

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

August 28, 2022

M E M O R A N D U M

TO: CHILDREN'S DIVISION AND CONTRACTED STAFF  
FROM: DARRELL MISSEY, DIRECTOR  
SUBJECT: 2022 LEGISLATION AFFECTING CHILDREN'S DIVISION

DISCUSSION:

There were some bills enacted this session which impact the work of Children's Division and the families we serve. This memorandum is an overview of the new or amended statutes but is not all-inclusive as some portions of the bills may not be directly relevant to the work of Children's Division.

This memorandum will briefly discuss these new statutes. Additional information will be provided through trainings and appropriate policy changes. Provisions of the following Senate Bill (SB) summaries are included for discussion:

[SB 775](#)

CHILD TRAFFICKING (Sections 210.1500, 210.1505, & 211.031)

This act provides that when a child is located by a law enforcement official and there is reasonable cause to suspect the child may be a victim of sex trafficking, the law enforcement official shall immediately cause a hotline report to be made to the Children's Division. If the Children's Division determines that the report merits a child abuse/neglect investigation, the reporting official and responding Children's Division frontline team member(s) shall ensure the immediate safety of the child. If the law enforcement official has reasonable cause to believe the child is in imminent danger, the official may take temporary protective custody.

This act also establishes the "Statewide Council on Sex Trafficking and Sexual Exploitation of Children". The council shall collect data relating to sex trafficking of children and develop best practices regarding the response to sex trafficking of children. The council shall submit a report to the Governor and General Assembly on or before the council expires on December 31, 2023.

Finally, this act adds that family courts shall have exclusive original jurisdiction in proceedings involving a child who has been a victim of sex trafficking or sexual exploitation.

#### OFFENSE OF PROSTITUTION (Section 567.020)

This act provides that a person shall not be certified as an adult or adjudicated for the offense of prostitution if the person was under the age of 18 when the alleged offense occurred. Such person shall be considered a victim of child abuse and reported immediately to the Children's Division and to the juvenile officer for appropriate services.

#### [SB 681](#)

#### CORPORAL PUNISHMENT (Section 160.261)

This act requires school districts notify parents and receive written permission before using corporal punishment. This new law no longer includes language that prohibited Children's Division from having jurisdiction over or from investigating certain specific concerns in school settings. As a result of this change in law, Out-of-Home Investigation (OHI) Unit will now receive and investigate reports of alleged child abuse arising out of or related to the reported use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reportedly reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district.

#### [SB 683](#)

This act modifies current law relating to child care subsidies and child care facility licensing by transferring supervision and implementation authority from the Department of Social Services and the Department of Health and Senior Services to the Department of Elementary and Secondary Education pursuant to the Governor's Executive Order creating the Office of Childhood within the Department of Elementary and Secondary Education.

#### DILIGENT SEARCHES (Section 210.127)

Under current law, the Children's Division shall conduct a diligent search for the biological parent or parents of a child in the custody of the Children's Division if the location or identity of such parent or parents is unknown. Section 210.127 defines a "diligent search" as an exhaustive effort to identify and locate a biological parent whose identity or location is unknown, initiated as soon as the Children's Division is made aware of the existence of such parent, with the search progress reported at each court hearing until the parent is either identified and located, or the court excuses further search.

This act requires such search to be active, thorough, and timely and if a child is removed from a home and placed in the custody of the Children's Division, the search shall be conducted immediately following the removal of a child.

This act expands the search to include relatives other than grandparents. A diligent search for relatives shall occur within thirty days from the time the emergency placement is deemed necessary for the child. The Children’s Division shall continue to search for suitable relatives for the child’s placement until a suitable relative is identified and located or the court excuses further search.

Whenever a court determines that a foster home placement with a child’s relative is appropriate, the Children’s Division shall complete a diligent search to locate and notify the child’s grandparents, adult siblings, parents of siblings, and all other relatives of the child’s possible placement.

<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>SAP CONTACT</b>	<b>MANAGER CONTACT</b>
Scott B. Montgomery, MSW <a href="mailto:Scott.B.Montgomery@dss.mo.gov">Scott.B.Montgomery@dss.mo.gov</a>	Arlene Damron <a href="mailto:Arlene.Damron@dss.mo.gov">Arlene.Damron@dss.mo.gov</a>
<b>CHILD WELFARE MANUAL REVISIONS</b>	
<a href="#">Section 2 Chapter 5.6 Out-of-Home Investigations (OHI)</a> <a href="#">Section 4 Chapter 10.2 Diligent Searches</a>	
<b>FORMS AND INSTRUCTIONS</b>	
N/A	
<b>REFERENCE DOCUMENTS AND RESOURCES</b>	
N/A	
<b>RELATED STATUTE</b>	
Sections 160.261, 210.127, 210.1500, 210.1505, 211.031, and 567.020 RSMo.	