

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

**2019**  
**Annual Report**



*State of Missouri  
Office of  
Child Advocate for Children's  
Protection and Services  
Annual Report 2019*

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

**Michael L. Parson**  
Governor

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**Kelly Schultz**  
Child Advocate

The Honorable Michael L. Parson  
Governor of the State of Missouri

The Honorable George W. Draper III  
Chief Justice of the Missouri Supreme Court

Dear Governor Parson and Chief Justice Draper:

I am pleased to present the 2019 Annual Report of the Office of Child Advocate. The report covers the time frame of January 1, 2019 through December 31, 2019.

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, and to recommend changes with the goal of improving the child welfare system for Missouri's children.

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

Respectfully submitted by:

A handwritten signature in black ink, appearing to be 'KS' or similar initials, written in a cursive style.

Kelly Schultz

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## ***Recommendations for Systemic Improvements***

In 2019 the Office of Child Advocate chaired and issued multiple recommendations to improve child welfare as part of the Task Force on Child Safety. The full Task Force report may be found at: <https://oca.mo.gov/pdf/Task-Force-on-Child-Safety-Report.pdf> and in appendix D of this annual report.

Since the issuing of this report, many of the recommendations have begun to be implemented by the Children's Division including tracking of diversions; continued development of a Missouri specific risk assessment tool by the Partnership for Child Safety and Well-Being; and creation of Temporary Alternative Placement Agreements (TAPAs) passed in HB 1414 (2020) that provides services to families and a mechanism to continue to ensure the safety of a child when a child is voluntarily placed outside of the home by a family as a result of a Children's Division investigation or assessment.

In addition to implementing TAPAs, Office of Child Advocate continues to recommend increased use of "Legal Status 3" designation for children in order to ensure the safety of a child and provide services to a family at-risk for removal of a child as well as the use of Preliminary Child Welfare Proceedings for those cases where safety and wellbeing concerns are present but children are not in imminent danger. The legal burden in these situations is the same as what is required to remove the child, but using this method may reduce or eliminate the trauma associated with removing a child from their home. As TAPAs policies are being drafted and implemented, OCA recommends eliminating the use of diversion except in urgent circumstances. Safety plans without court involvement are voluntary and therefore must be time limited in nature and monitored to ensure the safety of children. Diversions – voluntarily placing children outside of a home for an indefinite period of time – do not leave children legally protected. Even though children may be voluntarily placed with a relative to keep them free from imminent danger, the relative cannot withhold the children from the parent, making it difficult to ensure safety. The relative also does not have the ability to meet the children's educational or medical needs. Additionally, there are often no services provided to the family to address the concerns that led to the recommendation that the children be voluntarily placed outside of the home.

Office of Child Advocate continues to see the tension within multi-disciplinary teams (MDTs) impacting child abuse and neglect investigations. Children's Division investigations do not occur in isolation. The health of a MDT directly impacts the success of an investigation and ultimately the safety of a child. Child abuse and neglect investigations are a collaborative effort that involve many partners. Those partners must communicate, share information, have role clarity, and collaborate to ensure successful investigations. Meeting regularly to discuss workflow, local data, and issues that arise, is essential to the health of the multi-disciplinary team and ultimately the health of the child welfare system. The Task Force on Child Safety recommended MDTs have a facilitated conversation annually regarding policies, practices, and statistics surrounding local MDT investigations.

**1. This conversation should be facilitated by an individual who is not a member of the local MDT**

**2. This conversation should take place outside of regular case reviews**

**3. The following statistics should be shared:**

**a. Children's Division:**



## **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 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 14,299 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.

### **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 2019-2020 was \$325,967.

*OCA staff:*  
*Kelly Schultz, Missouri Child Advocate*  
*Kate Watson, Assistant Program Manager*  
*Abigail Sapp, General Counsel*  
*Kristina Branch, Reviewer*  
*Courtney Davis, Reviewer*  
*Kyler Carron, Admin. Assistant*

## **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 eight primary services to concerned citizens:

- ◆ Foster care case management review
- ◆ Unsubstantiated hotline investigation reviews
- ◆ Mediation between parents and schools regarding abuse allegations in the school setting
- ◆ Review child fatalities with a history of child abuse and neglect concerns or involvement with the Children's Division
- ◆ 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
- ◆ Increase knowledge of professionals and the general public regarding child welfare
- ◆ Provide information and referrals for families needing resources



Additional responsibilities include:

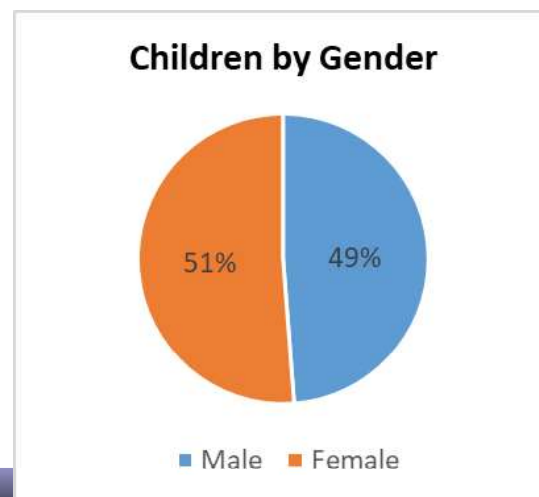
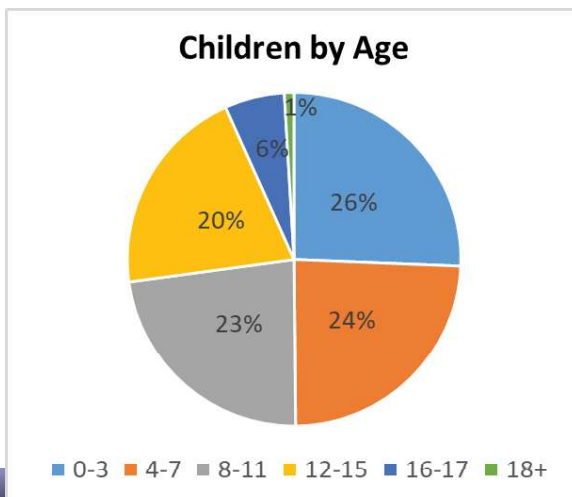
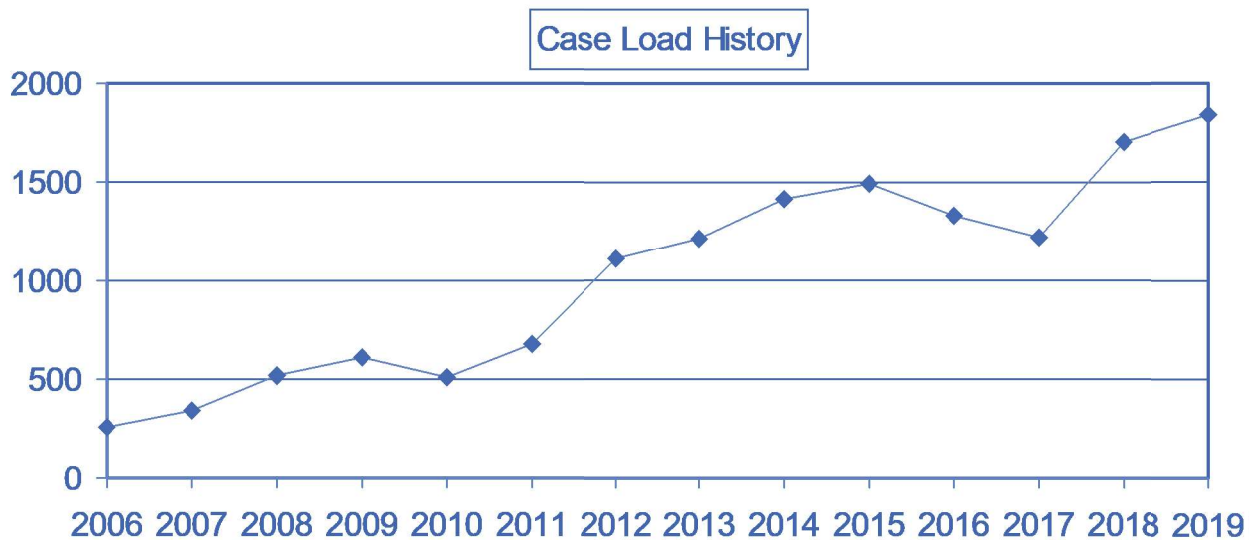
- ◆ Offering case specific and systemic recommendations when appropriate
- ◆ Improve family services by examining laws, policies and procedures
- ◆ Provide an annual report to the Governor and Chief Justice
- ◆ Educate the public regarding the child welfare process in Missouri while increasing public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

## Receiving, Investigating and Concluding Complaints

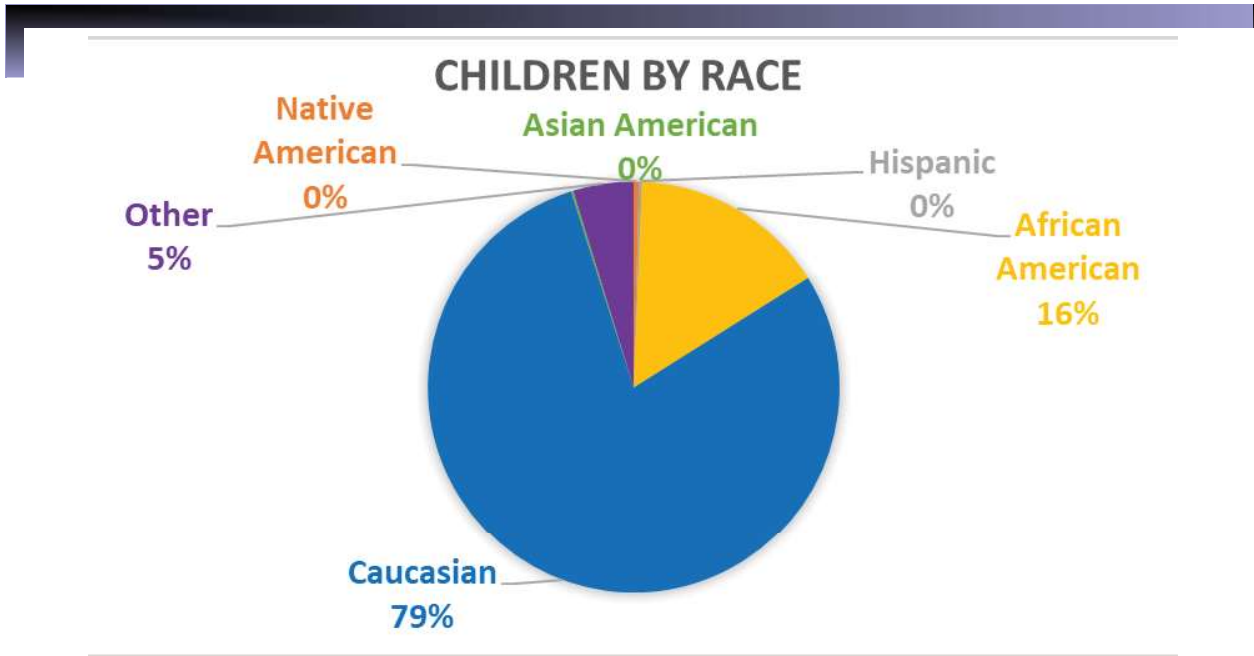
### Receiving Complaints

From January 1 through December 31, 2019, the Office of Child Advocate received 1,060 complaints/contacts involving 1,705 children that resulted in 1,837 case reviews.

The composite number of complaints/contacts received by the Office of Child Advocate is categorized according to (1) New Cases, (2) Reopened Cases, (3) Unsubstantiated Reviews, (4) Information and Referrals, (5) Cases as part of SB341 Review (6) Fatalities, (7) Mediation and (8) 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

Complaint Types	
571	<b>AC/IIS/FCS Reviews</b>
57	<b>Reopened Cases</b>
346	<b>Unsubstantiated Reviews</b>
641	<b>Assessment Reviews</b>
211	<b>Information and Referrals</b>
0	<b>SB341 Cases</b>
6	<b>Fatalities</b>
0	<b>Mediation</b>
5	<b>Unable to Contact</b>
<b>1837</b>	<b>Total</b>

### 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 Director, 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.

In many referred cases, no violations of policy, practice or state statutes were noted. The Office of Child Advocate noted no policy violations, practice concerns, and had no recommendations in 555 cases. Office of Child Advocate was in agreement with an unsubstantiated finding in 316 hotline investigations, did not agree in 21 cases, and were inconclusive in 9 (typically due to incomplete investigations).

## **SB341 Review Procedures**

In 2015, House Bill 341 was enacted creating Section 37.719 RSMo., granting the Office of Child Advocate the authority to conduct an independent review of any entity within a county that 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 was further provided with the authority to 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 and to direct such findings and recommendations to the Children's Division and the Office of State Courts Administrator. In addition, the Office was directed to establish and implement procedures for reviewing any such entity. (See Appendix A.)

## **Increasing Knowledge of Professionals & Public**

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, 2019 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:

- ◆ Responding to Child Abuse and Neglect in a Medical Setting
- ◆ Identifying, Responding, and Preventing Child Sexual Abuse in a Medical Setting
- ◆ Stewards of Children Prevention of Sexual Abuse of Children Training

In addition, the Office of Child Advocate served on the following task forces and work groups to improve child welfare practice and raise awareness of the Office of Child Advocate:

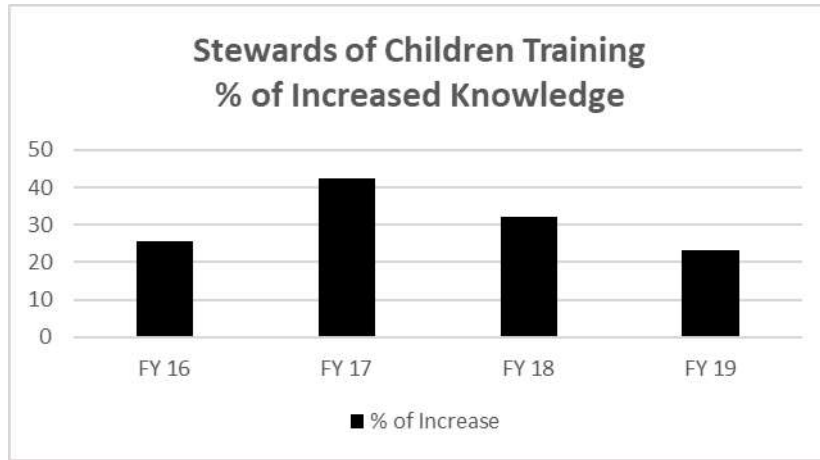
- ◆ Task Force on Child Safety
- ◆ Task Force on the Prevention of Sexual Abuse of Children
- ◆ Missouri Task Force on Children’s Justice
- ◆ Child Fatality Review Program State Panel
- ◆ Child Fatality Review Program, Child Abuse and Neglect Fatalities Subcommittee
- ◆ Task Force on Recruitment, Licensing, and Retention of Foster Care and Adoptive Homes
- ◆ Missouri State Foster Care and Adoption Board
- ◆ Missouri Alliance for Children and Families Advisory Board
- ◆ Missouri State Juvenile Justice Advisory Board
- ◆ Child Support Guidelines: Review Subcommittee of the Family Court Committee
- ◆ Safe Sleep Coalition
- ◆ Family First Statewide Implementation Team
- ◆ Kinship Navigator Steering Committee
- ◆ Stewards of Children Facilitator Network

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

- ◆ Darkness to Light Ignite Conference
- ◆ Missouri Juvenile Justice Association (MJJA): Administrative Concerns
- ◆ Missouri Juvenile Justice Association (MJJA): Spring & Fall Educational Conferences
- ◆ Children’s Division Executive Staff Meetings
- ◆ Attorney General’s Human Trafficking Task Force
- ◆ Child Advocacy Day
- ◆ Show Me a Helping Hand Conference
- ◆ Greater Missouri Leadership Challenge
- ◆ Children’s Trust Fund Conference



Adults being trained take a pre-test indicating their knowledge on the subject and then a post-test to signify how much they have learned. The chart below indicates the percentage of increased knowledge.



## ***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 _____	414 calls
Unsubstantiated & Assessment Reviews _____	987 incidents
◆ 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 _____	285 calls
◆ 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 _____	114 calls
◆ 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 _____	31 calls

## Sources of New Complaints

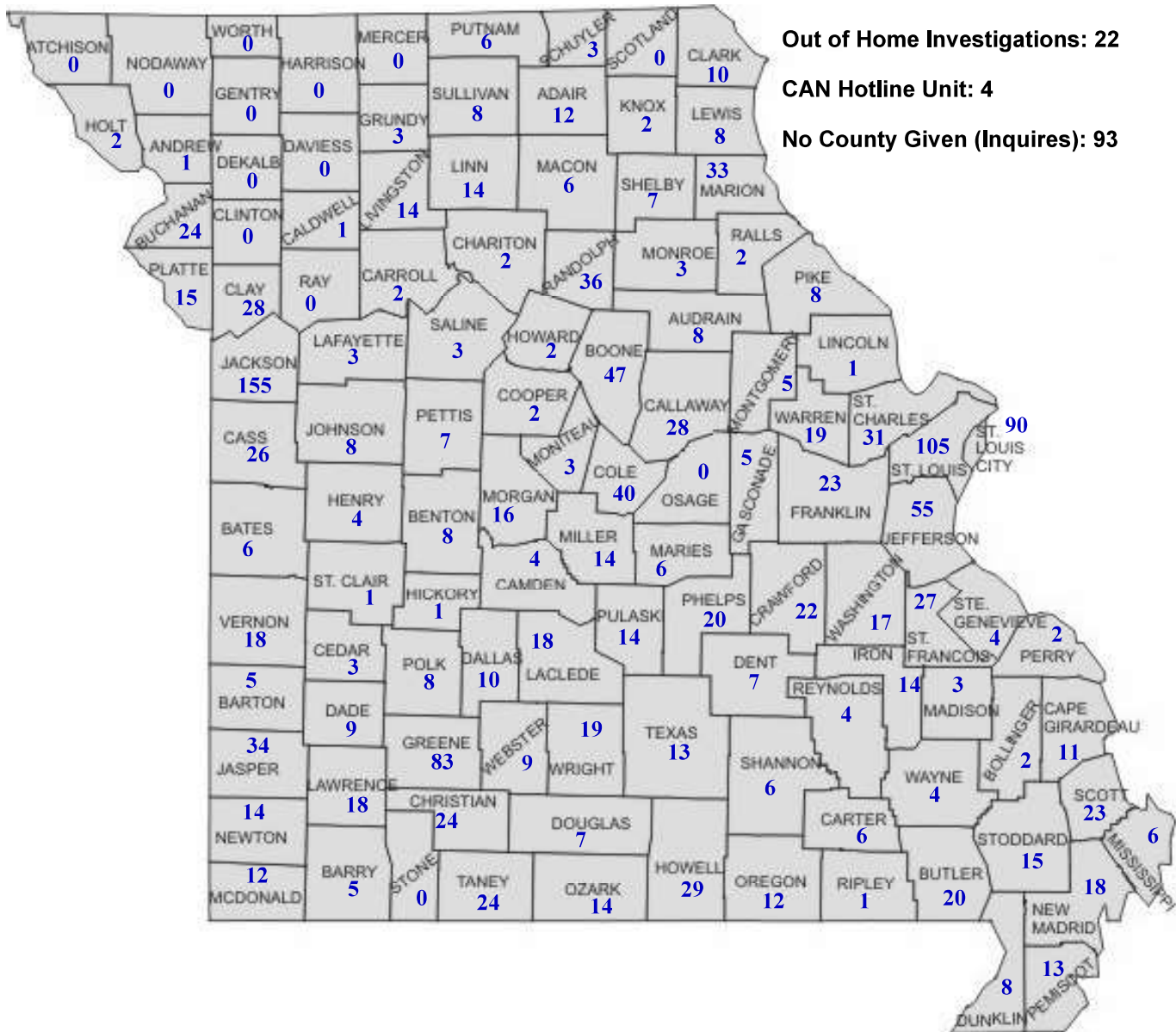
Most of the complaints received by the Office of Child Advocate are from biological parents of children in state care or custody. Specific concerns may revolve around placement, visitation, safety, communication and other related matters. Grandparents are the second highest source of complaints and other 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.

<b>Caller Relationship</b>	<b>No.</b>	<b>Caller Relationship</b>	<b>No.</b>
<b>Anonymous</b>	<b>0</b>	<b>Grandparent</b>	<b>148</b>
<b>Biological Parent</b>	<b>342</b>	<b>Other Attorney</b>	<b>2</b>
<b>CASA/GAL*</b>	<b>5</b>	<b>Other Relationship</b>	<b>76</b>
<b>Child</b>	<b>3</b>	<b>Other Relative</b>	<b>87</b>
<b>Children's Division Employee</b>	<b>7</b>	<b>Public Defender</b>	<b>0</b>
<b>Community Professional or Service Provider</b>	<b>73</b>	<b>Step-Parent</b>	<b>12</b>
<b>Foster Parent</b>	<b>60</b>	<b>Juvenile Officer</b>	<b>23</b>
<b>Legal Guardian</b>	<b>3</b>	<b>Law Enforcement</b>	<b>3</b>
<b>Prosecutor's Office</b>	<b>0</b>		
		<b>Total:</b>	<b>844</b>



## Location of Children Referred

Complaints come from across the state and from relatives living in other states. The Office of Child Advocate identifies patterns of concern within a county and across the State. However, the number of calls we receive in a county often is only reflective of the number of hotline reports made, children in care and the level of awareness of our office in a specific location.



## **Effectiveness Measurements**

Though not required by statute, 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 reviews, 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. In 2019, OCA met this goal in 95% of cases.

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. In 2019, OCA met this goal in 89% of the cases.

<b>Measurement</b>	<b>Goal</b>	<b>Met</b>
<b>Contact complainant within 3 business days after complaint received</b>	<b>90%</b>	<b>95%</b>
<b>Complete investigation within 45 business days of receiving complaint</b>	<b>80%</b>	<b>89%</b>
January 1 - December 31, 2019		



## **Acknowledgements**

The Office of Child Advocate wishes to thank Governor Michael L. Parson 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*** ***County Review Policy***

Upon the office receiving three or more review requests within a calendar year, the office may begin a review of the county or if the office after review of independent cases identifies a pattern of concerns within the county, the office may begin a review of the county, to include:

1. Identifying the program line or entity in which the review will be conducted.
2. Identifying the specific concern, delivery of service method or functioning of the identified entity concerns including, but not limited to:
  - ◆ Practices involving visitation, relative placement, sibling separation, requests to cease reasonable efforts, no reasonable efforts provided.
  - ◆ Communication with co-investigation
  - ◆ Safety Planning
  - ◆ MDTs
  - ◆ Requests for Removal to JO
3. Notifying the Regional Director, Juvenile Officer, Circuit Manager, Judge of the Juvenile/ Family Court and Office of State Courts Administrator of the requests made and authority to review county within the circuit.
4. Request from Children's Division a random sampling of cases within the program line to be reviewed.
5. Interviewing of stakeholders (to include; Law Enforcement, Juvenile Office, Children's Division, CAC, CASA, GAL, parent attorneys, foster parents) to further identify the specific concern, delivery of services method or functioning of the team members. Requests may be made for additional documentation from stakeholders regarding delivery of services.
6. Request to set up a meeting to discuss concerns within the county and to mediate possible solutions to improve the delivery of services or function of the entity.
7. Issuance of letter with recommendations to address changes to the entity's policies or procedures, delivery of services, or functioning of the entity. Letter to be issued to Children's Division, Juvenile Officer and Office of State Courts Administration.
8. Coordination with Office of State Courts Administration to provide assistance and/or training with regard to the Family Court Improvement Project and/or to develop a plan for change for the county based on the review.

**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.



### **What is *Stewards of Children*?**

- *Stewards of Children* is the sexual abuse prevention curriculum being trained across Missouri by facilitators including Missouri KidsFirst and the Office of Child Advocate.
- A proactive answer to child sexual abuse prevention.
- A two hour facilitator led training program that incorporates a combination of survivor stories, expert advice, and practical guidance.
- An evidence-informed prevention solution that shows organization administrators, staff, and volunteers how to implement effective prevention policies, recognize the signs of sexual abuse in children, and react responsibly if abuse occurs.
- Preapproved for CEUs for social workers, nurses, early childhood educators and POST – Interpersonal Perspective for two hours

### **Why choose *Stewards of Children* for your organization?**

- *Stewards of Children* was developed to meet the needs of a variety of audiences including parents, child serving organizations, educators, and community members.
- Participants will receive workbooks they can take home at no cost with funding from the Children’s Trust Fund, Missouri Foundation for Health, and Office of Child Advocate.
- Organizations can host a training event for their staff, clients, and their community at no cost.
- The training is all inclusive - covering how to minimize opportunity for sexual abuse both from a parent’s perspective and an organization’s perspective; how to spot the signs of grooming and abuse; how to react to a disclosure; and *Stewards* is one of the few to raise awareness that children can hurt other children – an area that many parents and organizations fail to prevent.
- All participants will walk away from *Stewards of Children* with not only raised awareness but concrete action items they can implement at a personal and organizational level.

### **What Outcomes Can Be Expected After Training?**

- Increased awareness of the prevalence, consequences and circumstances of child sexual abuse.
- Participants will be able to identify what situations create the risk for abuse as well as identify grooming behaviors and techniques used by perpetrators.
- Practical strategies for protecting children from sexual abuse.
- How to intervene and react responsibly if warning signs appear or abuse is discovered.
- Proactive, positive change to organizational policies and procedures.
- Individual commitment to action via a personal prevention plan.

**To schedule a training please contact Kelly Schultz at 573-522-8686  
For more information visit: [d2l.org](http://d2l.org)**

# TASK FORCE ON CHILD SAFETY

REPORT TO THE DEPARTMENT OF  
SOCIAL SERVICES



SEPTEMBER 2019

## Members:

Kelly Schultz, Chair  
Office of Child Advocate

Clay Chism, Sheriff  
Callaway County

David Kurt, Director  
Children's Division

Erin Lueker, Child Abuse Resource Prosecutor  
Missouri Office of Prosecution Services

Lisa Mizell, President and CEO  
Child Protection Center

Bev Newman, Court Programs Manager  
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Kayla Ueligger, Supervisor  
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Caitlin Whaley, Director of Legislation  
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Marcia Hazelhorst, Executive Director  
Missouri Juvenile Justice Association

Honorable Stacey Lett, Juvenile Judge  
17<sup>th</sup> Judicial Circuit – Cass County

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# INTRODUCTION

The Missouri Department of Social Services, Children’s Division, is statutorily tasked with investigating and ensuring the safety of children in our state. As policy and practice have evolved over the past few years, concerns were identified within and between parts of the child welfare system. Particularly, stakeholders shared concerns about Children’s Division’s investigation process and whether children were being kept safe during that process. In response to those concerns, the Department of Social Services formed the Task Force for Child Safety to take a candid look at the investigation process and identify opportunities to strengthen practice and improve safety outcomes.

The Task Force was comprised of stakeholders representing law enforcement, prosecuting attorneys, juvenile officers, child advocacy centers, Office of State Courts Administrator, State Technical Assistance Team, Office of Child Advocate, and the Children’s Division. While the Task Force for Child Safety acknowledges that responsibility for keeping children safe does not fall solely to the Children’s Division, the primary charge of this group was to address concerns and recommendations related to Children’s Division practice; therefore, the predominant focus of this report addresses those policies and recommendations for which the Department of Social Services has enforcement authority. This report does contain recommendations that would involve contributions from stakeholders, however the Task Force recognizes those stakeholders do not fall under the auspices of the Department of Social Services.

The Task Force for Child Safety met six times over the course of three months. In addition to the meetings, interviews were conducted of Children’s Division employees from across the state representing frontline staff, supervisors, and upper level management. The Task Force identified three significant areas for improvement:

- Training
- Investigations and Multi-Disciplinary Teams
- Safety Plans

# TRAINING

## **IDENTIFIED AREAS OF CONCERN:**

Section 210.180, RSMo requires employees of Children's Division with responsibility for investigation or assessment of reports of suspected child abuse or neglect to receive at least 40 hours of preservice training on the identification and treatment of child abuse and neglect. In addition, employees are required to have at least 20 hours of in-service training annually. The Task Force found Children's Division was in compliance with the statute and workers were receiving substantially more training than required. However, significant concerns were identified related to oversight structure, timing and availability of specialized training, and the content of training.

Children's Division has had a decentralized training structure for approximately five years with a small Training and Professional Development Unit in their Central Office. Children's Division is currently divided into five regions, each managed by a Regional Director who is responsible for independently developing core and on-the-job training curriculum specific to their region. The lack of uniform curriculum between regions has led to inconsistencies in practice and application in field work. Tasking individual regions with creating their own curriculum also makes it more difficult to ensure new staff are starting their field work with the training required to be successful, to understand and work within the most current laws, and fulfill legal requirements for training under Chapter 210, RSMo. Considering the high turnover rate for frontline workers, these issues can very quickly be reflected in substandard outcomes for children. The ability of Children's Division to retain workers is impacted by failing to emphasize the most important topics in training. There are several topics that, while trained at one point or another, are not being covered as comprehensively or as timely as they should be given their direct impact on the investigative process.

The majority of the opportunities to improve training identified by the Task Force related to the training of Children's Division workers, however, there are some limited training recommendations regarding other multi-disciplinary team members.



## **RECOMMENDATIONS – GENERAL TRAINING:**

- 1. Standardized core curriculum for new hires with regional and local on-the-job training**
- 2. Centralized oversight and coordination of training efforts**
- 3. Enhanced curriculum on the following topics:**
  - a. Articulation of harm and safety concerns**
  - b. Documentation**
  - c. Critical thinking**
  - d. Interview skills**
  - e. Corroboration and scene investigations**
  - f. Identification of safety network individuals**
  - g. Taking photos**
  - h. Preliminary Child Welfare Proceedings**
  - i. Legal Status 3 (LS3) cases**
  - j. Juveniles with problem sexual behaviors**
- 4. New workers who have not completed training should not be assigned cases absent a critical staffing shortage:**
  - a. Children’s Division should establish a minimum number of hours of field training prior to the assignment of cases**
  - b. Children’s Division should develop regional teams to cover caseloads during critical staffing vacancies**
- 5. Training ladder for statutorily required training hours, clarifying a continuum of training requirements while allowing workers to select topics pertinent to their caseload**

## **RECOMMENDATIONS – LEGAL ASPECTS TRAINING:**

Understanding laws governing child welfare practice and how they relate to the work of CD is essential. Legal Aspects training is required within the first year of being hired; however, there are child welfare workers who are not receiving complete Legal Aspects training for more than a year after beginning field work. Lack of training in this specific area leads to problems with the quality of referrals made to the juvenile office and directly impacts the ability to establish a legally sufficient case for a child to be placed in alternative care. Data from the Office of State Court Administrator supports concerns regarding the number of referrals rejected due to legal insufficiency.

**The Task Force makes the following recommendations regarding Legal Aspects training:**

- 1. A team of full time attorneys should be formed to provide Legal Aspects training and be available to answer legal questions from Children’s Division field staff on a 24/7 basis**
- 2. Children’s Division workers should receive Legal Aspects training within the first six months of employment**
- 3. A standardized curriculum for initial Legal Aspects training should be utilized**
- 4. Legal Aspects curriculum should be enhanced in the following areas:**
  - a. Juvenile Officer referral form**
  - b. Legal sufficiency**
  - c. Courtroom skills and decorum**
  - d. Understanding criminal history**
- 5. After the first year, additional Legal Aspects training should address trends in concerns identified by legal training team, policy updates, statutory changes and court rulings**

## **RECOMMENDATIONS – MEDICAL FORENSICS TRAINING:**

Section 210.180, RSMo requires four hours annually of Medical Forensics training as approved by the SAFE-CARE network. Currently, there is no standard curriculum nor training ladder for ongoing training. Medical professionals and Children’s Division staff have expressed concerns regarding the availability of trainings, need for advanced training, and need for a variety of training options to prevent staff from being required to attend the same programs year after year.

**The Task Force recommends the following regarding Medical Forensics Training:**

- 1. A core curriculum should be developed for the first annual Medical Forensics Training**
  - a. Topics that should be addressed during the initial training should include**
    - i. Introduction to bruising/skin findings**
    - ii. Introduction to severe physical abuse**
    - iii. Introduction to sexual abuse**
    - iv. Introduction to neglect and medical child abuse**
    - v. Typical child development and growth**
    - vi. Which children should be referred for a medical forensic evaluation**
    - vii. SAFE-CARE network**
    - viii. Child Protector App**
- 2. An annual refresher course to review topics addressed in the initial training should be provided**
- 3. Advanced topics should be available for continued annual trainings**
  - a. Topics that should be available for advanced training include:**
    - i. Communicating with medical professionals/how to read a medical chart**
    - ii. Scene investigation**
    - iii. Sentinel injuries**
    - iv. Sexually transmitted infections**
    - v. Abusive head trauma**
    - vi. Failure to thrive**

## **RECOMMENDATIONS – SUPERVISOR TRAINING:**

Frontline investigators often thrive or fail to succeed based on the support and preparedness of their supervisor. The average tenure of a Children’s Division frontline supervisor is 10.32 years, with some having as few as 3.81 years of experience. Just as frontline staff struggle to succeed without the proper tools, so do supervisors. Many supervisors have not yet received clinical supervision training as it is not currently offered.

Supervisors should be consulting with their staff on every assigned case. While the Task Force did not conduct a full review, several members reported that 72-hour consults are not occurring in all circuits across the state.

Supervisors and circuit managers should also be communicating and collaborating regularly. This collaboration and communication could fulfill training requirements, help identify outliers in practice, and problem solve on trends or concerns being observed in multiple circuits.

**The Task Force recommends the following regarding supervisors and circuit managers:**

- 1. All supervisors should receive Clinical Supervision training**
- 2. All supervisors should receive initial Legal Aspects training and subsequent Legal Aspects training every two years:**
  - a. Subsequent trainings should serve as refresher courses as well as an update on new laws, case precedents, and trends of concerns from across the state**
- 3. All supervisors should receive training on juveniles with problem sexual behaviors**
- 4. Children’s Division should have an annual conference for circuit managers and supervisors**

## **RECOMMENDATIONS – MULTI-DISCIPLINARY TEAM MEMBERS**

### **TRAINING:**

The Task Force identified other members of the multi-disciplinary team who could also benefit from additional training. There has been an effort in recent years to increase knowledge and use of “Legal Status 3” designation for children as well as the use of Preliminary Child Welfare Proceedings for those cases where children are not in imminent danger. The legal burden in these situations is the same as what is required to remove the child, but using this method may reduce or eliminate the trauma associated with removing a child from their home. The Task Force has determined additional training for Children’s Division, judges, and juvenile officers on the topic of Legal Status 3 and Preliminary Child Welfare Proceedings would improve the utilization of both of these options.

Finally, the Task Force recommends that law enforcement participate in one hour of child welfare training annually. In 2018, there were 24,543 child abuse and neglect investigations in Missouri requiring Children’s Division ask law enforcement to co-investigate. Despite this, law enforcement officers are only required to have six hours of child abuse and neglect training as part of the Peace Officer Standards Training (POST) curriculum required for licensing. Increasing law enforcement’s understanding of child abuse and neglect will improve investigations and successful prosecutions of child abuse and neglect.

**The Task Force recommends the following regarding training for child welfare partners:**

- 1. Juvenile officer and judge trainings on Preliminary Child Welfare Proceedings and LS3**
  - a. Add Preliminary Child Welfare Proceedings and LS3 to bench cards**
  
- 2. Law Enforcement receive one hour of child welfare training annually**

# INVESTIGATIONS AND MULTI-DISCIPLINARY TEAMS

## **IDENTIFIED AREAS OF CONCERN:**

Children's Division investigations do not occur in isolation. The health of a multi-disciplinary team (MDT) directly impacts the success of an investigation and ultimately the safety of a child. Child abuse and neglect investigations are a collaborative effort that involve many partners. Those partners must communicate, share information, have role clarity, and collaborate to ensure successful investigations. Meeting regularly to discuss workflow, local data, and issues that arise, is essential to the health of the multi-disciplinary team and ultimately the health of the child welfare system.

In order for these conversations to be productive, it is critical that the data shared is accurate. The data currently collected by Children's Division identifying those situations where law enforcement declined a co-investigation does not accurately reflect declines when a statutorily required decline letter is not received. For example, FACES (Children's Division electronic data system) will indicate a decline letter was not received from law enforcement, but will not indicate that the reason a decline letter was not received was due to the fact law enforcement was co-investigating. This systems issue within FACES must be improved in order to have meaningful conversations regarding co-investigations.

## **RECOMMENDATIONS – MULTI-DISCIPLINARY TEAM MEMBERS:**

The task force recommends MDTs have a facilitated conversation annually regarding policies, practices, and statistics surrounding local MDT investigations.

- 1. This conversation should be facilitated by an individual who is not a member of the local MDT**
- 2. This conversation should take place outside of regular case reviews**
- 3. The following statistics should be shared:**
  - a. Children’s Division:**
    - i. Number and types of hotlines received**
    - ii. Number of substantiated /unsubstantiated reports**
    - iii. Number of children in care**
    - iv. Number of Alternative Care cases closed in 30 days**
    - v. Law enforcement co-investigations**
      - 1. Law Enforcement declined co-investigation**
      - 2. Law enforcement sent decline letter**
      - 3. Number of shared reports requested by Children’s Division**
  - b. Law Enforcement:**
    - i. Number of child case calls**
    - ii. Number of investigations involving child victims**
    - iii. Number of arrests**
    - iv. Number of shared reports requested by Law Enforcement**
  - c. Juvenile Office:**
    - i. Number of Juvenile Office referrals received**
    - ii. Referral sources**
    - iii. Referrals rejected due to insufficient evidence**
    - iv. Cases filed**
  - d. Child Advocacy Centers:**
    - i. Number of forensic interviews**
    - ii. Referral for forensic interview sources**
    - iii. Number of referrals rejected**
    - iv. Number of Children’s Division and law enforcement attended interviews**
    - v. Number of Law Enforcement and Children’s Division shared reports requested by CAC**
    - vi. Amount of time between the initial hotline call and referral to a CAC**
  - e. Prosecutors:**
    - i. Number of cases filed involving child victims**
    - ii. Number of cases declined involving child victims**
    - iii. Number of convictions involving child victims**
- 4. Staff turnover statistics within each agency should be reported**



## **RECOMMENDATIONS – LAW ENFORCEMENT AND CO-INVESTIGATIONS:**

The communication and collaboration between law enforcement and Children’s Division is crucial for a successful investigation. Differences in timeframes for investigations, timeframes in alleged perpetrator notification, authority of each agency, as well as the potential outcome of each agency’s investigation can place tension between the Children’s Division and law enforcement. Clarity of roles and responsibilities is critical for improving communication.

All calls from the Child Abuse Neglect Hotline coded as an investigation have the potential to result in criminal charges. When a call is coded as an investigation, facts and evidence must be collected to determine if a child has been abused or neglected. Criminal charges could result if the child is a victim of a crime as defined in Chapters 565, 566, 567, 568 or 573, RSMo.

Accordingly, Section 210.145, RSMo requires Children’s Division to contact immediately the appropriate law enforcement agency to request a co-investigation upon the receipt of any investigation. However, a concern heard from law enforcement agencies is that Children’s Division contacts them related to issues that do not rise to a law enforcement response. A combination of better screening at the Hotline Unit and clarity of communication could result in improved relations and stronger co-investigations.

The Task Force recommends a tiered system be developed to clearly communicate with law enforcement the nature of the hotline allegation. Tiers 1 – 4 all include a request for co-investigation from law enforcement.

**The Task Force recommends the following tiered law enforcement notification system be implemented for co-investigation requests:**

- 1. Tier 1 – URGENT**
  - a. May request law enforcement take emergency protective custody**
  - b. Active meth lab**
  - c. Serious injury**
  - d. Death of child**
  
- 2. Tier 2 – ALLEGATION MEETS DEFINITION OF POTENTIAL CRIMINAL CHARGE**
  - a. Reporter states alleged perpetrator has access to child**
  - b. Unknown if alleged perpetrator has access to child**
  - c. Reporter states child is currently suffering from a physical injury**
  
- 3. Tier 3 – ALLEGATION MEETS DEFINITION OF POTENTIAL CRIMINAL CHARGE**
  - a. Reporter states alleged perpetrator does not have access to child**
  
- 4. Tier 4 – ALLEGATION MEETS DEFINITION OF POTENTIAL CRIMINAL CHARGE**
  - a. Alleged perpetrator does not have access**
  - b. Incident took place over one year ago**
  
- 5. Tier 5 – REQUEST FOR ESCORT DUE TO SAFETY CONCERNS**

## **RECOMMENDATIONS - SAFE-CARE REFERRALS:**

There have been many concerns brought to the attention of the Task Force related to the SAFE-CARE statutory requirements. Concerns include a lack of SAFE-CARE providers in regions of the state, SAFE-CARE providers defaulting to requesting an exam versus a chart review, investigations being changed to an assessment to avoid SAFE-CARE requirements, and Children's Division not following statutory requirements to immediately make a referral to the Juvenile Officer. Multiple members of the Task Force from different regions of the state report that Children's Division is not making the required referral to the Juvenile Officer when a child three years or younger is diagnosed with child abuse by a SAFE-CARE provider. The Task Force recommends a thorough review of SAFE-CARE legislation by Children's Division, judicial partners, and medical child welfare partners. Additionally, concerns were expressed that frontline Children's Division staff were asked to make decisions regarding whether children over the age of three should receive medical forensic exams and this decision may fall outside their level of expertise.

**The task force makes the following recommendations regarding SAFE-CARE:**

- 1. Children's Division should conduct a thorough review of SAFE-CARE statute and policy with medical and judicial child welfare partners**
- 2. Children's Division should make a referral to SAFE-CARE provider for the evaluation of a child or medical records within 72 hours of receipt of investigation**
- 3. Children's Division should follow state statute requiring a referral be immediately submitted to the Juvenile Officer when a child three years and younger is diagnosed with child abuse by a SAFE-CARE provider**

## **RECOMMENDATIONS – SIGNS OF SAFETY:**

Creating strong MDT partnerships builds a foundation for investigations, but CD must also have the tools needed to assess the safety of every child. Since the implementation of the Signs of Safety Practice Model, two significant concerns have been identified:

1. Overall risk is not being fully considered
2. Workers are not able to effectively articulate risk and harm

The Signs of Safety Practice Model has certainly strengthened Children’s Division’s engagement of families, which helps create lasting safety and stability long after agency involvement has ended. However, mixed messaging related to keeping families together, working with denied child abuse (families that deny child abuse as described in Signs of Safety training), and diversions has resulted in confusion in the field by workers and stakeholders. Messaging from Children’s Division leadership must prioritize agency expectations to ensure the safety and well-being of children.

The articulation of risk and harm is critical to ensuring the safety of children. After researching other states using the Signs of Safety Practice Model, the Task Force believes Missouri’s Children’s Division is the only entity using the Signs of Safety Practice Model without additional risk assessment tools. Regions within states such as Texas, California, and Minnesota use Structured Decision Making (SDM) risk assessment tools in addition to their Signs of Safety Practice Model. The Task Force is aware of the efforts of the Partnership for Child Safety and Well-Being to create or identify a specific risk assessment tool to supplement the investigative tools used in Signs of Safety. The Task Force supports those efforts, however, until such time as a risk assessment tool is identified or created, the Task Force recommends re-integrating the Structured Decision Making risk assessment tool so supervisors and workers can assess risk and ensure child safety during the 72-hour supervisory consult that is required in every case. We encourage Children’s Division to develop policy surrounding the use of the SDM risk assessment tool to inform safety decision making and foster critical thinking.

**The Task Force makes the following recommendations regarding the current Missouri Model of Signs of Safety:**

1. **A risk assessment tool developed by the Partnership for Child Safety and Well-Being should be adopted for use throughout the child welfare process**
2. **Until a Missouri-specific tool is created, supervisors should use the Structured Decision Making risk assessment tool, form CD-14E (see attachment), during the 72-hour consult**

## **RECOMMENDATIONS – CHILDREN’S DIVISION STRUCTURE:**

Having the necessary structure within Children’s Division is important to support the investigative process. Currently, investigations fall under the “Prevention” program line within Children’s Division. Due to the critical nature of investigations, the Task Force recommends a specific program line be created to support investigations. This is consistent with the progressively larger role prevention will take in the next few years as Missouri begins implementing the requirements of the federal Families First Prevention and Services Act. Additionally, the Task Force recommends Children’s Division develop a more robust internal structure to respond to child fatalities and near fatalities. This group should look at these critical incidents from a systemic as well as internal perspective and provide recommendations to both internal and external stakeholders.

**The Task Force makes the following recommendations regarding the structure of Children’s Division:**

- 1. Investigations should be a program line**
- 2. Children’s Division should create a robust Critical Incident Team**

# SAFETY PLANNING

## IDENTIFIED AREAS OF CONCERN:

When Signs of Safety was implemented, multiple strategies were referred to as “safety planning” due to Missouri having a different definition of a safety plan than the new model. This has led to confusion in the field as well as confusion and frustration by stakeholders. Forms should be renamed to clearly articulate their purpose and when they should be used. Immediate Safety Intervention Plans (CD-263) should refer only to safety during an open investigation. Family Stability Plans (CD-267) should address the ongoing stability and well-being of a family.

Currently, there is no way to track statistics regarding how many safety plans have been issued, how many are currently open, how many diversions have been put in place, and how many children remain voluntarily placed outside of their homes, as there is no uniform place for workers to load or document those efforts. This lack of documentation and tracking has led to an unknown number of children remaining outside their home for an unknown period of time, lack of follow-up to ensure a safety plan is being followed, and children being safety planned outside their county of residence without notification to the county where the children have been temporarily placed. All safety and long-term family stability plans should be entered into the contacts section of FACES and documents uploaded to OnBase (Children’s Division document imaging system). FACES should be updated to track open safety plans and diversions.

The Task Force recommends eliminating the use of diversion except in urgent circumstances. Safety plans without court involvement are voluntary and therefore must be time limited in nature and monitored to ensure the safety of children. Diversions – voluntarily placing children outside of a home for an indefinite period of time – do not leave children legally protected. Even though children may be voluntarily placed with a relative to keep them free from imminent danger, the relative cannot withhold the children from the parent, making it difficult to ensure safety. The relative also does not have the ability to meet the children’s educational or medical needs. Additionally, there are often no services provided to the family to address the concerns that led to the recommendation that the children be voluntarily placed outside of the home. Children’s Division should refer all cases using diversion placements to the Juvenile Officer. Children’s Division may further consider requesting the Juvenile Officer utilize a Preliminary Child Welfare Proceeding rather than asking for an Order of Protective Custody.

## **RECOMMENDATIONS – SAFETY PLANNING TOOLS:**

The Task Force makes the following recommendations regarding current safety planning tools:

- 1. Immediate Safety Intervention Plan CD-263 (see attachment)**
  - a. Safety during the investigation/assessment**
  - b. Only for 10 days then must review and renew**
  - c. Investigations, assessments, and service cases cannot be closed with a 263 open**
  - d. When a 263 is open, the form should include a name and phone number for the specific person to call and a plan of action if the safety plan is violated**
  - e. When child is highly vulnerable (i.e. under the age of five or has medical or developmental needs) Children’s Division should monitor the family with announced and unannounced visits to ensure safety plan is being followed**
  - f. There has been a culture shift to focus on the second and third columns of the 263 (focusing on what is working well and how to prevent future worries). Primary focus must be on the first column (describing past harm and future dangers) in order to complete an investigation/assessment. By thoroughly completing the first column, the second and third columns will be stronger, more accurate, and more meaningful for the family.**
  
- 2. Family Stability Plan CD-267 (see attachment)**
  - a. An exit strategy should be developed with the family at the end of any investigation/assessment/alternative care/intensive in-home services/family centered services/family reunification services**
  - b. Long-term safety, stability and well-being for the family shall be emphasized**
  
- 3. Eliminate Diversions**
  - a. Diversion of children outside the family home without legal custody only in exigent circumstances**
  - b. Referral to the Juvenile Officer**
  - c. Consider requesting LS1 or LS3**
  - d. Any diversion requires a Master’s in Social Work (MSW) consult or Team Decision Making (TDM)**
  
- 4. Create a way in FACES to track open 263 and Diversions**
  
- 5. 263, 267, and Diversion must be entered in contacts narrative and uploaded to OnBase**

# CONCLUSION

The Task Force recognizes the extraordinary dedication and daily work of the Children's Division staff and partners in child welfare. Child welfare professionals make critical decisions to ensure the safety and well-being of Missouri's children and families. In addition, we recognize the challenges of implementing new models of child welfare. We believe these recommendations will strengthen Children's Division's current practice, strengthen relationships among child welfare partners, and ultimately better ensure the safety of children in Missouri.



MISSOURI DEPARTMENT OF SOCIAL SERVICES  
 CHILDREN'S DIVISION  
 FAMILY RISK ASSESSMENT

Case Name: \_\_\_\_\_

**Note: IF RISK ASSESSMENT HAS BEEN DONE PRIOR TO THIS OPENING DO NOT COMPLETE THIS SECTION. A C 3-18E, Risk Reassessment should be completed every 90 days from the date of the initial risk assessment. Reassessment should be completed sooner if there are new circumstances or new information that would affect risk. (See C 3-18E Formic Manual Instructions for completion.)**

NEGLECT		Score	ABUSE		Score
N1. Current Report is for Neglect	a. <input type="checkbox"/> No b. <input type="checkbox"/> Yes	0 1	A1. Current Report is for abuse	a. <input type="checkbox"/> No b. <input type="checkbox"/> Yes	0 1
N2. Prior Investigations/Assessments (assign highest score that applies)	a. <input type="checkbox"/> None b. <input type="checkbox"/> One or more, <u>abuse</u> only c. <input type="checkbox"/> One or two for <u>neglect</u> d. <input type="checkbox"/> Three or more for <u>neglect</u>	0 1 2 3	A2. Number of Prior Abuse Investigations/Assessments (#0)	a. <input type="checkbox"/> None b. <input type="checkbox"/> One c. <input type="checkbox"/> Two or more	0 1 2
N3. Household has Previously Services as the Result of a CAIN Investigation/Assessment	a. <input type="checkbox"/> No b. <input type="checkbox"/> Yes	0 1	A3. Household has previously received Services as a Result of a CAIN Investigation/Assessment	a. <input type="checkbox"/> No b. <input type="checkbox"/> Yes	0 1
N4. Number of Children Involved in the CAIN Incident	a. <input type="checkbox"/> One, Two or three b. <input type="checkbox"/> Four or more	0 1	A4. Prior Injury to a Child Resulting from CAIN	a. <input type="checkbox"/> No b. <input type="checkbox"/> Yes	0 1
N5. Age of Youngest Child in the Household	a. <input type="checkbox"/> Two or older b. <input type="checkbox"/> Under Two	0 1	A5. Primary Caretaker's Assessment of Incident (Check applicable items & add score)	a. <input type="checkbox"/> Not Applicable b. <input type="checkbox"/> Blames child c. <input type="checkbox"/> Justifies maltreatment of a child	0 1 2
N6. Primary Caretaker Provides Physical Care Inconsistent with Child Needs	a. <input type="checkbox"/> No b. <input type="checkbox"/> Yes	0 1	A6. Domestic Violence Two or more incidents in the Household in the Past Year	a. <input type="checkbox"/> No b. <input type="checkbox"/> Yes	0 2
N7. Primary Caretaker has a Past of Current Mental Health Problem	a. <input type="checkbox"/> No b. <input type="checkbox"/> Yes	0 1	A7. Primary Caretaker Characteristics (Check applicable items and add for score)	a. <input type="checkbox"/> Not Applicable b. <input type="checkbox"/> Provides insufficient emotional/psychological Support c. <input type="checkbox"/> Employs excessive/ inappropriate discipline d. <input type="checkbox"/> Domineering parent	0 1 1 1
N8. Primary Caretaker has a Historic or Current Alcohol or Drug Problem that interferes with his/her/family functioning (check applicable items and add for score)	a. <input type="checkbox"/> Not applicable b. <input type="checkbox"/> Alcohol (current or historic) c. <input type="checkbox"/> Drug (current or historic)	0 1 1	A8. Primary Caretaker has a History of Abuse or Neglect as a Child	a. <input type="checkbox"/> No b. <input type="checkbox"/> Yes	0 1
N9. Characteristics of Children in the Household (Check applicable items and add for score)	a. <input type="checkbox"/> Not Applicable b. <input type="checkbox"/> Medically fragile/failure to thrive c. <input type="checkbox"/> Developmental or physical disability d. <input type="checkbox"/> Positive Toxicology screen at birth	0 1 1 1	A9. Secondary Caretaker has Historic or Current Alcohol or Drug Problem that interferes with his/her/family's functioning	a. <input type="checkbox"/> No b. <input type="checkbox"/> Yes, Alcohol and/or drug (check all applicable) <input type="checkbox"/> Alcohol <input type="checkbox"/> Drug	0 1
N10. Housing (Check Applicable Items and add for score)	a. <input type="checkbox"/> Not Applicable b. <input type="checkbox"/> Current housing is physically unsafe c. <input type="checkbox"/> Homeless at time of investigation	0 1 2	A10. Characteristics of Children in Household (check applicable items and add for score)	a. <input type="checkbox"/> Not Applicable b. <input type="checkbox"/> Delinquency history c. <input type="checkbox"/> Developmental disability d. <input type="checkbox"/> Mental Health/behavioral	0 1 1 1
<b>Neglect score</b>		<b>?</b>	<b>Abuse Score</b>		<b>?</b>
<b>INITIAL RISK LEVEL:</b>			<b>Neglect Score</b>	<b>Abuse Score</b>	<b>Scored Risk Level</b>
Assign scored risk level based on the highest score on either index, using the following chart:			0-1 2-4 5-8 9+	0-1 2-4 5-8 9+	<input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High <input type="checkbox"/> Very High
<b>POLICY OVERRIDE:</b> If any condition is applicable, override final risk level to <u>very high</u>					
<input type="checkbox"/> 1. Sexual abuse case AND the perpetrator is likely to have access to the child victim. <input type="checkbox"/> 2. Non-accidental injury to a child under age two years. <input type="checkbox"/> 3. Severe non-accidental injury. <input type="checkbox"/> 4. Parent/caretaker action or inaction resulted in death of a child due to abuse or neglect (previous or current).					
<b>DISCRETIONARY OVERRIDE:</b> Specify reason – increase risk one level.			<b>SUPERVISOR'S INITIALS:</b> _____		
5. _____					
<b>FINAL RISK LEVEL (after overrides):</b> <input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High <input type="checkbox"/> Very High					
<b>CASE STATUS:</b>		Reason Codes: 01 – final risk level supports open/close decision 02 – court ordered 03 – other _____			
<input type="checkbox"/> 1. Case will not be opened – reason code _____ <input type="checkbox"/> 2. Case will be opened – reason code _____					
<b>Worker:</b> _____	<b>Date:</b> _____	<b>Supervisor:</b> _____	<b>Date:</b> _____		





**MISSOURI DEPARTMENT OF SOCIAL SERVICES**  
**CHILDREN'S DIVISION**  
**Immediate Safety Intervention Plan**

Date: \_\_\_\_\_  
 Case/Incident Number: \_\_\_\_\_

When we think about the situation this family is facing:		
<p><b>We are concerned about</b>          (Describe Past Harm and/ or Future Danger )</p>	<p><b>What's working well?</b></p> <p>These are our Safety &amp; Support People          (Name and Phone Number )</p>	<p><b>To prevent worries from happening, we will:</b></p> <p>If the worries DO start, we will respond by:</p> <p><b>Monitoring/Timeframes:</b></p>

**We understand and have helped develop this Immediate Safety Intervention Plan**

Family Member \_\_\_\_\_ Date \_\_\_\_\_ Family Member \_\_\_\_\_ Date \_\_\_\_\_

Other Support (Specify Relationship) \_\_\_\_\_ Date \_\_\_\_\_ Worker \_\_\_\_\_ Date \_\_\_\_\_ Supervisor \_\_\_\_\_ Date \_\_\_\_\_



MISSOURI DEPARTMENT OF SOCIAL SERVICES  
 CHILDREN'S DIVISION  
 Family Safety Planning Document

**Case Name:**

**Danger Statement:**

**Safety Goal:**

**Signs things are going well (related to the worry):**

**Triggers:**

**Preventative Plan:**

**Red Flags/ Warning Signs:**

**Response Plan Rules:**

**Safety Network Contact Information:**

<i>Name/Relationship:</i>	<i>Phone Number:</i>	<i>Household &amp; Email Address:</i>	<i>Role</i>

We understand and have helped develop this Family Safety Plan.

_____	_____	_____	_____
Family Member	Date	Family Member	Date
_____	_____	_____	_____
Family Member	Date	Family Member	Date
_____	_____	_____	_____
Children's Service Worker	Date	Children's Service Supervisor	Date

CD-267 (REV 09/18)