



Rules of
Department of Social Services
Division 35—Children’s Division
Chapter 31—Child Abuse

Title	Page
13 CSR 35-31.025 Child Abuse and Neglect Review Process	3



**Title 13—DEPARTMENT OF
SOCIAL SERVICES
Division 35—Children's Division
Chapter 31—Child Abuse**

**13 CSR 35-31.025 Child Abuse and
Neglect Review Process**

PURPOSE: This rule establishes a child abuse and neglect review process to provide for a review of child abuse and neglect determinations when an alleged perpetrator disagrees with the division's finding of preponderance of the evidence.

(1) Upon written request, the Children's Division will provide an opportunity for an administrative review to any alleged perpetrator who disagrees with the local division's finding of preponderance of the evidence in a child abuse or neglect investigation.

(2) The alleged perpetrator will receive written notification of the preponderance of the evidence finding by the local division office and of his or her right to an administrative review of the finding.

(A) The alleged perpetrator will have sixty (60) days from the receipt of the notification of the child abuse/neglect finding to request an administrative review in writing to the circuit manager.

(B) The circuit manager, or his or her designee, will review, within ten (10) working days of receipt of the request, the investigative report and all appropriate material presented by the alleged perpetrator and determine whether to uphold or reverse the finding.

(C) The circuit manager, or his or her designee, will notify the alleged perpetrator in writing of the decision to uphold or reverse the original finding. If the finding is upheld, the circuit manager, or his or her designee, will forward the request to the Child Abuse and Neglect Review Board (CANRB) for further administrative review.

(3) The division may establish more than one (1) Child Abuse and Neglect Review Board to assure timely review of child abuse and neglect determinations.

(4) Each Child Abuse and Neglect Review Board will be composed of nine (9) members from specified professions outlined in section 210.153, RSMo 2000. Members are appointed by the governor with the advice and consent of the senate.

(5) Initially, three (3) board members will be appointed to serve for a term of three (3)

years, three (3) board members will be appointed to serve for a term of two (2) years, and three (3) board members will be appointed to serve for a period of one (1) year.

(A) Members may continue serving after their term expires and until either their reappointment or until their replacement is appointed and approved.

(B) The members of the board shall designate a chairperson.

(6) The governor may remove and/or replace a member of the board for the following reasons:

(A) Death;

(B) Resignation;

(C) Mental or physical incapacitation which limits the member from effectively serving on the board; or

(D) For good cause as determined by the governor.

(7) The members of the board 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 under section 210.150, RSMo 2000.

(8) The members of the board will meet at a location within Missouri regularly, depending on the number of requests for review being filed, but a minimum of one (1) board will meet a minimum of one (1) time per month.

(9) The Child Abuse and Neglect Review Board will adhere to the following procedures for notification and scheduling of child abuse and neglect reviews:

(A) Within five (5) working days of receiving the request for review, the Children's Division CANRB liaison will notify the alleged perpetrator and the circuit manager of the date, time, and location of the review.

1. The Children's Division CANRB liaison or the board may grant a continuance to the alleged perpetrator for good cause. However, the number of continuances will be restricted to assure timely reviews.

2. If court adjudication occurs prior to the CANRB proceeding or prior to the CANRB's issuance of the board's determination, the Children's Division CANRB liaison or the board will notify the alleged perpetrator that the board is foreclosed from ruling on the division's finding by statute.

3. If requested, and not otherwise prohibited by statute, the circuit manager will provide a copy of the child abuse and neglect investigation to the alleged perpetrator, including all records provided to the board, with the exception of confidential information

or other information that could jeopardize child safety.

4. The alleged perpetrator may submit written information for the board to review before the proceeding if it is received by the board not less than twenty-one (21) calendar days prior to the hearing date; and

(B) The Children's Division CANRB liaison or the board shall notify the child or the child's parent, guardian, or legal representative that a review has been scheduled and of their opportunity to attend and/or to provide information on behalf of the child. The child's parent, guardian, or legal representative may submit written information for the board to review before the proceeding if it is received by the board not less than twenty-one (21) calendar days prior to the hearing date.

(10) At the review, the division, the child's representative, and then the alleged perpetrator (in that order) will each have twenty (20) minutes to present information to the board.

(A) The board may approve extra time for any presentation at the board's discretion.

(B) The alleged perpetrator's attendance is not mandatory for a review to be held.

(C) The board may approve participation by conference call for any participant.

(D) The alleged perpetrator may be represented by legal counsel.

(E) The division will be represented by appropriate staff, legal counsel, and/or the written record.

(F) The alleged perpetrator and the division may have witnesses provide testimony.

(G) Witnesses shall only be allowed to attend that portion of the review in which they are presenting information.

(H) The board will review and discuss all relevant materials and testimony, and all board members present at the hearing shall have the right to vote on whether to uphold or reverse the division's finding.

1. The board must have a quorum of not less than five (5) members to hold a hearing. If a quorum is not present, the hearing will be cancelled and rescheduled.

2. The board's decision must be based on a majority vote. In cases where there is no majority vote, the division's finding shall remain unchanged and considered affirmed.

3. The board's decision must be based on competent and substantial evidence on the whole record to support the preponderance of the evidence finding of abuse or neglect.

4. The board's decision must occur on the day of the review.

(11) The decision of the board will be the agency's final decision upholding or reversing



the preponderance of the evidence finding of abuse or neglect.

(12) Within five (5) working days of the board's decision, the board shall notify the alleged perpetrator, the Children's Division, and the child's representative of the board's decision in writing. The decision shall be mailed to the last known address of such persons and their attorneys or legal representatives of record.

(13) The board shall expunge its administrative files at three (3) years with the exception of a log documenting the board's final decision.

(14) Annually, the department will evaluate the following factors related to the work of the Child Abuse and Neglect Review Board(s):

- (A) Number of requests;
- (B) Geographic area of requests;
- (C) Results of reviews;
- (D) Composition of the board(s); and
- (E) Necessary amendments of the rules.

AUTHORITY: section 210.153, RSMo Supp. 2007. Original rule filed Sept. 27, 2007, effective March 30, 2008.*

**Original authority: 210.153, RSMo 1994, amended 2004.*