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

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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.

3. The division may establish more than one (1) Child Abuse and Neglect Review Board (CANRB) for further administrative review.

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.

6. The members of the board shall designate a chairperson.

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.

   (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.

   (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.

   (I) 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.

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

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

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

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.

   (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.

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

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

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

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

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

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

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

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   (X) 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.

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

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

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

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

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

   (EE) 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.

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

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

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

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

   (MM) 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.

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

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

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

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

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

   (CCC) 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.
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.
