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

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 CSR 35-31.010 Definitions</td>
<td>3</td>
</tr>
<tr>
<td>13 CSR 35-31.015 Investigations Involving a Conflict of Interest</td>
<td>3</td>
</tr>
<tr>
<td>13 CSR 35-31.020 Screening and Classification of Child Abuse/Neglect Hotline Reports</td>
<td>3</td>
</tr>
<tr>
<td>13 CSR 35-31.025 Child Abuse and Neglect Review Process</td>
<td>4</td>
</tr>
<tr>
<td>13 CSR 35-31.027 Juveniles with Problem Sexual Behaviors</td>
<td>5</td>
</tr>
</tbody>
</table>
PURPOSE: This rule establishes definitions pertaining to investigations and assessments conducted pursuant to Chapter 210, RSMo.

(1) The Children’s Division shall use the definitions set forth below when conducting investigations and assessments pursuant to Chapter 210, RSMo.

(A) “Emotional abuse” is any injury to a child’s psychological capacity or emotional stability demonstrated by an observable or substantial change or impairment in the child’s behavior, emotional response, or cognition, which may include, but is not limited to: anxiety, depression, withdrawal, or aggressive behavior; and which may be established by either lay or expert witnesses.

(B) “Physical injury” includes any bruising, lacerations, hematomas, welts, permanent or temporary disfigurement; loss, or impairment of any bodily function or organ, which may be accompanied by physical pain, illness, or impairment of the child’s physical condition.

(C) “Proper or necessary support” includes adequate food, clothing, shelter, medical care, or other care and control necessary to provide for the child’s physical, mental, or emotional health or development.

(D) “Sexual abuse” is any sexual or sexualized interaction with a child, except as otherwise provided in paragraph 2. below.

1. Sexual abuse shall include, but is not limited to:
   A. Any touching of the genitals, anus or buttocks of a child, or the breast of a female child, or any such touching through the clothing; any act involving the genitals of a child and the hand, mouth, tongue, or anus of another person; or any sexual act involving the penetration, however slight, of a child’s mouth, penis, female genitalia, or anus by any body part of another person, or by any instrument or object;
   B. Any conduct that would constitute a violation, regardless of arrest or conviction, of Chapter 566, RSMo if the victim is less than eighteen (18) years of age, section 567.050, RSMo if the victim is less than eighteen (18) years of age, sections 568.020, 568.060, 568.080, or 568.090, RSMo, sections 573.025, 573.035, 573.037, or 573.040, RSMo, or an attempt to commit any of the preceding crimes;
   C. Sexual exploitation of the child, which shall include:
      I. Allowing, permitting, or encouraging a child to engage in prostitution, as defined by state law; or
      II. 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. This includes the storage or transmission of any data depicting said obscene or pornographic acts, images, or recordings.

2. Any reasonable interaction with a child, including touching a child’s body for the purpose of providing the proper or necessary care or support of the child, shall not be considered sexual abuse. The touching of a child’s body, including a child’s genitals, buttoks, anus, or breasts for reasonable, medical, child rearing, or child care purposes shall not be considered sexual abuse.

3. The division shall not be required to prove that the alleged perpetrator received sexual gratification or that there was an exchange or promise of anything of value as a result of the act of sexual abuse to establish sexual abuse under Chapter 210 or 211, RSMo.

4. The use of force or coercion is not a necessary element for a finding of sexual abuse.

5. Sexual abuse may occur over or under the child’s clothes.

6. The division shall not be required to prove that the child suffered trauma or harm as a result of the act of sexual abuse.

7. A child cannot consent to a sexual or sexualized act or interaction with a person responsible for that child’s care, custody, and control.


13 CSR 35-31.015 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 Children’s Division is such that a conflict of interest may occur.

(1) Definitions.
   (A) Out-of-Home Investigation Unit—The unit of investigators responsible for investigating child abuse and neglect when the child is in an out-of-home setting.

(2) 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 Children’s Division that a thorough investigation might be hindered by a conflict of interest:
   (A) An employee of the Children’s Division, the Department of Social Services central office or other Department of Social Services employees located in a Children’s Division office;
   (B) The immediate family or household member of that employee;
   (C) Children placed in foster care and in the custody of the Children’s Division when the alleged perpetrator is a licensed foster parent. These calls will be investigated by the Out-of-Home Investigation Unit.

(3) Reports of abuse or neglect involving those persons, either as victims or perpetrators, shall be made to the Child Abuse and Neglect Unit in the central office of the Children’s Division. The Child Abuse and Neglect Unit will assign the report to the Children’s Division county/circuit staff selected by the regional office to initiate and conduct the investigation.


13 CSR 35-31.020 Screening and Classification of Child Abuse/Neglect Hotline Reports

PURPOSE: This rule establishes the use of the Structured Decision Making (SDM) process in the screening and classification of calls at the Child Abuse/Neglect Hotline Unit (CANHU).

(1) The division shall utilize protocol based upon structured decision-making principles for classification purposes of all child abuse and neglect reports received by the Child Abuse/Neglect Hotline Unit ("Hotline"). The protocols developed by the division shall obtain and classify information, and shall give priority to ensuring the safety and well-being of the child.

(2) All child abuse and neglect reports received by the Hotline shall be initiated within twenty-four (24) hours of receipt and shall be classified based upon the reported safety risk and injury to the child, including,
but not limited to, the following factors:

(A) If there is serious physical abuse alleged and siblings remaining in the home;

(B) If there is a child fatality due to alleged abuse or neglect and siblings remain in the home;

(C) If there is alleged physical abuse currently occurring;

(D) If there are injuries or symptoms of injuries evident that require immediate medical care, or if the child is in need of immediate psychiatric care due to alleged abuse;

(E) If there were severe or inhuman measures used;

(F) Does the alleged perpetrator have access to the child in the next twenty-four (24) hours or is the child afraid to go home;

(G) Did the alleged abuse occur within the last thirty (30) days;

(H) If the child is currently in a protected environment;

(I) If the current situation is immediately dangerous;

(J) If there are prior non-harassment child abuse or neglect reports;

(K) If the allegation is one of educational neglect only;

(L) If the child is exhibiting severe emotional trauma or physical injury due to alleged sexual abuse;

(M) If the child appears seriously ill or injured or in need of immediate care;

(N) If the child has a chronic illness or injuries that require attention.

(3) In all cases, the division must have face-to-face contact with all children in the alleged victim’s household within seventy-two (72) hours.

(4) CA/N Screen-In Criteria—Criteria concerning whether a call is classified as a child abuse and neglect (CA/N) report or a documented call (DOC). If the call is screened-in, it will be accepted as a CA/N report and sent to the county office. If the call is screened out, the call will be documented and entered into the database, but no further action will be taken, unless the division, pursuant to policy decides to refer it for appropriate community service.

(5) Track Assignment Guidelines—Criteria designed to determine if the screened-in CA/N report will require the investigation response or family assessment response. After response assignment, the report is sent to the local division office for review. The local division office has the option to change the response assignment, given additional information or prior history with the family.

(6) Response Priority—Criteria to determine the time frame in which the family should be contacted. Each investigation will be classified as a three (3) hour, twenty-four (24) hour, or seventy-two (72) hour call, based upon information received by the hotline. Face-to-face contact can be made by members of the multidisciplinary team (mandated reporters such as juvenile officer, or law enforcement personnel). Initial contacts can include phone calls or contact with appropriate persons in an attempt to make a home visit. Each level will require face-to-face contact based upon the following:

(A) Three (3) hour—Face-to-face contact with victim(s) listed on the report must be made within three (3) hours from the receipt of the report. A face-to-face contact with all other children living in the household must be made within seventy-two (72) hours. Available resources shall be utilized to locate the children, including law enforcement assistance;

(B) Twenty-four (24) hour—Face-to-face contact with victim(s) listed on the report must be made within twenty-four (24) hours from receipt of the report. A face-to-face contact with other children residing in the home must occur within seventy-two (72) hours;

(C) Seventy-two (72) hour—Face-to-face contact with all children (victims and home residents) must be made within seventy-two (72) hours from receipt of the report.


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 division’s finding by statute.

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


13 CSR 35-31.027 Juveniles with Problem Sexual Behaviors

PURPOSE: This rule addresses the procedures assessing juveniles with problem sexual behaviors as required by section 210.148, RSMo.

(1) The Children’s Division shall use the definitions set forth below when conducting juvenile reports pursuant to section 210.148, RSMo.

(A) “Family assessment and services approach” shall mean an approach by the Children’s Division which provides for a prompt assessment of a child who has been alleged to have engaged in problem sexual behavior and of the child’s family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family.

(B) “Juvenile with Problem Sexual Behavior” and “Juvenile” shall mean any person under fourteen (14) years of age who has allegedly committed sexual abuse against another child.

(C) “Juvenile Report” means a report of a child with problem sexual behaviors handled under section 210.148, RSMo, and this regulation.

(D) “Juvenile Sexual abuse” by children under fourteen (14) years of age under section 210.148, RSMo, and for purposes of this regulation, shall mean any sexual or sexualized interaction with a child including, but not limited to, acts that are age or developmentally inappropriate and—

1. Involve force or threats of the use of force;
2. Are intrusive;
3. Are unwelcome;
4. Result in physical injury or cause emotional trauma to the victim child; or
5. Are coercive or manipulative.

(2) Juvenile Report Screen-In Criteria.

(A) Calls received by the Child Abuse/Neglect Hotline Unit (Hotline) involving concerns of a juvenile with problem sexual behavior will be accepted as a juvenile report when—

1. The reporter identifies concerns that a child has committed sexual abuse involving
2. The reporter identifies the juvenile as being under the age of fourteen (14) at the time of the call to the hotline.

(B) Reporters to the hotline must disclose the identity of the juvenile and victim child(ren) if known.

(C) Calls received by the Child Abuse/Neglect Hotline Unit (Hotline) will not be accepted as a juvenile report when—
1. The allegations concern physical abuse or other non-sexual reports; or
2. The juvenile with alleged problem sexual behavior resides in another state.

(D) If the Children’s Division determines the juvenile had care, custody, or control of the victim child, the Children’s Division shall conduct both an investigation and a juvenile report.

(3) Family Assessment and Services Approach.

(A) In addition to conducting a family assessment and services approach of the juvenile with alleged problem sexual behaviors and of the child’s family, the Children’s Division shall also assess the needs of the victim and the victim’s family.

(B) The Children’s Division may provide services to the families of the juvenile with alleged problem sexual behaviors and of the victim as appropriate.

(C) Participation in services is voluntary.

(4) Referral to Juvenile Office.

(A) The Children’s Division may refer the juvenile with alleged problem sexual behaviors to the juvenile office under one (1) or more of the following circumstances:
1. Reports in which the child has committed an act of sexual abuse and caused serious physical injury and/or used a weapon;
2. When the parent/caregiver of the juvenile with alleged problem sexual behaviors does not engage in the assessment process or there is no evidence that the parent/caregiver is taking steps to prevent future problem sexual behavior;
3. When the juvenile does not engage in the assessment process;
4. When there is a repeated incident of problem sexual behavior by the child;
5. When the Children’s Division’s assessment reveals the child’s behaviors are of such severity that the child cannot be safely maintained in the home and/or community; or
6. Other situations as deemed appropriate by the Children’s Division on a case-by-case basis.

(B) The Children’s Division shall notify a parent and obtain his or her consent prior to interviewing the juvenile with alleged problem sexual behaviors.

(C) The Children’s Division shall notify a parent of the victim child prior to interviewing the child, but does not have to obtain the parent’s consent.

(D) Notification may be made either verbally or in writing.

(6) Retention of juvenile reports. Juvenile reports shall be retained on the same schedule as family assessments completed in response to a child abuse/neglect report as defined in section 210.152, RSMo.
