

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By  
\_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 682, Page 1, Section A, Line 2, by  
2 inserting after all of the said section and line the following:

3  
4 "37.710. 1. The office shall have access to the following information:

5 (1) The names and physical location of all children in protective services, treatment, or other  
6 programs under the jurisdiction of the children's division, the department of mental health, and the  
7 juvenile court;

8 (2) All written reports of child abuse and neglect; and

9 (3) All current records required to be maintained pursuant to chapters 210 and 211.

10 2. The office shall have the authority:

11 (1) To communicate privately by any means possible with any child under protective  
12 services and anyone working with the child, including the family, relatives, courts, employees of the  
13 department of social services and the department of mental health, and other persons or entities  
14 providing treatment and services;

15 (2) To have access, including the right to inspect, copy and subpoena records held by the  
16 clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public  
17 or private, and other agencies, or persons with whom a particular child has been either voluntarily or  
18 otherwise placed for care, or has received treatment within this state or in another state;

19 (3) To work in conjunction with juvenile officers and guardians ad litem;

20 (4) To file any findings or reports of the child advocate regarding the parent or child with  
21 the court, and issue recommendations regarding the disposition of an investigation, which may be  
22 provided to the court and to the investigating agency;

23 (5) To file amicus curiae briefs on behalf of the interests of the parent or child, or to file  
24 such pleadings necessary to intervene on behalf of the child at the appropriate judicial level using  
25 the resources of the office of the attorney general;

26 (6) To initiate meetings with the department of social services, the department of mental  
27 health, the juvenile court, and juvenile officers;

28 (7) To take whatever steps are appropriate to see that persons are made aware of the services  
29 of the child advocate's office, its purpose, and how it can be contacted;

30 (8) To apply for and accept grants, gifts, and bequests of funds from other states, federal,  
31 and interstate agencies, and independent authorities, private firms, individuals, and foundations to  
32 carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account  
33 established within the office to permit moneys to be expended in accordance with the provisions of  
34 the grant or bequest;

35 (9) Subject to appropriation, to establish as needed local panels on a regional or county basis  
36 to adequately and efficiently carry out the functions and duties of the office, and address complaints

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1 in a timely manner; and

2 (10) To mediate between alleged victims of sexual misconduct and school districts or  
3 charter schools as provided in subsection 1 of section 160.262.

4 3. For any information obtained from a state agency or entity under sections 37.700 to  
5 37.730, the office of child advocate shall be subject to the same disclosure restrictions and  
6 confidentiality requirements that apply to the state agency or entity providing such information to  
7 the office of child advocate. For information obtained directly by the office of child advocate under  
8 sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure  
9 restrictions and confidentiality requirements that apply to the children's division regarding  
10 information obtained during a child abuse and neglect investigation resulting in an unsubstantiated  
11 report. Nothing in this section shall preclude the office of child advocate from releasing findings  
12 regarding the professional performance of any individual member of the multidisciplinary team as  
13 described in section 660.520.

14 37.717. 1. The office shall create a safety reporting system in which employees of the  
15 children's division may report information regarding the safety of those served by the children's  
16 division and the safety of such division's employees.

17 2. The identity of any individual who reports to or participates in the reporting system under  
18 subsection 1 of this section shall:

19 (1) Be sealed from inspection by the public or any other entity or individual who is  
20 otherwise provided access to the department of social services' confidential records;

21 (2) Not be subject to discovery or introduction into evidence in any civil proceeding; and

22 (3) Be disclosed only as necessary to carry out the purpose of the reporting system under  
23 subsection 1 of this section.

24 3. Any criminal act reported into the reporting system under subsection 1 of this section  
25 shall be disclosed by the office of child advocate to the appropriate law enforcement agency or  
26 prosecuting or city attorney.

27 4. Any investigation conducted as a result of a report made under this section shall be  
28 conducted by an unbiased and disinterested investigator."; and  
29

30 Further amend said bill and page, Section 173.1590, Line 7, by inserting after all of said section and  
31 line the following:

32  
33 "210.152. 1. All information, including telephone reports reported pursuant to section  
34 210.145, relating to reports of abuse or neglect received by the division shall be retained by the  
35 division or removed from the records of the division as follows:

36 (1) For investigation reports contained in the central registry, the report and all information  
37 shall be retained by the division;

38 (2) (a) For investigation reports initiated against a person required to report pursuant to  
39 section 210.115, where insufficient evidence of abuse or neglect is found by the division and where  
40 the division determines the allegation of abuse or neglect was made maliciously, for purposes of  
41 harassment, or in retaliation for the filing of a report by a person required to report, identifying  
42 information shall be expunged by the division within forty-five days from the conclusion of the  
43 investigation;

44 (b) For investigation reports, where insufficient evidence of abuse or neglect is found by the  
45 division and where the division determines the allegation of abuse or neglect was made maliciously,  
46 for purposes of harassment, or in retaliation for the filing of a report, identifying information shall  
47 be expunged by the division within forty-five days from the conclusion of the investigation;

48 (c) For investigation reports initiated by a person required to report under section 210.115,  
49 where insufficient evidence of abuse or neglect is found by the division, identifying information

1 shall be retained for ten years from the conclusion of the investigation. For all other investigation  
2 reports where insufficient evidence of abuse or neglect is found by the division, identifying  
3 information shall be retained for five years from the conclusion of the investigation. Such reports  
4 shall include any exculpatory evidence known by the division, including exculpatory evidence  
5 obtained after the closing of the case. At the end of such time period, the identifying information  
6 shall be removed from the records of the division and destroyed;

7 (d) For investigation reports where the identification of the specific perpetrator or  
8 perpetrators cannot be substantiated and the division has specific evidence to determine that a child  
9 was abused or neglected, the division shall retain the report and all information but shall not place  
10 an unknown perpetrator on the central registry. The division shall retain all information. The  
11 division shall retain and disclose information and findings in the same manner as the division retains  
12 and discloses family assessments. If the division made a finding of abuse or neglect against an  
13 unknown perpetrator prior to August 28, 2017, the division shall remove the unknown perpetrator  
14 from the central registry but shall retain and utilize all information as otherwise provided in this  
15 section;

16 (3) For reports where the division uses the family assessment and services approach,  
17 information shall be retained by the division;

18 (4) For reports in which the division is unable to locate the child alleged to have been  
19 abused or neglected, information shall be retained for eighteen years from the date of the report and  
20 then shall be removed from the records by the division.

21 2. Within ninety days, or within one hundred twenty days in cases involving sexual abuse,  
22 or until the division's investigation is complete in cases involving a child fatality or near-fatality,  
23 after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the  
24 report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall  
25 be notified in writing of any determination made by the division based on the investigation. The  
26 notice shall advise either:

27 (1) That the division has determined by a probable cause finding prior to August 28, 2004,  
28 or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that  
29 the division shall retain all information regarding the abuse or neglect; that such information shall  
30 remain confidential and will not be released except to law enforcement agencies, prosecuting or  
31 circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from  
32 the date of receipt of the notice to seek reversal of the division's determination through a review by  
33 the child abuse and neglect review board as provided in subsection 4 of this section;

34 (2) That the division has not made a probable cause finding or determined by a  
35 preponderance of the evidence that abuse or neglect exists; or

36 (3) The division has been unable to determine the identity of the perpetrator of the abuse or  
37 neglect. The notice shall also inform the child's parents and legal guardian that the division shall  
38 retain, utilize, and disclose all information and findings as provided in family assessment and  
39 services cases.

40 3. The children's division may reopen a case for review if new, specific, and credible  
41 evidence is obtained.

42 4. Any person named in an investigation as a perpetrator who is aggrieved by a  
43 determination of abuse or neglect by the division as provided in this section may seek an  
44 administrative review by the child abuse and neglect review board pursuant to the provisions of  
45 section 210.153. Such request for review shall be made within sixty days of notification of the  
46 division's decision under this section. In those cases where criminal charges arising out of facts of  
47 the investigation are pending, the request for review shall be made within sixty days from the court's  
48 final disposition or dismissal of the charges. Nothing in this section shall preclude the office of  
49 child advocate from releasing findings regarding the professional performance of any individual

- 1 member of the multidisciplinary team as described in section 660.520."; and
- 2
- 3 Further amend said bill by amending the title, enacting clause, and intersectional references
- 4 accordingly.