

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2216
100TH GENERAL ASSEMBLY

3228H.05C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 135.325, 135.326, 135.327, 135.335, 135.341, 135.800, 160.250, 160.261, 191.737, 193.265, 208.151, 210.001, 210.109, 210.110, 210.112, 210.113, 210.117, 210.118, 210.130, 210.135, 210.145, 210.147, 210.160, 210.188, 210.950, 211.038, 211.183, 211.444, 211.447, 431.056, 452.402, 452.403, 453.030, 453.040, 453.080, 453.121, 453.350, and 492.304, RSMo, and to enact in lieu thereof forty-two new sections relating to the protection of children, with an emergency clause for a certain section.

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

Section A. Sections 135.325, 135.326, 135.327, 135.335, 135.341, 135.800, 160.250, 160.261, 191.737, 193.265, 208.151, 210.001, 210.109, 210.110, 210.112, 210.113, 210.117, 210.118, 210.130, 210.135, 210.145, 210.147, 210.160, 210.188, 210.950, 211.038, 211.183, 211.444, 211.447, 431.056, 452.402, 452.403, 453.030, 453.040, 453.080, 453.121, 453.350, and 492.304, RSMo, are repealed and forty-two new sections enacted in lieu thereof, to be known as sections 37.717, 135.325, 135.326, 135.327, 135.335, 135.341, 135.800, 160.250, 160.261, 191.737, 193.265, 208.151, 210.001, 210.109, 210.110, 210.112, 210.113, 210.116, 210.118, 210.119, 210.135, 210.145, 210.147, 210.157, 210.160, 210.188, 210.950, 211.038, 211.183, 211.444, 211.447, 211.505, 217.779, 431.056, 452.402, 452.403, 453.030, 453.040, 453.080, 453.121, 453.350, and 492.304, to read as follows:

- 37.717. 1. The office shall create a safety reporting system in which employees of the department of social services may report information regarding the safety of those served by the department of social services and the safety of such department's employees.**
- 2. The identity of any individual who reports to or participates in the reporting system under subsection 1 of this section 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.

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's 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 department of social services to the appropriate law**
14 **enforcement 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) "Handicap", a mental, physical, or emotional impairment that substantially limits one
11 or more major life activities, whether the impairment is congenital or acquired by accident, injury
12 or disease, and where the impairment is verified by medical findings;

13 (3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court
14 costs, attorney fees, and other expenses which are directly related to the legal adoption of a
15 [special needs] child and which are not incurred in violation of federal, state, or local law;

16 (4) "Special needs child", a child for whom it has been determined by the children's
17 division, or by a child-placing agency licensed by the state, or by a court of competent
18 jurisdiction to be a child:

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

20 (b) Who has a specific factor or condition such as ethnic background, age, membership
21 in a minority or sibling group, medical condition, or handicap because of which it is reasonable
22 to conclude that such child cannot be easily placed with adoptive parents;

23 (5) "State tax liability", any liability incurred by a taxpayer under the provisions of
24 chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to
25 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, 2021**, 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, 2021, 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. Any business entity**
26 **providing funds to an employee to enable that employee to proceed in good faith with the**
27 **adoption of a child shall be eligible to receive a tax credit of up to ten thousand dollars for**
28 **nonrecurring adoption expenses for each child that may be applied to taxes due under such**
29 **business entity's state tax liability; except that, only one credit, of up to ten thousand**
30 **dollars, is available for each child that is adopted.**

31 4. Individuals and business entities may claim a tax credit for their total nonrecurring
32 adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the
33 credit shall be allowed when the child is placed in the home. A claim for the remaining fifty

34 percent shall be allowed when the adoption is final. The total of these tax credits shall not
35 exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax
36 credits which may be claimed by taxpayers claiming the credit for nonrecurring adoption
37 expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million dollars. The
38 cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for
39 nonrecurring adoption expenses shall not be more than two million dollars but may be increased
40 by appropriation in any fiscal year beginning on or after July 1, 2004. For all fiscal years
41 beginning on or after July 1, 2006, applications to claim the adoption tax credit ~~[for special needs~~
42 ~~children who are residents or wards of residents of this state at the time the adoption is initiated]~~
43 shall be filed between July first and April fifteenth of each fiscal year.

44 [4.] 5. Notwithstanding any provision of law to the contrary, any individual or business
45 entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits
46 claimed pursuant to this section shall be at a discount rate of seventy-five percent or greater of
47 the amount sold.

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

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

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

135.341. 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, including an association based in this state, affiliated with a national
8 association, and organized to provide support to entities listed in subsection 2 of section 210.001;

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

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

- 15 (5) "Department", the department of revenue;
16 (6) "Director", the director of the department of revenue;
17 (7) "Qualified agency", CASA, child advocacy centers, or a crisis care center;
18 (8) "Tax liability", the tax due under chapter 143 other than taxes withheld under
19 sections 143.191 to 143.265.

20 2. For all tax years beginning on or after January 1, 2013, a tax credit may be claimed
21 in an amount equal to up to fifty percent of a verified contribution to a qualified agency and shall
22 be named the champion for children tax credit. The minimum amount of any tax credit issued
23 shall not be less than fifty dollars and shall be applied to taxes due under chapter 143, excluding
24 sections 143.191 to 143.265. A contribution verification shall be issued to the taxpayer by the
25 agency receiving the contribution. Such contribution verification shall include the taxpayer's
26 name, Social Security number, amount of tax credit, amount of contribution, the name and
27 address of the agency receiving the credit, and the date the contribution was made. The tax credit
28 provided under this subsection shall be initially filed for the year in which the verified
29 contribution is made.

30 3. The cumulative amount of the tax credits redeemed shall not exceed one million
31 dollars for all fiscal years ending on or before June 30, 2019, and one million five hundred
32 thousand dollars for all fiscal years beginning on or after July 1, 2019. The amount available
33 shall be equally divided among the three qualified agencies: CASA, child advocacy centers, or
34 crisis care centers, to be used towards tax credits issued. In the event tax credits claimed under
35 one agency do not total the allocated amount for that agency, the unused portion for that agency
36 will be made available to the remaining agencies equally. In the event the total amount of tax
37 credits claimed for any one agency exceeds the amount available for that agency, the amount
38 redeemed shall and will be apportioned equally to all eligible taxpayers claiming the credit under
39 that agency.

40 4. Prior to December thirty-first of each year, each qualified agency shall apply to the
41 department of social services in order to verify their qualified agency status. Upon a
42 determination that the agency is eligible to be a qualified agency, the department of social
43 services shall provide a letter of eligibility to such agency. No later than February first of each
44 year, the department of social services shall provide a list of qualified agencies to the department
45 of revenue. All tax credit applications to claim the champion for children tax credit shall be filed
46 between July first and April fifteenth of each fiscal year. A taxpayer shall apply for the
47 champion for children tax credit by attaching a copy of the contribution verification provided by
48 a qualified agency to such taxpayer's income tax return.

49 5. Any amount of tax credit which exceeds the tax due or which is applied for and
50 otherwise eligible for issuance but not issued shall not be refunded but may be carried over to
51 any subsequent tax year, not to exceed a total of five years.

52 6. Tax credits may not be assigned, transferred or sold.

53 7. (1) In the event a credit denial, due to lack of available funds, causes a balance-due
54 notice to be generated by the department of revenue, or any other redeeming agency, the taxpayer
55 will not be held liable for any penalty or interest, provided the balance is paid, or approved
56 payment arrangements have been made, within sixty days from the notice of denial.

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

59 8. The department may promulgate such rules or regulations as are necessary to
60 administer the provisions of this section. Any rule or portion of a rule, as that term is defined
61 in section 536.010, that is created under the authority delegated in this section shall become
62 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
63 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
64 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
65 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
66 rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid
67 and void.

68 9. Pursuant to section 23.253, of the Missouri sunset act:

69 (1) The program authorized under this section shall be reauthorized as of December 31,
70 2019, and shall expire on December 31, 2025, unless reauthorized by the general assembly; and

71 (2) This section shall terminate on September first of the calendar year immediately
72 following the calendar year in which the program authorized under this section is sunset; and

73 (3) The provisions of this subsection shall not be construed to limit or in any way impair
74 the department's ability to redeem tax credits authorized on or before the date the program
75 authorized under this section expires or a taxpayer's ability to redeem such credits.

76 10. Beginning on March 29, 2013, any verified contribution to a qualified agency made
77 on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

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

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

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

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

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

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

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

30 (6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant
31 to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic
32 violence created pursuant to section 135.550, the senior citizen or disabled person property tax
33 credit created pursuant to sections 135.010 to 135.035, the ~~[special needs]~~ adoption tax credit
34 created pursuant to sections 135.325 to 135.339, the champion for children tax credit created
35 pursuant to section 135.341, the maternity home tax credit created pursuant to section 135.600,
36 the surviving spouse tax credit created pursuant to section 135.090, the residential treatment
37 agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit
38 created pursuant to section 135.630, the food pantry tax credit created pursuant to section
39 135.647, the health care access fund tax credit created pursuant to section 135.575, the
40 residential dwelling access tax credit created pursuant to section 135.562, the developmental
41 disability care provider tax credit created under section 135.1180, 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.

160.250. The provisions of sections 37.710, 160.250, [~~160.261,~~] 160.262, 162.014,
2 162.068, 162.069, 168.021, 168.071, 168.133, 210.135, 210.145, 210.152, 210.915, 210.922, and
3 556.037 relating to protecting children from sexual offenders shall be known as the "Amy Hestir
4 Student Protection Act".

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
125 school-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. 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.] 11. In order to ensure the safety of all students, should a student be expelled for~~
236 ~~bringing a weapon to school, violent behavior, or for an act of school violence, that student shall~~
237 ~~not, for the purposes of the accreditation process of the Missouri school improvement plan, be~~
238 ~~considered a dropout or be included in the calculation of that district's educational persistence~~
239 ~~ratio.~~

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

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

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

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

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

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

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

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

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

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

193.265. 1. For the issuance of a certification or copy of a death record, the applicant
2 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each
3 additional copy ordered at that time. For the issuance of a certification or copy of a birth,
4 marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee
5 shall be required or collected for a certification of birth, death, or marriage if the request for
6 certification is made by the children's division, the division of youth services, a guardian ad
7 litem, **a parent or guardian of a homeless child or homeless youth as defined in subsection**
8 **1 of section 167.020, an unaccompanied youth as defined in 42 U.S.C. Section 11434a(6),**
9 or a juvenile officer on behalf of a child or person under twenty-one years of age who has come
10 under the jurisdiction of the juvenile court under section 211.031. All fees shall be deposited
11 to the state department of revenue. Beginning August 28, 2004, for each vital records fee
12 collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars
13 to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund,
14 and three dollars for the first copy of death records and five dollars for birth, marriage, divorce,
15 and fetal death records shall be credited to the Missouri public services health fund established
16 in section 192.900. Money in the endowed care cemetery audit fund shall be available by

17 appropriation to the division of professional registration to pay its expenses in administering
18 sections 214.270 to 214.410. All interest earned on money deposited in the endowed care
19 cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the
20 provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit
21 fund shall not be transferred and placed to the credit of general revenue until the amount in the
22 fund at the end of the biennium exceeds three times the amount of the appropriation from the
23 endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the
24 public health services fund under this section shall be deposited in a separate account in the fund,
25 and moneys in such account, upon appropriation, shall be used to automate and improve the state
26 vital records system, and develop and maintain an electronic birth and death registration system.
27 For any search of the files and records, when no record is found, the state shall be entitled to a
28 fee equal to the amount for a certification of a vital record for a five-year search to be paid by the
29 applicant. For the processing of each legitimation, adoption, court order or recording after the
30 registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a
31 certification of a vital record. Except whenever a certified copy or copies of a vital record is
32 required to perfect any claim of any person on relief, or any dependent of any person who was
33 on relief for any claim upon the government of the state or United States, the state registrar shall,
34 upon request, furnish a certified copy or so many certified copies as are necessary, without any
35 fee or compensation therefor.

36 2. For the issuance of a certification of a death record by the local registrar, the applicant
37 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each
38 additional copy ordered at that time. For the issuance of a certification or copy of a birth,
39 marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except
40 that, in any county with a charter form of government and with more than six hundred thousand
41 but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected
42 by the local registrar over and above any fees required by law when a certification or copy of any
43 marriage license or birth certificate is provided, with such donations collected to be forwarded
44 monthly by the local registrar to the county treasurer of such county and the donations so
45 forwarded to be deposited by the county treasurer into the housing resource commission fund to
46 assist homeless families and provide financial assistance to organizations addressing
47 homelessness in such county. The local registrar shall include a check-off box on the application
48 form for such copies. All fees, other than the donations collected in any county with a charter
49 form of government and with more than six hundred thousand but fewer than seven hundred
50 thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official
51 city or county health agency. A certified copy of a death record by the local registrar can only
52 be issued within twenty-four hours of receipt of the record by the local registrar.

53 Computer-generated certifications of death records may be issued by the local registrar after
54 twenty-four hours of receipt of the records. The fees paid to the official county health agency
55 shall be retained by the local agency for local public health purposes.

56 **3. An unaccompanied youth as defined in 42 U.S.C. Section 11434a(6) shall be**
57 **eligible to receive a certification or copy of his or her own birth record without the consent**
58 **or signature of his or her parent or guardian.**

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

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

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

15 (3) All participants receiving blind pension benefits;

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

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

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

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

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

33 (9) All persons who were participants receiving old age assistance benefits, aid to the
34 permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who
35 continue to meet the eligibility requirements, except income, for these assistance categories, but
36 who are no longer receiving such benefits because of the implementation of Title XVI of the
37 federal Social Security Act, as amended;

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

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

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

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

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

63 (15) The family support division shall not establish a resource eligibility standard in
64 assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO
65 HealthNet division shall define the amount and scope of benefits which are available to

66 individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in
67 accordance with the requirements of federal law and regulations promulgated thereunder;

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

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

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

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

102 eligibility specialists who are otherwise qualified for such positions and who are current or
103 former welfare participants. The division may consider training such current or former welfare
104 participants as eligibility specialists for this program;

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

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

137 private and public programs for which they are eligible and shall not include involvement in any
138 MO HealthNet prepaid, case-managed programs;

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

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

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

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

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

166 (25) Persons who have been diagnosed with breast or cervical cancer and who are
167 eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons
168 shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section
169 1396r-1;

170 (26) Persons who ~~are~~ were in foster care under the responsibility of ~~the~~ any state ~~of~~
171 ~~Missouri on the date such persons attained the age of eighteen years, or at any time during the~~
172 ~~thirty-day period preceding their eighteenth birthday, or persons who received foster care] for~~

173 at least six months [~~in another state~~] **at any time when such persons were thirteen years of**
174 **age or older**, are residing in Missouri, and are at least eighteen years of age, without regard to
175 income or assets, if such persons:

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

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

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

180 **(27) Any homeless child or homeless youth as those terms are defined in section**
181 **167.020.**

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

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

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

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

228 6. Notwithstanding any other provision of law to the contrary, in any given fiscal year,
 229 any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of
 230 subsection 1 of this section shall only be eligible if annual appropriations are made for such
 231 eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section
 232 1396a(a)(10)(A)(I).

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

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

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

9 ~~—— (3) Developing and implementing preventive and early intervention social services~~
 10 ~~which have demonstrated the ability to delay or reduce the need for out-of-home placements and~~
 11 ~~ameliorate problems before they become chronic] **developing and monitoring processes to**~~

12 **identify and serve homeless children and families at risk of child abuse or neglect and**
13 **delivering services to help preserve families, facilitate reunification, and avoid a family**
14 **disruption or removal of a child if such effort is practical and in the best interests of the**
15 **child.**

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

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

34

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

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

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

3 2. The child protection system shall promote the safety of children and the integrity and
4 preservation of their families by conducting investigations or family assessments and providing
5 services ~~[in response]~~ **to be built on the priorities set forth under section 210.001 and, if**

6 **appropriate, federal goals and guidelines. The system shall respond promptly and**
7 **appropriately to all** reports of child abuse or neglect. The system shall coordinate community
8 resources and provide assistance or services to children and families identified to be at risk, and
9 to prevent and remedy child abuse and neglect.

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

12 (1) Maintain a central registry **of persons who are ineligible for child placements;**

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

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

23 (4) Upon receipt of a report, check with the information system to determine whether
24 previous reports have been made regarding actual or suspected abuse or neglect of the subject
25 child, of any siblings, and the perpetrator, and relevant dispositional information regarding such
26 previous reports;

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

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

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

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

42 legal representation. All children's services providers and agencies shall be subject to criminal
43 background checks pursuant to chapter 43 and shall submit names of all employees to the family
44 care safety registry; and

45 **(9) Annually monitor and measure the efficiency and effectiveness of the division**
46 **in performing all of its required functions including, but not limited to, conducting regular**
47 **oversight as required under section 210.112 and providing the report required under**
48 **section 210.188. The division may also engage in other reviews and studies, as appropriate.**

49

50

51 ~~[As used in this subsection, "report" includes any telephone call made pursuant to section~~
52 ~~210.145.]~~

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

3 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child
4 other than by accidental means by those responsible for the child's care, custody, and control,
5 except that discipline including spanking, administered in a reasonable manner, shall not be
6 construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or
7 severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section ~~[7102(9)-(10)]~~
8 **7102, as amended;**

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

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

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

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

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

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

41 (5) **"Child assistance plan" or "CAP", a comprehensive collection of all**
42 **documentation regarding the supervision, assessment, and placement of every child for**
43 **whom the division has substantiated a report of child abuse or neglect. The CAP shall**
44 **include, at a minimum, a risk assessment, permanency plan, and social service plan. The**
45 **CAP may also include a safety plan, a transition plan for a child aging out of the foster care**
46 **system, and other plans that are in the best interests of the child and support any**
47 **investigations or necessary judicial actions;**

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

53 (7) **"Department", the department of social services;**

54 [~~(6)~~] (8) "Director", the director of the Missouri children's division within the department
55 of social services;

56 [~~(7)~~] (9) "Division", the Missouri children's division within the department of social
57 services;

58 [~~(8)~~] (10) "Family assessment and services", an approach to be developed by the
59 children's division which will provide for a prompt assessment of a child who has been reported
60 to the division as a victim of abuse or neglect by a person responsible for that child's care,

61 custody or control and of that child's family, including risk of abuse and neglect and, if
62 necessary, the provision of community-based services to reduce the risk and support the family;

63 ~~[(9)]~~ **(11) "Family support team meeting" or "team meeting", a meeting convened by the**
64 **division or children's services provider in behalf of the family and/or child for the purpose of**
65 **determining service and treatment needs, determining the need for placement and developing a**
66 **plan for reunification or other permanency options, determining the appropriate placement of the**
67 **child, evaluating case progress, and establishing and revising the case plan;**

68 **(12) "Immediate safety intervention agreement", a situation in which the legal**
69 **parents or guardians voluntarily place a child into another living arrangement in**
70 **consultation with the division;**

71 ~~[(10)]~~ **(13) "Investigation", the collection of physical and verbal evidence to determine**
72 **if a child has been abused or neglected;**

73 ~~[(11)]~~ **(14) "Jail or detention center personnel", employees and volunteers working in any**
74 **premises or institution where incarceration, evaluation, care, treatment or rehabilitation is**
75 **provided to persons who are being held under custody of the law;**

76 ~~[(12)]~~ **(15) "Neglect", failure to provide, by those responsible for the care, custody, and**
77 **control of the child, the proper or necessary support, education as required by law, nutrition or**
78 **medical, surgical, or any other care necessary for the child's well-being. Victims of neglect shall**
79 **also include any victims of sex trafficking or severe forms of trafficking as those terms are**
80 **defined in 22 U.S.C. 78 Section [7102(9)-(10)] 7102, as amended;**

81 ~~[(13)]~~ **(16) "Preponderance of the evidence", that degree of evidence that is of greater**
82 **weight or more convincing than the evidence which is offered in opposition to it or evidence**
83 **which as a whole shows the fact to be proved to be more probable than not;**

84 ~~[(14)]~~ **(17) "Probable cause", available facts when viewed in the light of surrounding**
85 **circumstances which would cause a reasonable person to believe a child was abused or**
86 **neglected;**

87 ~~[(15)]~~ **(18) "Report", the communication of an allegation of child abuse or neglect to the**
88 **division pursuant to section 210.115, including any telephone call or electronic report made**
89 **under section 210.145;**

90 **(19) "Social service plan", the contract between the parents or guardians of a**
91 **victim of child abuse or neglect and the division;**

92 ~~[(16)]~~ **(20) "Those responsible for the care, custody, and control of the child", includes,**
93 **but is not limited to:**

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

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

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

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

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

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

210.112. 1. It is the policy of this state and its agencies to implement a foster care and
2 child protection and welfare system focused on providing the highest quality of services and
3 outcomes for children and their families. The department of social services shall implement such
4 system subject to the following principles:

5 (1) The safety and welfare of children is paramount;

6 (2) **All providers of direct services to children and their families will be evaluated in a**
7 **uniform, transparent, objective, and consistent basis based on an evaluation tool established**
8 **in subsection 3 of this section;**

9 (3) Services to children and their families shall be provided in a timely manner to
10 maximize the opportunity for successful outcomes **as detailed in each child's CAP, and such**
11 **services shall be tracked and routinely evaluated through a robust quality assurance**
12 **program; [and]**

13 (4) Any provider of direct services to children and families shall have the appropriate
14 and relevant training, education, and expertise to provide the highest quality of services possible
15 which shall be consistent with [the] federal and state standards [~~but not less than the standards~~
16 ~~and policies used by the children's division as of January 1, 2004]~~ **including, but not limited**
17 **to, the federal Family First Prevention Services Act;**

18 (5) **Resources and efforts shall be committed to pursue the best possible**
19 **opportunity for a successful outcome for each child. Successful outcomes may include**
20 **preparing youth for a productive and successful life as an adult outside the foster care**
21 **system, such as independent living. For those providers that work with children requiring**
22 **intensive twenty-four-hour treatment services, successful outcomes shall be based on the**
23 **least restrictive alternative possible based on the child's needs as well as the quality of care**
24 **received; and**

25 (6) **Under the federal Family First Prevention Services Act, all service providers**
26 **shall prioritize methods of reducing or eliminating a child's need for residential treatment**
27 **through community-based services and supports.**

28 2. (1) **A child assistance plan designed to reflect the goals and activities delineated**
29 **in this section and to document reasonable efforts under section 211.183 shall be filed with**
30 **the court at the adjudication hearing and updated each time a child is moved to a new**

31 placement, or at least annually. If cases are transferred to a new provider, the new
32 provider shall have fourteen days to certify an existing child assistance plan or create a
33 new child assistance plan that gives preference to continuity of care with the previous child
34 assistance plan and its expectation, unless a new child assistance plan is in the best interests
35 of the child.

36 (2) The CAP shall be based upon a comprehensive assessment and evaluation of the
37 child and family. The CAP shall be developed with a participation invitation extended to
38 any parents, guardians, and foster parents; the parents' attorneys; the juvenile officer; and
39 the guardian ad litem, if appropriate, and shall include face-to-face meetings with the
40 parents, child, and persons having custody or control of the child.

41 (3) The CAP shall include, but is not limited to, the following:

42 (a) A history of the child and family;

43 (b) Identification of the problems or conditions that led to a hearing to determine
44 whether the child was abused or neglected;

45 (c) The changes or efforts the parent shall make in order for the child to remain in
46 or return home and the timeline for making such changes;

47 (d) Identification of time-limited reunification services to be provided to family
48 members;

49 (e) Identification of the specific services to be provided to the child;

50 (f) All available health and educational records of the child;

51 (g) A schedule of the sequence and frequency of services and the means for delivery
52 of such services to the family or parents and any person with custody or control of the
53 child;

54 (h) Performance criteria that measures the progress of the child and family toward
55 completion of the child assistance plan, including time frames for achieving objectives and
56 addressing identified problems if the child is placed outside the home;

57 (i) A description of the child's placement;

58 (j) Whether the placement is the least restrictive setting available and is in as close
59 proximity as possible to the home of the child's family or community if the case plan is
60 reunification;

61 (k) How the placement is consistent with the best interests and special needs of the
62 child;

63 (l) The transition plan for a successful adulthood for a child fourteen years of age
64 or older that includes planning for education, employment, health care, medical coverage,
65 transportation, money management skills, housing, social and recreational skills, and

66 **establishing and maintaining connections with the child's family, community, and adult**
67 **mentor;**

68 **(m) For a child in placement due to the child's behavioral health or medical issues,**
69 **diagnostic and assessment information, specific services relating to meeting the behavioral**
70 **health and medical care needs of the child, and desired treatment outcomes;**

71 **(n) A plan and schedule for regular and frequent visits for the child and child's**
72 **parents and siblings, unless the court has determined that visitation, regardless of whether**
73 **the visits are supervised, would be harmful to the child;**

74 **(o) A plan for ensuring the educational stability of the child while in out-of-home**
75 **placement;**

76 **(p) The permanency plan for the child, the reason for the selection of that plan, and**
77 **a description of the steps being taken by the division to finalize the plan; and**

78 **(q) Diligent efforts for placement in which the child's faith and cultural needs shall**
79 **be met.**

80 **3. (1) In conjunction with service providers and academic leaders in child welfare,**
81 **the division shall establish an evaluation tool for the purpose of providing transparent**
82 **evaluation of metrics for services provided under this section as part of the child assistance**
83 **plan and for outcomes and preparing youth for productive and successful lives as adults**
84 **outside the foster care system. Providers shall be evaluated on short-term and long-term**
85 **metrics in an effort to ensure cases are moving on the best trajectory toward a successful**
86 **outcome including, but not limited to, stepping children down to the least restrictive**
87 **alternative, as appropriate.**

88 **(2) The evaluation tool shall include metrics supporting fidelity to best practices for**
89 **case management and service provision including, but not limited to, the frequency of face-**
90 **to-face visits with the child.**

91 **(3) There shall be a mechanism whereby providers may propose different**
92 **evaluation metrics on a case-by-case basis if such case may have circumstances far beyond**
93 **those that would be expected. Such cases shall be evaluated by the response and evaluation**
94 **team under subsection 4 of this section.**

95 **(4) Data regarding all evaluation metrics shall be collected by the division on a**
96 **monthly basis, and the division shall issue a quarterly report regarding the evaluation data**
97 **for each provider, both public and private, by county. The response and evaluation team**
98 **shall determine how to aggregate cases for the division and large contractors so that**
99 **performance and outcomes may be compared effectively while also protecting**
100 **confidentiality. Such reports shall be made public and shall include identification of each**
101 **agency and the counties of the division.**

102 **(5) If the child assistance plan is transferred, data provided by the previous**
103 **provider may require corrections by the new provider.**

104 **(6) The standards and metrics developed through this evaluation tool shall be used**
105 **to evaluate competitive bids for future contracts established under subsection 5 of this**
106 **section.**

107 **4. The division shall create a response and evaluation team composed of division**
108 **personnel, academic experts, and service agency personnel. Private and public personnel**
109 **shall be selected in equal numbers. Membership of the team shall be composed of persons**
110 **with substantial experience in the child welfare system and who represent the highest set**
111 **of professional standards. The director shall appoint the individuals representing the**
112 **division. Each county of the state shall have one private contractor representative selected**
113 **by the contractor for his or her expertise and high level of achievement. The division shall**
114 **rotate among contractors in each county. At least two academic experts shall be appointed**
115 **by the director or the department of social services. There shall also be a juvenile or family**
116 **court judge, as appointed by the supreme court, and a juvenile officer or a Missouri**
117 **juvenile justice director, as appointed by the Missouri Juvenile Justice Association. The**
118 **division shall provide the necessary staffing for the team's operations. Before January 1,**
119 **2021, members shall be appointed and the team shall hold its first meeting. The team shall:**

120 **(1) Review the evaluation tool and metrics set forth in subsection 3 of this section**
121 **on a semiannual basis to determine any adjustments needed or issues that could affect the**
122 **quality of such tools and approve or deny on a case-by-case basis:**

123 **(a) Cases that a provider feels are anomalous and should not be part of developing**
124 **the case management tool under subsection 3 of this section;**

125 **(b) Alternative evaluation metrics recommended by providers based on the best**
126 **interests of the child under subsections 3 and 6 of this section; or**

127 **(c) Any structure for incentives or other reimbursement strategies under subsection**
128 **7 of this section;**

129 **(2) Develop and execute periodic provider evaluations in the field under the**
130 **evaluation tool created under subsection 3 of this section to ensure basic requirements of**
131 **the program are met, which shall include, but are not limited to, random file review to**
132 **ensure documentation shows required visits and case management plan notes; and**

133 **(3) Develop and execute a system for reviewing and working with those providers**
134 **that show signs of performance weakness to ensure technical assistance and other services**
135 **are offered to assist the providers in achieving successful outcomes for their cases under**
136 **subsection 8 of this section.**

137 5. ~~[On or before July 1, 2005, and subject to appropriations,]~~ The children's division and
138 any other state agency deemed necessary by the division shall, in consultation with ~~[the~~
139 ~~community and]~~ **service providers [of services] and other relevant parties**, enter into and
140 implement contracts with qualified children's services providers and agencies to provide a
141 comprehensive and deliberate system of service delivery for children and their families.
142 Contracts shall be awarded through a competitive process and provided by ~~[children's services~~
143 ~~providers and agencies currently contracting with the state to provide such services and by]~~
144 **qualified** public and private not-for-profit or limited liability corporations owned exclusively
145 by not-for-profit corporations children's services providers and agencies which have:

146 (1) A proven record of providing child welfare services ~~[within the state of Missouri~~
147 ~~which]~~ **that** shall be consistent with ~~[the]~~ federal standards~~[- but not less than the standards and~~
148 ~~policies used by the children's division as of January 1, 2004];~~ and

149 (2) The ability to provide a range of child welfare services~~[- which may include]~~
150 **including, but not limited to**, case management services, family-centered services, foster and
151 adoptive parent recruitment and retention, residential care, in-home services, foster care services,
152 adoption services, relative care case management, planned permanent living services, and family
153 reunification services.

154

155 No contracts **under this section** shall be issued for services related to the child abuse and neglect
156 hotline, investigations of alleged abuse and neglect, and initial family assessments. Any
157 contracts entered into by the division shall be in accordance with all federal laws and regulations,
158 and shall ~~[not result in the loss of]~~ **seek to maximize federal funding if such funding is in the**
159 **best interests of Missouri children.** ~~[Such]~~ Children's services providers and agencies under
160 contract with the division shall be subject to all federal, state, and local laws and regulations
161 relating to the provision of such services, and shall be subject to oversight and inspection by
162 appropriate state agencies to assure compliance with standards which shall be consistent with
163 the federal standards~~[- but not less than the standards and policies used by the children's division~~
164 ~~as of January 1, 2004.~~

165 ~~3. In entering into and implementing contracts under subsection 2 of this section, the~~
166 ~~division shall consider and direct their efforts towards geographic areas of the state, including~~
167 ~~Greene County, where eligible direct children's services providers and agencies are currently~~
168 ~~available and capable of providing a broad range of services, including case management~~
169 ~~services, family-centered services, foster and adoptive parent recruitment and retention,~~
170 ~~residential care, family preservation services, foster care services, adoption services, relative care~~
171 ~~case management, other planned living arrangements, and family reunification services~~

172 ~~consistent with federal guidelines. Nothing in this subsection shall prohibit the division from~~
173 ~~contracting on an as-needed basis for any individual child welfare service listed above.~~

174 ~~4. The contracts entered into under this section shall assure that:~~

175 ~~(1) Child welfare services shall be delivered to a child and the child's family by~~
176 ~~professionals who have substantial and relevant training, education, or competencies otherwise~~
177 ~~demonstrated in the area of children and family services;~~

178 ~~(2) Children's services providers and agencies shall be evaluated by the division based~~
179 ~~on objective, consistent, and performance-based criteria;~~

180 ~~(3) Any case management services provided shall be subject to a case management plan~~
181 ~~established under subsection 5 of this section which is consistent with all relevant federal~~
182 ~~guidelines. The case management plan shall focus on attaining permanency in children's living~~
183 ~~conditions to the greatest extent possible and shall include concurrent planning and independent~~
184 ~~living where appropriate in accordance with the best interests of each child served and~~
185 ~~considering relevant factors applicable to each individual case as provided by law, including:~~

186 ~~(a) The interaction and interrelationship of a child with the child's foster parents,~~
187 ~~biological or adoptive parents, siblings, and any other person who may significantly affect the~~
188 ~~child's best interests;~~

189 ~~(b) A child's adjustment to his or her foster home, school, and community;~~

190 ~~(c) The mental and physical health of all individuals involved, including any history of~~
191 ~~abuse of or by any individuals involved;~~

192 ~~(d) The needs of the child for a continuing relationship with the child's biological or~~
193 ~~adoptive parents and the ability and willingness of the child's biological or adoptive parents to~~
194 ~~actively perform their functions as parents with regard to the needs of the child; and~~

195 ~~(e) For any child, treatment services may be available as defined in section 210.110.~~
196 ~~Assessments, as defined in section 210.110, may occur to determine which treatment services~~
197 ~~best meet the child's psychological and social needs. When the assessment indicates that a~~
198 ~~child's needs can be best resolved by intensive twenty-four-hour treatment services, the division~~
199 ~~will locate, contract, and place the child with the appropriate organizations. This placement will~~
200 ~~be viewed as the least restrictive for the child based on the assessment;~~

201 ~~(4) The delivery system shall have sufficient flexibility to take into account children and~~
202 ~~families on a case-by-case basis;~~

203 ~~(5) The delivery system shall provide a mechanism for the assessment of strategies to~~
204 ~~work with children and families immediately upon entry into the system to maximize~~
205 ~~permanency and successful outcome in the shortest time possible and shall include concurrent~~
206 ~~planning. Outcome measures for private and public agencies shall be equal for each program;~~
207 ~~and~~

208 ~~—— (6) Payment to the children's services providers and agencies shall be made based on the~~
209 ~~reasonable costs of services, including responsibilities necessary to execute the contract.~~
210 ~~Contracts shall provide incentives in addition to the costs of services provided in recognition of~~
211 ~~accomplishment of the case goals and the corresponding cost savings to the state. The division~~
212 ~~shall promulgate rules to implement the provisions of this subdivision.~~

213 ~~—— 5. Contracts entered into under this section shall require that a case management plan~~
214 ~~consistent with all relevant federal guidelines shall be developed for each child at the earliest~~
215 ~~time after the initial investigation, but in no event longer than thirty days after the initial~~
216 ~~investigation or referral to the contractor by the division. Such case management plan shall be~~
217 ~~presented to the court and be the foundation of service delivery to the child and family. The case~~
218 ~~management plan shall, at a minimum, include:~~

219 ~~—— (1) An outcome target based on the child and family situation achieving permanency or~~
220 ~~independent living, where appropriate;~~

221 ~~—— (2) Services authorized and necessary to facilitate the outcome target;~~

222 ~~—— (3) Time frames in which services will be delivered; and~~

223 ~~—— (4) Necessary evaluations and reporting.~~

224 ~~—~~

225 ~~In addition to any visits and assessments required under case management, services to be~~
226 ~~provided by a public or private children's services provider under the specific case management~~
227 ~~plan may include family-centered services, foster and adoptive parent recruitment and retention;~~
228 ~~residential care, in-home services, foster care services, adoption services, relative care case~~
229 ~~services, planned permanent living services, and family reunification services. In all cases, an~~
230 ~~appropriate level of services shall be provided to the child and family after permanency is~~
231 ~~achieved to assure a continued successful outcome.~~

232 ~~—— 6. By December 1, 2018, the division shall convene a task force to review the~~
233 ~~recruitment, licensing and retention of foster and adoptive parents statewide. In addition to~~
234 ~~representatives of the division and department, the task force shall include representatives of the~~
235 ~~private sector and faith-based community which provide recruitment and licensure services. The~~
236 ~~purpose of the task force shall and will be to study the extent to which changes in the system of~~
237 ~~recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness~~
238 ~~of the system statewide. The task force shall develop a report of its findings with~~
239 ~~recommendations by December 1, 2019, and provide copies of the report to the general~~
240 ~~assembly, to the joint committee on child abuse and neglect under section 21.771, and to the~~
241 ~~governor.~~

242 ~~—— 7. On or before July 15, 2006, and each July fifteenth thereafter that the project is in~~
243 ~~operation, the division shall submit a report to the general assembly which shall include:~~

244 ~~—— (1) Details about the specifics of the contracts, including the number of children and~~
245 ~~families served, the cost to the state for contracting such services, the current status of the~~
246 ~~children and families served, an assessment of the quality of services provided and outcomes~~
247 ~~achieved, and an overall evaluation of the project; and~~

248 ~~—— (2) Any recommendations regarding the continuation or possible statewide~~
249 ~~implementation of such project; and~~

250 ~~—— (3) Any information or recommendations directly related to the provision of direct~~
251 ~~services for children and their families that any of the contracting children's services providers~~
252 ~~and agencies request to have included in the report.~~

253 ~~—— 8. The division shall accept as prima facie evidence of completion of the requirements~~
254 ~~for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the~~
255 ~~following nationally recognized bodies: the Council on Accreditation of Services, Children and~~
256 ~~Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on~~
257 ~~Accreditation of Rehabilitation Facilities. The division shall not require any further evidence~~
258 ~~of qualification for licensure if such proof of voluntary accreditation is submitted].~~

259 **6. A CAP may include developmental and medical assessments**
260 **to determine which treatment services best meet the child's psychological and social needs.**
261 **If the assessment indicates that the child is medically fragile and requires intensive twenty-**
262 **four hour medical treatment services, the division shall locate, contract, and place the child**
263 **with an appropriate organization. This placement shall be viewed as the least restrictive**
264 **for the child based on the assessment. The division shall treat all cases involving medically**
265 **fragile children who meet the criteria for intensive twenty-four-hour medical treatment**
266 **services as outside the contracts set forth in subsection 5 of this section for the purposes of**
267 **reimbursement and case management. However, such children may be assigned for**
268 **comprehensive case management services to an agency with a contract set forth in**
269 **subsection 5 of this section as part of the agency's caseload, with consent of the agency. In**
270 **such cases, the contracting agency shall have primary responsibility for the case. However,**
271 **reimbursement, as well as metrics relating to successful outcomes for the child, shall be**
272 **negotiated and mutually agreed upon by the division and contracting agency on a case-by-**
273 **case basis. Any metrics used shall provide positive evaluation for public or private**
274 **providers that show meaningful progress toward the least restrictive alternative for**
275 **children requiring intensive twenty-four-hour treatment services.**

276 **7. Payment to the children's services providers and agencies shall be made based**
277 **on the reasonable costs of services, including responsibilities necessary to execute the**
278 **contract. Any reimbursement increases made through enhanced appropriations for**
279 **services shall be allocated to providers regardless of whether the provider is public or**

280 private. Such increases shall be considered additive to the existing contracts. In addition
281 to payments reflecting the cost of services, contracts shall include incentives provided in
282 recognition of performance based on the evaluation tool created under subsection 3 of this
283 section and the corresponding savings for the state. The response and evaluation team
284 under subsection 4 of this section shall create a formula to distribute such payments, which
285 the division shall take into consideration, and respond in writing regarding the
286 implementation of the funding formula.

287 **8. If a provider shows serious lapses in performance affecting the children the**
288 **provider serves, the division shall place the agency on a corrective plan, which includes a**
289 **review by the response and evaluation team. The team shall make any relevant**
290 **recommendations to the division for addressing deficiencies and increasing the**
291 **accountability and performance of the provider under review. The division shall consider**
292 **immediate actions that are in the best interests of the children served, including halting**
293 **new referrals, transferring cases to other performing providers, or terminating the**
294 **provider's contract. The division shall take steps necessary to evaluate the nature of the**
295 **issue and act accordingly in the most timely fashion possible.**

296 **9. By ~~February 1, 2005~~ July 1, 2021**, the children's division shall promulgate and have
297 in effect rules to implement the provisions of this section and, pursuant to this section, shall
298 define implementation plans and dates. Any rule or portion of a rule, as that term is defined in
299 section 536.010, that is created under the authority delegated in this section shall become
300 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
301 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
302 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
303 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
304 rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid
305 and void.

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

210.116. The division may share any records, information, and findings with
2 **federal, state, or local child welfare agency personnel and law enforcement agencies,**
3 **including those from outside the state, or any agent of such agencies, in the performance**
4 **of the division's duties, upon a reasonable belief that such information is needed to protect**
5 **a child from abuse or neglect or to assist such agency in providing child welfare services.**
6 **Such information may include, but is not limited to, substantiated or unsubstantiated**
7 **reports of abuse or neglect, family assessments, and any other documents or information**

8 **the division deems necessary for another agency to have access to in order to protect a**
 9 **child. Identifying information may be shared only if the children's division reasonably**
 10 **believes the receiving entity will prevent the unauthorized dissemination of the information**
 11 **contained therein.**

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

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

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

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

12 ~~———— (3) A crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080,~~
 13 ~~568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205]~~ **567.050, 568.030,**

14 **568.060, 568.065, or 568.175 in which a child was a victim or any felony offense under**
 15 **chapter 566 or 573 in which a child was a victim;** or

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

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

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

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

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

~~3. In a case involving the death or serious injury of a child after a report has been made under sections 210.109 to 210.165, the division shall conduct a preliminary evaluation in order to determine whether a review of the ability of the circuit manager or case worker or workers to perform their duties competently is necessary. The preliminary evaluation shall examine:~~

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

~~Any preliminary evaluation shall be completed no later than three days after the child's death. If the division determines a review and assessment is necessary, it shall be completed no later than three days after the child's death.]~~ **An employee, including a contracted employee, of a state-funded child assessment center shall be immune from any civil liability that arises from the employee's participation in the investigation process and services by the child assessment center, unless such employee acts in bad faith. This subsection shall not displace or limit any other immunity provided by law.**

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

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

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

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

7 (4) Maintaining an information system operating at all times, capable of receiving and
8 maintaining reports **of child abuse or neglect**. This information system shall have the ability
9 to receive reports over a single, statewide toll-free number **and electronically**. Such information
10 system shall maintain the results of all investigations, family assessments and services, and other
11 relevant information, **including all information needed for the reporting required under**
12 **section 210.188. Such reports shall include the following information, if possible:**

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

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

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

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

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

21 (f) **The source of the report;**

22 (g) **The name and address of the person making the report, the person's occupation,**
23 **and if the person may be reached; and**

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

28 2. The division shall **promulgate rules that require staff to** utilize structured
29 decision-making protocols ~~[for classification purposes of]~~ **to classify risk, triage, and**
30 **determine the level of response for** all child abuse and neglect reports. ~~[The protocols~~
31 ~~developed by the division shall give priority to ensuring the well-being and safety of the child.~~
32 ~~All child abuse and neglect reports shall be initiated within twenty-four hours and shall be~~
33 ~~classified based upon the reported risk and injury to the child. The division shall promulgate~~
34 ~~rules regarding the structured decision-making protocols to be utilized for all child abuse and~~
35 ~~neglect reports.]~~ **A response shall be initiated within three, twenty-four, or seventy-two**

36 hours according to the degree of risk, and a risk assessment shall be completed within
37 seventy-two hours.

38 **3. In conjunction with completing the risk assessment and in consultation with**
39 **appropriate stakeholders, division staff shall recommend one of the following:**

40 **(1) No action. No action shall be recommended if there are no signs of abuse or**
41 **neglect warranting further involvement; however, such cases shall be recorded and tracked**
42 **for any later reports or changes;**

43 **(2) Immediate safety intervention agreement. The division shall track cases if**
44 **parents voluntarily assign power of attorney to another person, in consultation with the**
45 **division, and the case shall be reviewed at three, six, and nine months after the placement**
46 **and annually thereafter by the division or contracted staff who shall ensure the division**
47 **assists to obtain appropriate power of attorney and the child continues to receive**
48 **appropriate care. The division shall not support a placement that does not adhere to**
49 **section 211.038. Immediate safety intervention agreements lasting longer than ten days**
50 **shall be referred to the juvenile officer. The division shall also support the caretaker to**
51 **access benefits including, but not limited to, MO HealthNet, child care subsidies, and the**
52 **Supplemental Nutrition Assistance Program, as eligibility allows; or**

53 **(3) Family assessment and service. Family assessment and service shall be utilized**
54 **if an investigation is not necessary but the family requires services to assist with stability**
55 **or unification. A CAP shall be developed for all children, and cases shall be monitored**
56 **with the expectation that out-of-home placements are not needed for more than fifteen**
57 **months.**

58 ~~[3-]~~ **4. Upon receipt of a report, the division shall determine if the report merits**
59 **investigation, including reports which if true would constitute a suspected violation of any of the**
60 **following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less**
61 **than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen**
62 **years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years**
63 **of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a**
64 **child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060,**
65 **573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit**
66 **any such crimes. The division shall immediately communicate all reports that merit investigation**
67 **to its appropriate local office and any relevant information as may be contained in the**
68 **information system. The local division staff shall determine, through the use of protocols**
69 **developed by the division, whether an investigation or the family assessment and services**
70 **approach should be used to respond to the allegation. The protocols developed by the division**
71 **shall give priority to ensuring the well-being and safety of the child.**

72 [4-] 5. (1) The division may accept a report for investigation or family assessment if
73 either the child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the
74 incident occurred in Missouri.

75 [5-] (2) If the division receives a report in which neither the child nor the alleged
76 perpetrator resides in Missouri or may be found in Missouri and the incident did not occur in
77 Missouri, the division shall document the report and communicate it to the appropriate agency
78 or agencies in the state where the child is believed to be located, along with any relevant
79 information or records as may be contained in the division's information system. 6. ~~[When the~~
80 ~~child abuse and neglect hotline receives three or more calls, within a seventy-two hour period,~~
81 ~~from one or more individuals concerning the same child, the division shall conduct a review to~~
82 ~~determine whether the calls meet the criteria and statutory definition for a child abuse and neglect~~
83 ~~report to be accepted. In conducting the review, the division shall contact the hotline caller or~~
84 ~~callers in order to collect information to determine whether the calls meet the criteria for~~
85 ~~harassment.~~

86 ~~7.]~~ The local office shall contact the appropriate law enforcement agency immediately
87 upon receipt of a report which division personnel determine merits an investigation and provide
88 such agency with a detailed description of the report received. In such cases the local division
89 office shall request the assistance of the local law enforcement agency in all aspects of the
90 investigation of the complaint. The appropriate law enforcement agency shall either assist the
91 division in the investigation or provide the division, within twenty-four hours, an explanation
92 in writing detailing the reasons why it is unable to assist.

93 [8-] 7. The local office of the division shall cause an investigation or family assessment
94 and services approach to be initiated in accordance with the protocols established in subsection
95 2 of this section, except in cases where the sole basis for the report is educational neglect. If the
96 report indicates that educational neglect is the only complaint and there is no suspicion of other
97 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the
98 report. If the report indicates the child is in danger of serious physical harm or threat to life, an
99 investigation shall include direct observation of the subject child within twenty-four hours of the
100 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct
101 observation. ~~[Callers to the child abuse and neglect hotline]~~ **Any person making a report to**
102 **the division** shall be instructed ~~[by the division's hotline]~~ to call 911 in instances where the child
103 may be in immediate danger. If the parents of the child are not the alleged perpetrators, a parent
104 of the child must be notified prior to the child being interviewed by the division. No person
105 responding to or investigating a child abuse and neglect report shall call prior to a home visit or
106 leave any documentation of any attempted visit, such as business cards, pamphlets, or other

107 similar identifying information if he or she has a reasonable basis to believe the following factors
108 are present:

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

114

115 If the alleged perpetrator is present during a visit by the person responding to or investigating the
116 report, such person shall provide written material to the alleged perpetrator informing him or her
117 of his or her rights regarding such visit, including but not limited to the right to contact an
118 attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written
119 material or have such material read to him or her by the case worker before the visit commences,
120 but in no event shall such time exceed five minutes; except that, such requirement to provide
121 written material and reasonable time to read such material shall not apply in cases where the
122 child faces an immediate threat or danger, or the person responding to or investigating the report
123 is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in
124 a school or child care facility the division shall not meet with the child in any school building
125 or child-care facility building where abuse of such child is alleged to have occurred. When the
126 child is reported absent from the residence, the location and the well-being of the child shall be
127 verified. For purposes of this subsection, "child care facility" shall have the same meaning as
128 such term is defined in section 210.201.

129 ~~[9-]~~ **8.** The director of the division shall name at least one chief investigator for each
130 local division office, who shall direct the division response on any case involving a second or
131 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
132 investigator shall include verification of direct observation of the subject child by the division
133 and shall ensure information regarding the status of an investigation is provided to the public
134 school district liaison. The public school district liaison shall develop protocol in conjunction
135 with the chief investigator to ensure information regarding an investigation is shared with
136 appropriate school personnel. The superintendent of each school district shall designate a
137 specific person or persons to act as the public school district liaison. Should the subject child
138 attend a nonpublic school the chief investigator shall notify the school principal of the
139 investigation. Upon notification of an investigation, all information received by the public
140 school district liaison or the school shall be subject to the provisions of the federal Family
141 Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal rule 34
142 C.F.R. Part 99.

143 ~~[10.]~~ 9. The investigation shall include but not be limited to the nature, extent, and cause
144 of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect;
145 the names and conditions of other children in the home, if any; the home environment and the
146 relationship of the subject child to the parents or other persons responsible for the child's care;
147 any indication of incidents of physical violence against any other household or family member;
148 and other pertinent data.

149 ~~[11.]~~ 10. When a report has been made by a person required to report under section
150 210.115, the division shall contact the person who made such report within forty-eight hours of
151 the receipt of the report in order to ensure that full information has been received and to obtain
152 any additional information or medical records, or both, that may be pertinent.

153 ~~[12.]~~ 11. **If the child abuse and neglect hotline receives three or more calls within
154 a seventy-two hour period from one or more individuals concerning the same child, the
155 division shall contact the hotline caller or callers in order to collect information to
156 determine whether the calls meet the criteria for harassment.** Upon completion of the
157 investigation, if the division suspects that the report was made maliciously or for the purpose of
158 harassment, the division shall refer the report and any evidence of malice or harassment to the
159 local prosecuting or circuit attorney.

160 **12. In a case involving the death or serious injury of a child after a report has been
161 made under sections 210.109 to 210.165, the division shall conduct a preliminary evaluation
162 in order to determine whether a review of the ability of the circuit manager or case worker
163 or workers to perform their duties competently is necessary. The preliminary evaluation
164 shall examine:**

- 165 **(1) The hotline worker or workers who took any reports related to such case;**
166 **(2) The division case worker or workers assigned to the investigation of such
167 report; and**
168 **(3) The circuit manager assigned to the county where the report was investigated.**
169

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

173 13. Multidisciplinary teams shall be used whenever conducting the investigation as
174 determined by the division in conjunction with local law enforcement. ~~[Multidisciplinary teams
175 shall be used in providing protective or preventive social services, including the services of law
176 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and
177 other agencies, both public and private.]~~

178 14. For all family support team meetings involving an alleged victim of child abuse or
179 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian
180 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
181 provided notice and be permitted to attend all such meetings. Family members, other than
182 alleged perpetrators, or other community informal or formal service providers that provide
183 significant support to the child and other individuals may also be invited at the discretion of the
184 parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian
185 or custodian and the foster parents may request that other individuals, other than alleged
186 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
187 attends such team meetings, the division or the convenor of the meeting shall provide such
188 persons with notice of all such subsequent meetings involving the child. Families may determine
189 whether individuals invited at their discretion shall continue to be invited.

190 15. If the appropriate local division personnel determine after an investigation has begun
191 that completing an investigation is not appropriate, the division shall conduct a family
192 assessment and services approach. The division shall provide written notification to local law
193 enforcement prior to terminating any investigative process. The reason for the termination of
194 the investigative process shall be documented in the record of the division and the written
195 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
196 any investigation by law enforcement.

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

199 (1) Assess any service needs of the family **and prepare a CAP and social service plan.**
200 The assessment of risk and service needs shall be based on information gathered from the family
201 and other sources;

202 (2) Provide services which are voluntary and time-limited unless it is determined by the
203 division based on the assessment of risk that there will be a high risk of abuse or neglect if the
204 family refuses to accept the services. The division shall identify services for families where it
205 is determined that the child is at high risk of future abuse or neglect. The division shall
206 thoroughly document in the record its attempt to provide voluntary services and the reasons these
207 services are important to reduce the risk of future abuse or neglect to the child. If the family
208 continues to refuse voluntary services or the child needs to be protected, the division [~~may~~
209 ~~commence an investigation~~] **shall determine appropriate action under subsection 3 of section**
210 **210.145;**

211 (3) Commence an immediate investigation if at any time during the family assessment
212 and services approach the division determines that an investigation, as delineated in sections

213 210.109 to 210.183, is required. The division staff who have conducted the assessment may
214 remain involved in the provision of services to the child and family;

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

217 17. (1) Within forty-five days of an oral report of abuse or neglect, the local office shall
218 update the information in the information system. The information system shall contain, at a
219 minimum, the determination made by the division as a result of the investigation, identifying
220 information on the subjects of the report, those responsible for the care of the subject child and
221 other relevant dispositional information, **including all data required under section 210.188.**
222 The division shall complete all investigations within forty-five days, unless good cause for the
223 failure to complete the investigation is specifically documented in the information system. Good
224 cause for failure to complete an investigation shall include, but not be limited to:

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

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

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

236

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

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

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

249 18. A person required to report under section 210.115 to the division and any person
250 making a report of child abuse or neglect made to the division which is not made anonymously
251 shall be informed by the division of his or her right to obtain information concerning the
252 disposition of his or her report. Such person shall receive, from the local office, if requested,
253 information on the general disposition of his or her report. Such person may receive, if
254 requested, findings and information concerning the case. Such release of information shall be
255 at the discretion of the director based upon a review of the reporter's ability to assist in protecting
256 the child or the potential harm to the child or other children within the family. The local office
257 shall respond to the request within forty-five days. The findings shall be made available to the
258 reporter within five days of the outcome of the investigation. If the report is determined to be
259 unsubstantiated, the reporter may request that the report be referred by the division to the office
260 of child advocate for children's protection and services established in sections 37.700 to 37.730.
261 Upon request by a reporter under this subsection, the division shall refer an unsubstantiated
262 report of child abuse or neglect to the office of child advocate for children's protection and
263 services.

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

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

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

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

275

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

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

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

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

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

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

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

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

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

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

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

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

3 **2. (1) The director shall provide to the director of the department of health and**
4 **senior services information regarding an individual who, as to any child, has had his or her**
5 **parental rights terminated and has been identified in the central registry as being**
6 **responsible for abuse or neglect.**

7 **(2) A court shall provide to the director of the department of health and senior**
8 **services identifying information regarding an individual who has been convicted under**
9 **section 565.020, 565.021, 565.023, or 565.024.**

10 **3. The director of the department of health and senior services shall provide to the**
11 **director birth record information for a child born to an individual whose identifying**
12 **information has been provided to the director of the department of health and senior**
13 **services by the director or a court within the previous ten years. If such information is**
14 **provided to the director, the director shall:**

15 **(1) Verify that the parent of the child is the same individual as described in**
16 **subsection 2 of this section; and**

17 **(2) Immediately notify the division where the child is believed to be located so that**
18 **the division shall review its records and provide an assessment of the family and offer**
19 **services if needed.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47

48 **Beginning March 1, 2021, and each March first thereafter, the department shall provide**
49 **the data required under this subdivision to any Missouri research institution that agrees**
50 **to provide the division access to any research conducted by such institution utilizing such**
51 **data.**

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

55 **(a) Number of referrals to the child welfare system;**

56 **(b) Number of children entering care;**

57 **(c) Total number of children in care;**

58 **(d) Number of children under one year of age entering care during that year;**

59 **(e) Number of children under one year of age in care;**

60 **(f) Number of children receiving psychotropic or other medication;**

61 **(g) Average time to permanency;**

62 **(h) Average time to terminate a parent's parental rights;**

63 **(i) Average time between the termination of parental rights and adoption;**

64 **(j) Number of voluntary and involuntary termination of parental rights cases;**

65 **(k) Number of specific consents to adoption;**

66 **(l) Number of postadoption contract agreements;**

67 **(m) Number of children reentering care; and**

68 **(n) Number of children aging out of the foster care system.**

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (c) A law enforcement officer;

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

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

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

- 39 (1) A birth parent who has waived anonymity or the child's adoptive parent;
- 40 (2) The staff of the department of health and senior services, the department of social
41 services, or any county health or social services agency or licensed child welfare agency that
42 provides services to the child;
- 43 (3) A person performing juvenile court intake or dispositional services;
- 44 (4) The attending physician;
- 45 (5) The child's foster parent or any other person who has physical custody of the child;
- 46 (6) A juvenile court or other court of competent jurisdiction conducting proceedings
47 relating to the child;
- 48 (7) The attorney representing the interests of the public in proceedings relating to the
49 child; and
- 50 (8) The attorney representing the interests of the child.
- 51 5. A person listed in subdivision (1) of subsection 3 of this section shall, without a court
52 order, take physical custody of a child the person reasonably believes to be no more than
53 forty-five days old and is delivered in accordance with this section by a person purporting to be
54 the child's parent. If delivery of a newborn is made pursuant to this section in any place other
55 than a hospital, the person taking physical custody of the child shall arrange for the immediate
56 transportation of the child to the nearest hospital licensed pursuant to chapter 197.
- 57 6. The hospital, its employees, agents and medical staff shall perform treatment in
58 accordance with the prevailing standard of care as necessary to protect the physical health or
59 safety of the child. The hospital shall notify the children's division and the local juvenile officer
60 upon receipt of a child pursuant to this section. The local juvenile officer shall immediately
61 begin protective custody proceedings and request the child be made a ward of the court during
62 the child's stay in the medical facility. Upon discharge of the child from the medical facility and
63 pursuant to a protective custody order ordering custody of the child to the division, the children's
64 division shall take physical custody of the child. The parent's voluntary delivery of the child in
65 accordance with this section shall constitute the parent's implied consent to any such act and a
66 voluntary relinquishment of such parent's parental rights.
- 67 7. In any termination of parental rights proceeding initiated after the relinquishment of
68 a child pursuant to this section, the juvenile officer shall make public notice that a child has been
69 relinquished, including the sex of the child, and the date and location of such relinquishment.
70 Within thirty days of such public notice, the parent wishing to establish parental rights shall
71 identify himself or herself to the court and state his or her intentions regarding the child. The
72 court shall initiate proceedings to establish paternity, or if no person identifies himself as the
73 father within thirty days, maternity. The juvenile officer shall make examination of the putative
74 father registry established in section 192.016 to determine whether attempts have previously been

75 made to preserve parental rights to the child. If such attempts have been made, the juvenile
76 officer shall make reasonable efforts to provide notice of the abandonment of the child to such
77 putative father.

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

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

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

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

94 10. The children's division shall:

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

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

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

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

103 **13. The director of the Missouri department of health and senior services may**
104 **promulgate all necessary rules and regulations for the administration of this section,**
105 **including rules governing the specifications, installation, maintenance, and oversight of**
106 **newborn safety incubators as defined under this section. Any rule or portion of a rule, as**
107 **that term is defined in section 536.010, that is created under the authority delegated in this**
108 **section shall become effective only if it complies with and is subject to all of the provisions**
109 **of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
110 **nonseverable, and if any of the powers vested with the general assembly pursuant to**

111 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
 112 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
 113 **proposed or adopted after August 28, 2020, shall be invalid and void.**

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

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

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

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

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

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

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

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

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

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

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

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

211.183. 1. In juvenile court proceedings regarding the removal of a child from his or
 2 her home, the court's order shall include a determination of whether the children's division has
 3 made reasonable efforts to prevent or eliminate the need for removal of the child and, after

4 removal, to make it possible for the child to return home. If the first contact with the family
5 occurred during an emergency in which the child could not safely remain at home even with
6 reasonable in-home services, the division shall be deemed to have made reasonable efforts to
7 prevent or eliminate the need for removal.

8 2. "Reasonable efforts" means the exercise of reasonable diligence and care by the
9 division to utilize all available services related to meeting the needs of the juvenile and the
10 family **as delineated in the social service plan as defined under section 210.110.** In
11 determining reasonable efforts to be made and in making such reasonable efforts, the child's
12 present and ongoing health and safety shall be the paramount consideration.

13 3. In support of its determination of whether reasonable efforts have been made, the
14 court shall enter findings, including a brief description of what preventive or reunification efforts
15 were made and why further efforts could or could not have prevented or shortened the separation
16 of the family. The division shall have the burden of demonstrating reasonable efforts.

17 4. The juvenile court may authorize the removal of the child even if the preventive and
18 reunification efforts of the division have not been reasonable, but further efforts could not permit
19 the child to remain at home.

20 5. Before a child may be removed from the parent, guardian, or custodian of the child
21 by order of a juvenile court, excluding commitments to the division of youth services, the court
22 shall in its orders:

23 (1) State whether removal of the child is necessary to protect the child and the reasons
24 therefor;

25 (2) Describe the services available to the family before removal of the child, including
26 in-home services;

27 (3) Describe the efforts made to provide those services relevant to the needs of the family
28 before the removal of the child;

29 (4) State why efforts made to provide family services described did not prevent removal
30 of the child; and

31 (5) State whether efforts made to prevent removal of the child were reasonable, based
32 upon the needs of the family and child.

33 6. If continuation of reasonable efforts, as described in this section, is determined by the
34 division to be inconsistent with establishing a permanent placement for the child, the division
35 shall take such steps as are deemed necessary by the division, including seeking modification of
36 any court order to modify the permanency plan for the child.

37 7. The division shall not be required to make reasonable efforts, as defined in this
38 section, but has the discretion to make reasonable efforts if a court of competent jurisdiction has
39 determined that:

40 (1) The parent has subjected the child **or another child of the parent** to a severe act or
41 recurrent acts of physical, emotional or sexual abuse toward the child, including an act of incest;
42 or

43 (2) The parent has:

44 (a) Committed murder of another child of the parent;

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

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

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

50 (3) The parent's parental rights to a sibling have been involuntarily terminated.

51 8. If the court determines that reasonable efforts, as described in this section, are not
52 required to be made by the division, the court shall hold a permanency hearing within thirty days
53 after the court has made such determination. The division shall complete whatever steps are
54 necessary to finalize the permanent placement of the child.

55 9. The division may concurrently engage in reasonable efforts, as described in this
56 section, while engaging in such other measures as are deemed appropriate by the division to
57 establish a permanent placement for the child.

211.444. The juvenile court may, upon petition of **a guardian ad litem**, the juvenile
2 officer or a child-placing agency licensed under sections 210.481 to 210.536 in conjunction with
3 a placement with such agency under subsection 6 of section 453.010 or a private attorney filing
4 a petition for adoption under the provisions of chapter 453, terminate the rights of a parent or
5 receive the consent to a specific adoption or waiver of consent to adoption executed by a parent
6 or named father to a child, including a child who is a ward of the court, if the court finds that
7 such termination, consent to a specific adoption, or waiver of consent to adoption is in the best
8 interests of the child, and the parent or named father has, in a properly executed writing under
9 section 453.030 or 453.050, consented to the termination of his or her parental rights, consented
10 to a specific adoption, or waived consent to adoption.

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 **a guardian ad litem**, the juvenile
10 officer or the division, or if such a petition has been filed by another party, the juvenile officer
11 or the division shall seek 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]~~ **young child**. For purposes of this subdivision, ~~[an "infant"]~~ **a "young child"** means any
16 child ~~[one-year]~~ **three years** of age or under at the time of filing of the petition. The court may
17 find that ~~[an infant]~~ **a young 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 **for a period of sixty days immediately prior to the filing of the petition for**
24 **termination of parental rights**; or

25 (c) The parent has voluntarily relinquished ~~[a]~~ **the** child under section 210.950; or

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

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

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

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

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

33 (4) The parent has been found guilty of or pled guilty to ~~[a felony violation of chapter~~
34 ~~566 or 573 when the child or any child in the family was a victim, or a violation of section~~
35 ~~568.020 or 568.065 when the child or any child in the family was a victim]~~ **an offense under**
36 **section 565.020, 565.021, 565.023, 565.024, 565.050, 567.050, 568.030, 568.045, 568.060,**
37 **568.065, 568.175, 573.023, 573.025, 573.035, 573.200, or 573.205 if a child was the victim**
38 **or a felony offense under chapter 566 if a child was the victim.**

39

40 As used in this subdivision, a "child" means any person who was under eighteen years of age at
41 the time of the ~~[crime and who resided with such parent or was related within the third degree~~
42 ~~of consanguinity or affinity to such parent]~~ **offense.**

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

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

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

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

57 (3) The family of the child has not been provided such services as provided for in section
58 211.183.

59 5. The juvenile officer or the division, **or the guardian ad litem**, may file a petition to
60 terminate the parental rights of the child's parent when it appears that one or more of the
61 following grounds for termination exist:

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

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

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

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

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

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

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

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

89

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

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

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

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

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

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

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

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

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

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

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

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

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

149 e. **For at least fifteen of the twenty-two months prior to the filing of the petition, the**
150 **child has been in an out-of-home placement.**

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

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

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

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

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

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

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

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

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

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

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

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

184 11. A court of competent jurisdiction may terminate the parental rights of a biological
185 father of a child if he is an alleged perpetrator of forcible rape under section 566.030 as it existed
186 prior to August 28, 2013, or rape in the first degree under section 566.030 that resulted in the

187 conception and birth of the child. The biological mother who is the victim of [~~the forcible~~] rape
188 [~~or rape in the first degree~~] **that resulted in the conception and birth of the child** or, if she is
189 a minor, someone on her behalf may file a petition to terminate the parental rights of the
190 biological father. The court may terminate the parental rights of the biological father if the court
191 finds that by:

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

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

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

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

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

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

211 (3) All rights of the child to inherit under the probate code, as defined in section
212 472.010; provided that, for purposes of intestate succession, the biological father or his kindred
213 shall have no right to inherit from or through the child;

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

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

218

219 If the mother declines to seek a court order for child support under this subsection, no state
220 agency shall require the mother to do so in order to receive public assistance benefits for herself
221 or the child, including, but not limited to, benefits for temporary assistance for needy families,
222 supplemental nutrition assistance program, or MO HealthNet. The court order terminating the

223 parental rights of the biological father under subdivision (5) of subsection 5 of this section or
 224 subsection 11 of this section shall serve as a sufficient basis for a good cause or other exemptions
 225 under 42 U.S.C. Section 654(29) and the state agency shall not require the mother or the child
 226 to otherwise provide the identity, location, income, or assets of the biological father or have
 227 contact or communicate with the biological father. However, nothing in this subsection shall
 228 prohibit a state agency from requesting that the mother assign any child support rights she
 229 receives under this subsection to the state as a condition of receipt of public assistance benefits
 230 under applicable federal and state law.

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

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

217.779. 1. For purposes of this section, the following terms mean:

**2 (1) "Community-based sentencing", a criminal sentence other than incarceration
 3 that focuses on maintaining the family unit or support of dependent person or persons;**

**4 (2) "Dependent person", a person who is under eighteen years of age or a person
 5 who is permanently disabled and unable to care for himself or herself;**

**6 (3) "Primary caretaker", a parent, adult child, or legal guardian who, at the time
 7 of his or her arrest, had assumed responsibility and was actively providing for the housing,
 8 health, safety, or economic support of a dependent person.**

**9 2. A primary caretaker shall not be eligible for a community-based sentence under
 10 this section if the offender was convicted of or pled guilty to a felony offense under section
 11 565.021; 565.023; 565.024; 565.027; 565.050; 565.052; 565.054; 565.072; 565.073; 565.074;
 12 565.090; 565.110; 565.115; 565.120; 565.153; 565.156; 565.225; 565.300; 566.030; 566.031;
 13 566.032; 566.034; 566.060; 566.061; 566.062; 566.064; 566.067; 566.068; 566.069; 566.071;
 14 566.083; 566.086; 566.100; 566.101; 566.103; 566.111; 566.115; 566.145; 566.151; 566.153;
 15 566.203; 566.206; 566.209; 566.210; 566.211; 566.215; 568.020; 568.030; 568.045; 568.060;
 16 568.065; 568.175; 569.040; 569.160; 570.023; 570.025; 570.030 if punished as a class A, B,
 17 or C felony; 570.145 if punished as a class A or B felony; 570.223 if punished as a class B
 18 or C felony; 571.020; 571.030; 571.070; 573.023; 573.025; 573.035; 573.037; 573.200;
 19 573.205; 574.070; 574.080; 574.115; 575.030; 575.150; 575.153; 575.155; 575.157; 575.200**

20 if punished as a class A felony; 575.210; 575.230 if punished as a class B felony; 575.240 if
21 punished as a class B felony; 576.070; 576.080; 577.010; 577.013; 577.078; 577.703;
22 577.706; 579.065; or 579.068 if punished as a class A or B felony.

23 3. (1) Prior to sentencing and by oral or written motion of either party or the court,
24 the court shall determine whether an offender is eligible for a community-based sentence
25 under this section. An offender shall be eligible if:

26 (a) The offender is a primary caretaker of a dependent person; and

27 (b) The offender did not commit an offense against the dependent person.

28 (2) If the court determines that an offender who has pleaded guilty to or been found
29 guilty of an offense not listed under subsection 2 of this section and is a primary caretaker
30 of a dependent person, the court may impose an individually assessed, community-based
31 sentence, rather than incarceration, with the goal of rehabilitation and family unity and
32 support.

33 (3) Requirements for a community-based sentence shall include:

34 (a) That the primary caretaker is actively caring for the dependent;

35 (b) That the court of the county of the violation or arrest shall have original
36 jurisdiction while the offender completes his or her community-based sentence;

37 (c) That any sentence or treatment issued by the court shall allow the offender to
38 remain as close as possible to his or her dependent; and

39 (d) That the offender completes a community corrections program administered
40 by the department of corrections, or such department's contractor or designee, or
41 completes the terms of the community-based sentence. Conditions of the community-based
42 sentence may include telephone check-ins or face-to-face meetings with the department of
43 corrections personnel, contractor, or designee to evaluate the offender's compliance with
44 conditions.

45 (4) If determining conditions of a community-based sentence, a judge shall consider
46 the importance to the family of the offender maintaining employment.

47 (5) The court may modify or revoke the community-based sentence or the
48 conditions of the sentence, including:

49 (a) Decreasing the duration of the sentence imposed;

50 (b) Requiring the offender to serve a term of confinement within the range of the
51 offense for which the offender was originally convicted; or

52 (c) Requiring the offender to be subject to additional conditions authorized by law
53 for sentences of probation.

54 **(6) The department of corrections shall publish a report once per year on the**
55 **agency's website, including the number of community-based sentences imposed under this**
56 **section and the number of community-based sentences that resulted in revocation.**

57 **(7) The department of social services shall report once per year to the general**
58 **assembly the number of children entering foster care as the result of the revocation of a**
59 **community-based primary caretaker sentence.**

 431.056. 1. A minor shall be qualified and competent to contract for **legal services**,
2 housing, employment, purchase of an automobile, receipt of a student loan, admission to high
3 school or postsecondary school, obtaining medical **and mental health** care, establishing a bank
4 account, admission to a shelter for victims of domestic violence, as that phrase is used in sections
5 455.200 to 455.220, a rape crisis center, as defined in section 455.003, or a homeless shelter, and
6 receipt of services as a victim of domestic violence or sexual assault, as such terms are defined
7 in section 455.010, including but not limited to counseling, court advocacy, financial assistance,
8 and other advocacy services, if:

9 (1) The minor is sixteen or seventeen years of age; and

10 (2) The minor is homeless, as defined in subsection 1 of section 167.020, or a victim of
11 domestic violence, as defined in section 455.010, unless the child is under the supervision of the
12 children's division or the jurisdiction of the juvenile court; and

13 (3) The minor is self-supporting, such that the minor is without the physical or financial
14 support of a parent or legal guardian; and

15 (4) The minor's parent or legal guardian has consented to the minor living independent
16 of the parents' or guardians' control. Consent may be expressed or implied, such that:

17 (a) Expressed consent is any verbal or written statement made by the parents or guardian
18 of the minor displaying approval or agreement that the minor may live independently of the
19 parent's or guardian's control;

20 (b) **a.** Implied consent is any action made by the parent or guardian of the minor that
21 indicates the parent or guardian is unwilling or unable to adequately care for the minor. Such
22 actions may include, but are not limited to:

23 ~~[a-]~~ **(i)** Barring the minor from the home or otherwise indicating that the minor is not
24 welcome to stay;

25 ~~[b-]~~ **(ii)** Refusing to provide any or all financial support for the minor; or

26 ~~[c-]~~ **(iii)** Abusing or neglecting the minor, as defined in section 210.110 or committing
27 an act or acts of domestic violence against the minor, as defined in section 455.010.

28 **b. Implied consent, in addition to the actions described in subparagraph a. of this**
29 **paragraph, may also be demonstrated by a letter signed by the following persons verifying**
30 **that the minor is an unaccompanied youth as defined in 42 U.S.C Section 11434a(6):**

31 **(i) A director or designee of a governmental or nonprofit agency that receives**
32 **public or private funding to provide services to homeless persons;**

33 **(ii) A local education agency liaison for homeless children and youth designated**
34 **under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or**

35 **(iii) A licensed attorney representing the minor in any legal matter.**

36 2. A minor who is sixteen years of age or older and who is in the legal custody of the
37 children's division pursuant to an order of a court of competent jurisdiction shall be qualified and
38 competent to contract for the purchase of automobile insurance with the consent of the children's
39 division or the juvenile court. The minor shall be responsible for paying the costs of the
40 insurance premiums and shall be liable for damages caused by his or her negligent operation of
41 a motor vehicle. No state department, foster parent, or entity providing case management of
42 children on behalf of a department shall be responsible for paying any insurance premiums nor
43 liable for any damages of any kind as a result of the operation of a motor vehicle by the minor.

44 3. A minor who is sixteen years of age or older and who is in the legal custody of the
45 children's division pursuant to an order of a court of competent jurisdiction shall be qualified and
46 competent to contract for the opening of a checking or savings bank account with the consent
47 of the children's division or the juvenile court. The minor shall be responsible for paying all
48 banking-related costs associated with the checking or savings account and shall be liable for any
49 and all penalties should he or she violate a banking agreement. No state department, foster
50 parent, or entity providing case management of children on behalf of a department shall be
51 responsible for paying any bank fees nor liable for any and all penalties related to violation of
52 a banking agreement.

53 **4. Any legally constituted entity or licensed provider who contracts with a minor**
54 **under subsection 1 of this section shall be immune from any civil or criminal liability based**
55 **on the entity's or provider's determination to contract with the minor; provided that, if an**
56 **entity's or provider's determination of compliance with subsection 1 of this section, or**
57 **conduct in contracting with the minor, is the result of the entity's or provider's gross**
58 **negligence or willful or wanton acts or omissions, the entity or provider may be held liable**
59 **for their gross negligence or willful or wanton acts or omissions. Consent given under this**
60 **section shall not be subject to later disaffirmance by reason of the minor's age.**

452.402. 1. The court may grant reasonable visitation rights to the grandparents,
2 **stepparents, or siblings** of the child and issue any necessary orders to enforce the decree when
3 a grandparent, **stepparent, or sibling** has been unreasonably denied visitation for a period
4 exceeding sixty days, and:

5 (1) The parents of the child have filed for a dissolution of their marriage. A grandparent,
6 **stepparent, or sibling** shall have the right to intervene in any dissolution action solely on the

7 issue of visitation rights. Grandparents, **stepparents, or siblings** shall also have the right to file
8 a motion to modify the original decree of dissolution to seek visitation rights when visitation has
9 been denied to them;

10 (2) One parent of the child is deceased and the surviving parent denies reasonable
11 visitation to a parent of the deceased parent, **stepparent, or sibling** of the child; or

12 (3) The child has resided in the grandparent's, **stepparent's, or sibling's** home for at
13 least six months within the twenty-four month period immediately preceding the filing of the
14 petition.

15

16 Except as otherwise provided in subdivision (1) of this subsection, if the natural parents are
17 legally married to each other and are living together with the child, a grandparent, **stepparent,**
18 **or sibling** may not file for visitation pursuant to this subsection.

19 2. Before ordering visitation, the court shall, in addition to the requirements of
20 subsection 1 of this section, determine if the visitation by the grandparent, **stepparent, or sibling**
21 would be in the child's best interests. Visitation may only be ordered when the court finds such
22 visitation to be in the best interests of the child. The court may order reasonable conditions or
23 restrictions on grandparent, **stepparent, or sibling** visitation.

24 3. If the court finds it to be in the best interests of the child, the court may appoint a
25 guardian ad litem for the child. The guardian ad litem shall be an attorney licensed to practice
26 law in Missouri. The guardian ad litem may, for the purpose of determining the question of
27 grandparent, **stepparent, or sibling** visitation rights, participate in the proceedings as if such
28 guardian ad litem were a party. The court shall enter judgment allowing a reasonable fee to the
29 guardian ad litem.

30 4. A home study, as described by section 452.390, may be ordered by the court to assist
31 in determining the best interests of the child.

32 5. The court may, in its discretion, consult with the child regarding the child's wishes in
33 determining the best interest of the child.

34 6. The right of a grandparent, **stepparent, or sibling** to maintain visitation rights
35 pursuant to this section may terminate upon the adoption of the child.

36 7. The court may award reasonable attorneys fees and expenses to the prevailing party.

452.403. 1. Upon the written request of a grandparent, **stepparent, or sibling** denied
2 visitation with a grandchild, **stepchild, or sibling**, the ~~[associate division of the]~~ circuit court
3 may order mediation with any party who has custody or visitation rights with the minor child and
4 appoint a mediator. Such written request need not follow the rules of civil procedure and need
5 not be written or filed by an attorney.

6 2. As used in this section, "mediation" is the process by which a neutral mediator
7 appointed by the court assists the parties in reaching a mutually acceptable voluntary and
8 consensual agreement in the best interests of the child as to issues of child care and visitation.
9 The role of the mediator is to aid the parties in identifying the issues, reducing
10 misunderstandings, clarifying priorities, exploring areas of common interest and finding points
11 of agreement. An agreement reached by the parties shall be based on the decisions of the parties
12 and not the decisions of the mediator. The agreement reached may resolve all or only some of
13 the disputed issues.

14 3. At any time after the third mediation session, either party may terminate mediation
15 ordered pursuant to this section.

16 4. The costs of the mediation shall be paid by the grandparent, **stepparent, or sibling**
17 requesting the mediation order.

18 5. The venue shall be in the county where the child resides.

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

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

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

14 (1) The mother of the child;

15 (2) Any man who:

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

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

21 (c) Filed with the putative father registry pursuant to section 192.016 a notice of intent
22 to claim paternity or an acknowledgment of paternity either prior to or within fifteen days after

23 the child's birth, and has filed an action to establish his paternity in a court of competent
24 jurisdiction no later than fifteen days after the birth of the child; and

25 (3) The child's current adoptive parents or other legally recognized mother and father.
26

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

29 4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section
30 may be executed before or after the birth of the child or before or after the commencement of the
31 adoption proceedings, and shall be executed in front of a judge or acknowledged before a notary
32 public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the
33 consenting birth parent of the consequences of the consent. In lieu of such acknowledgment, the
34 signature of the person giving such written consent shall be witnessed by the signatures of at
35 least two adult persons whose signatures and addresses shall be plainly written thereon. The two
36 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 department of social services. No rule or portion of a rule promulgated under the authority of
60 this section shall become effective unless it has been promulgated pursuant to the provisions of
61 chapter 536. If a written consent is obtained after August 28, 1997, but prior to the development
62 of a consent form by the department and the written consent complies with the provisions of
63 subsection 8 of this section, such written consent shall be deemed valid.

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

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

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

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

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

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

78 (1) A birth parent requests representation;

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

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

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

86 ~~13. The court shall receive and acknowledge a written consent to adoption properly~~
87 ~~executed by a birth parent under this section when such consent is in the best interests of the~~
88 ~~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]~~ **three**
19 **years** of age or older, or at least sixty days, for a child under ~~[one year]~~ **three years** of age,
20 immediately prior to the filing of the petition for adoption, ~~[willfully abandoned the child or, for~~
21 ~~a period of at least six months immediately prior to the filing of the petition for adoption,]~~
22 willfully, substantially, and continuously neglected to provide ~~[him]~~ **the child** with necessary
23 care and protection;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52

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

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

453.121. 1. As used in this section, unless the context clearly indicates otherwise, the
2 following terms mean:

3 (1) "Adopted adult", any adopted person who is eighteen years of age or over;

4 (2) "Adopted child", any adopted person who is less than eighteen years of age;

5 (3) "Adult sibling", any brother or sister of the whole or half blood who is eighteen years
6 of age or over;

7 (4) "Biological parent", the natural and biological mother or father of the adopted child;

8 (5) "Identifying information", information which includes the name, date of birth, place
9 of birth and last known address of the biological parent;

10 (6) "Lineal descendant", [~~a legal descendant of a person~~] as defined in section 472.010;

11 (7) "Nonidentifying information", information [~~concerning the physical description,
12 nationality, religious background and medical history of the biological parent or sibling~~] **that is
13 not identifying information.**

14 2. All papers, records, and information pertaining to an adoption whether part of any
15 permanent record or file may be disclosed only in accordance with this section.

16 3. Nonidentifying information, if known, concerning undisclosed biological parents or
17 siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive
18 parents, legal guardians, adopted adult or the adopted adult's lineal descendants if the adopted
19 adult is deceased, upon written request therefor.

20 4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is
21 deceased, may make a written request to the circuit court having original jurisdiction of such

22 adoption to secure and disclose information identifying the adopted adult's biological parents.
23 If the biological parents have consented to the release of identifying information under
24 subsection 8 of this section, the court shall disclose such identifying information to the adopted
25 adult or the adopted adult's lineal descendants if the adopted adult is deceased. If the biological
26 parents have not consented to the release of identifying information under subsection 8 of this
27 section, the court shall, within ten days of receipt of the request, notify in writing the
28 child-placing agency or juvenile court personnel having access to the information requested of
29 the request by the adopted adult or the adopted adult's lineal descendants.

30 5. Within three months after receiving notice of the request of the adopted adult, or the
31 adopted adult's lineal descendants, the child-placing agency or the juvenile court personnel shall
32 make reasonable efforts to notify the biological parents of the request of the adopted adult or the
33 adopted adult's lineal descendants. The child-placing agency or juvenile court personnel may
34 charge actual costs to the adopted adult or the adopted adult's lineal descendants for the cost of
35 making such search. All communications under this subsection are confidential. For purposes
36 of this subsection, "notify" means a personal and confidential contact with the biological parent
37 of the adopted adult, which initial contact shall be made by an employee of the child-placing
38 agency which processed the adoption, juvenile court personnel or some other licensed
39 child-placing agency designated by the child-placing agency or juvenile court. Nothing in this
40 section shall be construed to permit the disclosure of communications privileged pursuant to
41 section 491.060. At the end of three months, the child-placing agency or juvenile court
42 personnel shall file a report with the court stating that each biological parent that was located was
43 given the following information:

- 44 (1) The nature of the identifying information to which the agency has access;
- 45 (2) The nature of any nonidentifying information requested;
- 46 (3) The date of the request of the adopted adult or the adopted adult's lineal descendants;
- 47 (4) The right of the biological parent to file an affidavit with the court stating that the
48 identifying information should be disclosed;
- 49 (5) The effect of a failure of the biological parent to file an affidavit stating that the
50 identifying information should be disclosed.

51 6. If the child-placing agency or juvenile court personnel reports to the court that it has
52 been unable to notify the biological parent within three months, the identifying information shall
53 not be disclosed to the adopted adult or the adopted adult's lineal descendants. Additional
54 requests for the same or substantially the same information may not be made to the court within
55 one year from the end of the three-month period during which the attempted notification was
56 made, unless good cause is shown and leave of court is granted.

57 7. If, within three months, the child-placing agency or juvenile court personnel reports
58 to the court that it has notified the biological parent pursuant to subsection 5 of this section, the
59 court shall receive the identifying information from the child-placing agency. If an affidavit duly
60 executed by a biological parent authorizing the release of information is filed with the court or
61 if a biological parent is found to be deceased, the court shall disclose the identifying information
62 as to that biological parent to the adopted adult or the adopted adult's lineal descendants if the
63 adopted adult is deceased, provided that the other biological parent either:

- 64 (1) Is unknown;
65 (2) Is known but cannot be found and notified pursuant to subsection 5 of this section;
66 (3) Is deceased; or
67 (4) Has filed with the court an affidavit authorizing release of identifying information.
68

69 If the biological parent fails or refuses to file an affidavit with the court authorizing the release
70 of identifying information, then the identifying information shall not be released to the adopted
71 adult. No additional request for the same or substantially the same information may be made
72 within three years of the time the biological parent fails or refuses to file an affidavit authorizing
73 the release of identifying information.

74 **8. Notwithstanding any provision of law, all information, including identifying**
75 **information, shall be released to an adopted adult if the adopted adult's biological parent**
76 **lost his or her parental rights through a nonconsensual termination of parental rights**
77 **proceeding.**

78 **9.** Any adopted adult whose adoption was finalized in this state or whose biological
79 parents had their parental rights terminated in this state may request the court to secure and
80 disclose identifying information concerning an adult sibling. Identifying information pertaining
81 exclusively to the adult sibling, whether part of the permanent record of a file in the court or in
82 an agency, shall be released only upon consent of that adult sibling.

83 ~~[9.]~~ **10.** The central office of the children's division within the department of social
84 services shall maintain a registry by which biological parents, adult siblings, and adoptive adults
85 may indicate their desire to be contacted by each other. The division may request such
86 identification for the registry as a party may possess to assure positive identifications. At the
87 time of registry, a biological parent or adult sibling may consent in writing to the release of
88 identifying information to an adopted adult. If such a consent has not been executed and the
89 division believes that a match has occurred on the registry between biological parents or adult
90 siblings and an adopted adult, an employee of the division shall make the confidential contact
91 provided in subsection 5 of this section with the biological parents or adult siblings and with the
92 adopted adult. If the division believes that a match has occurred on the registry between one

93 biological parent or adult sibling and an adopted adult, an employee of the division shall make
94 the confidential contact provided by subsection 5 of this section with the biological parent or
95 adult sibling. The division shall then attempt to make such confidential contact with the other
96 biological parent, and shall proceed thereafter to make such confidential contact with the adopted
97 adult only if the division determines that the other biological parent meets one of the conditions
98 specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult
99 may refuse to go forward with any further contact between the parties when contacted by the
100 division.

101 ~~[10.]~~ **11.** The provisions of this section, except as provided in subsection 5 of this section
102 governing the release of identifying and nonidentifying adoptive information apply to adoptions
103 completed before and after August 13, 1986.

104 ~~[11.]~~ **12.** All papers, records, and information known to or in the possession of an
105 adoptive parent or adoptive child that pertain to an adoption, regardless of whether part of any
106 permanent record or file, may be disclosed by the adoptive parent or adoptive child. The
107 provisions of this subsection shall not be construed to create a right to have access to information
108 not otherwise allowed under this section.

453.350. 1. Beginning July 1, 2014, all Missouri foster children fifteen years of age or
2 older shall receive a visit to a Missouri state university or a Missouri state community or
3 technical college in the foster child's area or an armed services recruiter before the foster child
4 may be 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 and
6 shall include the entry application process, financial support application and availability, career
7 options with academic or technical training, a tour of the school, and other information and
8 experience desired.

9 2. Beginning July 1, 2014, all youth fifteen years of age or older in the division of youth
10 services program shall receive a visit to a Missouri state university or a Missouri state
11 community or technical college in the youth's area or an armed services recruiter before the
12 youth's custody or training is completed unless waived by the family support team. Such visit
13 shall be in addition to any other services that older youth are usually provided and shall include
14 the entry application process, financial support application and availability, career options with
15 academic or technical training, a tour of the school, and other information and experience
16 desired.

17 3. Agencies ~~[defined]~~ **described** in subsection ~~[2]~~ **5** of section 210.112 that are providing
18 foster care case management services for foster children can document and, if requested, shall
19 receive from the Missouri department of social services reimbursement for costs associated with
20 meeting the requirements of this section.

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

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

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

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

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

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

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

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

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

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

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

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

~~5 (1) A felony violation of section 566.030, 566.031, 566.032, 566.060, 6 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083;~~

7 ~~566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, 566.211, or~~
8 ~~566.215;~~
9 ~~(2) A violation of section 568.020;~~
10 ~~(3) Abuse of a child under section 568.060 when such abuse is sexual in~~
11 ~~nature;~~
12 ~~(4) A violation of section 568.065;~~
13 ~~(5) A violation of section 573.200;~~
14 ~~(6) A violation of section 573.205; or~~
15 ~~(7) A violation of section 568.175;~~
16 ~~(8) A violation of section 566.040, 566.070, or 566.090 as such sections~~
17 ~~existed prior to August 28, 2013; or~~
18 ~~(9) A violation of section 566.212, 568.080, or 568.090 as such sections~~
19 ~~existed prior to January 1, 2017.~~
20 ~~2. For all other violations of offenses in chapters 566 and 568 not~~
21 ~~specifically listed in subsection 1 of this section or for a violation of an offense~~
22 ~~committed in another state when a child is the victim that would be a violation~~
23 ~~of chapter 566 or 568, if committed in Missouri, the division may exercise its~~
24 ~~discretion regarding the placement of a child taken into the custody of the state~~
25 ~~in which a parent or any person residing in the home has been found guilty of any~~
26 ~~such offense.~~
27 ~~3. In any case where the children's division determines based on a~~
28 ~~substantiated report of child abuse that a child has abused another child, the~~
29 ~~abusing child shall be prohibited from returning to or residing in any residence,~~
30 ~~facility, or school within one thousand feet of the residence of the abused child~~
31 ~~or any child care facility or school that the abused child attends, unless and until~~
32 ~~a court of competent jurisdiction determines that the alleged abuse did not occur~~
33 ~~or the abused child reaches the age of eighteen, whichever earlier occurs. The~~
34 ~~provisions of this subsection shall not apply when the abusing child and the~~
35 ~~abused child are siblings or children living in the same home.]~~
36

2 ~~[210.130. 1. Oral reports of abuse or neglect shall be made to the~~
3 ~~division by telephone or otherwise.~~
4 ~~2. Such reports shall include the following information: The names and~~
5 ~~addresses of the child and his parents or other persons responsible for his care,~~
6 ~~if known; the child's age, sex, and race; the nature and extent of the child's~~
7 ~~injuries, abuse, or neglect, including any evidence of previous injuries, abuse, or~~
8 ~~neglect to the child or his siblings; the name, age and address of the person~~
9 ~~responsible for the injuries, abuse or neglect, if known; family composition; the~~
10 ~~source of the report; the name and address of the person making the report, his~~
11 ~~occupation, and where he can be reached; the actions taken by the reporting~~
12 ~~source, including the taking of color photographs or the making of radiologic~~
13 ~~examinations pursuant to sections 210.110 to 210.165, or both such taking of~~
 ~~color photographs or making of radiologic examinations, removal or keeping of~~

14 ~~the child, notifying the coroner or medical examiner, and other information that~~
15 ~~the person making the report believes may be helpful in the furtherance of the~~
16 ~~purposes of sections 210.110 to 210.165.~~

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

20

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

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