



Rules of
Department of Social Services
Division 5—Office of the Director
Chapter 2—State Technical Assistance Team

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**Title 13—DEPARTMENT OF
SOCIAL SERVICES**

**Division 5—Office of the Director
Chapter 2—State Technical Assistance
Team**

**13 CSR 5-2.010 Organization and Opera-
tion**

PURPOSE: This rule describes the general organization and function of the State Technical Assistance Team including its responsibilities in providing technical assistance to the multidisciplinary child protection members of the Child Fatality Review Program (CFRP) panels in investigating and prosecuting cases involving child abuse, child neglect, child sexual abuse, child exploitation, or child fatality review. This rule also establishes and describes the functions of local (county) CFRP panels, as well as the state CFRP panel in this child protective services process.

(1) General Provisions and Authority. This rule is promulgated under the rulemaking authority granted to the Department of Social Services (DSS) pursuant to section 660.017, RSMo. Pursuant to Article IV, Section 37 of the *Missouri Constitution*, the director of the Department of Social Services is charged with promoting improved health and other social services to the citizens of the state as provided by law. Section 660.010.2, RSMo, authorizes the DSS director to coordinate the state's programs devoted to those who are unable to provide for themselves and for victims of social disadvantage. Section 660.012.2, RSMo, also entrusts the DSS director with the duty to use the resources allocated to the department to provide comprehensive programs and leadership in order to improve services and economical operations. To that end, the DSS director has determined that the State Technical Assistance Team (STAT) under the Office of the Director (OD) improves the efficiency and economical operations of resources and maximizes services to the citizens of this state. This rule recognizes that STAT also provides a mechanism for the promulgation of procedures setting forth the function, general organization, and operation of the State Technical Assistance Team. As a unit of the Office of the Director, STAT is responsible for performing its duties related to child fatality review pursuant to sections 210.192 to 210.196, RSMo and its duties related to providing assistance to multidisciplinary teams and law enforcement agencies in investigating and prosecuting cases involving child abuse, child neglect, child sexual abuse, child exploitation, child pornography, or child fatality as prescribed in

sections 660.520 to 660.527, RSMo. In performing its CFRP mission, STAT is responsible for providing training, expertise, and assistance to county CFRP panels for the review of child fatalities including establishing procedures for the collection and data entry into the national child death review Internet-based case reporting system, and preparation and submission of a Final Report by CFRP panels as reflected in subsection (4)(K) of this rule.

(2) Definition.

(A) Child fatality means the death of a child under the age of eighteen years, as a result of any natural, intentional, or unintentional act.

(3) State Technical Assistance Team.

(A) The State Technical Assistance Team shall assist in the investigation of child abuse, child neglect, child sexual abuse, child exploitation, child pornography, or child fatality cases upon the request of:

1. A federal, state, or local law enforcement agency;
2. A county, state, or federal prosecutor;
3. Children's Division staff;
4. A representative of the family courts;
5. Medical examiner;
6. Coroner; or
7. Juvenile officer.

(B) Upon being requested to assist in an investigation, the State Technical Assistance Team shall notify all parties specified in subsection (3)(A) of STAT's involvement in the investigation via email or personal contact.

(C) Where STAT's assistance has been requested, STAT investigators, licensed as peace officers by the director of the Department of Public Safety pursuant to Chapter 590, RSMo, shall be deemed to be peace officers within the state of Missouri. The power of arrest of a STAT investigator, acting as a peace officer, shall be limited to offenses involving child abuse, child neglect, child sexual abuse, child exploitation, child pornography, or child fatality or in situations of imminent danger to the investigator or another person. STAT investigators are authorized to carry firearms as noted in Chapter 571.030, RSMo, both on or off duty.

(D) STAT shall assist county multidisciplinary teams in the development and implementation of protocols for the investigation and prosecution of child abuse, child neglect, child sexual abuse, child exploitation, child pornography, or child fatality cases.

(E) All reports and records made and maintained by the STAT or local law enforcement relating to criminal investigations conducted pursuant to this section, including

arrests, shall be available in the same manner as law enforcement records, as set forth in sections 610.100 to 610.200, RSMo, and to the individuals identified in subdivision (13) of subsection 2 of section 210.150, RSMo.

(F) An individual identified in subdivision (13) of subsection 2 of section 210.150, RSMo, is a person who is a tenure-track or full-time research faculty member at an accredited institution of higher education engaged in scholarly research and who has the permission of the director of the Department of Social Services. Prior to the release of any identifying information the director of the DSS shall require the researcher to present a plan for maintaining the confidentiality of the identifying information. The researcher shall be prohibited from releasing the identifying information of individual cases.

(G) All other records shall be available in the same manner as provided in section 210.150, RSMo. Nothing in this section shall preclude the release of findings or information about cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of the director of the Department of Social Services, based upon the review of the potential harm to other children with the immediate family.

(4) Local (County) Child Fatality Review Program (CFRP) Panels.

(A) The prosecuting attorney, or circuit attorney, or upon vacancy of the CFRP chairpersonship, shall convene a local CFRP panel in each of the state's one hundred fourteen (114) counties and St. Louis City to review suspicious child deaths.

(B) The Department of Social Services (DSS) shall convene a state CFRP panel appointed by the director of DSS to identify systemic problems and submit findings and recommendations on ways to prevent further child deaths.

(C) The local CFRP panel will review all deaths of children less than eighteen (18) years of age at the time of their death where one or more of the following factors are present:

1. Sudden, unexplained death of a child under age one (1) year;
2. Unexplained/undetermined manner;
3. Children's Division reports on decedent or other persons in the residence;
4. Decedent in Children's Division or Division of Youth Services' custody;
5. Possible inadequate supervision of the decedent;
6. Possible malnutrition or delay in seeking medical care;
7. Possible suicide;
8. Possible inflicted injury;



- 9. Firearm injury;
- 10. Injury not witnessed by person in charge of child at time of injury;
- 11. Confinement;
- 12. Suspicious/criminal activity;
- 13. Drowning;
- 14. Suffocation or strangulation;
- 15. Poison/chemical/drug ingestion;
- 16. Severe unexplained injury;
- 17. Pedestrian/bicycle/driveway injury;
- 18. Vehicular injury;
- 19. Suspected sexual assault;
- 20. Fire injury;
- 21. Autopsy by certified child death pathologist;
- 22. Panel discretion;
- 23. Other suspicious findings (injuries such as electrocution, crush or fall);
- 24. Other suspicious child deaths in family/household; or
- 25. Animal-related death.

(D) The local CFRP panel at least shall review the following information on all suspicious deaths:

- 1. Findings from interviews, history, or death-scene investigation;
- 2. Physical evidence at the scene of injury, death, or both;
- 3. Findings from physical and medical examinations;
- 4. Findings from autopsy, radiological examination, and laboratory evaluation;
- 5. Reports of investigation/evaluation;
- 6. Relevant past history/agency involvement;
- 7. Community services that may be offered to the family and/or community; and
- 8. Prevention actions or best practices to prevent future deaths.

(E) The Children’s Division shall appoint regional coordinators to serve as resources to local CFRP panels. The regional coordinators will provide the following services:

- 1. Consultation and technical assistance; and
- 2. Provide recommendations on procedures developed by local panels.

(F) Initially, all panel members will be appointed by the prosecuting attorney. Subsequent appointments will be made by the chairperson and require majority approval of the core panel members. All members who represent a governmental agency defined as mandatory in this section will serve as long as they hold the position which made them eligible for appointment to the local CFRP panel. All other members shall serve a term which is defined in the procedures developed by the local panel. The local procedures shall also define the selection and removal processes for non-core members. The chairperson shall be elected by the review panel.

The chairperson and all other members may be reappointed for consecutive terms. The local CFRP panel shall include, but not be limited to, the following core members:

- 1. The prosecuting or circuit attorney;
- 2. Medical examiner/coroner;
- 3. A law enforcement officer;
- 4. A representative of the Children’s Division;
- 5. A provider of public health services;
- 6. A representative of the juvenile court; and
- 7. A representative of emergency medical services.

Optional panel members may also serve either temporarily, based upon their knowledge or expertise in the type of child death being reviewed; or regularly, as other professionals or citizens with special interest in child abuse and neglect, based upon continued approval of the core panel members.

(G) If the county of residence, illness/injury/event, or death are different, the CFRP panel in the county where the illness/injury/event occurred shall review the death.

- 1. The activated review panel may communicate with the chairperson of the CFRP panel in the county of residence and death, if different, to request necessary information.
- 2. The review panel in the county of death, residence, or both, may choose to review the death.
- 3. The national center for fatality review and prevention Internet-based case reporting system - case report, must be completed on all children ages birth through seventeen (0-17) who die in Missouri, regardless of state of residence.
- 4. Children injured out of state, who die in Missouri, may be reviewed at the sole discretion of the county panel, regardless of state of residence.

(H) The panel members will hold all information obtained in the course of a review in the strictest confidence and will not discuss or disclose any information regarding any case, except as permitted by applicable statutes.

(I) STAT will not reimburse or compensate a county CFRP panel for expenses associated with review panel business. Expenses may be reimbursed consistent with state travel rules and limitations for required participation of STAT panel members for review and panel training purposes. STAT will be responsible for payment of expenses, subject to state travel rules and limitations, and compensation for its employees who are members of a review panel.

(J) The following process will be followed by the county CFRP panels:

1. Any police officer, sheriff, law enforcement officer or official, physician, coroner/medical examiner, funeral director, hospital personnel, or any person having knowledge that a person less than eighteen (18) years of age has died, shall notify the coroner or medical examiner immediately in the county of death.

A. If the coroner or medical examiner in the county of death or residence is notified of a death, s/he shall notify the coroner or medical examiner immediately in the county of illness/injury/event, if different.

B. If the coroner or medical examiner in the county of illness/injury/event determines that the death of the person under age eighteen (18) does not exhibit any suspicious circumstances as described in this section, the coroner/medical examiner will be responsible for notifying the panel chairperson of the death within seventy-two (72) hours and completing the appropriate sections of the national center for fatality review and prevention Internet-based case reporting system - case report and circumstances. If the chairperson disagrees with the coroner or medical examiner regarding the nature of the death and desires a review, the review panel can be activated.

C. The coroner or medical examiner in the county of illness/injury/event shall notify a certified child death pathologist to determine the need for an autopsy. If there is disagreement, the certified child death pathologist shall make the determination, unless the CFRP panel, within twenty-four (24) hours, decides against the certified child death pathologist.

D. If the coroner or medical examiner determines that the child died from natural causes while under medical care, such coroner or medical examiner shall notify Children’s Division (Central Registry Unit, “Child Abuse/Neglect Hotline”—800-392-3738 or by online system for reporting child abuse and neglect). In all other cases, the medical examiner or coroner shall immediately notify the Children’s Division of the child’s death, as required by section 58.452, RSMo;

2. The coroner or medical examiner in the county of illness/injury/event shall notify the chairperson of the CFRP panel immediately if the death is suspicious;

3. Upon notification, the chairperson will activate the review panel within seventy-two (72) hours and schedule a meeting to review the death.

A. Each member of the panel shall share information and records available to that panel member.

B. Each review panel shall operate the



review based on procedures developed by the panel and based on guidelines and protocols developed by the DSS;

4. The review panel shall determine, at a minimum:

A. The place where the injury/illness causing a death occurred;

B. The manner and circumstances of the death;

C. Actions taken by the agencies/persons involved with the child and his/her family;

D. The identification of any siblings or other children in the home of the deceased child and whether they require protection;

E. The identification of services that can be provided to the family and/or community;

F. The identification of prevention actions and/or best practices that can prevent future child deaths; and

G. The identification of local systemic issues or policies which enhance or detract from efforts to assist in the investigation, treatment, or prevention of fatalities; and

5. The chairperson of the local CFRP panel will review, update, and complete the national center for fatality review and prevention Internet-based case reporting system - case report that was initiated by the coroner or medical examiner, within sixty (60) days of the date of death, or within thirty (30) days of receipt of autopsy report, if child was autopsied.

(K) Final Report.

1. In all cases reviewed by a CFRP panel, the CFRP shall, after completing the review, prepare a Final Report which shall consist of a summary of prevention conclusions and recommendations. The Final Report shall be submitted on a form referred to as the Child Fatality Review Panel Final Report (or Final Report). Pursuant to section 210.192.3, RSMo, the Final Report issued by the panel is a public record and may be obtained by submitting a written request to the following address: State Technical Assistance Team, PO Box 208, Jefferson City, MO 65102-0208.

2. The CFRP panel's Final Report will be forwarded directly to the State Technical Assistance Team, within ten (10) days of the final CFRP panel review, except in cases where criminal charges are being considered or pending. In those cases, the final report of the panel will be due within ten (10) days after a criminal indictment or information is filed in the case, or the local panel chair is notified of the prosecutor's decision not to file charges.

3. STAT will be a direct liaison with all CFRP panels, in providing prevention

resource guidance and facilitation in the implementation of appropriate prevention strategies and responses.

4. Separate from data collected, STAT will track the effectiveness of various prevention responses to specific risks, and will make this information available to the state CFRP panel and appropriate supporting agencies.

(5) State Child Fatality Review Panel.

(A) The state CFRP panel shall be composed of a minimum of seven (7) members. All members will be appointed by the director of the DSS.

1. Members mandated by this rule to be members of this panel may serve as long as they hold the position which made them eligible for appointment.

2. The DSS shall establish procedures which define the terms for all members, reasons for the removal of members from the panel and how members will be appointed in the future.

3. The chairperson and all members may be reappointed for consecutive terms.

(B) The director of DSS shall appoint the following persons to serve on the state CFRP panel:

1. A prosecuting attorney or circuit attorney;

2. A coroner or medical examiner;

3. A law enforcement officer or official;

4. A representative from the Children's Division;

5. A provider of public health care services;

6. A representative from the Department of Health and Senior Services;

7. A representative of the juvenile court; and

8. A representative of emergency medical services.

(C) Other members of the state CFRP panel may include persons from the following agencies/groups:

1. Division of Youth Services;

2. Attorney General;

3. Missouri Juvenile Justice Association;

4. A physician experienced in examining and treating abused/neglected children;

5. Department of Mental Health;

6. Department of Public Safety;

7. Department of Elementary and Secondary Education;

8. Department of Corrections; and

9. Any other professionals or citizens with special interest in child abuse and neglect.

(D) The state CFRP panel will meet at least biannually. STAT may reimburse the

members who are not division employees for reasonable expenses, consistent with state travel rules and limitations for expenses associated with review panel business held outside their county of residence, but will not provide for any other compensation. Children's Division will be responsible for the reimbursement of expenses, subject to state travel rules and limitations, and compensation for its employees on the panel.

(E) The state CFRP panel shall review and discuss all relevant materials submitted by the state CFRP panel members, the local CFRP panels, and STAT. The purpose of the review will be to:

1. Review the findings of the county CFRP panels to determine the frequency and cause of child fatalities throughout the state;

2. Identify the appropriateness and comprehensiveness of current statutes, policies, and procedures relevant to the management of fatal abuse/neglect cases;

3. Review data collected by the DSS, STAT to determine the accuracy of identification of fatally abused and neglected children;

4. Review reports on the status of the operations of the county CFRP panels; and

5. Recommend prevention strategies after reviewing statewide trends and actions suggested by local panels.

(F) The panel members will hold all information obtained in the course of a review in the strictest confidence and will not discuss or disclose any information regarding any case, except as permitted by applicable statutes.

(G) DSS and the state CFRP panel annually shall evaluate the following factors related to the work of the local CFRP panels:

1. Number of reviews;

2. Geographic area of reviews;

3. Results of reviews; and

4. Necessary amendments to the rules.

(H) The state CFRP panel shall submit findings and recommendations to the director of DSS, the governor, the speaker of the house of representatives, the president *pro tempore* of the senate, and the children's services commission, juvenile officers, and chairperson of the local CFRP panels. At a minimum, the findings shall address the following issues:

1. The number of child fatality cases reviewed by county panels;

2. Non-identifying characteristics for perpetrators;

3. Non-identifying characteristics for deceased children;

4. The number of fatalities by cause(s) of death and whether death was attributable to child abuse/neglect;

5. Effectiveness of local panels; and



6. Systemic issues which need to be addressed through changes in policy, procedures, or statute.

AUTHORITY: sections 210.192–210.196, 660.017, and 660.520–660.528, RSMo 2016. This rule originally filed as 13 CSR 45-2.010. Emergency rule filed Dec. 19, 2000, effective Jan. 1, 2001, expired June 29, 2001. Original rule filed Dec. 19, 2000, effective June 30, 2001. Moved to 13 CSR 5-2.010 and amended: Filed Aug. 8, 2018, effective March 30, 2019.*

**Original authority: 210.192, RSMo 1991, amended 1991, 1994, 2000, 2014; 210.194, RSMo 1991, amended 1993, 1994, 1995; 210.195, RSMo 1991, amended 1994, 2000; 210.196, RSMo 1991, amended 1993, 1994, 1995, 2014; 660.017, RSMo 1993, amended 1995; 660.520, RSMo 1990, amended 2000, 2004; 660.523, RSMo 1990, amended 2014; 660.525, RSMo 1990, amended 2014; 660.526, RSMo 1994, amended 2014; and 660.528, RSMo 2000.*