

## DEPARTMENT OF SOCIAL SERVICES

## CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

April 30, 2015

**What's Inside:**Maintaining  
Reporter  
Confidentiality

## M E M O R A N D U M

TO: REGIONAL DIRECTORS, FIELD SUPPORT MANAGERS,  
CIRCUIT MANAGERS, SPECIALISTS, AND SUPERVISORS

FROM: TIM DECKER, DIRECTOR

SUBJECT: SUPREME COURT DECISION, STATE OF MISSOURI VS. THE  
HONORABLE FREDERICK TUCKER

## DISCUSSION:

The purpose of this memorandum is to inform staff of the Missouri Supreme Court decision regarding the release of reporter information during court proceedings.

Pursuant to RSMo 210.150, the Children's Division shall ensure the confidentiality of all reports and records of child abuse and neglect hotlines. Victim children or their legal representative, parents of minor victim children, and alleged perpetrators are allowed access to investigation records. However, statute expressly states these parties are not entitled to the names of reporters.

The Missouri Supreme Court has stated there is no exception to the confidentiality rule as outlined in statute and the Children's Division may not be court ordered to release the identity of reporters.

The following steps should be taken when staff is requested to reveal the reporter's identity during a court proceeding:

1. Inform the court, "**The record is confidential as prescribed by § 210.150 RSMo. and due to the Missouri Supreme Court's opinion in *State of Missouri vs. Tucker I* may not disclose the reporter.**" Staff should, if possible, request a recess to consult with the Division of Legal Services (DLS) during the court proceeding if asked to release the reporter's identity.
2. If the Court denies the request and orders staff to disclose the reporter's identity then staff must obey the order. In such situations, staff should notify their supervisor immediately after the court hearing. Supervisory staff should then notify DLS.
3. Document in the case record when ordered to release the reporter's identity.

If prior to a court hearing staff anticipate the release of the reporter's name will be ordered, a referral should be made to DLS through supervisory channels. This will allow for discussion as to any problems which may be caused by the release of the reporter's identity.

Staff should continue to send subpoenas to DLS through supervisory channels.

<b>NECESSARY ACTION</b>	
<ol style="list-style-type: none"> <li>1. Review this memorandum with all Children's Division staff.</li> <li>2. Review revised Child Welfare Manual chapters as indicated below.</li> <li>3. All questions should be cleared through normal supervisory channels and directed to:</li> </ol>	
<b>PDS CONTACT</b> Kara Wilcox-Bauer, MSW 573-526-9707 Kara.B.Wilcox-Bauer@dss.mo.gov	<b>PROGRAM MANAGER</b> Christy Collins, MS 573-751-9603 Christy.Collins@dss.mo.gov
<b>CHILD WELFARE MANUAL REVISIONS</b> Section 5.2.1 <a href="#">CA/N Investigations/Family Assessments</a>	
<b>FORMS AND INSTRUCTIONS</b> N/A	
<b>REFERENCE DOCUMENTS AND RESOURCES</b> N/A	
<b>RELATED STATUTE</b> Chapter 210.150 RSMo.	
<b>ADMINISTRATIVE RULE</b> N/A	
<b>COUNCIL ON ACCREDITATION (COA) STANDARDS</b> N/A	
<b>CHILD AND FAMILY SERVICES REVIEW (CFSR)</b> N/A	
<b>PROTECTIVE FACTORS</b> N/A Parental Resilience Social Connections Knowledge of Parenting and Child Development Concrete Support in Times of Need Social and Emotional Competence of Children	
<b>FACES REQUIREMENTS</b> N/A	