

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

June 24, 2009

What's Inside:
Update to Legal Basis of
Permanency Through
Reunification

MEMORANDUM

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

FROM: PAULA NEESE, DIRECTOR

SUBJECT: UPDATE TO LEGAL BASIS OF PERMANENCY THROUGH
REUNIFICATION

DISCUSSION:

The purpose of this memorandum is to inform staff of an update made to the Child Welfare Manual [Section 4 Chapter 10, Subsection 1 Legal Basis](#). This update has been made in response to Policy Interpretation Question (PIQ) 72-03-12-09.

The PIQ questioned the extent to which an appellate case ruling would effect Children's Division (CD) with regard to [Section 210.117 RSMo](#). The statute was created in conjunction with the Dominic James Memorial Act. The law states that no child taken into custody of the state shall be reunited with a parent or placed in a home in which the parent, or any person residing in the home, has been found guilty of, or pled guilty to, specific violations of Chapter 566 and 568 RSMo, where the victim of that crime was a child. A listing of these violations can be found in [Section 7 Chapter 34 Subsection 2 Chapter 566 RSMo. Sexual Offenses](#) and [Section 7 Chapter 34 Subsection 3 Chapter 568 RSMo. Offenses Against the Family](#).

The appellate court's ruling established as a matter of law that CD workers may make a recommendation to reunify in cases where a parent, or person in the home, was found guilty of, or pled guilty to, one these violations if the violation occurred prior to the date of the child's removal from the home. In accordance with the court's ruling, [Section 210.117 RSMo](#) cannot be applied retroactively. **CD staff should, however, take into consideration any prior convictions of a criminal offense to determine if reunification is in the best interest of the child.**

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 CONTACT:
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CHILD WELFARE MANUAL REVISIONS:
[Section 4 Chapter 10, Subsection 1 Legal Basis](#)

RELATED STATUTE:
[Section 210.117 RSMo](#)

ADMINISTRATIVE RULES:
N/A

COUNCIL ON ACCREDITATION (COA) STANDARDS:
N/A

PROGRAM IMPROVEMENT PLAN (PIP):
N/A