

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

November 15, 2005

WHAT'S INSIDE:

- Policy revisions related to *HB 568, SB 155 and SB 420*
- *CD-22 and instructions*

MEMORANDUM

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

FROM: PAULA NEESE, INTERIM DIRECTOR

SUBJECT: CHANGES IN POLICY RELATED TO 2005 LEGISLATION
HOUSE BILL 568; SENATE BILLS 155; AND SENATE BILL 420

INTRODUCTION OF *(CD-22) HARASSMENT REFERRAL LETTER AND INSTRUCTIONS*

DISCUSSION:

The purpose of this memorandum is to introduce new policy and procedure related to 2005 legislation. House Bill 568, Senate Bill 155 and Senate Bill 420 were signed into law by Governor Blunt and all relate to child protection. The changes outlined in this memorandum went into effect August 28, 2005.

HARASSMENT REPORTS TO THE HOTLINE

(Reference: [Senate Bill 155](#) - [Section 210.152 RSMo.](#))

**Manual
Section
[2.4.3.11](#)
[5.4](#)**

This law requires the Division to expunge all identifying information forty-five days from the conclusion date of child abuse and neglect investigations where the Division has determined the allegations are unsubstantiated and the report was made *maliciously, for purposes of harassment or in retaliation for the filing of a report.*

If it is determined that an unsubstantiated report was made maliciously, for the purpose of harassment, or in retaliation for filing a report, staff will send a (CD-22) *Harassment Referral* letter to the Prosecuting Attorney's Office. Staff should make every effort to submit a CD-22 to the Prosecuting Attorney's Office as soon as a determination of harassment is made in order to make the 45 day retention timeframe.

Staff will then contact Randall McDermit, PDS, or Kathryn Sapp, Program Manager, to delete the identifying information from the system 45 days from the conclusion date, until further notice. The county will be responsible for destroying the paper copies of that report 45 days from the date of the conclusion.

ABUSE OF A MINOR BY A MINOR

(Reference: [Senate Bill 155](#) and [Senate Bill 420 - Section 210.117 RSMo.](#); [Section 210.710 RSMo.](#); [Section 210.720 RSMo.](#); and [Section 211.038 RSMo.](#))

This legislative change imposes the restriction that if a court of competent jurisdiction determines, or the division determines, based on a substantiated report of child abuse that is upheld by the Child Abuse and Neglect Review Board, that a minor abuses another child, that minor cannot return to or reside in any residence within 1000 feet of the residence of the abused child, or any child care facility or school the abused child attends until the abused child is eighteen years old. These provisions do not apply if the abuse is between siblings and these provisions shall not apply when the abusing child and the abused child are children living in the same home.

Because these changes do not apply to siblings or children living in the same home it may not effect reunification efforts by the division, however staff should be aware when placing children in residential settings, child care facilities or schools where the perpetrator or victim might attend or reside. Tracking this information will be established through the SACWIS system.

ASSESSMENT AND TREATMENT SERVICES FOR CHILDREN

(Reference: [House Bill 568 - Section 210.110 RSMo.](#) and [Section 210.114 RSMo.](#))

This legislative change requires the Children's Division to develop an approach which will recognize and treat the needs of at-risk and abused or neglected children under the age of 10.

CUSTODY, VISITATION AND REUNIFICATION

(Reference: [House Bill 568 - Section 210.117 RSMo.](#) and [Section 211.038 RSMo.](#) and [Senate Bill 420 - Section 210.117 RSMo.](#), [Section 211.038 RSMo.](#), and [Section 211.181 RSMo.](#))

This legislative change refines statutory changes enacted through House Bill 1453 in August 2004, relating to specific violations in Chapter 566 and Chapter 568 that the division may exercise it's discretion regarding the placement of a child taken into custody and visitation. These changes also allow the Division more discretion to prohibit placement, custody and visitation for any violation listed in those chapters. A summary of those chapters relating to placement, custody and visitation can be found in *Child Welfare Manual: Section 7, Chapter 34: Chapter 566 and 568 RSMo. Relating to Custody, Placement and Visitation.*

The prohibitions for placement and custody related to Chapter 566 RSMo., and 568 RSMO., (Child Welfare Manual Section 7, Chapter 34), do not release Children's Division from Adoption Safe Family Act (ASFA) mandates. Children's Division is still responsible for providing reasonable efforts in reuniting families. This may sometimes require visitation with the parent. If, during a FST meeting, the parent discloses to a worker, a team member or court discovers that the parent has a criminal history that meets the 210.117 RSMo., criteria, the team shall discuss and make recommendations to the court regarding continued visitation between the parent and their child(ren) that is in the best interest of the child as well as include the need to emphasize concurrent planning. These recommendations should only be made when

Manual Section

2.1.2.3
4.5.c
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7.34

Manual Section

No Policy
Change

Manual Section

4.7.2.3
4.9.4
4.10
7.34

safety structures have been put in place to ensure the child's safety during visits related to contact with family, including the guilty party.

Note: 210.117 RSMo does not apply to any reunification occurrences (i.e. transfer of custody) made prior to August 28, 2004. For example cases where the court has returned custody to the parent prior to August 28, 2004, and the Division still maintains supervision we will not request the court to remove the child. In the cases where we have custody but the child is on a trial visit, the Division shall bring to the attention of the court at the time and any future hearing held the criminal convictions of the parent and testify as to what we believe is in the child's best interest.

SAFE PLACE FOR NEWBORNS

(Reference: [Senate Bill 420](#) – [Section 210.950 RSMo.](#))

**Manual
Section
2.1.2.5.4**

This legislation extends the affirmative defense to prosecution for voluntary relinquishment of a child to no more than one year old. Previously, the child must be between six and thirty days old.

Revision of “Safe Place For Newborns” Brochures to reflect this change is forthcoming.

IMMUNITY FOR PRIVATE CONTRACTORS

(Reference: [House Bill 568](#) – [Section 210.114 RSMo.](#))

**Manual
Section
No Policy
Changes**

This legislative change allows immunity from civil liability for a private contractor with the Children’s Division providing services to children and their families when the child is not in their care. Immunity does not apply to a private contractor who knowingly violates a department policy.

NECESSARY ACTIONS:

1. Please review this memorandum with all Children's Division Staff.
2. All questions should be cleared through normal supervisory channels and directed to:

PDS CONTACTS:

Randy McDermit, PDS
573-751-8932
Randall.D.McDermit@dss.mo.gov

Veronica Stovall, PDS
573-522-5060
Veronica.E.Stovall@dss.mo.gov

PROGRAM MANAGER:

Kathryn Sapp
573-522-5062
Kathryn.Sapp@dss.mo.gov

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<p>Section 4.Chapter 5 attach C</p> <p>Section 4, Chapter 7.2.3 Section 4, Chapter 9.4</p> <p>Section 4, Chapter 10 Section 5, Chapter 4 Section 7, Chapter 34</p>	<p>Guidelines for the Placement of Additional Children in Resource Homes Where a Child has been Placed in Residential Care Meeting Agenda</p> <p>Guidelines for Placement Decision Making for Permanency Planning Reunification</p> <p>Permanency Through Reunification</p> <p>Record Retention and Expungement</p> <p>Laws Relating to Custody, Placement, and Visitation of Children Under the Jurisdiction of Juvenile Court</p>
<p>RELATED STATUTE:</p> <p>Section 210.110 RSMo. Section 210.114 RSMo. Section 210.117 RSMo. Section 210.152 RSMo. Section 210.710 RSMo. Section 210.720 RSMo. Section 210.950 RSMo. Section 211.038 RSMo. Section 211.181 RSMo.</p>	
<p>2005 MISSOURI LEGISLATION:</p> <p>HB 568 SB 155 SB 420</p>	
<p>COUNCIL ON ACCREDITATION (COA) STANDARDS: N/A</p>	
<p>PROGRAM IMPROVEMENT PLAN (PIP): N/A</p>	
<p>SACWIS REQUIREMENTS: \\srv7g01\CD-Priorities\SACWIS-FACES\SACWIS_Requirements.htm</p> <p>I. Intake Management</p>	

PN/RDM