



Practice Points

Victim Children Under the Age of Four Section 210.146, RSMo.

This Practice Point serves to remind staff of the Children's Division's statutory requirements regarding children under the age of four who are identified as victims in **any** investigation. Policy related to these requirements is located in [Section 2, Chapter 5.3.5, Investigations Involving Children Under the Age of Four](#) and [Section 2, Chapter 6.1.2, Children Under the Age of Four Diagnosed as a Victim of Physical Abuse](#). Staff should review these policies for further information not contained within this Practice Point.

There are two key requirements within Section 210.146, RSMo., which state:

1. Upon receipt of a report of child abuse or neglect concerning a child three years of age or younger and the children's division's determination that such report merits an investigation, such investigation shall include an evaluation of the child by a SAFE CARE provider, as defined in section [334.950](#), or a review of the child's case file and photographs of the child's injuries by a SAFE CARE provider.
2. When a SAFE CARE provider makes a diagnosis that a child three years of age or younger has been subjected to physical abuse, including but not limited to symptoms indicative of abusive bruising, fractures, burns, abdominal injuries, or head trauma, and reports such diagnosis to the children's division, the division shall immediately submit a referral to the juvenile officer. The referral shall include the division's recommendations to the juvenile officer regarding the care, safety, and placement of the child and the reasons for those recommendations.

SAFE-CARE Referrals:

Staff fulfill the statutory obligation listed in #1 above by completing the SAFE-CARE Provider Evaluation Referral form (CD-231) and sending an encrypted email, along with any relevant medical records and photographs to DSS.CD.SafeCareReferral@dss.mo.gov and ensuring the recommendations received by the SAFE-CARE reviewer are completed. To clarify, three years of age includes children up to 3 years, 364 days old.

Children's Division staff **must** complete and submit the CD-231 as soon as possible, **but no later than seventy-two (72) hours**, after receiving the CA/N report. Failure to complete the referral timely may result in the child receiving inadequate medical attention and failure to

identify and address safety concerns. Children's Division supervisors **must** ensure staff have made these referrals during the 72 hour Chief Investigator consult.

Juvenile Office Referrals:

Any time a SAFE-CARE provider makes a written diagnosis indicating a child's injuries are due to physical abuse, staff **must** make a referral to the juvenile office **immediately** upon receipt of the diagnosis. This is not optional under the statute. However, the Children's Division does not have to make a recommendation for removal of the child(ren) if the child is safe in their caregiver's home or appropriate services and/or safety interventions have been put in place to eliminate the need to remove the child. When staff are not recommending removal, this is indicated on the second page of the Referral to the Juvenile Officer (CD-235) by checking the box "the Juvenile Officer take no action, as this matter has been referred to the Juvenile Officer as required by law, but the Children's Division does not believe any action by the Juvenile Officer is necessary. [See additional explanation in Section 2(b).]". Staff do need to ensure they clearly document the reasons why removal not being requested.

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