunset act:

68 **(1)** The provisions of the program authorized under this section shall automatically
69 sunset on December thirty-first six years after the effective date of this section unless
70 reauthorized by an act of the general assembly;

71 **(2)** If such program is reauthorized, the program authorized under this section
72 shall automatically sunset on December thirty-first six years after the effective date of the
73 reauthorization of this section;

74 **(3)** This section shall terminate on September first of the calendar year immediately
75 following the calendar year in which the program authorized under this section is sunset;
76 and

77 **(4)** The provisions of this subsection shall not be construed to limit or in any way
78 impair the department's ability to issue tax credits authorized on or before the date the
79 program authorized under this section expires or a taxpayer's ability to redeem such tax
80 credits.

135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be
2 cited as the "Tax Credit Accountability Act of 2004".

3 2. As used in sections 135.800 to 135.830, the following terms mean:

4 (1) "Administering agency", the state agency or department charged with administering
5 a particular tax credit program, as set forth by the program's enacting statute; where no
6 department or agency is set forth, the department of revenue;

7 (2) "Agricultural tax credits", the agricultural product utilization contributor tax credit
8 created pursuant to section 348.430, the new generation cooperative incentive tax credit created
9 pursuant to section 348.432, the family farm breeding livestock loan tax credit created under
10 section 348.505, the qualified beef tax credit created under section 135.679, and the wine and
11 grape production tax credit created pursuant to section 135.700;

12 (3) "All tax credit programs", or "any tax credit program", the tax credit programs
13 included in the definitions of agricultural tax credits, business recruitment tax credits, community
14 development tax credits, domestic and social tax credits, entrepreneurial tax credits,
15 environmental tax credits, financial and insurance tax credits, housing tax credits, redevelopment
16 tax credits, and training and educational tax credits;

17 (4) "Business recruitment tax credits", the business facility tax credit created pursuant
18 to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created
19 pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development
20 programs created pursuant to sections 100.700 to 100.850, the development tax credits created
21 pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant
22 to section 135.535, the film production tax credit created pursuant to section 135.750, the
23 enhanced enterprise zone created pursuant to sections 135.950 to 135.970, and the Missouri
24 quality jobs program created pursuant to sections 620.1875 to 620.1900;

25 (5) "Community development tax credits", the neighborhood assistance tax credit created
26 pursuant to sections 32.100 to 32.125, the family development account tax credit created
27 pursuant to sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to
28 section 320.093, and the transportation development tax credit created pursuant to section
29 135.545;

30 (6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant
31 to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic
32 violence created pursuant to section 135.550, the senior citizen or disabled person property tax
33 credit created pursuant to sections 135.010 to 135.035, the special needs adoption tax credit
34 created pursuant to sections 135.325 to 135.339, the champion for children tax credit created
35 pursuant to section 135.341, the maternity home tax credit created pursuant to section 135.600,
36 the surviving spouse tax credit created pursuant to section 135.090, the residential treatment
37 agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit
38 created pursuant to section 135.630, the food pantry tax credit created pursuant to section

39 135.647, the health care access fund tax credit created pursuant to section 135.575, the
40 residential dwelling access tax credit created pursuant to section 135.562, the developmental
41 disability care provider tax credit created under section 135.1180, ~~and~~ the shared care tax credit
42 created pursuant to section 192.2015, **and the diaper bank tax credit created under section**
43 **135.621;**

44 (7) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections
45 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500
46 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new
47 enterprise creation tax credit created pursuant to sections 620.635 to 620.653, the research tax
48 credit created pursuant to section 620.1039, the small business incubator tax credit created
49 pursuant to section 620.495, the guarantee fee tax credit created pursuant to section 135.766, and
50 the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125;

51 (8) "Environmental tax credits", the charcoal producer tax credit created pursuant to
52 section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and
53 the alternative fuel stations tax credit created pursuant to section 135.710;

54 (9) "Financial and insurance tax credits", the bank franchise tax credit created pursuant
55 to section 148.030, the bank tax credit for S corporations created pursuant to section 143.471,
56 the exam fee tax credit created pursuant to section 148.400, the health insurance pool tax credit
57 created pursuant to section 376.975, the life and health insurance guaranty tax credit created
58 pursuant to section 376.745, the property and casualty guaranty tax credit created pursuant to
59 section 375.774, and the self-employed health insurance tax credit created pursuant to section
60 143.119;

61 (10) "Housing tax credits", the neighborhood preservation tax credit created pursuant to
62 sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections
63 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to
64 32.125;

65 (11) "Recipient", the individual or entity who is the original applicant for and who
66 receives proceeds from a tax credit program directly from the administering agency, the person
67 or entity responsible for the reporting requirements established in section 135.805;

68 (12) "Redevelopment tax credits", the historic preservation tax credit created pursuant
69 to sections 253.545 to 253.559, the brownfield redevelopment program tax credit created
70 pursuant to sections 447.700 to 447.718, the community development corporations tax credit
71 created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to
72 subsection 6 of section 100.286, the bond guarantee tax credit created pursuant to section
73 100.297, the disabled access tax credit created pursuant to section 135.490, the new markets tax

74 credit created pursuant to section 135.680, and the distressed areas land assemblage tax credit
75 created pursuant to section 99.1205;

76 (13) "Training and educational tax credits", the Missouri works new jobs tax credit and
77 Missouri works retained jobs credit created pursuant to sections 620.800 to 620.809.

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. **The district may satisfy this notice**
8 **requirement by posting a copy of the policy and procedures on the district's website.** All
9 employees of the district shall annually receive instruction related to the specific contents of the
10 policy of discipline and any interpretations necessary to implement the provisions of the policy
11 in the course of their duties, including but not limited to approved methods of dealing with acts
12 of school violence, disciplining students with disabilities and instruction in the necessity and
13 requirements for confidentiality.

14 2. The policy shall require school administrators to report acts of school violence to all
15 teachers at the attendance center and, in addition, to other school district employees with a need
16 to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school
17 personnel who are directly responsible for the student's education or who otherwise interact with
18 the student on a professional basis while acting within the scope of their assigned duties. As
19 used in this section, the phrase "act of school violence" or "violent behavior" means the exertion
20 of physical force by a student with the intent to do serious physical injury as defined in section
21 556.061 to another person while on school property, including a school bus in service on behalf
22 of the district, or while involved in school activities. The policy shall at a minimum require
23 school administrators to report, as soon as reasonably practical, to the appropriate law
24 enforcement agency any of the following crimes, or any act which if committed by an adult
25 would be one of the following crimes:

26 (1) First degree murder under section 565.020;

27 (2) Second degree murder under section 565.021;

28 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or
29 kidnapping in the first degree under section 565.110;

30 (4) First degree assault under section 565.050;

31 (5) Rape in the first degree under section 566.030;

32 (6) Sodomy in the first degree under section 566.060;

- 33 (7) Burglary in the first degree under section 569.160;
- 34 (8) Burglary in the second degree under section 569.170;
- 35 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1,
- 36 2017, or robbery in the first degree under section 570.023;
- 37 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017,
- 38 or manufacture of a controlled substance under section 579.055;
- 39 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January
- 40 1, 2017, or delivery of a controlled substance under section 579.020;
- 41 (12) Arson in the first degree under section 569.040;
- 42 (13) Voluntary manslaughter under section 565.023;
- 43 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1,
- 44 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary
- 45 manslaughter in the second degree under section 565.027;
- 46 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017,
- 47 or second degree assault under section 565.052;
- 48 (16) Rape in the second degree under section 566.031;
- 49 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or
- 50 kidnapping in the second degree under section 565.120;
- 51 (18) Property damage in the first degree under section 569.100;
- 52 (19) The possession of a weapon under chapter 571;
- 53 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior
- 54 to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section
- 55 566.067, 566.068, or 566.069;
- 56 (21) Sodomy in the second degree pursuant to section 566.061;
- 57 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 58 (23) Sexual abuse in the first degree pursuant to section 566.100; **or**
- 59 (24) ~~[Harassment under section 565.090 as it existed prior to January 1, 2017, or~~
- 60 ~~harassment in the first degree under section 565.090; or~~
- 61 ~~——(25)] Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking~~
- 62 ~~in the first degree under section 565.225[;]~~
- 63
- 64 committed on school property, including but not limited to actions on any school bus in service
- 65 on behalf of the district or while involved in school activities. The policy shall require that any
- 66 portion of a student's individualized education program that is related to demonstrated or
- 67 potentially violent behavior shall be provided to any teacher and other school district employees
- 68 who are directly responsible for the student's education or who otherwise interact with the

69 student on an educational basis while acting within the scope of their assigned duties. The policy
70 shall also contain the consequences of failure to obey standards of conduct set by the local board
71 of education, and the importance of the standards to the maintenance of an atmosphere where
72 orderly learning is possible and encouraged.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

137 9. Each school board shall define in its discipline policy acts of violence and any other
138 acts that constitute a serious violation of that policy. "Acts of violence" as defined by school
139 boards shall include but not be limited to exertion of physical force by a student with the intent
140 to do serious bodily harm to another person while on school property, including a school bus in

141 service on behalf of the district, or while involved in school activities. School districts shall for
142 each student enrolled in the school district compile and maintain records of any serious violation
143 of the district's discipline policy. Such records shall be made available to teachers and other
144 school district employees with a need to know while acting within the scope of their assigned
145 duties, and shall be provided as required in section 167.020 to any school district in which the
146 student subsequently attempts to enroll.

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

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

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

175 13. If, after an initial investigation, the superintendent of schools or the president of the
176 school board finds that the report involves an alleged incident of child abuse other than the

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

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

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

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

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

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

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

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

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

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

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

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

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

167.117. 1. ~~In any instance when any person is believed to have committed an act
2 which if committed by an adult would be assault in the first, second or third degree, sexual
3 assault, or deviate sexual assault against a pupil or school employee, while on school property,
4 including a school bus in service on behalf of the district, or while involved in school activities,
5 the principal shall immediately report such incident to the appropriate local law enforcement
6 agency and to the superintendent, except in any instance when any person is believed to have
7 committed an act which if committed by an adult would be assault in the third degree and a~~

8 written agreement as to the procedure for the reporting of such incidents of third degree assault
9 has been executed between the superintendent of the school district and the appropriate local law
10 enforcement agency, ~~the principal shall report such incident to the appropriate local law~~
11 ~~enforcement agency in accordance with such agreement.]~~ **For purposes of this section, "on**
12 **school premises" means on any school property including, but not limited to, a school**
13 **playground or school parking lot; on any school bus in service on behalf of the school**
14 **district; or while involved in school activities regardless of whether the activity is on or off**
15 **school property.**

16 2. In any instance when a pupil is discovered to have on or about such pupil's person, or
17 among such pupil's possessions, or placed elsewhere on ~~the~~ school premises, ~~[including but not~~
18 ~~limited to the school playground or the school parking lot, on a school bus or at a school activity~~
19 ~~whether on or off of school property]~~ any controlled substance as defined in section 195.010 or
20 any weapon as defined in subsection 6 of section 160.261 in violation of school policy, the
21 principal shall ~~[immediately]~~ **as soon as reasonably practical** report such incident to the
22 appropriate local law enforcement agency and to the superintendent. **In any instance when a**
23 **school employee becomes aware that a pupil is in possession of a controlled substance or**
24 **any weapon on school premises, the school employee shall as soon as reasonably practical**
25 **report such incident to the principal.**

26 3. ~~[In any instance when a teacher becomes aware of an assault as set forth in subsection~~
27 ~~1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth~~
28 ~~in subsection 2 of this section, the teacher shall immediately report such incident to the~~
29 ~~principal.]~~ **In any instance when a pupil is believed to have committed an act listed in**
30 **subdivisions (1) to (24) of subsection 2 of section 160.261 on school premises, the principal**
31 **shall as soon as reasonably practical report such incident to the appropriate law**
32 **enforcement agency; to the superintendent; and, if there is a victim, to the parents or legal**
33 **guardian of each victim. In any instance when a school employee becomes aware that a**
34 **pupil has committed an act listed in subdivisions (1) to (24) of subsection 2 of section**
35 **160.261 on school premises, the school employee shall as soon as reasonably practical**
36 **report such incident to the principal.**

37 4. A school employee, superintendent, or such person's designee who in good faith
38 provides information to law enforcement or juvenile authorities pursuant to this section or
39 section 160.261 **or provides information to law enforcement or juvenile authorities**
40 **regarding an instance in which a pupil is believed to have committed a crime on school**
41 **premises shall not be civilly liable for providing such information.**

42 5. Any school official responsible for reporting pursuant to this section or section
 43 160.261 who willfully neglects or refuses to perform this duty shall be subject to the penalty
 44 established pursuant to section 162.091.

191.737. 1. Notwithstanding the physician-patient privilege, any physician or health care
 2 provider may refer to the ~~[department of health and senior services]~~ **children's division** families
 3 in which children may have been exposed to a controlled substance listed in section 195.017,
 4 schedules I, II and III, or alcohol as evidenced by:

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

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

9 (3) A written assessment made or approved by a physician, health care provider, or by
 10 the children's division which documents the child as being at risk of abuse or neglect.

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

13 3. ~~[Upon notification pursuant to subsection 1 of this section, the department of health
 14 and senior services shall offer service coordination services to the family. The department of
 15 health and senior services shall coordinate social services, health care, mental health services,
 16 and needed education and rehabilitation services. Service coordination services shall be initiated
 17 within seventy-two hours of notification. The department of health and senior services shall
 18 notify the department of social services and the department of mental health within seventy-two
 19 hours of initial notification.~~

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

23 ~~[5-]~~ 4. Referral and associated documentation provided for in this section shall be
 24 confidential and shall not be used in any criminal prosecution.

191.739. 1. The department of social services shall provide protective services for
 2 children that meet the criteria established in section 191.737. In addition the department of
 3 social services may provide preventive services for children that meet the criteria established in
 4 section 191.737.

5 2. No department shall cease providing services for any child exposed to substances as
 6 set forth in section 191.737 wherein a physician or health care provider has made or approved
 7 a written assessment which documents the child as being at risk of abuse or neglect until ~~[such]~~
 8 a physician or health care provider~~[, or his designee,]~~ authorizes such file to be closed.

207.087. Any children's division employee assigned to conduct or assist in an investigation of child abuse or neglect shall be required to possess an associate's degree or have completed sixty hours of coursework and have two years of relevant experience. The children's division shall promulgate rules to determine the relevancy of such coursework and experience. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

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

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

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

(3) All participants receiving blind pension benefits;

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

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 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. 1396d, as
25 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). The family support division shall use an income eligibility standard
50 equal to one hundred thirty-three percent of the federal poverty level established by the
51 Department of Health and Human Services, or its successor agency;

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

60 nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using
61 a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r)
62 of 42 U.S.C. 1396a;

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

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

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

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

92 (19) Subject to appropriations necessary to recruit and train such staff, the family support
93 division shall provide one or more full-time, permanent eligibility specialists to process
94 applications for MO HealthNet benefits at the site of a health care provider, if the health care
95 provider requests the placement of such eligibility specialists and reimburses the division for the

96 expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and
97 equipment of such eligibility specialists. The division may provide a health care provider with
98 a part-time or temporary eligibility specialist at the site of a health care provider if the health care
99 provider requests the placement of such an eligibility specialist and reimburses the division for
100 the expenses, including but not limited to the salary, benefits, travel, training, telephone,
101 supplies, and equipment, of such an eligibility specialist. The division may seek to employ such
102 eligibility specialists who are otherwise qualified for such positions and who are current or
103 former welfare participants. The division may consider training such current or former welfare
104 participants as eligibility specialists for this program;

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

118 (21) Case management services for pregnant women and young children at risk shall be
119 a covered service. To the greatest extent possible, and in compliance with federal law and
120 regulations, the department of health and senior services shall provide case management services
121 to pregnant women by contract or agreement with the department of social services through local
122 health departments organized under the provisions of chapter 192 or chapter 205 or a city health
123 department operated under a city charter or a combined city-county health department or other
124 department of health and senior services designees. To the greatest extent possible the
125 department of social services and the department of health and senior services shall mutually
126 coordinate all services for pregnant women and children with the crippled children's program,
127 the prevention of intellectual disability and developmental disability program and the prenatal
128 care program administered by the department of health and senior services. The department of
129 social services shall by regulation establish the methodology for reimbursement for case
130 management services provided by the department of health and senior services. For purposes
131 of this section, the term "case management" shall mean those activities of local public health

132 personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in
133 the state's MO HealthNet program, refer them to local physicians or local health departments
134 who provide prenatal care under physician protocol and who participate in the MO HealthNet
135 program for prenatal care and to ensure that said high-risk mothers receive support from all
136 private and public programs for which they are eligible and shall not include involvement in any
137 MO HealthNet prepaid, case-managed programs;

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

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

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

152 (b) All persons who would be determined to be eligible for aid to the blind benefits
153 under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section
154 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of
155 January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C.
156 Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal
157 poverty level;

158 (c) All persons who would be determined to be eligible for permanent and total disability
159 benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C.
160 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of
161 January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as
162 authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if
163 authorized by annual appropriations. Eligibility standards for permanent and total disability
164 benefits shall not be limited by age;

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

168 (26) Effective August 28, 2013, persons who are in foster care under the responsibility
169 of the state of Missouri on the date such persons ~~[attain]~~ **attained** the age of eighteen years, or
170 at any time during the thirty-day period preceding their eighteenth birthday, without regard to
171 income or assets, if such persons:

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

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

174 (c) Were covered by Medicaid while they were in foster care.

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

183 3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance
184 pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the last six months
185 immediately preceding the month in which such family became ineligible for such assistance
186 because of increased income from employment shall, while a member of such family is
187 employed, remain eligible for MO HealthNet benefits for four calendar months following the
188 month in which such family would otherwise be determined to be ineligible for such assistance
189 because of income and resource limitation. After April 1, 1990, any family receiving aid
190 pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the six months immediately
191 preceding the month in which such family becomes ineligible for such aid, because of hours of
192 employment or income from employment of the caretaker relative, shall remain eligible for MO
193 HealthNet benefits for six calendar months following the month of such ineligibility as long as
194 such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received
195 such medical assistance during the entire six-month period described in this section and which
196 meets reporting requirements and income tests established by the division and continues to
197 include a child as provided in 42 U.S.C. 1396r-6 shall receive MO HealthNet benefits without
198 fee for an additional six months. The MO HealthNet division may provide by rule and as
199 authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such
200 families.

201 4. When any individual has been determined to be eligible for MO HealthNet benefits,
202 such medical assistance will be made available to him or her for care and services furnished in
203 or after the third month before the month in which he made application for such assistance if

204 such individual was, or upon application would have been, eligible for such assistance at the time
205 such care and services were furnished; provided, further, that such medical expenses remain
206 unpaid.

207 5. The department of social services may apply to the federal Department of Health and
208 Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration
209 waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars
210 in additional costs to the state, unless subject to appropriation or directed by statute, but in no
211 event shall such waiver applications or amendments seek to waive the services of a rural health
212 clinic or a federally qualified health center as defined in 42 U.S.C. 1396d(l)(1) and (2) or the
213 payment requirements for such clinics and centers as provided in 42 U.S.C. 1396a(a)(15) and
214 1396a(bb) unless such waiver application is approved by the oversight committee created in
215 section 208.955. A request for such a waiver so submitted shall only become effective by
216 executive order not sooner than ninety days after the final adjournment of the session of the
217 general assembly to which it is submitted, unless it is disapproved within sixty days of its
218 submission to a regular session by a senate or house resolution adopted by a majority vote of the
219 respective elected members thereof, unless the request for such a waiver is made subject to
220 appropriation or directed by statute.

221 6. Notwithstanding any other provision of law to the contrary, in any given fiscal year,
222 any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of
223 subsection 1 of this section shall only be eligible if annual appropriations are made for such
224 eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section
225 1396a(a)(10)(A)(I).

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 (2) “Assessment and treatment services for children under ten years old”, an approach
9 to be developed by the children’s division which will recognize and treat the specific needs of
10 at-risk and abused or neglected children under the age of ten. The developmental and medical
11 assessment may be a broad physical, developmental, and mental health screening to be
12 completed within thirty days of a child’s entry into custody and every six months thereafter as
13 long as the child remains in care. Screenings may be offered at a centralized location and
14 include, at a minimum, the following:

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

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

25

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

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

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

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

46 (6) "Director", the director of the Missouri children's division within the department of
47 social services;

48 (7) "Division", the Missouri children's division within the department of social services;

49 (8) "Family assessment and services", an approach to be developed by the children's
50 division which will provide for a prompt assessment of a child who has been reported to the

51 division as a victim of abuse or neglect by a person responsible for that child’s care, custody or
52 control and of that child’s family, including risk of abuse and neglect and, if necessary, the
53 provision of community-based services to reduce the risk and support the family;

54 (9) “Family support team meeting” or “team meeting”, a meeting convened by the
55 division or children’s services provider in behalf of the family and/or child for the purpose of
56 determining service and treatment needs, determining the need for placement and developing a
57 plan for reunification or other permanency options, determining the appropriate placement of the
58 child, evaluating case progress, and establishing and revising the case plan;

59 (10) “Investigation”, the collection of physical and verbal evidence to determine if a
60 child has been abused or neglected;

61 (11) “Jail or detention center personnel”, employees and volunteers working in any
62 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is
63 provided to persons who are being held under custody of the law;

64 (12) “Neglect”, failure to provide, by those responsible for the care, custody, and control
65 of the child, the proper or necessary support, education as required by law, nutrition or medical,
66 surgical, or any other care necessary for the child’s well-being. Victims of neglect shall also
67 include any victims of sex trafficking or severe forms of trafficking as those terms are defined
68 in 22 U.S.C. 78 Section 7102(9)-(10);

69 (13) “Preponderance of the evidence”, that degree of evidence that is of greater weight
70 or more convincing than the evidence which is offered in opposition to it or evidence which as
71 a whole shows the fact to be proved to be more probable than not;

72 (14) “Probable cause”, available facts when viewed in the light of surrounding
73 circumstances which would cause a reasonable person to believe a child was abused or
74 neglected;

75 (15) “Report”, the communication of an allegation of child abuse or neglect to the
76 division pursuant to section 210.115;

77 (16) “Those responsible for the care, custody, and control of the child”, includes, but is
78 not limited to:

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

80 (b) Other members of the child’s household;

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

82 (d) Any **adult** person who has access to the child based on relationship to the parents of
83 the child or members of the child’s household or the family; ~~or~~

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

85 (f) **Any school personnel, contractor, or volunteer if the person established a**
86 **relationship with the child through the school or through school-related activities. School**

87 **personnel, contractors, and volunteers shall be deemed to have care, custody, and control**
88 **of the child even if the alleged abuse or neglect by the school personnel, contractor, or**
89 **volunteer occurred outside of school hours, off of school grounds, or outside the scope of**
90 **school functions.**

210.117. 1. A child taken into the custody of the state shall not be reunited with a parent
2 or placed in a home in which the parent or any person residing in the home has been found guilty
3 of 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, **566.210**, 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;

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

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

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

23 3. In any case where the children's division determines based on a substantiated report
24 of child abuse that a child has abused another child, the abusing child shall be prohibited from
25 returning to or residing in any residence, facility, or school within one thousand feet of the
26 residence of the abused child or any child care facility or school that the abused child attends,
27 unless and until a court of competent jurisdiction determines that the alleged abuse did not occur
28 or the abused child reaches the age of eighteen, whichever earlier occurs. The provisions of this
29 subsection shall not apply when the abusing child and the abused child are siblings or children
30 living in the same home.

210.143. 1. The children's division, juvenile officer, or prosecuting attorney may
2 **petition the circuit court for an order directing a parent, guardian, or other person with**

3 care, custody, or control of a child who is the subject of an investigation of child abuse or
4 neglect to present the child at a place and time designated by the court to a children's
5 division worker for an assessment of the child's health, safety, and well-being.

6 2. The court shall enter an order under this section if the court determines that
7 there is reasonable suspicion to suspect that the child has been abused or neglected and the
8 parent or guardian does not voluntarily provide access to the child, the assessment is
9 reasonably necessary for the completion of an investigation or the collection of evidence,
10 and doing so is in the best interest of the child.

11 3. The petition and order may be made on an ex parte basis if it is reasonable to
12 believe that providing notice may place the child at risk for further abuse or neglect, if it
13 is reasonable to believe that providing notice may cause the child to be removed from the
14 state of Missouri or the jurisdiction of the court, or if it is reasonable to believe that
15 evidence relevant to the investigation will be unavailable if the ex parte order is not
16 entered.

17 4. Any person served with a subpoena, petition, or order under this section shall
18 not be required to file an answer, but may file a motion for a protective order or other
19 appropriate relief. The motion shall be filed at or before the time for production or
20 disclosure set out in the subpoena or order. The motion shall be in writing, but it may be
21 informal and no particular form shall be required. The clerk shall serve a copy of the
22 motion on the director of the children's division or on the agency who applied for the
23 order. The court shall expedite a hearing on the motion and shall issue its decision no later
24 than one business day after the date the motion is filed. The court may review the motion
25 in camera and stay implementation of the order once for up to three days. Any
26 information that may reveal the identity of a hotline reporter shall not be disclosed to
27 anyone in any proceeding under this subsection unless otherwise allowed by law.

28 5. The petition for a subpoena or an order under this section shall be filed in the
29 juvenile or family court that may have taken judicial custody of the child under section
30 211.031 or in the circuit court of the county:

31 (1) Where the child resides;

32 (2) Where the child may be found;

33 (3) Where the parent or legal guardian of the child resides or may be found;

34 (4) Where the alleged perpetrator of the child abuse or neglect resides or may be
35 found;

36 (5) Where the subject of the subpoena may be located or found; or

37 (6) Of Cole if none of the other venue provisions of this subsection apply.

38 **6. The court shall expedite all proceedings under this section so as to ensure the**
 39 **safety of the child, the preservation of relevant evidence, that child abuse and neglect**
 40 **investigations may be completed within statutory time frames, and that due process is**
 41 **provided to the parties involved.**

42 **7. Any person who knowingly violates this section shall be guilty of a class A**
 43 **misdemeanor.**

44 **8. The time frames for the children's division to complete its investigation and**
 45 **notify the alleged perpetrator of its decision set forth in sections 210.145, 210.152, and**
 46 **210.183 shall be tolled from the date that the division files a petition for a subpoena until**
 47 **the information is produced in full, until such subpoena is withdrawn, or until a court of**
 48 **competent jurisdiction quashes such subpoena.**

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

11 2. The division shall utilize structured decision-making protocols for classification
 12 purposes of all child abuse and neglect reports. The protocols developed by the division shall
 13 give priority to ensuring the well-being and safety of the child. All child abuse and neglect
 14 reports shall be initiated within twenty-four hours and shall be classified based upon the reported
 15 risk and injury to the child. The division shall promulgate rules regarding the structured
 16 decision-making protocols to be utilized for all child abuse and neglect reports.

17 3. Upon receipt of a report, the division shall determine if the report merits investigation,
 18 including reports which if true would constitute a suspected violation of any of the following:
 19 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen
 20 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,
 21 or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the
 22 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than
 23 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or
 24 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such
 25 crimes. The division shall immediately communicate all reports that merit investigation to its

26 appropriate local office and any relevant information as may be contained in the information
27 system. The local division staff shall determine, through the use of protocols developed by the
28 division, whether an investigation or the family assessment and services approach should be used
29 to respond to the allegation. The protocols developed by the division shall give priority to
30 ensuring the well-being and safety of the child.

31 4. When the child abuse and neglect hotline receives three or more calls, within a
32 seventy-two hour period, from one or more individuals concerning the same child, the division
33 shall conduct a review to determine whether the calls meet the criteria and statutory definition
34 for a child abuse and neglect report to be accepted. In conducting the review, the division shall
35 contact the hotline caller or callers in order to collect information to determine whether the calls
36 meet the criteria for harassment.

37 5. The local office shall contact the appropriate law enforcement agency immediately
38 upon receipt of a report which division personnel determine merits an investigation and provide
39 such agency with a detailed description of the report received. In such cases the local division
40 office shall request the assistance of the local law enforcement agency in all aspects of the
41 investigation of the complaint. The appropriate law enforcement agency shall ~~either~~ assist the
42 division in the investigation ~~[or provide the division, within twenty-four hours, an explanation~~
43 ~~in writing detailing the reasons why it is unable to assist]~~ **within the time frame required by**
44 **subsection 6 of this section.**

45 6. The local office of the division shall cause an investigation or family assessment and
46 services approach to be initiated in accordance with the protocols established in subsection 2 of
47 this section, except in cases where the sole basis for the report is educational neglect. If the
48 report indicates that educational neglect is the only complaint and there is no suspicion of other
49 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the
50 report. If the report indicates the child is in danger of serious physical harm or threat to life, an
51 investigation shall include direct observation of the subject child within twenty-four hours of the
52 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct
53 observation. Callers to the child abuse and neglect hotline shall be instructed by the division's
54 hotline to call 911 in instances where the child may be in immediate danger. If the parents of the
55 child are not the alleged perpetrators, a parent of the child must be notified prior to the child
56 being interviewed by the division. No person responding to or investigating a child abuse and
57 neglect report shall call prior to a home visit or leave any documentation of any attempted visit,
58 such as business cards, pamphlets, or other similar identifying information if he or she has a
59 reasonable basis to believe the following factors are present:

60 (1) (a) **Upon receipt of such report and commencement of the appropriate**
61 **investigation, if the children's division is unable to locate the child or has been denied**

62 **access to the home or denied access to the child named in the report or to any children in**
63 **the household, and if the children's division investigator has cause to believe a child's or**
64 **children's life or health may be in danger, he or she shall immediately advise the parent**
65 **or person legally responsible for the child's care or with whom the child is residing that,**
66 **if denied sufficient access to the child or other children in the home, the children's division**
67 **investigator shall contact the family court to seek an immediate court order to gain access**
68 **to the home or the child named in the report or any children in the household without**
69 **further notice and that while such request is being made to such court, law enforcement**
70 **shall be contacted and when contacted shall respond and shall remain where the child or**
71 **children are or are believed to be present;**

72 **(b) Should the parent or person legally responsible for the child's care with whom**
73 **the child is residing continue to deny access to the child, children, or home sufficient to**
74 **allow the children's division investigator to determine their safety and if a children's**
75 **division investigator seeks an immediate family court order to gain access to the child,**
76 **children, or home, law enforcement shall be contacted and when contacted shall respond**
77 **and shall remain where the child or children are or are believed to be present while the**
78 **request is being made;**

79 **(c) If law enforcement, upon searching the child's residence, is unable to find the**
80 **child, and the person responsible for the child continues to refuse to provide the**
81 **whereabouts of the child or access to the child so that the child's safety and well-being can**
82 **be determined, the juvenile court or the circuit court with juvenile jurisdiction shall hold**
83 **an immediate proceeding to show cause why the responsible person or persons shall not**
84 **be held in contempt of court and committed to jail until such time as the child is produced**
85 **or until information is produced that establishes that such person or persons cannot aid**
86 **in providing information about the child. Such person or persons may be held without**
87 **bond;**

88 **(2) (a) No person is present in the home at the time of the home visit; and**

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

91 ~~[(2)]~~ **(3) The alleged perpetrator will be alerted regarding the attempted visit; or**

92 ~~[(3)]~~ **(4) The family has a history of domestic violence or fleeing the community.**

93

94 **If the alleged perpetrator is present during a visit by the person responding to or investigating the**
95 **report, such person shall provide written material to the alleged perpetrator informing him or her**
96 **of his or her rights regarding such visit, including but not limited to the right to contact an**
97 **attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written**

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

108 7. The director of the division shall name at least one chief investigator for each local
109 division office, who shall direct the division response on any case involving a second or
110 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
111 investigator shall include verification of direct observation of the subject child by the division
112 and shall ensure information regarding the status of an investigation is provided to the public
113 school district liaison. The public school district liaison shall develop protocol in conjunction
114 with the chief investigator to ensure information regarding an investigation is shared with
115 appropriate school personnel. The superintendent of each school district shall designate a
116 specific person or persons to act as the public school district liaison. Should the subject child
117 attend a nonpublic school the chief investigator shall notify the school principal of the
118 investigation. Upon notification of an investigation, all information received by the public
119 school district liaison or the school shall be subject to the provisions of the federal Family
120 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34
121 C.F.R., Part 99.

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

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

132 10. Upon completion of the investigation, if the division suspects that the report was
133 made maliciously or for the purpose of harassment, the division shall refer the report and any
134 evidence of malice or harassment to the local prosecuting or circuit attorney.

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

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

152 13. If the appropriate local division personnel determine after an investigation has begun
153 that completing an investigation is not appropriate, the division shall conduct a family
154 assessment and services approach. The division shall provide written notification to local law
155 enforcement prior to terminating any investigative process. The reason for the termination of
156 the investigative process shall be documented in the record of the division and the written
157 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
158 any investigation by law enforcement.

159 14. If the appropriate local division personnel determines to use a family assessment and
160 services approach, the division shall:

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

163 (2) Provide services which are voluntary and time-limited unless it is determined by the
164 division based on the assessment of risk that there will be a high risk of abuse or neglect if the
165 family refuses to accept the services. The division shall identify services for families where it
166 is determined that the child is at high risk of future abuse or neglect. The division shall
167 thoroughly document in the record its attempt to provide voluntary services and the reasons these

168 services are important to reduce the risk of future abuse or neglect to the child. If the family
169 continues to refuse voluntary services or the child needs to be protected, the division may
170 commence an investigation;

171 (3) Commence an immediate investigation if at any time during the family assessment
172 and services approach the division determines that an investigation, as delineated in sections
173 210.109 to 210.183, is required. The division staff who have conducted the assessment may
174 remain involved in the provision of services to the child and family;

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

177 15. (1) Within forty-five days of an oral report of abuse or neglect, the local office shall
178 update the information in the information system. The information system shall contain, at a
179 minimum, the determination made by the division as a result of the investigation, identifying
180 information on the subjects of the report, those responsible for the care of the subject child and
181 other relevant dispositional information. The division shall complete all investigations within
182 forty-five days, unless good cause for the failure to complete the investigation is specifically
183 documented in the information system. Good cause for failure to complete an investigation shall
184 include, but not be limited to:

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

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

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

196

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

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

201 (3) If the investigation is not completed within forty-five days, the information system
202 shall be updated at regular intervals and upon the completion of the investigation, which shall
203 be completed no later than ninety days after receipt of a report of abuse or neglect, or one

204 hundred twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until
205 the division's investigation is complete in cases involving a child fatality or near-fatality. The
206 information in the information system shall be updated to reflect any subsequent findings,
207 including any changes to the findings based on an administrative or judicial hearing on the
208 matter.

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

224 17. The division shall provide to any individual who is not satisfied with the results of
225 an investigation information about the office of child advocate and the services it may provide
226 under sections 37.700 to 37.730.

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

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

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

235

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

238 19. In any judicial proceeding involving the custody of a child where the court
239 determines that the child is in need of services under paragraph (d) of subdivision (1) of

240 subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or
241 custodian shall not be entered into the registry.

242 20. The children's division is hereby granted the authority to promulgate rules and
243 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the
244 provisions of sections 210.109 to 210.183.

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

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

4 (1) For investigation reports contained in the central registry, [~~identifying~~] **the report**
5 **and all** 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 [~~five~~] **ten** years from the conclusion of the investigation. For
20 all other investigation reports where insufficient evidence of abuse or neglect is found by the
21 division, identifying information shall be retained for [~~two~~] **five** years from the conclusion of the
22 investigation. Such reports shall include any exculpatory evidence known by the division,
23 including exculpatory evidence obtained after the closing of the case. At the end of such time

24 period, the identifying information shall be removed from the records of the division and
25 destroyed;

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

37 (3) For reports where the division uses the family assessment and services approach,
38 ~~[identifying]~~ information shall be retained by the division;

39 (4) For reports in which the division is unable to locate the child alleged to have been
40 abused or neglected, ~~[identifying]~~ information shall be retained for ~~[ten]~~ **eighteen** years from the
41 date of the report and then shall be removed from the records ~~[of]~~ **by** the division.

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

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

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

58 (3) The division has been unable to determine the identity of the perpetrator of the abuse
59 or neglect. The notice shall also inform the child's parents and legal guardian that the division

60 shall retain, utilize, and disclose all information and findings as provided in family assessment
61 and services cases.

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

64 4. Any person named in an investigation as a perpetrator who is aggrieved by a
65 determination of abuse or neglect by the division as provided in this section may seek an
66 administrative review by the child abuse and neglect review board pursuant to the provisions of
67 section 210.153. Such request for review shall be made within sixty days of notification of the
68 division's decision under this section. In those cases where criminal charges arising out of facts
69 of the investigation are pending, the request for review shall be made within sixty days from the
70 court's final disposition or dismissal of the charges.

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

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

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

**210.514. No individual shall be eligible to become a foster parent if he or she
2 currently receives any public assistance benefits including, but not limited to, supplemental
3 security income (SSI), MO HealthNet benefits, child care subsidy benefits, or supplemental
4 nutrition assistance program (SNAP) benefits.**

210.790. **A current foster parent of a child, or any pre-adoptive parent or relative currently providing care for the child, shall be provided with notice of, and an opportunity to be heard in, any hearing to be held with respect to the child, and a foster parent shall have standing to participate in all court hearings pertaining to a child in ~~their~~ his or her care. A foster parent of a child in a juvenile court case under subdivision (1) or (2) of subsection 1 of section 211.031 shall have the right to intervene as a party upon motion. Nothing in this section shall be construed to authorize the court to join a foster parent as a party to the case without the foster parent's consent.**

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

(1) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, **566.210**, 566.211, or 566.215;

(2) A violation of section 568.020;

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

(4) A violation of section 568.065;

(5) A violation of section 573.200;

(6) A violation of section 573.205; or

(7) A violation of section 568.175;

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

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

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

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

211.444. [~~1-~~] The juvenile court may, upon petition of the juvenile officer [~~or~~] , **the attorney appointed by the court as guardian ad litem**, a child-placing agency licensed under sections 210.481 to 210.536 in conjunction with a placement with such agency under subsection 6 of section 453.010, or [~~the court before which~~] **a private attorney filing** a petition for adoption [~~has been filed pursuant to~~] **under** the provisions of chapter 453, terminate the rights of a parent **or receive the consent to adoption or waiver of consent to adoption executed by a parent or a named father** to a child, **including a child who is a ward of the court**, if the court finds that such termination **or consent to adoption or waiver of consent to adoption** is in the best interests of the child and the parent has, **in a properly executed writing under section 453.030 or 453.050**, consented [~~in writing~~] to the termination of his or her parental rights **or consented to an adoption or waived consent to adoption.**

~~[2. The written consent required by subsection 1 of this section may be executed before or after the institution of the proceedings and shall be acknowledged before a notary public. In lieu of such acknowledgment, the signature of the person giving the written consent shall be witnessed by at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective parents. The notary public or witnesses shall verify the identity of the party signing the consent.~~

~~3. The written consent required by subsection 1 of this section shall be valid and effective only after the child is at least forty-eight hours old and if it complies with the other requirements of section 453.030.]~~

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

14 (2) A court of competent jurisdiction has determined the child to be an abandoned infant.
15 For purposes of this subdivision, an “infant” means any child one year of age or under at the time
16 of filing of the petition. The court may find that an infant has been abandoned if:

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

20 (b) The parent has, without good cause, left the child without any provision for parental
21 support and without making arrangements to visit or communicate with the child, although able
22 to do so; or

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

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

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

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

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

29 (d) Committed a felony assault that resulted in serious bodily injury to the child or to
30 another child of the parent.

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

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

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

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

44 (3) The family of the child has not been provided such services as provided for in section
45 211.183.

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

49 (1) The child has been abandoned. For purposes of this subdivision a “child” means any
50 child over one year of age at the time of filing of the petition. The court shall find that the child
51 has been abandoned if, for a period of six months or longer:

52 (a) The parent has left the child under such circumstances that the identity of the child
53 was unknown and could not be ascertained, despite diligent searching, and the parent has not
54 come forward to claim the child; [✕]

55 (b) The parent has, without good cause, left the child without any provision for parental
56 support and without making arrangements to visit or communicate with the child, although able
57 to do so; or

58 (c) **The parent fails to maintain a substantial and positive relationship with the**
59 **child for a period of six months or more out of the last fourteen months. For purposes of**
60 **this subdivision, “substantial and positive relationship” shall mean frequent and regular**
61 **contact with the child through frequent and regular visitation or frequent communication**
62 **to or with the child and the parent exercising parental rights and responsibilities.**
63 **Incidental or token visits or communications shall not be sufficient to establish or maintain**
64 **a substantial and positive relationship with the child;**

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

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

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

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

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

81

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

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

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

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

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

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

103 (4) The parent has been found guilty or pled guilty to a felony violation of chapter 566
104 when the child or any child in the family was a victim, or a violation of section 568.020 when
105 the child or any child in the family was a victim. As used in this subdivision, a "child" means
106 any person who was under eighteen years of age at the time of the crime and who resided with
107 such parent or was related within the third degree of consanguinity or affinity to such parent; or

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

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

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

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

123 b. If the parent is the birth mother and within eight hours after the child's birth, the
124 child's birth mother tested positive and over .08 blood alcohol content pursuant to testing under
125 section 577.020 for alcohol, or tested positive for cocaine, heroin, methamphetamine, a
126 controlled substance as defined in section 195.010, or a prescription drug as defined in section
127 196.973, excepting those controlled substances or prescription drugs present in the mother's
128 body as a result of medical treatment administered to the mother, and the birth mother is the
129 biological mother of at least one other child who was adjudicated an abused or neglected minor
130 by the mother or the mother has previously failed to complete recommended treatment services
131 by the children's division through a family-centered services case;

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

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

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

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

- 155 (1) The emotional ties to the birth parent;
- 156 (2) The extent to which the parent has maintained regular visitation or other contact with
157 the child;
- 158 (3) The extent of payment by the parent for the cost of care and maintenance of the child
159 when financially able to do so including the time that the child is in the custody of the division
160 or other child-placing agency;
- 161 (4) Whether additional services would be likely to bring about lasting parental
162 adjustment enabling a return of the child to the parent within an ascertainable period of time;
- 163 (5) The parent's disinterest in or lack of commitment to the child;
- 164 (6) The conviction of the parent of a felony offense that the court finds is of such a
165 nature that the child will be deprived of a stable home for a period of years; provided, however,
166 that incarceration in and of itself shall not be grounds for termination of parental rights;
- 167 (7) Deliberate acts of the parent or acts of another of which the parent knew or should
168 have known that subjects the child to a substantial risk of physical or mental harm.
- 169 8. The court may attach little or no weight to infrequent visitations, communications, or
170 contributions. It is irrelevant in a termination proceeding that the maintenance of the
171 parent-child relationship may serve as an inducement for the parent's rehabilitation.
- 172 9. In actions for adoption pursuant to chapter 453, the court may hear and determine the
173 issues raised in a petition for adoption containing a prayer for termination of parental rights filed
174 with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.
- 175 10. The disability or disease of a parent shall not constitute a basis for a determination
176 that a child is a child in need of care, for the removal of custody of a child from the parent, or for
177 the termination of parental rights without a specific showing that there is a causal relation
178 between the disability or disease and harm to the child.

452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

- 2 (1) "Custody" means joint legal custody, sole legal custody, joint physical custody or
3 sole physical custody or any combination thereof;
- 4 (2) "Joint legal custody" means that the parents share the decision-making rights,
5 responsibilities, and authority relating to the health, education and welfare of the child, and,
6 unless allocated, apportioned, or decreed, the parents shall confer with one another in the
7 exercise of decision-making rights, responsibilities, and authority;
- 8 (3) "Joint physical custody" means an order awarding each of the parents significant, but
9 not necessarily equal, periods of time during which a child resides with or is under the care and
10 supervision of each of the parents. Joint physical custody shall be shared by the parents in such
11 a way as to assure the child of frequent, continuing and meaningful contact with both parents;

12 (4) “Third-party custody” means a third party designated as a legal and physical
13 custodian pursuant to subdivision (5) of subsection 5 of this section.

14 2. The court shall determine custody in accordance with the best interests of the child.
15 When the parties have not reached an agreement on all issues related to custody, the court shall
16 consider all relevant factors and enter written findings of fact and conclusions of law, including,
17 but not limited to, the following:

18 (1) The wishes of the child’s parents as to custody and the proposed parenting plan
19 submitted by both parties;

20 (2) The needs of the child for a frequent, continuing and meaningful relationship with
21 both parents and the ability and willingness of parents to actively perform their functions as
22 mother and father for the needs of the child;

23 (3) The interaction and interrelationship of the child with parents, siblings, and any other
24 person who may significantly affect the child’s best interests;

25 (4) Which parent is more likely to allow the child frequent, continuing and meaningful
26 contact with the other parent;

27 (5) The child’s adjustment to the child’s home, school, and community;

28 (6) The mental and physical health of all individuals involved, including any history of
29 abuse of any individuals involved. If the court finds that a pattern of domestic violence as
30 defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the
31 abusive parent is in the best interest of the child, then the court shall enter written findings of fact
32 and conclusions of law. Custody and visitation rights shall be ordered in a manner that best
33 protects the child and any other child or children for whom the parent has custodial or visitation
34 rights, and the parent or other family or household member who is the victim of domestic
35 violence from any further harm;

36 (7) The intention of either parent to relocate the principal residence of the child; and

37 (8) The wishes of a child as to the child’s custodian. The fact that a parent sends his or
38 her child or children to a home school, as defined in section 167.031, shall not be the sole factor
39 that a court considers in determining custody of such child or children.

40 3. (1) In any court proceedings relating to custody of a child, the court shall not award
41 custody or unsupervised visitation of a child to a parent if such parent or any person residing with
42 such parent has been found guilty of, or pled guilty to, any of the following offenses when a child
43 was the victim:

44 (a) A felony violation of section 566.030, 566.032, 566.031, 566.060, 566.062, 566.064,
45 566.067, 566.068, 566.061, 566.083, 566.101, 566.100, 566.111, 566.151, 566.203, 566.206,
46 566.209, **566.210**, 566.211, or 566.215;

47 (b) A violation of section 568.020;

48 (c) A violation of subdivision (2) of subsection 1 of section 568.060;

49 (d) A violation of section 568.065;

50 (e) A violation of section 573.200;

51 (f) A violation of section 573.205; or

52 (g) A violation of section 568.175.

53 (2) For all other violations of offenses in chapters 566 and 568 not specifically listed in
54 subdivision (1) of this subsection or for a violation of an offense committed in another state
55 when a child is the victim that would be a violation of chapter 566 or 568 if committed in
56 Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a
57 parent if such parent or any person residing with such parent has been found guilty of, or pled
58 guilty to, any such offense.

59 4. The general assembly finds and declares that it is the public policy of this state that
60 frequent, continuing and meaningful contact with both parents after the parents have separated
61 or dissolved their marriage is in the best interest of the child, except for cases where the court
62 specifically finds that such contact is not in the best interest of the child, and that it is the public
63 policy of this state to encourage parents to participate in decisions affecting the health, education
64 and welfare of their children, and to resolve disputes involving their children amicably through
65 alternative dispute resolution. In order to effectuate these policies, the court shall determine the
66 custody arrangement which will best assure both parents participate in such decisions and have
67 frequent, continuing and meaningful contact with their children so long as it is in the best
68 interests of the child.

69 5. Prior to awarding the appropriate custody arrangement in the best interest of the child,
70 the court shall consider each of the following as follows:

71 (1) Joint physical and joint legal custody to both parents, which shall not be denied
72 solely for the reason that one parent opposes a joint physical and joint legal custody award. The
73 residence of one of the parents shall be designated as the address of the child for mailing and
74 educational purposes;

75 (2) Joint physical custody with one party granted sole legal custody. The residence of
76 one of the parents shall be designated as the address of the child for mailing and educational
77 purposes;

78 (3) Joint legal custody with one party granted sole physical custody;

79 (4) Sole custody to either parent; or

80 (5) Third-party custody or visitation:

81 (a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian,
82 or the welfare of the child requires, and it is in the best interests of the child, then custody,
83 temporary custody or visitation may be awarded to any other person or persons deemed by the

84 court to be suitable and able to provide an adequate and stable environment for the child. Before
85 the court awards custody, temporary custody or visitation to a third person under this
86 subdivision, the court shall make that person a party to the action;

87 (b) Under the provisions of this subsection, any person may petition the court to
88 intervene as a party in interest at any time as provided by supreme court rule.

89 6. If the parties have not agreed to a custodial arrangement, or the court determines such
90 arrangement is not in the best interest of the child, the court shall include a written finding in the
91 judgment or order based on the public policy in subsection 4 of this section and each of the
92 factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific
93 relevant factors that made a particular arrangement in the best interest of the child. If a proposed
94 custodial arrangement is rejected by the court, the court shall include a written finding in the
95 judgment or order detailing the specific relevant factors resulting in the rejection of such
96 arrangement.

97 7. Upon a finding by the court that either parent has refused to exchange information
98 with the other parent, which shall include but not be limited to information concerning the
99 health, education and welfare of the child, the court shall order the parent to comply immediately
100 and to pay the prevailing party a sum equal to the prevailing party's cost associated with
101 obtaining the requested information, which shall include but not be limited to reasonable
102 attorney's fees and court costs.

103 8. As between the parents of a child, no preference may be given to either parent in the
104 awarding of custody because of that parent's age, sex, or financial status, nor because of the age
105 or sex of the child. The court shall not presume that a parent, solely because of his or her sex,
106 is more qualified than the other parent to act as a joint or sole legal or physical custodian for the
107 child.

108 9. Any judgment providing for custody shall include a specific written parenting plan
109 setting forth the terms of such parenting plan arrangements specified in subsection 8 of section
110 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310
111 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan
112 approved and ordered by the court shall be in the court's discretion and shall be in the best
113 interest of the child.

114 10. After August 28, 2016, every court order establishing or modifying custody or
115 visitation shall include the following language: "In the event of noncompliance with this order,
116 the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party
117 custody is denied or interfered with by a parent or third party without good cause, the aggrieved
118 person may file a family access motion with the court stating the specific facts that constitute a
119 violation of the custody provisions of the judgment of dissolution, legal separation, or judgment

120 of paternity. The circuit clerk will provide the aggrieved party with an explanation of the
121 procedures for filing a family access motion and a simple form for use in filing the family access
122 motion. A family access motion does not require the assistance of legal counsel to prepare and
123 file.”.

124 11. No court shall adopt any local rule, form, or practice requiring a standardized or
125 default parenting plan for interim, temporary, or permanent orders or judgments.
126 Notwithstanding any other provision **of law** to the contrary, a court may enter an interim order
127 in a proceeding under this chapter, provided that the interim order shall not contain any
128 provisions about child custody or a parenting schedule or plan without first providing the parties
129 with notice and a hearing, unless the parties otherwise agree.

130 12. Unless a parent has been denied custody rights pursuant to this section or visitation
131 rights under section 452.400, both parents shall have access to records and information
132 pertaining to a minor child including, but not limited to, medical, dental, and school records. If
133 the parent without custody has been granted restricted or supervised visitation because the court
134 has found that the parent with custody or any child has been the victim of domestic violence, as
135 defined in section 455.010, by the parent without custody, the court may order that the reports
136 and records made available pursuant to this subsection not include the address of the parent with
137 custody or the child. Unless a parent has been denied custody rights pursuant to this section or
138 visitation rights under section 452.400, any judgment of dissolution or other applicable court
139 order shall specifically allow both parents access to such records and reports.

140 13. Except as otherwise precluded by state or federal law, if any individual, professional,
141 public or private institution or organization denies access or fails to provide or disclose any and
142 all records and information, including, but not limited to, past and present dental, medical and
143 school records pertaining to a minor child, to either parent upon the written request of such
144 parent, the court shall, upon its finding that the individual, professional, public or private
145 institution or organization denied such request without good cause, order that party to comply
146 immediately with such request and to pay to the prevailing party all costs incurred, including, but
147 not limited to, attorney’s fees and court costs associated with obtaining the requested
148 information.

149 14. An award of joint custody does not preclude an award of child support pursuant to
150 section 452.340 and applicable supreme court rules. The court shall consider the factors
151 contained in section 452.340 and applicable supreme court rules in determining an amount
152 reasonable or necessary for the support of the child.

153 15. If the court finds that domestic violence or abuse as defined in section 455.010 has
154 occurred, the court shall make specific findings of fact to show that the custody or visitation
155 arrangement ordered by the court best protects the child and the parent or other family or

156 household member who is the victim of domestic violence, as defined in section 455.010, and
157 any other children for whom such parent has custodial or visitation rights from any further harm.

452.400. 1. (1) A parent not granted custody of the child is entitled to reasonable
2 visitation rights unless the court finds, after a hearing, that visitation would endanger the child's
3 physical health or impair his or her emotional development. The court shall enter an order
4 specifically detailing the visitation rights of the parent without physical custody rights to the
5 child and any other children for whom such parent has custodial or visitation rights. In
6 determining the granting of visitation rights, the court shall consider evidence of domestic
7 violence. If the court finds that domestic violence has occurred, the court may find that granting
8 visitation to the abusive party is in the best interests of the child.

9 (2) (a) The court shall not grant visitation to the parent not granted custody if such
10 parent or any person residing with such parent has been found guilty of or pled guilty to any of
11 the following offenses when a child was the victim:

12 a. A felony violation of section 566.030, 566.032, 566.031, 566.060, 566.062, 566.064,
13 566.067, 566.068, 566.061, 566.083, 566.101, 566.100, 566.111, 566.151, 566.203, 566.206,
14 566.209, **566.210**, 566.211, or 566.215;

15 b. A violation of section 568.020;

16 c. A violation of subdivision (2) of subsection 1 of section 568.060;

17 d. A violation of section 568.065;

18 e. A violation of section 573.200;

19 f. A violation of section 573.205; or

20 g. A violation of section 568.175.

21 (b) For all other violations of offenses in chapters 566 and 568 not specifically listed in
22 paragraph (a) of this subdivision or for a violation of an offense committed in another state when
23 a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri,
24 the court may exercise its discretion in granting visitation to a parent not granted custody if such
25 parent or any person residing with such parent has been found guilty of, or pled guilty to, any
26 such offense.

27 (3) The court shall consider the parent's history of inflicting, or tendency to inflict,
28 physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on
29 other persons and shall grant visitation in a manner that best protects the child and the parent or
30 other family or household member who is the victim of domestic violence, and any other
31 children for whom the parent has custodial or visitation rights from any further harm.

32 (4) The court, if requested by a party, shall make specific findings of fact to show that
33 the visitation arrangements made by the court best protect the child or the parent or other family

34 or household member who is the victim of domestic violence, or any other child for whom the
35 parent has custodial or visitation rights from any further harm.

36 2. (1) The court may modify an order granting or denying visitation rights whenever
37 modification would serve the best interests of the child, but the court shall not restrict a parent's
38 visitation rights unless it finds that the visitation would endanger the child's physical health or
39 impair his or her emotional development.

40 (2) (a) In any proceeding modifying visitation rights, the court shall not grant
41 unsupervised visitation to a parent if the parent or any person residing with such parent has been
42 found guilty of or pled guilty to any of the following offenses when a child was the victim:

43 a. A felony violation of section 566.030, 566.032, 566.031, 566.060, 566.062, 566.064,
44 566.067, 566.068, 566.061, 566.083, 566.101, 566.100, 566.111, 566.151, 566.203, 566.206,
45 566.209, **566.210**, 566.211, or 566.215;

46 b. A violation of section 568.020;

47 c. A violation of subdivision (2) of subsection 1 of section 568.060;

48 d. A violation of section 568.065;

49 e. A violation of section 573.200;

50 f. A violation of section 573.205; or

51 g. A violation of section 568.175.

52 (b) For all other violations of offenses in chapters 566 and 568 not specifically listed in
53 paragraph (a) of this subdivision or for a violation of an offense committed in another state when
54 a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri,
55 the division may exercise its discretion regarding the placement of a child taken into the custody
56 of the state in which a parent or any person residing in the home has been found guilty of, or pled
57 guilty to, any such offense.

58 (3) When a court restricts a parent's visitation rights or when a court orders supervised
59 visitation because of allegations of abuse or domestic violence, a showing of proof of treatment
60 and rehabilitation shall be made to the court before unsupervised visitation may be ordered.

61

62 "Supervised visitation", as used in this section, is visitation which takes place in the presence of
63 a responsible adult appointed by the court for the protection of the child.

64 3. The court shall mandate compliance with its order by all parties to the action,
65 including parents, children and third parties. In the event of noncompliance, the aggrieved
66 person may file a verified motion for contempt. If custody, visitation or third-party custody is
67 denied or interfered with by a parent or third party without good cause, the aggrieved person may
68 file a family access motion with the court stating the specific facts which constitute a violation
69 of the judgment of dissolution, legal separation or judgment of paternity. The state courts

70 administrator shall develop a simple form for pro se motions to the aggrieved person, which shall
 71 be provided to the person by the circuit clerk. Clerks, under the supervision of a circuit clerk,
 72 shall explain to aggrieved parties the procedures for filing the form. Notice of the fact that clerks
 73 will provide such assistance shall be conspicuously posted in the clerk’s offices. The location
 74 of the office where the family access motion may be filed shall be conspicuously posted in the
 75 court building. The performance of duties described in this section shall not constitute the
 76 practice of law as defined in section 484.010. Such form for pro se motions shall not require the
 77 assistance of legal counsel to prepare and file. The cost of filing the motion shall be the standard
 78 court costs otherwise due for instituting a civil action in the circuit court.

79 4. Within five court days after the filing of the family access motion pursuant to
 80 subsection 3 of this section, the clerk of the court shall issue a summons pursuant to applicable
 81 state law, and applicable local or supreme court rules. A copy of the motion shall be personally
 82 served upon the respondent by personal process server as provided by law or by any sheriff.
 83 Such service shall be served at the earliest time and shall take priority over service in other civil
 84 actions, except those of an emergency nature or those filed pursuant to chapter 455. The motion
 85 shall contain the following statement in boldface type:

86 "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND
 87 TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE
 88 TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

89 (1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY,
 90 VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE
 91 AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;

92 (2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE
 93 THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A
 94 CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;

95 (3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS AGAINST
 96 THE VIOLATOR;

97 (4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO ENSURE
 98 FUTURE COMPLIANCE WITH THE COURT'S ORDERS;

99 (5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO
 100 REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE AGGRIEVED
 101 PARTY AND THE CHILD; AND

102 (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE
 103 EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY
 104 INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF
 105 CUSTODY, VISITATION OR THIRD-PARTY CUSTODY."

106 5. If an alternative dispute resolution program is available pursuant to section 452.372,
107 the clerk shall also provide information to all parties on the availability of any such services, and
108 within fourteen days of the date of service, the court may schedule alternative dispute resolution.

109 6. Upon a finding by the court pursuant to a motion for a family access order or a motion
110 for contempt that its order for custody, visitation or third-party custody has not been complied
111 with, without good cause, the court shall order a remedy, which may include, but not be limited
112 to:

113 (1) A compensatory period of visitation, custody or third-party custody at a time
114 convenient for the aggrieved party not less than the period of time denied;

115 (2) Participation by the violator in counseling to educate the violator about the
116 importance of providing the child with a continuing and meaningful relationship with both
117 parents;

118 (3) Assessment of a fine of up to five hundred dollars against the violator payable to the
119 aggrieved party;

120 (4) Requiring the violator to post bond or security to ensure future compliance with the
121 court's access orders; and

122 (5) Ordering the violator to pay the cost of counseling to reestablish the parent-child
123 relationship between the aggrieved party and the child.

124 7. The court shall consider, in a proceeding to enforce or modify a permanent custody
125 or visitation order or judgment, a party's violation, without good cause, of a provision of the
126 parenting plan, for the purpose of determining that party's ability and willingness to allow the
127 child frequent and meaningful contact with the other party.

128 8. The reasonable expenses incurred as a result of denial or interference with custody or
129 visitation, including attorney's fees and costs of a proceeding to enforce visitation rights, custody
130 or third-party custody, shall be assessed, if requested and for good cause, against the parent or
131 party who unreasonably denies or interferes with visitation, custody or third-party custody. In
132 addition, the court may utilize any and all powers relating to contempt conferred on it by law or
133 rule of the Missouri supreme court.

134 9. Final disposition of a motion for a family access order filed pursuant to this section
135 shall take place not more than sixty days after the service of such motion, unless waived by the
136 parties or determined to be in the best interest of the child. Final disposition shall not include
137 appellate review.

138 10. Motions filed pursuant to this section shall not be deemed an independent civil action
139 from the original action pursuant to which the judgment or order sought to be enforced was
140 entered.

453.015. As used in sections 453.010 to 453.400, the following terms mean:

2 (1) "Minor" or "child", any person who has not attained the age of eighteen years or any
3 person in the custody of the children's division who has not attained the age of twenty-one;

4 (2) "Parent", a birth parent or parents of a child, including the putative father of the child,
5 as well as the husband of a birth mother at the time the child was conceived, or a parent or
6 parents of a child by adoption. The putative father shall have no legal relationship unless he has
7 acknowledged the child as his own by affirmatively asserting his paternity;

8 (3) **"Post adoption contact agreement", a voluntary written agreement executed by**
9 **one or both of a child's birth parents and each adoptive parent describing future contact**
10 **between the parties to the agreement and the child; provided, that such agreement shall**
11 **be approved by the court under subsection 4 of section 453.080;**

12 (4) "Putative father", the alleged or presumed father of a child including a person who
13 has filed a notice of intent to claim paternity with the putative father registry established in
14 section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant
15 to section 193.087;

16 ~~[(4)]~~ (5) "Stepparent", the spouse of a biological or adoptive parent. The term does not
17 include the state if the child is a ward of the state. The term does not include a person whose
18 parental rights have been terminated.

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

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

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

14 (1) The mother of the child; ~~and]~~

15 (2) ~~[Only the]~~ Any man who:

16 (a) Is presumed to be the father pursuant to ~~[the]~~ subdivision (1), (2), or (3) of subsection
17 1 of section 210.822; or

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

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

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

26

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

29 4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section
30 may be executed before or after **the birth of the child or before or after** the commencement
31 of the adoption proceedings, and shall be executed in front of a judge or acknowledged before
32 a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to
33 advise the consenting birth parent of the consequences of the consent. In lieu of such
34 acknowledgment, the signature of the person giving such written consent shall be witnessed by
35 the signatures of at least two adult persons whose signatures and addresses shall be plainly
36 written thereon. The two adult witnesses shall not be the prospective adoptive parents or any
37 attorney representing a party to the adoption proceeding **other than the attorney representing**
38 **the party signing the consent.** The notary public or witnesses shall verify the identity of the
39 party signing the consent. **Notwithstanding any other provision of law to the contrary, a**
40 **properly executed written consent 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 ~~[parent]~~ **mother** shall not be executed anytime before the child is forty-eight hours old.
43 Such written consent shall be executed in front of a judge or acknowledged before a notary
44 public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the
45 consenting party of the consequences of the consent. In lieu of ~~[such]~~ acknowledgment **before**
46 **a notary public**, the signature of the person giving such written consent shall be witnessed by
47 the signatures of at least two adult persons who are present at the execution whose signatures and
48 addresses shall be plainly written thereon and who determine and certify that the consent is
49 knowingly and freely given. The two adult witnesses shall not be the prospective adoptive
50 parents or any attorney representing a party to the adoption proceeding **other than the attorney**
51 **representing the party signing the consent.** The notary public or witnesses shall verify the
52 identity of the party signing 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 department of social services. No rule or portion of a rule promulgated under the authority of
60 this section shall become effective unless it has been promulgated pursuant to the provisions of
61 chapter 536. If a written consent is obtained after August 28, 1997, but prior to the development
62 of a consent form by the department and the written consent complies with the provisions of
63 subsection 8 of this section, such written consent shall be deemed valid.

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

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

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

69 9. The written consent to adoption required by subsection 3 and executed through
70 procedures set forth in subsection 5 of this section shall be valid and effective even though the
71 parent consenting was under eighteen years of age, if such parent was represented by a guardian
72 ad litem, at the time of the execution thereof.

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

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

78 (1) A birth parent requests representation;

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

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

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

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

453.080. 1. The court shall conduct a hearing to determine whether the adoption shall
2 be finalized. **Out-of-state adoptive petitioners may appear by their attorney or by video or**
3 **telephone conference rather than in person.** During such hearing, the court shall ascertain
4 whether:

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

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

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

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

19 (5) ~~[There is compliance with the uniform child custody jurisdiction act, sections~~
20 ~~452.440 to 452.550;~~

21 ~~———(6)] There is compliance with the Indian Child Welfare Act, if applicable;~~

22 ~~[(7)] (6) There is compliance with the Interstate Compact on the Placement of Children~~
23 ~~pursuant to section 210.620; and~~

24 ~~[(8)] (7) It is fit and proper that such adoption should be made.~~

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

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

32 4. Before the completion of an adoption, the exchange of information among the parties
33 shall be at the discretion of the parties. **Prospective adoptive parents and birth parents may**
34 **enter into a written post adoption contact agreement to allow contact, communication, and**
35 **the exchange of photographs after the adoption between the adoptive parents and the birth**
36 **parents. The court shall not order any party to enter into a post adoption contact**

37 **agreement. The agreement shall be filed with and approved by the court at or before the**
 38 **finalization of the adoption. The court shall approve an agreement only if the agreement**
 39 **is in the best interests of the child. The court may enforce or modify an agreement made**
 40 **under this subsection unless such enforcement or modification is not in the best interests**
 41 **of the child. The agreement shall include:**

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

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

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

52 **(4) An acknowledgment that the birth parents' consent to the adoption was not**
 53 **conditioned on the post adoption contact agreement and that acceptance of the agreement**
 54 **is fully voluntary.**

55

56 Upon completion of an adoption, further contact among the parties shall be at the discretion of
 57 the adoptive parents **or in accordance with a post adoption contact agreement executed**
 58 **under this subsection.** The court shall not have jurisdiction to deny ~~continuing contact~~
 59 ~~between the adopted person and the birth parent, or an adoptive parent and a birth parent.~~
 60 ~~Additionally, the court shall not have jurisdiction to deny] an exchange of identifying~~
 61 information between an adoptive parent and a birth parent.

62 5. Before the completion of an adoption, the court shall make available to the birth
 63 parent or parents a contact preference form developed by the state registrar pursuant to section
 64 193.128 and provided to the court by the department of health and senior services. If a birth
 65 parent chooses to complete the form, the clerk of the court shall send the form with the certificate
 66 of decree of adoption to the state registrar. Such form shall accompany the original birth
 67 certificate of the adopted person and may be updated by a birth parent at any time upon the
 68 request of the birth parent.

487.110. The uniform child custody jurisdiction **and enforcement** act, ~~[as enacted in]~~
 2 **under** sections ~~[452.440 to 452.550]~~ **452.700 to 452.930**, shall apply to all custody proceedings
 3 in the family court.

✓