

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

November 27, 2023

M E M O R A N D U M

TO: CHILDREN'S DIVISION AND CONTRACTED STAFF

FROM: DARRELL MISSEY, DIRECTOR

SUBJECT: Central Registry and Probable Cause Findings

DISCUSSION:

The purpose of this memorandum is to inform staff of the use of Probable Cause findings. Pursuant to [13 CSR 35-31.100](#), the Children's Division will no longer disclose un-adjudicated Probable Cause findings to external agencies for purposes of finding a person ineligible for employment with a third party or presence at a residential care facility or child placement agency.

As defined in section [210.110, RSMo](#), the Central Registry is Children's Division's collection of records on persons who have been determined to have committed child abuse or neglect or pleaded guilty to or have been found guilty of certain crimes.

Using Child Abuse and Neglect Prior History in Decision Making

Staff should review and examine all prior CA/N history. A Probable Cause finding should not automatically disqualify someone from providing placement or being granted a license. However, Children's Division can use the narrative information contained within the Probable Cause report to make case specific decisions. When reviewing such cases, consider the following factors/questions:

- Is there a chronic pattern of abuse/neglect indicated in the prior history?
- What was the nature and context of the report?
- Who was involved?
- What was the Division's response? (e.g. Children were removed; Family-Centered Services or Intensive In-Home Services were provided, etc.)
- What was the outcome of services provided, if applicable? (e.g. Linked to community resources; successfully completed case goals; rights were terminated, etc.)

Decision Making Review Options

The Children's Division and their contractors shall provide access to a fair and impartial grievance process to address licensure, case management decisions, and delivery of service issues, [210.566 RSMo](#). When an individual disagrees with a placement or licensing decision, the following options may be available:

- If the individual was denied RH/FH licensure because of CA/N history then the decision can be disputed through the [Fair Hearing Process](#).
- If a Family Support Team (FST) refuses to place a child with a relative because of CA/N history, the placement dispute would be eligible for an [FST Decision Review](#).
- If a foster, relative, or adoptive care parent disagrees with any decision made by Children's Division (CD) regarding a case management issue involving an individual alternative care child who is, or has been, in the individual's physical custody, the [Alternative Care Review Board \(ACRB\)](#) can provide review.

Case Scenario

- A maternal grandmother and maternal grandfather request placement of their eight (8) year old granddaughter who was removed from her mother and placed in protective custody.
- The maternal grandfather has a probable cause sexual abuse finding.
- As we examine the case file we find that the victim in the probable cause finding was the child's mother who disclosed the abuse years ago when she was nine (9) years old. The child's mother has also expressed that she does not want her daughter to be placed with her parents.
- A decision is made to deny the placement based on the facts found in the narrative information from the case file and the maternal grandfather denies this ever happened.
- The maternal grandparents disagree with the placement decision and apply to be licensed as a relative caregiver for their granddaughter.
- A decision is made to deny the application for licensure based on the assessment of the probable cause finding and the relevance of such findings to child caring responsibilities.
- The maternal grandparents are notified in writing of the decision to deny the application for licensure and the administrative review process in accordance with CWM 6.7.1.
- The maternal grandparents disagree with the decision to deny the application for licensure and request a Fair Hearing.

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:

PDS CONTACT Crystal Wilson 573-567-8324 Crystal.L.Wilson@dss.mo.gov	MANAGER CONTACT Kara Wilcox 573-526-9707 Kara.B.Wilcox@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS Section 5, Chapter 3 (Record Access), Subsection 1 – CA/N Investigations and Family Assessments Section 6, Chapter 19 (Background Checks), Subsection 2 , – (Family Care Safety Registry) Section 2, Chapter 5 (Child Abuse and Neglect Reports), Subsection 3.8.3.6 – Investigations- Central Registry	
FORMS AND INSTRUCTIONS N/A	
REFERENCE DOCUMENTS AND RESOURCES 13 CSR 35-31.100 CD000787 LA FAIR HEARING PREPARATION TRAINING	
RELATED STATUTES 210.110 , RSMo 210.566 , RSMo	