

State of Missouri

**Office of Child Advocate
for Children's
Protection and
Services**



2015
Annual Report

State of Missouri
Office of
Child Advocate for Children's
Protection and Services
Annual Report 2015

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State of Missouri
**Office of Child Advocate
for Children's Protection and Services**

Eric R. Greitens
Governor

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Kelly Schultz
Child Advocate

The Honorable Eric R. Greitens
Governor of the State of Missouri

The Honorable Zel M. Fischer
Chief Justice of the Missouri Supreme Court

Dear Honorable Governor Greitens and Honorable Chief Justice Fischer:

I am pleased to present the 2015 Annual Report of the Office of Child Advocate. The report covers the time frame of January 1, 2015 through December 31, 2015.

I am honored to be appointed the Child Advocate. I truly appreciate this opportunity to serve the children and families of Missouri. Our office remains committed to our charge to review complaints, advocate for abused and neglected children, mediate between school districts and parents when allegations of child abuse arise in a school setting, and to recommend changes with the goal of improving the system for Missouri's children.

Thank you for your commitment to the children and families of Missouri.

Respectfully submitted by:

A handwritten signature in blue ink, appearing to be "KS", written over a faint circular stamp.

Kelly Schultz

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History

The Office of Child Welfare Ombudsman was established by Governor Bob Holden's Executive Order in 2002 to act as an agent of accountability regarding Children's Protection Services. In 2004, the 92nd General Assembly passed Speaker Catherine Hanaway's House Bill 1453. The legislation changed the office name to the Office of Child Advocate for Children's Protection and Services and strengthened the role of the office. Governor Jay Nixon signed Senator Jane Cunningham's Senate Bill 54 into law in 2011 authorizing the Office of Child Advocate (OCA) to coordinate mediation efforts between school districts and students when allegations of child abuse arise in a school setting. In 2014, Senator Eric Schmitt's SB869 and Rep. Bill Lant's HB1092 were signed into law by Governor Nixon authorizing OCA to intervene on behalf of a child during judicial proceedings. Senator Jeanie Riddle's 2015 SB341 authorized OCA to conduct a county review of policy and procedures of Children's Division, the Juvenile Office, and guardian ad litem to improve the handling of child welfare cases within a circuit. (See Appendix B for statute language.) Since its inception, the office has served a total of 8,303 children.

Operation of the Office

Staff

The Office of Child Advocate is directed by the Missouri Child Advocate who is appointed by the Governor and Chief Justice of the Supreme Court, with the advice and consent of the Senate.

OCA staff:
Kelly Schultz, Missouri Child Advocate
Teri Armistead, General Counsel
Carolyn Swanigan, Assistant Prog Mgr
Kate Watson, Assistant Prog Mgr
Courtney Davis, Reviewer

Budget

The Office of Child Advocate is funded through state general revenue funds and federal funds distributed through the Department of Social Services. The budget appropriation for 2015-2016 (Fiscal Year 2016) was \$320,478.

Role of the Office

The Office of Child Advocate operates under the Office of Administration and is, therefore, independent of the Department of Social Services, Children's Division, the Department of Mental Health, and the Juvenile Court. The office provides citizens an avenue to obtain an independent and impartial review of disputed decisions, actions and inactions regarding any child at risk of abuse, neglect or other harm.

The Office of Child Advocate offers seven primary services to concerned citizens:

- ◆ foster care case management review
- ◆ unsubstantiated hotline investigation reviews
- ◆ mediation between parents and schools regarding abuse allegations

- ◆ child fatality review of children with Children’s Division involvement
- ◆ intervene on behalf of a child during judicial proceedings
- ◆ review policy and procedures of Children’s Division, the Juvenile Office, and guardian ad litem within a county
- ◆ information and referrals for families needing resources

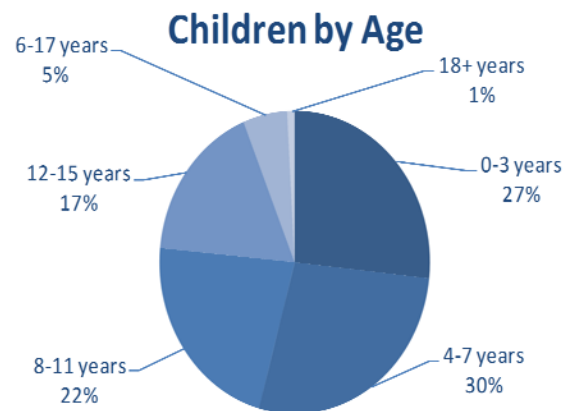
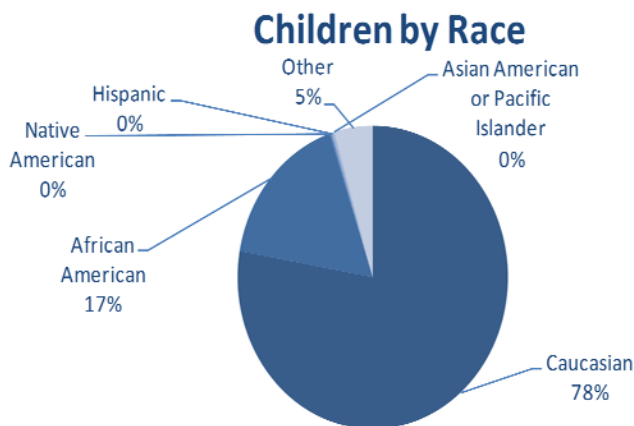
Additional responsibilities include:

- ◆ offering case specific and systemic recommendations when appropriate
- ◆ improve family services by examining laws, policies and procedures
- ◆ provide an annual report to the Governor and Chief Justice
- ◆ educate the public regarding the child welfare process in Missouri while increasing public awareness of the Office of Child Advocate

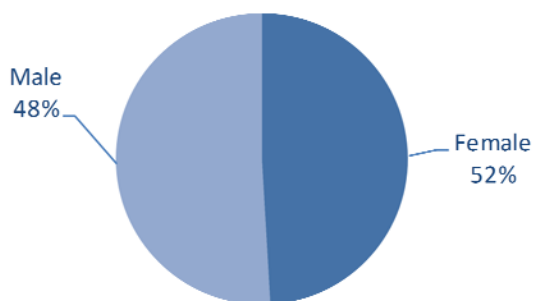
Receiving, Investigating and Concluding Complaints

Receiving Complaints

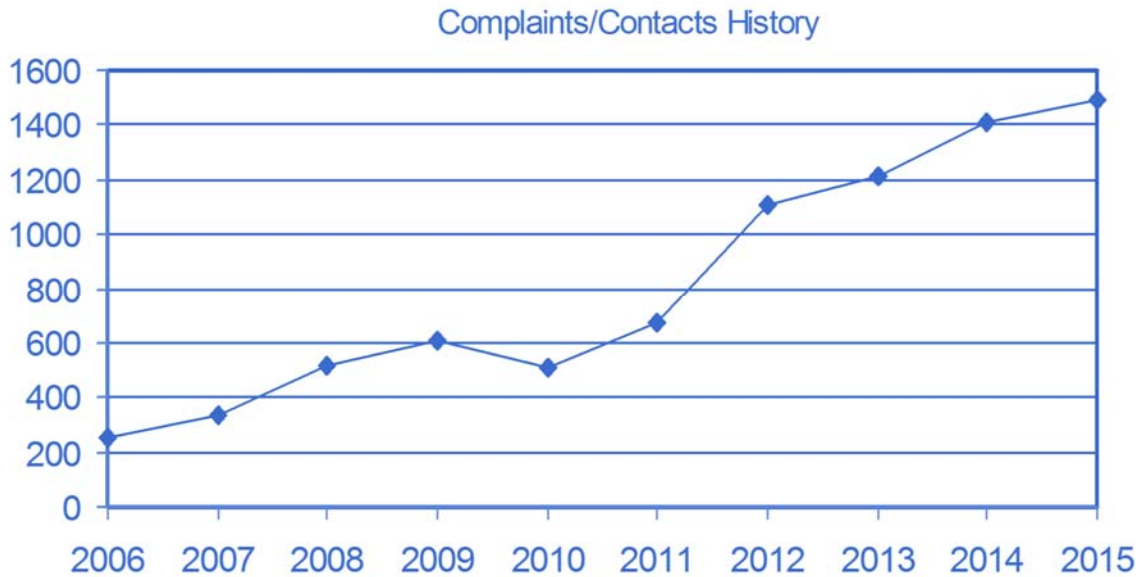
From January 1 through December 31, 2015, the Office of Child Advocate received 1,490 complaints/contacts including registered concerns from 533 new complainants, 474 unsubstantiated, 1 mediation and 5 fatality reviews involving 1,345 children.



Children by Gender



In 2015, the Office of Child Advocate saw continued growth in case load in addition to continued increase in statutory authority.



The composite number of complaints/contacts received by the Office of Child Advocate and is categorized according to (1) New Cases, (2) Reopened Cases, (3) Unsubstantiated Reviews, (4) Information and Referrals, (5) Fatalities, (6) Mediation and (7) Unable to Contact (due to phone numbers no longer in service, etc.)

Investigating Complaints

Upon the receipt of a complaint, the Office of Child Advocate notifies the appropriate Children’s Division Circuit Manager, Division Director, and Juvenile Office that our office has been requested to review a case. The identity of the complainant is kept confidential unless our office is given permission to share the information with the appropriate parties. The Office of Child Advocate proceeds to determine the appropriate level of investigation. Possible levels of investigation include:

- 1) No investigation needed
- 2) Gather information and interact as necessary with involved parties
- 3) Request and review the Children’s Division case file
- 4) Conduct on-site review

2015 Contacts Received	
533	New Cases
77	Reopened Cases
474	Unsubstantiated Reviews
377	Information and Referrals
5	Fatalities
1	Mediation
23	Unable to Contact
1490	Total Number of Contacts

Concluding Complaints

Reviews and investigations are concluded within 45 business days. Extenuating circumstances may occasionally extend the investigation in certain instances, such as continued court dates, ongoing concerns or new allegations. The Office of Child Advocate will issue a letter of conclusion to the appropriate Children's Division Circuit Manager, Regional Manager, Division Director, Juvenile Office and the complainant. In cases where confidential information cannot be shared with the complainant, a separate letter will be issued to the complainant. Possible conclusions may involve:

- 1) No policy/procedure error(s) noted
- 2) Policy/procedure error(s) noted
- 3) Practice issue(s) identified
- 4) Identification of best practices by Children's Division
- 5) Case recommendation(s) offered for improving services to the child, children or families.

Promoting the Office

Per section 37.710.2 (7) RSMo, The Office of Child Advocate is authorized, "to take whatever steps are appropriate to see that persons are made aware of the services of the Child Advocate's office, its purpose and how it can be contacted." Between January 1 and December 31, 2015, the Office of Child Advocate increased the knowledge of Child Welfare professionals and citizens by providing the following trainings while at the same time raising the awareness of the Office of Child Advocate:

- ◆ Missouri Juvenile Justice Association/Office of State Courts Administrator (MJJA/OSCA) fundamental skills training for new hire Juvenile Officers
- ◆ MJJA/OSCA fundamental skills training for new hire Juvenile Detention staff
- ◆ Missouri Juvenile Justice training for Missouri Sheriff's Association
- ◆ Missouri State Highway Patrol Juvenile Justice training
- ◆ Stewards of Children prevention of sexual abuse of children training

In addition, the Office of Child Advocate served on the following Task Force and Work groups to improve child welfare practice and raise awareness of the Office of Child Advocate:

- ◆ Child Fatality Review Program State Panel
- ◆ Juvenile Standards Work Group
- ◆ Missouri State Foster Care and Adoption Board
- ◆ Missouri Task Force on Children’s Justice
- ◆ Prevention of the Sexual Abuse of Children Workgroup
- ◆ Task Force on Human Trafficking
- ◆ Task Force on Recruitment, Licensing, and Retention of Foster Care and Adoptive Homes

The Office of Child Advocate’s awareness and visibility was increased as a result of speaking, participating or exhibiting at the following conferences and trainings:

- ◆ Children’s Trust Fund Prevention Conference
- ◆ Conference on the Young Years sponsored by the Department of Elementary and Secondary Education
- ◆ Human Trafficking Conference
- ◆ Midwest Foster Care & Adoption Association (MFCAA) - One Conference
- ◆ Missouri Coalition of Children’s Agencies (MCCA)
- ◆ Missouri Coalition Against Domestic & Sexual Violence (MCADSV)
- ◆ Missouri Juvenile Justice Association (MJJA): Education Spring Conference
- ◆ Missouri Juvenile Justice Association (MJJA): Fall Educational Conference
- ◆ Missouri State Fair, Family Fun Center

Complaint Types and Sources—New Cases

Types of New Complaints

Complaints to the Office of Child Advocate for Children’s Protection and Services generally fall into one of three main categories: 1) child safety 2) family separation and reunification, and 3) dependent child health, well-being, and permanency. These categories involve the following issues:

Child Safety _____	211 calls
Unsubstantiated Findings _____	474 calls
<ul style="list-style-type: none"> ◆ Failure to protect child from parental abuse ◆ Failure to address safety concerns involving child in foster care or other substitute care ◆ Failure to address safety concerns involving child being returned to parental care ◆ Failure to provide appropriate services to child at risk of harming self or others 	
Family Separation and Reunification _____	222 calls
<ul style="list-style-type: none"> ◆ Unnecessary removal of child from parental care ◆ Failure to provide appropriate contact between child and family ◆ Failure to reunite families despite parental compliance with court-ordered services ◆ Failure to place child with relatives ◆ Inappropriate termination of parental rights 	
Dependent Child Health, Well-Being, Permanency _____	91 calls
<ul style="list-style-type: none"> ◆ Inappropriate change of child's foster or other substitute placement ◆ Inadequate development or implementation of plan to transition child to new placement ◆ Failure to provide child with appropriate services ◆ Unreasonable delay or opposition to adoption 	
Other _____	9 calls

Sources of New Complaints

Most of the complaints received by the Office of Child Advocate are from biological parents of children in state care or custody. Specific concerns may revolve around

Caller Relationship	No.	Caller Relationship	No.
Anonymous	3	Law Enforcement	8
Biological Parent	216	Legal Guardian	1
CASA/GAL*	6	Other Attorney	2
Child	3	Other Relationship	21
Children's Division Employee	6	Other Relative	61
Community Professional or Service Provider	32	Public Defender	1
Foster Parent	46	Step-Parent	10
Grandparent	117	Total:	533

placement, visitation, safety, communication and other related matters. Grandparents are the second highest source of complaints and other relatives are the third highest. These calls usually involve family wanting placement of children that have been removed from the parent's home or family who are concerned about the safety of the children living with a parent or other caretaker.

*Court Appointed Special Advocate/Guardian ad Litem

Effectiveness Measurements

The Office of Child Advocate has established measurement gauges to help ensure effectiveness in serving Missouri children and families. These include initial response time, time frame for completing new investigations, and time allotment for completing unsubstantiated reviews.

A timely initial response is of fundamental importance. A 90% goal has been set to contact the complainant within three business days of any new complaint.

The goal of the Office of Child Advocate is to complete more than 80% of the investigations and unsubstantiated reviews within 45 business days of receipt of the complaint. However, many factors may cause a case to remain open, out of timeframes. For example, cases involving the court system may be kept open beyond 45 days to sufficiently monitor the court process. In other instances, conducting a complete and thorough investigation may require an extended period of time due to ongoing concerns.

Measurement	Goal	Met
Contact complainant within 3 business days after complaint received	90%	92%
Complete investigation within 45 business days of receiving complaint	80%	76%

July 1, 2014—June 30, 2015

Timely case reviews will remain a challenge in light of a continued increase in case numbers from the previous year. This is a continuation of a significant growth in cases every year since 2010.

Recommendations for Systematic Improvements

Maintaining Connections

Maintaining connections to family is vital to the wellbeing of children in care. Contact with parents and family leads to improved outcomes for children including:

- ◆ Placement stability/fewer disruptions
- ◆ Reduction in crisis behaviors
- ◆ Improved school performance
- ◆ Quicker reunification/ shorter time to permanency

Children's Division should prioritize family connections by placing with relatives, keeping siblings together, allowing parental visits, promoting contact with relatives, using extended family members as supports, and raising awareness among placement providers and other child welfare professionals the importance of family to a child's identity and wellbeing.

The following article was submitted by the Office of Child Advocate published in Family Connections, and distributed by the Department of Social Services and the Foster and Adoptive Care Coalition to foster placements and other child welfare professionals:

The "Fresh Start"

Imagine right after you say "I do" on your wedding day the judge explains that s/he believes in giving you 'a fresh start.' And everyone agrees that in order to bond and attach to your new family you have legally joined, you must not have contact with your previous family. No visits from grandma, no calls from your siblings, no birthday cards from your aunt. Ridiculous right?! But this happens all too often in foster care and adoption.

As a system we are getting better at locating family placements, but still often choose one family member and forget to maintain any connections with other family members. If we place with maternal grandma, paternal cousins still remain cousins. Sibling separations are becoming far less common, but still occur. When sibling separations occur, however, we somehow fool ourselves into thinking that since they don't ask about their brothers and sisters every day that somehow it is fine. When new siblings are born we often tell ourselves that there is no existing bond or attachment. Imagine spending your entire life knowing that you have a little brother or sister out there somewhere, but have no other information.

We would not tolerate this as adults and we should not tolerate it for our children either. When separation occurs, family remains part of who we are. It doesn't matter if we move towns, change our name, or don't see each other every day, family is still family.

As a system and as foster/adoptive families we need to think creatively to maintain safe and appropriate bonds. Ask the team if visits are appropriate whether supervised or unsupervised. If grandma always attended special events, it may be appropriate that she continues to come to school events. If every Saturday they used to take Aunt grocery shopping, your kiddo may be worried that Aunt has no food. Perhaps ask the team if you can pick up Aunt and take her shopping once a month. Even when contact is not permitted, it is possible to maintain connection and bond by speaking positively of family. Sharing photos and pointing out features they inherited from family members. I even found a YouTube channel of a relative once and pointed out they liked the same song. I'll never forget the look of relief and genuine joy when my daughter said "They're still alive!"

Maintaining connections can be difficult. Sometimes we have to work through things. But as foster and adoptive families we never claimed to have a simple family tree – we have a beautiful family forest.



Acknowledgements

The Office of Child Advocate wishes to thank Governor Eric R. Greitens and the General Assembly for their support.

Appreciation is also expressed to the Office of Administration, including Commissioner Sarah Steelman.

The Office of Child Advocate expresses appreciation to the Children's Division, Juvenile Offices, and other agencies that work to help ensure the safety and well-being of children.

Appendix A

Policy/Procedure Concerns, Practice Issues and Recommendations

In many referred cases, no violations of policy, practice or state statues were noted. Likewise the majority of reviews did not require a case specific or systemic recommendation. The Office of Child Advocate noted no policy violations, practice concerns, and had no recommendations in 239 cases. Office of Child Advocate was in agreement with an unsubstantiated finding in 391 hotline investigations, did not agree in 21 cases, and were inconclusive in 10 typically due to incomplete investigations. The Office of Child Advocate issued the following concerns and recommendations in 2015:

Policy/Practice Concerns

Documentation missing, lacking or inaccurate (194)
Did not contact appropriate collateral contacts/witness/service provider (154)
Did not address all allegations or concerns/did not address previous concerns (78)
Completed out of timeframes (72)
Child/non victim child not seen in timeframes, interviewed, or safety not verified (69)
No home visits/gap in home visits/home visit not timely/did not visit all homes where children reside (45)
Did not request medical records/consult with medical provider (43)
No contact with parents/lack of contact/lack of reasonable efforts documented (33)
Did not notify parent or caretaker of concerns/notification of concerns not timely/did not interview non-custodial parent (32)
No interview of alleged perpetrator/did not interview all alleged perpetrators/interview not timely (32)
Did not send OCA requested file/file not sent timely/file incomplete/sent original (29)
Child interviewed with sibling/in front of caregiver (25)
Sibling separation/no sibling visits (24)
Did not follow up with family to ensure follow through/reevaluate safety (23)
Law Enforcement not notified of co-investigation/alleged perpetrator interviewed prior to consulting law enforcement/poor collaboration/did not request law enforcement report (21)
No effort or delayed effort to contact father, place with father, engage father in case or establish paternity (20)
No diligent search for relatives/required findings not made/not placed with family (19)
Family Support Team meeting not held/FST not documented (15)
Did not contact reporter/reporter not contacted timely/only one unsuccessful attempt (15)
Did not offer or link family to services/services offered lacking (12)

Unrelated case notes in file (11)

Concerning number of placement disruptions/placement change unnecessary/lack of documentation regarding placement disruption (10)

Inadequate safety planning/no safety plan issued/safety plan not updated/ no follow-up to ensure compliance with safety plan (10)

Case consultation with supervision not occurring/ not timely/not documented/ not addressing concerns in case (9)

Did not contact school/contact with school not timely/did not request school records (8)

Extended gap in case activity (8)

Visit decisions made based on UA results or parent compliance not on the safety or wellbeing of child (7)

Did not address concerns regarding visits (7)

Investigation or assessment not placed on the correct track (6)

Poor communication with Family Support Team/full FST not participating/not notifying all members of FST of meetings (6)

Worker did not hotline concern (5)

Length of residential stay/unnecessary residential placement (5)

Delay in permanency/concerning length of time in care (5)

File missing/unable to locate (5)

Children placed in home despite history of concern/Preponderance of Evidence finding/relevant criminal history/safety concerns/no utilities/unable to meet licensing standards (5)

No follow up with licensing regarding concerns with foster home/did not address concern with placement (5)

No diligent search for absent parent (5)

Lack of direction in case/no clear case goal (5)

Case not closed in FACES (5)

Did not contact, refer, or share appropriate information with Juvenile Office (4)

Did not request Child Advocacy Center interview/disagree with CAC declining interview (4)

Delayed/no response to OCA from caseworker (4)

Closed Family Center Services/Intensive In-Home Services/Alternative Care case despite unmet needs (4)

Poor transition between placements (4)

Did not follow up with current service worker in home prior to closing investigation (4)

Inadequate Written Service Agreement/no WSA/ WSA not updated (4)

Injuries match child disclosure and not consistent with alleged perpetrator's description (3)

Inaccurate/inadequate conclusion finding/finding not legally sufficient (3)

Interviewed alleged perpetrator by phone (3)

ICPC not followed up timely (3)

Did not request urine analysis (3)

Inappropriate case information/statement shared with child/placement provider (2)

Worker child visits not occurring/not timely (3)

No documentation of Children's Division working with law enforcement and Juvenile

Office to locate missing child/no diligent search to locate child (2)

Poor communication among Multidiscipline Team members (2)

Bruising lasting longer than 24 hours (2)
Allegations inappropriately duplicated (2)
Did not open Intensive In-home Services/link to services as indicated in conclusion (2)
Did not seek appropriate services/evaluations for child (2)
Visitation with relative not set up/family visits not timely (2)
Not following court order (2)
Court order on non-party (2)
Parent child visits not occurring (2)
Did not follow up on supervisor's recommendations (2)
Poor communication between counties (2)
Parent not sent CS21 (2)
Did not conduct unannounced home visit
Interviewed child with alleged perpetrator present
Did not run background check prior to placement
Moved to Trial Home Placement despite unaddressed concerns
Did not progress to unsupervised visits
Poor communication with placement provider
Delay in ICPC
Released jurisdiction prior to custody being finalized
Former foster placement not contacted for placement
Not ICWA compliant
Inappropriate removal of children
Parent representation concern
Failure to place with non-offending parent
Failure to follow adoption staffing policy
Vendor payment issue/clothing voucher issue
Did not request release of information
Child was not located in FACES by local office
Inaccurate license approval letter sent
Relieving of reasonable efforts prior to termination of parental rights
No documentation that child's needs were accommodated during interview
Did not assist family with getting necessary concrete support
Interviewed child on street then told child not to talk to strangers
Closed case prematurely
Case goal changes prematurely
Child Advocacy Center interview held too late in the evening for young child
Case manager interviewed child instead of OHI investigator
Placed despite history of safety concerns between the children
Multiple changes in therapists
Concerning number of medications/concerning number of changes in medications
Did not view forensic interview timely
No courtesy request to walkthrough out of state parent's home
Threatened residential placement as punishment to child
Removed some but not all children from home

Recommendations

Offer/continue/additional/link family to services (65)
Speak with additional collateral contacts/improve documentation of contacts with service providers (56)
Move to permanency/guardianship/concurrent planning (54)
Individual or family therapy (46)
Continue, increase, reinstate, or improve documentation of reasonable efforts (33)
Begin/increase/therapeutic/supervised visitation (27)
Diligent search for relatives/place with relative/kinship placement/expedite ICPC (25)
Maintain family connections/visits with relatives/use relatives as supports (24)
Family Center Service/After Care services/Family Reunification Services to ensure successful reunification (19)
Contact/refer to Juvenile Office/request removal/court ordered services (17)
Place with sibling/provide support to transition siblings together/recruit placement able to take all siblings (17)
Sibling contact/visits (17)
Improve documentation (15)
Ensure follow through by family prior to closing case (13)
Parent needs to fully engage/participate in recommended services (12)
Children's Division supervision to review/monitor/provide support in case (12)
Issue/update/follow up on safety plan (11)
Address substance abuse/request urine analysis (11)
Review necessity of residential placement/least restrictive environment/clinical consult regarding residential placement and treatment recommendations (11)
Request medical record/contact medical provider (10)
Refer to Child Advocacy Center for interview (9)
Better engage parent (8)
Have specific conversation regarding what eyes on supervision requires i.e. planning for when a parent sleeps, showers, uses the restroom, approved sleeping arrangements (7)
Follow up on medical or mental health needs (7)
Set up meeting with family and services providers/school (7)
Address safety concerns in home i.e. guns accessible to children, windows without screens (6)
Increase efforts to establish paternity/locate father/engage father (6)
Provide resource list (6)
Improve communication among team members/communication between counties (6)
Transfer cases so one agency serving family/transfer case where family resides (5)
Provide placement with support to maintain placement (5)
Follow recommendation of counselor/therapist (5)
Training on removals and conclusion findings (4)
Request SAFE exam (4)
Parent seek custody order (4)
Specifically discuss with parent alternative discipline methods, definition of "reasonable manner," and risks of using an object to spank (4)
Review circuit policy regarding visitation/denial of visits should be based on safety and wellbeing concerns not compliance or urine analysis results (4)

Follow up on Indian Child Welfare Act (ICWA) (3)
Clear communication of safety plan, written service agreement, visit expectations, goals of parent aid, concrete action items and/or deadlines (3)
Forward concerns regarding foster placement to licensing (3)
Contact probation and parole/law enforcement regarding bond conditions of adults with access to child (3)
Provide parent calendar with appointments and visit schedule/provide meeting notice in writing (3)
Appoint GAL in probate case (3)
Request psychiatric evaluation (3)
Request law enforcement records/contact law enforcement (2)
Interview children/ home visit in both homes children reside (2)
Assist with transportation (2)
Emergency protocol should be given to placement in writing (2)
Document having specific conversation with parent regarding appropriate supervision (2)
Trial home placement (2)
Make language interpreters readily available (2)
Assess/document parent's parenting capabilities (2)
Extreme recruitment (2)
Unannounced home visits (2)
Contact non-offending parent/diligent search (2)
Slower transition to Trial Home Placement (2)
Plan/prepare for parent's incarceration/parent's release from prison (2)
Address non-caretaker allegations
Reassess safety of children remaining in household
Keep same therapist
Change goal back to reunification
Post-adoption support
Parents arrange and determine family visits during Trial Home Placement
Adoption instead of guardianship
Determine impact of recent POE on juvenile court case
Share information regarding McKinney Vento Education of Homeless Children and Youth Assistance Act with relative
Remind mandated reporter of legal requirements to report
More restrictive placement/residential
Close case/release jurisdiction
Revisit case goal
Request alleged perpetrator submit to screen for sexually transmitted infections
No visits until therapeutically recommended
Circuit meeting to resolve communication and cooperation between Children's Division and Juvenile Office
Involve older youth in case decisions
Consider diversion
Document having specific conversation with parent regarding failure to protect
Facilitate therapists communicate with each other
Ensure parent's legal issues resolved prior to reunification

Refer to evidence based therapy
Attempt home visit in evening
Legal representation for parents
Increase/improve Multidiscipline coordination to locate child
Issue letter to law enforcement prior to closing investigation alerting them of deadline for closing Children's Division's investigation
Locate services that can accommodate parent's work schedule
Parent not present at Child Advocacy Center when initial disclosure may have been regarding them
Interview children outside of home
Safety plan remain in effect until investigation is complete
Do not place additional children given the current number and significant needs of the children currently in the home

Appendix B
Missouri Revised Statutes
Chapter 37
Office of Administration

Definitions.

37.700. As used in sections 37.700 to 37.730, the following terms mean:

- (1) "Office", the office of the child advocate for children's protection and services within the office of administration, which shall include the child advocate and staff;
- (2) "Recipient", any child who is receiving child welfare services from the department of social services or its contractors, or services from the department of mental health.

Office established--appointment of child advocate.

37.705. 1. There is hereby established within the office of administration the "Office of Child Advocate for Children's Protection and Services", for the purpose of assuring that children receive adequate protection and care from services, programs offered by the department of social services, or the department of mental health, or the juvenile court. The child advocate shall report directly to the commissioner of the office of administration.

2. The office shall be administered by the child advocate, who shall be appointed jointly by the governor and the chief justice of the Missouri supreme court with the advice and consent of the senate. The child advocate shall hold office for a term of six years and shall continue to hold office until a successor has been duly appointed. The advocate shall act independently of the department of social services, the department of mental health, and the juvenile court in the performance of his or her duties. The office of administration shall provide administrative support and staff as deemed necessary.

Access to information--authority of office--confidentiality of information.

37.710. 1. The office shall have access to the following information:

- (1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children's division, the department of mental health, and the juvenile court;

(2) All written reports of child abuse and neglect; and

(3) All current records required to be maintained pursuant to chapters 210 and 211.

2. The office shall have the authority:

(1) To communicate privately by any means possible with any child under protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, and other persons or entities providing treatment and services;

(2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state;

(3) To work in conjunction with juvenile officers and guardians ad litem;

(4) To file any findings or reports of the child advocate regarding the parent or child with the court, and issue recommendations regarding the disposition of an investigation, which may be provided to the court and to the investigating agency;

(5) To file amicus curiae briefs on behalf of the interests of the parent or child; or to file such pleadings necessary to intervene on behalf of the child at the appropriate judicial level using the resources of the office of the attorney general;

(6) To initiate meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers;

(7) To take whatever steps are appropriate to see that persons are made aware of the services of the child advocate's office, its purpose, and how it can be contacted;

(8) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest;

(9) Subject to appropriation, to establish as needed local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner; and

(10) To mediate between alleged victims of sexual misconduct and school districts or charter schools as provided in subsection 1 of section 160.262.

3. For any information obtained from a state agency or entity under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity providing such information to the office of child advocate. For information obtained directly by the office of child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the children's division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report.

Complaint procedures--annual report, contents.

37.715. 1. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of children who are recipients of the services of the departments of social services and mental health, and the juvenile court. Such procedures shall address complaints relating to the actions, inactions, or decisions of providers or their representatives, public or private child welfare agencies, social service agencies, or the courts which may adversely affect the health, safety, welfare, or rights of such recipient.

2. The office shall establish and implement procedures for the handling and, whenever possible, the resolution of complaints.

3. The office shall have the authority to make the necessary inquiries and review relevant information and records as the office deems necessary.

4. The office may recommend to any state or local agency changes in the rules adopted or proposed by such state or local agency which adversely affect or may adversely affect the health, safety, welfare, or civil or human rights of any recipient. The office shall make recommendations on changes to any current policies and procedures. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations and policies with respect to services in the state and shall recommend to the department, courts, general assembly, and governor changes in such laws, regulations and policies deemed by the office to be appropriate.

5. The office shall inform recipients, their guardians or their families of their rights and entitlements under state and federal laws and regulations through the distribution of educational materials.

6. The office shall annually submit to the governor, the general assembly, and the Missouri supreme court a detailed report on the work of the office of the child advocate for children's protection and services. Such report shall include, but not be limited to, the number of complaints received by the office, the disposition of such complaints, the number of recipients involved in complaints, the state entities named in complaints and whether such complaints were found to be substantiated, and any recommendations for improving the delivery of services to reduce complaints or

improving the function of the office of the child advocate for children's protection and services.

Independent review, when, procedures--recommendations, findings submitted.

37.719. 1. The office shall have the authority to and may conduct an independent review of any entity within a county that has experienced three or more review requests in a calendar year including, but not limited to, children's division, the juvenile office, or guardian ad litem. The office shall establish and implement procedures for reviewing any such entity.

2. The office shall have the authority to make the necessary inquiries and review relevant information and records as the office deems necessary in order to conduct such reviews.

3. The office may make recommendations on changes to any entity's policies and procedures based on the results of the review in order to improve the delivery of services or the function of the entity. Upon completing a review under the provisions of this section, the office shall submit any findings and recommendations to the children's division and the office of state courts administrator.

Files may be disclosed at discretion of child advocate, exceptions--privileged information --penalty for disclosure of confidential material.

37.725. 1. Any files maintained by the advocate program shall be disclosed only at the discretion of the child advocate; except that the identity of any complainant or recipient shall not be disclosed by the office unless:

(1) The complainant or recipient, or the complainant's or recipient's legal representative, consents in writing to such disclosure; or

(2) Such disclosure is required by court order.

2. Any statement or communication made by the office relevant to a complaint received by, proceedings before, or activities of the office and any complaint or information made or provided in good faith by any person shall be absolutely privileged and such person shall be immune from suit.

3. Any representative of the office conducting or participating in any examination of a complaint who knowingly and willfully discloses to any person other than the office, or those persons authorized by the office to receive it, the name of any witness examined or any information obtained or given during such examination is guilty of a class A misdemeanor. However, the office conducting or participating in any examination of a complaint shall disclose the final result of the examination with the consent of the recipient.

4. The office shall not be required to testify in any court with respect to matters held to

be confidential in this section except as the court may deem necessary to enforce the provisions of sections 37.700 to 37.730, or where otherwise required by court order.

Immunity from liability, when.

37.730. 1. Any employee or an unpaid volunteer of the office shall be treated as a representative of the office. No representative of the office shall be held liable for good faith performance of his or her official duties under the provisions of sections 37.700 to 37.730 and such representative shall be immune from suit for the good faith performance of such duties. Every representative of the office shall be considered a state employee under section 105.711.

2. No reprisal or retaliatory action shall be taken against any recipient or employee of the departments or courts for any communication made or information given to the office. Any person who knowingly or willfully violates the provisions of this subsection is guilty of a class A misdemeanor.

Chapter 160
Schools--General Provisions
Section 160.262

Mediation, office of the child advocate to coordinate, when--procedures--binding agreement, when.

160.262. 1. The office of the child advocate as created in section 37.705 shall be authorized to coordinate mediation efforts between school districts and students and charter schools and students when requested by both parties when allegations of child abuse arise in a school setting. The office of the child advocate shall maintain a list of individuals who are qualified mediators. The child advocate shall be available as one of the mediators on the list from which parents can choose.

2. Mediation procedures shall meet the following requirements:

(1) The mediation process shall not be used to deny or delay any other complaint process available to the parties; and

(2) The mediation process shall be conducted by a qualified and impartial mediator trained in effective mediation techniques who is not affiliated with schools or school professional associations, is not a mandated reporter of child abuse under state law or regulation, and who is available as a public service.

3. No student, parent of a student, school employee, charter school, or school district shall be required to participate in mediation under this section. If either the school district or charter school or the student or student's parent does not wish to enter into mediation, mediation shall not occur.

4. Each session in the mediation process shall be scheduled in a timely manner and be held in a location that is convenient to the parties in dispute.

5. Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent administrative proceeding, administrative hearing, nor in any civil or criminal proceeding of any state or federal court.

6. If the parties resolve a dispute through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and:

(1) States that all discussions that occurred during the mediation process shall remain confidential and may not be used as evidence in any subsequent administrative proceeding, administrative hearing, or civil proceeding of any federal or state court; and

(2) Is signed by a representative of each party who has authority to bind the party.