

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 758
96TH GENERAL ASSEMBLY

5601L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 135.327, 210.135, 210.145, 210.950, 211.031, 211.036, and 211.444, RSMo, and to enact in lieu thereof ten new sections relating to children.

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

Section A. Sections 135.327, 210.135, 210.145, 210.950, 211.031, 211.036, and
2 211.444, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as
3 sections 21.771, 135.327, 160.1990, 210.135, 210.145, 210.950, 211.031, 211.036, 211.444, and
4 453.350, to read as follows:

**21.771. 1. There is established a joint committee of the general assembly to be
2 known as the "Joint Committee on Child Abuse and Neglect" to be composed of seven
3 members of the senate and seven members of the house of representatives. The senate
4 members of the joint committee shall be appointed by the president pro tem and minority
5 floor leader of the senate and the house members shall be appointed by the speaker and
6 minority floor leader of the house of representatives. The appointment of each member
7 shall continue during the member's term of office as a member of the general assembly or
8 until a successor has been appointed to fill the member's place. No party shall be
9 represented by more than four members from the house of representatives nor more than
10 four members from the senate.**

**A majority of the committee shall constitute a quorum, but the concurrence of a majority
12 of the members shall be required for the determination of any matter within the
13 committee's duties.**

14 **2. The joint committee shall:**

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.

15 **(1) Make a continuing study and analysis of the state child abuse and neglect**
16 **reporting and investigation system;**

17 **(2) Devise a plan for improving the structured decisionmaking regarding the**
18 **removal of a child from a home;**

19 **(3) Determine the additional personnel and resources necessary to adequately**
20 **protect the children of this state and improve their welfare and the welfare of families;**

21 **(4) Address the need for additional foster care homes and to improve the quality**
22 **of care provided to abused and neglected children in the custody of the state;**

23 **(5) Determine from its study and analysis the need for changes in statutory law;**
24 **and**

25 **(6) Make any other recommendation to the general assembly necessary to provide**
26 **adequate protections for the children of our state.**

27 **3. The joint committee shall meet within thirty days after its creation and organize**
28 **by selecting a chairperson and a vice chairperson, one of whom shall be a member of the**
29 **senate and the other a member of the house of representatives. The chairperson shall**
30 **alternate between members of the house and senate every two years after the committee's**
31 **organization.**

32 **4. The committee shall meet at least quarterly. The committee may meet at**
33 **locations other than Jefferson City when the committee deems it necessary.**

34 **5. The committee shall be staffed by legislative personnel as is deemed necessary**
35 **to assist the committee in the performance of its duties.**

36 **6. The members of the committee shall serve without compensation but shall be**
37 **entitled to reimbursement for actual and necessary expenses incurred in the performance**
38 **of their official duties.**

39 **7. It shall be the duty of the committee to compile a full report of its activities for**
40 **submission to the general assembly. The report shall be submitted not later than the**
41 **fifteenth of January of each year in which the general assembly convenes in regular session**
42 **and shall include any recommendations which the committee may have for legislative**
43 **action as well as any recommendations for administrative or procedural changes in the**
44 **internal management or organization of state or local government agencies and**
45 **departments. Copies of the report containing such recommendations shall be sent to the**
46 **appropriate directors of state or local government agencies or departments included in the**
47 **report.**

48 **8. The provisions of this section shall expire on January 15, 2018.**

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

2 (1) "CASA", an entity which receives funding from the court-appointed special advocate
3 fund established under section 476.777, including an association based in this state, affiliated
4 with a national association, organized to provide support to entities receiving funding from the
5 court-appointed special advocate fund;

6 (2) "Child advocacy centers", the regional child assessment centers listed in subsection
7 2 of section 210.001;

8 (3) "Contribution", **the amount of a donation to a qualified agency;**

9 (4) "Crisis care center", entities contracted with this state which provide temporary care
10 for children whose age ranges from birth through seventeen years of age whose parents or
11 guardian are experiencing an unexpected and unstable or serious condition that requires
12 immediate action resulting in short-term care, usually three to five continuous, uninterrupted
13 days, for children who may be at risk for child abuse, neglect, or in an emergency situation;

14 (5) "Department", the department of revenue;

15 (6) "Director", the director of the department of revenue;

16 (7) "Qualified agency", CASA, child advocacy centers, or a crisis care center;

17 (8) "Tax liability", the tax due under chapter 143 other than taxes withheld under
18 sections 143.191 to 143.265.

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

27 3. Any person residing in this state who proceeds in good faith with the adoption of a
28 special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to
29 ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to
30 taxes due under chapter 143; provided, however, that beginning on or after July 1, 2004, two
31 million dollars of the tax credits allowed shall be allocated for the adoption of special needs
32 children who are residents or wards of residents of this state at the time the adoption is initiated.
33 Any business entity providing funds to an employee to enable that employee to proceed in good
34 faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to
35 ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to
36 taxes due under such business entity's state tax liability, except that only one ten thousand dollar
37 credit is available for each special needs child that is adopted.

38 4. Individuals and business entities may claim a tax credit for their total nonrecurring
39 adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the
40 credit shall be allowed when the child is placed in the home. A claim for the remaining fifty
41 percent shall be allowed when the adoption is final. The total of these tax credits shall not
42 exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax
43 credits which may be claimed by taxpayers claiming the credit for nonrecurring adoption
44 expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million dollars. The
45 cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for
46 nonrecurring adoption expenses shall not be more than four million dollars but may be increased
47 by appropriation in any fiscal year beginning on or after July 1, 2004; provided, however, that
48 by December thirty-first following each July, if less than two million dollars in credits have been
49 issued for adoption of special needs children who are not residents or wards of residents of this
50 state at the time the adoption is initiated, the remaining amount of the cap shall be available for
51 the adoption of special needs children who are residents or wards of residents of this state at the
52 time the adoption is initiated. For all fiscal years beginning on or after July 1, 2006, applications
53 to claim the adoption tax credit for special needs children who are residents or wards of residents
54 of this state at the time the adoption is initiated shall be filed between July first and April
55 fifteenth of each fiscal year. For all fiscal years beginning on or after July 1, 2006, applications
56 to claim the adoption tax credit for special needs children who are not residents or wards of
57 residents of this state at the time the adoption is initiated shall be filed between July first and
58 December thirty-first of each fiscal year.

59 5. Notwithstanding any provision of law to the contrary, any individual or business entity
60 may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed
61 pursuant to this section shall be at a discount rate of seventy-five percent or greater of the amount
62 sold.

63 6. The director of revenue shall establish a procedure by which, for each fiscal year, the
64 cumulative amount of tax credits authorized in this section is equally apportioned among all
65 taxpayers within the two categories specified in subsection 3 of this section claiming the credit
66 in that fiscal year. To the maximum extent possible, the director of revenue shall establish the
67 procedure described in this subsection in such a manner as to ensure that taxpayers within each
68 category can claim all the tax credits possible up to the cumulative amount of tax credits
69 available for the fiscal year.

70 7. For all tax years beginning on or after January 1, 2006, a tax credit may be claimed
71 in an amount equal to up to fifty percent of a verified contribution to a qualified agency and shall
72 be named the children in crisis tax credit. The minimum amount of any tax credit issued shall
73 not be less than fifty dollars and shall be applied to taxes due under chapter 143, excluding

74 sections 143.191 to 143.265. A contribution verification shall be issued to the taxpayer by the
75 agency receiving the contribution. Such contribution verification shall include the taxpayer's
76 name, Social Security number, amount of tax credit, amount of contribution, the name and
77 address of the agency receiving the credit, and the date the contribution was made. The tax credit
78 provided under this subsection shall be initially filed for the year in which the verified
79 contribution is made.

80 8. The cumulative amount of the tax credits redeemed shall not exceed the unclaimed
81 portion of the resident adoption category allocation as described in this section. The director of
82 revenue shall determine the unclaimed portion available. The amount available shall be equally
83 divided among the three qualified agencies: CASA, child advocacy centers, or crisis care centers
84 to be used towards tax credits issued. In the event tax credits claimed under one agency do not
85 total the allocated amount for that agency, the unused portion for that agency will be made
86 available to the remaining agencies equally. In the event the total amount of tax credits claimed
87 for any one agency exceeds the amount available for that agency, the amount redeemed shall and
88 will be apportioned equally to all eligible taxpayers claiming the credit under that agency. After
89 all children in crisis tax credits have been claimed, any remaining unclaimed portion of the
90 reserved allocation for adoptions of special needs children who are residents or wards of
91 residents of this state shall then be made available for adoption tax credit claims of special needs
92 children who are not residents or wards of residents of this state at the time the adoption is
93 initiated.

94 9. Prior to December thirty-first of each year, [the entities listed under the definition of]
95 **each** qualified agency shall apply to the department of social services in order to verify their
96 qualified agency status. Upon a determination that the agency is eligible to be a qualified
97 agency, the department of social services shall provide a letter of eligibility to such agency. No
98 later than February first of each year, the department of social services shall provide a list of
99 qualified agencies to the department of revenue. All tax credit applications to claim the children
100 in crisis tax credit shall be filed between July first and April fifteenth of each fiscal year. A
101 taxpayer shall apply for the children in crisis tax credit by attaching a copy of the contribution
102 verification provided by a qualified agency to such taxpayer's income tax return.

103 10. The tax credits provided under this section shall be subject to the provisions of
104 section 135.333.

105 11. (1) In the event a credit denial, due to lack of available funds, causes a balance-due
106 notice to be generated by the department of revenue, or any other redeeming agency, the taxpayer
107 will not be held liable for any penalty or interest, provided the balance is paid, or approved
108 payment arrangements have been made, within sixty days from the notice of denial.

109 (2) In the event the balance is not paid within sixty days from the notice of denial, the
110 remaining balance shall be due and payable under the provisions of chapter 143.

111 12. The director shall calculate the level of appropriation necessary to issue all tax credits
112 for nonresident special needs adoptions applied for under this section and provide such
113 calculation to the speaker of the house of representatives, the president pro tempore of the senate,
114 and the director of the division of budget and planning in the office of administration by January
115 thirty-first of each year.

116 13. The department may promulgate such rules or regulations as are necessary to
117 administer the provisions of this section. Any rule or portion of a rule, as that term is defined
118 in section 536.010, that is created under the authority delegated in this section shall become
119 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
120 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
121 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
122 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
123 rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid
124 and void.

125 14. Pursuant to section 23.253 of the Missouri sunset act:

126 (1) [The provisions of the new program authorized under subsections 7 to 12 of this
127 section shall automatically sunset six years after August 28, 2006, unless reauthorized by an act
128 of the general assembly; and

129 (2) If such program is reauthorized,] The program authorized under **subsections 7 to 12**
130 **of** this section shall [automatically sunset twelve years after the effective date of the
131 reauthorization of this section] **expire on December 31, 2016, unless reauthorized by the**
132 **general assembly. Reauthorization may occur by the passage of a bill or a concurrent**
133 **resolution adopted by the general assembly under bill passage and presentment**
134 **requirements. Reauthorization may be for any period up to four years after the date of the**
135 **sunset. The general assembly may reauthorize more than once; and**

136 [(3)] (2) This section shall terminate on September first of the calendar year immediately
137 following the calendar year in which the program authorized under this section is sunset; **and**

138 (3) **The provisions of this subsection shall not be construed to limit or in any way**
139 **impair the department's ability to issue tax credits authorized on or before the date the**
140 **program authorized under subsections 7 to 12 of this section expires or a taxpayer's ability**
141 **to redeem such tax credits.**

2 **160.1990. 1. In order to remove barriers to educational success imposed on foster**
care children because of frequent moves, the department of elementary and secondary

3 education shall ensure that the following criteria are implemented in every school district
4 in this state regarding enrollment of foster care children:

5 (1) Facilitate the timely enrollment of foster care children and ensure that they are
6 not placed at a disadvantage due to difficulty in the transfer of education records from the
7 previous school district or districts or variations in entrance and age requirements;

8 (2) Facilitate the student placement process through which foster care children are
9 not disadvantaged by variations in attendance requirements, scheduling, sequencing,
10 grading, course content or assessment;

11 (3) Facilitate the qualification and eligibility for enrollment, educational programs,
12 and participation in extracurricular academic, athletic, and social activities;

13 (4) Facilitate the on-time graduation of foster care children;

14 (5) Provide for the promulgation and enforcement of administrative rules
15 implementing the provisions of this section;

16 (6) Provide for the uniform collection and sharing of information between and
17 among schools, foster care children, and their families under this section;

18 (7) Promote flexibility and cooperation between the educational system, foster
19 parents, and the foster care student in order to achieve educational success for the student.

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

21 (1) "Education records", those official records, files, and data directly related to
22 a foster care student and maintained by the school or local education agency, including but
23 not limited to records encompassing all the material kept in the student's cumulative folder
24 such as general identifying data, records of attendance and of academic work completed,
25 records of achievement and results of evaluative tests, health data, disciplinary status, test
26 protocols, and individualized education programs;

27 (2) "Extracurricular activities", a voluntary activity sponsored by the school.
28 Extracurricular activities include, but are not limited to, preparation for and involvement
29 in public performances, contests, athletic competitions, demonstrations, displays, and club
30 activities;

31 (3) "Foster care child", a school-aged child enrolled in kindergarten through
32 twelfth grade who is residing in a foster care setting in this state;

33 (4) "Transition":

34 (a) The formal and physical process of transferring from school to school; or

35 (b) The period of time in which a foster care student moves from one school to
36 another school.

37 3. (1) When a foster care student transfers before or during the school year, the
38 receiving school shall initially honor placement of the student in educational courses based

39 on the student's enrollment in the sending school or educational assessments conducted at
40 the sending school if the courses are offered. Course placement includes but is not limited
41 to honors, international baccalaureate, advanced placement, vocational, technical and
42 career pathways courses. Continuing the student's academic program from the previous
43 school and promoting placement in academically and career challenging courses shall be
44 paramount when considering placement. This requirement does not preclude the receiving
45 school from performing subsequent evaluations to ensure appropriate placement and
46 continued enrollment of the student in the course.

47 (2) The receiving school shall initially honor placement of a foster care student in
48 educational programs based on current educational assessments conducted at the sending
49 school or participation or placement in like programs in the sending school. Such
50 programs include, but are not limited to gifted and talented programs and English as a
51 second language (ESL). This requirement does not preclude the receiving school from
52 performing subsequent evaluations to ensure appropriate placement of the student.

53 (3) In compliance with the federal requirements of the Individuals with Disabilities
54 Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq., the receiving school shall initially
55 provide comparable services to a foster care student with disabilities based on his or her
56 current Individualized Education Program (IEP). In compliance with the requirements
57 of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the
58 Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving school
59 shall make reasonable accommodations and modifications to address the needs of incoming
60 foster care students with disabilities, subject to an existing 504 or Title II Plan, to provide
61 the foster care student with equal access to education. This requirement does not preclude
62 the receiving school from performing subsequent evaluations to ensure appropriate
63 placement of the student.

64 (4) Schools shall have flexibility in waiving course or program prerequisites, or
65 other preconditions for placement in courses or programs offered at the school.

66 4. In order to facilitate the on-time graduation of foster care children, schools shall
67 incorporate the following procedures:

68 (1) Schools shall waive specific courses required for graduation if similar course
69 work has been satisfactorily completed in another school or shall provide reasonable
70 justification for denial. If a waiver is not granted to a foster care student who would
71 qualify to graduate from the sending school, the receiving school shall provide an
72 alternative means of acquiring required course work so that graduation may occur on
73 time;

74 (2) Receiving schools shall accept:

- 75 **(a) Exit or end-of-course exams required for graduation from the sending school;**
76 **or**
77 **(b) National norm-referenced achievement tests; or**
78 **(c) Alternative testing, in lieu of testing requirements for graduation in the**
79 **receiving school.**

80

81 **If such alternatives cannot be accommodated by the receiving school for a foster care**
82 **student transferring in his or her senior year, the provisions of subsection 5 of this section**
83 **shall apply.**

84 **5. If a foster care student transferring at the beginning or during his or her senior**
85 **year is ineligible to graduate from the receiving school after all alternatives have been**
86 **considered, the sending and receiving schools shall ensure the receipt of a diploma from**
87 **the sending school, if the student meets the graduation requirements of the sending school.**

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

14 2. Any person, who is not a school district employee, who makes a report to any
15 employee of the school district of child abuse by a school employee shall have immunity from
16 any liability, civil or criminal, that otherwise might result because of such report. Provided,
17 however, that any such person who makes a false report, knowing that the report is false, or who
18 acts in bad faith or with ill intent in making such report shall not have immunity from any
19 liability, civil or criminal. Any such person shall have the same immunity with respect to
20 participation in any judicial proceeding resulting from the report.

21 **3. In a case involving the death or serious injury of a child after a report has been**
22 **made under sections 210.109 to 210.165, the division shall conduct a preliminary evaluation**
23 **in order to determine whether a review of the ability of the circuit manager or case worker**

24 **or workers to perform their duties competently is necessary. The preliminary evaluation**
25 **shall examine:**

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

27 **(2) The division case worker or workers assigned to the investigation of such**
28 **report; and**

29 **(3) The circuit manager assigned to the county where the report was investigated.**

30

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

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

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

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

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

7 (4) Maintaining an information system operating at all times, capable of receiving and
8 maintaining reports. This information system shall have the ability to receive reports over a
9 single, statewide toll-free number. Such information system shall maintain the results of all
10 investigations, family assessments and services, and other relevant information.

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

17 3. Upon receipt of a report, the division shall determine if the report merits investigation,
18 including reports which if true would constitute a suspected violation of any of the following:
19 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen
20 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,
21 or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the
22 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than
23 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or
24 568.090, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such
25 crimes. The division shall immediately communicate all reports that merit investigation to its
26 appropriate local office and any relevant information as may be contained in the information

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

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

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

44 **[5.] 6.** The local office of the division shall cause an investigation or family assessment
45 and services approach to be initiated in accordance with the protocols established in subsection
46 2 of this section, except in cases where the sole basis for the report is educational neglect. If the
47 report indicates that educational neglect is the only complaint and there is no suspicion of other
48 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the
49 report. If the report indicates the child is in danger of serious physical harm or threat to life, an
50 investigation shall include direct observation of the subject child within twenty-four hours of the
51 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct
52 observation. **Callers to the child abuse and neglect hotline shall be instructed by the**
53 **division's hotline to call 911 in instances where the child may be in immediate danger.** If
54 the parents of the child are not the alleged abusers, a parent of the child must be notified prior
55 to the child being interviewed by the division. **No person responding to or investigating a**
56 **child abuse and neglect report shall call prior to a home visit or leave any documentation**
57 **of any attempted visit, such as business cards, pamphlets, or other similar identifying**
58 **information if he or she has a reasonable basis to believe the following factors are present:**

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

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

62 **(2) The alleged perpetrator will be alerted regarding the attempted visit; or**

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

64

65 **If the alleged perpetrator is present during a visit by the person responding to or**
66 **investigating the report, such person shall provide written material to the alleged**
67 **perpetrator informing him or her of his or her rights regarding such visit, including but**
68 **not limited to the right to contact an attorney. The alleged perpetrator shall be given a**
69 **reasonable amount of time to read such written material or have such material read to him**
70 **or her by the case worker before the visit commences, but in no event shall such time**
71 **exceed five minutes; except that, such requirement to provide written material and**
72 **reasonable time to reach such material shall not apply in cases where the child faces an**
73 **immediate threat or danger, or the person responding to investigating the report is or feels**
74 **threatened or in danger of physical harm.** If the abuse is alleged to have occurred in a school
75 or child-care facility the division shall not meet with the child in any school building or
76 child-care facility building where abuse of such child is alleged to have occurred. When the
77 child is reported absent from the residence, the location and the well-being of the child shall be
78 verified. For purposes of this subsection, child-care facility shall have the same meaning as such
79 term is defined in section 210.201.

80 **[6.] 7.** The director of the division shall name at least one chief investigator for each
81 local division office, who shall direct the division response on any case involving a second or
82 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
83 investigator shall include verification of direct observation of the subject child by the division
84 and shall ensure information regarding the status of an investigation is provided to the public
85 school district liaison. The public school district liaison shall develop protocol in conjunction
86 with the chief investigator to ensure information regarding an investigation is shared with
87 appropriate school personnel. The superintendent of each school district shall designate a
88 specific person or persons to act as the public school district liaison. Should the subject child
89 attend a nonpublic school the chief investigator shall notify the school principal of the
90 investigation. Upon notification of an investigation, all information received by the public
91 school district liaison or the school shall be subject to the provisions of the federal Family
92 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34
93 C.F.R., Part 99.

94 **[7.] 8.** The investigation shall include but not be limited to the nature, extent, and cause
95 of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect;
96 the names and conditions of other children in the home, if any; the home environment and the
97 relationship of the subject child to the parents or other persons responsible for the child's care;

98 any indication of incidents of physical violence against any other household or family member;
99 and other pertinent data.

100 [8.] 9. When a report has been made by a person required to report under section
101 210.115, the division shall contact the person who made such report within forty-eight hours of
102 the receipt of the report in order to ensure that full information has been received and to obtain
103 any additional information or medical records, or both, that may be pertinent.

104 [9.] 10. Upon completion of the investigation, if the division suspects that the report was
105 made maliciously or for the purpose of harassment, the division shall refer the report and any
106 evidence of malice or harassment to the local prosecuting or circuit attorney.

107 [10.] 11. Multidisciplinary teams shall be used whenever conducting the investigation
108 as determined by the division in conjunction with local law enforcement. Multidisciplinary
109 teams shall be used in providing protective or preventive social services, including the services
110 of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court,
111 and other agencies, both public and private.

112 [11.] 12. For all family support team meetings involving an alleged victim of child abuse
113 or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or
114 custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the
115 child shall be provided notice and be permitted to attend all such meetings. Family members,
116 other than alleged perpetrators, or other community informal or formal service providers that
117 provide significant support to the child and other individuals may also be invited at the discretion
118 of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal
119 guardian or custodian and the foster parents may request that other individuals, other than alleged
120 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
121 attends such team meetings, the division or the convenor of the meeting shall provide such
122 persons with notice of all such subsequent meetings involving the child. Families may determine
123 whether individuals invited at their discretion shall continue to be invited.

124 [12.] 13. If the appropriate local division personnel determine after an investigation has
125 begun that completing an investigation is not appropriate, the division shall conduct a family
126 assessment and services approach. The division shall provide written notification to local law
127 enforcement prior to terminating any investigative process. The reason for the termination of
128 the investigative process shall be documented in the record of the division and the written
129 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
130 any investigation by law enforcement.

131 [13.] 14. If the appropriate local division personnel determines to use a family
132 assessment and services approach, the division shall:

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

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

143 (3) Commence an immediate investigation if at any time during the family assessment
144 and services approach the division determines that an investigation, as delineated in sections
145 210.109 to 210.183, is required. The division staff who have conducted the assessment may
146 remain involved in the provision of services to the child and family;

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

149 [14.] **15.** Within thirty days of an oral report of abuse or neglect, the local office shall
150 update the information in the information system. The information system shall contain, at a
151 minimum, the determination made by the division as a result of the investigation, identifying
152 information on the subjects of the report, those responsible for the care of the subject child and
153 other relevant dispositional information. The division shall complete all investigations within
154 thirty days, unless good cause for the failure to complete the investigation is documented in the
155 information system. If a child involved in a pending investigation dies, the investigation shall
156 remain open until the division's investigation surrounding the death is completed. If the
157 investigation is not completed within thirty days, the information system shall be updated at
158 regular intervals and upon the completion of the investigation. The information in the
159 information system shall be updated to reflect any subsequent findings, including any changes
160 to the findings based on an administrative or judicial hearing on the matter.

161 [15.] **16.** A person required to report under section 210.115 to the division and any
162 person making a report of child abuse or neglect made to the division which is not made
163 anonymously shall be informed by the division of his or her right to obtain information
164 concerning the disposition of his or her report. Such person shall receive, from the local office,
165 if requested, information on the general disposition of his or her report. Such person may
166 receive, if requested, findings and information concerning the case. Such release of information
167 shall be at the discretion of the director based upon a review of the reporter's ability to assist in
168 protecting the child or the potential harm to the child or other children within the family. The

169 local office shall respond to the request within forty-five days. The findings shall be made
170 available to the reporter within five days of the outcome of the investigation. If the report is
171 determined to be unsubstantiated, the reporter may request that the report be referred by the
172 division to the office of child advocate for children's protection and services established in
173 sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall
174 refer an unsubstantiated report of child abuse or neglect to the office of child advocate for
175 children's protection and services.

176 [16.] 17. The division shall provide to any individual who is not satisfied with the results
177 of an investigation information about the office of child advocate and the services it may provide
178 under sections 37.700 to 37.730.

179 [17.] 18. In any judicial proceeding involving the custody of a child the fact that a report
180 may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

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

184 (2) The court may on its own motion, or shall if requested by a party to the proceeding,
185 make an inquiry not on the record with the children's division to determine if such a report has
186 been made. If a report has been made, the court may stay the custody proceeding until the
187 children's division completes its investigation.

188 [18.] 19. In any judicial proceeding involving the custody of a child where the court
189 determines that the child is in need of services [pursuant to subdivision (d)] **under paragraph**
190 **(d) of subdivision (1)** of subsection 1 of section 211.031 and has taken jurisdiction, the child's
191 parent, guardian or custodian shall not be entered into the registry.

192 [19.] 20. The children's division is hereby granted the authority to promulgate rules and
193 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the
194 provisions of sections 210.109 to 210.183.

195 [20.] 21. Any rule or portion of a rule, as that term is defined in section 536.010, that is
196 created under the authority delegated in this section shall become effective only if it complies
197 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
198 This section and chapter 536 are nonseverable and if any of the powers vested with the general
199 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
200 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
201 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.950. 1. This section shall be known and may be cited as the "Safe Place for
2 Newborns Act of 2002". The purpose of this section is to protect newborn children from injury

3 and death caused by abandonment by a parent, and to provide safe and secure alternatives to such
4 abandonment.

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

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

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

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

10 (4) **"Pregnancy resource center", the same meaning as such term is defined in**
11 **section 135.630;**

12 [(3)] (5) "Relinquishing parent", the biological parent or person acting on such parent's
13 behalf who leaves a newborn infant with any person listed in subsection 3 of this section in
14 accordance with this section.

15 3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045
16 or 568.050 for actions related to the voluntary relinquishment of a child up to [five] **forty-five**
17 days old pursuant to this section [and it shall be an affirmative defense to prosecution for a
18 violation of sections 568.030, 568.032, 568.045 and 568.050 that a parent who is a defendant
19 voluntarily relinquished a child no more than one year old pursuant to this section] if:

20 (1) Expressing intent not to return for the child, the parent voluntarily delivered the child
21 safely to the physical custody of any of the following persons:

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

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

27 (c) A law enforcement officer;

28 (2) The child was no more than one year old when delivered by the parent to any person
29 listed in subdivision (1) of this subsection; and

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

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

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

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

43 **(3) Person performing juvenile court intake or dispositional services;**

44 **(4) The attending physician;**

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

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

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

51 **(8) The attorney representing the interests of the child.**

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

58 [5.] **6.** The hospital, its employees, agents and medical staff shall perform treatment in
59 accordance with the prevailing standard of care as necessary to protect the physical health or
60 safety of the child. The hospital shall notify the **children's** division [of family services] and the
61 local juvenile officer upon receipt of a child pursuant to this section. The local juvenile officer
62 shall immediately begin protective custody proceedings and request the child be made a ward
63 of the court during the child's stay in the medical facility. Upon discharge of the child from the
64 medical facility and pursuant to a protective custody order ordering custody of the child to the
65 division, the **children's** division [of family services] shall take physical custody of the child.
66 The parent's voluntary delivery of the child in accordance with this section shall constitute the
67 parent's implied consent to any such act and a voluntary relinquishment of such parent's parental
68 rights.

69 [6.] **7.** In any termination of parental rights proceeding initiated after the relinquishment
70 of a child pursuant to this section, the juvenile officer shall make public notice that a child has
71 been relinquished, including the sex of the child, and the date and location of such
72 relinquishment. Within thirty days of such public notice, the [nonrelinquishing] parent wishing
73 to establish parental rights shall identify himself or herself to the court and state his or her
74 intentions regarding the child. The court shall initiate proceedings to establish paternity, or if

75 no person identifies himself as the father within thirty days, maternity. The juvenile officer shall
76 make examination of the putative father registry established in section 192.016 to determine
77 whether attempts have previously been made to preserve parental rights to the child. If such
78 attempts have been made, the juvenile officer shall make reasonable efforts to provide notice of
79 the abandonment of the child to such putative father.

80 [7.] 8. (1) If a relinquishing parent of a child relinquishes custody of the child to any
81 person listed in subsection 3 of this section in accordance with this section and to preserve the
82 parental rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps
83 necessary to establish parentage within thirty days after the public notice or specific notice
84 provided in subsection [6] 7 of this section.

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

88 (3) When [a nonrelinquishing] **either** parent inquires at a hospital regarding a child
89 whose custody was relinquished pursuant to this section, such facility shall refer [the
90 nonrelinquishing] **such** parent to the **children's** division [of family services] and the juvenile
91 court exercising jurisdiction over the child.

92 [8.] 9. The persons listed in subdivision (1) of subsection 3 of this section shall be
93 immune from civil, criminal, and administrative liability for accepting physical custody of a child
94 pursuant to this section if such persons accept custody in good faith. Such immunity shall not
95 extend to any acts or omissions, including negligent or intentional acts or omissions, occurring
96 after the acceptance of such child.

97 [9.] 10. The **children's** division [of family services] shall:

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

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

102 **11. It shall be an affirmative defense to prosecution for a violation of sections**
103 **568.030, 568.032, 568.045, and 568.050 that a parent who is a defendant voluntarily**
104 **relinquished a child no more than forty-five days old under this section.**

105 [10.] 12. Nothing in this section shall be construed as conflicting with section 210.125.
211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family
2 court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have
3 exclusive original jurisdiction in proceedings:

4 (1) Involving any child or person seventeen years of age who may be a resident of or
5 found within the county and who is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the child
7 or person seventeen years of age, neglect or refuse to provide proper support, education which
8 is required by law, medical, surgical or other care necessary for his or her well-being; except that
9 reliance by a parent, guardian or custodian upon remedial treatment other than medical or
10 surgical treatment for a child or person seventeen years of age shall not be construed as neglect
11 when the treatment is recognized or permitted pursuant to the laws of this state;

12 (b) The child or person seventeen years of age is otherwise without proper care, custody
13 or support; or

14 (c) The child or person seventeen years of age was living in a room, building or other
15 structure at the time such dwelling was found by a court of competent jurisdiction to be a public
16 nuisance pursuant to section 195.130;

17 (d) The child or person seventeen years of age is a child in need of mental health services
18 and the parent, guardian or custodian is unable to afford or access appropriate mental health
19 treatment or care for the child;

20 (2) Involving any child who may be a resident of or found within the county and who is
21 alleged to be in need of care and treatment because:

22 (a) The child while subject to compulsory school attendance is repeatedly and without
23 justification absent from school; or

24 (b) The child disobeys the reasonable and lawful directions of his or her parents or other
25 custodian and is beyond their control; or

26 (c) The child is habitually absent from his or her home without sufficient cause,
27 permission, or justification; or

28 (d) The behavior or associations of the child are otherwise injurious to his or her welfare
29 or to the welfare of others; or

30 (e) The child is charged with an offense not classified as criminal, or with an offense
31 applicable only to children; except that, the juvenile court shall not have jurisdiction over any
32 child fifteen [and one-half] years of age who is alleged to have violated a state or municipal
33 traffic ordinance or regulation, the violation of which does not constitute a felony, or any child
34 who is alleged to have violated a state or municipal ordinance or regulation prohibiting
35 possession or use of any tobacco product;

36 (3) Involving any child who is alleged to have violated a state law or municipal
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior
38 to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of
39 the circuit in which the child or person resides or may be found or in which the violation is
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child
41 fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic

42 ordinance or regulation, the violation of which does not constitute a felony, and except that the
43 juvenile court shall have concurrent jurisdiction with the municipal court over any child who is
44 alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall
45 have concurrent jurisdiction with the circuit court on any child who is alleged to have violated
46 a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child or person seventeen years of age to the guardianship
49 of the department of social services as provided by law; and

50 (6) Involving an order of protection pursuant to chapter 455 when the respondent is less
51 than seventeen years of age.

52 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person
53 seventeen years of age who resides in a county of this state shall be made as follows:

54 (1) Prior to the filing of a petition and upon request of any party or at the discretion of
55 the juvenile officer, the matter in the interest of a child or person seventeen years of age may be
56 transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving
57 court, to the county of the child's residence or the residence of the person seventeen years of age
58 for future action;

59 (2) Upon the motion of any party or on its own motion prior to final disposition on the
60 pending matter, the court in which a proceeding is commenced may transfer the proceeding of
61 a child or person seventeen years of age to the court located in the county of the child's residence
62 or the residence of the person seventeen years of age, or the county in which the offense pursuant
63 to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

64 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has
65 been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction
66 of a child or person seventeen years of age to the court located in the county of the child's
67 residence or the residence of the person seventeen years of age for further action with the prior
68 consent of the receiving court;

69 (4) Upon motion of any party or upon its own motion at any time following a judgment
70 of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause
71 may place the child or person seventeen years of age under the supervision of another juvenile
72 court within or without the state pursuant to section 210.570 with the consent of the receiving
73 court;

74 (5) Upon motion of any child or person seventeen years of age or his or her parent, the
75 court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court
76 Rules;

77 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or
78 person seventeen years of age, certified copies of all legal and social documents and records
79 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the
80 transfer.

81 3. In any proceeding involving any child or person seventeen years of age taken into
82 custody in a county other than the county of the child's residence or the residence of a person
83 seventeen years of age, the juvenile court of the county of the child's residence or the residence
84 of a person seventeen years of age shall be notified of such taking into custody within
85 seventy-two hours.

86 4. When an investigation by a juvenile officer pursuant to this section reveals that the
87 only basis for action involves an alleged violation of section 167.031 involving a child who
88 alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child
89 to verify that the child is being home schooled and not in violation of section 167.031 before
90 making a report of such a violation. Any report of a violation of section 167.031 made by a
91 juvenile officer regarding a child who is being home schooled shall be made to the prosecuting
92 attorney of the county where the child legally resides.

93 5. The disability or disease of a parent shall not constitute a basis for a determination that
94 a child is a child in need of care or for the removal of custody of a child from the parent without
95 a specific showing that there is a causal relation between the disability or disease and harm to
96 the child.

211.036. If a child under the age of [eighteen] **twenty-one** is released from the custody
2 of the **children's** division [of family services] and after such release it appears that it would be
3 in such child's best interest to have his **or her** custody returned to the **children's** division [of
4 family services], the juvenile officer, the **children's** division [of family services] or the child may
5 petition the court to return custody of such child to the division until the child is [eighteen]
6 **twenty-one** years of age.

7 211.444. 1. The juvenile court may, upon petition of the juvenile officer or a
8 child-placing agency licensed under sections 210.481 to 210.536 in conjunction with a placement
9 with such agency under subsection 6 of section 453.010, or the court before which a petition for
10 adoption has been filed pursuant to the provisions of chapter 453, terminate the rights of a parent
11 to a child if the court finds that such termination is in the best interests of the child and the parent
12 has consented in writing to the termination of his or her parental rights.

13 2. **If a parent relinquishes a child under section 210.950, it shall be considered a**
14 **voluntary consent of his or her rights to a termination of parental rights under this section.**

15 3. The written consent required by subsection 1 of this section may be executed before
16 or after the institution of the proceedings and shall be acknowledged before a notary public. In

17 lieu of such acknowledgment, the signature of the person giving the written consent shall be
18 witnessed by at least two adult persons who are present at the execution whose signatures and
19 addresses shall be plainly written thereon and who determine and certify that the consent is
20 knowingly and freely given. The two adult witnesses shall not be the prospective parents. The
21 notary public or witnesses shall verify the identity of the party signing the consent.

22 [3.] 4. The written consent required by subsection 1 of this section shall be valid and
23 effective only after the child is at least forty-eight hours old and if it complies with the other
24 requirements of section 453.030.

**453.350. 1. Beginning July 1, 2013, all Missouri foster children over fifteen years
2 of age shall thereafter receive a visit to a Missouri state university, or a Missouri state
3 community or technical college in the foster child's area before the foster child may be
4 adopted or otherwise terminated by foster care unless waived by the family support team.
5 Such visit shall be in addition to any other services that older youth are usually provided
6 and shall include the entry application process, financial support application and
7 availability, career options with academic or technical training, a tour of the school, and
8 other information and experience desired.**

9 **2. Beginning July 1, 2013, all youth in the division of youth services program over
10 fifteen years of age shall receive a visit to a Missouri state university, or a Missouri state
11 community or technical college in such youth's area before such youth's custody or training
12 is completed. Such visit shall be in addition to any other services that older youth are
13 usually provided and shall include the entry application process, financial support
14 application and availability, career options with academic or technical training, a tour of
15 the school, and other information and experience desired.**

✓