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

<b>Title</b>	<b>Page</b>
<b>13 CSR 40-31.010</b> Perpetrator Employed by Division of Family Services (Rescinded June 11, 1984) .....	3
<b>13 CSR 40-31.011</b> Investigations Involving a Conflict of Interest .....	3
<b>13 CSR 40-31.012</b> Definition of Sexual Exploitation .....	3
<b>13 CSR 40-31.020</b> Information Released to Subject of a Report (Rescinded November 11, 1982) .....	3
<b>13 CSR 40-31.021</b> Definitions (Rescinded February 11, 1983) .....	3
<b>13 CSR 40-31.025</b> Child Abuse and Neglect Review Process .....	3
<b>13 CSR 40-31.030</b> Retention of Unsubstantiated Reports (Rescinded November 11, 1982) .....	4
<b>13 CSR 40-31.040</b> Retention of Substantiated Reports (Rescinded November 11, 1982) .....	4
<b>13 CSR 40-31.050</b> Child Fatality Review Process (Rescinded June 30, 2001) .....	4

**Title 13—DEPARTMENT OF  
SOCIAL SERVICES**

**Division 40—Division of Family Services  
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(Rescinded June 11, 1984)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 Rescinded: Filed March 7, 1984, effective June 11, 1984.*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**

*PURPOSE: This rule establishes a Child Abuse and Neglect Review Process to provide for a review of child abuse and neglect determinations where an alleged perpetrator disagrees with the division's decision of Probable Cause.*

(1) The division will provide an opportunity for an administrative review to any alleged perpetrator who disagrees with the local division office decision of Probable Cause in a child abuse or neglect investigation.

(2) The alleged perpetrator will receive written notification as to the decision of the local division office. This notification will include a statement that if the alleged perpetrator disagrees with the Probate Cause decision, s/he may request a review.

(A) The alleged perpetrator will be allowed sixty (60) days from the receipt of the notification to request, in writing, an administrative review.

(B) The county director will review, within fifteen (15) days of receipt of the request, all appropriate material and determine whether the decision of the division should be upheld or reversed.

(C) The county director will provide, in writing, notice to the alleged perpetrator of the decision to uphold or reverse the original finding and how to request a further review by the Child Abuse and Neglect Review Board(s), if s/he disagrees with the decision.

(3) The division will establish Child Abuse and Neglect Review Board(s) to provide for an independent review of child abuse and neglect determinations where the alleged perpetrator disagrees with the division's decision of Probable Cause.

(4) Each Child Abuse and Neglect Review Board will be composed of nine (9) members. Initially, three (3) of the board members will be appointed for three (3) years, three (3) of its board members will be appointed for two



(2) years, and three (3) of its board members will be appointed for one (1) year. The members of the board(s) shall designate a chairperson.

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

- (A) Death;
- (B) Resignation;
- (C) Mental or physical incapacitation which limits the member from effectively serving on the board; or
- (D) For good cause as determined by the governor.

(6) The members 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.

(7) The members of the board(s) will meet at a location within Missouri regularly, depending on the number of requests for review being filed.

(8) The following process will be followed for all child abuse and neglect reviews by the board(s):

(A) The alleged perpetrator will have thirty (30) days from the receipt of notification from the county director that the decision was upheld to request, in writing, a review by the Child Abuse and Neglect Review Board(s);

(B) The Child Abuse and Neglect Review Boards(s) will notify the alleged perpetrator of the date and time of the review and provide him/her with an opportunity to attend or to submit a written statement. Attendance is not mandatory for a review to be conducted;

(C) The local division office will forward a copy of the investigation record and all relevant materials to the review board(s) after notification that the alleged perpetrator has requested a review;

(D) At the review, the division will be represented by appropriate local and area division staff and/or legal counsel;

(E) The alleged perpetrator may be represented by him/herself and/or legal counsel;

(F) The alleged perpetrator and/or the division may have witnesses present to provide statements about pertinent events, actions, etc.;

(G) The board shall notify the child or the parent, guardian, or legal representative of the child, that a review has been requested; and

(H) The review board(s) will review and discuss all relevant materials and testimony,

and vote on whether to uphold or reverse the finding of Probable Cause.

1. The vote and the decision will be reported to the division.

2. The decision of the board may occur on the day of the review or within seven (7) days of the review.

(9) The decision of the board will be the final decision to uphold or reverse the finding of Probate Cause.

(10) A written copy of the decision will be sent within thirty-five (35) days to the alleged perpetrator, division director, and local division office.

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

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

*AUTHORITY: section 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.*

*\*Original authority 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993.*

**13 CSR 40-31.030 Retention of Unsubstantiated 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 Substantiated 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.*