

## DEPARTMENT OF SOCIAL SERVICES

## CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

December 1, 2003

MEMORANDUM

TO: AREA EXECUTIVE STAFF, COUNTY DIRECTORS, CIRCUIT MANAGERS,  
AND CHILDREN'S DIVISION STAFF

FROM: FREDERIC M. SIMMENS, DIRECTOR

SUBJECTS: CHANGES IN POLICY RELATED TO LEGISLATIVE CHANGES TO  
MISSOURI LAW, CHAPTER 210, RSMo.: INVESTIGATION PROCEDURES  
INVOLVING SCHOOL AND CHILDCARE FACILITIES.

CHILD WELFARE MANUAL: Revision to Section 2, Chapter 4.3.8.e  
Letter to School, Daycare and Community Support Personnel

REFERENCE: CHILDREN'S DIVISION

## DISCUSSION:

This memorandum will address House Bill 613 which went into effect August 28, 2003, in Section 210.145.4, RSMo. Under the new law, Children's Division (CD) has mandates when interviewing a child who has been or is suspected to have been abused or neglected in a school or childcare setting by a person other than a parent. We recognize that the new law has created confusion among our staff and various school districts in the state.

**Child Abuse/Neglect occurring in a School or Childcare Facility**

From speaking with the bill's sponsor and tracking this issue through the legislative session, it is our opinion that the intent of the bill was to make certain our division staff, particularly the Out of Home Investigation Unit (OHI), notified parent(s) of a CA/N report prior to interviewing the child, when the parents are not the alleged abusers. In addition it was intended to require Division staff to interview a child outside of the school or childcare facility, if the abuse/neglect occurred there. OHI staff will notify a parent prior to interviewing the child and will interview the child in a location other than where the abuse occurred (such as the school or childcare facility).

**Child Abuse/Neglect occurring outside the School or Childcare Facility**

Our division policy has not changed in instances in which the child was allegedly abused outside a school or childcare setting (for example at home, by a parent). If staff believe the safety of the child requires an interview at the school they should contact the school liaison to facilitate an interview.

For situations where the parent(s) are the alleged perpetrators, staff will contact the school per current policy and local protocol. However, if the school does not want staff to interview the child at the school, then our staff will consider utilizing resource/law enforcement officers or waiting to interview the child at home or another safe setting.

We understand some schools have received legal advice to not allow division staff to interview children at school. Our division respects these schools' position, given the ambiguity of the law. We encourage local school administration and CD Circuit Managers to strategize on how best to ensure the safety of children and respect the statutory mandate our division has in carrying out its duties. If an impasse exists, most schools will be receptive to allowing their Resource Officer, or another law enforcement officer, to conduct the interview with the child when the parents are the alleged perpetrators and the alleged abuse/neglect occurred out of the school setting. Our division and department will be acting legislatively to remedy this situation as quickly as possible. Until such remedy is secured, we ask for your patience.

**NECESSARY ACTION:**

1. Review this memorandum with all Children's Division Staff.
2. Review Section 2, Chapter 4.3.8.e in the Child Welfare Manual.
3. All comments and questions regarding this memorandum should be cleared through normal supervisory channels.

FS/SC/ct