

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

August 27, 2004

MEMORANDUM

WHAT'S INSIDE:

- Policy Changes and Form Revisions related to *HB 1453, "Dominic James Memorial Foster Care Reform Act of 2004"*

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

FROM: FREDERIC M. SIMMENS, DIRECTOR

SUBJECT: CHANGES IN POLICY RELATED TO HOUSE BILL 1453 LEGISLATION, "*DOMINIC JAMES MEMORIAL FOSTER CARE REFORM ACT OF 2004*"

DISCUSSION:

The purpose of this memorandum is to introduce new policy related to legislative changes and to clarify existing policy requirements. Governor Holden signed House Bill 1453 into law on June 29, 2004, known and cited as the "*Dominic James Memorial Foster Care Reform Act of 2004*". This legislation revises statutes related to child protection and foster care. The changes outlined in this memorandum become effective August 28, 2004.

<u>Bill Section</u>	<u>Title/Subject</u>	<u>Changes in Missouri Statute</u>	<u>Manual Section</u>
37.710	<i>Office of the Child Advocate for Child Protection and Services</i>	Allows the Office of Child Advocate to have access to specified information about children in protective custody, reports of child abuse and neglect, and records concerning protective services for children.	5.2 Attach B 2.4 Attach D
		POLICY IMPACT	
135.327	Adoption Tax Credit	Beginning July 1, 2004, 50% of tax credits allowed shall be for special needs children who are residents of Missouri at the time the adoption is initiated. Tax credits not to exceed four million dollars in any year. If in the first 90 days less than two million dollars is issued for children who are not residents of Missouri, the remainder shall be made available for residents of Missouri. (See <i>Adoptions Tax Credit Log and Adoption Tax Credit Power Point</i>)	4.30 attach F
		POLICY IMPACT	

<u>Bill Section</u>	<u>Title/Subject</u>	<u>Changes in Missouri Statute</u>	<u>Manual Section</u>
167.020	<i>Homeless Child or Youth</i>	<p>Modifies the term “homeless child or youth” to include children and youth under age 21 who:</p> <ul style="list-style-type: none"> • are sharing housing with others, living in motels, hotels, or emergency shelters, or who are awaiting foster care placement; • who have a primary nighttime residence that is not designed for regular sleeping accommodations; • are living in cars, public spaces, abandoned buildings, or similar settings; and are migratory. 	4.21.8 7 Glossary
192.016 453.060.5 453.061	<i>Putative Father Registry</i>	<p>DHSS shall establish a Putative Father Registry.</p> <p>Removes John Doe clause and requires a search of the Missouri Putative Father Registry to determine if a man has filed or been registered with the registry.</p> <p>Children’s Service workers will instruct all alleged minor parents (LS1) in the care and custody of the Division about their responsibilities and encourage fathers to sign up on the Putative Father Registry.</p> <p>Any man who has engaged in sexual intercourse with a woman is deemed to be on notice that a child may be conceived and as a result is entitled to notice of an adoption proceeding.</p> <p><i>The pamphlet which describes the putative father registry can be ordered from the warehouse CSE-6 (It should be noted that this pamphlet is in the process of being enhanced according to provisions of 1453)</i></p> <p>POLICY IMPACT</p>	No Policy Changes
207.085	CD Employee Dismissal	<p>Employees of the Children’s Division, including supervisory personnel and private contractors, involved with child protective services, who purposely, knowingly, and willingly violate a policy, rule, or state law related to CA/N activities of the division must be dismissed if the violation results in serious physical injury or death. Caseload size in excess of standards established by the Council on Accreditation for Families and Children’s Services will be a mitigating factor in determining dismissal.</p> <p><i>This revision is not a significant change from current DSS policy regarding grounds for employee dismissal.</i></p>	HRC Administrative Manual currently under revision

<u>Bill Section</u>	<u>Title/Subject</u>	<u>Changes in Missouri Statute</u>	<u>Manual Section</u>
210	Preponderance of Evidence	<p>This law changes the standard of proof for Child Abuse and Neglect Investigations received on or after August 28, 2004, from “<i>probable cause</i>” to “<i>preponderance of the evidence</i>”.</p> <p><i>Several references throughout Chapter 210 are made to our Child Welfare Manual in relation to this change in standard- of- proof as well as changes in the, but this does not represent a significant change in practice.</i></p> <p>Investigations should continue to be conducted with an emphasis on:</p> <ul style="list-style-type: none"> • thorough collection and documentation of evidence; • an accurate account of interviews (verbal and non-verbal) • descriptive, observable and behaviorally specific documentation of actions and conduct relative to the investigation; • descriptive, observable documentation regarding the physical condition of children and environment; • investigative findings based on all available facts and evidence that is of greater weight or more convincing than the evidence offered in opposition to it. <p>POLICY IMPACT</p>	<p>2.4 2.4 attach D 2.4 attach E 2.4 Attach F 2.4 Attach J 2.4 Attach L 2.4 Attach N 2.4 Attach P 2.4 Attach R 2.4 Attach S 2.4 Attach T 2.4 Attach U 2.4 Attach X 2.5 3.1 3.2 3.3 3.8 5.1 5.2 5.4 6.3 Attach A 7 Glossary 7.10 7.16</p>
210.108.1	Voluntary Placement Agreement	<p>Defines “voluntary placement agreement” as a written agreement between DSS and a parent of a child 17 years of age or younger solely in need of mental health treatment. Authorizes DSS to administer the placement and care of child while parent retains legal custody.</p> <p><i>Policy Memorandum regarding “Voluntary Placement Agreement” is forthcoming.</i></p>	Forthcoming Policy Changes
210.109.3	Mandated Reporters Required to Leave Name	<p>Mandated reporters may not make CA/N reports anonymously provided the reporter is informed that reporter information be held as confidential. All other reporters may remain anonymous.</p> <p><i>Reporter will be informed of confidentiality by integrating it into the CANHU Protocol at the time of the call.</i></p> <p>POLICY IMPACT</p>	CANHU Protocol

<u>Bill Section</u>	<u>Title/Subject</u>	<u>Changes in Missouri Statute</u>	<u>Manual Section</u>
210.145.15	Reporters Not Made Anonymously Requesting Disposition	Any reporter who provides his/her name to the CA/N hotline shall be informed of their right to obtain information concerning the disposition of the report. The reporter may also receive, if requested, findings and information concerning the case. The release of information shall be at the discretion of the director, based on the reporter's ability to assist in protecting the child or the potential harm to the child or other children in the family. The local office shall respond to the reporter's request within 45 days.	5.2.1 2.4 Attach D
	Referrals of Unsubstantiated CA/N Reports to the Office of the Child Advocate	Reporters of CA/N reports, who leave contact information, may request reports with unsubstantiated findings be referred to the <i>Office of Child Advocate</i> for review.	5.2 Attach B 2.4 Attach D New CS-21B
		POLICY IMPACT	
210.109.3.(8)	Performance Based Contracts	Requires CD to strategically contract for the provision of performance based children's services, throughout the continuum, except that state is the sole provider of CA/N hotline services, initial child abuse and neglect investigations, and initial family assessments. <i>Will potentially impact contracts in the future including but not limited to case management, IIS, FCS.</i>	No policy changes required
210.112	Privatization	The division to enter into and implement contracts for child welfare services, beginning on or before July 1, 2005, and is subject to appropriations. All direct services for children and their families currently provided by the Division shall be contracted for on a competitive bid basis, except for services related to the child abuse and neglect hotline, the initial investigation and the initial family assessments. <i>Contracted providers will be evaluated by performance based criteria and implemented strategically based on public and private partnerships.</i>	No policy changes required

<u>Bill Section</u>	<u>Title/Subject</u>	<u>Changes in Missouri Statute</u>	<u>Manual Section</u>
210.113	Accreditation	<p>This section establishes the goal of obtaining accreditation for the Department by the Council for Accreditation for Families and Children's Services within five years of the effective date of the section.</p> <p><i>(Refer to Memorandum CD04-53, Circuit Accreditation Process)</i></p>	(See CD04-53 Policy Changes)
210.117 and 211.038	Reunification Requirements And Restrictions	<p>Children who are taken into the custody of the state shall not be reunited with a parent or placed in a home when the parent or any person residing in the home has been convicted of certain felony offenses in chapters 566 or 568.</p> <p>Children under the jurisdiction of the juvenile court shall not be reunited with a parent or placed in a home when the parent or any person residing in the home has been convicted of specific felony offenses of chapters 566 or 568.</p> <p>If while providing services, staff determines or has reason to believe a criminal history would preclude reunification, staff must request parent to provide criminal history prior to requesting reunification to the court.</p> <p>POLICY IMPACT</p>	4.9.4 4.10.1 4.10.3.2.b 4.10.3.3.b 4.10.3.4.b 4.10.10
210.127	Diligent Search	<p>Requires the Division to conduct a "diligent search", for the biological parents of a child in the custody of the Division when the parents' identity or location is unknown.</p> <p>"Diligent search" includes efforts to locate or identify the biological parents of a child, initiated as soon as the division is made aware of the existence of the parent, with progress reports at each court hearing until the parent is identified and located or the court excuses further search.</p> <p><i>Staff will utilize resources available, such as Federal Parent Locator Services (FPLS) through the Family Support Division and Office of the State Court Administrator.</i></p> <p>POLICY IMPACT</p>	4.4 Attach A 7 Glossary
210.145.5	Interviewing Child in School	<p>The Division may not meet with child at any school or childcare facility building where the abuse of the child is alleged to have occurred.</p> <p>If alleged abuse occurred in school/child-care facility, staff shall not meet with the child in same school/child-care facility. If abuse</p>	See CD04-69 Policy Changes

<u>Bill Section</u>	<u>Title/Subject</u>	<u>Changes in Missouri Statute</u>	<u>Manual Section</u>
		<p>occurred in school/child-care facility, arrangements need to be made to meet with the child in a different locale.</p> <p><i>This is a correction from the 2003 legislation in House Bill 613, which did not allow CD staff to meet with a child in any school or daycare facility. (Refer to Memorandum CD04-69)</i></p>	
210.145.11	FSTM Invitees	<p>Dictates who must be invited to family support team meetings, which include parents, legal counsel for the parents, foster parents, the legal guardian for the child, the GAL, and the CASA shall be provided notice of the meeting. Family members, (other than alleged perpetrator), or other community formal or informal service providers may be invited at the discretion of the family. The parents, legal counsel for the parent, legal guardian/custodian, and foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such meetings. Once a person is provided notice of a meeting, the CD or the conveyor of the meeting shall provide notice of subsequent meetings. Families may determine whether individuals invited at their discretion shall continue to be invited.</p> <p>POLICY IMPACT</p>	4.7.2.1 4.7.4.2 4.9.7.1
210.762.1	FSTM Follow Protective Custody Timeframe	<p>Requires division to arrange for a family support team meeting prior to or within 24 hours following the protective custody hearing. The division shall arrange additional family support team meetings prior to taking any action relating to the placement of such child except in emergency and then the division may make a temporary placement and shall schedule a family support team meeting within 72 hours.</p> <p>POLICY IMPACT</p>	
210.147.1-2	FSTM Confidentiality	<p>All information provided at meetings or administrative hearings regarding removal of a child is confidential except:</p> <ul style="list-style-type: none"> • A parent or a party may waive confidentiality for himself or herself • Any parent has the absolute right to audio or videotape such meeting to the extent allowed by the law. • No parent or party shall be required to sign a confidentiality agreement before testifying or providing information at such meeting or hearing. 	4.7.2 4.9.3 4.9.7

<u>Bill Section</u>	<u>Title/Subject</u>	<u>Changes in Missouri Statute</u>	<u>Manual Section</u>
		<ul style="list-style-type: none"> Any person, other than a parent or party, who doesn't agree to maintain confidentiality may be excluded from any portion of the meeting during which he/she is not testifying or providing information. <p>The CD is responsible for developing a form (CS-1) to be used at the conclusion of any meeting held in relation to a child placed in the custody of the state. A completed CS-1 will be distributed to parents and any other party within (5) five days of FSTM. (See CS-1 Instructions)</p> <p>POLICY IMPACT</p>	
210.160.2	FSTM Guardian ad litem Right to Attend	Upon appointment by the court to a case, GAL to be informed of and have the right to attend any and all family support team meetings involving the child.	4.7.2.1 4.9.7.2
		POLICY IMPACT	
210.150.2	CA/N Record Access	Identifies persons who shall have access to investigation records contained at the central registry. Information may be given to a grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved in the investigation of abuse or neglect, juvenile court or other court conducting abuse or neglect or child protective proceedings or <i>child custody proceedings</i> , and other federal, state and local government entities, or any other agent of such entity, with a need for such information in order to carry out its responsibilities under the law to protect children from abuse or neglect.	5.2.1
		POLICY IMPACT	
210.152.1	CA/N Record Retention	Reduces the amount of time the Children's Division must keep an unsubstantiated report of child abuse made by a mandated reporter from ten to five years.	5.4.1
		POLICY IMPACT	
210.482.1-5	Emergency Placement Background Checks	<p>Details emergency placement procedures of a child in a private home due to unexpected absence of the child's parents.</p> <ul style="list-style-type: none"> Juvenile court and CD may request local or state law enforcement to conduct name-based criminal history record check, including full orders of protection and outstanding warrants of each person over the age of 17 residing in the home by using MULES and NCIC to access FBI information. 	4.12.3 4.12.3.1

<u>Bill Section</u>	<u>Title/Subject</u>	<u>Changes in Missouri Statute</u>	<u>Manual Section</u>
		<ul style="list-style-type: none"> • CD shall conduct CA/N history check for any person over 17 residing in the home. CD shall inquire whether any child less than 17 in the home has been certified as an adult and convicted of or pled guilty or no lo contendere to any crime. • After initial name-based search, all persons in the home 17 and over must submit two sets of fingerprints and accompanying fees for a more extensive criminal background check, except for persons who are within two degrees of consanguinity and affinity to the child (parents, grandparents, brothers and sisters). One set to be used by the highway patrol to search criminal history repository and the second set to be forwarded to the FBI. • Any child placed in emergency placement shall be removed immediately if any person in the home fails to provide fingerprints after being requested to do so, unless that person ceases to reside in the home. • If placement is denied because of the name-based search and the denial is contested, the members of the household 17 and over must submit 2 sets of fingerprints for a background check within fifteen business days. • Cost of fingerprints may be paid by the state. 	
		POLICY IMPACT	
210.487.1	Foster/Adopt Parent Licensing	<ul style="list-style-type: none"> • Requires CD to conduct search for full orders of protection for anyone seeking a foster parent license, or any adult in the applicant's household. • The applicant and any adult or child certified as an adult in the household must submit two sets of fingerprints for a criminal background check. • CD must determine if any person over 17 in the home and any child less than 17 who has been certified as an adult for the commission of a crime is listed on the child abuse and neglect registry. • The division shall inquire if any children less than 17 in the home have ever been certified as an adult and been convicted of, or pled guilty or nolo contendere to any crime. • Subject to appropriation the total cost of fingerprinting may be paid by the state. 	<p>6.2.2.1 6.2.2.3 6.3.1 6.3.4 6.3 attach A 6.3 Attach C 6.3 Attach D 6.3 Attach E 6.3 Attach H 6.3 Attach I</p> <p><i>Administrative rules promulgated under the Code of State Regulations are forthcoming.</i></p>
		POLICY IMPACT	

<u>Bill Section</u>	<u>Title/Subject</u>	<u>Changes in Missouri Statute</u>	<u>Manual Section</u>
210.542.1	Foster Parent Licensing Standards	<p>Requires the Children’s Division to provide standards and training for prospective foster parents before they become licensed.</p> <p>The division shall provide performance-based criteria for licensed foster parents.</p> <p>POLICY IMPACT</p>	<p><i>Administrative rules promulgated under the Code of State Regulations are forthcoming</i></p>
210.565.1-5	Preference for Placement with Relatives	<ul style="list-style-type: none"> • Requires placement with relatives if the court has determined that relative placement is not contrary to the best interests of the child. • Court must make specific findings on the record detailing why placement with a relative is not in the best interests of the child. • Specifies that the age of a relative may not be the only factor considered in determining whether to place the child with that relative. • Requires the Children’s Division to comply with the Federal Indian Child Welfare Act in placing Native American children. <p>POLICY IMPACT</p>	<p>4.12.1 4.12.3 4..4 Attach B 4.19.1.1 4.19.2 4.19.3 7 Glossary</p>
210.760.1	Foster Care Placements Notifying Parents	<p>Requires the Division to notify parents when their child is placed in foster care and work with parent or legal guardian of the child for his or her return home.</p> <p><i>See current policy on parent notification of custody in CWM: Section 4.3.1.3.a Investigation and Protective Custody</i></p>	<p>4.3.1.3.a</p>
210.760.2	Foster Care Placements During School Day	<p>Except as otherwise provided in section 210.125, no child shall be removed from school for placement in foster care without a court order specifying that the child will be removed from school.</p> <p>POLICY IMPACT</p>	<p>2.4.3.9</p>
211.031.4	Home Schooling	<p>Specifies that when the only basis for action is an alleged violation of the mandatory school attendance statute involving a child who alleges to be home schooled, the juvenile officer must contact the child’s parents to verify that the child is being home schooled. Reports of violations of the mandatory school attendance statute involving a child who is home schooled must be made to the prosecuting attorney in the county in which the child resides.</p> <p>POLICY IMPACT</p>	<p>2.4.1 2.4.3.7</p>

<u>Bill Section</u>	<u>Title/Subject</u>	<u>Changes in Missouri Statute</u>	<u>Manual Section</u>
211.032.7	School Attendance	If placement results in the child attending a different school the child's records shall be automatically transferred within two days of notification or upon request of the foster parents, GAL, or the volunteer advocate and when possible, the child shall be allowed to continue attending the school he or she attended prior to being taken into the custody of the Division. The division in consultation with the department of elementary and secondary education, shall establish the necessary procedures to implement provisions.	4.4.3
211.059.3	Questioning/ Interviewing Children in Custody	<p>The questioning of a child in custody due to abuse or neglect shall cease if the child wishes a parent, guardian or attorney present during the questioning.</p> <p>Questioning shall not continue until such time the child does not object to talking about alleged abuse, unless the interviewer has reason to believe that the parent or guardian is acting to protect the alleged perpetrator.</p> <p>Nothing shall prevent the asking of questions necessary for the care, treatment, or placement of the child.</p> <p>All video or audio recordings of meetings, interviews, or interrogations conducted by the state of a child in the state's custody are presumed admissible in proceedings involving the child, regardless of whether the recording was made before or after the child was taken into custody and such recordings were made prior to the adjudication hearing in the case and are inadmissible only upon a showing by clear and convincing evidence that the recording lacks sufficient indication of reliability.</p> <p>POLICY IMPACT</p>	7.18 2.4
453.020.2	Petition for Adoption	The petition for adoption shall include payment of a \$50 filing fee which shall be used to fund the putative father registry.	No Policy Change

<u>Bill Section</u>	<u>Title/Subject</u>	<u>Changes in Missouri Statute</u>	<u>Manual Section</u>
453.020	GAL Adoption and Filing Fee	The GAL may be awarded a reasonable fee for such services to be set by the court. The court in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. Such an award of GAL fees shall constitute a final judgment in favor of the GAL.	4.30 Attach A 4.30 Attach D 4.11 Attach C
		POLICY IMPACT	
701.336.1.1	Non-Offending Parents	Requires a child be returned to the care of a non-offending parent legally entitled to physical custody of the child under certain circumstances including: <ul style="list-style-type: none"> • parents have continually maintained joint domicile for a period of at least 6 months or maintain separate households; • evidence indicates only one of the parents is the subject on an investigation and the non-offending parent does not have a history of criminal behavior or drug abuse within the past 5 years; • non-offending parent request custody of the child and agrees to cooperate with court orders limiting contact. Nothing shall prevent the division for the court from exercising its discretion to return a child to children to the custody of any individual	4.4.2 4.4 Attach B
		POLICY IMPACT	

REVISED FORMS

This legislation also necessitates the revision of the following forms and respective instructions:

CS-21--Investigation Disposition Letter and instructions:

- Revision of standard of proof from “Probable Cause” to “Preponderance of Evidence”.
- Adds a statement informing the alleged perpetrators that a finding of “Preponderance of Evidence” may effect future employment.

CS-21 B—Reporter Disposition Notification Letter:

- New form letter for notifying mandated reporters of report disposition and for permissive reports, who are not anonymous and request disposition information.

CS-24--Description of the Investigation:

- Revision of standard of proof from “Probable Cause” to “Preponderance of Evidence”.
- Adds a statement informing the alleged perpetrators that a finding of “Preponderance of Evidence” may effect future employment.

CPS-1--Child Abuse/Neglect Investigation/Family Assessment and instructions:

- Revision of standard of proof from “Probable Cause” to “Preponderance of Evidence”.
- Includes item requiring the identification of children with American Indian Heritage.

CAN-1--Code Sheet and instructions:

- Revision of standard of proof from “Probable Cause” to “Preponderance of Evidence.”

- Item requiring the documentation of SDM Risk Assessment code descriptions: (V) Very High, (H) High, (M) Moderate and (L) Low.
- SS-61- Alternative Care Client Form Code Sheet and Instructions*
- FSTM Documentation

REVISED MANUAL CHANGES

Section 2 Revisions

Chapter 4	Investigation Response
Chapter 4, Attachment D	Reporter Contact
Chapter 4, Attachment E	Decision Making-Investigative Conclusions
Chapter 4, Attachment F	Safety Analysis and Risk Assessments
Chapter 4, Attachment J	School Related Issues
Chapter 4, Attachment L	Out-Of-Home Investigations
Chapter 4, Attachment N	Child Fatality Review Panels
Chapter 4, Attachment P	CANRB Guidelines
Chapter 4, Attachment R	Physical Abuse
Chapter 4, Attachment S	Sexual Maltreatment
Chapter 4, Attachment T	Neglect
Chapter 4, Attachment U	Medical Neglect
Chapter 4, Attachment X	Preponderance of Evidence
Chapter 5	Family Assessment Response

Section 3 Revisions

Chapter 1	Case Opening Criteria
Chapter 2	Procedure to open or reopen A Family for Services
Chapter 3	Development of the Family Plan for Change
Chapter 8	Case Closing

Section 4 Revisions

Chapter 4	Selection of Placement Resource and Placement Options
Chapter 4, Attachment A	Locating the Non-Custodial Parent
Chapter 4, Attachment B	Guidelines to Placement Options, Criteria and Selection
Chapter 7	Begin Work with the Family/Child(ren)
Chapter 9	Permanent Outcomes for Children
Chapter 10	Permanency Through Reunification
Chapter 11, Attachment C	Special Expenses Payment
Chapter 12	Kinship Care
Chapter 21	CHAFEE Foster Care Independence Program (CFCIP)
Chapter 30, Attachment A	Subsidy Coverage Limitations
Chapter 30, Attachment D	Nonrecurring Adoption Expense for Special Needs Children Not Eligible for the Missouri Adoption Subsidy
Chapter 30, Attachment F	Missouri Special Needs Adoption Tax Credit

Section 5 Revisions

Chapter 1	Documentation and Record Maintenance
Chapter 2	Record Access
Chapter 2, Attachment B	Office of the Child Advocate
Chapter 4	Record Retention and Expungement

Section 6 Revisions

Chapter 2	Resource Provider Training-STARS (Specialized Training Assessment Resource and Support)
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Chapter 3	Resource Family Assessment and Licensing
Chapter 3, Attachment A	Guide for Conducting Foster/Kinship Family Assessments
Chapter 3, Attachment D	Guide for Conducting Renewal Assessment
Chapter 3, Attachment E	Foster/Kinship Family Renewal Assessment Recording Outline
Chapter 3, Attachment H	Guide for Conducting Adoptive Family Assessment Services
Chapter 3, Attachment I	Adoptive Family Assessment Recording Outline

Section 7 Revisions

Glossary/Reference

Chapter 10	Chronic Neglect
Chapter 16	Children's Division's Role in Drug-Involved Cases
Chapter 18	Investigative Interviewing

NECESSARY ACTION:

1. Review this memorandum with all Children's Division Staff.
2. Review revised *Child Welfare Manual* sections listed under *Manual Sections* Column.
3. Review above listed *Revised Forms* and respective instructions.
4. All questions should be cleared through normal supervisory channels.

FMS/RDM/cb

HB 1453: Reunification

210.117 RSMo

HB 1453 impacts policy regarding the reunification of children with their parent/custodian.

Current Policy:

Current policy has no specific requirements regarding the criminal history of a parent when reunifying a child with that parent.

New Policy:

- Add language to policy, reflecting statutory requirements that disallows the reunification of children in the custody of the state to 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 a felony violation of chapter 566 RSMo, with the exception of 566.034 RSMo, or section 568.020, 568.045, 568.060 (except for subdivision 1 of subsection 1), 568.065, 568.070, 568.080, 568.090 or 568.175 RSMo when a child was a victim. (See listing below)

NOTE: The following revised statutes can be founded at <http://www.moga.state.mo.us/statutesearch/>.

A child under the jurisdiction of the Juvenile Court may **never** be reunited with a parent or placed in a home when the parent or any person residing in the home has been convicted of the **bolded** offenses, the others may be considered.

Chapter 566 Sexual Offenses

Sections

566.030	Forcible rape
566.032	Statutory rape, first degree, penalties.
566.034	Statutory rape second degree
566.040.1	Sexual assault, penalties.
566.060.1	Forcible sodomy, penalties.
566.062	Statutory sodomy, first degree, penalties.
566.064.1	Statutory sodomy, second degree, penalty.
566.067.1	Child molestation, first degree, penalties
566.068.1	Child molestation, second degree, penalties.
566.070.1	Deviate sexual assault, penalty.
566.083.1	Sexual misconduct involving a child, penalty.
566.090.1	Sexual misconduct, first degree, penalties.
566.093.1	Sexual misconduct, second degree, penalties.
566.095.1	Sexual misconduct, third degree, penalty.
566.100.1	Sexual abuse, penalties.
566.111.1	Unlawful sex with animal, penalties.

Chapter 568 Offenses Against the Family

Sections:

- 568.010. Bigamy.
- 568.020. Incest.**
- 568.030. Abandonment of child in the first degree, penalty.
- 568.032. Abandonment of a child, second degree--penalty.
- 568.040. Criminal nonsupport, penalty, prosecuting attorneys to report cases to division of child support enforcement.
- 568.045. Endangering the welfare of a child in the first degree, penalties.**
- 568.050. Endangering the welfare of a child in the second degree.
- 568.052. Leaving a child unattended in a motor vehicle who causes an accident --first and second degree, penalties.
- 568.060. Abuse of a child, penalty.**
- 568.065. Genital mutilation of a female child, penalty--affirmative defenses**
- 568.070. Unlawful transactions with a child.**
- 568.080. Child used in sexual performance, penalties.**
- 568.090. Promoting sexual performance by a child, penalties.**
- 568.100. Factors to consider in establishing age of child participating in Sexual performances--testimony may be videotaped, when.
- 568.110. Professional's duty to report on film, photographs, videotapes, Failure to report, penalty--exceptions.
- 568.120. Treatment program for first offenders, cost--second offense, no Suspension of sentence or probation.
- 568.175. Trafficking in children--elements of crime--penalty.**

- While providing services, staff determine or have reason to believe criminal history that would preclude reunification, staff must request the parent provide criminal history, such as a fingerprinted criminal check, prior to requesting reunification to the court.

Expected Outcomes:

This addition to policy and statute will strengthen the safety of children when they are reunited with their parents while it supports the agency's goal and practice of reuniting children with their parents, which allows us to meet the ultimate permanency goal.