

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 811
AN ACT

To repeal sections 21.771, 210.109, 210.112, 210.135, 210.140, 210.147, 210.221, 210.762, 211.081, 211.221, 491.075, 492.304, 566.151, and 567.030, RSMo, and to enact in lieu thereof fifteen new sections relating to child protection, with penalty provisions.

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

Section A. Sections 21.771, 210.109, 210.112, 210.135,
2 210.140, 210.147, 210.221, 210.762, 211.081, 211.221, 491.075,
3 492.304, 566.151, and 567.030, RSMo, are repealed and fifteen
4 new sections enacted in lieu thereof, to be known as sections
5 21.771, 210.109, 210.112, 210.135, 210.140, 210.147, 210.221,
6 210.715, 210.762, 211.081, 211.221, 491.075, 492.304, 566.151,
7 and 567.030, to read as follows:

21.771. 1. There is established a joint committee of
2 the general assembly to be known as the "Joint Committee on
3 Child Abuse and Neglect" to be composed of seven members of
4 the senate and seven members of the house of
5 representatives. The senate members of the joint committee
6 shall be appointed by the president pro tem and minority
7 floor leader of the senate and the house members shall be
8 appointed by the speaker and minority floor leader of the
9 house of representatives. The appointment of each member
10 shall continue during the member's term of office as a
11 member of the general assembly or until a successor has been
12 appointed to fill the member's place. No party shall be
13 represented by more than four members from the house of

14 representatives nor more than four members from the senate.
15 A majority of the committee shall constitute a quorum, but
16 the concurrence of a majority of the members shall be
17 required for the determination of any matter within the
18 committee's duties.

19 2. The joint committee shall:

20 (1) Make a continuing study and analysis of the state
21 child abuse and neglect reporting and investigation system;

22 (2) Devise a plan for improving the structured
23 decision making regarding the removal of a child from a home;

24 (3) Determine the additional personnel and resources
25 necessary to adequately protect the children of this state
26 and improve their welfare and the welfare of families;

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

30 (5) Determine from its study and analysis the need for
31 changes in statutory law;

32 (6) Make any other recommendation to the general
33 assembly necessary to provide adequate protections for the
34 children of our state; and

35 (7) Make recommendations on how to improve abuse and
36 neglect proceedings including examining the role of the
37 judge, children's division, the juvenile officer, the
38 guardian ad litem, and the foster parents.

39 3. The joint committee shall meet within thirty days
40 after its creation and organize by selecting a chairperson
41 and a vice chairperson, one of whom shall be a member of the
42 senate and the other a member of the house of
43 representatives. The chairperson shall alternate between
44 members of the house and senate every two years after the
45 committee's organization.

46 4. The committee shall meet at least quarterly. The
47 committee may meet at locations other than Jefferson City
48 when the committee deems it necessary.

49 5. The committee shall be staffed by legislative
50 personnel as is deemed necessary to assist the committee in
51 the performance of its duties.

52 6. The members of the committee shall serve without
53 compensation but shall be entitled to reimbursement for
54 actual and necessary expenses incurred in the performance of
55 their official duties.

56 7. It shall be the duty of the committee to compile a
57 full report of its activities for submission to the general
58 assembly. The report shall be submitted not later than the
59 fifteenth of January of each year in which the general
60 assembly convenes in regular session and shall include any
61 recommendations which the committee may have for legislative
62 action as well as any recommendations for administrative or
63 procedural changes in the internal management or
64 organization of state or local government agencies and
65 departments. Copies of the report containing such
66 recommendations shall be sent to the appropriate directors
67 of state or local government agencies or departments
68 included in the report.

69 [8. The provisions of this section shall expire on
70 January 15, 2023.]

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

3 2. The child protection system shall promote the
4 safety of children and the integrity and preservation of
5 their families by conducting investigations or family
6 assessments and providing services in response to reports of
7 child abuse or neglect. The system shall coordinate
8 community resources and provide assistance or services to

9 children and families identified to be at risk, and to
10 prevent and remedy child abuse and neglect.

11 3. In addition to any duties specified in section
12 210.145, in implementing the child protection system, the
13 division shall:

14 (1) Maintain a central registry;

15 (2) Receive reports and establish and maintain an
16 information system operating at all times, capable of
17 receiving and maintaining reports;

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

30 (4) Upon receipt of a report, check with the
31 information system to determine whether previous reports
32 have been made regarding actual or suspected abuse or
33 neglect of the subject child, of any siblings, and the
34 perpetrator, and relevant dispositional information
35 regarding such previous reports;

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

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

46 (7) Maintain a record which contains the facts
47 ascertained which support the determination as well as the
48 facts that do not support the determination;

49 (8) Whenever available and appropriate, contract for
50 the provision of children's services through children's
51 services providers and agencies in the community; except
52 that the state shall be the sole provider of child abuse and
53 neglect hotline services, the initial child abuse and
54 neglect investigation, and the initial family assessment.

55 To assist in its child abuse and neglect investigation, the
56 division may contract for services designed to ascertain
57 child safety and provide preventative services; provided
58 that a contractor providing child safety services for a
59 child shall not also be a placement provider for that

60 child. The division shall attempt to seek input from child
61 welfare service providers in completing the initial family
62 assessment. In all legal proceedings involving children in
63 the custody of the division, the division shall be
64 represented in court by either division personnel or persons
65 with whom the division contracts with for such legal
66 representation. All children's services providers and
67 agencies shall be subject to criminal background checks
68 pursuant to chapter 43 and shall submit names of all
69 employees to the family care safety registry; and

70 (9) Upon receipt of a report, attempt to ascertain
71 whether the suspected perpetrator or any person responsible
72 for the care, custody, and control of the subject child is a
73 member of any branch of the military, as defined under

74 section 40.005, or is a member of the Armed Forces, as
75 defined in section 41.030.

76 As used in this subsection, "report" includes any telephone
77 call made pursuant to section 210.145.

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

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

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

12 (3) Services to children and their families shall be
13 provided in a timely manner to maximize the opportunity for
14 successful outcomes, and such services shall be tracked and
15 routinely evaluated through a quality assurance program;

16 (4) Any provider of direct services to children and
17 families shall have the appropriate and relevant training,
18 education, and expertise to provide the highest quality of
19 services possible which shall be consistent with federal and
20 state standards;

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

29 the child's needs as well as the quality of care received;
30 and

31 (6) All service providers shall prioritize methods of
32 reducing or eliminating a child's need for residential
33 treatment through community-based services and supports.

34 2. (1) In conjunction with the response and
35 evaluation team established under subsection 3 of this
36 section, as well as other individuals the division deems
37 appropriate, the division shall establish an evaluation tool
38 that complies with state and federal guidelines.

39 (2) The evaluation tool shall include metrics
40 supporting best practices for case management and service
41 provision including, but not limited to, the frequency of
42 face-to-face visits with the child.

43 (3) There shall be a mechanism whereby providers may
44 propose different evaluation metrics on a case-by-case basis
45 if such case may have circumstances far beyond those that
46 would be expected. Such cases shall be evaluated by the
47 response and evaluation team under subsection 3 of this
48 section.

49 (4) Data regarding all evaluation metrics shall be
50 collected by the division on a monthly basis, and the
51 division shall issue a quarterly report regarding the
52 evaluation data for each provider, both public and private,
53 by county. The response and evaluation team shall determine
54 how to aggregate cases for the division and large
55 contractors so that performance and outcomes may be compared
56 effectively while also protecting confidentiality. Such
57 reports shall be made public and shall include information
58 by county.

59 (5) The standards and metrics developed through this
60 evaluation tool shall be used to evaluate competitive bids

61 for future contracts established under subsection 4 of this
62 section.

63 3. The division shall create a response and evaluation
64 team. Membership of the team shall be composed of five
65 staff members from the division with experience in foster
66 care appointed by the director of the division; five
67 representatives, one from each contract region for foster
68 care case management contracts under this section, who shall
69 be annually rotated among contractors in each region, which
70 shall appoint the agency; two experts working in either
71 research or higher education on issues relating to child
72 welfare and foster care appointed by the director of the
73 division and who shall be actively working for either an
74 academic institution or policy foundation; one juvenile
75 officer or a Missouri juvenile justice director to be
76 appointed by the Missouri Juvenile Justice Association; and
77 one juvenile or family court judge appointed by the supreme
78 court. The division shall provide the necessary staffing
79 for the team's operations. All members shall be appointed
80 and the team shall meet for the first time before January 1,
81 2021. The team shall:

82 (1) Review the evaluation tool and metrics set forth
83 in subsection 2 of this section on a semiannual basis to
84 determine any adjustments needed or issues that could affect
85 the quality of such tools and approve or deny on a case-by-
86 case basis:

87 (a) Cases that a provider feels are anomalous and
88 should not be part of developing the case management tool
89 under subsection 2 of this section;

90 (b) Alternative evaluation metrics recommended by
91 providers based on the best interests of the child under
92 subsections 2 and 5 of this section; or

93 (c) Review and recommend any structure for incentives
94 or other reimbursement strategies under subsection 6 of this
95 section;

96 (2) Develop and execute periodic provider evaluations
97 of cases managed by the division and children service
98 providers contracted with the state to provide foster care
99 case management services, in the field under the evaluation
100 tool created under subsection 2 of this section to ensure
101 basic requirements of the program are met, which shall
102 include, but are not limited to, random file review to
103 ensure documentation shows required visits and case
104 management plan notes; and

105 (3) Develop a system for reviewing and working with
106 providers identified under subdivision (2) of this
107 subsection or providers who request such assistance from the
108 division who show signs of performance weakness to ensure
109 technical assistance and other services are offered to
110 assist the providers in achieving successful outcomes for
111 their cases.

112 4. The children's division and any other state agency
113 deemed necessary by the division shall, in consultation with
114 service providers and other relevant parties, enter into and
115 implement contracts with qualified children's services
116 providers and agencies to provide a comprehensive and
117 deliberate system of service delivery for children and their
118 families. Contracts shall be awarded through a competitive
119 process and provided by qualified public and private not-for-
120 profit or limited liability corporations owned exclusively
121 by not-for-profit corporations children's services providers
122 and agencies which have:

123 (1) A proven record of providing child welfare
124 services within the state of Missouri which shall be
125 consistent with the federal standards, but not less than the

126 standards and policies used by the children's division as of
127 January 1, 2004; and

128 (2) The ability to provide a range of child welfare
129 services including, but not limited to, case management
130 services, family-centered services, foster and adoptive
131 parent recruitment and retention, residential care, in-home
132 services, foster care services, adoption services, relative
133 care case management, planned permanent living services, and
134 family reunification services.

135 No contracts under this section shall be issued for services
136 related to the child abuse and neglect hotline,
137 investigations of alleged abuse and neglect, and initial
138 family assessments, except for services designed to assist
139 the division in ascertaining child safety and providing
140 preventative services. Any contracts entered into by the
141 division shall be in accordance with all federal laws and
142 regulations, and shall seek to maximize federal funding.
143 Children's services providers and agencies under contract
144 with the division shall be subject to all federal, state,
145 and local laws and regulations relating to the provision of
146 such services, and shall be subject to oversight and
147 inspection by appropriate state agencies to assure
148 compliance with standards which shall be consistent with the
149 federal standards.

150 5. The division shall accept as prima facie evidence
151 of completion of the requirements for licensure under
152 sections 210.481 to 210.511 proof that an agency is
153 accredited by any of the following nationally recognized
154 bodies: the Council on Accreditation of Services, Children
155 and Families, Inc.; the Joint Commission on Accreditation of
156 Hospitals; or the Commission on Accreditation of
157 Rehabilitation Facilities.

158 6. Payment to the children's services providers and
159 agencies shall be made based on the reasonable costs of
160 services, including responsibilities necessary to execute
161 the contract. Any reimbursement increases made through
162 enhanced appropriations for services shall be allocated to
163 providers regardless of whether the provider is public or
164 private. Such increases shall be considered additive to the
165 existing contracts. In addition to payments reflecting the
166 cost of services, contracts shall include incentives
167 provided in recognition of performance based on the
168 evaluation tool created under subsection 2 of this section
169 and the corresponding savings for the state. The response
170 and evaluation team under subsection 3 of this section shall
171 review a formula to distribute such payments, as recommended
172 by the division.

173 7. The division shall consider immediate actions that
174 are in the best interests of the children served including,
175 but not limited to, placing the agency on a corrective plan,
176 halting new referrals, transferring cases to other
177 performing providers, or terminating the provider's
178 contract. The division shall take steps necessary to
179 evaluate the nature of the issue and act accordingly in the
180 most timely fashion possible.

181 8. By July 1, 2021, the children's division shall
182 promulgate and have in effect rules to implement the
183 provisions of this section and, pursuant to this section,
184 shall define implementation plans and dates. Any rule or
185 portion of a rule, as that term is defined in section
186 536.010, that is created under the authority delegated in
187 this section shall become effective only if it complies with
188 and is subject to all of the provisions of chapter 536 and,
189 if applicable, section 536.028. This section and chapter
190 536 are nonseverable and if any of the powers vested with

191 the general assembly pursuant to chapter 536 to review, to
192 delay the effective date, or to disapprove and annul a rule
193 are subsequently held unconstitutional, then the grant of
194 rulemaking authority and any rule proposed or adopted after
195 August 28, 2004, shall be invalid and void.

196 9. A provision in a service provider contract in which
197 the state is indemnified, held harmless, or insured for
198 damages, claims, losses, or expenses arising from any
199 injury, including, but not limited to, bodily injury, mental
200 anguish, property damage, or economic or noneconomic damages
201 or loss caused by or resulting from the state's negligence,
202 in whole or in part, shall be void as against public policy
203 and unenforceable. As used in this subsection, "service
204 provider contract" means a contract, agreement, or
205 understanding between a provider of services and the
206 division regarding the provision of services.

210.135. 1. Any person, official, employee of the
2 department of social services, or institution complying with
3 the provisions of sections **[210.110]** 210.109 to 210.165 in
4 the making of a report, the taking of color photographs, or
5 the making of radiologic examinations pursuant to sections
6 **[210.110]** 210.109 to 210.165, or both such taking of color
7 photographs and making of radiologic examinations, or the
8 removal or retaining a child pursuant to sections **[210.110]**
9 210.109 to 210.165 and chapter 211, or in cooperating with
10 the division, or cooperating with a qualified individual
11 pursuant to section 210.715, or any other law enforcement
12 agency, juvenile office, court, state agency, or child-
13 protective service agency of this or any other state, in any
14 of the activities pursuant to sections **[210.110]** 210.109 to
15 210.165 and chapter 211, or any other allegation of child
16 abuse, neglect or assault, pursuant to sections 568.045 to
17 568.060, shall have immunity from any liability, civil or

18 criminal, that otherwise might result by reason of such
19 actions. Provided, however, any person, official or
20 institution intentionally filing a false report, acting in
21 bad faith, or with ill intent, shall not have immunity from
22 any liability, civil or criminal. Any such person,
23 official, or institution shall have the same immunity with
24 respect to participation in any judicial proceeding
25 resulting from the report.

26 2. An employee, including a contracted employee, of a
27 state-funded child assessment center, as provided for in
28 subsection 2 of section 210.001, shall be immune from any
29 civil liability that arises from the employee's
30 participation in the investigation process and services by
31 the child assessment center, unless such person acted in bad
32 faith. This subsection shall not displace or limit any
33 other immunity provided by law.

34 3. Any person, who is not a school district employee,
35 who makes a report to any employee of the school district of
36 child abuse by a school employee shall have immunity from
37 any liability, civil or criminal, that otherwise might
38 result because of such report. Provided, however, that any
39 such person who makes a false report, knowing that the
40 report is false, or who acts in bad faith or with ill intent
41 in making such report shall not have immunity from any
42 liability, civil or criminal. Any such person shall have
43 the same immunity with respect to participation in any
44 judicial proceeding resulting from the report.

45 4. In a case involving the death or serious injury of
46 a child after a report has been made under sections 210.109
47 to 210.165, the division shall conduct a preliminary
48 evaluation in order to determine whether a review of the
49 ability of the circuit manager or case worker or workers to

50 perform their duties competently is necessary. The
51 preliminary evaluation shall examine:

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

54 (2) The division case worker or workers assigned to
55 the investigation of such report; and

56 (3) The circuit manager assigned to the county where
57 the report was investigated.

58 Any preliminary evaluation shall be completed no later than
59 three days after the child's death. If the division
60 determines a review and assessment is necessary, it shall be
61 completed no later than three days after the child's death.

210.140. Any legally recognized privileged
2 communication, except that between attorney and client or
3 involving communications made to a minister or clergyperson,
4 shall not apply to situations involving known or suspected
5 child abuse or neglect and shall not constitute grounds for
6 failure to report as required or permitted by sections
7 **[210.110]** 210.109 to 210.165, to cooperate with the division
8 in any of its activities pursuant to **[sections 210.110 to**
9 **210.165]** this chapter, chapter 211, and chapter 453, or to
10 give or accept evidence in any judicial proceeding relating
11 to child abuse or neglect.

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

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

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

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

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

210.221. 1. The department of elementary and
2 secondary education shall have the following powers and
3 duties:

4 (1) After inspection, to grant licenses to persons to
5 operate child-care facilities if satisfied as to the good
6 character and intent of the applicant and that such
7 applicant is qualified and equipped to render care or
8 service conducive to the welfare of children. Each license
9 shall specify its effective dates and whether it is
10 temporary, the kind of child-care services the licensee is

11 authorized to perform, the number of children that can be
12 received or maintained, and their ages ;

13 (2) To inspect the conditions of the homes and other
14 places in which the applicant operates a child-care
15 facility, inspect their books and records, premises and
16 children being served, examine their officers and agents,
17 deny, suspend, place on probation or revoke the license of
18 such persons as fail to obey the provisions of sections
19 210.201 to 210.245 or the rules and regulations made by the
20 department of elementary and secondary education. The
21 commissioner also may revoke or suspend a license when the
22 licensee surrenders the license;

23 (3) To promulgate and issue rules and regulations the
24 department deems necessary or proper in order to establish
25 standards of service and care to be rendered by such
26 licensees to children. No rule or regulation promulgated by
27 the department shall in any manner restrict or interfere
28 with any religious instruction, philosophies or ministries
29 provided by the facility and shall not apply to facilities
30 operated by religious organizations which are not required
31 to be licensed;

32 (4) To approve training concerning the safe sleep
33 recommendations of the American Academy of Pediatrics in
34 accordance with section 210.223; [and]

35 (5) To determine what records shall be kept by such
36 persons and the form thereof, and the methods to be used in
37 keeping such records, and to require reports to be made to
38 the department at regular intervals; and

39 (6) To grant a temporary child care license to a child
40 care provider upon submission of a complete license
41 application to expand an existing site or to add a new
42 location; provided, that the child care provider also

43 submits an approved fire safety inspection and an approved
44 sanitation inspection for the site being expanded or added.

45 2. Any child-care facility may request a variance from
46 a rule or regulation promulgated pursuant to this section.
47 The request for a variance shall be made in writing to the
48 department of elementary and secondary education and shall
49 include the reasons the facility is requesting the
50 variance. The department shall approve any variance request
51 that does not endanger the health or safety of the children
52 served by the facility. The burden of proof at any appeal
53 of a disapproval of a variance application shall be with the
54 department of elementary and secondary education. Local
55 inspectors may grant a variance, subject to approval by the
56 department of elementary and secondary education.

57 3. The department shall deny, suspend, place on
58 probation or revoke a license if it receives official
59 written notice that the local governing body has found that
60 license is prohibited by any local law related to the health
61 and safety of children. The department may deny an
62 application for a license if the department determines that
63 a home or other place in which an applicant would operate a
64 child-care facility is located within one thousand feet of
65 any location where a person required to register under
66 sections 589.400 to 589.425 either resides, as that term is
67 defined in subsection 3 of section 566.147, or regularly
68 receives treatment or services, excluding any treatment or
69 services delivered in a hospital, as that term is defined in
70 section 197.020, or in facilities owned or operated by a
71 hospital system. The department may, after inspection, find
72 the licensure, denial of licensure, suspension or revocation
73 to be in the best interest of the state.

74 4. Any rule or portion of a rule, as that term is
75 defined in section 536.010, that is created under the

76 authority delegated in sections 210.201 to 210.245 shall
77 become effective only if it complies with and is subject to
78 all of the provisions of chapter 536 and, if applicable,
79 section 536.028. All rulemaking authority delegated prior
80 to August 28, 1999, is of no force and effect and repealed.
81 Nothing in this section shall be interpreted to repeal or
82 affect the validity of any rule filed or adopted prior to
83 August 28, 1999, if it fully complied with all applicable
84 provisions of law. This section and chapter 536 are
85 nonseverable and if any of the powers vested with the
86 general assembly pursuant to chapter 536 to review, to delay
87 the effective date, or to disapprove and annul a rule are
88 subsequently held unconstitutional, then the grant of
89 rulemaking authority and any rule proposed or adopted after
90 August 28, 1999, shall be invalid and void.

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

3 (1) "Child", any person in the legal custody of the
4 children's division and over whom the court has maintained
5 jurisdiction;

6 (2) "Qualified individual", a trained professional or
7 licensed clinician who is not an employee of the children's
8 division and who is not connected to, or affiliated with,
9 any placement setting in which children are placed by the
10 children's division. The children's division shall
11 establish the qualifications of the qualified individual by
12 regulation;

13 (3) "Qualified residential treatment program" or
14 "QRTP", a program that has met all program requirements for
15 designation as a QRTP, as determined by the children's
16 division;

17 (4) "Residential setting", a congregate setting that
18 provides twenty-four hour supervision to a child for the

19 purposes of rehabilitative treatment related to emotional
20 and psychiatric needs, learning difficulties, behavioral
21 disorders, trauma histories, or developmental challenges
22 that require a higher level of supervision and treatment
23 than is available in a foster home setting. This setting
24 shall include:

25 (a) A qualified residential treatment program (QRTP);

26 (b) A psychiatric residential treatment facility
27 (PRTF); or

28 (c) A residential care facility licensed by the
29 children's division to provide residential treatment or
30 intensive residential services.

31 Residential settings shall not include emergency shelters,
32 maternity homes for pregnant or parenting youth, contracted
33 transitional living settings, and placements licensed or
34 certified by the division of developmental disabilities
35 within the department of mental health.

36 2. If a child is placed in a residential setting, the
37 children's division shall arrange for a qualified individual
38 to complete an assessment of the child within thirty days of
39 the start of each placement in a residential setting. The
40 assessment shall be in writing and shall:

41 (1) Assess the strengths and needs of the child using
42 an age-appropriate, trauma-informed, evidence-based, and
43 validated tool approved by the children's division;

44 (2) Assess whether the needs of the child can be met
45 through placement with family members or in a foster home;

46 (3) Explain why the child's placement in a residential
47 setting will be the most effective and appropriate level of
48 care in the least restrictive environment, if the needs of
49 the child cannot be met with family members or in a foster
50 home;

51 (4) Describe how that placement is consistent with the
52 short-term and long-term goals for the child, as specified
53 in the child's permanency plan; and

54 (5) Develop a list of child-specific short-term and
55 long-term mental and behavioral health goals.

56 3. The children's division shall assemble a family
57 support team for the child in accordance with the
58 requirements of section 210.762. The qualified individual
59 conducting the assessment shall work in conjunction with the
60 family of, and family support team for, the child while
61 conducting and making the assessment.

62 4. Notwithstanding any other provision of law to the
63 contrary, the qualified individual shall have unlimited
64 access to any and all records and information pertaining to
65 the child that the qualified individual determines are
66 necessary to complete the assessment, including, but not
67 limited to, medical records, therapy records, psychological
68 and psychiatric evaluations, educational records, law
69 enforcement records, and placement history, including
70 progress reports from such placements.

71 5. The qualified individual shall provide the written
72 assessment to the children's division. The children's
73 division shall provide a copy of the assessment to the
74 parties to the juvenile proceeding, the members of the
75 family support team, and the court.

76 6. Within sixty days of the start of each placement in
77 a QRTP, the court shall assess the appropriateness for the
78 child remaining in the QRTP. A copy of the assessment, as
79 redacted, shall be admitted into evidence by the court
80 without further foundation. The court shall make specific
81 written findings of fact on the record and:

82 (1) Consider the assessment, determination, and
83 documentation made by the qualified individual conducting
84 the assessment;

85 (2) Determine whether the needs of the child can be
86 met through placement in a foster home or, if not, whether
87 placement of the child in the QRTP provides the most
88 effective and appropriate level of care for the child in the
89 least restrictive environment;

90 (3) Determine whether that placement is consistent
91 with the short-term and long-term goals for the child, as
92 specified in the permanency plan for the child; and

93 (4) Approve or disapprove the placement.

94 7. The court shall reassess the appropriateness for
95 the child remaining in a QRTP at every hearing subsequent to
96 the child's placement in the QRTP and make written findings
97 of fact as required in subsection 6 of this section until
98 the child is no longer placed in the QRTP.

99 8. The children's division may promulgate rules,
100 including emergency rules, to implement the provisions of
101 this section. Any rule or portion of a rule, as that term
102 is defined in section 536.010, that is created under the
103 authority delegated in this section shall become effective
104 only if it complies with and is subject to all of the
105 provisions of chapter 536 and, if applicable, section
106 536.028. This section and chapter 536 are nonseverable and
107 if any of the powers vested with the general assembly
108 pursuant to chapter 536 to review, to delay the effective
109 date, or to disapprove and annul a rule are subsequently
110 held unconstitutional, then the grant of rulemaking
111 authority and any rule proposed or adopted after August 28,
112 2024, shall be invalid and void.

210.762. 1. When a child is taken into custody by a
2 juvenile officer, physician, or law enforcement official

3 [under] pursuant to section 210.125 and comes under the
4 jurisdiction of the court pursuant to subdivision (1) and
5 (2) of subsection 1 of section 211.031 and [initially]
6 placed with the division, the division may make a temporary
7 placement and shall arrange for a family support team
8 meeting prior to or within twenty-four hours following the
9 protective custody hearing held under section 211.032. After
10 a child is in the division's custody [and a temporary
11 placement has been made], the division shall arrange an
12 additional family support team meeting prior to taking any
13 action relating to the placement of such child; except that,
14 when the welfare of a child in the custody of the division
15 requires an immediate or emergency change of placement, the
16 division may make a temporary placement and shall schedule a
17 family support team meeting within seventy-two hours. The
18 requirement for a family support team meeting shall not
19 apply when the parent has consented in writing to the
20 termination of his or her parental rights in conjunction
21 with a placement in a licensed child-placing agency under
22 subsection 6 of section 453.010.

23 2. The parents, the legal counsel for the parents, the
24 foster parents, the legal guardian or custodian of the
25 child, the guardian ad litem for the child, and the
26 volunteer advocate, and any designee of the parent that has
27 written authorization shall be notified and invited to
28 participate in all family support team meetings. The family
29 support team meeting may include such other persons whose
30 attendance at the meeting may assist the team in making
31 appropriate decisions in the best interests of the child,
32 including biological family members and relatives, as
33 appropriate, as well as professionals who are a resource to
34 the family of the child, such as teachers, medical or mental
35 health providers who have treated the child, or clergy. In

36 the case of a child who is age fourteen or older, the family
37 support team shall include the members selected by the
38 child. The division may exclude an individual from a family
39 support team meeting or make alternative arrangements for an
40 individual to express his or her views if an individual
41 becomes disruptive to the meeting.

42 3. If the division finds that it is not in the best
43 interest of a child to be placed with relatives, the
44 division shall make specific findings in the division's
45 report detailing the reasons why the best interests of the
46 child necessitate placement of the child with persons other
47 than relatives.

48 [3. The division shall use the form created in
49 subsection 2 of section 210.147 to be signed upon the
50 conclusion of the meeting pursuant to subsection 1 of this
51 section confirming that all involved parties are aware of
52 the team's decision regarding the custody and placement of
53 the child. Any dissenting views must be recorded and
54 attested to on such form.]

55 4. The division shall be responsible for developing a
56 form to be signed at the conclusion of any team meeting held
57 in relation to a child removed from the home and placed in
58 the custody of the state that reflects the core commitments
59 made by the children's division or the convenor of the team
60 meeting and the parents of the child or any other party.
61 The content of the form shall be consistent with service
62 agreements or case plans required by statute, but not the
63 specific address of the child; whether the child shall
64 remain in current placement or be moved to a new placement;
65 visitation schedule for the child's family; and any
66 additional core commitments. Any dissenting views shall be
67 recorded and attested to on such form. The parents and any

68 other party shall be provided with a copy of the signed
69 document.

70 5. The [case manager] division shall be responsible
71 for including such form with the case records of the child.

211.081. 1. Whenever any person informs the juvenile
2 officer in writing that a child appears to be within the
3 purview of applicable provisions of section 211.031, the
4 juvenile officer shall make or cause to be made a
5 preliminary inquiry to determine the facts and to determine
6 whether or not the interests of the public or of the child
7 require that further action be taken. On the basis of this
8 inquiry, the juvenile officer may make such informal
9 adjustment as is practicable without a petition or file a
10 petition. Any other provision of this chapter to the
11 contrary notwithstanding, the juvenile court shall not make
12 any order for disposition of a child which would place or
13 commit the child to any location outside the state of
14 Missouri without first receiving the approval of the
15 children's division.

16 2. Placement in any [institutional] residential
17 setting, as defined in section 210.715, shall represent the
18 least restrictive appropriate placement for the child and
19 shall [be recommended based upon a psychological or
20 psychiatric evaluation or both] meet all requirements set
21 forth in section 210.715. Prior to entering any order for
22 disposition of a child which would order residential
23 treatment or other services inside the state of Missouri,
24 the juvenile court shall enter findings which include the
25 recommendation of the psychological or psychiatric
26 evaluation or both; and certification from the division
27 director or designee as to whether a provider or funds or
28 both are available, including a projection of their future
29 availability. If the children's division indicates that

30 funding is not available, the division shall recommend and
31 make available for placement by the court an alternative
32 placement for the child. The division shall have the burden
33 of demonstrating that they have exercised due diligence in
34 utilizing all available services to carry out the
35 recommendation of the evaluation team and serve the best
36 interest of the child. The judge shall not order placement
37 or an alternative placement with a specific provider but may
38 reasonably designate the scope and type of the services
39 which shall be provided by the department to the child. For
40 purposes of this subsection, the word "child" shall have the
41 same meaning as in section 210.715.

42 3. Obligations of the state incurred under the
43 provisions of section 211.181 shall not exceed, in any
44 fiscal year, the amount appropriated for this purpose.

211.221. In placing a child in or committing a child
2 to the custody of an individual or of a private agency or
3 institution, the court, children's division, or any child-
4 placing agency contracting with the state to provide foster
5 care services shall, whenever practicable, select either a
6 person, or an agency or institution governed by persons of
7 the same religious faith as that of the parents of such
8 child, or in case of a difference in the religious faith of
9 the parents, then of the religious faith of the child or if
10 the religious faith of the child is not ascertainable, then
11 of the faith of either of the parents.

491.075. 1. A statement made by a child under the age
2 of **[fourteen]** eighteen, or a vulnerable person, relating to
3 an offense under chapter 565, 566, 568 or 573, performed by
4 another, not otherwise admissible by statute or court rule,
5 is admissible in evidence in criminal proceedings in the
6 courts of this state as substantive evidence to prove the
7 truth of the matter asserted if:

8 (1) The court finds, in a hearing conducted outside
9 the presence of the jury that the time, content and
10 circumstances of the statement provide sufficient indicia of
11 reliability; and

12 (2) (a) The child or vulnerable person testifies at
13 the proceedings; or

14 (b) The child or vulnerable person is unavailable as a
15 witness; or

16 (c) The child or vulnerable person is otherwise
17 physically available as a witness but the court finds that
18 the significant emotional or psychological trauma which
19 would result from testifying in the personal presence of the
20 defendant makes the child or vulnerable person unavailable
21 as a witness at the time of the criminal proceeding.

22 2. Notwithstanding subsection 1 of this section or any
23 provision of law or rule of evidence requiring corroboration
24 of statements, admissions or confessions of the defendant,
25 and notwithstanding any prohibition of hearsay evidence, a
26 statement by a child when under the age of **[fourteen]**
27 eighteen, or a vulnerable person, who is alleged to be
28 victim of an offense under chapter 565, 566, 568 or 573 is
29 sufficient corroboration of a statement, admission or
30 confession regardless of whether or not the child or
31 vulnerable person is available to testify regarding the
32 offense.

33 3. A statement may not be admitted under this section
34 unless the prosecuting attorney makes known to the accused
35 or the accused's counsel his or her intention to offer the
36 statement and the particulars of the statement sufficiently
37 in advance of the proceedings to provide the accused or the
38 accused's counsel with a fair opportunity to prepare to meet
39 the statement.

40 4. Nothing in this section shall be construed to limit
41 the admissibility of statements, admissions or confessions
42 otherwise admissible by law.

43 5. For the purposes of this section, "vulnerable
44 person" shall mean a person who, as a result of an
45 inadequately developed or impaired intelligence or a
46 psychiatric disorder that materially affects ability to
47 function, lacks the mental capacity to consent, or whose
48 developmental level does not exceed that of an ordinary
49 child of ~~fourteen~~ seventeen years of age.

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

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

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

18 (3) The recording equipment was capable of making an
19 accurate recording, the operator of the equipment was
20 competent, and the recording is accurate and has not been
21 altered;

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

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

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

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

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

37 3. If the visual and aural recording of a verbal or
38 nonverbal statement of a child is admissible under this
39 section and the child testifies at the proceeding, it shall
40 be admissible in addition to the testimony of the child at
41 the proceeding whether or not it repeats or duplicates the
42 child's testimony.

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

566.151. 1. A person twenty-one years of age or older
2 commits the offense of enticement of a child if he or she
3 persuades, solicits, coaxes, entices, or lures whether by
4 words, actions or through communication via the internet or
5 any electronic communication, any person who is less than
6 [fifteen] seventeen years of age for the purpose of engaging
7 in sexual conduct.

8 2. It is not a defense to a prosecution for a
9 violation of this section that the other person was a peace
10 officer masquerading as a minor.

11 3. Enticement of a child or an attempt to commit
12 enticement of a child is a felony for which the authorized
13 term of imprisonment shall be not less than five years and
14 not more than thirty years. No person convicted under this
15 section shall be eligible for parole, probation, conditional
16 release, or suspended imposition or execution of sentence
17 for a period of five calendar years.

 567.030. 1. A person commits the offense of
2 patronizing prostitution if he or she:

3 (1) Pursuant to a prior understanding, gives something
4 of value to another person as compensation for having
5 engaged in sexual conduct with any person; or

6 (2) Gives or agrees to give something of value to
7 another person with the understanding that such person or
8 another person will engage in sexual conduct with any
9 person; or

10 (3) Solicits or requests another person to engage in
11 sexual conduct with any person in return for something of
12 value.

13 2. It shall not be a defense that the person believed
14 that the individual he or she patronized for prostitution
15 was eighteen years of age or older.

16 3. The offense of patronizing prostitution is a class
17 B misdemeanor, unless the individual who the person
18 patronizes is less than eighteen years of age but older than
19 fourteen fifteen years of age, in which case patronizing
20 prostitution is a class E felony.

21 4. The offense of patronizing prostitution is a class
22 [D] B felony if the individual who the person patronizes is
23 fourteen fifteen years of age or younger. Nothing in this

24 section shall preclude the prosecution of an individual for
25 the offenses of:

26 (1) Statutory rape in the first degree pursuant to
27 section 566.032;

28 (2) Statutory rape in the second degree pursuant to
29 section 566.034;

30 (3) Statutory sodomy in the first degree pursuant to
31 section 566.062; or

32 (4) Statutory sodomy in the second degree pursuant to
33 section 566.064.