

FIRST REGULAR SESSION

HOUSE BILL NO. 764

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHUMAKE.

1694H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 192.2410 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2410 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 198.070 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 198.070 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, and sections 210.145, 452.310, and 452.375, RSMo, and to enact in lieu thereof seventeen new sections relating to family intervention orders, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 192.2410 as enacted by house revision bill no. 1299 merged with
2 senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2410
3 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular
4 session, section 198.070 as enacted by senate bill no. 491, ninety-seventh general assembly,
5 second regular session, section 198.070 as enacted by senate bills nos. 556 & 311, ninety-second
6 general assembly, first regular session, and sections 210.145, 452.310, and 452.375, RSMo, are
7 repealed and seventeen new sections enacted in lieu thereof, to be known as sections 192.2410,
8 198.070, 210.145, 452.310, 452.375, 455.100, 455.105, 455.110, 455.115, 455.120, 455.125,
9 455.130, 455.135, 455.140, 455.145, 455.150, and 455.155, to read as follows:

192.2410. 1. A report made under section 192.2405 shall be made orally or in writing.
2 It shall include, if known:
3 (1) The name, age, and address of the eligible adult or person subjected to abuse or
4 neglect;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 (2) The name and address of any person responsible for care of the eligible adult or
6 person subjected to abuse or neglect;

7 (3) The nature and extent of the condition of the eligible adult or person subjected to
8 abuse or neglect; and

9 (4) Other relevant information.

10 2. Reports regarding persons determined not to be eligible adults as defined in section
11 192.2400 shall be referred to the appropriate state or local authorities.

12 3. The department shall maintain a statewide toll-free phone number for receipt of
13 reports.

14 **4. All reports made under this section shall include an inquiry of the reporter as**
15 **to whether chemical substance abuse, as defined in section 455.100, may be present. If**
16 **chemical substance abuse may be a factor and the reporter is a family member of the**
17 **alleged abuser, the reporter shall be informed on how to obtain a family intervention order**
18 **under sections 455.100 to 455.155.**

192.2410. 1. Any person having reasonable cause to suspect that an eligible adult
2 presents a likelihood of suffering serious physical harm and is in need of protective services shall
3 report such information to the department.

4 2. The report shall be made orally or in writing. It shall include, if known:

5 (1) The name, age, and address of the eligible adult;

6 (2) The name and address of any person responsible for the eligible adult's care;

7 (3) The nature and extent of the eligible adult's condition; and

8 (4) Other relevant information.

9 3. Reports regarding persons determined not to be eligible adults as defined in section
10 192.2400 shall be referred to the appropriate state or local authorities.

11 4. The department shall maintain a statewide toll free phone number for receipt of
12 reports.

13 **5. All reports made under this section shall include an inquiry of the reporter as**
14 **to whether chemical substance abuse, as defined in section 455.100, may be present. If**
15 **chemical substance abuse may be a factor and the reporter is a family member of the**
16 **alleged abuser, the reporter shall be informed on how to obtain a family intervention order**
17 **under sections 455.100 to 455.155.**

198.070. 1. When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental
3 health, or health and senior services; employee of a local area agency on aging or an organized
4 area agency on aging program; funeral director; home health agency or home health agency
5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;

6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term
7 care facility administrator or employee; medical examiner; medical resident or intern; mental
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;
9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;
10 probation or parole officer; psychologist; social worker; or other person with the care of a person
11 sixty years of age or older or an eligible adult has reasonable cause to believe that a resident of
12 a facility has been abused or neglected, he or she shall immediately report or cause a report to
13 be made to the department.

14 2. The report shall contain the name and address of the facility, the name of the resident,
15 information regarding the nature of the abuse or neglect, the name of the complainant, and any
16 other information which might be helpful in an investigation.

17 3. Any person required in subsection 1 of this section to report or cause a report to be
18 made to the department who knowingly fails to make a report within a reasonable time after the
19 act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.

20 4. In addition to the penalties imposed by this section, any administrator who knowingly
21 conceals any act of abuse or neglect resulting in death or serious physical injury, as defined in
22 section 556.061, is guilty of a class E felony.

23 5. In addition to those persons required to report pursuant to subsection 1 of this section,
24 any other person having reasonable cause to believe that a resident has been abused or neglected
25 may report such information to the department. **All reports made under this subsection shall**
26 **include an inquiry of the reporter as to whether chemical substance abuse, as defined in**
27 **section 455.100, may be present. If chemical substance abuse may be a factor and the**
28 **reporter is a family member of the alleged abuser, the reporter shall be informed on how**
29 **to obtain a family intervention order under sections 455.100 to 455.155.**

30 6. Upon receipt of a report, the department shall initiate an investigation within
31 twenty-four hours and, as soon as possible during the course of the investigation, shall notify the
32 resident's next of kin or responsible party of the report and the investigation and further notify
33 them whether the report was substantiated or unsubstantiated unless such person is the alleged
34 perpetrator of the abuse or neglect. As provided in section 192.2425, substantiated reports of
35 elder abuse shall be promptly reported by the department to the appropriate law enforcement
36 agency and prosecutor.

37 7. If the investigation indicates possible abuse or neglect of a resident, the investigator
38 shall refer the complaint together with the investigator's report to the department director or the
39 director's designee for appropriate action. If, during the investigation or at its completion, the
40 department has reasonable cause to believe that immediate removal is necessary to protect the
41 resident from abuse or neglect, the department or the local prosecuting attorney may, or the

42 attorney general upon request of the department shall, file a petition for temporary care and
43 protection of the resident in a circuit court of competent jurisdiction. The circuit court in which
44 the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the
45 department authority for the temporary care and protection of the resident, for a period not to
46 exceed thirty days.

47 8. Reports shall be confidential, as provided pursuant to section 192.2500.

48 9. Anyone, except any person who has abused or neglected a resident in a facility, who
49 makes a report pursuant to this section or who testifies in any administrative or judicial
50 proceeding arising from the report shall be immune from any civil or criminal liability for
51 making such a report or for testifying except for liability for perjury, unless such person acted
52 negligently, recklessly, in bad faith or with malicious purpose. It is a crime under section
53 565.189 for any person to knowingly file a false report of elder abuse or neglect.

54 10. Within five working days after a report required to be made pursuant to this section
55 is received, the person making the report shall be notified in writing of its receipt and of the
56 initiation of the investigation.

57 11. No person who directs or exercises any authority in a facility shall evict, harass,
58 dismiss or retaliate against a resident or employee because such resident or employee or any
59 member of such resident's or employee's family has made a report of any violation or suspected
60 violation of laws, ordinances or regulations applying to the facility which the resident, the
61 resident's family or an employee has reasonable cause to believe has been committed or has
62 occurred. Through the existing department information and referral telephone contact line,
63 residents, their families and employees of a facility shall be able to obtain information about their
64 rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to
65 a report being made pursuant to this section.

66 12. Any person who abuses or neglects a resident of a facility is subject to criminal
67 prosecution under section 565.184.

68 13. The department shall maintain the employee disqualification list and place on the
69 employee disqualification list the names of any persons who are or have been employed in any
70 facility and who have been finally determined by the department pursuant to section 192.2490
71 to have knowingly or recklessly abused or neglected a resident. For purposes of this section
72 only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this
73 section. A person acts "knowingly" with respect to the person's conduct when a reasonable
74 person should be aware of the result caused by his or her conduct. A person acts "recklessly"
75 when the person consciously disregards a substantial and unjustifiable risk that the person's
76 conduct will result in serious physical injury and such disregard constitutes a gross deviation
77 from the standard of care that a reasonable person would exercise in the situation.

78 14. The timely self-reporting of incidents to the central registry by a facility shall
79 continue to be investigated in accordance with department policy, and shall not be counted or
80 reported by the department as a hot-line call but rather a self-reported incident. If the
81 self-reported incident results in a regulatory violation, such incident shall be reported as a
82 substantiated report.

198.070. 1. When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental
3 health, or health and senior services; employee of a local area agency on aging or an organized
4 area agency on aging program; funeral director; home health agency or home health agency
5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;
6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term
7 care facility administrator or employee; medical examiner; medical resident or intern; mental
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;
9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;
10 probation or parole officer; psychologist; social worker; or other person with the care of a person
11 sixty years of age or older or an eligible adult has reasonable cause to believe that a resident of
12 a facility has been abused or neglected, he or she shall immediately report or cause a report to
13 be made to the department.

14 2. The report shall contain the name and address of the facility, the name of the resident,
15 information regarding the nature of the abuse or neglect, the name of the complainant, and any
16 other information which might be helpful in an investigation.

17 3. Any person required in subsection 1 of this section to report or cause a report to be
18 made to the department who knowingly fails to make a report within a reasonable time after the
19 act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.

20 4. In addition to the penalties imposed by this section, any administrator who knowingly
21 conceals any act of abuse or neglect resulting in death or serious physical injury, as defined in
22 section 565.002, is guilty of a class D felony.

23 5. In addition to those persons required to report pursuant to subsection 1 of this section,
24 any other person having reasonable cause to believe that a resident has been abused or neglected
25 may report such information to the department. **All reports made under this subsection shall**
26 **include an inquiry of the reporter as to whether chemical substance abuse, as defined in**
27 **section 455.100, may be present. If chemical substance abuse may be a factor and the**
28 **reporter is a family member of the alleged abuser, the reporter shall be informed on how**
29 **to obtain a family intervention order under sections 455.100 to 455.155.**

30 6. Upon receipt of a report, the department shall initiate an investigation within
31 twenty-four hours and, as soon as possible during the course of the investigation, shall notify the

32 resident's next of kin or responsible party of the report and the investigation and further notify
33 them whether the report was substantiated or unsubstantiated unless such person is the alleged
34 perpetrator of the abuse or neglect. As provided in section 565.186, substantiated reports of
35 elder abuse shall be promptly reported by the department to the appropriate law enforcement
36 agency and prosecutor.

37 7. If the investigation indicates possible abuse or neglect of a resident, the investigator
38 shall refer the complaint together with the investigator's report to the department director or the
39 director's designee for appropriate action. If, during the investigation or at its completion, the
40 department has reasonable cause to believe that immediate removal is necessary to protect the
41 resident from abuse or neglect, the department or the local prosecuting attorney may, or the
42 attorney general upon request of the department shall, file a petition for temporary care and
43 protection of the resident in a circuit court of competent jurisdiction. The circuit court in which
44 the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the
45 department authority for the temporary care and protection of the resident, for a period not to
46 exceed thirty days.

47 8. Reports shall be confidential, as provided pursuant to section 660.320.

48 9. Anyone, except any person who has abused or neglected a resident in a facility, who
49 makes a report pursuant to this section or who testifies in any administrative or judicial
50 proceeding arising from the report shall be immune from any civil or criminal liability for
51 making such a report or for testifying except for liability for perjury, unless such person acted
52 negligently, recklessly, in bad faith or with malicious purpose. It is a crime pursuant to section
53 565.186 and 565.188 for any person to purposely file a false report of elder abuse or neglect.

54 10. Within five working days after a report required to be made pursuant to this section
55 is received, the person making the report shall be notified in writing of its receipt and of the
56 initiation of the investigation.

57 11. No person who directs or exercises any authority in a facility shall evict, harass,
58 dismiss or retaliate against a resident or employee because such resident or employee or any
59 member of such resident's or employee's family has made a report of any violation or suspected
60 violation of laws, ordinances or regulations applying to the facility which the resident, the
61 resident's family or an employee has reasonable cause to believe has been committed or has
62 occurred. Through the existing department information and referral telephone contact line,
63 residents, their families and employees of a facility shall be able to obtain information about their
64 rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to
65 a report being made pursuant to this section.

66 12. Any person who abuses or neglects a resident of a facility is subject to criminal
67 prosecution under section 565.180, 565.182, or 565.184.

68 13. The department shall maintain the employee disqualification list and place on the
69 employee disqualification list the names of any persons who are or have been employed in any
70 facility and who have been finally determined by the department pursuant to section 660.315 to
71 have knowingly or recklessly abused or neglected a resident. For purposes of this section only,
72 "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section.
73 A person acts "knowingly" with respect to the person's conduct when a reasonable person should
74 be aware of the result caused by his or her conduct. A person acts "recklessly" when the person
75 consciously disregards a substantial and unjustifiable risk that the person's conduct will result
76 in serious physical injury and such disregard constitutes a gross deviation from the standard of
77 care that a reasonable person would exercise in the situation.

78 14. The timely self-reporting of incidents to the central registry by a facility shall
79 continue to be investigated in accordance with department policy, and shall not be counted or
80 reported by the department as a hot-line call but rather a self-reported incident. If the
81 self-reported incident results in a regulatory violation, such incident shall be reported as a
82 substantiated report.

210.145. 1. The division shall develop protocols which give priority to:

2 (1) Ensuring the well-being and safety of the child in instances where child abuse or
3 neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families consistent with
5 state and federal law;

6 (3) Providing due process for those accused of child abuse or neglect; and

7 (4) Maintaining an information system operating at all times, capable of receiving and
8 maintaining reports. This information system shall have the ability to receive reports over a
9 single, statewide toll-free number. Such information system shall maintain the results of all
10 investigations, family assessments and services, and other relevant information.

11 2. **(1)** The division shall utilize structured decision-making protocols for classification
12 purposes of all child abuse and neglect reports. The protocols developed by the division shall
13 give priority to ensuring the well-being and safety of the child. All child abuse and neglect
14 reports shall be initiated within twenty-four hours and shall be classified based upon the reported
15 risk and injury to the child. The division shall promulgate rules regarding the structured
16 decision-making protocols to be utilized for all child abuse and neglect reports.

17 **(2) All reports made to the division shall include an inquiry of the reporter as to**
18 **whether chemical substance abuse, as defined in section 455.100, may be present. If**
19 **chemical substance abuse may be a factor and the reporter is a family member of the**
20 **alleged abuser, the reporter shall be informed on how to obtain a family intervention order**
21 **under sections 455.100 to 455.155.**

22 3. Upon receipt of a report, the division shall determine if the report merits investigation,
23 including reports which if true would constitute a suspected violation of any of the following:
24 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen
25 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,
26 or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the
27 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than
28 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or
29 568.090, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such
30 crimes. The division shall immediately communicate all reports that merit investigation to its
31 appropriate local office and any relevant information as may be contained in the information
32 system. The local division staff shall determine, through the use of protocols developed by the
33 division, whether an investigation or the family assessment and services approach should be used
34 to respond to the allegation. The protocols developed by the division shall give priority to
35 ensuring the well-being and safety of the child.

36 4. When the child abuse and neglect hotline receives three or more calls, within a
37 seventy-two hour period, from one or more individuals concerning the same child, the division
38 shall conduct a review to determine whether the calls meet the criteria and statutory definition
39 for a child abuse and neglect report to be accepted. In conducting the review, the division shall
40 contact the hotline caller or callers in order to collect information to determine whether the calls
41 meet the criteria for harassment.

42 5. The local office shall contact the appropriate law enforcement agency immediately
43 upon receipt of a report which division personnel determine merits an investigation and provide
44 such agency with a detailed description of the report received. In such cases the local division
45 office shall request the assistance of the local law enforcement agency in all aspects of the
46 investigation of the complaint. The appropriate law enforcement agency shall either assist the
47 division in the investigation or provide the division, within twenty-four hours, an explanation
48 in writing detailing the reasons why it is unable to assist.

49 6. The local office of the division shall cause an investigation or family assessment and
50 services approach to be initiated in accordance with the protocols established in subsection 2 of
51 this section, except in cases where the sole basis for the report is educational neglect. If the
52 report indicates that educational neglect is the only complaint and there is no suspicion of other
53 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the
54 report. If the report indicates the child is in danger of serious physical harm or threat to life, an
55 investigation shall include direct observation of the subject child within twenty-four hours of the
56 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct
57 observation. Callers to the child abuse and neglect hotline shall be instructed by the division's

58 hotline to call 911 in instances where the child may be in immediate danger. If the parents of the
59 child are not the alleged perpetrators, a parent of the child must be notified prior to the child
60 being interviewed by the division. No person responding to or investigating a child abuse and
61 neglect report shall call prior to a home visit or leave any documentation of any attempted visit,
62 such as business cards, pamphlets, or other similar identifying information if he or she has a
63 reasonable basis to believe the following factors are present:

- 64 (1) (a) No person is present in the home at the time of the home visit; and
65 (b) The alleged perpetrator resides in the home or the physical safety of the child may
66 be compromised if the alleged perpetrator becomes aware of the attempted visit;
67 (2) The alleged perpetrator will be alerted regarding the attempted visit; or
68 (3) The family has a history of domestic violence or fleeing the community.

69

70 If the alleged perpetrator is present during a visit by the person responding to or investigating the
71 report, such person shall provide written material to the alleged perpetrator informing him or her
72 of his or her rights regarding such visit, including but not limited to the right to contact an
73 attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written
74 material or have such material read to him or her by the case worker before the visit commences,
75 but in no event shall such time exceed five minutes; except that, such requirement to provide
76 written material and reasonable time to read such material shall not apply in cases where the
77 child faces an immediate threat or danger, or the person responding to ~~or~~ investigating the report
78 is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in
79 a school or child care facility the division shall not meet with the child in any school building
80 or child-care facility building where abuse of such child is alleged to have occurred. When the
81 child is reported absent from the residence, the location and the well-being of the child shall be
82 verified. For purposes of this subsection, child care facility shall have the same meaning as such
83 term is defined in section 210.201.

84 7. The director of the division shall name at least one chief investigator for each local
85 division office, who shall direct the division response on any case involving a second or
86 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
87 investigator shall include verification of direct observation of the subject child by the division
88 and shall ensure information regarding the status of an investigation is provided to the public
89 school district liaison. The public school district liaison shall develop protocol in conjunction
90 with the chief investigator to ensure information regarding an investigation is shared with
91 appropriate school personnel. The superintendent of each school district shall designate a
92 specific person or persons to act as the public school district liaison. Should the subject child
93 attend a nonpublic school the chief investigator shall notify the school principal of the

94 investigation. Upon notification of an investigation, all information received by the public
95 school district liaison or the school shall be subject to the provisions of the federal Family
96 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34
97 C.F.R., Part 99.

98 8. The investigation shall include but not be limited to the nature, extent, and cause of
99 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the
100 names and conditions of other children in the home, if any; the home environment and the
101 relationship of the subject child to the parents or other persons responsible for the child's care;
102 any indication of incidents of physical violence against any other household or family member;
103 and other pertinent data.

104 9. When a report has been made by a person required to report under section 210.115,
105 the division shall contact the person who made such report within forty-eight hours of the receipt
106 of the report in order to ensure that full information has been received and to obtain any
107 additional information or medical records, or both, that may be pertinent.

108 10. Upon completion of the investigation, if the division suspects that the report was
109 made maliciously or for the purpose of harassment, the division shall refer the report and any
110 evidence of malice or harassment to the local prosecuting or circuit attorney.

111 11. Multidisciplinary teams shall be used whenever conducting the investigation as
112 determined by the division in conjunction with local law enforcement. Multidisciplinary teams
113 shall be used in providing protective or preventive social services, including the services of law
114 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and
115 other agencies, both public and private.

116 12. For all family support team meetings involving an alleged victim of child abuse or
117 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian
118 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
119 provided notice and be permitted to attend all such meetings. Family members, other than
120 alleged perpetrators, or other community informal or formal service providers that provide
121 significant support to the child and other individuals may also be invited at the discretion of the
122 parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian
123 or custodian and the foster parents may request that other individuals, other than alleged
124 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
125 attends such team meetings, the division or the convenor of the meeting shall provide such
126 persons with notice of all such subsequent meetings involving the child. Families may determine
127 whether individuals invited at their discretion shall continue to be invited.

128 13. If the appropriate local division personnel determine after an investigation has begun
129 that completing an investigation is not appropriate, the division shall conduct a family

130 assessment and services approach. The division shall provide written notification to local law
131 enforcement prior to terminating any investigative process. The reason for the termination of
132 the investigative process shall be documented in the record of the division and the written
133 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
134 any investigation by law enforcement.

135 14. If the appropriate local division personnel determines to use a family assessment and
136 services approach, the division shall:

137 (1) Assess any service needs of the family. The assessment of risk and service needs
138 shall be based on information gathered from the family and other sources;

139 (2) Provide services which are voluntary and time-limited unless it is determined by the
140 division based on the assessment of risk that there will be a high risk of abuse or neglect if the
141 family refuses to accept the services. The division shall identify services for families where it
142 is determined that the child is at high risk of future abuse or neglect. The division shall
143 thoroughly document in the record its attempt to provide voluntary services and the reasons these
144 services are important to reduce the risk of future abuse or neglect to the child. If the family
145 continues to refuse voluntary services or the child needs to be protected, the division may
146 commence an investigation;

147 (3) Commence an immediate investigation if at any time during the family assessment
148 and services approach the division determines that an investigation, as delineated in sections
149 210.109 to 210.183, is required. The division staff who have conducted the assessment may
150 remain involved in the provision of services to the child and family;

151 (4) Document at the time the case is closed, the outcome of the family assessment and
152 services approach, any service provided and the removal of risk to the child, if it existed.

153 15. (1) Within forty-five days of an oral report of abuse or neglect, the local office shall
154 update the information in the information system. The information system shall contain, at a
155 minimum, the determination made by the division as a result of the investigation, identifying
156 information on the subjects of the report, those responsible for the care of the subject child and
157 other relevant dispositional information. The division shall complete all investigations within
158 forty-five days, unless good cause for the failure to complete the investigation is specifically
159 documented in the information system. Good cause for failure to complete an investigation shall
160 include, but not be limited to:

161 (a) The necessity to obtain relevant reports of medical providers, medical examiners,
162 psychological testing, law enforcement agencies, forensic testing, and analysis of relevant
163 evidence by third parties which has not been completed and provided to the division;

164 (b) The attorney general or the prosecuting or circuit attorney of the city or county in
165 which a criminal investigation is pending certifies in writing to the division that there is a

166 pending criminal investigation of the incident under investigation by the division and the issuing
167 of a decision by the division will adversely impact the progress of the investigation; or

168 (c) The child victim, the subject of the investigation or another witness with information
169 relevant to the investigation is unable or temporarily unwilling to provide complete information
170 within the specified time frames due to illness, injury, unavailability, mental capacity, age,
171 developmental disability, or other cause.

172

173 The division shall document any such reasons for failure to complete the investigation.

174 (2) If a child fatality or near-fatality is involved in a report of abuse or neglect, the
175 investigation shall remain open until the division's investigation surrounding such death or
176 near-fatal injury is completed.

177 (3) If the investigation is not completed within forty-five days, the information system
178 shall be updated at regular intervals and upon the completion of the investigation, which shall
179 be completed no later than ninety days after receipt of a report of abuse or neglect, or one
180 hundred twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until
181 the division's investigation is complete in cases involving a child fatality or near-fatality. The
182 information in the information system shall be updated to reflect any subsequent findings,
183 including any changes to the findings based on an administrative or judicial hearing on the
184 matter.

185 16. A person required to report under section 210.115 to the division and any person
186 making a report of child abuse or neglect made to the division which is not made anonymously
187 shall be informed by the division of his or her right to obtain information concerning the
188 disposition of his or her report. Such person shall receive, from the local office, if requested,
189 information on the general disposition of his or her report. Such person may receive, if
190 requested, findings and information concerning the case. Such release of information shall be
191 at the discretion of the director based upon a review of the reporter's ability to assist in protecting
192 the child or the potential harm to the child or other children within the family. The local office
193 shall respond to the request within forty-five days. The findings shall be made available to the
194 reporter within five days of the outcome of the investigation. If the report is determined to be
195 unsubstantiated, the reporter may request that the report be referred by the division to the office
196 of child advocate for children's protection and services established in sections 37.700 to 37.730.
197 Upon request by a reporter under this subsection, the division shall refer an unsubstantiated
198 report of child abuse or neglect to the office of child advocate for children's protection and
199 services.

200 17. The division shall provide to any individual who is not satisfied with the results of
201 an investigation information about the office of child advocate and the services it may provide
202 under sections 37.700 to 37.730.

203 18. In any judicial proceeding involving the custody of a child the fact that a report may
204 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

205 (1) Nothing in this subsection shall prohibit the introduction of evidence from
206 independent sources to support the allegations that may have caused a report to have been made;
207 and

208 (2) The court may on its own motion, or shall if requested by a party to the proceeding,
209 make an inquiry not on the record with the children's division to determine if such a report has
210 been made.

211

212 If a report has been made, the court may stay the custody proceeding until the children's division
213 completes its investigation.

214 19. In any judicial proceeding involving the custody of a child where the court
215 determines that the child is in need of services under paragraph (d) of subdivision (1) of
216 subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or
217 custodian shall not be entered into the registry.

218 20. The children's division is hereby granted the authority to promulgate rules and
219 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the
220 provisions of sections 210.109 to 210.183.

221 21. Any rule or portion of a rule, as that term is defined in section 536.010, that is
222 created under the authority delegated in this section shall become effective only if it complies
223 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
224 This section and chapter 536 are nonseverable and if any of the powers vested with the general
225 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
226 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
227 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

452.310. 1. In any proceeding commenced pursuant to this chapter, the petition, a
2 motion to modify, a motion for a family access order and a motion for contempt shall be verified.
3 The petition in a proceeding for dissolution of marriage shall allege that the marriage is
4 irretrievably broken and that therefore there remains no reasonable likelihood that the marriage
5 can be preserved. The petition in a proceeding for legal separation shall allege that the marriage
6 is not irretrievably broken and that therefore there remains a reasonable likelihood that the
7 marriage can be preserved.

8 2. The petition in a proceeding for dissolution of marriage or legal separation shall set
9 forth:

10 (1) The residence of each party, including the county, and the length of residence of each
11 party in this state and in the county of residence;

12 (2) The date of the marriage and the place at which it is registered;

13 (3) The date on which the parties separated;

14 (4) The name, age, and address of each child, and the parent with whom each child has
15 primarily resided for the sixty days immediately preceding the filing of the petition for
16 dissolution of marriage or legal separation;

17 (5) Whether the wife is pregnant;

18 (6) The last four digits of the Social Security number of the petitioner, respondent and
19 each child;

20 (7) Any arrangements as to the custody and support of the children and the maintenance
21 of each party; [and]

22 (8) The relief sought; and

23 **(9) Whether a family intervention order has been entered against either party**
24 **under sections 455.100 to 455.155. If such an order has been entered, the court:**

25 **(a) Shall observe the terms of all family intervention orders issued against either**
26 **party in the dissolution of marriage case;**

27 **(b) May reverse or modify the family intervention order for good cause shown**
28 **where physical evidence establishes by a preponderance of evidence that the order issued**
29 **under sections 455.100 to 455.155 was based on false or inaccurate information;**

30 **(c) In dissolution of marriage cases in which domestic violence is alleged and the**
31 **evidence indicates an active chemical substance abuse issue by either party, may consider**
32 **the provisions of sections 455.100 to 455.155 in evaluating any potential chemical substance**
33 **abuse issues of the parties; and**

34 **(d) If chemical substance abuse is determined to be a factor in alleged domestic**
35 **violence:**

36 **a. Shall observe the findings of any report by a clinical substance abuse treatment**
37 **provider; and**

38 **b. May enter an order or modify a temporary or permanent order by awarding**
39 **child custody, child support, control of the primary residence, or control of bank accounts**
40 **to the party with no chemical substance abuse issue if such party is determined by the**
41 **court to otherwise meet the requirements for such award under law, including but not**
42 **limited to the best interest of the child, parental fitness, and mental competency.**

43

44 **Nothing in this subdivision shall be construed as requiring the court to delay or otherwise**
45 **continue any dissolution of marriage proceeding based on the filing or pendency of any**
46 **family intervention order under sections 455.100 to 455.155.**

47 3. Upon the filing of the petition in a proceeding for dissolution of marriage or legal
48 separation, each child shall immediately be subject to the jurisdiction of the court in which the
49 proceeding is commenced, unless a proceeding involving allegations of abuse or neglect of the
50 child is pending in juvenile court. Until permitted by order of the court, neither parent shall
51 remove any child from the jurisdiction of the court or from any parent with whom the child has
52 primarily resided for the sixty days immediately preceding the filing of a petition for dissolution
53 of marriage or legal separation.

54 4. The mere fact that one parent has actual possession of the child at the time of filing
55 shall not create a preference in favor of such parent in any judicial determination regarding
56 custody of the child.

57 5. The respondent shall be served in the manner provided by the rules of the supreme
58 court and applicable court rules and, to avoid an interlocutory judgment of default, shall file a
59 verified answer within thirty days of the date of service which shall not only admit or deny the
60 allegations of the petition, but shall also set forth:

61 (1) The last four digits of the Social Security number of the petitioner, respondent and
62 each child;

63 (2) Any arrangements as to the custody and support of the child and the maintenance of
64 each party; and

65 (3) The relief sought.

66 6. Previously existing defenses to divorce and legal separation, including but not limited
67 to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

68 7. The full Social Security number of each party and each child and the date of birth of
69 each child shall be provided in the manner required under section 509.520.

70 8. The petitioner and respondent shall submit a proposed parenting plan, either
71 individually or jointly, within thirty days after service of process or the filing of the entry of
72 appearance, whichever event first occurs of a motion to modify or a petition involving custody
73 or visitation issues. The proposed parenting plan shall set forth the arrangements that the party
74 believes to be in the best interest of the minor children and shall include but not be limited to:

75 (1) A specific written schedule detailing the custody, visitation and residential time for
76 each child with each party including:

77 (a) Major holidays stating which holidays a party has each year;

78 (b) School holidays for school-age children;

79 (c) The child's birthday, Mother's Day and Father's Day;

80 (d) Weekday and weekend schedules and for school-age children how the winter, spring,
81 summer and other vacations from school will be spent;

82 (e) The times and places for transfer of the child between the parties in connection with
83 the residential schedule;

84 (f) A plan for sharing transportation duties associated with the residential schedule;

85 (g) Appropriate times for telephone access;

86 (h) Suggested procedures for notifying the other party when a party requests a temporary
87 variation from the residential schedule;

88 (i) Any suggested restrictions or limitations on access to a party and the reasons such
89 restrictions are requested;

90 (2) A specific written plan regarding legal custody which details how the
91 decision-making rights and responsibilities will be shared between the parties including the
92 following:

93 (a) Educational decisions and methods of communicating information from the school
94 to both parties;

95 (b) Medical, dental and health care decisions including how health care providers will
96 be selected and a method of communicating medical conditions of the child and how emergency
97 care will be handled;

98 (c) Extracurricular activities, including a method for determining which activities the
99 child will participate in when those activities involve time during which each party is the
100 custodian;

101 (d) Child care providers, including how such providers will be selected;

102 (e) Communication procedures including access to telephone numbers as appropriate;

103 (f) A dispute resolution procedure for those matters on which the parties disagree or in
104 interpreting the parenting plan;

105 (g) If a party suggests no shared decision-making, a statement of the reasons for such a
106 request;

107 (3) How the expenses of the child, including child care, educational and extraordinary
108 expenses as defined in the child support guidelines established by the supreme court, will be paid
109 including:

110 (a) The suggested amount of child support to be paid by each party;

111 (b) The party who will maintain or provide health insurance for the child and how the
112 medical, dental, vision, psychological and other health care expenses of the child not paid by
113 insurance will be paid by the parties;

114 (c) The payment of educational expenses, if any;

115 (d) The payment of extraordinary expenses of the child, if any;

116 (e) Child care expenses, if any;

117 (f) Transportation expenses, if any.

118 9. If the proposed parenting plans of the parties differ and the parties cannot resolve the
119 differences or if any party fails to file a proposed parenting plan, upon motion of either party and
120 an opportunity for the parties to be heard, the court shall enter a temporary order containing a
121 parenting plan setting forth the arrangements specified in subsection 8 of this section which will
122 remain in effect until further order of the court. The temporary order entered by the court shall
123 not create a preference for the court in its adjudication of final custody, child support or
124 visitation.

125 10. Within one hundred twenty days after August 28, 1998, the Missouri supreme court
126 shall have in effect guidelines for a parenting plan form which may be used by the parties
127 pursuant to this section in any dissolution of marriage, legal separation or modification
128 proceeding involving issues of custody and visitation relating to the child.

129 11. The filing of a parenting plan for any child over the age of eighteen for whom
130 custody, visitation, or support is being established or modified by a court of competent
131 jurisdiction is not required. Nothing in this section shall be construed as precluding the filing
132 of a parenting plan upon agreement of the parties or if ordered to do so by the court for any child
133 over the age of eighteen for whom custody, visitation, or support is being established or modified
134 by a court of competent jurisdiction.

452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

2 (1) "Custody" means joint legal custody, sole legal custody, joint physical custody or sole
3 physical custody or any combination thereof;

4 (2) "Joint legal custody" means that the parents share the decision-making rights,
5 responsibilities, and authority relating to the health, education and welfare of the child, and,
6 unless allocated, apportioned, or decreed, the parents shall confer with one another in the
7 exercise of decision-making rights, responsibilities, and authority;

8 (3) "Joint physical custody" means an order awarding each of the parents significant, but
9 not necessarily equal, periods of time during which a child resides with or is under the care and
10 supervision of each of the parents. Joint physical custody shall be shared by the parents in such
11 a way as to assure the child of frequent, continuing and meaningful contact with both parents;

12 (4) "Third-party custody" means a third party designated as a legal and physical
13 custodian pursuant to subdivision (5) of subsection 5 of this section.

14 2. The court shall determine custody in accordance with the best interests of the child.
15 The court shall consider all relevant factors including:

16 (1) The wishes of the child's parents as to custody and the proposed parenting plan
17 submitted by both parties;

18 (2) The needs of the child for a frequent, continuing and meaningful relationship with
19 both parents and the ability and willingness of parents to actively perform their functions as
20 mother and father for the needs of the child;

21 (3) The interaction and interrelationship of the child with parents, siblings, and any other
22 person who may significantly affect the child's best interests;

23 (4) Which parent is more likely to allow the child frequent, continuing and meaningful
24 contact with the other parent;

25 (5) The child's adjustment to the child's home, school, and community;

26 (6) The mental and physical health of all individuals involved, including any history of
27 abuse of any individuals involved. If the court finds that a pattern of domestic violence as
28 defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the
29 abusive parent is in the best interest of the child, then the court shall enter written findings of fact
30 and conclusions of law. Custody and visitation rights shall be ordered in a manner that best
31 protects the child and any other child or children for whom the parent has custodial or visitation
32 rights, and the parent or other family or household member who is the victim of domestic
33 violence from any further harm;

34 (7) The intention of either parent to relocate the principal residence of the child; [and]

35 (8) The wishes of a child as to the child's custodian. The fact that a parent sends his or
36 her child or children to a home school, as defined in section 167.031, shall not be the sole factor
37 that a court considers in determining custody of such child or children; **and**

38 **(9) Whether either or both parties have a family intervention order entered against**
39 **them for chemical substance abuse under sections 455.100 to 455.155. Temporary or**
40 **permanent custody may be considered for any party who does not have a family**
41 **intervention order entered against him or her for chemical substance abuse.**

42 3. (1) In any court proceedings relating to custody of a child, the court shall not award
43 custody or unsupervised visitation of a child to a parent if such parent or any person residing with
44 such parent has been found guilty of, or pled guilty to, any of the following offenses when a child
45 was the victim:

46 (a) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
47 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
48 566.209, 566.212, or 566.215;

49 (b) A violation of section 568.020;

50 (c) A violation of subdivision (2) of subsection 1 of section 568.060;

51 (d) A violation of section 568.065;

52 (e) A violation of section 568.080;

53 (f) A violation of section 568.090; or

54 (g) A violation of section 568.175.

55 (2) For all other violations of offenses in chapters 566 and 568 not specifically listed in
56 subdivision (1) of this subsection or for a violation of an offense committed in another state
57 when a child is the victim that would be a violation of chapter 566 or 568 if committed in
58 Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a
59 parent if such parent or any person residing with such parent has been found guilty of, or pled
60 guilty to, any such offense.

61 4. The general assembly finds and declares that it is the public policy of this state that
62 frequent, continuing and meaningful contact with both parents after the parents have separated
63 or dissolved their marriage is in the best interest of the child, except for cases where the court
64 specifically finds that such contact is not in the best interest of the child, and that it is the public
65 policy of this state to encourage parents to participate in decisions affecting the health, education
66 and welfare of their children, and to resolve disputes involving their children amicably through
67 alternative dispute resolution. In order to effectuate these policies, the court shall determine the
68 custody arrangement which will best assure both parents participate in such decisions and have
69 frequent, continuing and meaningful contact with their children so long as it is in the best
70 interests of the child.

71 5. Prior to awarding the appropriate custody arrangement in the best interest of the child,
72 the court shall consider each of the following as follows:

73 (1) Joint physical and joint legal custody to both parents, which shall not be denied
74 solely for the reason that one parent opposes a joint physical and joint legal custody award. The
75 residence of one of the parents shall be designated as the address of the child for mailing and
76 educational purposes;

77 (2) Joint physical custody with one party granted sole legal custody. The residence of one
78 of the parents shall be designated as the address of the child for mailing and educational
79 purposes;

80 (3) Joint legal custody with one party granted sole physical custody;

81 (4) Sole custody to either parent; or

82 (5) Third-party custody or visitation:

83 (a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian,
84 or the welfare of the child requires, and it is in the best interests of the child, then custody,
85 temporary custody or visitation may be awarded to any other person or persons deemed by the
86 court to be suitable and able to provide an adequate and stable environment for the child. Before
87 the court awards custody, temporary custody or visitation to a third person under this
88 subdivision, the court shall make that person a party to the action;

89 (b) Under the provisions of this subsection, any person may petition the court to
90 intervene as a party in interest at any time as provided by supreme court rule.

91 6. If the parties have not agreed to a custodial arrangement, or the court determines such
92 arrangement is not in the best interest of the child, the court shall include a written finding in the
93 judgment or order based on the public policy in subsection 4 of this section and each of the
94 factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific
95 relevant factors that made a particular arrangement in the best interest of the child. If a proposed
96 custodial arrangement is rejected by the court, the court shall include a written finding in the
97 judgment or order detailing the specific relevant factors resulting in the rejection of such
98 arrangement.

99 7. Upon a finding by the court that either parent has refused to exchange information
100 with the other parent, which shall include but not be limited to information concerning the
101 health, education and welfare of the child, the court shall order the parent to comply immediately
102 and to pay the prevailing party a sum equal to the prevailing party's cost associated with
103 obtaining the requested information, which shall include but not be limited to reasonable
104 attorney's fees and court costs.

105 8. As between the parents of a child, no preference may be given to either parent in the
106 awarding of custody because of that parent's age, sex, or financial status, nor because of the age
107 or sex of the child.

108 9. Any judgment providing for custody shall include a specific written parenting plan
109 setting forth the terms of such parenting plan arrangements specified in subsection [7] 8 of
110 section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section
111 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody
112 plan approved and ordered by the court shall be in the court's discretion and shall be in the best
113 interest of the child.

114 10. Unless a parent has been denied custody rights pursuant to this section or visitation
115 rights under section 452.400, both parents shall have access to records and information
116 pertaining to a minor child, including, but not limited to, medical, dental, and school records.
117 If the parent without custody has been granted restricted or supervised visitation because the
118 court has found that the parent with custody or any child has been the victim of domestic
119 violence, as defined in section 455.010, by the parent without custody, the court may order that
120 the reports and records made available pursuant to this subsection not include the address of the
121 parent with custody or the child. Unless a parent has been denied custody rights pursuant to this
122 section or visitation rights under section 452.400, any judgment of dissolution or other applicable
123 court order shall specifically allow both parents access to such records and reports.

124 11. Except as otherwise precluded by state or federal law, if any individual, professional,
125 public or private institution or organization denies access or fails to provide or disclose any and
126 all records and information, including, but not limited to, past and present dental, medical and
127 school records pertaining to a minor child, to either parent upon the written request of such
128 parent, the court shall, upon its finding that the individual, professional, public or private
129 institution or organization denied such request without good cause, order that party to comply
130 immediately with such request and to pay to the prevailing party all costs incurred, including, but
131 not limited to, attorney's fees and court costs associated with obtaining the requested information.

132 12. An award of joint custody does not preclude an award of child support pursuant to
133 section 452.340 and applicable supreme court rules. The court shall consider the factors
134 contained in section 452.340 and applicable supreme court rules in determining an amount
135 reasonable or necessary for the support of the child.

136 13. If the court finds that domestic violence or abuse, as defined in section 455.010, has
137 occurred, **or a parent or other family or household member is determined to be a chemical**
138 **substance abuser under sections 455.100 to 455.155**, the court shall make specific findings of
139 fact to show that the custody or visitation arrangement ordered by the court best protects the
140 child and the parent or other family or household member who is the victim of domestic violence
141 **or abuse**, as defined in section 455.010, **or who is in contact with a person who is determined**
142 **to be a chemical substance abuser under sections 455.100 to 455.155**, and any other children
143 for whom such parent has custodial or visitation rights from any further harm.

**455.100. As used in sections 455.100 to 455.155, unless the context clearly indicates
2 otherwise, the following terms shall mean:**

3 (1) "Adult", any person seventeen years of age or older or otherwise emancipated;

4 (2) "Chemical substance", any controlled substance or controlled substance
5 analogue as defined in section 195.010, or any intoxicating liquor as defined in section
6 311.020;

7 (3) "Chemical substance abuse", substance abuse, substance dependency, or
8 substance use disorder, as defined by the currently accepted version of the Diagnostic and
9 Statistical Manual of Mental Disorders, involving a chemical substance;

10 (4) "Chemical substance abuser", a person with chemical substance abuse
11 diagnosed by a clinical substance abuse treatment provider based on a
12 prevention/intervention evaluation;

13 (5) "Child", any person under seventeen years of age unless otherwise
14 emancipated;

15 (6) "Clinical substance abuse treatment provider", a clinical substance abuse
16 treatment provider contracted with or certified by the department of mental health;

- 17 (7) "Court", the circuit or associate circuit judge or a family court commissioner;
- 18 (8) "Family" or "household member", spouses, former spouses, persons who are
19 presently residing together or have resided together in the past, any person who is or has
20 been in a continuing social relationship of a romantic or intimate nature with the victim,
21 and any persons who have a child in common regardless of whether they have been
22 married or have resided together at any time;
- 23 (9) "Family chemical substance abuser", any family or household member, adult
24 or child, who is currently and allegedly a chemical substance abuser;
- 25 (10) "Family intervention order", an order issued under sections 455.100 to
26 455.155;
- 27 (11) "Petitioner", either the spouse of the respondent or a child of the spouse and
28 the respondent who is eighteen years of age or older who files for a family intervention
29 order;
- 30 (12) "Prevention/intervention evaluation" or "P/I evaluation", an evaluation to
31 determine whether a person has substance abuse, substance dependence, or a substance
32 use disorder as defined by the currently accepted version of the Diagnostic and Statistical
33 Manual of Mental Disorders and administered by:
- 34 (a) A physician or physician assistant licensed under chapter 334;
- 35 (b) An advanced practice registered nurse licensed under chapter 335;
- 36 (c) A psychologist, professional counselor, social worker, or marital and family
37 therapist licensed under chapter 337;
- 38 (d) A substance abuse professional certified by the Missouri Substance Abuse
39 Professional Credentialing Board; or
- 40 (e) Any other person credentialed or licensed in this state whose scope of practice
41 includes prevention/intervention evaluation under the Diagnostic and Statistical Manual
42 of Mental Disorders;
- 43 (13) "Recovery support organization", a recovery support organization contracted
44 with or credentialed by the department of mental health;
- 45 (14) "Respondent", any adult or child alleged to be a family chemical substance
46 abuser against whom a family intervention order petition is filed;
- 47 (15) "Responsible family member", any adult family or household member who is
48 capable of bringing about a family intervention to force a family chemical substance
49 abuser into treatment.

455.105. 1. A petition for a family intervention order shall be filed in the county
2 where the petitioner or respondent resides or where the respondent may be served.

3 **2. A petitioner who alleges to have a family chemical substance abuser as a member**
4 **of his or her family or household may seek relief under sections 455.100 to 455.155 by filing**
5 **a verified petition alleging such chemical substance abuse by the respondent. Nothing in**
6 **this section shall be construed as allowing any state agency, guardian ad litem, or other**
7 **organization or entity standing to file a petition for a family intervention order.**

8 **3. A petitioner's right to relief under sections 455.100 to 455.155 shall not be**
9 **affected by his or her leaving the residence or household to avoid contact with a family**
10 **chemical substance abuser.**

11 **4. Any family intervention order issued under sections 455.100 to 455.155 shall be**
12 **effective throughout the state in all cities and counties.**

455.110. 1. (1) Not later than fifteen days after the filing of a petition under
2 **sections 455.100 to 455.155, a hearing shall be held unless the court deems, for good cause**
3 **shown, that a continuance should be granted. At the hearing, if the petitioner has proved**
4 **the allegation of chemical substance abuse by the respondent by a preponderance of the**
5 **evidence, the court shall issue a full family intervention order for a period of time the court**
6 **deems appropriate; except that, the family intervention order shall be valid for at least one**
7 **hundred eighty days and not more than one year.**

8 **(2) Upon motion by the petitioner and after a hearing by the court, the full family**
9 **intervention order may be renewed for a period of time the court deems appropriate;**
10 **except that, the family intervention order shall be valid for at least one hundred eighty**
11 **days and not more than one year from the expiration date of the originally issued full**
12 **family intervention order.**

13 **(3) The court may, upon finding that it is in the best interest of the parties, include**
14 **a provision that any full family intervention order for one year shall automatically renew**
15 **unless the respondent requests a hearing by thirty days prior to the expiration of the order.**
16 **If for good cause a hearing cannot be held on the motion to renew or the objection to an**
17 **automatic renewal of the full family intervention order prior to the expiration date of the**
18 **originally issued full family intervention order, an extension of not more than thirty days**
19 **may be granted until a hearing is held on the motion.**

20 **(4) When an automatic renewal is not authorized, upon motion by the petitioner,**
21 **and after a hearing by the court, the second full family intervention order may be renewed**
22 **for an additional period of time the court deems appropriate; except that, the family**
23 **intervention order shall be valid for at least one hundred eighty days and not more than**
24 **one year.**

25 **(5) For purposes of this subsection, a finding by the court of a subsequent act of**
26 **chemical substance abuse is not required for a renewal of a family intervention order.**

27 **2. (1) The court shall cause a copy of the petition and notice of the date set for the**
28 **hearing on such petition to be served upon the respondent as provided by law or by any**
29 **sheriff or police officer at least three days prior to such hearing. Such notice shall be**
30 **served at the earliest time and service of such notice shall take priority over service in other**
31 **actions, except those of a similar emergency nature.**

32 **(2) The court shall cause a copy of any full family intervention order to be served**
33 **upon or mailed by certified mail to the respondent at the respondent's last known address.**
34 **After good faith efforts to serve or mail a copy of the full family intervention order to the**
35 **respondent, failure of the respondent to receive such service or mailing shall not affect the**
36 **validity or enforceability of a full family intervention order.**

455.115. 1. Any full family intervention order granted under sections 455.100 to
2 **455.155 shall require at a minimum:**

3 **(1) Ordering the respondent to take a prevention/intervention (P/I) evaluation;**

4 **(2) If such P/I evaluation determines that the respondent is a chemical substance**
5 **abuser, the respondent may be ordered to receive services from a clinical substance abuse**
6 **treatment provider for the purpose of determining a treatment plan which may include,**
7 **but not be limited to, inpatient treatment, outpatient treatment, medication assisted**
8 **treatment, and support from a recovery support organization;**

9 **(3) If evidence of serious physical violence is provided, the court may issue a**
10 **temporary order of protection under this chapter and remove the respondent from the**
11 **family household pending the outcome of the P/I evaluation. Such restraining order may**
12 **include the treatment period if deemed necessary by the court; or**

13 **(4) Failure of the respondent to comply with the terms of the family intervention**
14 **order shall result in issuance of a full order of protection under this chapter.**

15 **2. Upon completion of a P/I evaluation and a determination that the respondent**
16 **meets the definition of a chemical substance abuser, the court shall recommend that the**
17 **respondent voluntarily agree to receive treatment from a clinical substance abuse provider**
18 **or recovery support organization. If the respondent voluntarily agrees to receive such**
19 **treatment, the court shall enter an order stipulating the respondent's agreement to receive**
20 **such treatment, including any terms and conditions. If the respondent resides in another**
21 **state, the court shall approve receipt of such treatment from a clinical substance abuse**
22 **provider or recovery support organization at a location near the respondent's residence.**

23 **3. Upon completion of a P/I evaluation and a determination that the respondent**
24 **may have chemical substance abuse issues but does not meet the definition of a chemical**
25 **substance abuser based on the clinical requirements under the Diagnostic and Statistical**

26 **Manual of Mental Disorders, the court may, in its discretion, recommend or, with and to**
27 **the extent of the respondent's consent, order that the respondent:**

28 **(1) Attend Alcoholics Anonymous, Narcotics Anonymous, or other similar**
29 **programs. If the court recommends or orders attendance at Alcoholics Anonymous,**
30 **Narcotics Anonymous, or other similar programs, the respondent shall provide verification**
31 **of attendance by the leader of such meetings or program or any person publicly listed as**
32 **the contact person for such meetings or program. Nothing in this subsection shall be**
33 **construed as requiring any person who attends such meetings or program to verify the**
34 **attendance of the respondent or otherwise identify himself or herself as a member of such**
35 **program in contradiction to such program's stated anonymity requirement; or**

36 **(2) Receive appropriate or alternative services from religious or private sources**
37 **subject to the provisions of subsection 4 of this section.**

38 **4. Upon motion of any party or the court's own motion, the court may, in its**
39 **discretion and with and to the extent of the respondent's consent, authorize additional or**
40 **alternate services, counseling, or other services under this section, whether in whole or in**
41 **part, to be provided by religious or other private sources without any financial**
42 **compensation or other remuneration upon agreement to be a services provider as**
43 **stipulated in the family intervention order.**

455.120. If the respondent fails to comply with the requirements of the family
2 **intervention order, the court may presume that the respondent is a family chemical**
3 **substance abuser. Any family member of the respondent who fails to comply with any**
4 **order of the court regarding a family intervention order may be deemed the least**
5 **preferable parent for the purposes of determining child custody and visitation, property**
6 **rights, and control of funds held in financial institutions.**

455.125. If the petitioner or any other family or household member is determined
2 **to be a chemical substance abuser, the family intervention order shall include the same**
3 **requirements described in sections 455.100 to 455.155 for such petitioner or family or**
4 **household member.**

455.130. The court may, in its discretion, recommend or, with and to the extent of
2 **the petitioner's, respondent's, or other family or household member's consent, order a**
3 **petitioner, respondent, or other family or household member to participate in a co-**
4 **dependency program, Al-Anon, or other similar program as indicated in the P/I evaluation**
5 **report and in addition to any treatment recommended or ordered for the respondent.**

455.135. 1. The department of social services may seek financial assistance for
2 **loans from any source, including but not limited to mental health agencies, and through**
3 **the receipt of any necessary waivers to utilize one percent of any temporary assistance for**

4 **needy families funds to provide loans at a six percent annual interest rate for individuals**
5 **who enter chemical substance abuse treatment and who are uninsured or do not have**
6 **available financial resources to pay for such treatment. The loan shall not exceed the total**
7 **cost of such individual's chemical substance abuse treatment.**

8 **2. The department shall structure the loans under this section in a similar manner**
9 **as student loan programs established under chapter 173.**

10 **3. The department shall utilize all available methods to collect on unpaid loans**
11 **under this section.**

12 **4. Beginning February 1, 2016, and by every February first thereafter, the**
13 **department shall file a report with the general assembly which shall include a summary**
14 **detailing any loans provided under this section. Such summary may include the number**
15 **and amount of loans, but shall not specifically identify any loan recipient.**

16 **5. The department shall promulgate rules to implement the provisions of this**
17 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
18 **created under the authority delegated in this section shall become effective only if it**
19 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
20 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
21 **vested with the general assembly under chapter 536 to review, to delay the effective date,**
22 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**
23 **of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be**
24 **invalid and void.**

455.140. All proceedings under sections 455.100 to 455.155 shall be independent of
2 **any proceedings for dissolution of marriage, legal separation, separate maintenance and**
3 **other actions between the parties and shall be in addition to any other available civil or**
4 **criminal remedies, unless otherwise specifically provided herein.**

455.145. The following forms shall be used for the issuance of family intervention
2 **orders under sections 455.100 to 455.155:**

3 **(1) Family intervention evaluation form, to be completed by the person who**
4 **administers the P/I evaluation:**

5 **FIO EVALUATION FORM**

6 **Chemical Dependency and Co-Dependency Evaluation**

7 **Cause # _____**

8 **Individual's Name: _____**

9 **Evaluation:**

10 **This person does not appear to be a substance abuser.**

11 **This person may be a substance abuser.**

12 **This person most likely is a substance abuser.**

13 **The assessed level of this person's substance abuse is:**

14 **Unknown**

15 **None**

16 **Minor**

17 **Functional**

18 **Severe**

19 **Chronic**

20 **Substances individual may have used recently:** _____

21 **Substances individual has used recently:** _____

22 **Individual needs co-dependency treatment**

23 **The assessed level of co-dependency is:**

24 **Minor**

25 **Functional**

26 **Severe**

27 **Recommended Course Of Action:**

28 **Substance Abuse Treatment Recommendations:**

29 **Formal Treatment**

30 **In-patient treatment**

31 **Out-patient treatment**

32

33 **Informal Treatment**

34 **Attend Alcoholics Anonymous meetings**

35 **Attend Narcotics Anonymous meetings**

36 **Attend Al-Anon meetings**

37 **Attend other meetings or program** _____

38 **Co-Dependency Treatment Recommendations:**

39 **Formal Treatment**

40 **In-patient treatment**

41 **Out-patient treatment**

42

43 **Informal Treatment**

44 **Attend Alcoholics Anonymous meetings**

45 **Attend Narcotics Anonymous meetings**

46 **Attend Al-Anon meetings**

47 **Attend other meetings or program** _____

48 **Comments:**

49 _____
 50 _____
 51 _____
 52 _____

53 **(2) Family intervention follow-up form, to be completed by the clinical substance**
 54 **abuse treatment provider or other services provider authorized under section 455.115,**
 55 **RSMo:**

56 **FIO FOLLOW-UP FORM**

57 **Chemical Dependency and Co-Dependency Follow-Up Evaluation**

58 **Cause #** _____

59 **Individual's Name:** _____

60 **Provider Name:** _____

61 **Provider Contact:** _____ **Signature:** _____

62 **Period Of Review:**

63 **Starting Date:** _____

64 **Ending Date:** _____

65

66 **Periodic Evaluation for:**

67 **Substance Abuse**

68 **Co-dependency**

69

70 **Inpatient Treatment Attendance Record:**

71 **Not applicable**

72 **Individual has attended all meetings during this evaluation period.**

73 **Individual has missed one meeting during this evaluation period.**

74 **Individual has missed several meetings during this evaluation period.**

75 **Individual has missed all meetings during this evaluation period.**

76 **Individual left the treatment center without permission for ____ day(s)**

77

78 **Outpatient Treatment Attendance Record:**

79 **Not applicable**

80 **Individual has attended all meetings during this evaluation period.**

81 **Individual has missed one meeting during this evaluation period.**

82 **Individual has missed several meetings during this evaluation period.**

83 **Individual has missed all meetings during this evaluation period.**

84 **Substance Use Record:**

85 Not applicable

86 Individual may have used substances during this evaluation period.

87 Individual has used substances during this evaluation period.

88

89 **Substances individual may have used recently:** _____

90 **Substances individual has used recently:** _____

91

92 **Overall Progress:**

93

94 Individual is progressing satisfactorily.

95 Individual is progressing marginally.

96 Individual's progress is not satisfactory.

97

98 **Comments:**

99 _____

100 _____

101 _____

102 _____

103 **(3) Program follow-up form, to be completed in accordance with subsection 3 of**
104 **section 455.115, RSMo:**

105

PROGRAM FOLLOW-UP FORM

106

Meetings Program Attended

107 **Individual's Name:** _____

108 **Program** **Alcoholics Anonymous** **Al-Anon** **Other** _____

109

110 **Period Of Review:**

111 **Starting Date:** _____

112 **Ending Date:** _____

113

114 **Name of Group, Location, Date of Attendance, Name of Group Leader, Signature**

115 **1.** _____

116 **2.** _____

117 **3.** _____

118 **4.** _____

119 **5.** _____

- 120 **6.** _____
- 121 **7.** _____
- 122 **8.** _____
- 123 **9.** _____
- 124 **10.** _____
- 125 **11.** _____
- 126 **12.** _____
- 127 **13.** _____
- 128 **14.** _____
- 129 **15.** _____
- 130 **16.** _____
- 131 **17.** _____

132

133 **Anonymous Comments:**

134 _____

135 _____

136 _____

137 _____

2 **455.150. 1. Subject to appropriations, the department of social services, in**
 3 **consultation with the courts, shall develop and make available literature regarding family**
 4 **intervention orders. Such literature shall be available at all state government offices,**
 5 **domestic violence courts, and law enforcement offices. Upon request, such literature shall**
 6 **be provided to twelve-step programs, practicing psychologists and psychiatrists, and other**
 7 **organizations.**

8 **2. Subject to appropriations, the department shall implement a public awareness**
 9 **media campaign to inform the public on the availability of family intervention orders.**
 10 **Such media campaign shall include, but not be limited to, direct advertising in newspapers,**
 11 **on television, radio, and the internet.**

2 **455.155. 1. The court shall retain jurisdiction over the family intervention order**
 3 **issued under sections 455.100 to 455.155 for its entire duration. The court may schedule**
 4 **compliance review hearings to monitor the respondent's compliance with the order.**

5 **2. The terms of the family intervention order issued under sections 455.100 to**
 6 **455.155 are enforceable by all remedies available at law for the enforcement of a judgment,**
 7 **and the court may punish a respondent who willfully violates the order to the same extent**
 8 **as provided by law for contempt of the court in any other suit or proceeding cognizable by**
 9 **the court.**

