

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

October 5, 2012

M E M O R A N D U M

<p><u>What's Inside:</u> 2012 Legislative Session Update</p>

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND CHILDREN'S DIVISION STAFF

FROM: CANDACE A. SHIVELY, DIRECTOR

SUBJECT: 2012 Legislative Update and Related Policy Revisions

The purpose of this memorandum is to communicate information on legislative bills passed in the 2012 legislative session which have an impact on CD or are of interest to staff in the work we do. These bills became effective August 28, 2012.

[HOUSE BILL 1323](#)

Leaving Documentation or Calling before Responding to a Report

(Section 210.145.6 RSMo.)

Prohibits Children's Division from calling prior to a home visit or leaving a business card or other documentation when responding to or investigating a child abuse or neglect report, under the following circumstances:

- No person is present in the home;
- The alleged perpetrator resides in the home and the child's safety may be compromised if the alleged perpetrator becomes aware of the attempted visit;
- The alleged perpetrator will be alerted regarding the attempted visit; or
- The family has a history of domestic violence or fleeing the community.

Workers are to use the above criteria for consideration when determining if alerting the alleged perpetrator would compromise the safety of the child, as well as considering their own safety in planning for home visits.

Providing Written Material to the Alleged Perpetrator and Allowing it to be Read

(Section 210.145.6 RSMo.)

A worker who is responding to an investigation will provide written material to the alleged perpetrator which includes information about the investigative process, their rights to an appeal and their right to legal representation. This information is included in the CS-24 "Description of the Investigation Process." The worker is to give the alleged perpetrator a reasonable amount of time to read the material or have it read to him or her by the case worker before the visit commences. This provision specifies the event shall not exceed five (5) minutes. This requirement is waived when a child faces an immediate threat or danger, or the person responding to or investigating the report feels threatened or in danger of physical harm.

Requirement to Review Repeated Hotline Calls

(Section 210.145.4 RSMo.)

The Division is to review the collective content of screened out hotline calls when three or more calls involving the same victim are received within a seventy-two-hour (72) period. The purpose of the review is to determine if the collective information from these calls meet statutory criteria for a child abuse and neglect report or whether the calls were made for the purpose of harassment.

Initial review of three calls received will be completed by CANHU and an alert sent to the field when criteria are met. The calls will be sent to the field supervisor in situations where additional information is required to determine if 1) a referral should be upgraded to CA/N or 2) calls were made for the purpose of harassment. Staff will be responsible for gathering information and making a determination.

When field staff, upon review, finds the criteria for a CA/N report are met the field will send a field report to CANHU. If field staff determines the conditions for harassment are met, staff will follow CD harassment policy.

Death or Serious Injury of a Child after a Hotline Report has been Made

(Section 210.135.3 RSMo.)

The Division is to establish procedures for evaluating staff when a child dies or is seriously injured after a report is made to the child abuse/neglect hotline. The evaluation is to include the worker or workers who handled any reports related to the case, as well as the case worker or workers assigned to the investigation, and the Circuit Manager assigned to the county.

When a child dies or is seriously injured during an investigation or when there is an open case, the Division shall:

- Conduct a preliminary evaluation of staff involved with the case to determine if an assessment is necessary to decide if workers involved in the case are competent to perform their duties.
- Conduct an assessment, if necessary, within 3 days of the child's death.

Callers Instructed By the Hotline to Call 911 for Emergencies

(Section 210.145.6RSMo.)

Requires Children's Division CANHU staff to instruct callers to the child abuse and neglect hotline to call 911 in instances when a child may be in immediate danger. The CANHU protocol currently includes scripted language to instruct callers to contact 911 under these circumstances.

Sam Pratt's Law

(Section 544.456 RSMo.)

This law allows any court in a case involving the abuse, neglect, or death of a child to impose, as a condition of release, the prohibition of the defendant from providing child care services for compensation pending final disposition of the case.

The court is to notify the Department of Health and Senior Services and the Department of Social Services when it makes such a determination and at final disposition of the case.

Low-Wage Trap Elimination Act

(Sections 208.044, 208.053 and 544.456 RSMo.)

This act allows for the Hand-Up Pilot Program for persons currently receiving child care who have a rise in income above the allowed monthly maximum from suddenly losing their benefit. This is a voluntary program in which participants are required to pay a monthly premium.

Unlicensed Child Care Facilities

(Sections 210.211 and 210.245 RSMo.)

Any child care facility which is exempt from licensure will disclose to any parent or guardian, of children in its care, that the facility is not licensed. Any person who violates this provision a second or subsequent time will be guilty of a class A misdemeanor and assessed a fine of \$200 per day up to a maximum of \$10,000.

SENATE BILL 628

Joint Committee on Child Abuse and Neglect

(Section 21.771 RSMo.)

Establishes the “Joint Committee on Child Abuse and Neglect” a legislative committee composed of seven members of the House of Representatives and seven members of the Senate. The purpose of this committee is:

- To make a study and analysis of Missouri’s child abuse and neglect reporting and investigation system;
- To develop a plan to improve the decision process for removal of a child from a home;
- To determine if additional personnel and resources are necessary to adequately protect children and improve their welfare;
- To address the need for additional foster care homes and to improve the quality of care provided to abused and neglected children in the custody of the state; and
- To submit a full report annually to the General Assembly of its activities and recommendations for legislative action, as well as recommendations for administrative or procedural changes in the internal management or organization of the state or local government agencies and departments.

Automatic Stay on any Paternity Proceeding when the Father is charged with the Act of Rape

(Section 452.374 RSMo.)

Requires the court to issue an automatic stay on any paternity proceeding when there are pending criminal charges alleging an act of rape by the putative father until there is a final disposition of the criminal charges. In future proceedings, this legislation also prohibits the denial of visitation rights to the mother when the court is determining which parent is most likely to allow meaningful contact with the other parent.

Modification of the Crime of Domestic Assault

(Sections 565.072, 565.073 & 565.074 RSMo.)

Modifies the crime of domestic assault (1st, 2nd and 3rd degree) by including any child who is a member of the family to the list of persons to which the provision applies.

Modification to the Crime of Abuse or Neglect of a Child to include Abusive Head Trauma

(Section 568.060 RSMo.)

Changes “the crime of abuse of a child” to “the crime of abuse or neglect of a child”, and adds “abusive head trauma” to the statute.

Abusive head trauma is defined as “a serious physical injury to the head or brain caused by any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking”.

A person commits the crime of abuse or neglect of a child if they cause a child under 18 to:

- suffer physical or mental injury; or
- be placed in a situation which may result in physical or mental injury, or
- suffer abusive head trauma.

Crime of Sexual Misconduct Involving a Child

(Section 566.083)

The crime of sexual misconduct involving a child is modified to include a person knowingly coercing or inducing a female child, who is known by the person to be younger than 15 years of age, to expose the breasts of the female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.

Sexual Offender Registry - Missouri Criminal Code

(Section 2 RSMo.)

This act requires the Joint Committee on the Missouri Criminal Code to evaluate which offenses should be removed from the sexual offender registry without jeopardizing public safety or posing a threat to society.

Definition and Provisions Related to Vulnerable Persons

(Section 491.075 RSMo.)

Current law provides for the exception to the hearsay statute for a child under the age of 14 who is testifying regarding offenses under chapter 565, 566, 568 or 573 RSMo. This act adds "vulnerable person" to the exception.

Vulnerable person is defined as "a person who, as a result of an inadequately developed or impaired intelligence or a psychiatric disorder that materially affects ability to function, lacks the mental capacity to consent, or whose developmental level does not exceed that of an ordinary child of fourteen years of age".

Juvenile Court Jurisdiction

(Section 211.031 RSMo.)

This act lowers the age from 15 and 1/2 years to 15 years for any youth who is involved in a state or local traffic violation, allowing the juvenile court jurisdiction over any child in this instance.

[HOUSE BILL 1577](#)

Students in Foster Care

(Section 160.1990 RSMo.)

House Bill 1577 supports the provisions of Senate Bill 291, the Foster Care Education Bill of Rights. This legislation requires public school districts and child placing agencies to ensure foster children receive every benefit of a public education.

[SENATE BILL 599](#)

Reports Related to Spanking or the Use of Reasonable Force in Schools

(Section 160.261 RSMo.)

Previously Section 160.261 required the superintendent of schools or the president of the school board to notify the juvenile office of incidents of alleged child abuse which arose out of or were related to a spanking, or the use of reasonable force to protect a person or property, or a report made for the sole purpose of harassing a public school employee. This bill replaces the juvenile office with law enforcement.

[HOUSE BILL 1576](#)

State Health Insurance for Foster Parents

(Sections 103.078 and 210.539 RSMo.)

Any state licensed Level B foster parent, as defined in Section 210.543, RSMo, is eligible to purchase the same health insurance plan as state employees for himself or herself and his or her dependents through the plan provided by Missouri Consolidated Health Care Plan at the actuarially determined premium for health care coverage.

NECESSARY ACTION

1. Review this memorandum with all Children’s Division staff.
2. Review revised Child Welfare Manual chapters as indicated below.
3. All questions should be cleared through normal supervisory channels and directed to:

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CHILD WELFARE MANUAL REVISIONS

Section 2, Chapter 1.1 [Child Abuse/Neglect Reports](#)
 Section 2, Chapter 4.3.8 [Fatality, Near-Fatality Abuse/Neglect or Other Critical Event](#)
 Section 2, Chapter 4.1.3 [Face to Face Safety Assurance of Victim](#)
 Section 2, Chapter 4.1.4 [Interviewing](#)
 Section 4, Chapter 7.3.8 [Educational Support and Intervention](#)
 Section 2, Chapter 7.5.4.2 [School Employee](#)
 Section 7, [Glossary](#)

CHILD CARE MANUAL REVISIONS

1215.060.00 [Processing of Court Dispositions from Sam Pratt's Law](#)

FORMS AND INSTRUCTIONS

N/A

REFERENCE DOCUMENTS AND RESOURCES

N/A

RELATED STATUTE

Section 2	Section 208.053	Section 210.539	Section 565.072
Section 21.771	Section 210.135	Section 211.031	Section 565.073
Sections 103.078	Section 210.145	Section 452.374	Section 565.074
Section 160.261	Sections 210.211	Section 491.075	Section 566.083
Section 160.1990	Sections 210.245	Section 544.456	Section 568.060
Section 208.044			

ADMINISTRATIVE RULE

N/A

COUNCIL ON ACCREDITATION (COA) STANDARDS

N/A

CHILD AND FAMILY SERVICES REVIEW (CFSR)

N/A

PROTECTIVE FACTORS - N/A

Parental Resilience
 Social Connections
 Knowledge of Parenting and Child Development
 Concrete Support in Times of Need
 Social and Emotional Competence of Children

FACES REQUIREMENTS

N/A