

SECOND REGULAR SESSION

SENATE BILL NO. 890

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time January 10, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5820S.01I

AN ACT

To amend chapter 210, RSMo, by adding thereto one new section relating to child abuse or neglect investigations, with penalty provisions.

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

Section A. Chapter 210, RSMo, is amended by adding thereto one new
2 section, to be known as section 210.151, to read as follows:

**210.151. 1. For the purpose of any investigation or proceeding
2 relating to child abuse or neglect, the director of the department of
3 social services, any officer designated by the director, the attorney
4 general of the state of Missouri, or any officer designated by the
5 attorney general may administer oaths and affirmations, subpoena
6 witnesses, compel witness attendance, take testimony, require answers
7 to written interrogatories, and require production of any books, papers,
8 correspondence, memoranda, agreements, or other documents or
9 records which the director or the attorney general deem relevant and
10 material to the inquiry.**

**11 2. The children's division, a juvenile officer, or a prosecuting or
12 circuit attorney may petition the circuit court on an ex parte basis for
13 an order directing a parent, guardian, or other person with care,
14 custody, or control of a child who is the subject of an investigation of
15 child abuse or neglect to present the child to a qualified health care
16 provider at a place and time designated by the court for a sexual
17 assault forensic examination, a physical examination, a psychological
18 evaluation, an interview, or other medical or diagnostic testing.**

**19 (1) The court shall enter an order under this section if the court
20 determines that there is probable cause to suspect that the child has
21 been abused or neglected, the examination or interview is reasonably**

22 necessary for the completion of an investigation or for the collection of
23 evidence, and doing so would be in the best interests of the child.

24 (2) The petition and order may be made on an ex parte basis
25 when it is reasonable to believe that providing notice may place the
26 child at risk of further abuse or neglect, when it is reasonable to
27 believe that providing notice may cause the child to be removed from
28 the state of Missouri or the jurisdiction of the court, or if it is
29 reasonable to believe that evidence relevant to the investigation will be
30 unavailable if the order is not entered.

31 3. Any person served with a subpoena or petition and order
32 under this section shall not be required to file an answer, but may file
33 a motion for a protective order or other appropriate relief.

34 (1) The motion shall be filed at or before the time for production
35 or disclosure set out in the subpoena or order. The motion shall be in
36 writing, but no particular form shall be required. The clerk shall serve
37 a copy of the motion on the director of the children's division or on the
38 agency that applied for the order.

39 (2) The court shall expedite a hearing on the motion and shall
40 issue its decision no later than one business day after the date the
41 motion is filed. The court may review the motion in camera and stay
42 implementation of the order once for up to three days.

43 (3) Any information that may reveal the identity of a hotline
44 reporter shall not be disclosed to anyone in any proceeding under this
45 section unless otherwise allowed by law.

46 4. The petition for a subpoena or an order under this section
47 shall be filed in the juvenile or family court that has jurisdiction under
48 section 211.031 or in the circuit court of the county:

49 (1) Where the child resides;

50 (2) Where the child may be found;

51 (3) Where the parent or legal guardian of the child resides or
52 may be found;

53 (4) Where the alleged perpetrator of the child abuse or neglect
54 resides or may be found;

55 (5) Where the subject of the subpoena may be located or found;

56 (6) In Cole County, if none of the other venue provisions of this
57 section apply.

58 The court shall expedite all proceedings under this section so as to

59 ensure the safety of the child, the preservation of relevant evidence,
60 the completion of child abuse and neglect investigations within
61 statutory timeframes, and the provision of appropriate due process to
62 the parties involved.

63 5. Any person served with an investigative demand or subpoena
64 shall preserve the information requested until produced or until
65 further ordered by the court. Any person who knowingly violates this
66 subsection shall be guilty of a class A misdemeanor.

67 6. The timeframes for the division to complete its investigation
68 and notify the alleged perpetrator of its decision set forth in sections
69 210.145, 210.152, and 210.183 shall be tolled from the date that the
70 division files a petition for a subpoena until the information is
71 produced in full, the subpoena is withdrawn, or a court of competent
72 jurisdiction quashes the subpoena.

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Bill

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