

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

What's Inside:
Notice to Rescind CD09-54 and Clarify
Update to Legal Basis of Permanency
Through Reunification

September 30, 2009

MEMORANDUM

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

FROM: PAULA NEESE, DIRECTOR

SUBJECT: NOTICE TO RESCIND CD09-54 AND CLARIFY UPDATE TO
LEGAL BASIS OF PERMANENCY THROUGH REUNIFICATION

DISCUSSION:

The purpose of this memorandum is to rescind memorandum CD09-54 and 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 legal standards set forth in [Section 210.117 RSMo](#). The law states that a child taken into state custody, shall not be reunited with a parent or placed in a home in which a parent or any other person residing in the home has been found guilty of, or pled guilty to certain Missouri felony criminal offenses under Chapter 566 and 568 RSMo, where a **child** was the victim as referenced in [Section 210.117 RSMo](#) and /or [211.038 RSMo](#). 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 statutory prohibition of reunification applies as long as the juvenile court case was filed on or after August 28, 2004, regardless of the date of the individual's conviction. All cases presenting a potentially qualifying conviction should be referred to DLS. For cases which do not present qualifying convictions to prevent reunification, CD staff should take into consideration any prior convictions of any criminal offense when determining if reunification is in the best interest of the child.

NECESSARY ACTIONS:

1. Please review this memorandum with all Children's Division Staff.
2. Review updates made to the Child Welfare Manual
3. All questions should be cleared through normal supervisory channels and directed to:

PDS CONTACT:

Scott B. Montgomery, PDS
573-526-5408
Scott.B.Montgomery@dss.mo.gov

UNIT MANAGER

Dena Driver
573-751-3171
Dena.Driver@dss.mo.gov

CHILD WELFARE MANUAL REVISIONS:

[Section 4 Chapter 10, Subsection 1 Legal Basis](#)

FORMS AND INSTRUCTIONS

N/A

REFERENCE DOCUMENTS AND RESOURCES

N/A

RELATED STATUTE:

[Section 210.117 RSMo](#); [211.038 RSMo](#)

ADMINISTRATIVE RULE

N/A

COUNCIL ON ACCREDITATION (COA) STANDARDS

N/A

CHILD AND FAMILY SERVICES REVIEW (CFSR)

N/A

PROTECTIVE FACTORS

Parental Resilience-N/A
Social Connections-N/A
Knowledge of Parenting and Child Development-N/A
Concrete Support in Times of Need-N/A
Social and Emotional Competence of Children-N/A

FACES REQUIREMENTS

N/A