

SECOND REGULAR SESSION

# HOUSE BILL NO. 1966

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CORNEJO.

5788H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 210.498 and 610.021, RSMo, and to enact in lieu thereof two new sections relating to records pertaining to foster homes.

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

Section A. Sections 210.498 and 610.021, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.498 and 610.021, to read as follows:

210.498. **1. Information and records pertaining to the licensure of foster homes and the care and treatment of children in foster homes are closed records and may only be disclosed and utilized as authorized in this section.**

2. Any parent or legal guardian **of a child in foster care** may have access to investigation records kept by the division regarding ~~[a decision for]~~ the denial ~~[of or the]~~ , suspension, or revocation of ~~[a] the license [to a specific person to operate or maintain]~~ of a foster home ~~[if such specific person does or may provide services or care to a child of the person requesting the information]~~ **in which the child was placed.** The request for the release of such information shall be made to the division director or the director's designee, in writing, by the parent or legal guardian of the child and shall be accompanied ~~[with]~~ **by** a signed and notarized release form from the person who does or may provide care or services to the child. The notarized release form shall include the full name, date of birth and Social Security number of the person who does or may provide care or services to a child. The response shall include only information pertaining to the nature and disposition of any denial, suspension or revocation of a license to operate a foster home. This response shall not include any identifying information regarding any person other than the person to whom a foster home license was denied, suspended or revoked. **The response shall not include financial, medical, or other personal**

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.

18 **information pertaining to the foster home provider or the provider's family unless the**  
19 **division determines that the information is directly relevant to the disposition of the**  
20 **investigation and report.** The response shall be given within ten working days of the time it  
21 was received by the division.

22 **3. The division may disclose and utilize information and records pertaining to**  
23 **foster family homes in its discretion as may be necessary for the administration of the**  
24 **foster care program including, but not limited to, the licensure of foster homes and for the**  
25 **protection, care, and safety of children who are or may be placed in foster care.**

26 **4. The director of the department of social services may authorize the disclosure**  
27 **of information and findings pertaining to foster family homes in cases of child fatality and**  
28 **near-fatality as provided in subsection 5 of section 210.150.**

29 **5. The department may disclose information and records pertaining to foster homes**  
30 **to juvenile officers, courts, the office of the child advocate, guardians ad litem, law**  
31 **enforcement agencies, child welfare agencies, child placing agencies, prosecuting attorneys,**  
32 **and other local, state, and federal governmental agencies that have a need for the**  
33 **information to conduct their duties under the law.**

610.021. Except to the extent disclosure is otherwise required by law, a public  
2 governmental body is authorized to close meetings, records and votes, to the extent they relate  
3 to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental body  
5 and any confidential or privileged communications between a public governmental body or its  
6 representatives and its attorneys. However, any minutes, vote or settlement agreement relating  
7 to legal actions, causes of action or litigation involving a public governmental body or any agent  
8 or entity representing its interests or acting on its behalf or with its authority, including any  
9 insurance company acting on behalf of a public government body as its insured, shall be made  
10 public upon final disposition of the matter voted upon or upon the signing by the parties of the  
11 settlement agreement, unless, prior to final disposition, the settlement agreement is ordered  
12 closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the  
13 action clearly outweighs the public policy considerations of section 610.011, however, the  
14 amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed;  
15 provided, however, in matters involving the exercise of the power of eminent domain, the vote  
16 shall be announced or become public immediately following the action on the motion to  
17 authorize institution of such a legal action. Legal work product shall be considered a closed  
18 record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where public  
20 knowledge of the transaction might adversely affect the legal consideration therefor. However,

21 any minutes, vote or public record approving a contract relating to the leasing, purchase or sale  
22 of real estate by a public governmental body shall be made public upon execution of the lease,  
23 purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public  
25 governmental body when personal information about the employee is discussed or recorded.  
26 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,  
27 promote or discipline an employee of a public governmental body shall be made available with  
28 a record of how each member voted to the public within seventy-two hours of the close of the  
29 meeting where such action occurs; provided, however, that any employee so affected shall be  
30 entitled to prompt notice of such decision during the seventy-two-hour period before such  
31 decision is made available to the public. As used in this subdivision, the term "personal  
32 information" means information relating to the performance or merit of individual employees;

33 (4) The state militia or national guard or any part thereof;

34 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,  
35 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or  
36 treatment;

37 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including  
38 records of individual test or examination scores; however, personally identifiable student records  
39 maintained by public educational institutions shall be open for inspection by the parents,  
40 guardian or other custodian of students under the age of eighteen years and by the parents,  
41 guardian or other custodian and the student if the student is over the age of eighteen years;

42 (7) Testing and examination materials, before the test or examination is given or, if it  
43 is to be given again, before so given again;

44 (8) Welfare cases of identifiable individuals;

45 (9) Preparation, including any discussions or work product, on behalf of a public  
46 governmental body or its representatives for negotiations with employee groups;

47 (10) Software codes for electronic data processing and documentation thereof;

48 (11) Specifications for competitive bidding, until either the specifications are officially  
49 approved by the public governmental body or the specifications are published for bid;

50 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals  
51 and related documents or any documents related to a negotiated contract until a contract is  
52 executed, or all proposals are rejected;

53 (13) Individually identifiable personnel records, performance ratings or records  
54 pertaining to employees or applicants for employment, except that this exemption shall not apply  
55 to the names, positions, salaries and lengths of service of officers and employees of public  
56 agencies once they are employed as such, and the names of private sources donating or

57 contributing money to the salary of a chancellor or president at all public colleges and  
58 universities in the state of Missouri and the amount of money contributed by the source;

59 (14) Records which are protected from disclosure by law;

60 (15) Meetings and public records relating to scientific and technological innovations in  
61 which the owner has a proprietary interest;

62 (16) Records relating to municipal hotlines established for the reporting of abuse and  
63 wrongdoing;

64 (17) Confidential or privileged communications between a public governmental body  
65 and its auditor, including all auditor work product; however, all final audit reports issued by the  
66 auditor are to be considered open records pursuant to this chapter;

67 (18) Operational guidelines, policies and specific response plans developed, adopted, or  
68 maintained by any public agency responsible for law enforcement, public safety, first response,  
69 or public health for use in responding to or preventing any critical incident which is or appears  
70 to be terrorist in nature and which has the potential to endanger individual or public safety or  
71 health. Financial records related to the procurement of or expenditures relating to operational  
72 guidelines, policies or plans purchased with public funds shall be open. When seeking to close  
73 information pursuant to this exception, the public governmental body shall affirmatively state  
74 in writing that disclosure would impair the public governmental body's ability to protect the  
75 security or safety of persons or real property, and shall in the same writing state that the public  
76 interest in nondisclosure outweighs the public interest in disclosure of the records;

77 (19) Existing or proposed security systems and structural plans of real property owned  
78 or leased by a public governmental body, and information that is voluntarily submitted by a  
79 nonpublic entity owning or operating an infrastructure to any public governmental body for use  
80 by that body to devise plans for protection of that infrastructure, the public disclosure of which  
81 would threaten public safety:

82 (a) Records related to the procurement of or expenditures relating to security systems  
83 purchased with public funds shall be open;

84 (b) When seeking to close information pursuant to this exception, the public  
85 governmental body shall affirmatively state in writing that disclosure would impair the public  
86 governmental body's ability to protect the security or safety of persons or real property, and shall  
87 in the same writing state that the public interest in nondisclosure outweighs the public interest  
88 in disclosure of the records;

89 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the  
90 receiving agency within ninety days of submission to determine if retention of the document is  
91 necessary in furtherance of a state security interest. If retention is not necessary, the documents  
92 shall be returned to the nonpublic governmental body or destroyed;

93 (20) The portion of a record that identifies security systems or access codes or  
94 authorization codes for security systems of real property;

95 (21) Records that identify the configuration of components or the operation of a  
96 computer, computer system, computer network, or telecommunications network, and would  
97 allow unauthorized access to or unlawful disruption of a computer, computer system, computer  
98 network, or telecommunications network of a public governmental body. This exception shall  
99 not be used to limit or deny access to otherwise public records in a file, document, data file or  
100 database containing public records. Records related to the procurement of or expenditures  
101 relating to such computer, computer system, computer network, or telecommunications network,  
102 including the amount of moneys paid by, or on behalf of, a public governmental body for such  
103 computer, computer system, computer network, or telecommunications network shall be open;

104 (22) Credit card numbers, personal identification numbers, digital certificates, physical  
105 and virtual keys, access codes or authorization codes that are used to protect the security of  
106 electronic transactions between a public governmental body and a person or entity doing business  
107 with a public governmental body. Nothing in this section shall be deemed to close the record  
108 of a person or entity using a credit card held in the name of a public governmental body or any  
109 record of a transaction made by a person using a credit card or other method of payment for  
110 which reimbursement is made by a public governmental body; ~~and~~

111 (23) Records submitted by an individual, corporation, or other business entity to a public  
112 institution of higher education in connection with a proposal to license intellectual property or  
113 perform sponsored research and which contains sales projections or other business plan  
114 information the disclosure of which may endanger the competitiveness of a business; **and**

115 **(24) Records pertaining to foster homes and kinship placements of children in**  
116 **foster care.**

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