



Rules of
Department of Social Services
Division 40—Family Support Division
Chapter 31—Child Abuse

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**Title 13—DEPARTMENT OF
SOCIAL SERVICES**

**Division 40—Family Support Division
Chapter 31—Child Abuse**

**13 CSR 40-31.010 Perpetrator Employed
by Division of Family Services**
(Rescinded June 11, 1984)

AUTHORITY: section 207.020, RSMo 1978. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amendment filed May 20, 1977, effective Sept. 11, 1977. Rescinded: Filed March 7, 1984, effective June 11, 1984.

**13 CSR 40-31.011 Investigations Involving
a Conflict of Interest**

PURPOSE: This rule defines the investigation procedure used when the relationship of the subject of a report of child abuse or neglect to the Division of Family Services is such that a conflict of interest may occur.

(1) The following categories of persons, when reported as either the victim or alleged perpetrator of child abuse or neglect, may be considered to have such a relationship to the Division of Family Services that a thorough investigation might be hindered by a conflict of interest:

(A) An employee of the Division of Family Services, the Department of Social Services central office or other Department of Social Services employees located in a Division of Family Services office;

(B) The immediate family or household member of that employee; or

(C) Children placed in foster care and in the custody of the Division of Family Services when the alleged perpetrator is a Division of Family Services licensed foster parent.

(2) Reports of abuse or neglect involving those persons, either as victims or perpetrators, should be made to the Child Abuse and Neglect Unit in the central office of the Division of Family Services. The Child Abuse and Neglect Unit will request the juvenile officers of the county or judicial circuit in which the victim resides, or in which s/he is located if the location is different from residence, to initiate and conduct the investigation. The juvenile officer will be requested to report the findings and disposition of the investigation in the following manner:

(A) For investigations involving persons in subsections (1)(A) and (B), findings and disposition should be reported back to the Child Abuse and Neglect Unit; and

(B) For investigations involving persons in subsection (1)(C), findings and dispositions should be reported to the county office.

(3) If the juvenile officer does not accept the report for investigation, the division will arrange to conduct the investigation itself in a way as to minimize the possibility of conflicting interest hindering that investigation.

AUTHORITY: section 207.020, RSMo 1986. Original rule filed March 7, 1984, effective June 11, 1984.

**13 CSR 40-31.012 Definition of Sexual
Exploitation**

PURPOSE: This rule defines the term sexual exploitation as required by P.L. 95-266 and final federal regulations 45 CFR Part 1340.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Sexual exploitation includes allowing, permitting or encouraging a child to engage in prostitution, as defined by state law, by a person responsible for the child's welfare and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming or depicting of a child as those acts are defined by state law, by a person responsible for the child's welfare.

AUTHORITY: section 207.020, RSMo 1986. Original rule filed Jan. 9, 1984, effective April 12, 1984.

**13 CSR 40-31.020 Information Released to
Subject of a Report**

(Rescinded November 11, 1982)

AUTHORITY: section 207.020, RSMo 1978. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Rescinded: Filed Aug. 6, 1982, effective Nov. 11, 1982.

State ex rel. Gladfelter v. Lewis, 595 SW2d 788 (Mo. App. 1980). Mandamus will not lie to challenge the validity of 13 CSR 40-31.020, RSMo since an adequate remedy for

that purpose is found at section 536.050(1) and (2), RSMo (1978).

13 CSR 40-31.021 Definitions

(Rescinded February 11, 1983)

AUTHORITY: sections 207.020, RSMo 1978 and 210.506, RSMo Supp. 1982. Original rule filed Aug. 6, 1982, effective Nov. 11, 1982. Emergency rescission filed Nov. 1, 1982, effective Nov. 11, 1982, expired Feb. 10, 1983. Rescinded: Filed Nov. 1, 1982, effective Feb. 11, 1983.

**13 CSR 40-31.025 Child Abuse and
Neglect Review Process**

(Rescinded March 30, 2008)

AUTHORITY: section 207.020, RSMo 1994. Original rule filed June 30, 1988, effective Sept. 29, 1988. Amended: Filed Sept. 26, 1989, effective Dec. 28, 1989. Amended: Filed June 14, 1996, effective Dec. 30, 1996. Rescinded: Filed Sept. 27, 2007, effective March 30, 2008.

**13 CSR 40-31.030 Retention of Unsub-
stantiated Reports**

(Rescinded November 11, 1982)

AUTHORITY: section 207.020, RSMo 1978. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Aug. 11, 1978, effective Nov. 11, 1978. Rescinded: Filed Aug. 6, 1982, effective Nov. 11, 1982.

**13 CSR 40-31.040 Retention of Substanti-
ated Reports**

(Rescinded November 11, 1982)

AUTHORITY: section 207.020, RSMo 1978. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Aug. 18, 1977, effective Dec. 11, 1977. Filed Aug. 11, 1978, effective Nov. 11, 1978. Rescinded: Filed Aug. 6, 1982, effective Nov. 11, 1982.

**13 CSR 40-31.050 Child Fatality Review
Process**

(Rescinded June 30, 2001)

AUTHORITY: section 207.020, RSMo 1986. Original rule filed June 15, 1989, effective Jan. 1, 1990. Emergency rescission and emergency rule filed Dec. 20, 1991, effective Jan. 1, 1992, expired April 29, 1992. Emergency rescission and emergency rule filed



April 16, 1992, effective April 26, 1992, expired Aug. 23, 1992. Rescinded and readopted: Filed Jan. 3, 1992, effective Aug. 6, 1992. Emergency rescission filed Dec. 19, 2000, effective Jan. 1, 2001, expired June 29, 2001. Rescinded: Filed Dec. 19, 2000, effective June 30, 2001.