

SECOND REGULAR SESSION

SENATE BILL NO. 858

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Read 1st time January 3, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5538S.011

AN ACT

To repeal sections 210.145 and 210.150, RSMo, and to enact in lieu thereof two new sections relating to investigations of child abuse or neglect, with an existing penalty provision.

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

Section A. Sections 210.145 and 210.150, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 210.145 and 210.150, to
3 read as follows:

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
3 child abuse or neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families
5 consistent with 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
8 receiving and maintaining reports. This information system shall have the ability
9 to receive reports over a single, statewide toll-free number. Such information
10 system shall maintain the results of all investigations, family assessments and
11 services, and other relevant information.

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 decision-making protocols to be utilized for all child abuse and neglect reports.

19 3. Upon receipt of a report, the division shall determine if the report
20 merits investigation, including reports which if true would constitute a suspected
21 violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or
22 565.050 if the victim is a child less than eighteen years of age, section 566.030 or
23 566.060 if the victim is a child less than eighteen years of age, or other crimes
24 under chapter 566 if the victim is a child less than eighteen years of age and the
25 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a
26 child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050,
27 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an
28 attempt to commit any such crimes. The division shall immediately communicate
29 all reports that merit investigation to its appropriate local office and any relevant
30 information as may be contained in the information system. The local division
31 staff shall determine, through the use of protocols developed by the division,
32 whether an investigation or the family assessment and services approach should
33 be used to respond to the allegation. The protocols developed by the division
34 shall give priority to ensuring the well-being and safety of the child.

35 4. **The division may accept a report for investigation or family**
36 **assessment if either the child or alleged perpetrator resides in**
37 **Missouri, may be found in Missouri, or if the incident occurred in**
38 **Missouri. The division may also accept a report if the child resides in**
39 **Missouri or has recently resided in Missouri but he or she is currently**
40 **located in another state and the reported incident occurred outside of**
41 **Missouri. The division shall immediately communicate all reports that**
42 **merit investigation to the appropriate agencies in such state where the**
43 **child is believed to be located along with any relevant information as**
44 **may be contained in the division's information system.**

45 5. When the child abuse and neglect hotline receives three or more calls,
46 within a seventy-two hour period, from one or more individuals concerning the
47 same child, the division shall conduct a review to determine whether the calls
48 meet the criteria and statutory definition for a child abuse and neglect report to
49 be accepted. In conducting the review, the division shall contact the hotline caller
50 or callers in order to collect information to determine whether the calls meet the
51 criteria for harassment.

52 [5.] 6. The local office shall contact the appropriate law enforcement
53 agency immediately upon receipt of a report which division personnel determine

54 merits an investigation and provide such agency with a detailed description of the
55 report received. In such cases the local division office shall request the assistance
56 of the local law enforcement agency in all aspects of the investigation of the
57 complaint. The appropriate law enforcement agency shall either assist the
58 division in the investigation or provide the division, within twenty-four hours, an
59 explanation in writing detailing the reasons why it is unable to assist.

60 [6.] 7. The local office of the division shall cause an investigation or
61 family assessment and services approach to be initiated in accordance with the
62 protocols established in subsection 2 of this section, except in cases where the sole
63 basis for the report is educational neglect. If the report indicates that
64 educational neglect is the only complaint and there is no suspicion of other
65 neglect or abuse, the investigation shall be initiated within seventy-two hours of
66 receipt of the report. If the report indicates the child is in danger of serious
67 physical harm or threat to life, an investigation shall include direct observation
68 of the subject child within twenty-four hours of the receipt of the report. Local
69 law enforcement shall take all necessary steps to facilitate such direct
70 observation. Callers to the child abuse and neglect hotline shall be instructed by
71 the division's hotline to call 911 in instances where the child may be in
72 immediate danger. If the parents of the child are not the alleged perpetrators,
73 a parent of the child must be notified prior to the child being interviewed by the
74 division. No person responding to or investigating a child abuse and neglect
75 report shall call prior to a home visit or leave any documentation of any
76 attempted visit, such as business cards, pamphlets, or other similar identifying
77 information if he or she has a reasonable basis to believe the following factors are
78 present:

79 (1) (a) No person is present in the home at the time of the home visit; and
80 (b) The alleged perpetrator resides in the home or the physical safety of
81 the child may be compromised if the alleged perpetrator becomes aware of the
82 attempted visit;

83 (2) The alleged perpetrator will be alerted regarding the attempted visit;
84 or

85 (3) The family has a history of domestic violence or fleeing the community.
86 If the alleged perpetrator is present during a visit by the person responding to or
87 investigating the report, such person shall provide written material to the alleged
88 perpetrator informing him or her of his or her rights regarding such visit,
89 including but not limited to the right to contact an attorney. The alleged

90 perpetrator shall be given a reasonable amount of time to read such written
91 material or have such material read to him or her by the case worker before the
92 visit commences, but in no event shall such time exceed five minutes; except that,
93 such requirement to provide written material and reasonable time to read such
94 material shall not apply in cases where the child faces an immediate threat or
95 danger, or the person responding to ~~or~~ investigating the report is or feels
96 threatened or in danger of physical harm. If the abuse is alleged to have occurred
97 in a school or child care facility the division shall not meet with the child in any
98 school building or child-care facility building where abuse of such child is alleged
99 to have occurred. When the child is reported absent from the residence, the
100 location and the well-being of the child shall be verified. For purposes of this
101 subsection, "child care facility" shall have the same meaning as such term is
102 defined in section 210.201.

103 **[7.] 8.** The director of the division shall name at least one chief
104 investigator for each local division office, who shall direct the division response
105 on any case involving a second or subsequent incident regarding the same subject
106 child or perpetrator. The duties of a chief investigator shall include verification
107 of direct observation of the subject child by the division and shall ensure
108 information regarding the status of an investigation is provided to the public
109 school district liaison. The public school district liaison shall develop protocol in
110 conjunction with the chief investigator to ensure information regarding an
111 investigation is shared with appropriate school personnel. The superintendent
112 of each school district shall designate a specific person or persons to act as the
113 public school district liaison. Should the subject child attend a nonpublic school
114 the chief investigator shall notify the school principal of the investigation. Upon
115 notification of an investigation, all information received by the public school
116 district liaison or the school shall be subject to the provisions of the federal
117 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g,
118 and federal rule 34 C.F.R., Part 99.

119 **[8.] 9.** The investigation shall include but not be limited to the nature,
120 extent, and cause of the abuse or neglect; the identity and age of the person
121 responsible for the abuse or neglect; the names and conditions of other children
122 in the home, if any; the home environment and the relationship of the subject
123 child to the parents or other persons responsible for the child's care; any
124 indication of incidents of physical violence against any other household or family
125 member; and other pertinent data.

126 [9.] 10. When a report has been made by a person required to report
127 under section 210.115, the division shall contact the person who made such report
128 within forty-eight hours of the receipt of the report in order to ensure that full
129 information has been received and to obtain any additional information or
130 medical records, or both, that may be pertinent.

131 [10.] 11. Upon completion of the investigation, if the division suspects
132 that the report was made maliciously or for the purpose of harassment, the
133 division shall refer the report and any evidence of malice or harassment to the
134 local prosecuting or circuit attorney.

135 [11.] 12. Multidisciplinary teams shall be used whenever conducting the
136 investigation as determined by the division in conjunction with local law
137 enforcement. Multidisciplinary teams shall be used in providing protective or
138 preventive social services, including the services of law enforcement, a liaison of
139 the local public school, the juvenile officer, the juvenile court, and other agencies,
140 both public and private.

141 [12.] 13. For all family support team meetings involving an alleged
142 victim of child abuse or neglect, the parents, legal counsel for the parents, foster
143 parents, the legal guardian or custodian of the child, the guardian ad litem for
144 the child, and the volunteer advocate for the child shall be provided notice and
145 be permitted to attend all such meetings. Family members, other than alleged
146 perpetrators, or other community informal or formal service providers that
147 provide significant support to the child and other individuals may also be invited
148 at the discretion of the parents of the child. In addition, the parents, the legal
149 counsel for the parents, the legal guardian or custodian and the foster parents
150 may request that other individuals, other than alleged perpetrators, be permitted
151 to attend such team meetings. Once a person is provided notice of or attends
152 such team meetings, the division or the convenor of the meeting shall provide
153 such persons with notice of all such subsequent meetings involving the
154 child. Families may determine whether individuals invited at their discretion
155 shall continue to be invited.

156 [13.] 14. If the appropriate local division personnel determine after an
157 investigation has begun that completing an investigation is not appropriate, the
158 division shall conduct a family assessment and services approach. The division
159 shall provide written notification to local law enforcement prior to terminating
160 any investigative process. The reason for the termination of the investigative
161 process shall be documented in the record of the division and the written

162 notification submitted to local law enforcement. Such notification shall not
163 preclude nor prevent any investigation by law enforcement.

164 [14.] 15. If the appropriate local division personnel determines to use a
165 family assessment and services approach, the division shall:

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

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

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

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

186 [15.] 16. (1) Within forty-five days of an oral report of abuse or neglect,
187 the local office shall update the information in the information system. The
188 information system shall contain, at a minimum, the determination made by the
189 division as a result of the investigation, identifying information on the subjects
190 of the report, those responsible for the care of the subject child and other relevant
191 dispositional information. The division shall complete all investigations within
192 forty-five days, unless good cause for the failure to complete the investigation is
193 specifically documented in the information system. Good cause for failure to
194 complete an investigation shall include, but not be limited to:

195 (a) The necessity to obtain relevant reports of medical providers, medical
196 examiners, psychological testing, law enforcement agencies, forensic testing, and
197 analysis of relevant evidence by third parties which has not been completed and

198 provided to the division;

199 (b) The attorney general or the prosecuting or circuit attorney of the city
200 or county in which a criminal investigation is pending certifies in writing to the
201 division that there is a pending criminal investigation of the incident under
202 investigation by the division and the issuing of a decision by the division will
203 adversely impact the progress of the investigation; or

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

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

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

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

223 [16.] 17. A person required to report under section 210.115 to the
224 division and any person making a report of child abuse or neglect made to the
225 division which is not made anonymously shall be informed by the division of his
226 or her right to obtain information concerning the disposition of his or her
227 report. Such person shall receive, from the local office, if requested, information
228 on the general disposition of his or her report. Such person may receive, if
229 requested, findings and information concerning the case. Such release of
230 information shall be at the discretion of the director based upon a review of the
231 reporter's ability to assist in protecting the child or the potential harm to the
232 child or other children within the family. The local office shall respond to the
233 request within forty-five days. The findings shall be made available to the

234 reporter within five days of the outcome of the investigation. If the report is
235 determined to be unsubstantiated, the reporter may request that the report be
236 referred by the division to the office of child advocate for children's protection and
237 services established in sections 37.700 to 37.730. Upon request by a reporter
238 under this subsection, the division shall refer an unsubstantiated report of child
239 abuse or neglect to the office of child advocate for children's protection and
240 services.

241 [17.] 18. The division shall provide to any individual who is not satisfied
242 with the results of an investigation information about the office of child advocate
243 and the services it may provide under sections 37.700 to 37.730.

244 [18.] 19. In any judicial proceeding involving the custody of a child the
245 fact that a report may have been made pursuant to sections 210.109 to 210.183
246 shall not be admissible. However:

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

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

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

255 [19.] 20. In any judicial proceeding involving the custody of a child where
256 the court determines that the child is in need of services under paragraph (d) of
257 subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the
258 child's parent, guardian or custodian shall not be entered into the registry.

259 [20.] 21. **Nothing in this section shall prohibit the children's**
260 **division from co-investigating a report of child abuse or neglect or**
261 **sharing records and information with child welfare, law enforcement,**
262 **or judicial officers of another state, territory, or nation when the**
263 **children's division determines it is appropriate to do so under the**
264 **standard set forth in subsection 4 of section 210.150 and when such**
265 **receiving agency is exercising its authority under law.**

266 22. The children's division is hereby granted the authority to promulgate
267 rules and regulations pursuant to the provisions of section 207.021 and chapter
268 536 to carry out the provisions of sections 210.109 to 210.183.

269 [21.] 23. Any rule or portion of a rule, as that term is defined in section

270 536.010, that is created under the authority delegated in this section shall
271 become effective only if it complies with and is subject to all of the provisions of
272 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
273 nonseverable and if any of the powers vested with the general assembly pursuant
274 to chapter 536 to review, to delay the effective date or to disapprove and annul
275 a rule are subsequently held unconstitutional, then the grant of rulemaking
276 authority and any rule proposed or adopted after August 28, 2000, shall be
277 invalid and void.

210.150. 1. The children's division shall ensure the confidentiality of all
2 reports and records made pursuant to sections 210.109 to 210.183 and maintained
3 by the division, its local offices, the central registry, and other appropriate
4 persons, officials, and institutions pursuant to sections 210.109 to 210.183. To
5 protect the rights of the family and the child named in the report as a victim, the
6 children's division shall establish guidelines which will ensure that any disclosure
7 of information concerning the abuse and neglect involving that child is made only
8 to persons or agencies that have a right to such information. The division may
9 require persons to make written requests for access to records maintained by the
10 division. The division shall only release information to persons who have a right
11 to such information. The division shall notify persons receiving information
12 pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the
13 purpose for which the information is released and of the penalties for
14 unauthorized dissemination of information. Such information shall be used only
15 for the purpose for which the information is released.

16 2. Only the following persons shall have access to investigation records
17 contained in the central registry:

18 (1) Appropriate federal, state or local criminal justice agency personnel,
19 or any agent of such entity, with a need for such information under the law to
20 protect children from abuse or neglect;

21 (2) A physician or a designated agent who reasonably believes that the
22 child being examined may be abused or neglected;

23 (3) Appropriate staff of the division and of its local offices, including
24 interdisciplinary teams which are formed to assist the division in investigation,
25 evaluation and treatment of child abuse and neglect cases or a multidisciplinary
26 provider of professional treatment services for a child referred to the provider;

27 (4) Any child named in the report as a victim, or a legal representative,
28 or the parent, if not the alleged perpetrator, or guardian of such person when

29 such person is a minor, or is mentally ill or otherwise incompetent, but the names
30 of reporters shall not be furnished to persons in this category. Prior to the
31 release of any identifying information, the division shall determine if the release
32 of such identifying information may place a person's life or safety in danger. If
33 the division makes the determination that a person's life or safety may be in
34 danger, the identifying information shall not be released. The division shall
35 provide a method for confirming or certifying that a designee is acting on behalf
36 of a subject;

37 (5) Any alleged perpetrator named in the report, but the names of
38 reporters shall not be furnished to persons in this category. Prior to the release
39 of any identifying information, the division shall determine if the release of such
40 identifying information may place a person's life or safety in danger. If the
41 division makes the determination that a person's life or safety may be in danger,
42 the identifying information shall not be released. However, the investigation
43 reports will not be released to any alleged perpetrator with pending criminal
44 charges arising out of the facts and circumstances named in the investigation
45 records until an indictment is returned or an information filed;

46 (6) A grand jury, juvenile officer, prosecuting attorney, law enforcement
47 officer involved in the investigation of child abuse or neglect, juvenile court or
48 other court conducting abuse or neglect or child protective proceedings or child
49 custody proceedings, and other federal, state and local government entities, or
50 any agent of such entity, with a need for such information in order to carry out
51 its responsibilities under the law to protect children from abuse or neglect;

52 (7) Any person engaged in a bona fide research purpose, with the
53 permission of the director; provided, however, that no information identifying the
54 child named in the report as a victim or the reporters shall be made available to
55 the researcher, unless the identifying information is essential to the research or
56 evaluation and the child named in the report as a victim or, if the child is less
57 than eighteen years of age, through the child's parent, or guardian provides
58 written permission;

59 (8) Any child-care facility; child-placing agency; residential-care facility,
60 including group homes; juvenile courts; public or private elementary schools;
61 public or private secondary schools; or any other public or private agency
62 exercising temporary supervision over a child or providing or having care or
63 custody of a child who may request an examination of the central registry from
64 the division for all employees and volunteers or prospective employees and

65 volunteers, who do or will provide services or care to children. Any agency or
66 business recognized by the division or business which provides training and
67 places or recommends people for employment or for volunteers in positions where
68 they will provide services or care to children may request the division to provide
69 an examination of the central registry. Such agency or business shall provide
70 verification of its status as a recognized agency. Requests for examinations shall
71 be made to the division director or the director's designee in writing by the chief
72 administrative officer of the above homes, centers, public and private elementary
73 schools, public and private secondary schools, agencies, or courts. The division
74 shall respond in writing to that officer. The response shall include information
75 pertaining to the nature and disposition of any report or reports of abuse or
76 neglect revealed by the examination of the central registry. This response shall
77 not include any identifying information regarding any person other than the
78 alleged perpetrator of the abuse or neglect;

79 (9) Any parent or legal guardian who inquires about a child abuse or
80 neglect report involving a specific person or child-care facility who does or may
81 provide services or care to a child of the person requesting the
82 information. Request for examinations shall be made to the division director or
83 the director's designee, in writing, by the parent or legal guardian of the child
84 and shall be accompanied with a signed and notarized release form from the
85 person who does or may provide care or services to the child. The notarized
86 release form shall include the full name, date of birth and Social Security number
87 of the person who does or may provide care or services to a child. The response
88 shall include information pertaining to the nature and disposition of any report
89 or reports of abuse or neglect revealed by the examination of the central
90 registry. This response shall not include any identifying information regarding
91 any person other than the alleged perpetrator of the abuse or neglect. The
92 response shall be given within ten working days of the time it was received by the
93 division;

94 (10) Any person who inquires about a child abuse or neglect report
95 involving a specific child-care facility, child-placing agency, residential-care
96 facility, public and private elementary schools, public and private secondary
97 schools, juvenile court or other state agency. The information available to these
98 persons is limited to the nature and disposition of any report contained in the
99 central registry and shall not include any identifying information pertaining to
100 any person mentioned in the report;

101 (11) Any state agency acting pursuant to statutes regarding a license of
102 any person, institution, or agency which provides care for or services to children;

103 (12) Any child fatality review panel established pursuant to section
104 210.192 or any state child fatality review panel established pursuant to section
105 210.195;

106 (13) Any person who is a tenure-track or full-time research faculty
107 member at an accredited institution of higher education engaged in scholarly
108 research, with the permission of the director. Prior to the release of any
109 identifying information, the director shall require the researcher to present a plan
110 for maintaining the confidentiality of the identifying information. The researcher
111 shall be prohibited from releasing the identifying information of individual cases.

112 3. Only the following persons shall have access to records maintained by
113 the division pursuant to section 210.152 for which the division has received a
114 report of child abuse and neglect [and which the division has determined that
115 there is insufficient evidence] or in which the division proceeded with the family
116 assessment and services approach:

117 (1) Appropriate staff of the division;

118 (2) Any child named in the report as a victim, or a legal representative,
119 or the parent or guardian of such person when such person is a minor, or is
120 mentally ill or otherwise incompetent. The names or other identifying
121 information of reporters shall not be furnished to persons in this category. Prior
122 to the release of any identifying information, the division shall determine if the
123 release of such identifying information may place a person's life or safety in
124 danger. If the division makes the determination that a person's life or safety may
125 be in danger, the identifying information shall not be released. The division shall
126 provide for a method for confirming or certifying that a designee is acting on
127 behalf of a subject;

128 (3) Any alleged perpetrator named in the report, but the names of
129 reporters shall not be furnished to persons in this category. Prior to the release
130 of any identifying information, the division shall determine if the release of such
131 identifying information may place a person's life or safety in danger. If the
132 division makes the determination that a person's life or safety may be in danger,
133 the identifying information shall not be released. However, the investigation
134 reports will not be released to any alleged perpetrator with pending criminal
135 charges arising out of the facts and circumstances named in the investigation
136 records until an indictment is returned or an information filed;

137 (4) Any child fatality review panel established pursuant to section 210.192
138 or any state child fatality review panel established pursuant to section 210.195;

139 (5) Appropriate criminal justice agency personnel or juvenile officer;

140 (6) Multidisciplinary agency or individual including a physician or
141 physician's designee who is providing services to the child or family, with the
142 consent of the parent or guardian of the child or legal representative of the child;

143 (7) Any person engaged in bona fide research purpose, with the
144 permission of the director; provided, however, that no information identifying the
145 subjects of the reports or the reporters shall be made available to the researcher,
146 unless the identifying information is essential to the research or evaluation and
147 the subject, or if a child, through the child's parent or guardian, provides written
148 permission.

149 **4. The division may share records, information, and findings with**
150 **federal, state, or local child welfare agency personnel and law**
151 **enforcement agencies, including those located outside the state of**
152 **Missouri, or any agent of such entities, in the performance of their**
153 **official duties, upon a reasonable belief that such information is needed**
154 **to protect a child from abuse or neglect, or to assist such agency in**
155 **providing child welfare services. This may include, but shall not be**
156 **limited to, substantiated or unsubstantiated reports of abuse or neglect,**
157 **family assessments, and any other documents or information the**
158 **division deems necessary for another agency to have access to in order**
159 **to protect a child. Unsubstantiated reports may be shared only if the**
160 **children's division reasonably believes the receiving entity will prevent**
161 **the unauthorized dissemination of the information contained therein.**

162 **5.** Any person who knowingly violates the provisions of this section, or
163 who permits or encourages the unauthorized dissemination of information
164 contained in the information system or the central registry and in reports and
165 records made pursuant to sections 210.109 to 210.183, shall be guilty of a class
166 A misdemeanor.

167 **[5.] 6.** Nothing in this section shall preclude the release of findings or
168 information about cases which resulted in a child fatality or near fatality. Such
169 release is at the sole discretion of the director of the department of social services,
170 based upon a review of the potential harm to other children within the immediate
171 family.