

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 890

99TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, March 8, 2018, with recommendation that the Senate Committee Substitute do pass.

5820S.03C

ADRIANE D. CROUSE, Secretary.

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. The children's division, a juvenile officer, or a
2 prosecuting or circuit attorney may petition the circuit court on an ex
3 parte basis for an order directing a parent, guardian, or other person
4 with care, custody, or control of a child who is the subject of an
5 investigation of child abuse or neglect to present the child at a place
6 and time designated by the court to a SAFE CARE provider, as defined
7 in section 334.950, for a sexual assault forensic examination or a child
8 physical abuse forensic examination, or to a child assessment center,
9 as described in section 210.001, for an interview.**

10 **(1) The court shall enter an order under this section if the court
11 determines that there is probable cause to suspect that the child has
12 been abused or neglected, the examination or interview is reasonably
13 necessary for the completion of an investigation or for the collection of
14 evidence, and doing so would be in the best interests of the child.**

15 **(2) The petition and order may be made on an ex parte basis
16 when it is reasonable to believe that providing notice may place the
17 child at risk of further abuse or neglect, when it is reasonable to
18 believe that providing notice may cause the child to be removed from
19 the state of Missouri or the jurisdiction of the court, or if it is
20 reasonable to believe that evidence relevant to the investigation will be**

21 **unavailable if the order is not entered.**

22 **2. Any person served with a subpoena or petition and order**
23 **under this section shall not be required to file an answer, but may file**
24 **a motion for a protective order or other appropriate relief.**

25 **(1) The motion shall be filed at or before the time for production**
26 **or disclosure set out in the subpoena or order. The motion shall be in**
27 **writing, but no particular form shall be required. The clerk shall serve**
28 **a copy of the motion on the director of the children's division or on the**
29 **agency that applied for the order.**

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

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

37 **3. The petition for a subpoena or an order under this section**
38 **shall be filed in the juvenile or family court that has jurisdiction under**
39 **section 211.031 or in the circuit court of the county:**

40 **(1) Where the child resides;**

41 **(2) Where the child may be found;**

42 **(3) Where the parent or legal guardian of the child resides or**
43 **may be found;**

44 **(4) Where the alleged perpetrator of the child abuse or neglect**
45 **resides or may be found;**

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

47 **(6) In Cole County, if none of the other venue provisions of this**
48 **section apply.**

49 **The court shall expedite all proceedings under this section so as to**
50 **ensure the safety of the child, the preservation of relevant evidence,**
51 **the completion of child abuse and neglect investigations within**
52 **statutory timeframes, and the provision of appropriate due process to**
53 **the parties involved.**

54 **4. Any person served with an investigative demand or subpoena**
55 **shall preserve the information requested until produced or until**
56 **further ordered by the court. Any person who knowingly violates this**
57 **subsection shall be guilty of a class A misdemeanor.**

58 **5. The timeframes for the division to complete its investigation**
59 **and notify the alleged perpetrator of its decision set forth in sections**
60 **210.145, 210.152, and 210.183 shall be tolled from the date that the**
61 **division files a petition for a subpoena until the information is**
62 **produced in full, the subpoena is withdrawn, or a court of competent**
63 **jurisdiction quashes the subpoena.**

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