

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 327
101ST GENERAL ASSEMBLY

1595H.08C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 37.710, 135.325, 135.326, 135.327, 135.335, 135.800, 160.261, 160.263, 191.975, 193.075, 210.115, 210.127, 210.150, 210.152, 210.305, 210.565, 211.261, 211.447, 452.375, 452.410, 453.014, 453.030, 453.040, and 453.070, RSMo, and to enact in lieu thereof forty-five new sections relating to the protection of children, with penalty provisions and an emergency clause.

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

Section A. Sections 37.710, 135.325, 135.326, 135.327, 135.335, 135.800, 160.261, 2 160.263, 191.975, 193.075, 210.115, 210.127, 210.150, 210.152, 210.305, 210.565, 211.261, 3 211.447, 452.375, 452.410, 453.014, 453.030, 453.040, and 453.070, RSMo, are repealed and 4 forty-five new sections enacted in lieu thereof, to be known as sections 37.710, 37.717, 135.325, 5 135.326, 135.327, 135.335, 135.800, 143.1170, 160.261, 160.263, 191.975, 193.075, 210.115, 6 210.121, 210.127, 210.143, 210.150, 210.152, 210.156, 210.305, 210.489, 210.493, 210.565, 7 210.1250, 210.1253, 210.1256, 210.1259, 210.1262, 210.1263, 210.1264, 210.1265, 210.1268, 8 210.1271, 210.1274, 210.1280, 210.1283, 210.1286, 211.261, 211.447, 452.375, 452.410, 9 453.014, 453.030, 453.040, and 453.070, to read as follows:

37.710. 1. The office shall have access to the following information:

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

7 2. The office shall have the authority:

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.

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

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

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

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

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

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

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

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

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

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

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

44 regarding information obtained during a child abuse and neglect investigation resulting in an
45 unsubstantiated report. **Nothing in this section shall preclude the office of child advocate**
46 **from releasing findings regarding the professional performance of any individual member**
47 **of the multidisciplinary team as described in section 660.520.**

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

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

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

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

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

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

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

135.325. Sections 135.325 to 135.339 shall be known and may be cited as the "[Special
2 Needs] Adoption Tax Credit Act".

135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

2 (1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in
3 an S corporation doing business in the state of Missouri and subject to the state income tax
4 imposed by the provisions of chapter 143, or a corporation subject to the annual corporation
5 franchise tax imposed by the provisions of chapter 147, or an insurance company paying an
6 annual tax on its gross premium receipts in this state, or other financial institution paying taxes
7 to the state of Missouri or any political subdivision of this state under the provisions of chapter
8 148, or an express company which pays an annual tax on its gross receipts in this state pursuant
9 to chapter 153;

10 (2) "Child", any individual who:

11 (a) **Has not attained an age of at least eighteen years; or**

12 (b) **Is eighteen years of age or older but is physically or mentally incapable of**
13 **caring for himself or herself;**

14 (3) "~~[Handicap]~~ **Disability**", a mental, physical, or emotional impairment that
15 substantially limits one or more major life activities, whether the impairment is congenital or
16 acquired by accident, injury or disease, and where the impairment is verified by medical findings;

17 ~~[(3)]~~ (4) "Nonrecurring adoption expenses", reasonable and necessary adoption fees,
18 court costs, attorney fees, and

19 other expenses which are directly related to the legal adoption of a ~~[special-needs]~~ child and
20 which are not incurred in violation of federal, state, or local law;

21 ~~[(4)]~~ (5) "Special needs child", a child for whom it has been determined by the children's
22 division, or by a child-placing agency licensed by the state, or by a court of competent
23 jurisdiction to be a child:

24 (a) That cannot or should not be returned to the home of his or her parents; and

25 (b) Who has a specific factor or condition such as ~~[ethnic background,]~~ age, membership
26 in a ~~[minority or]~~ sibling group, medical condition **or diagnosis**, or ~~[handicap]~~ **disability** because
27 of which it is reasonable to conclude that such child cannot be easily placed with adoptive
28 parents;

29 ~~[(5)]~~ (6) "State tax liability", any liability incurred by a taxpayer under the provisions of
30 chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to
31 the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions.

135.327. 1. Any person residing in this state who legally adopts a special needs child
2 on or after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit
3 of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may
4 be applied to taxes due under chapter 143. Any business entity providing funds to an employee
5 to enable that employee to legally adopt a special needs child shall be eligible to receive a tax
6 credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted
7 that may be applied to taxes due under such business entity's state tax liability, except that only
8 one ten thousand dollar credit is available for each special needs child that is adopted.

9 2. Any person residing in this state who proceeds in good faith with the adoption of a
10 special needs child on or after January 1, 2000, **and before January 1, 2022**, shall be eligible
11 to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each
12 child that may be applied to taxes due under chapter 143; provided, however, that beginning on
13 March 29, 2013, the tax credits shall only be allocated for the adoption of special needs children
14 who are residents or wards of residents of this state at the time the adoption is initiated. Any
15 business entity providing funds to an employee to enable that employee to proceed in good faith
16 with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten
17 thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes

18 due under such business entity's state tax liability, except that only one ten thousand dollar credit
19 is available for each special needs child that is adopted.

20 **3. Any person residing in this state who proceeds in good faith with the adoption**
21 **of a child on or after January 1, 2022, regardless of whether such child is a special needs**
22 **child, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring**
23 **adoption expenses for each child that may be applied to taxes due under chapter 143. The**
24 **tax credit shall be allowed regardless of whether the child adopted is a resident or ward**
25 **of a resident of this state at the time the adoption is initiated; however, priority shall be**
26 **given to applications to claim the tax credit for special needs children who are residents or**
27 **wards of residents of this state at the time the adoption is initiated. Any business entity**
28 **providing funds to an employee to enable that employee to proceed in good faith with the**
29 **adoption of a child shall be eligible to receive a tax credit of up to ten thousand dollars for**
30 **nonrecurring adoption expenses for each child that may be applied to taxes due under such**
31 **business entity's state tax liability; except that, only one credit, up to ten thousand dollars,**
32 **shall be available for each child who is adopted.**

33 **4.** Individuals and business entities may claim a tax credit for their total nonrecurring
34 adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the
35 credit shall be allowed when the child is placed in the home. A claim for the remaining fifty
36 percent shall be allowed when the adoption is final. The total of these tax credits shall not
37 exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax
38 credits which may be claimed by taxpayers claiming the credit for nonrecurring adoption
39 expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million dollars. The
40 cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for
41 nonrecurring adoption expenses shall not be more than two million dollars but may be increased
42 by appropriation in any fiscal year beginning on or after July 1, 2004, **and ending on or before**
43 **June 30, 2021. The cumulative amount of tax credits that may be claimed by taxpayers**
44 **claiming the credit for nonrecurring adoption expenses shall not exceed six million dollars**
45 **in any fiscal year beginning on or after July 1, 2021.** For all fiscal years beginning on or after
46 July 1, 2006, applications to claim the adoption tax credit [~~for special needs children who are~~
47 ~~residents or wards of residents of this state at the time the adoption is initiated~~] shall be filed
48 between July first and April fifteenth of each fiscal year.

49 ~~[4.]~~ **5.** Notwithstanding any provision of law to the contrary, any individual or business
50 entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits
51 claimed pursuant to this section shall be at a discount rate of seventy-five percent or greater of
52 the amount sold.

135.335. In the year of adoption and in any year thereafter in which the credit is carried forward pursuant to section 135.333, the credit shall be reduced by an amount equal to the state's cost of providing care, treatment, maintenance and services when:

(1) The ~~[special needs]~~ child is placed, with no intent to return to the adoptive home, in foster care or residential treatment licensed or operated by the children's division, the division of youth services or the department of mental health; or

(2) A juvenile court temporarily or finally relieves the adoptive parents of custody of the ~~[special needs]~~ child.

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

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

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

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

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

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

(5) "Community development tax credits", the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, the family development account tax credit created 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, the shared care tax credit
42 created pursuant to section 192.2015, and the diaper bank tax credit created pursuant to 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.

143.1170. 1. As used in this section, the following terms mean:

2 (1) "Deduction", an amount subtracted from a taxpayer's Missouri adjusted gross
3 income to determine the taxpayer's Missouri taxable income for a given tax year;

4 (2) "Foster parent", the same definition as provided under section 210.566;

5 (3) "Taxpayer", any individual who is a resident of this state and subject to the
6 income tax imposed under this chapter, excluding withholding tax imposed under sections
7 143.191 to 143.265.

8 2. (1) For all tax years beginning on or after January 1, 2022, a taxpayer shall be
9 allowed a deduction for expenses incurred directly by the taxpayer in providing care as a
10 foster parent to one or more children in this state.

11 (2) The amount of the deduction shall be equal to the amount of expenses directly
12 incurred by the taxpayer in providing such care; provided that:

13 (a) If the taxpayer provides care as a foster parent for at least six months during
14 the tax year, the total amount of the deduction claimed under this section shall not exceed
15 five thousand dollars, provided that a deduction claimed under this section by taxpayers
16 with a filing status of married filing separately shall not exceed two thousand five hundred
17 dollars per taxpayer; and

18 (b) If the taxpayer provides care as a foster parent for less than six months during
19 the tax year, the maximum deduction limits described in paragraph (a) of this subdivision
20 shall apply, but such limits shall be reduced on a pro rata basis.

21 **3. The department of revenue shall collaborate with the children's division of the**
22 **department of social services in order to establish and implement a procedure to verify that**
23 **a taxpayer claiming the deduction authorized under this section is a foster parent.**

24 **4. Each taxpayer claiming the deduction authorized under this section shall file an**
25 **affidavit with such taxpayer's income tax return. The affidavit shall affirm that the**
26 **taxpayer is a foster parent and that the taxpayer is entitled to the deduction in the amount**
27 **claimed on his or her tax return.**

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

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

13 2. The policy shall require school administrators to report acts of school violence to all
14 teachers at the attendance center and, in addition, to other school district employees with a need
15 to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school
16 personnel who are directly responsible for the student's education or who otherwise interact with
17 the student on a professional basis while acting within the scope of their assigned duties. As
18 used in this section, the phrase "act of school violence" or "violent behavior" means the exertion
19 of physical force by a student with the intent to do serious physical injury as defined in section
20 556.061 to another person while on school property, including a school bus in service on behalf

21 of the district, or while involved in school activities. The policy shall at a minimum require
22 school administrators to report, as soon as reasonably practical, to the appropriate law
23 enforcement agency any of the following crimes, or any act which if committed by an adult
24 would be one of the following crimes:

- 25 (1) First degree murder under section 565.020;
- 26 (2) Second degree murder under section 565.021;
- 27 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or
28 kidnapping in the first degree under section 565.110;
- 29 (4) First degree assault under section 565.050;
- 30 (5) Rape in the first degree under section 566.030;
- 31 (6) Sodomy in the first degree under section 566.060;
- 32 (7) Burglary in the first degree under section 569.160;
- 33 (8) Burglary in the second degree under section 569.170;
- 34 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1,
35 2017, or robbery in the first degree under section 570.023;
- 36 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017,
37 or manufacture of a controlled substance under section 579.055;
- 38 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January
39 1, 2017, or delivery of a controlled substance under section 579.020;
- 40 (12) Arson in the first degree under section 569.040;
- 41 (13) Voluntary manslaughter under section 565.023;
- 42 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1,
43 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary
44 manslaughter in the second degree under section 565.027;
- 45 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017,
46 or second degree assault under section 565.052;
- 47 (16) Rape in the second degree under section 566.031;
- 48 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or
49 kidnapping in the second degree under section 565.120;
- 50 (18) Property damage in the first degree under section 569.100;
- 51 (19) The possession of a weapon under chapter 571;
- 52 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior
53 to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section
54 566.067, 566.068, or 566.069;
- 55 (21) Sodomy in the second degree pursuant to section 566.061;
- 56 (22) Sexual misconduct involving a child pursuant to section 566.083;

- 57 (23) Sexual abuse in the first degree pursuant to section 566.100;
- 58 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or
59 harassment in the first degree under section 565.090; or
- 60 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in
61 the first degree under section 565.225;
- 62
- 63 committed on school property, including but not limited to actions on any school bus in service
64 on behalf of the district or while involved in school activities. The policy shall require that any
65 portion of a student's individualized education program that is related to demonstrated or
66 potentially violent behavior shall be provided to any teacher and other school district employees
67 who are directly responsible for the student's education or who otherwise interact with the
68 student on an educational basis while acting within the scope of their assigned duties. The policy
69 shall also contain the consequences of failure to obey standards of conduct set by the local board
70 of education, and the importance of the standards to the maintenance of an atmosphere where
71 orderly learning is possible and encouraged.
- 72 3. The policy shall provide that any student who is on suspension for any of the offenses
73 listed in subsection 2 of this section or any act of violence or drug-related activity defined by
74 school district policy as a serious violation of school discipline pursuant to subsection 9 of this
75 section shall have as a condition of his or her suspension the requirement that such student is not
76 allowed, while on such suspension, to be within one thousand feet of any school property in the
77 school district where such student attended school or any activity of that district, regardless of
78 whether or not the activity takes place on district property unless:
- 79 (1) Such student is under the direct supervision of the student's parent, legal guardian,
80 or custodian and the superintendent or the superintendent's designee has authorized the student
81 to be on school property;
- 82 (2) Such student is under the direct supervision of another adult designated by the
83 student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school
84 which suspended the student and the superintendent or the superintendent's designee has
85 authorized the student to be on school property;
- 86 (3) Such student is enrolled in and attending an alternative school that is located within
87 one thousand feet of a public school in the school district where such student attended school;
88 or
- 89 (4) Such student resides within one thousand feet of any public school in the school
90 district where such student attended school in which case such student may be on the property
91 of his or her residence without direct adult supervision.

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

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

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

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

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

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

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

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

126 8. Teachers and other authorized district personnel in public schools responsible for the
127 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable

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

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

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

158 ~~11. If a student reports alleged sexual misconduct on the part of a teacher or other school~~
159 ~~employee to a person employed in a school facility who is required to report such misconduct~~
160 ~~to the children's division under section 210.115, such person and the superintendent of the school~~
161 ~~district shall report the allegation to the children's division as set forth in section 210.115.~~
162 ~~Reports made to the children's division under this subsection shall be investigated by the division~~
163 ~~in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated~~

164 by the school district under subsections 12 to 20 of this section for purposes of determining
165 whether the allegations should or should not be substantiated. The district may investigate the
166 allegations for the purpose of making any decision regarding the employment of the accused
167 employee.

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

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

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

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

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

198 ~~—————17. The law enforcement officer and the investigating school district personnel shall~~
199 ~~issue separate reports of their findings and recommendations after the conclusion of the~~

200 ~~investigation to the school board of the school district within seven days after receiving notice~~
201 ~~from the children's division.~~

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

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

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

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

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

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

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

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

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

- 2 (1) "Mechanical restraint", the use of any device or equipment to restrict a
3 student's freedom of movement. "Mechanical restraint" shall not include devices
4 implemented by trained personnel or used by a student with a prescription for such devices
5 from an appropriate medical or related services professional and that are used for specific
6 and approved purposes for which such devices were designed, such as the following:
7 (a) Adaptive devices or mechanical supports used to achieve proper body position,
8 balance, or alignment to allow greater freedom of mobility than would be possible without
9 the use of such devices or mechanical supports;
10 (b) Vehicle safety restraints when used as intended during the transport of a
11 student in a moving vehicle;
12 (c) Restraints for medical immobilization; or
13 (d) Orthopedically prescribed devices that permit a student to participate in
14 activities without risk;
15 (2) "Physical restraint", a personal restriction such as person-to-person physical
16 contact that immobilizes, reduces, or restricts the ability of a student to move the student's
17 torso, arms, legs, or head freely. "Physical restraint" shall not include:
18 (a) A physical escort, which is a temporary touching or holding of the hand, wrist,
19 arm, shoulder, or back for the purpose of inducing a student to walk to a safe location;
20 (b) Comforting or calming a student;
21 (c) Holding a student's hand to transport the student for safety purposes;
22 (d) Intervening in a fight; or
23 (e) Using an assistive or protective device prescribed by an appropriately trained
24 professional or professional team;
25 (3) "Prone restraint", using mechanical or physical restraint or both to restrict a
26 student's movement while the student is lying with the student's front or face downward;
27 (4) "Restraint" includes, but is not limited to, mechanical restraint, physical
28 restraint, and prone restraint;
29 (5) "Seclusion", the involuntary confinement of a student alone in a room or area
30 that the student is physically prevented from leaving and that complies with the building
31 code in effect in the school district. "Seclusion" shall not include the following:

32 **(a) A timeout, which is a behavior management technique that is part of an**
33 **approved program, involves the monitored separation of the student in a nonlocked setting,**
34 **and is implemented for the purpose of calming;**

35 **(b) In-school suspension;**

36 **(c) Detention; or**

37 **(d) Other appropriate disciplinary measures.**

38 **2. The school discipline policy under section 160.261 shall ~~prohibit~~ reserve confining**
39 **a student in ~~[an unattended, locked space except for an emergency situation while awaiting the~~**
40 **~~arrival of law enforcement personnel]~~ seclusion for situations or conditions in which there**
41 **is imminent danger of physical harm to self or others.**

42 **3. For all school years beginning on or after July 1, 2022, no school district, charter**
43 **school, or publicly contracted private provider shall use any mechanical, physical, or prone**
44 **restraint technique that:**

45 **(1) Obstructs views of the student's face;**

46 **(2) Obstructs the student's respiratory airway, impairs the student's breathing or**
47 **respiratory capacity, or restricts the movement required for normal breathing to cause**
48 **positional or postural asphyxia;**

49 **(3) Places pressure or weight on or causes the compression of the student's chest,**
50 **lungs, sternum, diaphragm, back, abdomen, or genitals;**

51 **(4) Obstructs the student's circulation of blood;**

52 **(5) Involves pushing on or into the student's mouth, nose, eyes, or any part of the**
53 **face or involves covering the face or body with anything including, but not limited to, soft**
54 **objects such as pillows, blankets, or washcloths;**

55 **(6) Endangers the student's life or significantly exacerbates the student's medical**
56 **condition;**

57 **(7) Is purposely designed to inflict pain;**

58 **(8) Restricts the student from communicating. If an employee physically restrains**
59 **a student who uses sign language or an augmentative mode of communication as the**
60 **student's primary mode of communication, the student shall be permitted to have the**
61 **student's hands free of restraint for brief periods unless an employee determines that such**
62 **freedom appears likely to result in harm to self or others.**

63 ~~[2-]~~ **4. (1) By July 1, 2011, the local board of education of each school district shall**
64 **adopt a written policy that comprehensively addresses the use of restrictive behavioral**
65 **interventions as a form of discipline or behavior management technique. The policy shall be**
66 **consistent with professionally accepted practices and standards of student discipline, behavior**

67 management, health and safety, including the safe schools act. The policy shall include but not
68 be limited to:

69 ~~[(1)]~~ **(a)** Definitions of restraint, seclusion, and time-out and any other terminology
70 necessary to describe the continuum of restrictive behavioral interventions available for use or
71 prohibited in the district, **consistent with the provisions of this section;**

72 ~~[(2)]~~ **(b)** Description of circumstances under which a restrictive behavioral intervention
73 is allowed and prohibited, **consistent with the provisions of this section**, and any unique
74 application requirements for specific groups of students such as differences based on age,
75 disability, or environment in which the educational services are provided;

76 ~~[(3)]~~ **(c)** Specific implementation requirements associated with a restrictive behavioral
77 intervention such as time limits, facility specifications, training requirements or supervision
78 requirements; and

79 ~~[(4)]~~ **(d)** Documentation, notice and permission requirements associated with use of a
80 restrictive behavioral intervention.

81 **(2) Before July 1, 2022, each written policy adopted under this subsection shall be**
82 **updated to prohibit the school district, charter school, or publicly contracted private**
83 **provider from using any restraint that employs any technique listed in subsection 3 of this**
84 **section.**

85 **(3) Before July 1, 2022, each written policy adopted under this subsection shall be**
86 **updated to state that the school district, charter school, or publicly contracted private**
87 **provider will reserve restraint or seclusion for situations or conditions in which there is**
88 **imminent danger of physical harm to self or others.**

89 **5. Before July 1, 2022, each school district, charter school, and publicly contracted**
90 **private provider shall ensure that the policy adopted under subsection 4 of this section**
91 **requires the following:**

92 **(1) Any student placed in seclusion or restraint shall be removed from such**
93 **seclusion or restraint as soon as the school district, charter school, or publicly contracted**
94 **private provider determines that the student is no longer an imminent danger of physical**
95 **harm to self or others;**

96 **(2) All school district, charter school, and publicly contracted private provider**
97 **personnel shall annually review the policy and procedures involving the use of seclusion**
98 **and restraint. Personnel who use seclusion or restraint shall annually complete mandatory**
99 **training in the specific seclusion and restraint techniques the school district, charter school,**
100 **or publicly contracted private provider uses under this section;**

101 **(3) (a) Each time seclusion or restraint is used for a student, the incident shall be**
102 **monitored by a member of the school district, charter school, or publicly contracted private**

- 103 provider personnel, and a report shall be completed by the school district, charter school,
104 or publicly contracted private provider that contains, at a minimum, the following:
- 105 a. The date, time of day, location, duration, and description of the incident and
106 interventions;
 - 107 b. Any event leading to the incident and the reason for using seclusion or restraint;
 - 108 c. A description of the methods of seclusion or restraint used;
 - 109 d. The nature and extent of any injury to the student;
 - 110 e. The names, roles, and certifications of each employee involved in the use of
111 seclusion or restraint;
 - 112 f. The name, role, and signature of the person who prepared the report;
 - 113 g. The name of an employee whom the parent or guardian can contact regarding
114 the incident and use of seclusion or restraint;
 - 115 h. The name of an employee to contact if the parent or guardian wishes to file a
116 complaint; and
 - 117 i. A statement directing parents and legal guardians to a sociological, emotional,
118 or behavioral support organization and a hotline number to report child abuse and neglect.
- 119 (b) The school district, charter school, or publicly contracted private provider shall
120 maintain the report as an education record of the student, provide a copy to the parent or
121 legal guardian within five school days, and a copy of each incident report shall be given to
122 the department of elementary and secondary education within thirty days of the incident;
- 123 (4) The school district, charter school, or publicly contracted private provider shall
124 attempt to notify the parents or legal guardians as soon as possible but no later than one
125 hour after the end of the school day on which the use of seclusion or restraint occurred.
126 Notification shall be oral or electronic and shall include a statement indicating that the
127 school district, charter school, or publicly contracted private provider will provide the
128 parents or legal guardians a copy of the report described in subdivision (3) of this
129 subsection within five school days;
- 130 (5) An officer, administrator, or employee of a public school district or charter
131 school shall not retaliate against any person for having:
- 132 (a) Reported a violation of any policy established under this section or failure of a
133 district or charter school to follow any provisions of this section in relation to incidents of
134 seclusion and restraint; or
 - 135 (b) Provided information regarding a violation of this section by a public school
136 district or charter school or a member of the staff of the public school district or charter
137 school.

138 **6. The department of elementary and secondary education shall compile and**
139 **maintain all incidents reported under this section in the department's core data system and**
140 **make such data available on the Missouri comprehensive data system. No personally**
141 **identifiable data shall be accessible on the database.**

142 [3-] 7. The department of elementary and secondary education shall, in cooperation with
143 appropriate associations, organizations, agencies and individuals with specialized expertise in
144 behavior management, develop a model policy that satisfies the requirements of subsection 2 of
145 this section **as it existed on August 28, 2009**, by July 1, 2010, **and shall update such model**
146 **policy to include the requirements of subdivisions (2) and (3) of subsection 4 and subsection**
147 **5 of this section by July 1, 2022.**

 191.975. 1. This section shall be known and may be cited as the "Adoption Awareness
2 Law".

3 2. To raise public awareness and to educate the public, the department of social services,
4 with the assistance of the department of health and senior services, shall be responsible for:

5 (1) Collecting and distributing resource materials to educate the public about foster care
6 and adoption;

7 (2) Developing and distributing educational materials, including but not limited to
8 videos, brochures and other media as part of a comprehensive public relations campaign about
9 the positive option of adoption and foster care. The materials shall include, but not be limited
10 to, information about:

11 (a) The benefits of adoption and foster care;

12 (b) Adoption and foster care procedures;

13 (c) Means of financing the cost of adoption and foster care~~[,]~~ including, but not limited
14 to, adoption subsidies, foster care payments, and ~~[special needs]~~ adoption tax credits;

15 (d) Options for birth parents in choosing adoptive parents;

16 (e) Protection for and rights of birth parents and adoptive parents prior to and following
17 the adoption;

18 (f) Location of adoption and foster care agencies;

19 (g) Information regarding various state health and social service programs for pregnant
20 women and children, including but not limited to medical assistance programs and temporary
21 assistance for needy families (TANF); and

22 (h) Referrals to appropriate counseling services, including but not be limited to
23 counseling services for parents who are considering retaining custody of their children, placing
24 their children for adoption, or becoming foster or adoptive parents; but excluding any referrals
25 for abortion or to abortion facilities;

26 (3) Making such educational materials available through state and local public health
27 clinics, public hospitals, family planning clinics, abortion facilities as defined in section 188.015,
28 maternity homes as defined in section 135.600, child-placing agencies licensed pursuant to
29 sections 210.481 to 210.536, attorneys whose practice involves private adoptions, in vitro
30 fertilization clinics and private physicians for distribution to their patients who request such
31 educational materials. Such materials shall also be available to the public through the
32 department of social services' internet website;

33 (4) Establishing a toll-free telephone number for information on adoption and foster care,
34 and to answer questions and assist persons inquiring about becoming adoptive or foster parents.

35 3. In addition, the department may establish and implement an ongoing advertising
36 campaign for the recruitment of adoptive and foster care families, with a special emphasis on the
37 recruitment of qualified adoptive and foster care families for special needs children. Such
38 advertising campaign may utilize, but shall not be limited to, the following media: television,
39 radio, outdoor advertising, newspaper, magazines and other print media, websites, and the
40 internet. The department may contract with professional advertising agencies or other
41 professional entities to conduct such advertising campaign on behalf of the department.

42 4. The provisions of this section shall be subject to appropriations.

43 5. The department of social services shall promulgate rules for the implementation of
44 this section in accordance with chapter 536.

193.075. 1. The forms of certificates and reports required by sections 193.005 to
2 193.325 or by regulations adopted hereunder shall include as a minimum the items recommended
3 by the federal agency responsible for national vital statistics.

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

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

7 4. Information required in certificates or reports authorized by sections 193.005 to
8 193.325 may be filed and registered by photographic, electronic, or other means as prescribed
9 by the state registrar.

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

18 Security number furnished under the section for any purpose other than for the establishment and
19 enforcement of child support obligations, and the confidentiality provisions and penalties
20 contained in section 454.440 shall apply. **The children's division shall not use any Social**
21 **Security number furnished under this section for any purpose other than verifying the**
22 **identity of a parent of a child whose birth record information is provided under section**
23 **210.156 and the confidentiality provisions of section 210.156 shall apply.** Nothing in this
24 section shall be construed to prohibit the department of health and senior services from using
25 Social Security numbers for statistical purposes.

210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor,
2 optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the
3 examination, care, treatment or research of persons, and any other health practitioner,
4 psychologist, mental health professional, social worker, day care center worker or other child-
5 care worker, juvenile officer, probation or parole officer, jail or detention center personnel,
6 teacher, principal or other school official, minister as provided by section 352.400, peace officer
7 or law enforcement official, volunteer or personnel of a community service program that offers
8 support services for families in crisis to assist in the delegation of any powers regarding the care
9 and custody of a child by a properly executed power of attorney pursuant to sections 475.600 to
10 475.604, or other person with responsibility for the care of children has reasonable cause to
11 suspect that a child has been or may be subjected to abuse or neglect or observes a child being
12 subjected to conditions or circumstances which would reasonably result in abuse or neglect, that
13 person shall immediately report to the division in accordance with the provisions of sections
14 210.109 to 210.183. No internal investigation shall be initiated until such a report has been
15 made. As used in this section, the term "abuse" is not limited to abuse inflicted by a person
16 responsible for the child's care, custody and control as specified in section 210.110, but shall also
17 include abuse inflicted by any other person.

18 2. If two or more members of a medical institution who are required to report jointly
19 have knowledge of a known or suspected instance of child abuse or neglect, a single report may
20 be made by a designated member of that medical team. Any member who has knowledge that
21 the member designated to report has failed to do so shall thereafter immediately make the report.
22 Nothing in this section, however, is meant to preclude any person from reporting abuse or
23 neglect.

24 3. The reporting requirements under this section are individual, and no supervisor or
25 administrator may impede or inhibit any reporting under this section. No person making a report
26 under this section shall be subject to any sanction, including any adverse employment action, for
27 making such report. Every employer shall ensure that any employee required to report pursuant
28 to subsection 1 of this section has immediate and unrestricted access to communications

29 technology necessary to make an immediate report and is temporarily relieved of other work
30 duties for such time as is required to make any report required under subsection 1 of this section.

31 4. Notwithstanding any other provision of sections 210.109 to 210.183, any child who
32 does not receive specified medical treatment by reason of the legitimate practice of the religious
33 belief of the child's parents, guardian, or others legally responsible for the child, for that reason
34 alone, shall not be found to be an abused or neglected child, and such parents, guardian or other
35 persons legally responsible for the child shall not be entered into the central registry. However,
36 the division may accept reports concerning such a child and may subsequently investigate or
37 conduct a family assessment as a result of that report. Such an exception shall not limit the
38 administrative or judicial authority of the state to ensure that medical services are provided to
39 the child when the child's health requires it.

40 5. In addition to those persons and officials required to report actual or suspected abuse
41 or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such
42 person has reasonable cause to suspect that a child has been or may be subjected to abuse or
43 neglect or observes a child being subjected to conditions or circumstances which would
44 reasonably result in abuse or neglect.

45 6. Any person or official required to report pursuant to this section, including employees
46 of the division, who has probable cause to suspect that a child who is or may be under the age
47 of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to
48 the appropriate medical examiner or coroner. If, upon review of the circumstances and medical
49 information, the medical examiner or coroner determines that the child died of natural causes
50 while under medical care for an established natural disease, the coroner, medical examiner or
51 physician shall notify the division of the child's death and that the child's attending physician
52 shall be signing the death certificate. In all other cases, the medical examiner or coroner shall
53 accept the report for investigation, shall immediately notify the division of the child's death as
54 required in section 58.452 and shall report the findings to the child fatality review panel
55 established pursuant to section 210.192.

56 7. Any person or individual required to report may also report the suspicion of abuse or
57 neglect to any law enforcement agency or juvenile office. Such report shall not, however, take
58 the place of reporting to the division.

59 8. If an individual required to report suspected instances of abuse or neglect pursuant to
60 this section has reason to believe that the victim of such abuse or neglect is a resident of another
61 state or was injured as a result of an act which occurred in another state, the person required to
62 report such abuse or neglect may, in lieu of reporting to the Missouri children's division, make
63 such a report to the child protection agency of the other state with the authority to receive such

64 reports pursuant to the laws of such other state. If such agency accepts the report, no report is
65 required to be made, but may be made, to the children's division.

66 **9. For the purposes of providing supportive services or verifying the status of a**
67 **youth as unaccompanied or homeless for the purposes of accessing supportive services, the**
68 **fact that a child is an unaccompanied youth as defined in 42 U.S.C. Section 11434a(6) is**
69 **not, in and of itself, a sufficient basis for reporting child abuse or neglect, unless the child**
70 **is under sixteen years of age or is an incapacitated person, as defined in section 475.010.**
71 **Nothing in this subsection shall limit a mandated reporter from making a report under this**
72 **section if the mandated reporter knows or has reasonable cause to suspect that an**
73 **unaccompanied youth has been or may be a victim of abuse or neglect.**

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

2 (1) "Service provider", a public or private nonprofit organization that provides
3 age-appropriate shelter or supportive services to unaccompanied youth and whose director
4 or designee is a licensed mental health professional, licensed social worker, or licensed
5 counselor;

6 (2) "Shelter", an emergency shelter, transitional living program, or independent
7 living program services;

8 (3) "Supportive services", interventions, services, or resources necessary to assist
9 an unaccompanied youth. "Supportive services" shall include, but are not limited to, the
10 following:

11 (a) Food and access to an overnight shelter;

12 (b) Housing search, counseling, rental assistance, financial assistance with eviction
13 prevention, utilities, security deposit, relocation, and other housing support services;

14 (c) Services for families to prevent separation and support reunification if safe and
15 appropriate;

16 (d) Employment assistance, job training, and job placement;

17 (e) Assistance and advocacy to ensure access to federal, state, and local benefits;

18 (f) Assistance and advocacy to ensure access to education;

19 (g) Services to prevent and treat violence and crime victimization;

20 (h) Child care operations and vouchers;

21 (i) Legal services;

22 (j) Life skills training;

23 (k) Outpatient health, behavioral health, and substance abuse treatment services;

24 (l) Transportation;

25 (m) Outreach services; and

26 (n) Homelessness prevention services;

27 (4) "Unaccompanied youth", the same meaning as such term is defined in 42 U.S.C.
28 Section 11434a(6).

29 2. An unaccompanied youth may access supportive services so long as the youth is
30 verified as an unaccompanied youth as provided under subsection 3 of this section.

31 3. Acceptable documentation to verify the status of an unaccompanied youth shall
32 include, but is not limited to, the following:

33 (1) A statement documenting the youth as an unaccompanied youth that is signed
34 by a licensed mental health professional, licensed social worker, or licensed counselor of
35 a government or nonprofit agency that receives public or private funding to provide
36 services to homeless people and is currently licensed as a case management service
37 provider;

38 (2) A statement documenting the youth as an unaccompanied youth that is signed
39 by a local educational agency liaison for homeless children and youth designated under 42
40 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or

41 (3) A statement documenting that the youth is an unaccompanied youth that is
42 signed by an attorney representing the youth in any legal matter.

43 4. A person who in good faith accepts a written statement under subdivision (1) of
44 subsection 3 of this section and who is without actual knowledge that the statement is
45 fraudulent or otherwise invalid may rely upon the statement as if it were genuine and shall
46 not be held liable in any civil or criminal action for providing shelter or supportive services
47 without having obtained permission from the minor's parent or guardian. The service
48 provider shall not be relieved from liability for negligence or criminal acts on the basis of
49 this section.

210.127. 1. If the location or identity of the biological parent or parents of a child in the
2 custody of the division is unknown, the children's division shall utilize all reasonable and
3 effective means available to conduct a diligent search for the biological parent or parents of such
4 child **immediately following the removal of the child. The children's division, or an entity**
5 **under contract with the division, shall use all sources of information, including the known**
6 **parent and relatives, to attempt to locate any absent parent.**

7 2. For purposes of this section, "diligent search" means ~~[the efforts of the division, or an~~
8 ~~entity under contract with the division, to]~~ **an exhaustive search to identify and** locate a
9 biological parent whose identity or location is unknown, initiated as soon as the division is made
10 aware of the existence of such parent, with the search progress reported at each court hearing
11 until the parent is either identified and located or the court excuses further search.

210.143. 1. **The children's division; law enforcement, including the state technical**
2 **assistance team; or prosecuting attorney may petition the circuit court for an order**

3 directing an exempt-from-licensure residential care facility, as those terms are defined
4 under section 210.1253, that is the subject of an investigation of child abuse or neglect to
5 present the child at a place and time designated by the court to a children's division worker
6 for an assessment of the child's health, safety, and well-being.

7 2. The court shall enter an order under this section if:

8 (1) The court determines that there is reasonable suspicion to suspect that the child
9 has been abused or neglected and the residential care facility does not voluntarily provide
10 access to the child;

11 (2) The assessment is reasonably necessary for the completion of an investigation
12 or the collection of evidence; and

13 (3) Doing so is in the best interest of the child.

14 3. If the court enters an order to produce the child under this section, the court may
15 expand the order to produce other children in the care of the residential care facility upon
16 a reasonable suspicion that such children may have been abused or neglected.

17 4. The petition and order may be made on an ex parte basis if it is reasonable to
18 believe that providing notice may place the child at risk for further abuse or neglect, if it
19 is reasonable to believe that providing notice may cause the child to be removed from the
20 state of Missouri or the jurisdiction of the court, or if it is reasonable to believe that
21 evidence relevant to the investigation will be unavailable if the ex parte order is not
22 entered.

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

36 6. The petition for an order under this section shall be filed in the juvenile or family
37 court that has judicial custody of the child under section 211.031 or in the circuit court of
38 the county:

- 39 **(1) Where the child resides;**
40 **(2) Where the child may be found;**
41 **(3) Where the residential care facility is located;**
42 **(4) Where the alleged perpetrator of the child abuse or neglect resides or may be**
43 **found;**
44 **(5) Where the subject of the subpoena may be located or found; or**
45 **(6) Of Cole if none of the other venue provisions of this subsection apply.**

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

50 **8. Any person who knowingly violates this section shall be guilty of a class A**
51 **misdemeanor.**

52 **9. The time frames for the children's division to complete its investigation and**
53 **notify the alleged perpetrator of its decision set forth in sections 210.145, 210.152, and**
54 **210.183 shall be tolled from the date that the division files a petition for a subpoena until**
55 **the information is produced in full, until such subpoena is withdrawn, or until a court of**
56 **competent jurisdiction quashes such subpoena.**

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

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

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

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

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

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

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

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

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

52 (8) Any child-care facility; child-placing agency; residential-care facility, including
53 group homes; juvenile courts; public or private elementary schools; public or private secondary
54 schools; or any other public or private agency exercising temporary supervision over a child or

55 providing or having care or custody of a child who may request an examination of the central
56 registry from the division for all employees and volunteers or prospective employees and
57 volunteers, who do or will provide services or care to children. Any agency or business
58 recognized by the division or business which provides training and places or recommends people
59 for employment or for volunteers in positions where they will provide services or care to children
60 may request the division to provide an examination of the central registry. Such agency or
61 business shall provide verification of its status as a recognized agency. Requests for
62 examinations shall be made to the division director or the director's designee in writing by the
63 chief administrative officer of the above homes, centers, public and private elementary schools,
64 public and private secondary schools, agencies, or courts. The division shall respond in writing
65 to that officer. The response shall include information pertaining to the nature and disposition
66 of any report or reports of abuse or neglect revealed by the examination of the central registry.
67 This response shall not include any identifying information regarding any person other than the
68 alleged perpetrator of the abuse or neglect;

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

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

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

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

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

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

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

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

110 (1) Appropriate staff of the division;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (c) For investigation reports initiated by a person required to report under section
18 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying
19 information shall be retained for ten years from the conclusion of the investigation. For all other
20 investigation reports where insufficient evidence of abuse or neglect is found by the division,
21 identifying information shall be retained for five years from the conclusion of the investigation.
22 Such reports shall include any exculpatory evidence known by the division, including
23 exculpatory evidence obtained after the closing of the case. At the end of such time period, the
24 identifying information shall be removed from the records of the division and destroyed;

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

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

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

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

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

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

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

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

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

70 5. In any such action for administrative review, the child abuse and neglect review board
71 shall sustain the division's determination if such determination was supported by evidence of
72 probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after
73 August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect

74 review board hearing shall be closed to all persons except the parties, their attorneys and those
75 persons providing testimony on behalf of the parties.

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

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

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

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

12 **2. The state registrar shall provide to the division the birth record information of
13 children born to individuals whose identifying information has been provided under
14 subsection 1 of this section. The division shall verify that the parent of the child is the same
15 individual whose identifying information was provided and, if the parent's identity has
16 been verified, shall provide the appropriate local office with information regarding the
17 birth of the child. Appropriate local division personnel, or local providers designated by
18 the division, shall initiate contact with the family, or make a good faith effort to do so, to
19 determine if the parent or family has a need for services and provide such voluntary and
20 time-limited services as appropriate. The division shall document the results of such
21 contact and services provided, if any, in the information system established under section
22 210.109.**

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

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

210.305. 1. When an initial emergency placement of a child is deemed necessary, the
2 children's division shall immediately begin a diligent ~~[efforts]~~ **search** to locate, contact, and
3 place the child with a grandparent or grandparents **or relatives** of the child, except when the
4 children's division determines that placement with a grandparent or grandparents **or relatives**
5 is not in the best interest of the child and subject to the provisions of section 210.482 regarding
6 background checks for emergency placements. If emergency placement of a child with ~~[a~~
7 ~~grandparent]~~ **grandparents or relatives** is deemed not to be in the best interest of the child, the
8 children's division
9 shall document in writing the **denial** reason ~~[the grandparent has been denied emergency~~
10 ~~placement]~~ and shall have just cause to deny the emergency placement. **The children's division**
11 **shall continue the search for other relatives until placement is either identified and located**
12 **or the court excuses further search.** Prior to placement of the child in any emergency
13 placement, the division shall assure that the child's physical needs are met.

14 2. For purposes of this section, the following terms shall mean:

15 (1) "Diligent ~~[efforts]~~ **search**", ~~[a good faith attempt documented in writing by the~~
16 ~~children's division, which exercises reasonable efforts and care to utilize all available services~~
17 ~~and resources related to meeting the ongoing health and safety needs of the child, to locate a~~
18 ~~grandparent or grandparents of the child after all of the child's physical needs have been attended~~
19 ~~to by the children's division]~~ **an exhaustive search to identify and locate the grandparents**
20 **or relatives whose identity or location are unknown, initiated within three hours from the**
21 **time the emergency placement for grandparents and initiated within thirty days for**

22 **relatives, with the search progress reported at each court hearing until the grandparents**
 23 **or relatives are either identified and located or the court excuses further search;**

24 (2) "Emergency placement", those limited instances when the children's division is
 25 placing for an initial placement a child in the home of private individuals, including neighbors,
 26 friends, or relatives, as a result of a sudden unavailability of the child's primary caretaker.

27 3. A diligent ~~[efforts]~~ **search** shall be made to
 28 **locate, contact, and notify** the grandparent or grandparents of the child within three hours from
 29 the time the emergency placement is deemed necessary for the child. During such three-hour
 30 time period, the child may be placed in an emergency placement. If a grandparent or
 31 grandparents of the child cannot be located within the three-hour period, the child may be
 32 temporarily placed in emergency placement; except that, after the emergency placement is
 33 deemed necessary, the children's division shall continue to ~~[make]~~ **complete a diligent [efforts]**
 34 **search to locate, contact, [locate,] notify,** and place the child with a grandparent or
 35 grandparents ~~[, or another relative]~~ **or other relatives**, with first consideration given to a
 36 grandparent for placement.

37 4. A **diligent search shall be made to locate, contact, and notify relatives of the child**
 38 **within thirty days from the time the emergency placement is deemed necessary for the**
 39 **child. The children's division shall continue the search for relatives until placement is**
 40 **either identified and located or the court excuses further search. The children's division,**
 41 **or an entity under contract with the division, shall use all sources of information, including**
 42 **the known parent and relatives, to attempt to locate an appropriate relative as placement.**

43 5. Nothing in this section shall be construed or interpreted to interfere with or
 44 ~~[supersede]~~ **supersede** laws related to parental rights or judicial authority.

210.489. 1. A child who is in foster care shall not be required to leave the foster
 2 **care system or be ineligible for support or maintenance solely by reason of the child's age**
 3 **while the state is under a state of emergency in response to the COVID-19 pandemic, or**
 4 **until September 30, 2021, whichever occurs later.**

5 **2. The division shall:**

6 **(1) Permit any child to voluntarily reenter foster care if the child left foster care**
 7 **because of his or her age while the state was under a state of emergency in response to the**
 8 **COVID-19 pandemic;**

9 **(2) Provide to each child who was formally discharged from foster care while the**
 10 **state was under a state of emergency in response to the COVID-19 pandemic a notice**
 11 **designed to make the child aware of the option to return to foster care;**

12 **(3) Facilitate the voluntary return of any such child to foster care; and**

13 **(4) Conduct a public awareness campaign regarding the option to voluntarily**
14 **reenter foster care for a child who has not attained twenty-two years of age, who aged out**
15 **of foster care while the state was under a state of emergency in response to the COVID-19**
16 **pandemic, and who is otherwise eligible to return to foster care.**

17 **3. The division shall:**

18 **(1) Continue to ensure that the safety, permanence, and well-being needs of older**
19 **foster children, including a child who remains in foster care and a child who aged out of**
20 **foster care while the state was under a state of emergency in response to the COVID-19**
21 **pandemic but who reenters foster care under this section, are met; and**

22 **(2) Work with any child who remains in foster care after attaining eighteen years**
23 **of age to develop, or review and revise, a transition plan and assist the child with**
24 **identifying adults who can offer meaningful, permanent connections.**

25 **4. Implementation of this section shall be determined by the Program Instruction**
26 **ACYF-CB PI-21-04 issued March 9, 2021, and any subsequent program instructions**
27 **regarding the Consolidated Appropriations Act.**

210.493. 1. Officers, managers, contractors, volunteers with access to children,
2 **employees, and other support staff of licensed residential care facilities and licensed child**
3 **placing agencies in accordance with sections 210.481 to 210.536; owners of such residential**
4 **care facilities who will have access to the facilities; and owners of such child placing**
5 **agencies who will have access to children shall submit fingerprints and any information**
6 **that the department requires to complete the background checks, as specified in**
7 **regulations established by the department, to the Missouri state highway patrol for the**
8 **purpose of conducting state and federal fingerprint-based background checks.**

9 **2. Officers, managers, contractors, volunteers with access to children, employees,**
10 **and other support staff of residential care facilities subject to the notification requirements**
11 **under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides**
12 **at or on the property of such residential care facility; any person who has unsupervised**
13 **contact with a resident of the residential care facility; and owners of such residential care**
14 **facilities who will have access to the facilities shall submit fingerprints and any information**
15 **that the department requires to complete the background checks, as specified in**
16 **regulations established by the department, to the Missouri state highway patrol for the**
17 **purpose of conducting state and federal fingerprint-based background checks.**

18 **3. A background check shall include:**

19 **(1) A Federal Bureau of Investigation fingerprint check;**

20 **(2) A search of the National Crime Information Center's National Sex Offender**
21 **Registry; and**

22 **(3) A search of the following registries, repositories, or databases in Missouri, the**
23 **state where the applicant resides, and each state where such applicant resided during the**
24 **preceding five years:**

25 **(a) The state criminal registry or repository, with the use of fingerprints being**
26 **required in the state where the applicant resides and optional in other states;**

27 **(b) The state sex offender registry or repository;**

28 **(c) The state family care safety registry; and**

29 **(d) The state-based child abuse and neglect registry and database.**

30 **4. For the purposes this section and notwithstanding any other provision of law,**
31 **"department" means the department of social services.**

32 **5. The department shall be responsible for background checks as part of a**
33 **residential care facility or child placing agency application for licensure, renewal of**
34 **licensure, or for license monitoring.**

35 **6. The department shall be responsible for background checks for residential care**
36 **facilities subject to the notification requirements of sections 210.1250 to 210.1286.**

37 **7. Fingerprint cards and any required fees shall be sent to the Missouri state**
38 **highway patrol's central repository. The fingerprints shall be used for searching the state**
39 **criminal records repository and shall also be forwarded to the Federal Bureau of**
40 **Investigation for a federal criminal records search under section 43.540. The Missouri**
41 **state highway patrol shall notify the department of any criminal history record**
42 **information or lack of criminal history record information discovered on the individual.**
43 **Notwithstanding the provisions of section 610.120, all records related to any criminal**
44 **history information discovered shall be accessible and available to the department.**

45 **8. Fingerprints submitted to the Missouri state highway patrol for the purpose of**
46 **conducting state and federal fingerprint-based background checks under this section shall**
47 **be valid for a period of five years.**

48 **9. The department shall provide the results of the background check to the**
49 **applicant in a statement that indicates whether the applicant is eligible or ineligible for**
50 **employment or presence at the licensed residential care facility or licensed child placing**
51 **agency. The department shall not reveal to the residential care facility or the child placing**
52 **agency any disqualifying offense or other related information regarding the applicant. The**
53 **applicant shall have the opportunity to appeal an ineligible finding.**

54 **10. The department shall provide the results of the background check to the**
55 **applicant in a statement that indicates whether the applicant is eligible or ineligible for**
56 **employment or presence at the residential care facility subject to the notification**
57 **requirements of sections 210.1250 to 210.1286. The department shall not reveal to the**

58 residential care facility any disqualifying offense or other related information regarding
59 the applicant. The applicant shall have the opportunity to appeal an ineligible finding.

60 **11. An applicant shall be ineligible if the applicant:**

61 **(1) Refuses to consent to the background check as required by this section;**

62 **(2) Knowingly makes a materially false statement in connection with the**
63 **background check as required by this section;**

64 **(3) Is registered, or is required to be registered, on a state sex offender registry or**
65 **repository or the National Sex Offender Registry;**

66 **(4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to**
67 **210.183 or any other finding of child abuse or neglect based on any other state's registry**
68 **or database; or**

69 **(5) Has pled guilty or nolo contendere to or been found guilty of:**

70 **(a) Any felony for an offense against the person as defined in chapter 565;**

71 **(b) Any other offense against the person involving the endangerment of a child as**
72 **prescribed by law;**

73 **(c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;**

74 **(d) Any misdemeanor or felony for an offense against the family as defined in**
75 **chapter 568;**

76 **(e) Burglary in the first degree as defined in section 569.160;**

77 **(f) Any misdemeanor or felony for robbery as defined in chapter 570;**

78 **(g) Any misdemeanor or felony for pornography or related offense as defined in**
79 **chapter 573;**

80 **(h) Any felony for arson as defined in chapter 569;**

81 **(i) Any felony for armed criminal action as defined in section 571.015, unlawful use**
82 **of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in**
83 **section 571.070, or the unlawful possession of an explosive as defined in section 571.072;**

84 **(j) Any felony for making a terrorist threat as defined in section 574.115, 574.120,**
85 **or 574.125;**

86 **(k) A felony drug-related offense committed during the preceding five years; or**

87 **(l) Any similar offense in any federal, state, or other court of similar jurisdiction**
88 **of which the department has knowledge.**

89 **12. Any person aggrieved by a decision of the department shall have the right to**
90 **seek an administrative review. The review shall be filed with the department within**
91 **fourteen days from the mailing of the notice of ineligibility. Any decision not timely**
92 **appealed shall be final.**

93 **13. Any required fees shall be paid by the individual applicant, facility, or agency.**

94 **14. The department is authorized to promulgate rules, including emergency rules,**
95 **to implement the provisions of this section. Any rule or portion of a rule, as that term is**
96 **defined in section 536.010, that is created under the authority delegated in this section shall**
97 **become effective only if it complies with and is subject to all of the provisions of chapter**
98 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**
99 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**
100 **to delay the effective date, or to disapprove and annul a rule are subsequently held**
101 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
102 **after the effective date of this section, shall be invalid and void.**

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

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

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

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

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

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

24 (1) Grandparents;

25 (2) Adult siblings or parents of siblings;

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

27 (4) Other relatives; and

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

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

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

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

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

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

52 9. The guardian ad litem shall ascertain the child's wishes and feelings about his or her
53 placement by conducting an interview or interviews with the child, if appropriate based on the
54 child's age and maturity level, which shall be considered as a factor in placement decisions and
55 recommendations, but shall not supersede the preference for relative placement created by this
56 section or be contrary to the child's best interests.

210.1250. Sections 210.1250 to 210.1286 shall be known and may be cited as the
2 **"Residential Care Facility Notification Act".**

210.1253. As used in sections 210.1250 to 210.1286, unless the context clearly
2 **provides otherwise, the following terms mean:**

3 **(1) "Child", a person who is under eighteen years of age;**

4 **(2) "Department", the department of social services, or the children's division**
5 **within the department of social services, as determined by the department;**

6 (3) "Director", a person who is responsible for the operation of the residential care
7 facility;

8 (4) "Exempt-from-licensure" or "license-exempt", a residential care facility that
9 is not required to be licensed under section 210.516;

10 (5) "Person", an individual, partnership, organization, association, or corporation;

11 (6) "Residential care facility", any place, facility, or home operated by any person
12 who receives children who are not related to the operator and whose parent or guardian
13 is not a resident of the same facility and that provides such children with supervision, care,
14 lodging, and maintenance for twenty-four hours a day, with or without transfer of custody.

210.1256. 1. The department shall be the notification agency for all license-exempt
2 residential care facilities, and the department shall fulfill the duties and responsibilities of
3 the provisions of sections 210.1250 to 210.1286.

4 2. A residential care facility shall allow parents or guardians of children in the
5 residential care facility unencumbered access to the children in the residential care facility
6 without requiring prior notification to the residential care facility.

7 3. A residential care facility shall provide for adequate food, clothing, shelter,
8 medical care, and other care necessary to provide for the child's physical, mental, or
9 emotional health or development.

210.1259. 1. The director of any residential care facility shall provide the required
2 notification in accordance with sections 210.1250 to 210.1286 before such operator shall
3 accept any children.

4 2. All residential care facilities operating on the effective date of sections 210.1250
5 to 210.1286 shall register accordingly within three months after the effective date of
6 sections 210.1250 to 210.1286.

7 3. The provisions of sections 210.1250 to 210.1286 shall not apply to any residential
8 care facility that is already licensed so long as the license, registration, or monitoring under
9 which such facility already operates requires of that facility all requirements provided
10 under sections 210.1250 to 210.1286.

210.1262. The notification shall be filed by the director or his or her designee of the
2 residential care facility to the department on forms provided by the department and shall
3 contain the following information:

4 (1) Name, street address, mailing address, and phone number of the residential care
5 facility;

6 (2) Name of the director, owner, operator, all staff members, volunteers, and any
7 individual eighteen years of age or older who resides at or on the property of the residential
8 care facility;

9 (3) Name and description of the agency or organization operating the residential
10 care facility, including a statement as to whether the agency or organization is
11 incorporated;

12 (4) Name and address of the sponsoring organization of the residential care facility,
13 if applicable;

14 (5) School or schools attended by the children served by the residential care facility;

15 (6) Fire and safety inspection certificate;

16 (7) Local health department inspection certificate; and

17 (8) Proof that medical records are maintained for each child.

210.1263. Officers, managers, contractors, volunteers with access to children,
2 employees, and other support staff of residential care facilities subject to the notification
3 requirements under sections 210.1250 to 210.1286; any person eighteen years of age or
4 older who resides at or on the property of such residential care facility; any person who
5 has unsupervised contact with a resident of such residential care facility; and owners of
6 such residential care facilities who will have access to the facilities shall undergo
7 background checks under section 210.493.

210.1264. Upon request by the department or a law enforcement officer acting
2 within the scope of his or her employment, any license-exempt residential care facility
3 subject to the notification requirements of sections 210.1250 to 210.1286 shall provide a full
4 census and demographic information of children at the residential care facility, including
5 parental or other guardian contact information and a full list of officers, managers,
6 contractors, volunteers with access to children, employees, and other support staff of the
7 residential care facility; any person eighteen years of age or older who resides at or on the
8 property of the residential care facility; and any person who has unsupervised contact with
9 a resident of the residential care facility.

210.1265. The residential care facility shall comply with all fire, safety, health, and
2 sanitation inspections as may be required by state law or local ordinance.

210.1268. When the department is advised or has reason to believe that any
2 residential care facility is operating without proper notification in accordance with sections
3 210.1250 to 210.1286, it shall give the director of the residential care facility written notice
4 by certified mail that such person shall file notification in accordance with sections
5 210.1250 to 210.1286 within thirty days after receipt of such notice, or the department may
6 request a court injunction as provided under section 210.1271.

210.1271. 1. Notwithstanding any other remedy, the department, the prosecuting
2 attorney of the county where the facility is located, or the attorney general may seek
3 injunctive relief to cease the operation of the residential care facility and provide for the

4 appropriate removal of the children from the residential care facility and placement in the
5 custody of the parent or legal guardian or any other appropriate individual or entity in the
6 discretion of the court, or refer the matter to the juvenile officer of the appropriate county
7 for appropriate proceedings under chapter 211. Such action shall be brought in the circuit
8 court of the county in which such residential care facility is located and shall be initiated
9 only for the following violations:

10 (1) Providing supervision, care, lodging, or maintenance for any children in such
11 facility without filing notification in accordance with sections 210.1250 to 210.1286;

12 (2) Failing to satisfactorily comply with all fire, safety, health, and sanitation
13 inspections as may be required by state law or local ordinance and required under section
14 210.252;

15 (3) Failing to comply with background checks as required by section 210.493; or

16 (4) An immediate health, safety, or welfare concern for the children at the
17 residential care facility.

18 2. The department may notify the attorney general of any case in which the
19 department makes a referral to a juvenile officer for removal of a child from a residential
20 care facility. The notification shall include any violations under subsection 1 of this
21 section.

22 3. If the court refers the matter to a juvenile officer, the court may also enter an
23 order placing a child in the emergency, temporary protective custody of the children's
24 division within the department, as provided under this section, for a period of time not to
25 exceed five days. Such placement shall occur only if the children's division certifies to the
26 court that the children's division has a suitable, temporary placement for the child and the
27 court makes specific, written findings that:

28 (1) It is contrary to the welfare of the child to remain in the residential care facility;

29 (2) That the parent or legal guardian is unable or unwilling to take physical custody
30 of the child within that time; and

31 (3) There is no other temporary, suitable placement for the child.

32

33 If the parent or legal guardian of the child does not make suitable arrangements for the
34 custody and disposition of the child within five days of placement within the children's
35 division, the child shall fall under the original and exclusive jurisdiction of the juvenile
36 court under subdivision (1) or (2) of subsection 1 of section 211.031 and the juvenile officer
37 shall file a petition with the juvenile court for further proceedings. Under no
38 circumstances shall the children's division be required to retain care and custody of the
39 child for more than five days without an order from the juvenile court.

40 **4. The provisions of sections 452.700 to 452.930 shall apply and the court shall**
41 **follow the procedures specified under section 452.755 for children who are placed at a**
42 **residential care facility and who are from another state or country or are under the**
43 **jurisdiction or authority of a court from another state.**

210.1274. Nothing in the statutes of Missouri shall give any governmental agency
2 **jurisdiction or authority to regulate or attempt to regulate, control, or influence the form,**
3 **manner, or content of the religious curriculum, program, or ministry of a school or of a**
4 **facility sponsored by a church or religious organization.**

210.1280. The department shall maintain a list of all residential care facilities in
2 **compliance with sections 210.1250 to 210.1286, and the list shall be provided upon request.**
3 **The list shall also include information regarding how a person may obtain information**
4 **about the nature and disposition of any substantiated child abuse or neglect reports at or**
5 **related to the residential care facility, as provided in section 210.150.**

210.1283. A person is guilty of a class B misdemeanor if such person subject to
2 **background check requirements knowingly fails to complete a background check, as**
3 **described under sections 210.493 and 210.1263.**

210.1286. The department shall promulgate rules and regulations necessary for the
2 **implementation of sections 210.1250 to 210.1286. Any rule or portion of a rule, as that**
3 **term is defined in section 536.010, that is created under the authority delegated in this**
4 **section shall become effective only if it complies with and is subject to all of the provisions**
5 **of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
6 **nonseverable, and if any of the powers vested with the general assembly pursuant to**
7 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
8 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
9 **proposed or adopted after the effective date of sections 210.1250 to 210.1286 shall be**
10 **invalid and void.**

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

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

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

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

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

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

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

12 (1) Information available to the juvenile officer or the division establishes that the child
13 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
15 ~~[infant]~~ **child**. For purposes of this subdivision, ~~[an "infant"]~~ a **"child"** means any child ~~[one~~
16 ~~year]~~ **under two years** of age ~~[or under]~~ at the time of filing of the petition. The court may find
17 that ~~[an infant]~~ a **child** has been abandoned if

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

21 (b) The parent has, without good cause, left the child without any provision for parental
22 support and without making arrangements to visit or communicate with the child, although able
23 to do so, **or, for a period of sixty days when the child was under one year of age, willfully,**
24 **substantially, and continuously neglected to provide the child with necessary care and**
25 **protection;** or

- 26 (c) The parent has voluntarily relinquished a child under section 210.950; or
27 (3) A court of competent jurisdiction has determined that the parent has:
28 (a) Committed murder of another child of the parent; or
29 (b) Committed voluntary manslaughter of another child of the parent; or
30 (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or
31 voluntary manslaughter; or
32 (d) Committed a felony assault that resulted in serious bodily injury to the child or to
33 another child of the parent; or
34 (4) The parent has been found guilty of or pled guilty to a felony violation of chapter
35 566, **567, 568**, or 573 when the child or any child [~~in the family~~] was a victim[~~; or a violation of~~
36 ~~section 568.020 or 568.065 when the child or any child in the family was a victim~~]. As used in
37 this subdivision, a "child" means any person who was under eighteen years of age at the time of
38 the [~~crime and who resided with such parent or was related within the third degree of~~
39 ~~consanguinity or affinity to such parent~~] **offense**.
- 40 3. A termination of parental rights petition shall be filed by the juvenile officer or the
41 division, or if such a petition has been filed by another party, the juvenile officer or the division
42 shall seek to be joined as a party to the petition, within sixty days of the judicial determinations
43 required in subsection 2 of this section, except as provided in subsection 4 of this section.
44 Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate
45 a petition for termination of parental rights which is filed outside of sixty days.
- 46 4. If grounds exist for termination of parental rights pursuant to subsection 2 of this
47 section, the juvenile officer or the division may, but is not required to, file a petition to terminate
48 the parental rights of the child's parent or parents if:
49 (1) The child is being cared for by a relative; or
50 (2) There exists a compelling reason for determining that filing such a petition would
51 not be in the best interest of the child, as documented in the permanency plan which shall be
52 made available for court review; or
53 (3) The family of the child has not been provided such services as provided for in section
54 211.183.
- 55 5. The juvenile officer or the division may file a petition to terminate the parental rights
56 of the child's parent when it appears that one or more of the following grounds for termination
57 exist:
58 (1) The child has been abandoned. For purposes of this subdivision a "child" means any
59 child [~~over one year~~] **two years** of age **or older** at the time of filing of the petition. The court
60 shall find that the child has been abandoned if, for a period of six months or longer:

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

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

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

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

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

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

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

85

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

187 (1) Clear, cogent, and convincing evidence the biological father committed the act of
188 forcible rape or rape in the first degree against the biological mother;

189 (2) Clear, cogent, and convincing evidence the child was conceived as a result of that
190 act of forcible rape or rape in the first degree; and

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

193 12. In any action to terminate the parental rights of the biological father under subsection
194 11 of this section or subdivision (5) of subsection 5 of this section, a court of competent
195 jurisdiction may order that the mother and the child conceived and born as a result of forcible
196 rape or rape in the first degree are entitled to obtain from the biological father certain payments,
197 support, beneficiary designations, or other financial benefits. The court shall issue such order
198 only if the mother gives her consent; provided, that the court shall first inform the mother that
199 such order may require or obligate the mother to have continuous or future communication and
200 contact with the biological father. Such order shall be issued without the biological father being

201 entitled to or granted any custody, guardianship, visitation privileges, or other parent-child
202 relationship, and may include any or all of the following:

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

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

206 (3) All rights of the child to inherit under the probate code, as defined in section
207 472.010; provided that, for purposes of intestate succession, the biological father or his kindred
208 shall have no right to inherit from or through the child;

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

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

213

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

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 sole
3 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, 566.031, 566.032, 566.060, 566.061, 566.062,
45 566.064, 566.067, 566.068, 566.083, 566.100, 566.101, 566.111, 566.151, 566.203, 566.206,
46 566.209, 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 a person related by consanguinity or**

84 **affinity to the child. If no person related to the child by consanguinity or affinity is willing**
85 **to accept custody, then the court may award custody** to any other person or persons deemed
86 by the court to be suitable and able to provide an adequate and stable environment for the child.
87 Before the court awards custody, temporary custody or visitation to a third person under this
88 subdivision, the court shall make that person a party to the action;

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

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

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

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

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

116 10. After August 28, 2016, every court order establishing or modifying custody or
117 visitation shall include the following language: "In the event of noncompliance with this order,
118 the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party
119 custody is denied or interfered with by a parent or third party without good cause, the aggrieved

120 person may file a family access motion with the court stating the specific facts that constitute a
121 violation of the custody provisions of the judgment of dissolution, legal separation, or judgment
122 of paternity. The circuit clerk will provide the aggrieved party with an explanation of the
123 procedures for filing a family access motion and a simple form for use in filing the family access
124 motion. A family access motion does not require the assistance of legal counsel to prepare and
125 file."

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

132 12. Unless a parent has been denied custody rights pursuant to this section or visitation
133 rights under section 452.400, both parents shall have access to records and information
134 pertaining to a minor child including, but not limited to, medical, dental, and school records. If
135 the parent without custody has been granted restricted or supervised visitation because the court
136 has found that the parent with custody or any child has been the victim of domestic violence, as
137 defined in section 455.010, by the parent without custody, the court may order that the reports
138 and records made available pursuant to this subsection not include the address of the parent with
139 custody or the child. A court shall order that the reports and records made available under this
140 subsection not include the address of the parent with custody if the parent with custody is a
141 participant in the address confidentiality program under section 589.663. Unless a parent has
142 been denied custody rights pursuant to this section or visitation rights under section 452.400, any
143 judgment of dissolution or other applicable court order shall specifically allow both parents
144 access to such records and reports.

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

153 14. An award of joint custody does not preclude an award of child support pursuant to
154 section 452.340 and applicable supreme court rules. The court shall consider the factors

155 contained in section 452.340 and applicable supreme court rules in determining an amount
156 reasonable or necessary for the support of the child.

157 15. If the court finds that domestic violence or abuse as defined in section 455.010 has
158 occurred, the court shall make specific findings of fact to show that the custody or visitation
159 arrangement ordered by the court best protects the child and the parent or other family or
160 household member who is the victim of domestic violence, as defined in section 455.010, and
161 any other children for whom such parent has custodial or visitation rights from any further harm.

452.410. 1. Except as provided in subsection 2 of this section, the court shall not modify
2 a prior custody decree unless it has jurisdiction under the provisions of section ~~[452.450]~~
3 **452.745** and it finds, upon the basis of facts that have arisen since the prior decree or that were
4 unknown to the court at the time of the prior decree, that a change has occurred in the
5 circumstances of the child or his custodian and that the modification is necessary to serve the
6 best interests of the child. Notwithstanding any other provision of this section or sections
7 452.375 and 452.400, any custody order entered by any court in this state or any other state ~~[prior~~
8 ~~to August 13, 1984,]~~ may, subject to jurisdictional requirements, be modified to allow for joint
9 custody **or visitation only** in accordance with section 452.375, ~~[without any further showing]~~
10 **452.400, 452.402, or 452.403.**

11 2. If either parent files a motion to modify an award of joint legal custody or joint
12 physical custody, each party shall be entitled to a change of judge as provided by supreme court
13 rule.

453.014. 1. The following persons may place a minor for adoption:

- 2 (1) The children's division of the department of social services;
- 3 (2) A child placing agency licensed pursuant to sections 210.481 to 210.536;
- 4 (3) The child's parents, without the direct or indirect assistance of an intermediary, in the
5 home of a relative of the child within the third degree;
- 6 (4) An intermediary, which shall include an attorney licensed pursuant to chapter 484;
7 a physician licensed pursuant to chapter 334; or a clergyman of the parents.

8 2. All persons granted the authority to place a minor child for adoption as designated in
9 subdivision (1), (2) or (4) of subsection 1 of this section shall comply with the rules and
10 regulations promulgated by the **children's division of the** department of social services ~~[and the~~
11 ~~department of health and senior services]~~ for such placement.

12 3. The children's division of the department of social services ~~[and the department of~~
13 ~~health and senior services]~~ shall promulgate rules and regulations regarding the placement of a
14 minor for adoption.

15 4. No rule or portion of a rule promulgated under the authority of this section shall
16 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

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

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

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

(1) The mother of the child;

(2) Any man who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

80 (1) A birth parent requests representation;

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

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

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

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

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

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

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

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

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

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

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

18 (7) A parent who has ~~[for a period of at least six months, for a child one year of age or~~
19 ~~older, or at least sixty days, for a child under one year of age, immediately prior to the filing of~~
20 ~~the petition for adoption, willfully abandoned the child or, for a period of at least six months~~
21 ~~immediately prior to the filing of the petition for adoption, willfully, substantially and~~
22 ~~continuously neglected to provide him with necessary care and protection]~~ **abandoned a child**
23 **as described in paragraph (b) of subdivision (2) of subsection 2 of section 211.447 or**
24 **paragraph (b) of subdivision (1) of subsection 5 of section 211.447;**

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

453.070. 1. Except as provided in subsection 5 of this section, no decree for the
2 adoption of a child under eighteen years of age shall be entered for the petitioner or petitioners
3 in such adoption as ordered by the juvenile court having jurisdiction, until a full investigation,
4 which includes an assessment of the adoptive parents, an appropriate postplacement assessment
5 and a summary of written reports as provided for in section 453.026, and any other pertinent
6 information relevant to whether the child is suitable for adoption by the petitioner and whether
7 the petitioner is suitable as a parent for the child, has been made. The report shall also include
8 a statement to the effect that the child has been considered as a potential subsidy recipient.

9 2. Such investigation shall be made, as directed by the court having jurisdiction, either
10 by the children's division of the department of social services, a juvenile court officer, a licensed
11 child-placement agency, a social worker, a professional counselor, or a psychologist licensed
12 under chapter 337 and associated with a licensed child-placement agency, or other suitable
13 person appointed by the court. The results of such investigation shall be embodied in a written
14 report that shall be submitted to the court within ninety days of the request for the investigation.

15 3. The children's division shall develop rules and regulations regarding the content of
16 the assessment of the petitioner or petitioners. The content of the assessment shall include but
17 not be limited to a report on the condition of the petitioner's home and information on the
18 petitioner's education, financial, marital, medical and psychological status and criminal
19 background check. If an assessment is conducted after August 28, 1997, but prior to the
20 promulgation of rules and regulations by the ~~[department]~~ **children's division** concerning the
21 contents of such assessment, any discrepancy between the contents of the actual assessment and
22 the contents of the assessment required by ~~[department]~~ **children's division** rule shall not be
23 used as the sole basis for invalidating an adoption. No rule or portion of a rule promulgated
24 pursuant to the authority of this section shall become effective unless it has been promulgated
25 pursuant to the provisions of chapter 536.

26 4. The assessment of petitioner or petitioners shall be submitted to the petitioner and to
27 the court prior to the scheduled hearing of the adoptive petition.

28 5. In cases where the adoption or custody involves a child under eighteen years of age
29 that is the natural child of one of the petitioners and where all of the parents required by this
30 chapter to give consent to the adoption or transfer of custody have given such consent, the
31 juvenile court may waive the investigation and report, except the criminal background check, and
32 enter the decree for the adoption or order the transfer of custody without such investigation and
33 report.

34 6. In the case of an investigation and report made by the children's division by order of
35 the court, the court may order the payment of a reasonable fee by the petitioner to cover the costs
36 of the investigation and report.

37 7. Any adult person or persons over the age of eighteen who, as foster parent or parents,
38 have cared for a foster child continuously for a period of nine months or more and bonding has
39 occurred as evidenced by the positive emotional and physical interaction between the foster
40 parent and child, may apply to such authorized agency for the placement of such child with them
41 for the purpose of adoption if the child is eligible for adoption. The agency and court shall give
42 preference and first consideration for adoptive placements to foster parents. However, the final
43 determination of the propriety of the adoption of such foster child shall be within the sole
44 discretion of the court.

45 8. (1) Nothing in this section shall be construed to permit discrimination on the basis
46 of disability or disease of a prospective adoptive parent.

47 (2) The disability or disease of a prospective adoptive parent shall not constitute a basis
48 for a determination that the petitioner is unfit or not suitable to be an adoptive parent without a
49 specific showing that there is a causal relationship between the disability or disease and a
50 substantial and significant risk of harm to a child.

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

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