

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

August 26, 2010

What's Inside:

2010 Legislation and related changes to OHI policy and procedure

M E M O R A N D U M

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

FROM: PAULA NEESE, DIRECTOR

SUBJECT: 2010 LEGISLATION AND RELATED CHANGES TO OHI POLICY AND PROCEDURE

The purpose of this memorandum is to introduce legislation passed in the 2010 legislative session which impacts reports of child abuse and neglect when the alleged perpetrator is a school employee. These changes are effective August 28th, 2010, and impact policy and procedure for Out-of-Home Investigations (OHI) only.

House Bill 1543

The passage of House Bill 1543 enacts several changes in Missouri law related to elementary and secondary education. The only direct impact to the Children's Division will be as a result of changes to Section 160.261 RSMo., and applies only to policy and procedure for investigations conducted by the Out-of-Home Investigations Unit (OHI).

- In section 160.261.10 RSMo., current law provides that the Children's Division (OHI unit) does not have jurisdiction over and does not investigate any report of alleged abuse arising out of or related to any spanking administered in a reasonable manner by any certificated school personnel.
- In the revised section 160.261.10 RSMo., this bill gives the Children's Division (OHI unit) jurisdiction for any report of alleged abuse arising out of or related to any spanking that is not witnessed by a school employee or any report in which sexual misconduct arises from the spanking.
- This bill also adds that the Children's Division (OHI Unit) shall not have jurisdiction over or investigate any report of alleged abuse arising out of the use of force to protect persons or property when administered by personnel of a school district as long as no allegation of sexual misconduct arises from the use of force.

Division policy and procedure related to spanking in a school setting by certified school personnel as well as the use of force to protect persons or property have been revised to reflect these legislative changes. (CWM Section 2, Chapter 7)

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

Randall D. McDermit
573-751-8932
Randall.D.McDermit@dss.mo.gov

PROGRAM MANAGER

Amy L. Martin
(573) 751-3171
Amy.L.Martin@dss.mo.gov

CHILD WELFARE MANUAL REVISIONS

Section 2, Chapter 7 [Out-Of-Home \(OHI\) Investigations](#)

2010 LEGISLATION

[HB 1543](#)

REFERENCE DOCUMENTS AND RESOURCES

N/A

RELATED STATUTE

[160.261 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