

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 677

AN ACT

To repeal section 37.725, RSMo, and to enact in lieu thereof two new sections relating to the disclosure of certain records, with an existing penalty provision.

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

Section A. Section 37.725, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 37.725 and 210.1360, to read as follows:

37.725. 1. Any files maintained by the advocate program shall be disclosed only at the discretion of the child advocate; except that the identity of any complainant or recipient shall not be disclosed by the office unless:

(1) The complainant or recipient, or the complainant's or recipient's legal representative, consents in writing to such disclosure; **[or]**

(2) Such disclosure is required by court order; or

(3) The child advocate determines that disclosure to law enforcement is necessary to ensure immediate child safety.

2. Any statement or communication made by the office relevant to a complaint received by, proceedings before, or activities of the office and any complaint or information made or provided in good faith by any person shall be absolutely privileged and such person shall be immune from suit.

3. Any representative of the office conducting or participating in any examination of a complaint who knowingly and willfully discloses to any person other than the office, or those persons authorized by the office to

receive it, the name of any witness examined or any information obtained or given during such examination is guilty of a class A misdemeanor. However, the office conducting or participating in any examination of a complaint shall disclose the final result of the examination with the consent of the recipient.

4. The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to enforce the provisions of sections 37.700 to 37.730, or where otherwise required by court order.

210.1360. 1. Any personally identifiable information regarding any child under eighteen years of age receiving child care from any provider or applying for or receiving any services through a state program shall not be subject to disclosure except as otherwise provided by law.

2. This section shall not prohibit any state agency from disclosing personally identifiable information to governmental entities or its agents, vendors, and contractors in connection to matters relating to its official duties.

3. This section shall not prevent a parent or legal guardian from accessing the parent's or legal guardian's child's records.