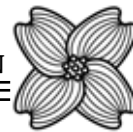




RULES OF

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

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**TITLE 13 – DEPARTMENT OF SOCIAL SERVICES  
Division 35 – Children's Division  
Chapter 31 – Child Abuse**

**13 CSR 35-31.010 Definitions**

*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, buttocks, 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.

*Authority: sections 207.020 and 210.145.20, RSMo Supp. 2014.\* Original rule filed May 26, 2015, effective Nov. 30, 2015.*

*\*Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993, 2014 and 210.145, RSMo 1975, amended 1980, 1982, 1986, 1990, 1993, 1994, 2000, 2002, 2003, 2004, 2007, 2011, 2012, 2014.*

**13 CSR 35-31.015 Out-of-Home Investigation Unit**

*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. For the purpose of this regulation, the following terms shall be defined as follows:

(A) Family or Family Member. A person related to the alleged victim by blood, adoption, or affinity within the third degree, a current or past foster parent of the alleged victim, or a resident of the current or past foster parent's home;

(B) Family Assessment. An approach to be developed by the children's division which will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or neglect by a person responsible for that child's care, custody, or control and of that 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;

(C) Investigation. The collection of physical and verbal evidence to determine if a child has been abused or neglected; and

(D) Out-of-Home Investigation Unit. The unit of investigators responsible for investigating or assessing child abuse and neglect when the relationship between the child and the alleged perpetrator is established in an out-of-home setting.

(2) The Out-of-Home Investigation Unit will investigate or assess allegations of child abuse or neglect in –

(A) Cases in which the alleged victim resides in a foster home;

(B) Cases in which the alleged perpetrator is an employee, contracted agent, or volunteer of an organization which provides care or services to children. Such organizations shall include, but are not limited to, residential treatment facilities, schools, child care facilities, hospitals, youth camps, or youth groups; or

(C) Other cases as deemed necessary by the Children's Division on a case-by-case basis.

*AUTHORITY: sections 207.020 and 660.017, RSMo 2016.\* This rule originally filed as 13 CSR 40-31.011. Original rule filed March 7, 1984, effective June 11, 1984. Moved to 13 CSR 35-31.015 and amended: Filed July 29, 2015, effective Feb. 29, 2016. Amended: Filed Aug. 8, 2018, effective March 30, 2019.*

*\*Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986,*



1993, 2014 and 660.017, RSMo 1993, amended 1995.

### 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 inhumane 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.

*AUTHORITY: section 210.145, RSMo Supp. 2014.\* This rule previously filed as 13 CSR 35-20.010. Original rule filed Nov. 2, 2004, effective June 30, 2005. Moved to 13 CSR 35-31.020, effective Nov. 30, 2016.*

*\*Original authority: 210.145, RSMo 1975, amended 1980, 1982, 1986, 1990, 1993, 1994, 2000, 2002, 2003, 2004, 2007, 2011, 2012, 2014.*

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

*PURPOSE: This rule establishes a process to review child abuse and neglect determinations when an alleged perpetrator disagrees with the division's preliminary finding.*

(1) Definitions.

(A) The definitions of terms set forth in section 210.110, RSMo, and 13 CSR 35-31.010 also apply to the terms used in this regulation.

(B) "Address of Record" means the mailing address or electronic mailing address that the alleged perpetrator provides to the Children's Division or the last known address of the alleged perpetrator discovered during the investigation or last known address contained in the information systems of the Department of Social Services.

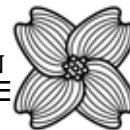
(C) "Alleged perpetrator" means the person accused of having committed the act of abuse or neglect, or the person determined or found to have perpetrated the act of abuse or neglect.

(D) "CANRB" or "Board" means the child abuse and neglect review board as established in sections 210.152 and 210.153, RSMo.

(E) "Court adjudication" refers to instances where the division may add a person to the central registry without administrative review because a court has found the person—

- 1. Committed child abuse or neglect;
- 2. Judicial findings substantiate the division's finding of child abuse or neglect; or
- 3. The person has pleaded guilty or been found guilty of a crime pursuant to sections 210.110 or 210.118, RSMo.

(F) "Division" means the Children's Division of the



Department of Social Services.

(G) "Pending criminal charge" means a criminal charge filed with the court by complaint, information, or indictment.

(H) "Preliminary finding" means the division's initial investigative determination of abuse or neglect.

(I) "Unknown perpetrator" means the unidentified person or persons who abused or neglected a child.

(J) "Witness" means a person with knowledge material to the allegation of abuse or neglect.

(2) Notices.

(A) The division shall notify the alleged perpetrator of its preliminary finding at the conclusion of the child abuse or neglect investigation.

(B) The notice shall –

1. Summarize the division's preliminary findings;

2. Provide instructions for obtaining a copy of the investigative report; and

3. State the alleged perpetrator's right to either request administrative review of the division's finding by the board, or, in the alternative, waive administrative review and instead file a petition in circuit court for direct judicial review of the division's finding.

(C) The division may deliver notice of the preliminary finding personally or send the notice to the alleged perpetrator's Address of Record. Service of notice to the alleged perpetrator's Address of Record in person, by mail, or by electronic means shall be deemed sufficient service for all purposes under this regulation.

(D) The alleged perpetrator shall promptly notify the division of any changes to the alleged perpetrator's mailing address, telephone number, electronic mailing address, or other contact information throughout the investigation and administrative review process.

1. It shall remain the responsibility of the alleged perpetrator to immediately notify the division of any changes to his or her current contact information, including current mailing address, throughout the investigation and administrative review process.

2. The alleged perpetrator may elect to receive formal notices and communications electronically or by mail. Notification of the election shall be in writing and provided to the division.

(E) If the alleged perpetrator requests an administrative review under section (3) of this rule, the division and board shall send all notices and correspondence to the alleged perpetrator unless the division receives a written entry of appearance by counsel. Legal counsel for an alleged perpetrator shall file an entry of appearance with the board, which shall include the legal counsel's name, bar number, regular and electronic mailing addresses, and telephone and fax numbers. Upon receipt of an entry of appearance by legal counsel, the division shall send any subsequent notices and correspondence to the alleged perpetrator and the attorney of record. Alleged perpetrators may present their cases to the board with or without legal counsel.

(3) Requesting Administrative Review or Judicial Review. If the alleged perpetrator disagrees with the division's preliminary finding, the alleged perpetrator may request either direct judicial review or administrative review of the finding, but not both.

(A) Direct Judicial Review Requests.

1. If the alleged perpetrator wishes to waive administrative review, the alleged perpetrator shall have thirty (30) days from the receipt of the notification of the division's preliminary

finding to file a petition for direct judicial review with the circuit court as provided in sections 210.152, 210.153, and 536.100, RSMo. Upon receipt of service of the petition for direct judicial review, the division shall list the alleged perpetrator's name in the central registry pending further orders or judgment of the circuit court. The alleged perpetrator shall not be entitled to administrative review if the alleged perpetrator has petitioned any circuit court for direct judicial review.

(B) Administrative Review Requests.

1. To request administrative review, the alleged perpetrator shall submit a written request for review within sixty (60) days from the receipt of the notification of the division's preliminary finding as provided in sections 210.152 and 210.153, RSMo, except as otherwise provided herein. The alleged perpetrator may include any additional relevant information that the alleged perpetrator would like the division or board to consider.

A. Upon receipt of a timely written request for administrative review, the division may review the request, the investigative report, and any other relevant materials before the board hearing. If the division concludes the preliminary finding should be reversed before the board hearing, the division shall notify the alleged perpetrator and the alleged perpetrator shall not be listed in the central registry for that finding.

B. If the division receives a request for administrative review within sixty (60) days of notification of the division's preliminary finding, the division shall not list the alleged perpetrator as a perpetrator of child abuse or neglect in the central registry for the preliminary finding unless and until the finding is sustained by the board.

C. If the division does not receive a request for administrative review within sixty (60) days of notification of the division's preliminary finding, the division shall list the alleged perpetrator as a perpetrator of child abuse or neglect in the central registry.

2. Pending Criminal Charges.

A. If criminal charges that arose from the investigation are pending when the alleged perpetrator receives notice of the division's preliminary finding, the alleged perpetrator may either –

(I) Request administrative review within sixty (60) days of receiving notice of the division's preliminary finding; or

(II) In the alternative, the alleged perpetrator may waive administrative review within sixty (60) days of notice and instead request administrative review within sixty (60) days of the court's final disposition or dismissal of the criminal charges, as provided for in this subsection and section 210.152.4, RSMo.

B. If the alleged perpetrator with pending criminal charges submits a request within sixty (60) days of notification of the division's preliminary finding, the division shall proceed with the administrative review and the division shall not list the alleged perpetrator in the central registry unless and until the finding is sustained by the board.

C. If the alleged perpetrator with pending criminal charges does not request review within sixty (60) days of notification of the division's preliminary finding, the division shall list the alleged perpetrator as a perpetrator of child abuse or neglect in the central registry, and the alleged perpetrator shall remain listed in the central registry unless and until the division's finding is subsequently reversed by the division, the board, or judicial action.

D. To request administrative review within sixty (60) days of the court's final disposition or dismissal of criminal charges arising from the investigation, the alleged perpetrator shall submit a copy of the court's final disposition or dismissal of the



criminal charges with the written request for administrative review. If the division receives the written request and the copy of the court’s final disposition or dismissal of the criminal charges within sixty (60) days of the court’s final disposition or the dismissal, the division shall schedule a board hearing. Once listed, the alleged perpetrator shall remain listed in the central registry unless and until the division’s finding is subsequently reversed by the division, board, or judicial action.

3. The alleged perpetrator shall be entitled to no more than one (1) administrative review of any preliminary finding.

4. The division shall not conduct an administrative review if a finding has been substantiated through court adjudication pursuant to sections 210.153, 210.110 or 210.118, RSMo.

5. **Death Pending Administrative Review.** If the alleged perpetrator’s representative or next of kin provides proof that the alleged perpetrator died before the alleged perpetrator’s time to request review expired or before the requested board hearing occurred, the division shall retain the report and all information but shall not add the deceased alleged perpetrator to the central registry. The division shall retain and disclose information and findings in the same manner as the division retains and discloses reports involving unknown perpetrators and family assessments.

(4) **Administration of the Child Abuse and Neglect Review Board.**

(A) The division may establish more than one (1) board to assure timely and independent review of child abuse and neglect determinations.

(B) Each board shall be composed of nine (9) members from specified professions as required in section 210.153, RSMo. No member of the board shall be employed by the Department of Social Services. Members shall be appointed by the governor with the advice and consent of the senate.

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

1. Members of the board may continue serving after their terms expire until they are reconfirmed or replaced by confirmed appointees.

2. Members of each board shall designate a chairperson.

3. Members of the board shall complete a minimum of three (3) hours of training regarding child abuse and neglect annually, as approved by the division. The division shall notify the board of available training opportunities.

(D) The information presented to the board and the deliberations of the board are confidential and shall not be disclosed except as authorized by law.

(E) Members of the board shall meet regularly, and if needed, frequently, depending on the number of requests for review being filed. But a minimum of one (1) board shall meet a minimum of one (1) time per month.

(F) The division shall assign one (1) or more staff members to the board to handle administrative matters such as scheduling cases for hearing, administering correspondence for the board, and other appropriate matters. Administrative personnel, including the division’s liaison to the board, shall not participate in the deliberations of the board on the merits of cases.

(5) The purpose of a board hearing is to provide an independent review of the sufficiency of the division’s preliminary finding. CANRB review is limited to whether or not the information presented to the board establishes by a preponderance of

evidence that the alleged perpetrator is responsible for abuse, neglect, or both, as those terms are defined in 13 CSR 35-31.010 and section 210.110, RSMo.

(6) A member of the board shall recuse themselves from any case in which the member determines the member cannot be fair or impartial.

(A) A member of the board shall recuse themselves from any case in which the member –

1. Has an interest in the case;

2. Is related to the alleged perpetrator, alleged victim, any witness, or any family member of the alleged victim or perpetrator;

3. Has been legal counsel to the alleged perpetrator, alleged victim, or any family member of the alleged victim or perpetrator;

4. Personally provided care or services to the alleged perpetrator, alleged victim, or any family member of the alleged victim or perpetrator; or

5. Has personal knowledge of the facts and circumstances of the case, beyond what may be generally available to the public.

(B) Alleged perpetrators have no right to a change of board or a particular board member.

1. Any alleged perpetrator who has good cause to believe that a member or members of the board cannot act in a fair and impartial manner shall promptly notify the board in writing and shall specify in detail the nature of the concern.

2. The board shall then rule on the concern. If a board member recuses himself or herself or if the board grants the alleged perpetrator’s request to recuse, then the board may grant a continuance of the hearing if the recusal would result in the board failing to reach a quorum.

3. If the alleged perpetrator does not file an objection with the board prior to the commencement of the hearing, any objection to the impartiality of the board or members of the board shall have been waived.

(7) Reviews conducted by the board are not contested cases under Chapter 536, RSMo. The board shall adhere to the following procedures for notification, scheduling, and conducting child abuse and neglect reviews:

(A) The parties to a board hearing are the alleged perpetrator and the division;

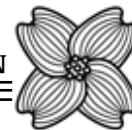
(B) The division shall determine whether a board hearing shall be held in person or via teleconference or other electronic means;

(C) **Record Requests –**

1. There is no right to conduct formal discovery as set forth in the Rules of Civil Procedure for the Missouri Supreme Court and/or Chapter 536, RSMo. However, the alleged perpetrator may request that the division produce relevant investigative records;

2. Record requests shall be addressed to the division and not to the Board; and

3. If the alleged perpetrator makes a request for records, the division shall provide a copy of the child abuse and neglect investigative report completed by the division to the alleged perpetrator as allowed by law, with the exception of information which is privileged and/or confidential as otherwise provided by law, and information that could, in the sole discretion of the division, jeopardize a person’s life or safety if released. The division shall redact from any information provided to the perpetrator all confidential information, including, but not limited to, any information that may identify the reporter of the incident in question;



(D) The division and the alleged perpetrator shall submit any written documents or other evidence to the board no less than twenty-one (21) days before the hearing date to provide the board with sufficient time to review the information before the hearing. Documents or evidence submitted to the board less than twenty-one (21) days before the hearing date may be considered at the sole discretion of the board;

(E) The division's liaison to the board shall notify the alleged victim or the alleged victim's parent, guardian, or legal representative that a hearing has been scheduled and of the opportunity to participate as a witness;

(F) Board hearings shall be conducted in an informal manner. The rules of evidence do not apply to board hearings including, but not limited to, the following:

1. Testimony from witnesses and parties shall not be provided under oath;

2. There is no right to cross examine witnesses;

3. Neither witnesses nor evidence are subject to subpoena;

4. Board hearings are not hearings on the record;

5. The board shall determine whether information, exhibits, or evidence are relevant; and

6. No official transcript of the hearing shall be prepared, provided, or retained;

(G) The board hearing shall be closed to all persons except the parties, their attorneys, and witnesses. At the review, the division shall have twenty (20) minutes to present evidence to the board. Upon conclusion of the division's evidence, the alleged perpetrator shall have twenty (20) minutes to present evidence to the board. The division and the alleged perpetrator may reserve three (3) of their twenty (20) minutes for rebuttal. During their respective presentations, the division and the alleged perpetrator may present witnesses to the board. An additional twenty (20) minutes, to be divided evenly among all witnesses, may be allotted for additional witnesses who wish to provide evidence on behalf of the alleged victim, but who were not called as witnesses by either the division or the alleged perpetrator. All witnesses will be heard at the board's discretion.

1. The board may, in its sole discretion, approve extra time for any presentation, but may not extend the time for decision of the case.

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

3. The division's liaison to the board shall notify the alleged perpetrator and his or her attorney of record, if applicable, whether the review shall be held in person or via teleconference or other electronic means, and the date, time, and location of the review. If the hearing is held in person, any party, attorney, representative, or witness may nonetheless participate in the hearing by conference call.

4. Alleged perpetrators may present their cases to the board *pro se* or through legal counsel.

5. Appropriate staff shall represent the division. The division may also be represented by legal counsel.

6. Nonparty witnesses, including witnesses on behalf of the alleged victim, shall only be allowed to participate in that portion of the review in which they are presenting information.

7. Either party who wishes to submit evidence in electronic format shall contact the liaison of the board at least twenty-one (21) days prior to the scheduled hearing date to ascertain whether the board has equipment to review the evidence. Neither the division nor the board shall be responsible for supplying equipment or for equipment failure. The party who wishes to present the information in electronic format shall be responsible for delivering the information to the board in a format which the board and its members can review;

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

1. The board shall have a quorum of not less than five (5) members to hold a hearing. If a quorum cannot be reached, the board shall reschedule the hearing. If there are vacancies on the board, the board shall continue to operate in its usual manner, so long as a quorum can be met for each hearing. To ensure a quorum, members may serve on CANRB panels outside the specific board to which the member was appointed.

2. The board's decision shall be based on a majority vote. In cases where the vote is tied, the board shall affirm the division's finding.

3. The board's decision shall be based solely on the information submitted in advance or presented to the board at the hearing.

4. The board shall make its decision on the day of the case's review;

(I) The division, on behalf of the board, shall promptly notify the alleged perpetrator of the board's decision in writing.

1. If the board upholds the division's preliminary finding, the division shall send the decision to the alleged perpetrator's Address of Record. Any properly addressed decisions under this rule that are returned as refused or unclaimed shall be deemed satisfactory notice. The division shall notify the parties and the alleged perpetrator's attorney, if applicable, by regular or electronic mail. The division shall place the alleged perpetrator's name on the central registry as allowed by law.

2. If the board reverses the division's preliminary finding, the division shall notify all parties by regular or electronic mail and the division shall not list the alleged perpetrator as a perpetrator of child abuse or neglect in the central registry;

(J) If the alleged perpetrator requires reasonable accommodations pursuant to the Americans with Disabilities Act, the alleged perpetrator shall notify the board's liaison at least ten (10) days before the hearing; and

(K) The division may grant a continuance to the alleged perpetrator for good cause, but the number of continuances shall be restricted to ensure a timely review. Pending criminal charges arising out of the facts of the investigation shall not constitute good cause if the alleged perpetrator obtained or could have obtained his or her investigative report.

(8) The board shall expunge its files after one (1) year. The board shall keep a log documenting the board's final decision. If the board upholds the division's preliminary finding, the division may, at its discretion, retain the board's voting slip, notification letter(s), and certified mailing receipt by paper or electronic means.

(9) Each board shall submit, no later than March 15 annually, a written report to the Department of Social Services containing a summary of activities of the board and recommendations to improve the child protection services system at the state and local levels.

*AUTHORITY: sections 210.153 and 660.017, RSMo 2016.\* Original rule filed Sept. 27, 2007, effective March 30, 2008. Amended: Filed April 12, 2021, effective Oct. 30, 2021.*

*\*Original authority: 210.153, RSMo 1994, amended 2004 and 660.017, RSMo 1993, amended 1995.*

**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 another child; and
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 be 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 al-

leged 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.

(5) Parental notification and consent to interview.

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

(B) 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.

(C) The Children's Division shall notify any known guardian *ad litem* of the juvenile with alleged problem sexual behaviors or victim children prior to interviewing the child, but does not need to obtain the guardian *ad litem*'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.

*AUTHORITY: section 207.020, RSMo Supp. 2014, and section 210.148, RSMo Supp. 2015.\* Original rule filed Feb. 8, 2016, effective Aug. 30, 2016.*

*\*Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993, 2014 and 210.148, RSMo 2015.*

**13 CSR 35-31.050 Consent to Termination of Parental Rights and/or Adoption**

*PURPOSE: This rule establishes two (2) consent forms for use by parents in termination of parental rights cases and/or in adoption cases, as required by section 453.030.7, RSMo.*

(1) The "General Consent to Termination of Parental Rights and Adoption" form, included herein as MO 886-4591, for use in cases filed pursuant to sections 211.444 or 453.030, RSMo, when adoptive parents are not specified shall be used in accordance with the instructions contained in this rule. Parents consenting to the termination of their parental rights shall provide written consent utilizing this form.

(2) The "Specific Consent to Termination of Parental Rights and Adoption" form, included herein as MO 866-4592, for use in cases filed pursuant to sections 211.444 or 453.030, RSMo when the adoptive parents are specified shall be used in accordance with the instructions contained in this rule. Parents consenting to adoption by named individuals shall provide written consent utilizing this form.



MISSOURI DEPARTMENT OF SOCIAL SERVICES  
CHILDREN'S DIVISION

**GENERAL CONSENT TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION  
(FOR USE IN CASES FILED PURSUANT TO SECTIONS 211.444 AND 453.030, RSMO)**

IN THE \_\_\_\_\_ DIVISION  
OF THE CIRCUIT COURT OF THE CITY/COUNTY OF \_\_\_\_\_  
STATE OF MISSOURI

In re the Matter of \_\_\_\_\_ )  
\_\_\_\_\_ ) Case No. \_\_\_\_\_  
(CHILD)

**GENERAL CONSENT TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION**

My name is \_\_\_\_\_  
(FULL LEGAL NAME)

I reside at \_\_\_\_\_  
(ADDRESS)

I am a ( ☐ male ☐ female ) person and my date of birth is \_\_\_\_\_. I acknowledge the following statements are completed by me and each statement is true, complete, and correct to the best of my knowledge:

1. ☐ The Child, \_\_\_\_\_  
(FULL LEGAL NAME) was born on \_\_\_\_\_  
in \_\_\_\_\_  
(CITY/COUNTY/STATE)

2. My relationship to the Child is:

☐ (A) I am the ( ☐ mother ☐ father ) of the Child. I ☒ **OR**

☐ (B) I have been named as a possible birth father for the Child. I deny I am the birth father of the Child; however, in order to facilitate the location of a stable and secure home for the Child, I am willing to execute this Consent and do so with the full understanding that its terms will apply to me if it turns out I am in fact the birth father of the Child. I understand if I deny paternity, but consent to adoption, I waive any future interest in the child.

3. ☐ Because I believe it is in the best interest of the Child and his or her future welfare, I voluntarily and of my own free will forever consent to the termination of parental rights and obligations and consent to the lawful adoption of the child.

**I UNDERSTAND AND INTEND THAT THIS CONSENT TO TERMINATION OF MY PARENTAL RIGHTS AND CONSENT TO ADOPTION IS FINAL AND IRREVOCABLE ONCE IT IS EXECUTED BY ME UNLESS, PRIOR TO A FINAL DECREE OF ADOPTION, I ALLEGE AND PROVE BY CLEAR AND CONVINCING EVIDENCE THIS CONSENT WAS NOT FREELY AND VOLUNTARILY GIVEN.**

4. ☐ I understand as the parent of the Child, I may have the primary right to custody of the Child if I so choose, even if I am a minor, and by signing this Consent I am giving up any such right along with all my other parental rights and obligations.

5. I have completed \_\_\_\_\_ years of education.

6. ☐ I read and understand the English language; or  
☐ I understand English and this Consent form was read to me by: \_\_\_\_\_; or  
(FULL LEGAL NAME) (TITLE)

☐ this Consent form was read to me in my native language of \_\_\_\_\_  
by \_\_\_\_\_  
(NAME OF INTERPRETER)

MO 886-4591 (8-16)

CD-48(REV9/15)





NOTARY		
STATE OF MISSOURI )		
COUNTY OF _____ )		
On this _____ day of _____, in the year _____, before me personally		
(MONTH)		
appeared _____ known to me to be the person who executed this		
(FULL LEGAL NAME OF PARENT)		
Consent to Termination of Parental Rights and Adoption and acknowledged to me that she/he executed the same for the purposes herein stated.		
_____ Notary Public		
My Commission Expires: _____		
WITNESSES		
THE UNDERSIGNED WITNESSES CERTIFY BY THEIR SIGNATURES THAT _____		
(FULL LEGAL NAME OF PARENT)		
SIGNED THE CONSENT AND THE CONSENT WAS KNOWINGLY AND FREELY GIVEN. WE FURTHER CERTIFY WE ARE NOT THE PROSPECTIVE ADOPTIVE PARENTS OF THE ABOVE NAMED CHILD.		
PRINTED NAME AND DATE OF BIRTH OF WITNESS ONE	DATE	TIME
SIGNATURE OF WITNESS ONE	FULL ADDRESS OF WITNESS ONE	
PRINTED NAME AND DATE OF BIRTH OF WITNESS TWO	DATE	TIME
SIGNATURE OF WITNESS TWO	FULL ADDRESS OF WITNESS TWO	



## GENERAL CONSENT TO TERMINATION OF PARENTAL RIGHTS AND CONSENT TO ADOPTION, FORM INSTRUCTIONS

### **PURPOSE:**

The purpose of this form is to provide written consent when a parent is consenting to termination of parental rights and allowing the child to be placed for adoption. The form must be fully completed by the parent in the presence of and signed by all appropriate persons.

### **INSTRUCTIONS FOR COMPLETION:**

Parents shall never be required to sign an undated or incomplete consent form.

Those sections of the form which do not ask for written information should be read by the parent, and the attorney or intermediary assisting the parent shall ask questions of the parent to ensure their understanding and have the parent initial where indicated.

The attorney or intermediary assisting the parent shall document that the information was read by or read to the parent and that the birth parent was asked whether they understood the information provided to them and have parent initial where indicated.

Complete the indicated city/county information and child's name as well as the name, date of birth, age, sex and address of the parent executing the consent.

Complete Number 1 by entering the child's birth date and place of birth, and have parent initial.

Complete Number 2 (A) or (B) by indicating whether the parent is the mother, father, or possible birth father of the child, and have the parent initial.

Read and review Number 3 with the parent, and the language in the section directly below Number 3, ensuring that they understand all that has been read, and have the parent initial.

Review Number 4 with the parent, ensuring that the parent understands, and have the parent initial.

Complete Number 5 with the parent by obtaining the number of years they attended education.

Complete Number 6 by choosing one or more of the listed options and have the parent initial. If choosing the last option, fill in the native language and name of interpreter.

Complete Number 7 with the parent by choosing one of the four options, completing the appropriate blanks, and have the parent initial the appropriate box.

Complete Number 8 by having the parent initial the appropriate box pertaining to the Indian Child Welfare Act. If the parent indicates he or she is a member of an American Indian Tribe or Native Village, the child must be at least 10 days old and consent must be executed in the presence of judge. If the parent indicates he or she is not a member of an American Indian Tribe or Native Village, the child must be at least 48 hours old.

Complete Number 9 by reading and reviewing the two options, and indicate whether the parent has legal representation OR has waived that right to an attorney, then have the parent initial the appropriate box. Write in the name of the attorney, if the parent is represented.

Complete Number 10 by reading and filling in the name of the county, state and case number. Review and have the parent initial it.

Review Number 11, fill in the County name, ensuring the parent understands all seven statements and have the parent initial the box.

Read and review Number 12, allowing the parent to choose from one of the two options.



Read and review Number 13, adding names to any possible fathers of the child if applicable, and have the parent initial.

Review Number 14, ensuring the parent understands all four statements, and have the parent initial the box.

Fill in the parent's full legal name. Obtain the parent's signature, certifying that they have read, considered and understood all the above statements. Also, obtain the signature of the parent's attorney, and if applicable, the signature of the parent's guardian ad litem.

After the parent executes the form, have a notary public complete the Acknowledgment section and certification;

**OR**

Have two adult witnesses complete the witness section and provide their full address and signatures;

**OR**

If the consent is executed before a judge, have the judge sign to verify the identity of the consenting parent and to verify that he or she has advised the consenting parent of the consequences of the consent.

**NUMBER OF COPIES, DISTRIBUTION AND RETENTION:**

The completed, signed and notarized or witnessed consent shall be provided to the court to become part of the judicial record according to local protocol. A copy of the notarized or witnessed consent shall also be provided to the parent. Copies may be made for the attorney/intermediary, guardian ad litem, juvenile officer, and Children's Division worker.

**AUTHORITY:** *Sections 211.444 and 453.030, RSMo*



MISSOURI DEPARTMENT OF SOCIAL SERVICES  
CHILDREN'S DIVISION

**SPECIFIC CONSENT TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION  
(FOR USE IN CASES FILED PURSUANT TO SECTIONS 211.444 AND 453.030, RSMO)**

IN THE \_\_\_\_\_ DIVISION  
OF THE CIRCUIT COURT OF THE CITY/COUNTY OF \_\_\_\_\_  
STATE OF MISSOURI

In re the Matter of \_\_\_\_\_ )  
\_\_\_\_\_ ) Case No. \_\_\_\_\_  
( "CHILD" )

**SPECIFIC CONSENT TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION**

My name is \_\_\_\_\_  
(FULL LEGAL NAME)

I reside at \_\_\_\_\_  
(ADDRESS)

I am a ( ☐ male ☐ female ) person and my date of birth is \_\_\_\_\_. I acknowledge the following statements are completed by me and each statement is true, complete, and correct to the best of my knowledge:

1. ☐ The Child, \_\_\_\_\_  
(FULL LEGAL NAME) was born on \_\_\_\_\_  
in \_\_\_\_\_  
(CITY/COUNTY/STATE)

2. My relationship to the Child is:  
☐ (A) I am the ( ☐ mother ☐ father ) of the Child. I ☒ OR  
☐ (B) I have been named as a possible birth father for the Child. I deny I am the birth father of the Child; however, in order to facilitate the location of a stable and secure home for the Child, I am willing to execute this Consent and do so with the full understanding that its terms will apply to me if it turns out I am in fact the birth father of the Child. I understand if I deny paternity, but consent to adoption, I waive any future interest in the child.

3. ☐ Because I believe it is in the best interest of the Child and his or her future welfare, I voluntarily and of my own free will forever consent to the termination of parental rights and obligations and consent to the lawful adoption of the child by \_\_\_\_\_.

**I UNDERSTAND AND INTEND THAT THIS CONSENT TO TERMINATION OF MY PARENTAL RIGHTS AND CONSENT TO ADOPTION IS FINAL AND IRREVOCABLE ONCE IT IS EXECUTED BY ME UNLESS, PRIOR TO A FINAL DECREE OF ADOPTION, I ALLEGE AND PROVE BY CLEAR AND CONVINCING EVIDENCE THIS CONSENT WAS NOT FREELY AND VOLUNTARILY GIVEN.**

4. ☐ I understand as the parent of the Child, I may have the primary right to custody of the Child if I so choose, even if I am a minor, and by signing this Consent I am giving up any such right along with all my other parental rights and obligations.

5. I have completed \_\_\_\_\_ years of education.

6. ☐ I read and understand the English language; or  
☐ I understand English and this Consent form was read to me by:  
\_\_\_\_\_  
(FULL LEGAL NAME) \_\_\_\_\_ (TITLE); or  
☐ this Consent form was read to me in my native language of \_\_\_\_\_  
by \_\_\_\_\_  
(NAME OF INTERPRETER)



## 7. Check and complete all that apply:

- ☐ At the time of the Child's birth, I was married to \_\_\_\_\_  
(FULL LEGAL NAME)
- ☐ I was married to \_\_\_\_\_ within the last 300 days prior to the child's birth.  
(FULL LEGAL NAME)
- ☐ I am not married.
- ☐ My marriage to \_\_\_\_\_ was legally dissolved on \_\_\_\_\_.  
(FULL LEGAL NAME) (DATE)

## 8. Indian Child Welfare Act:

- ☐ As far as I know, neither I, nor any member of my family, including the Child, is a member of or eligible for membership in a federally recognized American Indian Tribe or Alaskan Native Village.

OR

- ☐ Either I, or a member of my family, including the Child, is a member of or eligible for membership in a federally recognized American Indian Tribe or Alaskan Native Village.

## 9. I understand I have the right to be represented by my own attorney. I understand the court may appoint an attorney to represent me if I request counsel, and if hiring my own attorney would cause a financial hardship. I also understand I may review this document and seek the advice of an attorney before signing this Consent.

- ☐ I have talked to and am represented by \_\_\_\_\_ regarding this Consent.  
(NAME OF ATTORNEY)

OR

- ☐ I HEREBY WAIVE MY RIGHT TO AN ATTORNEY.

10. ☐ The Child is currently under the jurisdiction of the juvenile court/family court in \_\_\_\_\_ County,  
\_\_\_\_\_, in case number \_\_\_\_\_.  
(STATE)

## 11. By completing and signing this Consent, I certify to the Court that I am of sound mind and:

- ☐ i. Hereby submit to the jurisdiction of the Court of the State of Missouri.
- ☐ ii. Understand this Consent will be filed with the juvenile court/family court in \_\_\_\_\_ County, Missouri and any other court in which proceedings concerning the Child may be pending.
- ☐ iii. Have had enough time to carefully consider whether or not consent to termination of parental rights and adoption is in my own best interest and the best interest of the Child.
- ☐ iv. Have given careful thought to my decision to proceed with this Consent.
- ☐ v. Am not under the influence of any drug, medication, or other substance which might affect my reasoning or judgment.
- ☐ vi. Have signed this Consent to termination of parental rights and adoption of my own free will and without any duress or undue influence from anyone.
- ☐ vii. Have not been given any money or gifts, and no one has promised to provide me any money or gifts in exchange for my consent other than payment of expenses allowed by law.

## 12. I choose to:

- ☐ waive service of summons and a copy of any petition seeking the termination of my parental rights and/or adoption of the child that may be filed in any court of competent jurisdiction. I hereby waive my right to appear in any such proceedings and consent to a hearing thereof, at any time, without further notice to me;

OR

- ☐ reserve the right to receive service of summons and a copy of any petition seeking the termination of my parental rights and/or adoption of the child as may hereafter be filed in any court of competent jurisdiction.

13. ☐ I understand the importance of identifying all possible fathers of the child and may provide the names of all such persons:

\_\_\_\_\_



14. <input type="checkbox"/> I am the birth mother, and I have not misrepresented to any man who could be the father of this child that: ___ i. I was not pregnant; ___ ii. the pregnancy was terminated; ___ iii. the child has died; or ___ iv. the child is not his.		
<b>I CERTIFY BY MY SIGNATURE BELOW THAT I HAVE READ, CONSIDERED, AND UNDERSTAND ALL THE ABOVE STATEMENTS.</b> I, _____, hereby acknowledge that the statements provided above (FULL LEGAL NAME) <b>are true, complete and correct.</b>		
SIGNATURE OF PARENT	DATE	TIME
SIGNATURE OF PARENT'S ATTORNEY OR INTERMEDIARY	DATE	TIME
SIGNATURE OF PARENT'S GUARDIAN AD LITEM (IF REQUIRED BY § 453.030.9 RSMO OR OTHER APPLICABLE LAW)	DATE	TIME
<b>ACKNOWLEDGMENT OR WITNESSES TO PARENT'S CONSENT THIS CONSENT MUST BE:</b> <b>A) EXECUTED IN FRONT OF A JUDGE, OR</b> <b>B) ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR TWO ADULT WITNESSES</b>		
<b>JUDGE</b>		
On this _____ day of _____, in the year _____, before me personally (MONTH) appeared _____ known to me to be the person who executed this (FULL LEGAL NAME OF PARENT)		
Consent to Termination of Parental Rights and Adoption and acknowledged to me that she/he executed the same for the purposes herein stated, and I have advised the consenting parent of the consequences of the consent.   <div style="text-align: right;">_____</div> <div style="text-align: right;">Judge</div>		
<b>NOTARY</b>		
STATE OF MISSOURI                     ) ) COUNTY OF _____ )		
On this _____ day of _____, in the year _____, before me personally (MONTH) appeared _____ known to me to be the person who executed this (FULL LEGAL NAME OF PARENT)		
Consent to Termination of Parental Rights and Adoption and acknowledged to me that she/he executed the same for the purposes herein stated.   <div style="text-align: right;">_____</div> <div style="text-align: right;">Notary Public</div>		
My Commission Expires: _____		



WITNESSES		
THE UNDERSIGNED WITNESSES CERTIFY BY THEIR SIGNATURES THAT _____ (FULL LEGAL NAME OF PARENT)		
SIGNED THE CONSENT AND THE CONSENT WAS KNOWINGLY AND FREELY GIVEN. WE FURTHER CERTIFY WE ARE NOT THE PROSPECTIVE ADOPTIVE PARENTS OF THE ABOVE NAMED CHILD.		
PRINTED NAME AND DATE OF BIRTH OF WITNESS ONE	DATE	TIME
SIGNATURE OF WITNESS ONE	FULL ADDRESS OF WITNESS ONE	
PRINTED NAME AND DATE OF BIRTH OF WITNESS TWO	DATE	TIME
SIGNATURE OF WITNESS TWO	FULL ADDRESS OF WITNESS TWO	



### SPECIFIC CONSENT TO TERMINATION OF PARENTAL RIGHTS AND CONSENT TO ADOPTION, FORM INSTRUCTIONS

#### **PURPOSE:**

The purpose of this form is to provide written consent when a parent is consenting to termination of parental rights and allowing the child to be placed for adoption. The form must be fully completed by the parent in the presence of and signed by all appropriate persons.

#### **INSTRUCTIONS FOR COMPLETION:**

Parents shall never be required to sign an undated or incomplete consent form.

Those sections of the form which do not ask for written information should be read by the parent, and the attorney or intermediary assisting the parent shall ask questions of the parent to ensure their understanding and have the parent initial where indicated.

The attorney or intermediary assisting the parent shall document that the information was read by or read to the parent and that the birth parent was asked whether they understood the information provided to them and have parent initial where indicated.

Complete the indicated city/county information and child's name as well as the name, date of birth, age, sex and address of the parent executing the consent.

Complete Number 1 by entering the child's birth date and place of birth, and have parent initial.

Complete Number 2 (A) or (B) by indicating whether the parent is the mother, father, or possible birth father of the child, and have the parent initial.

Read and review Number 3 with the parent including the name of the adoptive parent to whom the parent is consenting for adoption, and the language in the section directly below Number 3, ensuring that they understand all that has been read, and have the parent initial.

Review Number 4 with the parent, ensuring that the parent understands, and have the parent initial.

Complete Number 5 with the parent by obtaining the number of years they attended education.

Complete Number 6 by choosing one or more of the listed options and have the parent initial. If choosing the last option, fill in the native language and name of interpreter.

Complete Number 7 with the parent by choosing one of the four options, completing the appropriate blanks, and have the parent initial the appropriate box.

Complete Number 8 by having the parent initial the appropriate box pertaining to the Indian

Child Welfare Act. If the parent indicates he or she is a member of an American Indian Tribe or Native Village, the child must be at least 10 days old and consent must be executed in the presence of judge. If the parent indicates he or she is not a member of an American Indian Tribe or Native Village, the child must be at least 48 hours old.

Complete Number 9 by reading and reviewing the two options, and indicate whether the parent has legal representation OR has waived that right to an attorney, then have the parent initial the appropriate box. Write in the name of the attorney, if the parent is represented.

Complete Number 10 by reading and filling in the name of the county, state and case number. Review and have the parent initial it.

Review Number 11, fill in the County name, ensuring the parent understands all seven statements and have the parent initial the boxes.





Read and review Number 12, allowing the parent to choose from one of the two options.

Read and review Number 13, adding names to any possible fathers of the child if applicable, and have the parent initial.

Review Number 14, ensuring the parent understands all four statements, and have the parent initial the box and each statement.

Fill in the parent's full legal name. Obtain the parent's signature, certifying that they have read, considered and understood all the above statements. Also, obtain the signature of the parent's attorney, and if applicable, the signature of the parent's guardian ad litem.

After the parent executes the form, have a notary public complete the Acknowledgment section and certification;

**OR**

Have two adult witnesses complete the witness section and provide their full address and signatures;

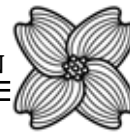
**OR**

If the consent is executed before a judge, have the judge sign to verify the identity of the consenting parent and to verify that he or she has advised the consenting parent of the consequences of the consent.

**NUMBER OF COPIES, DISTRIBUTION AND RETENTION:**

The completed, signed and notarized or witnessed consent shall be provided to the court to become part of the judicial record according to local protocol. A copy of the notarized or witnessed consent shall also be provided to the parent. Copies may be made for the attorney/intermediary, guardian ad litem, juvenile officer, and Children's Division worker.

**AUTHORITY:** *Sections 211.444 and 453.030, RSMo.*



*AUTHORITY: sections 207.020 and 210.148, RSMo 2016.\* Original rule filed Aug. 19, 2016, effective March 30, 2017.*

*\*Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993, 2014 and 210.148, RSMo 2015.*

### **13 CSR 35-31.100 Use and Dissemination of Information from the Central Registry**

*PURPOSE: This rule establishes the use and dissemination of child abuse and neglect findings from the central registry by the Children's Division.*

(1) As defined in section 210.110, RSMo, the central registry is a registry of persons where the Children's Division maintains records of final determinations by the division or a court that persons have committed child abuse or neglect or pleaded guilty to or have been found guilty of offenses enumerated in sections 210.110(3) or 210.118, RSMo.

(2) Pursuant to sections 210.110 and 210.152, RSMo, the Children's Division shall retain records in the central registry in perpetuity, including for persons placed on the central registry prior to August 28, 2004.

(3) The Children's Division shall not use or disseminate a finding in the central registry to conduct a background check for employment with a third party or to find a person ineligible for employment with a third party or presence at a residential care facility or child placement agency, unless and until the finding is final and –

(A) The finding has been substantiated by court adjudication, by at least a preponderance of the evidence standard;

(B) The finding has been upheld by a preponderance of the evidence standard;

(C) The person has waived administrative review or judicial review; or

(D) The person has been found guilty of or pleaded guilty to an offense enumerated in sections 210.110(3) or 210.118, RSMo.

(4) To the extent authorized by law, the Children's Division may use and disseminate records in the central registry for any purpose authorized or required by law, including –

(A) To respond to child abuse and neglect reports;

(B) Conduct investigations and assessments;

(C) Assist child welfare and law enforcement agencies with the protection of children from abuse or neglect and the provision of child welfare services;

(D) Assist law enforcement and prosecuting attorneys in criminal or civil investigations or prosecutions;

(E) Determine the best interests of a child and make permanency decisions and recommendations;

(F) Assess a child's health, safety, and well-being;

(G) Conduct research and statistical analysis; or

(H) For all other related purposes authorized by law.

*AUTHORITY: sections 207.020, 210.118, and 660.017, RSMo 2016, and sections 210.110, 210.145, 210.150, 210.152, and 210.493, RSMo Supp. 2022. Original rule filed Nov. 4, 2022, effective May 30, 2023.*

*\*Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993, 2014 and 210.148, RSMo 2015; 210.110, RSMo 1975, amended 1982, 1985, 1994, 2000, 2004, 2005, 2016, 2017, 2018, 2019; 210.118, RSMo 2016; 210.145, RSMo 1975, amended 1980, 1982, 1986, 1990, 1993, 1994, 2000, 2002, 2003, 2004, 2007, 2011, 2012, 2014, 2018, 2020; 210.150, RSMo 1975, amended 1980, 1982, 1985, 1986, 1988, 1991, 1994, 1997, 1999, 2000, 2004, 2020, 2021; 210.152, RSMo 1982, amended 1986, 1990, 1991, 2000, 2004, 2005, 2011, 2014, 2017, 2018; 210.493, RSMo 2021; and 660.017, RSMo 1993, amended 1995.*