

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 819

99TH GENERAL ASSEMBLY

2018

5536S.02T

AN ACT

To repeal sections 191.737, 191.739, 193.265, 210.003, 210.101, 210.102, 210.103, 210.110, 210.112, 210.115, 210.145, 210.152, 210.487, 210.498, 211.447, 431.056, 453.015, 453.030, 453.080, 453.121, 475.024, 556.036, 556.037, and 610.021, RSMo, and to enact in lieu thereof twenty-six new sections relating to the protection of children.

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

Section A. Sections 191.737, 191.739, 193.265, 210.003, 210.101, 210.102, 210.103, 210.110, 210.112, 210.115, 210.145, 210.152, 210.487, 210.498, 211.447, 431.056, 453.015, 453.030, 453.080, 453.121, 475.024, 556.036, 556.037, and 610.021, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 37.940, 191.737, 191.739, 193.265, 210.003, 210.102, 210.110, 210.112, 210.115, 210.145, 210.152, 210.487, 210.498, 210.1030, 211.447, 431.056, 453.015, 453.030, 453.080, 453.121, 475.600, 475.602, 475.604, 556.036, 556.037, and 610.021, to read as follows:

37.940. 1. There is hereby established within the office of administration the "Social Innovation Grant Program". The governor shall designate an individual to serve as the executive director of the social innovation grant program, who shall establish and oversee the program. For purposes of this section, the following terms mean:

(1) "Critical state concern", instances or circumstances in which the state of Missouri is currently, and will likely be in the future, responsible for the costs associated with a particular act of the state through annual appropriations. The programs for which the costs are

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 associated may not be optimal for reducing the overall scope of the
11 problem to the greatest extent while limiting the exposure of the state
12 budget;

13 (2) "Demonstration project", a project selected by the social
14 innovation grant team in response to the grant team's request for
15 proposals process;

16 (3) "Social innovation grant", a grant awarded to a nonprofit
17 organization with experience in the area of critical state concern to
18 design a short-term demonstration project based on evidence and best
19 practices that can be replicated to optimize state funding and services
20 for populations and programs identified as areas of critical state
21 concern.

22 2. Areas of critical state concern include, but are not limited to:

23 (1) Families in generational child welfare;

24 (2) Opioid-addicted pregnant women; and

25 (3) Children in residential treatment with behavioral issues
26 where the children were not removed from the family due to abuse or
27 neglect.

28 The office of administration or the general assembly may identify
29 additional critical state concerns that could potentially be addressed
30 through the social innovation grant program.

31 3. For any critical state concern for which a social innovation
32 grant is being utilized, the executive director shall establish a "Social
33 Innovation Grant Team" to be comprised of:

34 (1) Individuals working in governmental agencies responsible for
35 the oversight of programs related to the critical state concern;

36 (2) Persons working in the nonprofit sector with practical field
37 experience related to the critical state concern; and

38 (3) Academic leaders in research and study related to the critical
39 state concern.

40 4. The social innovation grant team shall be charged with:

41 (1) Formulating a request for proposals for social innovation
42 grants;

43 (2) Evaluating responsive proposals and selecting those bids for
44 demonstration projects that provide the greatest opportunity for
45 addressing the critical state concern in a cost-effective and replicable
46 way; and

47 **(3) Monitoring demonstration projects and evaluating them**
48 **based on the objectives outlined in the request for proposals, the**
49 **program's outline, the project's impact on the critical state concern,**
50 **and the project's ability to be replicated on a cost-effective basis.**

51 **5. Demonstration projects shall be operated over a period of time**
52 **sufficient to impact the population served by the project based on the**
53 **parameters and objectives outlined in the request for**
54 **proposals. Grantees, at a minimum, shall be nonprofit organizations**
55 **with experience working with the population identified as a critical**
56 **state concern.**

57 **6. Upon the conclusion of a demonstration project, the social**
58 **innovation grant team shall compile all relevant data and submit a**
59 **report to the general assembly:**

60 **(1) Evaluating the project's effectiveness in impacting the**
61 **critical state concern;**

62 **(2) Assessing, based on the actual experience of the project, the**
63 **likely ease of statewide deployment in a methodology consistent with**
64 **the execution of the project and identifying possible barriers to**
65 **deployment;**

66 **(3) Analyzing the likely cost of statewide deployment; and**

67 **(4) Identifying funding strategies for statewide deployment,**
68 **which may include scaling based on savings reinvestment or outside**
69 **capital investments.**

70 **7. The social innovation grant team shall identify methods to**
71 **fund the social innovation grant program, including state partnerships**
72 **with nonprofit organizations and foundations. The executive director**
73 **of the social innovation grant program shall identify sustainability**
74 **models for deploying successful demonstration projects.**

75 **8. All social innovation grants shall be subject to appropriation.**

76 **9. The office of administration may promulgate rules and**
77 **regulations to implement the provisions of this section. Any rule or**
78 **portion of a rule, as that term is defined in section 536.010, that is**
79 **created under the authority delegated in this section shall become**
80 **effective only if it complies with and is subject to all of the provisions**
81 **of chapter 536 and, if applicable, section 536.028. This section and**
82 **chapter 536 are nonseverable, and if any of the powers vested with the**
83 **general assembly pursuant to chapter 536 to review, to delay the**

84 **effective date, or to disapprove and annul a rule are subsequently held**
85 **unconstitutional, then the grant of rulemaking authority and any rule**
86 **proposed or adopted after August 28, 2018, shall be invalid and void.**

87 **10. Under section 23.253 of the Missouri sunset act:**

88 **(1) The provisions of the new program authorized under this**
89 **section shall automatically sunset six years after the effective date of**
90 **this section unless reauthorized by an act of the general assembly;**

91 **(2) If such program is reauthorized, the program authorized**
92 **under this section shall automatically sunset twelve years after the**
93 **effective date of the reauthorization of this section; and**

94 **(3) This section shall terminate on September first of the**
95 **calendar year immediately following the calendar year in which the**
96 **program authorized under this section is sunset.**

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

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

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

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

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

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

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

27 [5.] 4. Referral and associated documentation provided for in this section
28 shall be confidential and shall not be used in any criminal prosecution.

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

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

 193.265. 1. For the issuance of a certification or copy of a death record,
2 the applicant shall pay a fee of thirteen dollars for the first certification or copy
3 and a fee of ten dollars for each additional copy ordered at that time. For the
4 issuance of a certification or copy of a birth, marriage, divorce, or fetal death
5 record, the applicant shall pay a fee of fifteen dollars. **No fee shall be
6 required or collected for a certification of birth, death, or marriage if
7 the request for certification is made by the children's division, the
8 division of youth services, a guardian ad litem, or a juvenile officer on
9 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
11 fees shall be deposited to the state department of revenue. Beginning August 28,
12 2004, for each vital records fee collected, the director of revenue shall credit four
13 dollars to the general revenue fund, five dollars to the children's trust fund, one
14 dollar shall be credited to the endowed care cemetery audit fund, and three
15 dollars for the first copy of death records and five dollars for birth, marriage,
16 divorce, and fetal death records shall be credited to the Missouri public services
17 health fund established in section 192.900. Money in the endowed care cemetery
18 audit fund shall be available by appropriation to the division of professional
19 registration to pay its expenses in administering sections 214.270 to 214.410. All
20 interest earned on money deposited in the endowed care cemetery audit fund
21 shall be credited to the endowed care cemetery fund. Notwithstanding the
22 provisions of section 33.080 to the contrary, money placed in the endowed care

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

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

59 health agency. A certified copy of a death record by the local registrar can only
60 be issued within twenty-four hours of receipt of the record by the local
61 registrar. Computer-generated certifications of death records may be issued by
62 the local registrar after twenty-four hours of receipt of the records. The fees paid
63 to the official county health agency shall be retained by the local agency for local
64 public health purposes.

210.003. 1. No child shall be permitted to enroll in or attend any public,
2 private or parochial day care center, preschool or nursery school caring for ten or
3 more children unless such child has been adequately immunized against vaccine-
4 preventable childhood illnesses specified by the department of health and senior
5 services in accordance with recommendations of the Centers for Disease Control
6 and Prevention Advisory Committee on Immunization Practices (ACIP). The
7 parent or guardian of such child shall provide satisfactory evidence of the
8 required immunizations.

9 2. A child who has not completed all immunizations appropriate for his
10 **or her** age may enroll, if:

11 (1) Satisfactory evidence is produced that such child has begun the
12 process of immunization. The child may continue to attend as long as the
13 immunization process is being accomplished according to the ACIP/Missouri
14 department of health and senior services recommended schedule; [or]

15 (2) The parent or guardian has signed and placed on file with the day care
16 administrator a statement of exemption which may be either of the following:

17 (a) A medical exemption, by which a child shall be exempted from the
18 requirements of this section upon certification by a licensed physician that such
19 immunization would seriously endanger the child's health or life; or

20 (b) A parent or guardian exemption, by which a child shall be exempted
21 from the requirements of this section if one parent or guardian files a written
22 objection to immunization with the day care administrator; **or**

23 **(3) The child is homeless or in the custody of the children's**
24 **division and cannot provide satisfactory evidence of the required**
25 **immunizations. Satisfactory evidence shall be presented within thirty**
26 **days of enrollment and shall confirm either that the child has**
27 **completed all immunizations appropriate for his or her age or has**
28 **begun the process of immunization. If the child has begun the process**
29 **of immunization, he or she may continue to attend as long as the**
30 **process is being accomplished according to the schedule recommended**

31 **by the department of health and senior services.**

32 Exemptions shall be accepted by the day care administrator when the necessary
33 information as determined by the department of health and senior services is
34 filed with the day care administrator by the parent or guardian. Exemption
35 forms shall be provided by the department of health and senior services.

36 3. In the event of an outbreak or suspected outbreak of a vaccine-
37 preventable disease within a particular facility, the administrator of the facility
38 shall follow the control measures instituted by the local health authority or the
39 department of health and senior services or both the local health authority and
40 the department of health and senior services, as established in Rule 19 CSR 20-
41 20.040, "Measures for the Control of Communicable, **Environmental and**
42 **Occupational Diseases**".

43 4. The administrator of each public, private or parochial day care center,
44 preschool or nursery school shall cause to be prepared a record of immunization
45 of every child enrolled in or attending a facility under his **or her** jurisdiction. An
46 annual summary report shall be made by January fifteenth showing the
47 immunization status of each child enrolled, using forms provided for this purpose
48 by the department of health and senior services. The immunization records shall
49 be available for review by department of health and senior services personnel
50 upon request.

51 5. For purposes of this section, satisfactory evidence of immunization
52 means a statement, certificate or record from a physician or other recognized
53 health facility or personnel, stating that the required immunizations have been
54 given to the child and verifying the type of vaccine and the month, day and year
55 of administration.

56 6. Nothing in this section shall preclude any political subdivision from
57 adopting more stringent rules regarding the immunization of preschool children.

58 7. All public, private, and parochial day care centers, preschools, and
59 nursery schools shall notify the parent or guardian of each child at the time of
60 initial enrollment in or attendance at the facility that the parent or guardian may
61 request notice of whether there are children currently enrolled in or attending the
62 facility for whom an immunization exemption has been filed. Beginning
63 December 1, 2015, all public, private, and parochial day care centers, preschools,
64 and nursery schools shall notify the parent or guardian of each child currently
65 enrolled in or attending the facility that the parent or guardian may request
66 notice of whether there are children currently enrolled in or attending the facility

67 for whom an immunization exemption has been filed. Any public, private, or
68 parochial day care center, preschool, or nursery school shall notify the parent or
69 guardian of a child enrolled in or attending the facility, upon request, of whether
70 there are children currently enrolled in or attending the facility for whom an
71 immunization exemption has been filed.

210.102. 1. [It shall be the duty of the Missouri children's services
2 commission to:

3 (1) Make recommendations which will encourage greater interagency
4 coordination, cooperation, more effective utilization of existing resources and less
5 duplication of effort in activities of state agencies which affect the legal rights
6 and well-being of children in Missouri;

7 (2) Develop an integrated state plan for the care provided to children in
8 this state through state programs;

9 (3) Develop a plan to improve the quality of children's programs
10 statewide. Such plan shall include, but not be limited to:

11 (a) Methods for promoting geographic availability and financial
12 accessibility for all children and families in need of such services;

13 (b) Program recommendations for children's services which include child
14 development, education, supervision, health and social services;

15 (4) Design and implement evaluation of the activities of the commission
16 in fulfilling the duties as set out in this section;

17 (5) Report annually to the governor with five copies each to the house of
18 representatives and senate about its activities including, but not limited to the
19 following:

20 (a) A general description of the activities pertaining to children of each
21 state agency having a member on the commission;

22 (b) A general description of the plans and goals, as they affect children,
23 of each state agency having a member on the commission;

24 (c) Recommendations for statutory and appropriation initiatives to
25 implement the integrated state plan;

26 (d) A report from the commission regarding the state of children in
27 Missouri.

28 2.] There is hereby established within the [children's services commission]
29 **department of social services** the "Coordinating Board for Early Childhood",
30 which shall constitute a body corporate and politic, and shall include but not be
31 limited to the following members:

32 (1) A representative from the governor's office;

33 (2) A representative from each of the following departments: health and
34 senior services, mental health, social services, and elementary and secondary
35 education;

36 (3) A representative of the judiciary;

37 (4) A representative of the family and community trust board (FACT);

38 (5) A representative from the head start program;

39 (6) Nine members appointed by the governor with the advice and consent
40 of the senate who are representatives of the groups, such as business,
41 philanthropy, civic groups, faith-based organizations, parent groups, advocacy
42 organizations, early childhood service providers, and other stakeholders.

43 The coordinating board may make all rules it deems necessary to enable it to
44 conduct its meetings, elect its officers, and set the terms and duties of its
45 officers. The coordinating board shall elect from amongst its members a
46 chairperson, vice chairperson, a secretary-reporter, and such other officers as it
47 deems necessary. Members of the board shall serve without compensation but
48 may be reimbursed for actual expenses necessary to the performance of their
49 official duties for the board.

50 [3.] 2. The coordinating board for early childhood shall have the power
51 to:

52 (1) Develop a comprehensive statewide long-range strategic plan for a
53 cohesive early childhood system;

54 (2) Confer with public and private entities for the purpose of promoting
55 and improving the development of children from birth through age five of this
56 state;

57 (3) Identify legislative recommendations to improve services for children
58 from birth through age five;

59 (4) Promote coordination of existing services and programs across public
60 and private entities;

61 (5) Promote research-based approaches to services and ongoing program
62 evaluation;

63 (6) Identify service gaps and advise public and private entities on methods
64 to close such gaps;

65 (7) Apply for and accept gifts, grants, appropriations, loans, or
66 contributions to the coordinating board for early childhood fund from any source,
67 public or private, and enter into contracts or other transactions with any federal

68 or state agency, any private organizations, or any other source in furtherance of
69 the purpose of [subsections 2 and 3] **subsection 1** of this section **and this**
70 **subsection**, and take any and all actions necessary to avail itself of such aid and
71 cooperation;

72 (8) Direct disbursements from the coordinating board for early childhood
73 fund as provided in this section;

74 (9) Administer the coordinating board for early childhood fund and invest
75 any portion of the moneys not required for immediate disbursement in obligations
76 of the United States or any agency or instrumentality of the United States, in
77 obligations of the state of Missouri and its political subdivisions, in certificates
78 of deposit and time deposits, or other obligations of banks and savings and loan
79 associations, or in such other obligations as may be prescribed by the board;

80 (10) Purchase, receive, take by grant, gift, devise, bequest or otherwise,
81 lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal
82 with real or personal property or any interests therein, wherever situated;

83 (11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or
84 any of its property or any interest therein, wherever situated;

85 (12) Employ and fix the compensation of an executive director and such
86 other agents or employees as it considers necessary;

87 (13) Adopt, alter, or repeal by its own bylaws, rules, and regulations
88 governing the manner in which its business may be transacted;

89 (14) Adopt and use an official seal;

90 (15) Assess or charge fees as the board determines to be reasonable to
91 carry out its purposes;

92 (16) Make all expenditures which are incident and necessary to carry out
93 its purposes;

94 (17) Sue and be sued in its official name;

95 (18) Take such action, enter into such agreements, and exercise all
96 functions necessary or appropriate to carry out the duties and purposes set forth
97 in this section.

98 [4.] **3.** There is hereby created the "Coordinating Board for Early
99 Childhood Fund" which shall consist of the following:

100 (1) Any moneys appropriated by the general assembly for use by the board
101 in carrying out the powers set out in subsections [2 and 3] **1 and 2** of this
102 section;

103 (2) Any moneys received from grants or which are given, donated, or

104 contributed to the fund from any source;

105 (3) Any moneys received as fees authorized under subsections [2 and 3]
106 **1 and 2** of this section;

107 (4) Any moneys received as interest on deposits or as income on approved
108 investments of the fund;

109 (5) Any moneys obtained from any other available source.

110 Notwithstanding the provisions of section 33.080 to the contrary, any moneys
111 remaining in the coordinating board for early childhood fund at the end of the
112 biennium shall not revert to the credit of the general revenue fund

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

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

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

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

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

28 treatment services, family counseling, parenting training and other best practices.
29 Children whose screenings indicate an area of concern may complete a
30 comprehensive, in-depth health, psychodiagnostic, or developmental assessment
31 within sixty days of entry into custody;

32 (3) "Central registry", a registry of persons where the division has found
33 probable cause to believe prior to August 28, 2004, or by a preponderance of the
34 evidence after August 28, 2004, or a court has substantiated through court
35 adjudication that the individual has committed child abuse or neglect or the
36 person has pled guilty or has been found guilty of a crime pursuant to section
37 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if the
38 victim is a child less than eighteen years of age, or any other crime pursuant to
39 chapter 566 if the victim is a child less than eighteen years of age and the
40 perpetrator is twenty-one years of age or older, a crime under section 568.020,
41 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023, 573.025, 573.035,
42 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such
43 crimes. Any persons placed on the registry prior to August 28, 2004, shall remain
44 on the registry for the duration of time required by section 210.152;

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

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

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

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

57 (8) "Family assessment and services", an approach to be developed by the
58 children's division which will provide for a prompt assessment of a child who has
59 been reported to the division as a victim of abuse or neglect by a person
60 responsible for that child's care, custody or control and of that child's family,
61 including risk of abuse and neglect and, if necessary, the provision of community-
62 based services to reduce the risk and support the family;

63 (9) "Family support team meeting" or "team meeting", a meeting convened

64 by the division or children's services provider in behalf of the family and/or child
65 for the purpose of determining service and treatment needs, determining the need
66 for placement and developing a plan for reunification or other permanency
67 options, determining the appropriate placement of the child, evaluating case
68 progress, and establishing and revising the case plan;

69 (10) "Investigation", the collection of physical and verbal evidence to
70 determine if a child has been abused or neglected;

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

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

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

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

88 (15) "Report", the communication of an allegation of child abuse or neglect
89 to the division pursuant to section 210.115;

90 (16) "Those responsible for the care, custody, and control of the child",
91 includes, but is not limited to:

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

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

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

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

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

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

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

7 (2) Providers of direct services to children and their families will be
8 evaluated in a uniform and consistent basis;

9 (3) Services to children and their families shall be provided in a timely
10 manner to maximize the opportunity for successful outcomes; and

11 (4) Any provider of direct services to children and families shall have the
12 appropriate and relevant training, education, and expertise to provide the highest
13 quality of services possible which shall be consistent with the federal standards,
14 but not less than the standards and policies used by the children's division as of
15 January 1, 2004.

16 2. On or before July 1, 2005, and subject to appropriations, the children's
17 division and any other state agency deemed necessary by the division shall, in
18 consultation with the community and providers of services, enter into and
19 implement contracts with qualified children's services providers and agencies to
20 provide a comprehensive and deliberate system of service delivery for children
21 and their families. Contracts shall be awarded through a competitive process and
22 provided by children's services providers and agencies currently contracting with
23 the state to provide such services and by public and private not-for-profit or
24 limited liability corporations owned exclusively by not-for-profit corporations
25 children's services providers and agencies which have:

26 (1) A proven record of providing child welfare services within the state of
27 Missouri which shall be consistent with the federal standards, but not less than
28 the standards and policies used by the children's division as of January 1, 2004;
29 and

30 (2) The ability to provide a range of child welfare services, which may
31 include case management services, family-centered services, foster and adoptive
32 parent recruitment and retention, residential care, in-home services, foster care
33 services, adoption services, relative care case management, planned permanent
34 living services, and family reunification services.

35 No contracts shall be issued for services related to the child abuse and neglect
36 hotline, investigations of alleged abuse and neglect, and initial family

37 assessments. Any contracts entered into by the division shall be in accordance
38 with all federal laws and regulations, and shall not result in the loss of federal
39 funding. Such children's services providers and agencies under contract with the
40 division shall be subject to all federal, state, and local laws and regulations
41 relating to the provision of such services, and shall be subject to oversight and
42 inspection by appropriate state agencies to assure compliance with standards
43 which shall be consistent with the federal standards, but not less than the
44 standards and policies used by the children's division as of January 1, 2004.

45 3. In entering into and implementing contracts under subsection 2 of this
46 section, the division shall consider and direct their efforts towards geographic
47 areas of the state, including Greene County, where eligible direct children's
48 services providers and agencies are currently available and capable of providing
49 a broad range of services, including case management services, family-centered
50 services, foster and adoptive parent recruitment and retention, residential care,
51 family preservation services, foster care services, adoption services, relative care
52 case management, other planned living arrangements, and family reunification
53 services consistent with federal guidelines. Nothing in this subsection shall
54 prohibit the division from contracting on an as-needed basis for any individual
55 child welfare service listed above.

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

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

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

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

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

- 73 (b) A child's adjustment to his or her foster home, school, and community;
- 74 (c) The mental and physical health of all individuals involved, including
75 any history of abuse of or by any individuals involved;
- 76 (d) The needs of the child for a continuing relationship with the child's
77 biological or adoptive parents and the ability and willingness of the child's
78 biological or adoptive parents to actively perform their functions as parents with
79 regard to the needs of the child; and
- 80 (e) For any child [under ten years old], treatment services may be
81 available as defined in section 210.110. Assessments, as defined in section
82 210.110, may occur to determine which treatment services best meet the child's
83 psychological and social needs. When the assessment indicates that a child's
84 needs can be best resolved by intensive twenty-four-hour treatment services, the
85 division will locate, contract, and place the child with the appropriate
86 organizations. This placement will be viewed as the least restrictive for the child
87 based on the assessment;
- 88 (4) The delivery system shall have sufficient flexibility to take into
89 account children and families on a case-by-case basis;
- 90 (5) The delivery system shall provide a mechanism for the assessment of
91 strategies to work with children and families immediately upon entry into the
92 system to maximize permanency and successful outcome in the shortest time
93 possible and shall include concurrent planning. Outcome measures for private
94 and public agencies shall be equal for each program; and
- 95 (6) Payment to the children's services providers and agencies shall be
96 made based on the reasonable costs of services, including responsibilities
97 necessary to execute the contract. Contracts shall provide incentives in addition
98 to the costs of services provided in recognition of accomplishment of the case goals
99 and the corresponding cost savings to the state. The division shall promulgate
100 rules to implement the provisions of this subdivision.
- 101 5. Contracts entered into under this section shall require that a case
102 management plan consistent with all relevant federal guidelines shall be
103 developed for each child at the earliest time after the initial investigation, but in
104 no event longer than [fourteen] **thirty** days after the initial investigation or
105 referral to the contractor by the division. Such case management plan shall be
106 presented to the court and be the foundation of service delivery to the child and
107 family. The case management plan shall, at a minimum, include:
- 108 (1) An outcome target based on the child and family situation achieving

109 permanency or independent living, where appropriate;

110 (2) Services authorized and necessary to facilitate the outcome target;

111 (3) Time frames in which services will be delivered; and

112 (4) Necessary evaluations and reporting.

113 In addition to any visits and assessments required under case management,
114 services to be provided by a public or private children's services provider under
115 the specific case management plan may include family-centered services, foster
116 and adoptive parent recruitment and retention, residential care, in-home services,
117 foster care services, adoption services, relative care case services, planned
118 permanent living services, and family reunification services. In all cases, an
119 appropriate level of services shall be provided to the child and family after
120 permanency is achieved to assure a continued successful outcome.

121 6. **By December 1, 2018**, the division shall convene a task force to
122 review the recruitment, licensing and retention of foster and adoptive parents
123 statewide. In addition to representatives of the division and department, the task
124 force shall include representatives of the private sector and faith-based
125 community which provide recruitment and licensure services. The purpose of the
126 task force shall and will be to study the extent to which changes in the system of
127 recruiting, licensing, and retaining foster and adoptive parents would enhance the
128 effectiveness of the system statewide. The task force shall develop a report of its
129 findings with recommendations by December 1, [2011] **2019**, and provide copies
130 of the report to the general assembly, **to the joint committee on child abuse**
131 **and neglect under section 21.771**, and to the governor.

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

135 (1) Details about the specifics of the contracts, including the number of
136 children and families served, the cost to the state for contracting such services,
137 the current status of the children and families served, an assessment of the
138 quality of services provided and outcomes achieved, and an overall evaluation of
139 the project; and

140 (2) Any recommendations regarding the continuation or possible statewide
141 implementation of such project; and

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

145 8. The division shall accept as prima facie evidence of completion of the
146 requirements for licensure under sections 210.481 to 210.511 proof that an agency
147 is accredited by any of the following nationally recognized bodies: the Council on
148 Accreditation of Services, Children and Families, Inc.; the Joint Commission on
149 Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation
150 Facilities. The division shall not require any further evidence of qualification for
151 licensure if such proof of voluntary accreditation is submitted.

152 9. By February 1, 2005, the children's division shall promulgate and have
153 in effect rules to implement the provisions of this section and, pursuant to this
154 section, shall define implementation plans and dates. Any rule or portion of a
155 rule, as that term is defined in section 536.010, that is created under the
156 authority delegated in this section shall become effective only if it complies with
157 and is subject to all of the provisions of chapter 536 and, if applicable, section
158 536.028. This section and chapter 536 are nonseverable and if any of the powers
159 vested with the general assembly pursuant to chapter 536 to review, to delay the
160 effective date, or to disapprove and annul a rule are subsequently held
161 unconstitutional, then the grant of rulemaking authority and any rule proposed
162 or adopted after August 28, 2004, shall be invalid and void.

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

19 limited to abuse inflicted by a person responsible for the child's care, custody and
20 control as specified in section 210.110, but shall also include abuse inflicted by
21 any other person.

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

29 3. The reporting requirements under this section are individual, and no
30 supervisor or administrator may impede or inhibit any reporting under this
31 section. No person making a report under this section shall be subject to any
32 sanction, including any adverse employment action, for making such
33 report. Every employer shall ensure that any employee required to report
34 pursuant to subsection 1 of this section has immediate and unrestricted access
35 to communications technology necessary to make an immediate report and is
36 temporarily relieved of other work duties for such time as is required to make any
37 report required under subsection 1 of this section.

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

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

55 6. Any person or official required to report pursuant to this section,
56 including employees of the division, who has probable cause to suspect that a
57 child who is or may be under the age of eighteen, who is eligible to receive a
58 certificate of live birth, has died shall report that fact to the appropriate medical
59 examiner or coroner. If, upon review of the circumstances and medical
60 information, the medical examiner or coroner determines that the child died of
61 natural causes while under medical care for an established natural disease, the
62 coroner, medical examiner or physician shall notify the division of the child's
63 death and that the child's attending physician shall be signing the death
64 certificate. In all other cases, the medical examiner or coroner shall accept the
65 report for investigation, shall immediately notify the division of the child's death
66 as required in section 58.452 and shall report the findings to the child fatality
67 review panel established pursuant to section 210.192.

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

71 8. If an individual required to report suspected instances of abuse or
72 neglect pursuant to this section has reason to believe that the victim of such
73 abuse or neglect is a resident of another state or was injured as a result of an act
74 which occurred in another state, the person required to report such abuse or
75 neglect may, in lieu of reporting to the Missouri children's division, make such
76 a report to the child protection agency of the other state with the authority to
77 receive such reports pursuant to the laws of such other state. If such agency
78 accepts the report, no report is required to be made, but may be made, to the
79 children's division.

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
3 child abuse or neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families
5 consistent with 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
8 receiving and maintaining reports. This information system shall have the ability
9 to receive reports over a single, statewide toll-free number. Such information
10 system shall maintain the results of all investigations, family assessments and
11 services, and other relevant information.

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

19 3. Upon receipt of a report, the division shall determine if the report
20 merits investigation, including reports which if true would constitute a suspected
21 violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or
22 565.050 if the victim is a child less than eighteen years of age, section 566.030 or
23 566.060 if the victim is a child less than eighteen years of age, or other crimes
24 under chapter 566 if the victim is a child less than eighteen years of age and the
25 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a
26 child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050,
27 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an
28 attempt to commit any such crimes. The division shall immediately communicate
29 all reports that merit investigation to its appropriate local office and any relevant
30 information as may be contained in the information system. The local division
31 staff shall determine, through the use of protocols developed by the division,
32 whether an investigation or the family assessment and services approach should
33 be used to respond to the allegation. The protocols developed by the division
34 shall give priority to ensuring the well-being and safety of the child.

35 4. **The division may accept a report for investigation or family**
36 **assessment if either the child or alleged perpetrator resides in**
37 **Missouri, may be found in Missouri, or if the incident occurred in**
38 **Missouri.**

39 5. **If the division receives a report in which neither the child nor**
40 **the alleged perpetrator resides in Missouri or may be found in Missouri**
41 **and the incident did not occur in Missouri, the division shall document**
42 **the report and communicate it to the appropriate agency or agencies**
43 **in the state where the child is believed to be located, along with any**
44 **relevant information or records as may be contained in the division's**
45 **information system.**

46 6. When the child abuse and neglect hotline receives three or more calls,
47 within a seventy-two hour period, from one or more individuals concerning the

48 same child, the division shall conduct a review to determine whether the calls
49 meet the criteria and statutory definition for a child abuse and neglect report to
50 be accepted. In conducting the review, the division shall contact the hotline caller
51 or callers in order to collect information to determine whether the calls meet the
52 criteria for harassment.

53 [5.] 7. The local office shall contact the appropriate law enforcement
54 agency immediately upon receipt of a report which division personnel determine
55 merits an investigation and provide such agency with a detailed description of the
56 report received. In such cases the local division office shall request the assistance
57 of the local law enforcement agency in all aspects of the investigation of the
58 complaint. The appropriate law enforcement agency shall either assist the
59 division in the investigation or provide the division, within twenty-four hours, an
60 explanation in writing detailing the reasons why it is unable to assist.

61 [6.] 8. The local office of the division shall cause an investigation or
62 family assessment and services approach to be initiated in accordance with the
63 protocols established in subsection 2 of this section, except in cases where the sole
64 basis for the report is educational neglect. If the report indicates that
65 educational neglect is the only complaint and there is no suspicion of other
66 neglect or abuse, the investigation shall be initiated within seventy-two hours of
67 receipt of the report. If the report indicates the child is in danger of serious
68 physical harm or threat to life, an investigation shall include direct observation
69 of the subject child within twenty-four hours of the receipt of the report. Local
70 law enforcement shall take all necessary steps to facilitate such direct
71 observation. Callers to the child abuse and neglect hotline shall be instructed by
72 the division's hotline to call 911 in instances where the child may be in
73 immediate danger. If the parents of the child are not the alleged perpetrators,
74 a parent of the child must be notified prior to the child being interviewed by the
75 division. No person responding to or investigating a child abuse and neglect
76 report shall call prior to a home visit or leave any documentation of any
77 attempted visit, such as business cards, pamphlets, or other similar identifying
78 information if he or she has a reasonable basis to believe the following factors are
79 present:

- 80 (1) (a) No person is present in the home at the time of the home visit; and
81 (b) The alleged perpetrator resides in the home or the physical safety of
82 the child may be compromised if the alleged perpetrator becomes aware of the
83 attempted visit;

84 (2) The alleged perpetrator will be alerted regarding the attempted visit;
85 or

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

104 [7.] **9.** The director of the division shall name at least one chief
105 investigator for each local division office, who shall direct the division response
106 on any case involving a second or subsequent incident regarding the same subject
107 child or perpetrator. The duties of a chief investigator shall include verification
108 of direct observation of the subject child by the division and shall ensure
109 information regarding the status of an investigation is provided to the public
110 school district liaison. The public school district liaison shall develop protocol in
111 conjunction with the chief investigator to ensure information regarding an
112 investigation is shared with appropriate school personnel. The superintendent
113 of each school district shall designate a specific person or persons to act as the
114 public school district liaison. Should the subject child attend a nonpublic school
115 the chief investigator shall notify the school principal of the investigation. Upon
116 notification of an investigation, all information received by the public school
117 district liaison or the school shall be subject to the provisions of the federal
118 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g,
119 and federal rule 34 C.F.R., Part 99.

120 [8.] 10. The investigation shall include but not be limited to the nature,
121 extent, and cause of the abuse or neglect; the identity and age of the person
122 responsible for the abuse or neglect; the names and conditions of other children
123 in the home, if any; the home environment and the relationship of the subject
124 child to the parents or other persons responsible for the child's care; any
125 indication of incidents of physical violence against any other household or family
126 member; and other pertinent data.

127 [9.] 11. When a report has been made by a person required to report
128 under section 210.115, the division shall contact the person who made such report
129 within forty-eight hours of the receipt of the report in order to ensure that full
130 information has been received and to obtain any additional information or
131 medical records, or both, that may be pertinent.

132 [10.] 12. Upon completion of the investigation, if the division suspects
133 that the report was made maliciously or for the purpose of harassment, the
134 division shall refer the report and any evidence of malice or harassment to the
135 local prosecuting or circuit attorney.

136 [11.] 13. Multidisciplinary teams shall be used whenever conducting the
137 investigation as determined by the division in conjunction with local law
138 enforcement. Multidisciplinary teams shall be used in providing protective or
139 preventive social services, including the services of law enforcement, a liaison of
140 the local public school, the juvenile officer, the juvenile court, and other agencies,
141 both public and private.

142 [12.] 14. For all family support team meetings involving an alleged
143 victim of child abuse or neglect, the parents, legal counsel for the parents, foster
144 parents, the legal guardian or custodian of the child, the guardian ad litem for
145 the child, and the volunteer advocate for the child shall be provided notice and
146 be permitted to attend all such meetings. Family members, other than alleged
147 perpetrators, or other community informal or formal service providers that
148 provide significant support to the child and other individuals may also be invited
149 at the discretion of the parents of the child. In addition, the parents, the legal
150 counsel for the parents, the legal guardian or custodian and the foster parents
151 may request that other individuals, other than alleged perpetrators, be permitted
152 to attend such team meetings. Once a person is provided notice of or attends
153 such team meetings, the division or the convenor of the meeting shall provide
154 such persons with notice of all such subsequent meetings involving the
155 child. Families may determine whether individuals invited at their discretion

156 shall continue to be invited.

157 [13.] **15.** If the appropriate local division personnel determine after an
158 investigation has begun that completing an investigation is not appropriate, the
159 division shall conduct a family assessment and services approach. The division
160 shall provide written notification to local law enforcement prior to terminating
161 any investigative process. The reason for the termination of the investigative
162 process shall be documented in the record of the division and the written
163 notification submitted to local law enforcement. Such notification shall not
164 preclude nor prevent any investigation by law enforcement.

165 [14.] **16.** If the appropriate local division personnel determines to use a
166 family assessment and services approach, the division shall:

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

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

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

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

187 [15.] **17.** (1) Within forty-five days of an oral report of abuse or neglect,
188 the local office shall update the information in the information system. The
189 information system shall contain, at a minimum, the determination made by the
190 division as a result of the investigation, identifying information on the subjects
191 of the report, those responsible for the care of the subject child and other relevant

192 dispositional information. The division shall complete all investigations within
193 forty-five days, unless good cause for the failure to complete the investigation is
194 specifically documented in the information system. Good cause for failure to
195 complete an investigation shall include, but not be limited to:

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

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

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

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

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

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

224 [16.] 18. A person required to report under section 210.115 to the
225 division and any person making a report of child abuse or neglect made to the
226 division which is not made anonymously shall be informed by the division of his
227 or her right to obtain information concerning the disposition of his or her

228 report. Such person shall receive, from the local office, if requested, information
229 on the general disposition of his or her report. Such person may receive, if
230 requested, findings and information concerning the case. Such release of
231 information shall be at the discretion of the director based upon a review of the
232 reporter's ability to assist in protecting the child or the potential harm to the
233 child or other children within the family. The local office shall respond to the
234 request within forty-five days. The findings shall be made available to the
235 reporter within five days of the outcome of the investigation. If the report is
236 determined to be unsubstantiated, the reporter may request that the report be
237 referred by the division to the office of child advocate for children's protection and
238 services established in sections 37.700 to 37.730. Upon request by a reporter
239 under this subsection, the division shall refer an unsubstantiated report of child
240 abuse or neglect to the office of child advocate for children's protection and
241 services.

242 [17.] 19. The division shall provide to any individual who is not satisfied
243 with the results of an investigation information about the office of child advocate
244 and the services it may provide under sections 37.700 to 37.730.

245 [18.] 20. In any judicial proceeding involving the custody of a child the
246 fact that a report may have been made pursuant to sections 210.109 to 210.183
247 shall not be admissible. However:

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

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

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

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

263 [19.] 22. In any judicial proceeding involving the custody of a child where

264 the court determines that the child is in need of services under paragraph (d) of
265 subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the
266 child's parent, guardian or custodian shall not be entered into the registry.

267 [20.] 23. The children's division is hereby granted the authority to
268 promulgate rules and regulations pursuant to the provisions of section 207.021
269 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

270 [21.] 24. Any rule or portion of a rule, as that term is defined in section
271 536.010, that is created under the authority delegated in this section shall
272 become effective only if it complies with and is subject to all of the provisions of
273 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
274 nonseverable and if any of the powers vested with the general assembly pursuant
275 to chapter 536 to review, to delay the effective date or to disapprove and annul
276 a rule are subsequently held unconstitutional, then the grant of rulemaking
277 authority and any rule proposed or adopted after August 28, 2000, shall be
278 invalid and void.

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

5 (1) For investigation reports contained in the central registry,
6 [identifying] **the report and all** information shall be retained by the division;

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

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

19 (c) For investigation reports initiated by a person required to report under
20 section 210.115, where insufficient evidence of abuse or neglect is found by the
21 division, identifying information shall be retained for [five] **ten** years from the

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

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

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

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

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

55 (1) That the division has determined by a probable cause finding prior to
56 August 28, 2004, or by a preponderance of the evidence after August 28, 2004,
57 that abuse or neglect exists and that the division shall retain all **[identifying]**

58 information regarding the abuse or neglect; that such information shall remain
59 confidential and will not be released except to law enforcement agencies,
60 prosecuting or circuit attorneys, or as provided in section 210.150; that the
61 alleged perpetrator has sixty days from the date of receipt of the notice to seek
62 reversal of the division's determination through a review by the child abuse and
63 neglect review board as provided in subsection 4 of this section;

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

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

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

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

80 5. In any such action for administrative review, the child abuse and
81 neglect review board shall sustain the division's determination if such
82 determination was supported by evidence of probable cause prior to August 28,
83 2004, or is supported by a preponderance of the evidence after August 28, 2004,
84 and is not against the weight of such evidence. The child abuse and neglect
85 review board hearing shall be closed to all persons except the parties, their
86 attorneys and those persons providing testimony on behalf of the parties.

87 6. If the alleged perpetrator is aggrieved by the decision of the child abuse
88 and neglect review board, the alleged perpetrator may seek de novo judicial
89 review in the circuit court in the county in which the alleged perpetrator resides
90 and in circuits with split venue, in the venue in which the alleged perpetrator
91 resides, or in Cole County. If the alleged perpetrator is not a resident of the
92 state, proper venue shall be in Cole County. The case may be assigned to the
93 family court division where such a division has been established. The request for

94 a judicial review shall be made within sixty days of notification of the decision of
95 the child abuse and neglect review board decision. In reviewing such decisions,
96 the circuit court shall provide the alleged perpetrator the opportunity to appear
97 and present testimony. The alleged perpetrator may subpoena any witnesses
98 except the alleged victim or the reporter. However, the circuit court shall have
99 the discretion to allow the parties to submit the case upon a stipulated record.

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

210.487. 1. When conducting investigations of persons for the purpose of
2 foster parent licensing, the division shall:

3 (1) Conduct a search for all persons over the age of seventeen in the
4 applicant's household and for any child less than seventeen years of age residing
5 in the applicant's home who the division has determined has been certified as an
6 adult for the commission of a crime for evidence of full orders of protection. The
7 office of state courts administrator shall allow access to the automated court
8 information system by the division. The clerk of each court contacted by the
9 division shall provide the division information within ten days of a request; [and]

10 (2) Obtain [three sets of] fingerprints for any person over the age of
11 seventeen in the applicant's household and for any child less than seventeen
12 years of age residing in the applicant's home who the division has determined has
13 been certified as an adult for the commission of a crime in the same manner set
14 forth in subsection 2 of section 210.482. [One set of fingerprints shall be used by
15 the highway patrol to search the criminal history repository, one set shall be
16 forwarded to the Federal Bureau of Investigation for searching the federal
17 criminal history files, and one set shall be forwarded to and retained by the
18 division.] The highway patrol shall assist the division and provide the criminal
19 fingerprint background information, upon request, **in accordance with the**
20 **provisions of section 43.540;** and

21 (3) Determine whether any person over the age of seventeen residing in
22 the home and any child less than seventeen years of age residing in the
23 applicant's home who the division has determined has been certified as an adult
24 for the commission of a crime is listed on the child abuse and neglect
25 registry. For any children less than seventeen years of age residing in the
26 applicant's home, the children's division shall inquire of the applicant whether
27 any children less than seventeen years of age residing in the home have ever been

28 certified as an adult and been convicted of or pled guilty or nolo contendere to
29 any crime.

30 2. After the initial investigation is completed under subsection 1 of this
31 section:

32 (1) No person who submits fingerprints under subsection 1 of this section
33 or section 210.482 shall be required to submit additional fingerprints under this
34 section or section 210.482 unless the original fingerprints retained by the division
35 are lost or destroyed; [and]

36 (2) **The highway patrol shall provide ongoing electronic updates**
37 **to criminal history background checks of those persons previously**
38 **submitted as part of the licensing or approval process under subsection**
39 **1 of this section. Ongoing electronic updates for such persons and for**
40 **those in their households shall terminate when such persons cease to**
41 **be applicant or licensed foster parents; and**

42 (3) The children's division and the department of health and senior
43 services may waive the requirement for a fingerprint background check for any
44 subsequent recertification.

45 3. Subject to appropriation, the total cost of fingerprinting required by
46 this section may be paid by the state, including reimbursement of persons
47 incurring fingerprinting costs under this section.

48 4. The division may make arrangements with other executive branch
49 agencies to obtain any investigative background information.

50 5. The division may promulgate rules that are necessary to implement the
51 provisions of this section. Any rule or portion of a rule, as that term is defined
52 in section 536.010, that is created under the authority delegated in this section
53 shall become effective only if it complies with and is subject to all of the
54 provisions of chapter 536 and, if applicable, section 536.028. This section and
55 chapter 536 are nonseverable and if any of the powers vested with the general
56 assembly pursuant to chapter 536 to review, to delay the effective date, or to
57 disapprove and annul a rule are subsequently held unconstitutional, then the
58 grant of rulemaking authority and any rule proposed or adopted after August 28,
59 2004, shall be invalid and void.

210.498. 1. Any parent or legal guardian **of a child in foster care** may
2 have access to investigation records kept by the division regarding [a decision for]
3 the denial [of or the], suspension, or revocation of [a] **the** license [to a specific
4 person to operate or maintain] **of a foster home [if such specific person does or**

5 may provide services or care to a child of the person requesting the information]
6 **in which the child was placed.** The request for the release of such
7 information shall be made to the division director or the director's designee, in
8 writing, by the parent or legal guardian of the child and shall be accompanied
9 **[with] by** a signed and notarized release form from the person who does or may
10 provide care or services to the child. The notarized release form shall include the
11 full name, date of birth and Social Security number of the person who does or
12 may provide care or services to a child. The response shall include only
13 information pertaining to the nature and disposition of any denial, suspension,
14 or revocation of a license to operate a foster home. This response shall not
15 include any identifying information regarding any person other than the person
16 to whom a foster home license was denied, suspended, or revoked. **The**
17 **response shall not include financial, medical, or other personal**
18 **information relating to the foster home provider or the foster home**
19 **provider's family unless the division determines that the information**
20 **is directly relevant to the disposition of the investigation and**
21 **report.** The response shall be given within ten working days of the time it was
22 received by the division.

23 **2. The division may disclose or utilize information and records**
24 **relating to foster homes in its discretion and as needed for the**
25 **administration of the foster care program including, but not limited to,**
26 **the licensure of foster homes and for the protection, care, and safety of**
27 **children who are or who may be placed in foster care.**

28 **3. Upon written request, the director of the department of social**
29 **services shall authorize the disclosure of information and findings**
30 **pertaining to foster homes in cases of child fatalities or near-fatalities**
31 **to courts, juvenile officers, law enforcement agencies, and prosecuting**
32 **and circuit attorneys that have a need for the information to conduct**
33 **their duties under law. Nothing in this subsection shall otherwise**
34 **preclude the disclosure of such information as provided for under**
35 **subsection 5 of section 210.150.**

36 **4. The division may disclose information and records pertaining**
37 **to foster homes to juvenile officers, courts, the office of child advocate,**
38 **guardians ad litem, law enforcement agencies, child welfare agencies,**
39 **child placement agencies, prosecuting attorneys, and other local, state,**
40 **and federal government agencies that have a need for the information**

41 to conduct their duties under law.

42 **5. Information and records pertaining to the licensure of foster**
43 **homes and the care and treatment of children in foster homes shall be**
44 **considered closed records under chapter 610 and may only be disclosed**
45 **and utilized under this section.**

210.1030. 1. There is hereby created the “Trauma-Informed Care
2 **for Children and Families Task Force”.** The mission of the task force
3 shall be to promote the healthy development of children and their
4 families living in Missouri communities by promoting comprehensive
5 trauma-informed children and family support systems and interagency
6 cooperation.

7 **2. The task force shall consist of the following members:**

8 **(1) The directors, or their designees, of the departments of**
9 **elementary and secondary education, health and senior services,**
10 **mental health, social services, public safety, and corrections;**

11 **(2) The director, or his or her designee, of the office of child**
12 **advocate;**

13 **(3) Six members from the private sector with knowledge of**
14 **trauma-informed care methods, two of whom shall be appointed by the**
15 **speaker of the house of representatives, one of whom shall be**
16 **appointed by the minority leader of the house of representatives, two**
17 **of whom shall be appointed by the president pro tempore of the senate,**
18 **and one of whom shall be appointed by the minority leader of the**
19 **senate;**

20 **(4) Two members of the house of representatives appointed by**
21 **the speaker of the house of representatives and one member of the**
22 **house of representatives appointed by the minority leader of the house**
23 **of representatives;**

24 **(5) Two members of the senate appointed by the president pro**
25 **tempore of the senate and one member of the senate appointed by the**
26 **minority leader of the senate; and**

27 **(6) The executive director, or his or her designee, of the Missouri**
28 **Juvenile Justice Association.**

29 **3. The task force shall incorporate evidence-based and evidence-**
30 **informed best practices including, but not limited to, the Missouri**
31 **Model: A Developmental Framework for Trauma-Informed, with respect**
32 **to:**

33 **(1) Early identification of children and youth and their families,**
34 **as appropriate, who have experienced or are at risk of experiencing**
35 **trauma;**

36 **(2) The expeditious referral of such children and youth and their**
37 **families, as appropriate, who require specialized services to the**
38 **appropriate trauma-informed support services, including treatment, in**
39 **accordance with applicable privacy laws; and**

40 **(3) The implementation of trauma-informed approaches and**
41 **interventions in child and youth-serving schools, organizations, homes,**
42 **and other settings to foster safe, stable, and nurturing environments**
43 **and relationships that prevent and mitigate the effects of trauma.**

44 **4. The department of social services shall provide such research,**
45 **clerical, technical, and other services as the task force may require in**
46 **the performance of its duties.**

47 **5. The task force, its members, and any staff assigned to the task**
48 **force shall receive reimbursement for their actual and necessary**
49 **expenses incurred in attending meetings of the task force or any**
50 **subcommittee thereof.**

51 **6. The task force shall meet within two months of August 28,**
52 **2018.**

53 **7. The task force shall report a summary of its activities and any**
54 **recommendations for legislation to the general assembly and to the**
55 **joint committee on child abuse and neglect under section 21.771 by**
56 **January 1, 2019.**

57 **8. The task force shall terminate on January 1, 2019.**

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

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

13 petition, when:

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

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

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

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

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

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

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

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

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

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

36 **(4) The parent has been found guilty of or pled guilty to a felony**
37 **violation of chapters 566 or 573 when the child or any child in the**
38 **family was a victim, or a violation of sections 568.020 or 568.065 when**
39 **the child or any child in the family was a victim. As used in this**
40 **subdivision, a "child" means any person who was under eighteen years**
41 **of age at the time of the crime and who resided with such parent or was**
42 **related within the third degree of consanguinity or affinity to such**
43 **parent.**

44 3. A termination of parental rights petition shall be filed by the juvenile
45 officer or the division, or if such a petition has been filed by another party, the
46 juvenile officer or the division shall seek to be joined as a party to the petition,
47 within sixty days of the judicial determinations required in subsection 2 of this
48 section, except as provided in subsection 4 of this section. Failure to comply with

49 this requirement shall not deprive the court of jurisdiction to adjudicate a
50 petition for termination of parental rights which is filed outside of sixty days.

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

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

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

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

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

64 (1) The child has been abandoned. For purposes of this subdivision a
65 "child" means any child over one year of age at the time of filing of the
66 petition. The court shall find that the child has been abandoned if, for a period
67 of six months or longer:

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

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

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

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

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

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

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

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

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

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

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

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

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

119 (4) [The parent has been found guilty or pled guilty to a felony violation
120 of chapter 566 when the child or any child in the family was a victim, or a

121 violation of section 568.020 when the child or any child in the family was a
122 victim. As used in this subdivision, a "child" means any person who was under
123 eighteen years of age at the time of the crime and who resided with such parent
124 or was related within the third degree of consanguinity or affinity to such parent;
125 or

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

131 [(6)] (5) (a) The parent is unfit to be a party to the parent and child
132 relationship because of a consistent pattern of committing a specific abuse
133 including, but not limited to, specific conditions directly relating to the parent
134 and child relationship which are determined by the court to be of a duration or
135 nature that renders the parent unable for the reasonably foreseeable future to
136 care appropriately for the ongoing physical, mental, or emotional needs of the
137 child.

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

140 a. Within a three-year period immediately prior to the termination
141 adjudication, the parent's parental rights to one or more other children were
142 involuntarily terminated pursuant to subsection 2 or 4 of this section or
143 subdivision (1), (2), or (3)[, or (4)] of this subsection or similar laws of other
144 states;

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

156 c. If the parent is the birth mother and at the time of the child's birth or

157 within eight hours after a child's birth the child tested positive for alcohol,
158 cocaine, heroin, methamphetamine, a controlled substance as defined in section
159 195.010, or a prescription drug as defined in section 196.973, excepting those
160 controlled substances or prescription drugs present in the mother's body as a
161 result of medical treatment administered to the mother, and the birth mother is
162 the biological mother of at least one other child who was adjudicated an abused
163 or neglected minor by the mother or the mother has previously failed to complete
164 recommended treatment services by the children's division through a family-
165 centered services case; or

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

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

178 7. When considering whether to terminate the parent-child relationship
179 pursuant to subsection 2 or 4 of this section or subdivision (1), (2), **or** (3) **[or (4)]**
180 of subsection 5 of this section, the court shall evaluate and make findings on the
181 following factors, when appropriate and applicable to the case:

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

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

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

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

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

192 (6) The conviction of the parent of a felony offense that the court finds is

193 of such a nature that the child will be deprived of a stable home for a period of
194 years; provided, however, that incarceration in and of itself shall not be grounds
195 for termination of parental rights;

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

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

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

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

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

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

12 (2) The minor is homeless, as defined in subsection 1 of section 167.020,
13 or a victim of domestic violence, as defined in section [455.200] **455.010,** unless
14 the child is under the supervision of the children's division or the jurisdiction of
15 the juvenile court; and

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

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

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

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

27 a. Barring the minor from the home or otherwise indicating that the
28 minor is not welcome to stay;

29 b. Refusing to provide any or all financial support for the minor; or

30 c. Abusing or neglecting the minor, as defined in section 210.110 or
31 committing an act or acts of domestic violence against the minor, as defined in
32 section 455.010.

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

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

54 **banking agreement.**

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

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

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

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

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

20 [(4)] (5) "Stepparent", the spouse of a biological or adoptive parent. The
21 term does not include the state if the child is a ward of the state. The term does
22 not include a person whose parental rights have been terminated.

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

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

12 3. With the exceptions specifically enumerated in section 453.040, when
13 the person sought to be adopted is under the age of eighteen years, the written

14 consent of the following persons shall be required and filed in and made a part
15 of the files and record of the proceeding:

16 (1) The mother of the child; [and]

17 (2) [Only the] **Any** man who:

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

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

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

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

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

33 4. The written consent required in subdivisions (2) and (3) of subsection
34 3 of this section may be executed before or after **the birth of the child or**
35 **before or after** the commencement of the adoption proceedings, and shall be
36 executed in front of a judge or acknowledged before a notary public. If consent
37 is executed in front of a judge, it shall be the duty of the judge to advise the
38 consenting birth parent of the consequences of the consent. In lieu of such
39 acknowledgment, the signature of the person giving such written consent shall
40 be witnessed by the signatures of at least two adult persons whose signatures and
41 addresses shall be plainly written thereon. The two adult witnesses shall not be
42 the prospective adoptive parents or any attorney representing a party to the
43 adoption proceeding **other than the attorney representing the party**
44 **signing the consent**. The notary public or witnesses shall verify the identity
45 of the party signing the consent. **Notwithstanding any other provision of**
46 **law to the contrary, a properly executed written consent under this**
47 **subsection shall be considered irrevocable.**

48 5. The written consent required in subdivision (1) of subsection 3 of this
49 section by the birth [parent] **mother** shall not be executed anytime before the

50 child is forty-eight hours old. Such written consent shall be executed in front of
51 a judge or acknowledged before a notary public. If consent is executed in front
52 of a judge, it shall be the duty of the judge to advise the consenting party of the
53 consequences of the consent. In lieu of [such] acknowledgment **before a notary**
54 **public**, the signature of the person giving such written consent shall be
55 witnessed by the signatures of at least two adult persons who are present at the
56 execution whose signatures and addresses shall be plainly written thereon and
57 who determine and certify that the consent is knowingly and freely given. The
58 two adult witnesses shall not be the prospective adoptive parents or any attorney
59 representing a party to the adoption proceeding **other than the attorney**
60 **representing the party signing the consent**. The notary public or witnesses
61 shall verify the identity of the party signing the consent.

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

68 7. A consent form shall be developed through rules and regulations
69 promulgated by the department of social services. No rule or portion of a rule
70 promulgated under the authority of this section shall become effective unless it
71 has been promulgated pursuant to the provisions of chapter 536. If a written
72 consent is obtained after August 28, 1997, but prior to the development of a
73 consent form by the department and the written consent complies with the
74 provisions of subsection 8 of this section, such written consent shall be deemed
75 valid.

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

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

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

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

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

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

92 (1) A birth parent requests representation;

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

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

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

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

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

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

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

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

17 (4) The court has received the recommendations of the guardian ad litem
18 and has received and reviewed the recommendations of the person placing the

19 child, the person making the assessment and the person making the
20 postplacement assessment;

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

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

24 [(7)] (6) There is compliance with the Interstate Compact on the
25 Placement of Children pursuant to section 210.620; and

26 [(8)] (7) It is fit and proper that such adoption should be made.

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

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

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

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

52 (2) **An acknowledgment by the adoptive parents that the**
53 **agreement grants the birth parents the right to seek to enforce the**
54 **provisions of the post adoption contact agreement. Remedies for a**

55 **breach of the agreement shall include specific performance of the terms**
56 **of the agreement; provided, that nothing in the agreement shall**
57 **preclude a party seeking to enforce the agreement from utilizing child**
58 **welfare mediation before, or in addition to, the commencement of a**
59 **civil action for specific enforcement;**

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

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

66 Upon completion of an adoption, further contact among the parties shall be at the
67 discretion of the adoptive parents **or in accordance with a post adoption**
68 **contact agreement executed under this subsection.** The court shall not
69 have jurisdiction to deny [continuing contact between the adopted person and the
70 birth parent, or an adoptive parent and a birth parent. Additionally, the court
71 shall not have jurisdiction to deny] an exchange of identifying information
72 between an adoptive parent and a birth parent.

73 5. Before the completion of an adoption, the court shall make available to
74 the birth parent or parents a contact preference form developed by the state
75 registrar pursuant to section 193.128 and provided to the court by the department
76 of health and senior services. If a birth parent chooses to complete the form, the
77 clerk of the court shall send the form with the certificate of decree of adoption to
78 the state registrar. Such form shall accompany the original birth certificate of
79 the adopted person and may be updated by a birth parent at any time upon the
80 request of the birth parent.

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

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

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

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

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

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

13 (6) "Lineal descendant", a legal descendant of a person as defined in
14 section 472.010;

15 (7) "Nonidentifying information", information concerning the physical
16 description, nationality, religious background and medical history of the biological
17 parent or sibling.

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

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

26 4. An adopted adult, or the adopted adult's lineal descendants if the
27 adopted adult is deceased, may make a written request to the circuit court having
28 original jurisdiction of such adoption to secure and disclose information
29 identifying the adopted adult's biological parents. If the biological parents have
30 consented to the release of identifying information under subsection 8 of this
31 section, the court shall disclose such identifying information to the adopted adult
32 or the adopted adult's lineal descendants if the adopted adult is deceased. If the
33 biological parents have not consented to the release of identifying information
34 under subsection 8 of this section, the court shall, within ten days of receipt of
35 the request, notify in writing the child-placing agency or juvenile court personnel
36 having access to the information requested of the request by the adopted adult
37 or the adopted adult's lineal descendants.

38 5. Within three months after receiving notice of the request of the adopted
39 adult, or the adopted adult's lineal descendants, the child-placing agency or the
40 juvenile court personnel shall make reasonable efforts to notify the biological
41 parents of the request of the adopted adult or the adopted adult's lineal
42 descendants. The child-placing agency or juvenile court personnel may charge
43 actual costs to the adopted adult or the adopted adult's lineal descendants for the
44 cost of making such search. All communications under this subsection are
45 confidential. For purposes of this subsection, "notify" means a personal and
46 confidential contact with the biological parent of the adopted adult, which initial

47 contact shall be made by an employee of the child-placing agency which processed
48 the adoption, juvenile court personnel or some other licensed child-placing agency
49 designated by the child-placing agency or juvenile court. Nothing in this section
50 shall be construed to permit the disclosure of communications privileged pursuant
51 to section 491.060. At the end of three months, the child-placing agency or
52 juvenile court personnel shall file a report with the court stating that each
53 biological parent that was located was given the following information:

54 (1) The nature of the identifying information to which the agency has
55 access;

56 (2) The nature of any nonidentifying information requested;

57 (3) The date of the request of the adopted adult or the adopted adult's
58 lineal descendants;

59 (4) The right of the biological parent to file an affidavit with the court
60 stating that the identifying information should be disclosed;

61 (5) The effect of a failure of the biological parent to file an affidavit
62 stating that the identifying information should be disclosed.

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

70 7. If, within three months, the child-placing agency or juvenile court
71 personnel reports to the court that it has notified the biological parent pursuant
72 to subsection 5 of this section, the court shall receive the identifying information
73 from the child-placing agency. If an affidavit duly executed by a biological parent
74 authorizing the release of information is filed with the court or if a biological
75 parent is found to be deceased, the court shall disclose the identifying information
76 as to that biological parent to the adopted adult or the adopted adult's lineal
77 descendants if the adopted adult is deceased, provided that the other biological
78 parent either:

79 (1) Is unknown;

80 (2) Is known but cannot be found and notified pursuant to [section 5 of
81 this act] **subsection 5 of this section**;

82 (3) Is deceased; or

83 (4) Has filed with the court an affidavit authorizing release of identifying
84 information.

85 If the biological parent fails or refuses to file an affidavit with the court
86 authorizing the release of identifying information, then the identifying
87 information shall not be released to the adopted adult. No additional request for
88 the same or substantially the same information may be made within three years
89 of the time the biological parent fails or refuses to file an affidavit authorizing the
90 release of identifying information.

91 8. Any adopted adult whose adoption was finalized in this state or whose
92 biological parents had their parental rights terminated in this state may request
93 the court to secure and disclose identifying information concerning an adult
94 sibling. Identifying information pertaining exclusively to the adult sibling,
95 whether part of the permanent record of a file in the court or in an agency, shall
96 be released only upon consent of that adult sibling.

97 9. The central office of the children's division within the department of
98 social services shall maintain a registry by which biological parents, adult
99 siblings, and adoptive adults may indicate their desire to be contacted by each
100 other. The division may request such identification for the registry as a party
101 may possess to assure positive identifications. At the time of registry, a biological
102 parent or adult sibling may consent in writing to the release of identifying
103 information to an adopted adult. If such a consent has not been executed and the
104 division believes that a match has occurred on the registry between biological
105 parents or adult siblings and an adopted adult, an employee of the division shall
106 make the confidential contact provided in subsection 5 of this section with the
107 biological parents or adult siblings and with the adopted adult. If the division
108 believes that a match has occurred on the registry between one biological parent
109 or adult sibling and an adopted adult, an employee of the division shall make the
110 confidential contact provided by subsection 5 of this section with the biological
111 parent or adult sibling. The division shall then attempt to make such
112 confidential contact with the other biological parent, and shall proceed thereafter
113 to make such confidential contact with the adopted adult only if the division
114 determines that the other biological parent meets one of the conditions specified
115 in subsection 7 of this section. The biological parent, adult sibling, or adopted
116 adult may refuse to go forward with any further contact between the parties when
117 contacted by the division.

118 10. The provisions of this section, except as provided in subsection 5 of

119 this section governing the release of identifying and nonidentifying adoptive
120 information apply to adoptions completed before and after August 13, 1986.

121 **11. All papers, records, and information known to or in the**
122 **possession of an adoptive parent or adoptive child that pertain to an**
123 **adoption, regardless of whether part of any permanent record or file,**
124 **may be disclosed by the adoptive parent or adoptive child. The**
125 **provisions of this subsection shall not be construed to create a right to**
126 **have access to information not otherwise allowed under this section.**

475.600. Sections 475.600, 475.602, and 475.604 shall be known and
2 **may be cited as the "Supporting and Strengthening Families Act".**

475.602. 1. A parent or legal custodian of a child may, by a
2 **properly executed power of attorney as provided under section 475.604,**
3 **delegate to an attorney-in-fact for a period not to exceed one year,**
4 **except as provided under subsection 7 of this section, any of the powers**
5 **regarding the care and custody of the child, except the power to**
6 **consent to marriage or adoption of the child, the performance or**
7 **inducement of an abortion on or for the child, or the termination of**
8 **parental rights to the child. A delegation of powers under this section**
9 **shall not be construed to change or modify any parental or legal rights,**
10 **obligations, or authority established by an existing court order or**
11 **deprive the parent or legal custodian of any parental or legal rights,**
12 **obligations, or authority regarding the custody, visitation, or support**
13 **of the child.**

14 **2. The parent or legal custodian of the child shall have the**
15 **authority to revoke or withdraw the power of attorney authorized in**
16 **subsection 1 of this section at any time. Except as provided in**
17 **subsection 7 of this section, if the delegation of authority lasts longer**
18 **than one year, the parent or legal custodian of the child shall execute**
19 **a new power of attorney for each additional year that the delegation**
20 **exists. If a parent withdraws or revokes the power of attorney, the**
21 **child shall be returned to the custody of the parents as soon as**
22 **reasonably possible.**

23 **3. Unless the authority is revoked or withdrawn by the parent or**
24 **legal custodian, the attorney-in-fact shall exercise parental or legal**
25 **authority on a continuous basis without compensation for the duration**
26 **of the power of attorney authorized by subsection 1 of this section and**
27 **shall not be subject to any statutes dealing with the licensing or**

28 regulation of foster care homes.

29 4. Except as otherwise provided by law, if a parent or legal
30 custodian uses a community service program that offers support
31 services for families in crisis to assist in the delegation of any powers
32 regarding the care and custody of a child by a properly executed power
33 of attorney, then the execution of a power of attorney by such parent
34 or legal custodian as authorized in subsection 1 of this section shall not
35 constitute abandonment as provided in sections 568.030 and 568.032, or
36 abuse or neglect as provided in sections 210.110 and 568.060, unless the
37 parent or legal guardian fails to take custody of the child or execute a
38 new power of attorney after the one-year time limit has elapsed. It
39 shall be a violation of section 453.110 for any parent or legal custodian
40 to execute a power of attorney with the intention of permanently
41 avoiding or divesting himself or herself of parental or legal
42 responsibility for the care of the child.

43 5. Under a delegation of powers as authorized by subsection 1 of
44 this section, the child or children subject to the power of attorney shall
45 not be considered placed in foster care as otherwise defined in law and
46 the parties shall not be subject to any of the requirements or licensing
47 regulations for foster care or other regulations relating to community
48 care for children.

49 6. If a parent or legal custodian uses a community service
50 program that offers support services for families in crisis to assist in
51 the delegation of any powers regarding the care and custody of a child
52 by a properly executed power of attorney, then the community service
53 program shall ensure that a background check is completed for the
54 attorney-in-fact and any adult members of his or her household prior
55 to the placement of the child. A community service program shall not
56 place a child or children with an attorney-in-fact when he or she or any
57 adult member of his or her household is found to be on the sex offender
58 registry as established pursuant to sections 589.400 to 589.425, or the
59 child abuse and neglect registry, as established pursuant to section
60 210.109, or has pled guilty or nolo contendere to or is found guilty of a
61 felony offense under federal or state law. If a community service
62 program has reasonable cause to suspect that a parent or legal
63 custodian is executing a power of attorney under this section with the
64 intention of permanently avoiding or divesting himself or herself of

65 parental or legal responsibility for the care of the child, the community
66 service program shall notify the Missouri children's division within the
67 department of social services, and the division shall conduct an
68 investigation of the parent or legal guardian to determine if there is a
69 violation of section 453.110. A background check performed under this
70 section shall include:

71 (1) A national and state fingerprint-based criminal history check;

72 (2) A sex offender registry, as established pursuant to sections
73 589.400 to 589.425, check; and

74 (3) A child abuse and neglect registry, as established pursuant
75 to section 210.109, check.

76 7. A parent or legal custodian who is a member of the Armed
77 Forces of the United States including any reserve component thereof,
78 the commissioned corps of the National Oceanic and Atmospheric
79 Administration, the Public Health Service of the United States
80 Department of Health and Human Services detailed by proper authority
81 for duty with the Armed Forces of the United States, or who is required
82 to enter or serve in the active military service of the United States
83 under a call or order of the President of the United States or to serve
84 on state active duty may delegate the powers designated in subsection
85 1 of this section for a period longer than one year if on active duty
86 service. The term of delegation shall not exceed the term of active duty
87 service plus thirty days.

88 8. Nothing in this section shall conflict or set aside the
89 preexisting residency requirements under section 167.020. An attorney-
90 in-fact to whom powers are delegated under a power of attorney
91 authorized by this section shall make arrangements to ensure that the
92 child attends classes at an appropriate school. If enrollment is at a
93 public school, attendance shall be based upon residency or waiver of
94 such residency requirements by the school.

95 9. If enrolled at any school, as soon as reasonably possible upon
96 execution of a power of attorney for the temporary care of a child as
97 authorized under this section, the child's school shall be notified of the
98 existence of the power of attorney and be provided a copy of the power
99 of attorney as well as the contact information for the attorney-in-
100 fact. While the power of attorney is in force, the school shall
101 communicate with both the attorney-in-fact and any parent or legal

102 custodian with parental or legal rights, obligations, or authority
103 regarding the custody, visitation, or support of the child. The school
104 shall also be notified of the expiration, termination, or revocation of
105 the power of attorney as soon as reasonably possible following such
106 expiration, termination, or revocation and shall no longer communicate
107 with the attorney-in-fact regarding the child upon the receipt of such
108 notice.

109 10. No delegation of powers under this section shall operate to
110 modify a child's eligibility for benefits the child is receiving at the time
111 of the execution of the power of attorney including, but not limited to,
112 eligibility for free or reduced lunch, health care costs, or other social
113 services, except as may be inconsistent with federal or state law
114 governing the relevant program or benefit.

 475.604. Any form for the delegation of powers authorized under
2 section 475.602 shall be witnessed by a notary public and contain the
3 following information:

4 (1) The full name of any child for whom parental and legal
5 authority is being delegated;

6 (2) The date of birth of any child for whom parental and legal
7 authority is being delegated;

8 (3) The full name and signature of the attorney-in-fact;

9 (4) The address and telephone number of the attorney-in-fact;

10 (5) The full name and signature of the parent or legal guardian;

11 (6) One of the following statements:

12 (a) "I delegate to the attorney-in-fact all of my power and
13 authority regarding the care, custody, and property of each minor child
14 named above including, but not limited to, the right to enroll the child
15 in school, inspect and obtain copies of education and other records
16 concerning the child, the right to give or withhold any consent or
17 waiver with respect to school activities, medical and dental treatment,
18 and any other activity, function, or treatment that may concern the
19 child. This delegation shall not include the power or authority to
20 consent to marriage or adoption of the child, the performance or
21 inducement of an abortion on or for the child, or the termination of
22 parental rights to the child."; or

23 (b) "I delegate to the attorney-in-fact the following specific
24 powers and responsibilities (insert list). This delegation shall not

25 **include the power or authority to consent to marriage or adoption of**
26 **the child, the performance or inducement of an abortion on or for the**
27 **child, or the termination of parental rights to the child."; and**

28 **(7) A description of the time for which the delegation is being**
29 **made and an acknowledgment that the delegation may be revoked at**
30 **any time.**

556.036. 1. A prosecution for murder, rape in the first degree, forcible
2 rape, attempted rape in the first degree, attempted forcible rape, sodomy in the
3 first degree, forcible sodomy, attempted sodomy in the first degree, attempted
4 forcible sodomy, or any class A felony may be commenced at any time.

5 2. Except as otherwise provided in this section, prosecutions for other
6 offenses must be commenced within the following periods of limitation:

7 (1) For any felony, three years, except as provided in subdivision (4) of
8 this subsection;

9 (2) For any misdemeanor, one year;

10 (3) For any infraction, six months;

11 (4) For any violation of section 569.040, when classified as a class B
12 felony, or any violation of section 569.050 or 569.055, five years.

13 3. If the period prescribed in subsection 2 of this section has expired, a
14 prosecution may nevertheless be commenced for:

15 (1) Any offense a material element of which is either fraud or a breach of
16 fiduciary obligation within one year after discovery of the offense by an aggrieved
17 party or by a person who has a legal duty to represent an aggrieved party and
18 who is himself or herself not a party to the offense, but in no case shall this
19 provision extend the period of limitation by more than three years. As used in
20 this subdivision, the term "person who has a legal duty to represent an aggrieved
21 party" shall mean the attorney general or the prosecuting or circuit attorney
22 having jurisdiction pursuant to section 407.553, for purposes of offenses
23 committed pursuant to sections 407.511 to 407.556; and

24 (2) Any offense based upon misconduct in office by a public officer or
25 employee at any time when the person is in public office or employment or within
26 two years thereafter, but in no case shall this provision extend the period of
27 limitation by more than three years; and

28 (3) Any offense based upon an intentional and willful fraudulent claim of
29 child support arrearage to a public servant in the performance of his or her duties
30 within one year after discovery of the offense, but in no case shall this provision

31 extend the period of limitation by more than three years.

32 4. An offense is committed either when every element occurs, or, if a
33 legislative purpose to prohibit a continuing course of conduct plainly appears, at
34 the time when the course of conduct or the person's complicity therein is
35 terminated. Time starts to run on the day after the offense is committed.

36 5. A prosecution is commenced for a misdemeanor or infraction when the
37 information is filed and for a felony when the complaint or indictment is filed.

38 6. The period of limitation does not run:

39 (1) During any time when the accused is absent from the state, but in no
40 case shall this provision extend the period of limitation otherwise applicable by
41 more than three years; [or]

42 (2) During any time when the accused is concealing himself **or herself**
43 from justice either within or without this state; [or]

44 (3) During any time when a prosecution against the accused for the
45 offense is pending in this state; [or]

46 (4) During any time when the accused is found to lack mental fitness to
47 proceed pursuant to section 552.020; **or**

48 **(5) During any period of time after which a DNA profile is**
49 **developed from evidence collected in relation to the commission of a**
50 **crime and included in a published laboratory report until the date**
51 **upon which the accused is identified by name based upon a match**
52 **between that DNA evidence profile and the known DNA profile of the**
53 **accused. For purposes of this section, the term "DNA profile" means the**
54 **collective results of the DNA analysis of an evidence sample.**

556.037. 1. Notwithstanding the provisions of section 556.036,
2 prosecutions for unlawful sexual offenses involving a person eighteen years of age
3 or under [must be commenced within thirty years after the victim reaches the age
4 of eighteen unless the prosecutions are for rape in the first degree, forcible rape,
5 attempted rape in the first degree, attempted forcible rape, sodomy in the first
6 degree, forcible sodomy, kidnapping, kidnapping in the first degree, attempted
7 sodomy in the first degree, or attempted forcible sodomy in which case such
8 prosecutions] may be commenced at any time.

9 **2. For purposes of this section, "sexual offenses" include, but are**
10 **not limited to, all offenses for which registration is required under**
11 **sections 589.400 to 589.425.**

610.021. Except to the extent disclosure is otherwise required by law, a

2 public governmental body is authorized to close meetings, records and votes, to
3 the extent they relate to the following:

4 (1) Legal actions, causes of action or litigation involving a public
5 governmental body and any confidential or privileged communications between
6 a public governmental body or its representatives and its attorneys. However,
7 any minutes, vote or settlement agreement relating to legal actions, causes of
8 action or litigation involving a public governmental body or any agent or entity
9 representing its interests or acting on its behalf or with its authority, including
10 any insurance company acting on behalf of a public government body as its
11 insured, shall be made public upon final disposition of the matter voted upon or
12 upon the signing by the parties of the settlement agreement, unless, prior to final
13 disposition, the settlement agreement is ordered closed by a court after a written
14 finding that the adverse impact to a plaintiff or plaintiffs to the action clearly
15 outweighs the public policy considerations of section 610.011, however, the
16 amount of any moneys paid by, or on behalf of, the public governmental body
17 shall be disclosed; provided, however, in matters involving the exercise of the
18 power of eminent domain, the vote shall be announced or become public
19 immediately following the action on the motion to authorize institution of such
20 a legal action. Legal work product shall be considered a closed record;

21 (2) Leasing, purchase or sale of real estate by a public governmental body
22 where public knowledge of the transaction might adversely affect the legal
23 consideration therefor. However, any minutes, vote or public record approving
24 a contract relating to the leasing, purchase or sale of real estate by a public
25 governmental body shall be made public upon execution of the lease, purchase or
26 sale of the real estate;

27 (3) Hiring, firing, disciplining or promoting of particular employees by a
28 public governmental body when personal information about the employee is
29 discussed or recorded. However, any vote on a final decision, when taken by a
30 public governmental body, to hire, fire, promote or discipline an employee of a
31 public governmental body shall be made available with a record of how each
32 member voted to the public within seventy-two hours of the close of the meeting
33 where such action occurs; provided, however, that any employee so affected shall
34 be entitled to prompt notice of such decision during the seventy-two-hour period
35 before such decision is made available to the public. As used in this subdivision,
36 the term "personal information" means information relating to the performance
37 or merit of individual employees;

- 38 (4) The state militia or national guard or any part thereof;
- 39 (5) Nonjudicial mental or physical health proceedings involving
40 identifiable persons, including medical, psychiatric, psychological, or alcoholism
41 or drug dependency diagnosis or treatment;
- 42 (6) Scholastic probation, expulsion, or graduation of identifiable
43 individuals, including records of individual test or examination scores; however,
44 personally identifiable student records maintained by public educational
45 institutions shall be open for inspection by the parents, guardian or other
46 custodian of students under the age of eighteen years and by the parents,
47 guardian or other custodian and the student if the student is over the age of
48 eighteen years;
- 49 (7) Testing and examination materials, before the test or examination is
50 given or, if it is to be given again, before so given again;
- 51 (8) Welfare cases of identifiable individuals;
- 52 (9) Preparation, including any discussions or work product, on behalf of
53 a public governmental body or its representatives for negotiations with employee
54 groups;
- 55 (10) Software codes for electronic data processing and documentation
56 thereof;
- 57 (11) Specifications for competitive bidding, until either the specifications
58 are officially approved by the public governmental body or the specifications are
59 published for bid;
- 60 (12) Sealed bids and related documents, until the bids are opened; and
61 sealed proposals and related documents or any documents related to a negotiated
62 contract until a contract is executed, or all proposals are rejected;
- 63 (13) Individually identifiable personnel records, performance ratings or
64 records pertaining to employees or applicants for employment, except that this
65 exemption shall not apply to the names, positions, salaries and lengths of service
66 of officers and employees of public agencies once they are employed as such, and
67 the names of private sources donating or contributing money to the salary of a
68 chancellor or president at all public colleges and universities in the state of
69 Missouri and the amount of money contributed by the source;
- 70 (14) Records which are protected from disclosure by law;
- 71 (15) Meetings and public records relating to scientific and technological
72 innovations in which the owner has a proprietary interest;
- 73 (16) Records relating to municipal hotlines established for the reporting

74 of abuse and wrongdoing;

75 (17) Confidential or privileged communications between a public
76 governmental body and its auditor, including all auditor work product; however,
77 all final audit reports issued by the auditor are to be considered open records
78 pursuant to this chapter;

79 (18) Operational guidelines, policies and specific response plans
80 developed, adopted, or maintained by any public agency responsible for law
81 enforcement, public safety, first response, or public health for use in responding
82 to or preventing any critical incident which is or appears to be terrorist in nature
83 and which has the potential to endanger individual or public safety or
84 health. Financial records related to the procurement of or expenditures relating
85 to operational guidelines, policies or plans purchased with public funds shall be
86 open. When seeking to close information pursuant to this exception, the public
87 governmental body shall affirmatively state in writing that disclosure would
88 impair the public governmental body's ability to protect the security or safety of
89 persons or real property, and shall in the same writing state that the public
90 interest in nondisclosure outweighs the public interest in disclosure of the
91 records;

92 (19) Existing or proposed security systems and structural plans of real
93 property owned or leased by a public governmental body, and information that is
94 voluntarily submitted by a nonpublic entity owning or operating an infrastructure
95 to any public governmental body for use by that body to devise plans for
96 protection of that infrastructure, the public disclosure of which would threaten
97 public safety:

98 (a) Records related to the procurement of or expenditures relating to
99 security systems purchased with public funds shall be open;

100 (b) When seeking to close information pursuant to this exception, the
101 public governmental body shall affirmatively state in writing that disclosure
102 would impair the public governmental body's ability to protect the security or
103 safety of persons or real property, and shall in the same writing state that the
104 public interest in nondisclosure outweighs the public interest in disclosure of the
105 records;

106 (c) Records that are voluntarily submitted by a nonpublic entity shall be
107 reviewed by the receiving agency within ninety days of submission to determine
108 if retention of the document is necessary in furtherance of a state security
109 interest. If retention is not necessary, the documents shall be returned to the

110 nonpublic governmental body or destroyed;

111 (20) The portion of a record that identifies security systems or access
112 codes or authorization codes for security systems of real property;

113 (21) Records that identify the configuration of components or the
114 operation of a computer, computer system, computer network, or
115 telecommunications network, and would allow unauthorized access to or unlawful
116 disruption of a computer, computer system, computer network, or
117 telecommunications network of a public governmental body. This exception shall
118 not be used to limit or deny access to otherwise public records in a file, document,
119 data file or database containing public records. Records related to the
120 procurement of or expenditures relating to such computer, computer system,
121 computer network, or telecommunications network, including the amount of
122 moneys paid by, or on behalf of, a public governmental body for such computer,
123 computer system, computer network, or telecommunications network shall be
124 open;

125 (22) Credit card numbers, personal identification numbers, digital
126 certificates, physical and virtual keys, access codes or authorization codes that
127 are used to protect the security of electronic transactions between a public
128 governmental body and a person or entity doing business with a public
129 governmental body. Nothing in this section shall be deemed to close the record
130 of a person or entity using a credit card held in the name of a public
131 governmental body or any record of a transaction made by a person using a credit
132 card or other method of payment for which reimbursement is made by a public
133 governmental body; [and]

134 (23) Records submitted by an individual, corporation, or other business
135 entity to a public institution of higher education in connection with a proposal to
136 license intellectual property or perform sponsored research and which contains
137 sales projections or other business plan information the disclosure of which may
138 endanger the competitiveness of a business; **and**

139 **(24) Records relating to foster home or kinship placements of**
140 **children in foster care under section 210.498.**

[210.101. 1. There is hereby established the "Missouri
2 Children's Services Commission", which shall be composed of the
3 following members:

4 (1) The director or the director's designee of the following
5 departments: corrections, elementary and secondary education,

6 higher education, health and senior services, labor and industrial
7 relations, mental health, public safety, and social services;

8 (2) One judge of a family or juvenile court, who shall be
9 appointed by the chief justice of the supreme court;

10 (3) Two members, one from each political party, of the
11 house of representatives, who shall be appointed by the speaker of
12 the house of representatives;

13 (4) Two members, one from each political party, of the
14 senate, who shall be appointed by the president pro tempore of the
15 senate;

16 All members shall serve for as long as they hold the position which
17 made them eligible for appointment to the Missouri children's
18 services commission under this subsection. All members shall
19 serve without compensation but may be reimbursed for all actual
20 and necessary expenses incurred in the performance of their official
21 duties for the commission.

22 2. All meetings of the Missouri children's services
23 commission shall be open to the public and shall, for all purposes,
24 be deemed open public meetings under the provisions of sections
25 610.010 to 610.030. The Missouri children's services commission
26 shall meet no less than once every two months. Notice of all
27 meetings of the commission shall be given to the general assembly
28 in the same manner required for notifying the general public of
29 meetings of the general assembly.

30 3. The Missouri children's services commission may make
31 all rules it deems necessary to enable it to conduct its meetings,
32 elect its officers, and set the terms and duties of its officers.

33 4. The commission shall elect from amongst its members a
34 chairman, vice chairman, a secretary-reporter, and such other
35 officers as it deems necessary.

36 5. The services of the personnel of any agency from which
37 the director or deputy director is a member of the commission shall
38 be made available to the commission at the discretion of such
39 director or deputy director. All meetings of the commission shall
40 be held in the state of Missouri.

41 6. The officers of the commission may hire an executive

42 director. Funding for the executive director may be provided from
43 the Missouri children's services commission fund or other sources
44 provided by law.

45 7. The commission, by majority vote, may invite individuals
46 representing local and federal agencies or private organizations
47 and the general public to serve as ex officio members of the
48 commission. Such individuals shall not have a vote in commission
49 business and shall serve without compensation but may be
50 reimbursed for all actual and necessary expenses incurred in the
51 performance of their official duties for the commission.]

[210.103. 1. There is established in the state treasury a
2 special fund, to be known as the "Missouri Children's Services
3 Commission Fund". The state treasurer shall credit to and deposit
4 in the Missouri children's services commission fund all amounts
5 which may be received from general revenue, grants, gifts,
6 bequests, the federal government, or other sources granted or given
7 for the purposes of sections 210.101 and 210.102.

8 2. The state treasurer shall invest moneys in the Missouri
9 children's services commission fund in the same manner as surplus
10 state funds are invested pursuant to section 30.260. All earnings
11 resulting from the investment of moneys in the Missouri children's
12 services commission fund shall be credited to the Missouri
13 children's services commission fund.

14 3. The administration of the Missouri children's services
15 commission fund, including, but not limited to, the disbursement
16 of funds therefrom, shall be as prescribed by the Missouri
17 children's services commission in its bylaws.

18 4. The provisions of section 33.080, requiring all
19 unexpended balances remaining in various state funds to be
20 transferred and placed to the credit of the ordinary revenue of this
21 state at the end of each biennium, shall not apply to the Missouri
22 children's services commission fund.

23 5. Amounts received in the fund shall only be used by the
24 commission for purposes authorized under sections 210.101 and
25 210.102.]

[475.024. A parent of a minor, by a properly executed power

2 of attorney, may delegate to another individual, for a period not
3 exceeding one year, any of his or her powers regarding care or
4 custody of the minor child, except his or her power to consent to
5 marriage or adoption of the minor child.]

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