



CENTER FOR THE RIGHTS
OF ABUSED CHILDREN

Dear Colleague:

We are driven to ensure the safety of the tens of thousands of children who go missing from foster care every year. The Center successfully passed state legislation requiring child welfare agencies to actively and continually search for children missing from their care until they are found.

We are encouraged by your desire to help missing foster children in your state. To assist you in improving your state's efforts to find children missing from care, we assembled this toolkit.

The toolkit includes:

1. Overview of the Issue
2. Legislation
 - A. Arizona Sex Crime Education and Prevention (AZ SB1660, 2021)
 - B. Photograph Identification Cards and Mandatory Search (MO SB186, 2023)
 - C. Media Notification (AZ HB2651, 2023)
3. One-Pager for Policymakers
4. Sample Oral and Written Legislative Testimony
5. Sample Letter to the Governor to Sign Legislation
6. Sample Media Campaign Material
 - A. Opinion Editorials
 - B. Press Releases
 - C. Social Media Posts

We are passionate about this issue, and we want to you to succeed. Good luck, and please feel free to contact the Center at hello@thecenterforchildren.org or 602-710-1135.

Warmly,

A handwritten signature in black ink that reads "Kendall Seal".

Kendall Seal
VP of Policy



OVERVIEW

INTRODUCTION

Missing children in care represent the proverbial children that, “fall through the cracks of the system.” When a child goes missing from foster care, too often there is no report to law enforcement. Caregivers and parents are often left out of the communication and notification process. Few people, if anyone, are calling friends and family, knocking on doors, and relentlessly holding governmental agencies accountable for the safe return of the missing child.

Without adequate care and protection, many of society’s most vulnerable children face a heightened risk of human trafficking, exposure to drugs and alcohol, and homelessness. State policymakers can take action to improve the search and recovery of children who go missing from care. These initial actions include issuing every child in care a updated photo identification at no charge, providing appropriate prevention education and training, and establishing minimum requirements for mandatory and ongoing searches.

BACKGROUND

In 2022, the National Center for Missing and Exploited Children (NCMEC) worked more than 21,400 cases of children who went missing from care.¹ Often, children who go missing from care have a history of going missing, drug use, or mental illness.² And when these children go missing, they are vulnerable to numerous threats – including falling victim to human traffickers. In fact, 18% of children who go missing from foster care end up victims of human trafficking.³ Additionally, research shows that 70% of child victims of human trafficking were first victimized while missing from foster care.⁴

Federal law contains provisions protecting victims of trafficking. For example, these include the Trafficking Victims Protection Act of 2000 and its various reauthorizations, the Violence Against Women Act and its subsequent reauthorizations, the Justice for Victims of Trafficking Act of 2015, numerous criminal statutes, and various victim protections.⁵ Additionally, “all 50 State agencies said that they had implemented policies and procedures regarding measures to report and locate missing children,” the federal Office of Inspector General (OIG) found numerous deficiencies in state policies.⁶

Deficiencies identified by OIG included:

- “limitations in State agencies’ data systems,
- “lack of oversight to ensure timeliness when reporting missing children, and
- “issues involving the collaboration and exchange of information with Federal agencies and law enforcement.”⁷



Other OIG audits found that state agencies failed to consistently comply with federal law requiring them to report children missing from care to NCMEC,⁸ and state child welfare agencies consistently failed to report children missing from foster care to law enforcement in a timely manner.⁹ Specifically, OIG estimated that more than 51,000¹⁰ children were not properly reported to NCMEC, and around 14,000 children were either never reported or not reported promptly to law enforcement.

Given the heightened risks foster youth face (and far too many experience), states must do more to protect these uniquely vulnerable children. This is why the Center has spearheaded advocacy efforts to codify several pieces of legislation to improve search and recovery efforts across the country.

GETTING RESULTS – SOLUTIONS THAT SAVE LIVES

The Center pursued and continues to advocate for laws that ensure states report and search for children who go missing from care. Our reforms are designed to provide child welfare agencies, law enforcement agencies, and service providers with tools, policies, and practices to bring children safely home.¹¹

Prevention Education

Education is one of the keys to preventing children from going missing from care and executing a rapid response when they do go missing. This means training child welfare agencies, case workers, law enforcement officers, and children.

Preventing children from running from care is critical to mitigating the associated risks of children going missing. This is accomplished by requiring states to establish age- and developmentally appropriate educational materials and resources that cover topics ranging from sexual abuse and human trafficking and exploitation. Such materials should define sexual abuse in a way that helps children identify inappropriate conduct, include information about the dangers of online and in-person predators, and include information on how and when to report abuse. The materials should also include contact information for twenty-four-hour assistance and the contact information for trusted individuals involved in a child's case who can assist the child.

In addition to child education, state child welfare agencies should train employees and contractors to execute effective searches. This encompasses compliance with timelines, who to notify, where and how to file reports, and what constitutes an adequate search.

Photo Identification

One of the most critical tools in the search for children missing from care is an updated photograph. While most families take current photos for granted, many children in care do not have a recent photograph.

States can change this by establishing laws requiring child welfare agencies to provide every child entering care with a state-issued photo ID at no cost to the child. This simple change can profoundly impact the lives of children who go missing from care by allowing the child's photograph to be shared across all law enforcement databases within seconds.



Mandatory Reporting and Searches

Too often, children who go missing from care are not reported to appropriate authorities or to NCMEC. Without families to lead the search, missing and abducted foster children rely on other entities, such as NCMEC, for search and rescue. However, empowered organizations like NCMEC are often hindered by a failure to report missing children or refusing to provide additional information about a child's case that could better target the search.

States can improve the search and rescue of children who go missing from care by complying with current federal law, codifying provisions for timely reports, and clearly defining in state law the minimum search procedures.

Essential elements should include:

1. Requiring the applicable case manager, placement provider, or child welfare agency immediately notify the law enforcement agency and the NCMEC. The law should have a strict timeline to define "immediate" reporting. For example, the law could require filing a missing child report no later than two hours from the time the child was discovered missing;
2. Requiring the case manager to document the report number or some other means of identifying the missing person report and any additional relevant information in the child's record;
3. Requiring the child welfare agency to ensure the child's attorney, parents, caregivers, and other responsible parties receive notice of the child's disappearance;
4. Requiring the child welfare agency to gather information about the child's disappearance. The agency should actively obtain information from the child's parents, known relatives, out-of-home caregivers, attorney, guardian, guardian ad litem, court-appointed special advocate, juvenile officer, Indian tribe (if applicable), school personnel, service providers, and any other person known to the agency who might have relevant information regarding the child's disappearance;
5. Requiring the case manager or designated personnel to maintain contact with individuals in the child's case, documenting ongoing efforts to locate the child, and maintaining constant contact with law enforcement about the child, including periodic reports filed in juvenile court;
6. Requiring the child welfare agency to maintain weekly contact with the investigating law enforcement agency and document any new information provided or received;
7. Requiring child welfare agencies to maintain protocols, including appropriate training, for conducting ongoing searches for children missing from care. Such protocols should include preventative measures to identify and mitigate risk to children who are at increased risk of running away or disappearing or being victims of trafficking;
8. Ensuring the law permits child welfare agencies to share additional information from their case records with NCMEC,¹² and on various digital media. This may require statutorily addressing privacy laws and permissible exceptions that recognize recovering children missing from state care as a legitimate state purpose for disclosing information about the child pursuant to 42 U.S.C.A. § 5106a (b)(2)(B)(viii)(VI).



9. Upon locating the child, mandate the child welfare agency meet in-person with the child within 24 hours to assess the child's health, experiences while absent, the appropriateness of the child returning to the current placement, and the factors that contributed to the child's absence;
10. Requiring law enforcement agencies, upon receiving a report of a child missing from care, to:
 - a) Within two hours of receiving the report and all necessary and available information, submit the following information to the state crime information center, the National Crime Information Center (NCIC) computer networks, and the National Missing and Unidentified Persons System:
 - i. the child's name, date of birth, sex, race, height, weight, eye and hair color,
 - ii. a recent photograph, and
 - iii. the last known location of the child;
 - b) within 30 days of the original entry of the record, verify and update the record with any additional information;
 - c) institute or assist with appropriate search and investigative procedures;
 - d) maintain a close liaison with state and local child welfare agencies and other organizations;
 - e) grant permission to the NCIC terminal contractor to update the missing child record in the NCIC computer networks with additional information; and
11. Prohibiting an entry from being removed from any database or system until the child is found or the case is closed.

Media Notification

When a child goes missing, typically, parents are anxiously engaged in the search and recovery effort. They are in constant contact with the police. Parents utilize media, including social media. When a child is in care, that state child welfare system must assume this role and level of engagement. The child welfare agency must execute a thorough search for a child missing from its care.

States can improve the ability of child welfare agencies to use modern technology and social networking systems to search for a missing child. This can be accomplished by requiring the child welfare agency to work with local law enforcement to provide media outlets with relevant information and to post pertinent information on social media platforms. Any confidentiality provisions in state law should be clarified to ensure that the search and recovery of children missing from care is a legitimate state purpose for sharing information about a child in care pursuant to 42 U.S.C.A. § 5106a (b)(2)(B)(viii)(VI).



Information that could be released via various media could include the child’s physical description, the last known location, a description of the clothing the child was last known to be wearing, a description of any vehicle that may be involved with the child’s disappearance, current photographs, law enforcement telephone number, and any rewards being offered. If it is known, similar information can be provided about an alleged abductor’s identity or transportation.

CONCLUSION

When a child goes missing from care, every minute counts. As time passes, the risks of tragic impacts and outcomes for children missing from care increases. Time is of the essence, and the system’s response must be effective and swift. The Center worked on several pieces of legislation that improved mandatory search efforts. This toolkit highlights some of the successful reforms. These reforms include ensuring every child in foster care has a recent photograph on file, appropriate education, and mandated reporting and notification for children missing from care. The Center stands willing and able to help adapt these policies to your state, and we look forward to more children being found and never going missing in the first place.

¹ Nat’l Ctr. for Missing & Exploited Children, *Our Impact* (2022), <https://www.missingkids.org/ourwork/impact> (last visited Nov. 9, 2023).

² Nat’l Ctr. for Missing & Exploited Children, *Analysis of Children Missing From Care Reported to NCMEC 2013-2022 2* (2023), <https://www.missingkids.org/content/dam/missingkids/pdfs/analysis-of-children-missing-from-care-reported-to-ncmec-2013-2022.pdf> (last visited Nov. 9, 2023).

³ Nat’l Ctr. for Missing & Exploited Children, *supra* note 1.

⁴ U.S. Dep’t of Health and Hum. Serv., Admin. for Children and Families, *Responding to Human Trafficking among Children and Youth in Foster Care and Missing from Foster Care 3* (Dec. 1, 2022), <https://www.acf.hhs.gov/sites/default/files/documents//ACF-IM-on-Youth-Missing-from-Foster-Care-and-Trafficking.pdf> (last visited Nov. 9, 2023).

⁵ U.S. Dep’t of Homeland Sec., *Human Trafficking Laws & Regulations*, <https://www.dhs.gov/human-trafficking-laws-regulations> (last Updated Nov. 9, 2022).

⁶ U.S. Dep’t of Health and Hum. Serv., Off. of Inspector Gen., Rep. No. A-07-20-06095, *Nat’l Snapshot of State Agency Approaches to Reporting and Locating Children Missing From Foster Care: Rep. in Brief* (May 2022), <https://oig.hhs.gov/oas/reports/region7/72006095RIB.pdf> (last visited Nov. 9, 2023).

⁷ *Id.*

⁸ U.S. Dep’t of Health and Hum. Serv., Off. of Inspector Gen., Rep. No. A-07-21-06102, *State Agencies Did Not Always Ensure That Children Missing From Foster Care Were Reported to the National Center for Missing and Exploited Children in Accordance With Federal Requirements*, (March 2023) <https://oig.hhs.gov/oas/reports/region7/72106102RIB.pdf> (last visited Nov. 9, 2023).

⁹ U.S. Dep’t of Health and Hum. Serv., Off. of Inspector Gen., Rep. No. A-07-21-06104, *State Agencies Can Improve Their Reporting of Children Missing From Foster Care to Law Enforcement for Entry Into the Nat’l Crime Info. Center Database as Required by Fed. Statute: Rep. in Brief* (May 2023) <https://oig.hhs.gov/oas/reports/region7/72106104RIB.pdf> (last visited Nov. 9, 2023).

¹⁰ U.S. Dep’t of Health and Hum. Serv., *supra* note 6.

¹¹ Darcy Olsen and Rebecca Masterson, *Disappearing and Dying* (January 2021), 3, https://www.thecenterforchildren.org/wp-content/uploads/2021/01/Disappearing-and-Dying_TheCenter.pdf.

¹² Trafficking Victims Prevention and Protection Reauthorization Act of 2022, Pub. L. No. 117-348, §137, 136 STAT. 6211, 6223 (2023).

House Engrossed Senate Bill

crimes against children; dependencies; omnibus

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 435

SENATE BILL 1660

AN ACT

AMENDING SECTIONS 8-202, 8-514, 12-283, 13-107 AND 13-1401, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 38, ARTICLE 30, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-4254; AMENDING SECTION 15-203, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-245; RELATING TO CRIMES AGAINST CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-202, Arizona Revised Statutes, is amended to
3 read:

4 8-202. Jurisdiction of juvenile court

5 A. The juvenile court has original jurisdiction over all
6 delinquency proceedings brought under the authority of this title.

7 B. The juvenile court has exclusive original jurisdiction over all
8 proceedings brought under the authority of this title except for
9 delinquency proceedings.

10 C. The juvenile court may consolidate any matter, except that the
11 juvenile court shall not consolidate any of the following:

12 1. A criminal proceeding that is filed in another division of
13 superior court and that involves a child who is subject to the
14 jurisdiction of the juvenile court.

15 2. A delinquency proceeding with any other proceeding that does not
16 involve delinquency, unless the juvenile delinquency adjudication
17 proceeding is not heard at the same time or in the same hearing as a
18 nondelinquency proceeding.

19 D. The juvenile court has jurisdiction of proceedings to:

20 1. Obtain judicial consent to the marriage, employment or
21 enlistment in the armed services of a child, if consent is required by
22 law.

23 2. In an action in which parental rights are terminated pursuant to
24 chapter 4, article 5 or 11 of this title, change the name of a minor child
25 who is the subject of the action. If the minor child who is the subject
26 of the action is twelve years of age or older, the court shall consider
27 the wishes of the child with respect to the name change.

28 E. The juvenile court has jurisdiction over both civil traffic
29 violations and offenses listed in section 8-323, subsection B that are
30 committed within the county by persons who are under eighteen years of age
31 unless the presiding judge of the county declines jurisdiction of these
32 cases. The presiding judge of the county may decline jurisdiction of
33 civil traffic violations committed within the county by juveniles if the
34 presiding judge finds that the declination would promote the more
35 efficient use of limited judicial and law enforcement resources located
36 within the county. If the presiding judge declines jurisdiction, juvenile
37 civil traffic violations shall be processed, heard and disposed of in the
38 same manner and with the same penalties as adult civil traffic violations.

39 F. The orders of the juvenile court under the authority of this
40 chapter or chapter 3 or 4 of this title take precedence over any order of
41 any other court of this state ~~except the court of appeals and the supreme~~
42 ~~court to the extent that they are inconsistent with orders of other~~
43 ~~courts.~~ EXCEPT FOR THE FOLLOWING:

44 1. AN ORDER ENTERED IN THE CRIMINAL COURT CONCERNING AN ONGOING
45 CASE THAT GOVERNS A CRIMINAL DEFENDANT'S ABILITY TO CONTACT THE VICTIM,

1 THE FAMILY OF THE VICTIM OR OTHER MINOR CHILDREN IF THE CRIMINAL COURT
2 MAKES A FINDING THAT CONTACT WITH OTHER MINOR CHILDREN WOULD POSE A RISK
3 OF HARM TO THOSE CHILDREN.

4 2. AN ORDER BY THE COURT OF APPEALS AND THE SUPREME COURT TO THE
5 EXTENT THEY ARE INCONSISTENT WITH ORDERS OF OTHER COURTS.

6 G. Except as provided in subsection H of this section, jurisdiction
7 of a child that is obtained by the juvenile court in a proceeding under
8 this chapter or chapter 3 or 4 of this title shall be retained by it, for
9 the purposes of implementing the orders made and filed in that proceeding,
10 until the child becomes eighteen years of age, unless terminated by order
11 of the court before the child's eighteenth birthday.

12 H. If the state files a notice of intent to retain jurisdiction
13 when proceedings are commenced pursuant to section 8-301, paragraph 1 or
14 2, the court shall retain jurisdiction over a juvenile who is at least
15 seventeen years of age and who has been adjudicated a delinquent juvenile
16 until the juvenile reaches nineteen years of age, unless before the
17 juvenile's nineteenth birthday either:

18 1. Jurisdiction is terminated by order of the court.

19 2. The juvenile is discharged from the jurisdiction of the
20 department of juvenile corrections pursuant to section 41-2820.

21 I. Persons who are under eighteen years of age shall be prosecuted
22 in the same manner as adults if either:

23 1. The juvenile court transfers jurisdiction pursuant to section
24 8-327.

25 2. The juvenile is charged as an adult with an offense listed in
26 section 13-501.

27 J. The juvenile court shall retain jurisdiction after a juvenile's
28 eighteenth birthday for the purpose of designating an undesignated felony
29 offense as a misdemeanor or felony, including after an adjudication is set
30 aside pursuant to section 8-348.

31 K. The juvenile court has jurisdiction to make the initial
32 determination prescribed in section 8-829 whether the voluntary
33 participation of a qualified young adult in an extended foster care
34 program pursuant to section 8-521.02 is in the young adult's best
35 interests.

36 Sec. 2. Section 8-514, Arizona Revised Statutes, is amended to
37 read:

38 8-514. Placement in foster homes

39 A. Subject to the provisions of section 8-514.01, the division or a
40 licensed child welfare agency if so authorized in its license may place a
41 child in a licensed foster home for care or for adoption. Notwithstanding
42 any law to the contrary, the division or a licensed child welfare agency
43 may place a child in excess of the number of children allowed and
44 identified in a foster parent's license if the division or agency
45 reasonably believes the foster home has the ability to safely handle

1 additional children, there are no outstanding concerns, deficiencies,
2 reports or investigations known by the division regarding the foster home,
3 and the child meets any of the following criteria:

4 1. The child is part of a sibling group that currently resides in
5 the foster home.

6 2. The child is part of a sibling group that is being considered
7 for placement in a foster home but because of the maximum child limit
8 would otherwise have to be separated.

9 3. The child previously resided in the foster home.

10 4. The child is a kinship placement for the foster home.

11 B. The department shall place a child in the least restrictive type
12 of placement available, consistent with the best interests of the child.
13 The order for placement preference is as follows:

14 1. With a parent.

15 2. With a grandparent.

16 3. In kinship care with another member of the child's extended
17 family, including a person who has a significant relationship with the
18 child. A foster parent or kinship caregiver with whom a child under three
19 years of age has resided for nine months or more is presumed to be a
20 person who has a significant relationship with the child.

21 4. In licensed family foster care.

22 5. In therapeutic foster care.

23 6. In a group home.

24 7. In a residential treatment facility.

25 C. Notwithstanding subsection B of this section, the order for
26 placement preference of a Native American child is as follows:

27 1. With a member of the child's extended family.

28 2. In a licensed family foster home approved or specified by the
29 child's tribe.

30 3. In an Indian foster home licensed or approved by an authorized
31 non-Indian licensing authority.

32 4. In an institution approved by the Indian tribe or operated by an
33 Indian organization that has a program suitable to meet the Indian child's
34 needs pursuant to 25 United States Code chapter 21.

35 D. At the time of placement there shall be presented to the foster
36 parents, by the agency or division placing the child, a written summary of
37 known, unprivileged information regarding the child, including the
38 following:

39 1. Demographic information.

40 2. Type of custody and previous placement.

41 3. Pertinent family information including but not limited to the
42 names of family members who, by court order, may not visit the child.

43 4. Known or available medical history including but not limited to:

44 (a) Allergies.

45 (b) Immunizations.

1 (c) Childhood diseases.

2 (d) Physical disabilities.

3 (e) Other idiosyncrasies.

4 (f) The child's last doctor, if known.

5 5. A summary of the child's history of adjudication on acts of
6 delinquency, as may be public record and available in the file of the
7 clerk of the superior court.

8 E. The responsibility of the agency or the division for a child
9 placed in a foster home shall be defined in writing and accepted by the
10 person receiving the child. The agency or division shall make available
11 to the foster parents a method of acquiring emergency information that may
12 be necessary to deal with situations that may arise pursuant to their
13 responsibilities as foster parents.

14 F. Every foster home shall maintain a record of the children
15 received, which shall include facts in regard to the children and their
16 care and shall be in the form and kept in the manner prescribed by the
17 division.

18 G. In addition to any other relevant factors, the department shall
19 consider the following in determining whether a placement is in the best
20 interests of the child:

21 1. The caregiver is interested in providing permanence for the
22 child if reunification efforts ultimately fail.

23 2. The expressed wishes of the birth parent and child, if
24 applicable, unless the wishes are contrary to law.

25 3. The relationship of the caregiver with the child and the child's
26 family.

27 4. The proximity of the placement home to the parents' home and the
28 child's current school or school district.

29 5. The strengths and parenting style of the caregiver in relation
30 to the child's behavior and needs.

31 6. The caregiver's willingness to communicate and interact with the
32 birth family to support visitation and the reunification process.

33 7. The caregiver's ability and willingness to accept placement of
34 the child and all or any of the child's siblings.

35 8. If any sibling will be placed separately, the caregiver's
36 ability and willingness to provide or assist in maintaining frequent
37 visitation or other ongoing contact between the child and the child's
38 sibling.

39 9. The child's fit with the family with regard to age, gender and
40 sibling relationships.

41 10. If the child has chronic behavioral health needs:

42 (a) Whether the child's behavior will place other children in the
43 home at risk.

44 (b) The caregiver's ability to provide the necessary level of
45 supervision to prevent harm to the child or others by the child.

1 11. Whether placement in the home would comply with the placement
2 preferences prescribed by 25 United States Code section 1915, if
3 applicable.

4 H. WITHIN THIRTY DAYS AFTER A DEPENDENT CHILD WHO IS AT LEAST EIGHT
5 YEARS OF AGE IS PLACED IN OUT-OF-HOME CARE, UNLESS OTHERWISE RECOMMENDED
6 BY A DOCTOR OR THERAPIST, THE DEPARTMENT SHALL ENSURE THAT THE CHILD
7 RECEIVES AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE MATERIALS AND
8 RESOURCES ABOUT SEXUAL ABUSE, CHILD SEX TRAFFICKING AND EXPLOITATION. THE
9 MATERIALS AND RESOURCES MUST INCLUDE A DEFINITION OF SEXUAL ABUSE,
10 INFORMATION ABOUT THE DANGERS OF ONLINE AND IN-PERSON PREDATORS AND
11 METHODS FOR REPORTING ABUSE. THE MATERIALS AND RESOURCES MAY INCLUDE A
12 TWENTY-FOUR-HOUR HOTLINE TELEPHONE NUMBER.

13 Sec. 3. Section 12-283, Arizona Revised Statutes, is amended to
14 read:

15 12-283. Powers and duties

16 A. The clerk, in addition to the other duties prescribed by law or
17 rule of court, shall:

- 18 1. Attend each session of the court held in the county.
- 19 2. Keep a list of fees charged in actions.
- 20 3. Keep records required by law or rule of court.

21 4. ON OR BEFORE JANUARY 15 OF EACH YEAR, COMPILER A REPORT ON THE
22 NUMBER OF CIVIL ACTIONS THAT ARE FILED IN THE SUPERIOR COURT PURSUANT TO
23 SECTION 12-514 AND THE AGE OF THE PLAINTIFF IN EACH CASE. THE CLERK SHALL
24 SUBMIT THE REPORT TO THE GOVERNOR AND THE LEGISLATURE AND PROVIDE A COPY
25 OF THIS REPORT TO THE SECRETARY OF STATE.

26 B. The clerk may provide a consumer reporting agency as defined in
27 section 44-1691 with a copy of:

- 28 1. A court order obligating a person to pay child support or
29 spousal maintenance.
- 30 2. An order for assignment under section 25-323 or 25-504.

31 C. A clerk who provides the information in subsection B of this
32 section to a consumer reporting agency shall also provide the information
33 to the child support enforcement administration in the department of
34 economic security.

35 D. The clerk, in accordance with procedures established by the
36 board of supervisors, may appoint deputies, clerks and assistants
37 necessary to conduct the affairs of the office of the clerk. The
38 appointments shall be in writing. The clerk shall be the appointing
39 authority and shall administer and supervise all employees of the clerk's
40 office.

41 E. The clerk shall submit an annual budget request, which shall be
42 coordinated with the presiding judge, to the county board of
43 supervisors. The clerk shall be responsible for the funds appropriated by
44 the board to the clerk.

1 F. The clerk shall maintain and provide access to court records in
2 accordance with applicable law or rule of court. The clerk shall keep a
3 docket in the form and style as prescribed by the supreme court.

4 G. The clerk is responsible for the operations of the clerk's
5 office.

6 H. The clerk may provide programs to assist in the enforcement of
7 child support, spousal maintenance and parenting time and in the
8 establishment and modification of child support.

9 I. The clerk shall compile and publish electronically all superior
10 court criminal case minute entries, except as otherwise prohibited by law.
11 At a minimum, the information shall be arranged or searchable by the case
12 name, the case number and the name of the judge or commissioner.

13 Sec. 4. Section 13-107, Arizona Revised Statutes, is amended to
14 read:

15 13-107. Time limitations

16 A. A prosecution for any homicide, any conspiracy to commit
17 homicide that results in the death of a person, any offense that is listed
18 in chapter 14 or 35.1 of this title and that is a class 2 felony, any
19 violent sexual assault pursuant to section 13-1423, any violation of
20 section 13-2308.01, ~~OR~~ 13-2308.03 OR 13-3212, any misuse of public monies
21 or a felony involving falsification of public records or any attempt to
22 commit an offense listed in this subsection may be commenced at any time.

23 B. Except as otherwise provided in this section and section 28-672,
24 prosecutions for other offenses must be commenced within the following
25 periods after actual discovery by the state or the political subdivision
26 having jurisdiction of the offense or discovery by the state or the
27 political subdivision that should have occurred with the exercise of
28 reasonable diligence, whichever first occurs:

- 29 1. For a class 2 through a class 6 felony, seven years.
- 30 2. For a misdemeanor, one year.
- 31 3. For a petty offense, six months.

32 C. For the purposes of subsection B of this section, a prosecution
33 is commenced when an indictment, information or complaint is filed.

34 D. The period of limitation does not run during any time when the
35 accused is absent from the state or has no reasonably ascertainable place
36 of abode within the state.

37 E. The period of limitation does not run for a serious offense as
38 defined in section 13-706 during any time when the identity of the person
39 who commits the offense or offenses is unknown.

40 F. The time limitation within which a prosecution of a class 6
41 felony shall commence shall be determined pursuant to subsection B,
42 paragraph 1 of this section, irrespective of whether a court enters a
43 judgment of conviction for or a prosecuting attorney designates the
44 offense as a misdemeanor.

1 G. If a complaint, indictment or information filed before the
2 period of limitation has expired is dismissed for any reason, a new
3 prosecution may be commenced within six months after the dismissal becomes
4 final even if the period of limitation has expired at the time of the
5 dismissal or will expire within six months of the dismissal.

6 Sec. 5. Section 13-1401, Arizona Revised Statutes, is amended to
7 read:

8 13-1401. Definitions; factors

9 A. In this chapter, unless the context otherwise requires:

10 1. "Oral sexual contact" means oral contact with the penis, vulva
11 or anus.

12 2. "Position of trust" means a person who is or was any of the
13 following:

14 (a) The minor's parent, stepparent, GRANDPARENT, adoptive parent,
15 legal guardian, AUNT, UNCLE or foster parent.

16 (b) The minor's teacher OR ANY SCHOOL EMPLOYEE OR VOLUNTEER AT THE
17 MINOR'S SCHOOL WHO IS EIGHTEEN YEARS OF AGE OR OLDER.

18 (c) The minor's coach or instructor, whether the coach or
19 instructor is an employee or volunteer.

20 (d) The minor's clergyman or priest OR ANY PERSON WHO IS AT LEAST
21 EIGHTEEN YEARS OF AGE AND WHO WORKED OR VOLUNTEERED FOR A RELIGIOUS
22 ORGANIZATION THAT HOSTED EVENTS OR ACTIVITIES WHERE THE MINOR WAS IN
23 ATTENDANCE.

24 (e) Engaged in a sexual or romantic relationship with the minor's
25 parent, adoptive parent, GRANDPARENT, AUNT, UNCLE, legal guardian, foster
26 parent ~~or~~, stepparent, STEP-GRANDPARENT OR SIBLING.

27 (f) RELATED TO THE MINOR BY BLOOD OR MARRIAGE WITHIN THE THIRD
28 DEGREE AND IS AT LEAST TEN YEARS OLDER THAN THE MINOR.

29 (g) THE MINOR'S EMPLOYER.

30 (h) AN EMPLOYEE OF A GROUP HOME OR RESIDENTIAL TREATMENT FACILITY
31 WHERE THE MINOR RESIDES OR HAS PREVIOUSLY RESIDED. FOR THE PURPOSE OF
32 THIS SUBDIVISION, "GROUP HOME" MEANS A CHILD WELFARE AGENCY THAT RECEIVES
33 FOR CARE AND MAINTENANCE A CHILD WHO HAS BEEN ADJUDICATED DEPENDENT OR A
34 COMMUNITY RESIDENTIAL SETTING AS DEFINED IN SECTION 36-551.

35 3. "Sexual contact":

36 (a) Means any direct or indirect touching, fondling or manipulating
37 of any part of the genitals, anus or female breast by any part of the body
38 or by any object or causing a person to engage in such contact.

39 (b) Does not include direct or indirect touching or manipulating
40 during caretaking responsibilities, ~~or~~ or interactions with a minor or
41 vulnerable adult that an objective, reasonable person would recognize as
42 normal and reasonable under the circumstances.

43 4. "Sexual intercourse" means penetration into the penis, vulva or
44 anus by any part of the body or by any object or masturbatory contact with
45 the penis or vulva.

1 Sec. 7. Section 15-203, Arizona Revised Statutes, is amended to
2 read:

3 15-203. Powers and duties

4 A. The state board of education shall:

5 1. Exercise general supervision over and regulate the conduct of
6 the public school system and adopt any rules and policies it deems
7 necessary to accomplish this purpose.

8 2. Keep a record of its proceedings.

9 3. Make rules for its own government.

10 4. Determine the policy and work undertaken by it.

11 5. Subject to title 41, chapter 4, article 4, employ staff.

12 6. Prescribe and supervise the duties of its employees pursuant to
13 title 41, chapter 4, article 4, if not otherwise prescribed by statute.

14 7. Delegate to the superintendent of public instruction the
15 execution of board policies and rules.

16 8. Recommend to the legislature changes or additions to the
17 statutes pertaining to schools.

18 9. Prepare, publish and distribute reports concerning the
19 educational welfare of this state.

20 10. Prepare a budget for expenditures necessary for proper
21 maintenance of the board and accomplishment of its purposes and present
22 the budget to the legislature.

23 11. Aid in the enforcement of laws relating to schools.

24 12. Prescribe a minimum course of study in the common schools,
25 minimum competency requirements for the promotion of pupils from the third
26 grade and minimum course of study and competency requirements for the
27 promotion of pupils from the eighth grade. The state board of education
28 shall prepare a fiscal impact statement of any proposed changes to the
29 minimum course of study or competency requirements and, on completion,
30 shall send a copy to the director of the joint legislative budget
31 committee and the executive director of the school facilities board. The
32 state board of education shall not adopt any changes in the minimum course
33 of study or competency requirements in effect on July 1, 1998 that will
34 have a fiscal impact on school capital costs.

35 13. Prescribe minimum course of study and competency requirements
36 for the graduation of pupils from high school. The state board of
37 education shall prepare a fiscal impact statement of any proposed changes
38 to the minimum course of study or competency requirements and, on
39 completion, shall send a copy to the director of the joint legislative
40 budget committee and the executive director of the school facilities
41 board. The state board of education shall not adopt any changes in the
42 minimum course of study or competency requirements in effect on July 1,
43 1998 that will have a fiscal impact on school capital costs.

44 14. Pursuant to section 15-501.01, supervise and control the
45 certification of persons engaged in instructional work directly as any

1 classroom, laboratory or other teacher or indirectly as a supervisory
2 teacher, speech therapist, principal or superintendent in a school
3 district, including school district preschool programs, or any other
4 educational institution below the community college, college or university
5 level, and prescribe rules for certification.

6 15. Adopt a list of approved tests for determining special
7 education assistance to gifted pupils as defined in and as provided in
8 chapter 7, article 4.1 of this title. The adopted tests shall provide
9 separate scores for quantitative reasoning, verbal reasoning and nonverbal
10 reasoning and shall be capable of providing reliable and valid scores at
11 the highest ranges of the score distribution.

12 16. Adopt rules governing the methods for the administration of all
13 proficiency examinations.

14 17. Adopt proficiency examinations for its use and determine the
15 passing score for the proficiency examinations.

16 18. Include within its budget the cost of contracting for the
17 purchase, distribution and scoring of the examinations as provided in
18 paragraphs 16 and 17 of this subsection.

19 19. Supervise and control the qualifications of professional
20 nonteaching school personnel and prescribe standards relating to
21 qualifications. The standards shall not require the business manager of a
22 school district to obtain certification from the state board of education.

23 20. Impose such disciplinary action, including the issuance of a
24 letter of censure, suspension, suspension with conditions or revocation of
25 a certificate, on a finding of immoral or unprofessional conduct.

26 21. Establish an assessment, data gathering and reporting system
27 for pupil performance as prescribed in chapter 7, article 3 of this title,
28 including qualifying examinations for the college credit by examination
29 incentive program pursuant to section 15-249.06.

30 22. Adopt a rule to promote braille literacy pursuant to section
31 15-214.

32 23. Adopt rules prescribing procedures for the investigation by the
33 department of education of every written complaint alleging that a
34 certificated person has engaged in immoral conduct.

35 24. For purposes of federal law, serve as the state board for
36 vocational and technological education and meet at least four times each
37 year solely to execute the powers and duties of the state board for
38 vocational and technological education.

39 25. Develop and maintain a handbook for use in the schools of this
40 state that provides guidance for the teaching of moral, civic and ethical
41 education. The handbook shall promote existing curriculum frameworks and
42 shall encourage school districts to recognize moral, civic and ethical
43 values within instructional and programmatic educational development
44 programs for the general purpose of instilling character and ethical

1 principles in pupils in kindergarten programs and grades one through
2 twelve.

3 26. Require pupils to recite the following passage from the
4 declaration of independence for pupils in grades four through six at the
5 commencement of the first class of the day in the schools, except that a
6 pupil shall not be required to participate if the pupil or the pupil's
7 parent or guardian objects:

8 We hold these truths to be self-evident, that all men
9 are created equal, that they are endowed by their creator with
10 certain unalienable rights, that among these are life, liberty
11 and the pursuit of happiness. That to secure these rights,
12 governments are instituted among men, deriving their just
13 powers from the consent of the governed. . . .

14 27. Adopt rules that provide for certification reciprocity pursuant
15 to section 15-501.01.

16 28. Adopt rules that provide for the presentation of an honorary
17 high school diploma to a person who has never obtained a high school
18 diploma and who meets both of the following requirements:

19 (a) Currently resides in this state.

20 (b) Provides documented evidence from the department of veterans'
21 services that the person enlisted in the armed forces of the United States
22 and served in World War I, World War II, the Korean conflict or the
23 Vietnam conflict.

24 29. Cooperate with the Arizona-Mexico commission in the governor's
25 office and with researchers at universities in this state to collect data
26 and conduct projects in the United States and Mexico on issues that are
27 within the scope of the duties of the department of education and that
28 relate to quality of life, trade and economic development in this state in
29 a manner that will help the Arizona-Mexico commission to assess and
30 enhance the economic competitiveness of this state and of the
31 Arizona-Mexico region.

32 30. Adopt rules to define and provide guidance to schools as to the
33 activities that would constitute immoral or unprofessional conduct of
34 certificated persons.

35 31. Adopt guidelines to encourage pupils in grades nine, ten,
36 eleven and twelve to volunteer for twenty hours of community service
37 before graduation from high school. A school district that complies with
38 the guidelines adopted pursuant to this paragraph is not liable for
39 damages resulting from a pupil's participation in community service unless
40 the school district is found to have demonstrated wanton or reckless
41 disregard for the safety of the pupil and other participants in community
42 service. For the purposes of this paragraph, "community service" may
43 include service learning. The guidelines shall include the following:

44 (a) A list of the general categories in which community service may
45 be performed.

1 (b) A description of the methods by which community service will be
2 monitored.

3 (c) A consideration of risk assessment for community service
4 projects.

5 (d) Orientation and notification procedures of community service
6 opportunities for pupils entering grade nine, including the development of
7 a notification form. The notification form shall be signed by the pupil
8 and the pupil's parent or guardian, except that a pupil shall not be
9 required to participate in community service if the parent or guardian
10 notifies the principal of the pupil's school in writing that the parent or
11 guardian does not wish the pupil to participate in community service.

12 (e) Procedures for a pupil in grade nine to prepare a written
13 proposal that outlines the type of community service that the pupil would
14 like to perform and the goals that the pupil hopes to achieve as a result
15 of community service. The pupil's written proposal shall be reviewed by a
16 faculty advisor, a guidance counselor or any other school employee who is
17 designated as the community service program coordinator for that school.
18 The pupil may alter the written proposal at any time before performing
19 community service.

20 (f) Procedures for a faculty advisor, a guidance counselor or any
21 other school employee who is designated as the community service program
22 coordinator to evaluate and certify the completion of community service
23 performed by pupils.

24 32. To facilitate the transfer of military personnel and their
25 dependents to and from the public schools of this state, pursue, in
26 cooperation with the Arizona board of regents, reciprocity agreements with
27 other states concerning the transfer credits for military personnel and
28 their dependents. A reciprocity agreement entered into pursuant to this
29 paragraph shall:

30 (a) Address procedures for each of the following:

31 (i) The transfer of student records.

32 (ii) Awarding credit for completed coursework.

33 (iii) Permitting a student to satisfy the graduation requirements
34 prescribed in section 15-701.01 through the successful performance on
35 comparable exit-level assessment instruments administered in another
36 state.

37 (b) Include appropriate criteria developed by the state board of
38 education and the Arizona board of regents.

39 33. Adopt guidelines that school district governing boards shall
40 use in identifying pupils who are eligible for gifted programs and in
41 providing gifted education programs and services. The state board of
42 education shall adopt any other guidelines and rules that it deems
43 necessary in order to carry out the purposes of chapter 7, article 4.1 of
44 this title.

1 34. For each of the alternative textbook formats of human-voiced
2 audio, large-print and braille, designate alternative media producers to
3 adapt existing standard print textbooks or to provide specialized
4 textbooks, or both, for pupils with disabilities in this state. Each
5 alternative media producer shall be capable of producing alternative
6 textbooks in all relevant subjects in at least one of the alternative
7 textbook formats. The board shall post the designated list of alternative
8 media producers on its website.

9 35. Adopt a list of approved professional development training
10 providers for use by school districts as provided in section 15-107,
11 subsection J. The professional development training providers shall meet
12 the training curriculum requirements determined by the state board of
13 education in at least the areas of school finance, governance, employment,
14 staffing, inventory and human resources, internal controls and
15 procurement.

16 36. Adopt rules to prohibit a person who violates the notification
17 requirements prescribed in section 15-183, subsection C, paragraph 8 or
18 section 15-550, subsection C from certification pursuant to this title
19 until the person is no longer charged or is acquitted of any offenses
20 listed in section 41-1758.03, subsection B. The state board shall also
21 adopt rules to prohibit a person who violates the notification
22 requirements, certification surrender requirements or fingerprint
23 clearance card surrender requirements prescribed in section 15-183,
24 subsection C, paragraph 9 or section 15-550, subsection D from
25 certification pursuant to this title for at least ten years after the date
26 of the violation.

27 37. Adopt rules for the alternative certification of teachers of
28 nontraditional foreign languages that allow for the passing of a
29 nationally accredited test to substitute for the education coursework
30 required for certification.

31 38. Adopt rules to define competency-based educational pathways for
32 college and career readiness that may be used by schools. The rules shall
33 include the following components:

34 (a) The establishment of learning outcomes that will be expected
35 for students in a particular subject.

36 (b) A process and criteria by which assessments may be identified
37 or established to determine whether students have reached the desired
38 competencies in a particular subject.

39 (c) A mechanism to allow pupils in grades seven through twelve who
40 have demonstrated competency in a subject to immediately obtain credit for
41 the mastery of that subject. The rules shall include a list of applicable
42 subjects, including the level of competency required for each subject.

43 39. In consultation with the department of health services, the
44 department of education, medical professionals, school health
45 professionals, school administrators and an organization that represents

1 school nurses in this state, adopt rules that prescribe the following for
2 school districts and charter schools:

3 (a) Annual training in the administration of auto-injectable
4 epinephrine for designated medical and nonmedical school personnel. The
5 annual training prescribed in this subdivision is optional during any
6 fiscal year in which a school does not stock epinephrine auto-injectors at
7 the school during that fiscal year.

8 (b) Annual training for all school site personnel on the
9 recognition of anaphylactic shock symptoms and the procedures to follow
10 when anaphylactic shock occurs, following the national guidelines of the
11 American academy of pediatrics. The annual training prescribed in this
12 subdivision is optional during any fiscal year in which a school does not
13 stock epinephrine auto-injectors at the school during that fiscal year.

14 (c) Procedures for the administration of epinephrine auto-injectors
15 in emergency situations.

16 (d) Procedures for annually requesting a standing order for
17 epinephrine auto-injectors pursuant to section 15-157 from the chief
18 medical officer of the department of health services, the chief medical
19 officer of a county health department, a doctor of medicine licensed
20 pursuant to title 32, chapter 13 or a doctor of osteopathic medicine
21 licensed pursuant to title 32, chapter 17.

22 (e) Procedures for reporting the use of epinephrine auto-injectors
23 to the department of health services.

24 40. In consultation with the department of education, medical
25 professionals, school health professionals, school administrators and an
26 organization that represents school nurses in this state, adopt rules that
27 prescribe the following for school districts and charter schools that
28 elect to administer inhalers:

29 (a) Annual training in the recognition of respiratory distress
30 symptoms and the procedures to follow when respiratory distress occurs, in
31 accordance with good clinical practice, and the administration of
32 inhalers, as directed on the prescription protocol, by designated medical
33 and nonmedical school personnel.

34 (b) Requirements for school districts and charter schools that
35 elect to administer inhalers to designate at least two employees at each
36 school to be trained in the recognition of respiratory distress symptoms
37 and the procedures to follow when respiratory distress occurs, in
38 accordance with good clinical practice, and at least two employees at each
39 school to be trained in the administration of inhalers, as directed on the
40 prescription protocol.

41 (c) Procedures for the administration of inhalers in emergency
42 situations, as directed on the prescription protocol.

43 (d) Procedures for annually requesting a standing order for
44 inhalers and spacers or holding chambers pursuant to section 15-158 from
45 the chief medical officer of a county health department, a physician

1 licensed pursuant to title 32, chapter 13 or 17 or a nurse practitioner
2 licensed pursuant to title 32, chapter 15.

3 (e) Procedures for notifying a parent once an inhaler has been
4 administered.

5 41. Adopt rules for certification that allow substitute teachers
6 who can demonstrate primary teaching responsibility in a classroom as
7 defined by the state board of education to use the time spent in that
8 classroom toward the required capstone experience for standard teaching
9 certification.

10 42. For the purposes of Sandra Day O'Connor civics celebration day
11 instruction under section 15-710.01, develop a list of recommended
12 resources relating to civics education that align with the academic
13 standards prescribed by the state board of education in social studies
14 pursuant to sections 15-701 and 15-701.01. The state board shall
15 establish a process that allows public schools to recommend resources for
16 addition to the list.

17 43. ESTABLISH BEST PRACTICES FOR SOCIAL MEDIA AND CELLULAR
18 TELEPHONE USE BETWEEN STUDENTS AND SCHOOL PERSONNEL, INCLUDING TEACHERS,
19 COACHES AND COUNSELORS, AND ENCOURAGE SCHOOL DISTRICT GOVERNING BOARDS AND
20 CHARTER SCHOOL GOVERNING BODIES TO ADOPT POLICIES THAT IMPLEMENT THESE
21 BEST PRACTICES. THE STATE BOARD OF EDUCATION SHALL MAKE THESE BEST
22 PRACTICES AVAILABLE TO BOTH PUBLIC AND PRIVATE SCHOOLS.

23 B. The state board of education may:

24 1. Contract.

25 2. Sue and be sued.

26 3. Distribute and score the tests prescribed in chapter 7, article
27 3 of this title.

28 4. Provide for an advisory committee to conduct hearings and
29 screenings to determine whether grounds exist to impose disciplinary
30 action against a certificated person, whether grounds exist to reinstate a
31 revoked or surrendered certificate and whether grounds exist to approve or
32 deny an initial application for certification or a request for renewal of
33 a certificate. The board may delegate its responsibility to conduct
34 hearings and screenings to its advisory committee. Hearings shall be
35 conducted pursuant to title 41, chapter 6, article 6.

36 5. Proceed with the disposal of any complaint requesting
37 disciplinary action or with any disciplinary action against a person
38 holding a certificate as prescribed in subsection A, paragraph 14 of this
39 section after the suspension or expiration of the certificate or surrender
40 of the certificate by the holder.

1 6. Assess costs and reasonable attorney fees against a person who
2 files a frivolous complaint or who files a complaint in bad faith. Costs
3 assessed pursuant to this paragraph shall not exceed the expenses incurred
4 by the department of education in the investigation of the complaint.

5 Sec. 8. Title 15, chapter 2, article 2, Arizona Revised Statutes,
6 is amended by adding section 15-245, to read:

7 15-245. Mandatory reporting training; materials

8 A. THE ARIZONA PROSECUTING ATTORNEYS ADVISORY COUNCIL SHALL DEVELOP
9 A STATEWIDE TRAINING CURRICULUM ON THE MANDATORY REPORTING LAWS OF THIS
10 STATE, INCLUDING SECTION 13-3620, FOR PUBLIC SCHOOL PERSONNEL. EACH
11 PUBLIC SCHOOL SHALL REQUIRE ITS PERSONNEL TO COMPLETE THE TRAINING
12 DEVELOPED PURSUANT TO THIS SECTION.

13 B. THE DEPARTMENT OF EDUCATION SHALL PROVIDE RESOURCES AND
14 MATERIALS DEVELOPED PURSUANT TO THIS SECTION THAT SCHOOLS MAY USE FOR THE
15 PURPOSES OF PROVIDING INFORMATION ON THE MANDATORY REPORTING LAWS OF THIS
16 STATE, INCLUDING SECTION 13-3620, TO PARENTS AND STUDENTS.

17 C. THE DEPARTMENT SHALL MAKE THE TRAINING CURRICULUM AND MATERIALS
18 DEVELOPED PURSUANT TO THIS SECTION AVAILABLE TO PUBLIC AND PRIVATE
19 SCHOOLS. THIS SECTION DOES NOT REQUIRE PRIVATE SCHOOLS TO OFFER THE
20 TRAINING DEVELOPED PURSUANT TO THIS SECTION.

APPROVED BY THE GOVERNOR JULY 9, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 9, 2021.

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 186

102ND GENERAL ASSEMBLY
2023

0436S.04T

AN ACT

To repeal sections 37.725, 43.400, 43.401, 43.539, 43.540, 57.280, 57.952, 57.961, 57.967, 57.991, 67.145, 70.631, 84.344, 84.480, 84.510, 94.900, 94.902, 170.310, 190.091, 190.100, 190.103, 190.134, 190.142, 190.147, 190.255, 190.327, 190.460, 192.2405, 195.206, 208.1032, 210.305, 210.565, 285.040, 287.067, 287.245, 301.3175, 320.210, 320.400, 321.225, 321.246, 321.620, 407.302, 488.435, 537.037, 558.031, 569.010, 569.100, 570.010, 570.030, 571.030, 575.095, 590.040, 590.080, 595.209, 610.021, 650.320, 650.330, and 650.340, RSMo, and to enact in lieu thereof seventy new sections relating to public safety, with penalty provisions.

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

Section A. Sections 37.725, 43.400, 43.401, 43.539,
2 43.540, 57.280, 57.952, 57.961, 57.967, 57.991, 67.145, 70.631,
3 84.344, 84.480, 84.510, 94.900, 94.902, 170.310, 190.091,
4 190.100, 190.103, 190.134, 190.142, 190.147, 190.255, 190.327,
5 190.460, 192.2405, 195.206, 208.1032, 210.305, 210.565,
6 285.040, 287.067, 287.245, 301.3175, 320.210, 320.400, 321.225,
7 321.246, 321.620, 407.302, 488.435, 537.037, 558.031, 569.010,
8 569.100, 570.010, 570.030, 571.030, 575.095, 590.040, 590.080,
9 595.209, 610.021, 650.320, 650.330, and 650.340, RSMo, are
10 repealed and seventy new sections enacted in lieu thereof, to
11 be known as sections 37.725, 43.253, 43.400, 43.401, 43.539,
12 43.540, 57.280, 57.952, 57.961, 57.967, 57.991, 67.145, 70.631,

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

13 84.344, 84.480, 84.510, 94.900, 94.902, 170.310, 190.091,
14 190.100, 190.103, 190.142, 190.147, 190.255, 190.327, 190.460,
15 190.1010, 192.2405, 195.206, 195.817, 208.1032, 210.305,
16 210.565, 210.795, 285.040, 287.067, 287.245, 301.3175, 320.210,
17 320.400, 321.225, 321.246, 321.620, 362.034, 407.302, 488.435,
18 537.037, 544.453, 558.031, 569.010, 569.100, 570.010, 570.030,
19 571.030, 575.095, 578.156, 579.041, 579.088, 590.033, 590.040,
20 590.080, 590.1070, 590.1075, 595.209, 610.021, 650.320,
21 650.330, 650.340, and 1, to read as follows:

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

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

8 (2) Such disclosure is required by court order; or

9 **(3) The disclosure is at the request of law
10 enforcement as part of an investigation.**

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

17 3. Any representative of the office conducting or
18 participating in any examination of a complaint who
19 knowingly and willfully discloses to any person other than
20 the office, or those persons authorized by the office to
21 receive it, the name of any witness examined or any
22 information obtained or given during such examination is
23 guilty of a class A misdemeanor. However, the office

24 conducting or participating in any examination of a
25 complaint shall disclose the final result of the examination
26 with the consent of the recipient.

27 4. The office shall not be required to testify in any
28 court with respect to matters held to be confidential in
29 this section except as the court may deem necessary to
30 enforce the provisions of sections 37.700 to 37.730, or
31 where otherwise required by court order.

**43.253. 1. Notwithstanding any other provision of law
2 to the contrary, a minimum fee of six dollars may be charged
3 by the Missouri state highway patrol for a records request
4 for a Missouri Uniform Crash Report or Marine Accident
5 Investigation Report where there are allowable fees of less
6 than six dollars under this chapter or chapter 610. Such
7 six-dollar fee shall be in place of any allowable fee of
8 less than six dollars.**

9 **2. The superintendent of the Missouri state highway
10 patrol may increase the minimum fee described in this
11 section by no more than one dollar every other year
12 beginning August 28, 2024; however, the minimum fee
13 described in this section shall not exceed ten dollars.**

43.400. As used in sections 43.400 to 43.410, the
2 following terms mean:

3 (1) "Missing child" or "missing juvenile", any person
4 who is under the age of [seventeen] **eighteen years or who is
5 in foster care regardless of the person's age or who is an
6 emancipated minor as defined in section 302.178, a homeless
7 youth as defined in section 167.020, or an unaccompanied
8 minor as defined in section 210.121, whose temporary or
9 permanent residence is in the state of Missouri or who is
10 believed to be within the state of Missouri, whose location**

11 has not been determined, and who has been reported as
12 missing to a law enforcement agency;

13 (2) "Missing child report", a report prepared on a
14 standard form supplied by the Missouri state highway patrol
15 for the use by private citizens and law enforcement agencies
16 to report missing children or missing juvenile information
17 to the Missouri state highway patrol;

18 (3) "Missing person", a person who is missing and
19 meets one of the following characteristics:

20 (a) Is physically or mentally disabled to the degree
21 that the person is dependent upon an agency or another
22 individual;

23 (b) Is missing under circumstances indicating that the
24 missing person's safety may be in danger;

25 (c) Is missing under involuntary or unknown
26 circumstances; subject to the provisions of (a), (b), (d),
27 (e), and (f) of this subsection;

28 (d) Is a child or juvenile runaway from the residence
29 of a parent, legal guardian, or custodian;

30 (e) Is a child and is missing under circumstances
31 indicating that the person was or is in the presence of or
32 under the control of a party whose presence or control was
33 or is in violation of a permanent or temporary court order
34 and fourteen or more days have elapsed, during which time
35 the party has failed to file any pleading with the court
36 seeking modification of the permanent or temporary court
37 order;

38 (f) Is missing under circumstances indicating that the
39 person was or is in the presence of or under the control of
40 a party whose presence or control was or is in violation of
41 a permanent or temporary court order and there are

42 reasonable grounds to believe that the person may be taken
43 outside of the United States;

44 (4) "Patrol", the Missouri state highway patrol;

45 (5) "Registrar", the state registrar of vital
46 statistics.

43.401. 1. The reporting of missing persons by law
2 enforcement agencies, private citizens, and the
3 responsibilities of the patrol in maintaining accurate
4 records of missing persons are as follows:

5 (1) A person may file a complaint of a missing person
6 with a law enforcement agency having jurisdiction. The
7 complaint shall include, but need not be limited to, the
8 following information:

9 (a) The name of the complainant;

10 (b) The name, address, and phone number of the
11 guardian, if any, of the missing person;

12 (c) The relationship of the complainant to the missing
13 person;

14 (d) The name, age, address, and all identifying
15 characteristics of the missing person;

16 (e) The length of time the person has been missing; and

17 (f) All other information deemed relevant by either
18 the complainant or the law enforcement agency;

19 (2) A report of the complaint of a missing person
20 shall be immediately entered into the Missouri uniform law
21 enforcement system (MULES) and the National Crime
22 Information Center (NCIC) system by the law enforcement
23 agency receiving the complaint, and disseminated to other
24 law enforcement agencies who may come in contact with or be
25 involved in the investigation or location of a missing
26 person;

27 (3) A law enforcement agency with which a complaint of
28 a missing child has been filed shall prepare, as soon as
29 practicable, a standard missing child report. The missing
30 child report shall be maintained as a record by the
31 reporting law enforcement agency during the course of an
32 active investigation;

33 (4) Upon the location of a missing person, or the
34 determination by the law enforcement agency of jurisdiction
35 that the person is no longer missing, the law enforcement
36 agency which reported the missing person shall immediately
37 remove the record of the missing person from the MULES and
38 NCIC files.

39 2. No law enforcement agency shall prevent an
40 immediate active investigation on the basis of an agency
41 rule which specifies an automatic time limitation for a
42 missing person investigation.

43 **3. Any agency or placement provider, parent, or**
44 **guardian with the care and custody of a child who is missing**
45 **shall file a missing child complaint with the appropriate**
46 **law enforcement agency within two hours of determining the**
47 **child to be missing. The law enforcement agency shall**
48 **immediately submit information as to the missing child to**
49 **the National Center for Missing and Exploited Children**
50 **(NCMEC) including, but not limited to, the name, date of**
51 **birth, sex, race, height, weight, and eye and hair color of**
52 **the child; a recent photograph of the child; and the date**
53 **and location of the last known contact with the child. The**
54 **law enforcement agency shall institute a proper**
55 **investigation and search for the missing child and maintain**
56 **contact with the agency or placement provider making the**
57 **missing child complaint. The missing child's entry shall**

58 **not be removed from any database or system until the child**
59 **is found or the case is closed.**

43.539. 1. As used in this section, the following
2 terms mean:

3 (1) "Applicant", a person who:

4 (a) Is actively employed by or seeks employment with a
5 qualified entity;

6 (b) Is actively licensed or seeks licensure with a
7 qualified entity;

8 (c) Actively volunteers or seeks to volunteer with a
9 qualified entity;

10 (d) Is actively contracted with or seeks to contract
11 with a qualified entity; or

12 (e) Owns or operates a qualified entity;

13 (2) "Care", the provision of care, treatment,
14 education, training, instruction, supervision, or recreation
15 to children, the elderly, or disabled persons;

16 (3) "Missouri criminal record review", a review of
17 criminal history records and sex offender registration
18 records under sections 589.400 to 589.425 maintained by the
19 Missouri state highway patrol in the Missouri criminal
20 records repository;

21 (4) "Missouri Rap Back program", any type of automatic
22 notification made by the Missouri state highway patrol to a
23 qualified entity indicating that an applicant who is
24 employed, licensed, or otherwise under the purview of that
25 entity has been arrested for a reported criminal offense in
26 Missouri as required under section 43.506;

27 (5) "National criminal record review", a review of the
28 criminal history records maintained by the Federal Bureau of
29 Investigation;

30 (6) "National Rap Back program", any type of automatic
31 notification made by the Federal Bureau of Investigation
32 through the Missouri state highway patrol to a qualified
33 entity indicating that an applicant who is employed,
34 licensed, or otherwise under the purview of that entity has
35 been arrested for a reported criminal offense outside the
36 state of Missouri and the fingerprints for that arrest were
37 forwarded to the Federal Bureau of Investigation by the
38 arresting agency;

39 (7) "Patient or resident", a person who by reason of
40 age, illness, disease, or physical or mental infirmity
41 receives or requires care or services furnished by an
42 applicant, as defined in this section, or who resides or
43 boards in, or is otherwise kept, cared for, treated, or
44 accommodated in a facility as defined in section 198.006,
45 for a period exceeding twenty-four consecutive hours;

46 (8) "Qualified entity", a person, business, or
47 organization that provides care, care placement, or
48 educational services for children, the elderly, or persons
49 with disabilities as patients or residents, including a
50 business or organization that licenses or certifies others
51 to provide care or care placement services;

52 (9) "Youth services agency", any agency, school, or
53 association that provides programs, care, or treatment for
54 or exercises supervision over minors.

55 2. The central repository shall have the authority to
56 submit applicant fingerprints to the National Rap Back
57 program to be retained for the purpose of being searched
58 against future submissions to the National Rap Back program,
59 including latent fingerprint searches. Qualified entities
60 may conduct Missouri and national criminal record reviews on
61 applicants and participate in Missouri and National Rap Back

62 programs for the purpose of determining suitability or
63 fitness for a permit, license, or employment, and shall
64 abide by the following requirements:

65 (1) The qualified entity shall register with the
66 Missouri state highway patrol prior to submitting a request
67 for screening under this section. As part of the
68 registration, the qualified entity shall indicate if it
69 chooses to enroll applicants in the Missouri and National
70 Rap Back programs;

71 (2) Qualified entities shall notify applicants subject
72 to a criminal record review under this section that the
73 applicant's fingerprints shall be retained by the state
74 central repository and the Federal Bureau of Investigation
75 and shall be searched against other fingerprints on file,
76 including latent fingerprints;

77 (3) Qualified entities shall notify applicants subject
78 to enrollment in the National Rap Back program that the
79 applicant's fingerprints, while retained, may continue to be
80 compared against other fingerprints submitted or retained by
81 the Federal Bureau of Investigation, including latent
82 fingerprints;

83 (4) The criminal record review and Rap Back process
84 described in this section shall be voluntary and conform to
85 the requirements established in the National Child
86 Protection Act of 1993, as amended, and other applicable
87 state or federal law. As a part of the registration, the
88 qualified entity shall agree to comply with state and
89 federal law and shall indicate so by signing an agreement
90 approved by the Missouri state highway patrol. The Missouri
91 state highway patrol may periodically audit qualified
92 entities to ensure compliance with federal law and this
93 section;

94 (5) A qualified entity shall submit to the Missouri
95 state highway patrol a request for screening on applicants
96 covered under this section using a completed fingerprint
97 card;

98 (6) Each request shall be accompanied by a reasonable
99 fee, as provided in section 43.530, plus the amount
100 required, if any, by the Federal Bureau of Investigation for
101 the national criminal record review and enrollment in the
102 National Rap Back program in compliance with the National
103 Child Protection Act of 1993, as amended, and other
104 applicable state or federal laws;

105 (7) The Missouri state highway patrol shall provide,
106 directly to the qualified entity, the applicant's state
107 criminal history records that are not exempt from disclosure
108 under chapter 610 or otherwise confidential under law;

109 (8) The national criminal history data shall be
110 available to qualified entities to use only for the purpose
111 of screening applicants as described under this section.
112 The Missouri state highway patrol shall provide the
113 applicant's national criminal history record information
114 directly to the qualified entity;

115 (9) The determination whether the criminal history
116 record shows that the applicant has been convicted of or has
117 a pending charge for any crime that bears upon the fitness
118 of the applicant to have responsibility for the safety and
119 well-being of children, the elderly, or disabled persons
120 shall be made solely by the qualified entity. This section
121 shall not require the Missouri state highway patrol to make
122 such a determination on behalf of any qualified entity;

123 (10) The qualified entity shall notify the applicant,
124 in writing, of his or her right to obtain a copy of any
125 criminal record review, including the criminal history

126 records, if any, contained in the report and of the
127 applicant's right to challenge the accuracy and completeness
128 of any information contained in any such report and obtain a
129 determination as to the validity of such challenge before a
130 final determination regarding the applicant is made by the
131 qualified entity reviewing the criminal history
132 information. A qualified entity that is required by law to
133 apply screening criteria, including any right to contest or
134 request an exemption from disqualification, shall apply such
135 screening criteria to the state and national criminal
136 history record information received from the Missouri state
137 highway patrol for those applicants subject to the required
138 screening; and

139 (11) Failure to obtain the information authorized
140 under this section, with respect to an applicant, shall not
141 be used as evidence in any negligence action against a
142 qualified entity. The state, any political subdivision of
143 the state, or any agency, officer, or employee of the state
144 or a political subdivision shall not be liable for damages
145 for providing the information requested under this section.

146 3. The criminal record review shall include the
147 submission of fingerprints to the Missouri state highway
148 patrol, who shall conduct a Missouri criminal record review,
149 including closed record information under section 610.120.
150 The Missouri state highway patrol shall also forward a copy
151 of the applicant's fingerprints to the Federal Bureau of
152 Investigation for a national criminal record review.

153 4. The applicant subject to a criminal record review
154 shall provide the following information to the qualified
155 entity:

156 (1) Consent to obtain the applicant's fingerprints,
157 conduct the criminal record review, and participate in the
158 Missouri and National Rap Back programs;

159 (2) Consent to obtain the identifying information
160 required to conduct the criminal record review, which may
161 include, but not be limited to:

162 (a) Name;

163 (b) Date of birth;

164 (c) Height;

165 (d) Weight;

166 (e) Eye color;

167 (f) Hair color;

168 (g) Gender;

169 (h) Race;

170 (i) Place of birth;

171 (j) Social Security number; and

172 (k) The applicant's photo.

173 5. Any information received by an authorized state
174 agency or a qualified entity under the provisions of this
175 section shall be used solely for internal purposes in
176 determining the suitability of an applicant. The
177 dissemination of criminal history information from the
178 Federal Bureau of Investigation beyond the authorized state
179 agency or related governmental entity is prohibited. All
180 criminal record check information shall be confidential, and
181 any person who discloses the information beyond the scope
182 allowed is guilty of a class A misdemeanor.

183 6. A qualified entity enrolled in either the Missouri
184 or National Rap Back program shall be notified by the
185 Missouri state highway patrol that a new arrest has been
186 reported on an applicant who is employed, licensed, or
187 otherwise under the purview of the qualified entity. Upon

188 receiving the Rap Back notification, if the qualified entity
189 deems that the applicant is still serving in an active
190 capacity, the entity may request and receive the
191 individual's updated criminal history record. This process
192 shall only occur if:

193 (1) The entity has abided by all procedures and rules
194 promulgated by the Missouri state highway patrol and Federal
195 Bureau of Investigation regarding the Missouri and National
196 Rap Back programs;

197 (2) The individual upon whom the Rap Back notification
198 is being made has previously had a Missouri and national
199 criminal record review completed for the qualified entity
200 under this section [within the previous six years]; and

201 (3) The individual upon whom the Rap Back notification
202 is being made is a current employee, licensee, or otherwise
203 still actively under the purview of the qualified entity.

204 7. The Missouri state highway patrol shall make
205 available or approve the necessary forms, procedures, and
206 agreements necessary to implement the provisions of this
207 section.

43.540. 1. As used in this section, the following
2 terms mean:

3 (1) "Applicant", a person who:

4 (a) Is actively employed by or seeks employment with a
5 qualified entity;

6 (b) Is actively licensed or seeks licensure with a
7 qualified entity;

8 (c) Actively volunteers or seeks to volunteer with a
9 qualified entity; or

10 (d) Is actively contracted with or seeks to contract
11 with a qualified entity;

82 preference may be licensed in an expedited manner if a child
83 is placed under such person's care.

84 9. The guardian ad litem shall ascertain the child's
85 wishes and feelings about his or her placement by conducting
86 an interview or interviews with the child, if appropriate
87 based on the child's age and maturity level, which shall be
88 considered as a factor in placement decisions and
89 recommendations, but shall not supersede the preference for
90 relative placement created by this section or be contrary to
91 the child's best interests.

210.795. 1. (1) A child in the care and custody of
2 the children's division whose physical whereabouts are
3 unknown to the division, the child's physical custodian, or
4 contracted service providers shall be considered missing and
5 the case manager or placement provider shall immediately
6 inform a law enforcement agency having jurisdiction and the
7 National Center for Missing and Exploited Children within
8 two hours of discovery that the child is missing.

9 (2) The case manager shall document the report number
10 and any relevant information in the child's record.

11 (3) Within twenty-four hours of a report being made
12 under this subsection, the department shall inform and
13 obtain information about the child's disappearance from the
14 child's parents, known relatives, out-of-home caregivers,
15 attorney, guardian or guardian ad litem, court appointed
16 special advocate, juvenile officer, or Indian tribe, as
17 applicable, or from any other person known to the department
18 who may have relevant information regarding the child's
19 disappearance.

20 (4) The case manager shall:

21 (a) Within one week and monthly thereafter, maintain
22 contact with the child's family members, friends, school

23 faculty, and service providers and with any other person or
24 agency involved in the child's case;

25 (b) Document ongoing efforts to locate the child; and

26 (c) Continue contacting law enforcement about the
27 missing child and shall make quarterly reports to the court
28 about the status of the child and efforts to locate the
29 child.

30 The department shall contact law enforcement every seven
31 days and document the information provided and any
32 information received.

33 (5) The division shall not petition the court for a
34 release of jurisdiction for the child or stop searching for
35 the child while the child is missing until the child reaches
36 the age of twenty-one.

37 2. The division shall maintain protocols, including
38 appropriate trainings, for conducting ongoing searches for
39 children missing from care. Such protocols shall include
40 preventative measures to identify and mitigate risk to
41 children who are at increased risk for running away or
42 disappearing or of being victims of trafficking as defined
43 under section 566.200.

44 3. The division shall ensure that each child in the
45 care and custody of the division has an updated photograph
46 in the child's record.

47 4. When a child is located, the department shall:

48 (1) Inform all law enforcement agencies and
49 organizations involved in the child's case; and

50 (2) Have in-person contact with the child within
51 twenty-four hours after the child is located to assess the
52 child's health, experiences while absent, the
53 appropriateness of the child returning to the child's

54 current placement, and the factors that contributed to the
55 child's absence.

56 5. Any employee or contractor with the children's
57 division, child welfare agencies, other state agencies, or
58 schools shall, upon becoming aware that an emancipated minor
59 as defined in section 302.178, a homeless youth as defined
60 in section 167.020, or an unaccompanied minor as defined in
61 section 210.121 is missing, inform the appropriate law
62 enforcement agency and the National Center for Missing and
63 Exploited Children within twenty-four hours.

64 6. Within twenty-four hours of a missing child being
65 found, the division shall assess whether the child was a
66 victim of trafficking and determine any factors that caused
67 the child to go missing.

68 7. The general assembly may require an annual
69 independent audit of the department's compliance with this
70 section.

285.040. 1. As used in this section, "public safety
2 employee" shall mean a person trained or authorized by law
3 or rule to render emergency medical assistance or treatment,
4 including, but not limited to, firefighters, [ambulance
5 attendants and attendant drivers,] emergency medical
6 technicians, [emergency medical technician paramedics,]
7 dispatchers, registered nurses, physicians, and sheriffs and
8 deputy sheriffs.

9 2. No public safety employee **or any other employee** of
10 a city not within a county [who is hired prior to September
11 1, 2023,] shall be subject to a residency requirement of
12 retaining a primary residence in a city not within a county
13 but may be required to maintain a primary residence located
14 within a one-hour response time.

Senate Engrossed House Bill
missing children; alert; notification; reporting

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

CHAPTER 179
HOUSE BILL 2651

AN ACT

AMENDING SECTION 8-810, ARIZONA REVISED STATUTES; RELATING TO MISSING CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-810, Arizona Revised Statutes, is amended to
3 read:

4 8-810. Missing; abducted; runaway children; notification;
5 training; report; entry into databases; audit

6 A. ~~If the department receives~~ WITHIN TWENTY-FOUR HOURS AFTER
7 RECEIVING a report made pursuant to section 13-3620 or ~~receives~~ RECEIVING
8 information during the course of providing services that indicates a child
9 WHO IS A WARD OF THE COURT OR WHO IS IN THE CARE OF THE DEPARTMENT ~~is at~~
10 ~~risk of serious harm~~ IS MISSING, ABDUCTED OR A RUNAWAY and the child's
11 location is unknown, the department shall notify the appropriate law
12 enforcement agency ~~and provide the information required to make the record~~
13 ~~entry into the Arizona crime information center and the national crime~~
14 ~~information center missing person databases. This includes information~~
15 ~~about the child and child's parent, guardian, custodian or person of~~
16 ~~interest.~~

17 ~~B. The appropriate law enforcement agency shall immediately enter~~
18 ~~the information provided by the department pursuant to subsection A of~~
19 ~~this section into the Arizona crime information center and the national~~
20 ~~crime information center missing person databases. TO MAKE THE RECORD~~
21 ENTRY AS FOLLOWS:

22 1. FOR AN ABDUCTED CHILD, THE ARIZONA CRIMINAL JUSTICE INFORMATION
23 SYSTEM.

24 2. FOR AN ABDUCTED, MISSING OR RUNAWAY CHILD, THE NATIONAL CRIME
25 INFORMATION CENTER MISSING PERSON DATABASE.

26 B. WITHIN TWENTY-FOUR HOURS AFTER RECEIVING A REPORT OF A MISSING,
27 ABDUCTED OR RUNAWAY CHILD, THE DEPARTMENT SHALL DO THE FOLLOWING:

28 1. REPORT INFORMATION ON THE MISSING, ABDUCTED OR RUNAWAY CHILD TO
29 THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

30 2. UNLESS IT IS DETERMINED BY THE PRIMARY INVESTIGATIVE AGENCY THAT
31 IT WILL HINDER INVESTIGATION OR LOCATION EFFORTS, CONTACT THE FOLLOWING
32 PERSONS TO OBTAIN INFORMATION ABOUT THE CHILD'S DISAPPEARANCE:

33 (a) THE CHILD'S PARENTS.

34 (b) THE CHILD'S KNOWN RELATIVES.

35 (c) THE CHILD'S OUT-OF-HOME CAREGIVERS.

36 (d) THE CHILD'S ATTORNEY.

37 (e) THE CHILD'S GUARDIAN OR GUARDIAN AD-LITEM.

38 (f) THE CHILD'S COURT APPOINTED SPECIAL ADVOCATE.

39 (g) ANY OTHER PERSONS KNOWN TO THE DEPARTMENT WHO MAY HAVE RELEVANT
40 INFORMATION REGARDING THE CHILD'S LOCATION.

41 3. UNLESS IT IS DETERMINED BY THE PRIMARY INVESTIGATIVE AGENCY THAT
42 IT WILL HINDER INVESTIGATION OR LOCATION EFFORTS, PROVIDE A NOTICE OF
43 DISAPPEARANCE IN WRITING OR TELEPHONICALLY TO THE FOLLOWING PERSONS:

44 (a) THE CHILD'S PARENTS.

45 (b) THE CHILD'S KNOWN RELATIVES.

- 1 (c) THE CHILD'S OUT-OF-HOME CAREGIVERS.
2 (d) THE CHILD'S ATTORNEY.
3 (e) THE CHILD'S GUARDIAN OR GUARDIAN AD-LITEM.
4 (f) THE CHILD'S COURT APPOINTED SPECIAL ADVOCATE.
5 (g) A JUDICIAL OFFICER IN ANY JUDICIAL MATTER INVOLVING THE CHILD.
6 (h) THE DUTY ASSISTANT ATTORNEY GENERAL TO INITIATE A MOTION FOR A
7 PICKUP.
8 (i) IF THE CHILD IS A MEMBER OF AN INDIAN TRIBE IN THIS STATE, THE
9 CHILD'S INDIAN TRIBE.
- 10 C. FOR A MISSING, ABDUCTED OR RUNAWAY CHILD, THE DEPARTMENT SHALL
11 NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY. THE LAW ENFORCEMENT AGENCY
12 SHALL DETERMINE IF THE SITUATION MEETS AMBER ALERT CRITERIA OR SILVER
13 ALERT CRITERIA PURSUANT TO SECTION 41-1728.
- 14 D. WITHIN FORTY-EIGHT HOURS AFTER RECEIVING A REPORT OF A MISSING,
15 ABDUCTED OR RUNAWAY CHILD, THE LOCAL LAW ENFORCEMENT AGENCY SHALL PROVIDE
16 TO ALL LOCAL MEDIA OUTLETS AND POST TO SOCIAL MEDIA PLATFORMS ALL OF THE
17 FOLLOWING INFORMATION REGARDING THE CHILD AND, IF KNOWN, THE CHILD'S
18 ABDUCTOR:
- 19 1. A COMPLETE PHYSICAL DESCRIPTION OF THE CHILD AND, IF KNOWN, THE
20 CHILD'S ABDUCTOR.
21 2. THE LAST KNOWN LOCATION OF THE CHILD OR, IF KNOWN, THE CHILD'S
22 ABDUCTOR.
23 3. A DESCRIPTION OF THE CLOTHING THE CHILD OR, IF KNOWN, THE
24 CHILD'S ABDUCTOR WAS LAST KNOWN TO BE WEARING.
25 4. A DESCRIPTION OF ANY VEHICLE THAT MAY BE INVOLVED WITH THE
26 CHILD'S DISAPPEARANCE.
27 5. CURRENT PHOTOS OF THE CHILD AND, IF AVAILABLE, THE CHILD'S
28 ABDUCTOR.
29 6. A LAW ENFORCEMENT TELEPHONE NUMBER.
30 7. INFORMATION REGARDING ANY OFFERED REWARDS.
- 31 E. THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING ON AN ONGOING BASIS
32 UNTIL A MISSING, ABDUCTED OR RUNAWAY CHILD IS LOCATED OR THE CHILD REACHES
33 THE AGE OF MAJORITY:
- 34 1. DOCUMENT IN WRITING EVERY EFFORT THE DEPARTMENT HAS MADE TO
35 LOCATE THE MISSING, ABDUCTED OR RUNAWAY CHILD WITHIN TEN DAYS AFTER THE
36 EFFORT TO LOCATE THE CHILD IS TAKEN. THE WRITTEN DOCUMENT SHALL SPECIFY
37 THE NOTIFICATIONS AND DOCUMENTATION SENT TO INDIVIDUALS AND DEPARTMENTS
38 PURSUANT TO THE REQUIREMENTS OF THIS SECTION.
39 2. CONTACT LAW ENFORCEMENT FREQUENTLY AND DOCUMENT THE INFORMATION
40 PROVIDED AND RECEIVED.
41 3. FOR A CHILD WHO HAS BEEN MISSING OR ABDUCTED OR WHO HAS BEEN A
42 RUNAWAY FOR TWO OR MORE YEARS, WORK WITH THE NATIONAL CENTER FOR MISSING
43 AND EXPLOITED CHILDREN TO CREATE AN AGE-PROGRESSION IMAGE OF THE CHILD.
- 44 F. THE DEPARTMENT SHALL DEVELOP AND CONDUCT ANNUAL TRAINING FOR
45 DEPARTMENT EMPLOYEES WHO HAVE DIRECT OVERSIGHT OF CHILDREN AND THE DIRECT

1 SUPERVISORS OF THOSE EMPLOYEES. THE TRAINING SHALL INCLUDE DEPARTMENT
2 POLICIES FOR LOCATING MISSING, ABDUCTED OR RUNAWAY CHILDREN AND THE
3 REQUIREMENTS FOR ONGOING EFFORTS TO LOCATE A MISSING, ABDUCTED OR RUNAWAY
4 CHILD, UNLESS IT IS DETERMINED BY THE PRIMARY INVESTIGATIVE AGENCY THAT IT
5 WILL HINDER INVESTIGATION OR LOCATION EFFORTS. ONGOING DEPARTMENT EFFORTS
6 SHALL INCLUDE ALL OF THE FOLLOWING:
7 1. CONTINUED CONTACT WITH LAW ENFORCEMENT AGENCIES.
8 2. CONTINUED CONTACT WITH THE CHILD'S PARENTS, GUARDIAN OR
9 CUSTODIAN.
10 3. CONTINUED CONTACT WITH THE CHILD'S KNOWN RELATIVES.
11 4. CONTINUED CONTACT WITH CURRENT AND FORMER FOSTER FAMILIES OF THE
12 CHILD.
13 5. CONTINUED CONTACT WITH THE CHILD'S SCHOOL.
14 6. CONTINUED CONTACT WITH KNOWN ACQUAINTANCES OF THE CHILD.
15 7. CONTINUED IN-PERSON SEARCHING OF LOCATIONS AND PLACES WHERE THE
16 CHILD MAY BE FOUND.
17 8. CONTINUED REVIEW OF ANY SOCIAL MEDIA ACCOUNTS THAT MAY BE
18 ASSOCIATED WITH THE CHILD OR THE CHILD'S KNOWN ACQUAINTANCES.
19 9. CONTINUED EFFORTS WITH LAW ENFORCEMENT AGENCIES IN SEARCHING FOR
20 THE CHILD.
21 10. CONTINUED SEARCH EFFORTS WITH DEPARTMENT FIELD STAFF.
22 11. REFERRAL TO THE DEPARTMENT'S OFFICE OF CHILD WELFARE
23 INVESTIGATIONS FOR ASSISTANCE IF EXIGENT CIRCUMSTANCES EXIST.
24 G. THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING WHEN A CHILD IS
25 LOCATED:
26 1. INFORM ALL OF THE FOLLOWING:
27 (a) ALL LAW ENFORCEMENT AGENCIES INVOLVED IN THE CHILD'S CASE.
28 (b) THE ATTORNEY GENERAL'S OFFICE.
29 (c) THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.
30 2. HAVE IN-PERSON CONTACT WITH THE CHILD WITHIN TWENTY-FOUR HOURS
31 AFTER THE CHILD IS LOCATED.
32 3. OBTAIN A MEDICAL EXAM FOR THE CHILD.
33 4. ASSESS THE CHILD'S EXPERIENCES WHILE ABSENT FROM CARE, INCLUDING
34 SCREENING TO DETERMINE IF THE CHILD IS A SEX TRAFFICKING VICTIM.
35 5. ASSESS THE APPROPRIATENESS OF THE CHILD RETURNING TO THE CHILD'S
36 CURRENT PLACEMENT.
37 6. ASSESS FACTORS THAT CONTRIBUTED TO THE CHILD'S ABSENCE.
38 H. THE LEGISLATURE MAY CONVENE THE JOINT LEGISLATIVE OVERSIGHT
39 COMMITTEE ON THE DEPARTMENT OF CHILD SAFETY ESTABLISHED BY SECTION 41-1292
40 TO ADDRESS CONCERNS AND DEVIATIONS FROM POLICY AND PROCEDURE AND PROVIDE
41 RECOMMENDATIONS. THE LEGISLATURE MAY REQUEST AN ANNUAL INDEPENDENT AUDIT
42 OF THE DEPARTMENT'S COMPLIANCE WITH THIS SECTION. IF THE INDEPENDENT
43 AUDIT DETERMINES THAT THE DEPARTMENT IS NOT IN COMPLIANCE, THE INDEPENDENT
44 AUDIT SHALL PROVIDE RECOMMENDATIONS FOR IMPROVING THE DEPARTMENT'S EFFORTS
45 TO LOCATE MISSING, ABDUCTED OR RUNAWAY CHILDREN.

APPROVED BY THE GOVERNOR JUNE 19, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 19, 2023.



AMERICA'S MISSING FOSTER CHILDREN

20,000 children go missing from the child protection system every year. Many of these children are never found by law enforcement, but they are found by sex traffickers and predators. The Missing Foster Children reforms work together to protect children with mandatory immediate reporting of missing children, new ID tools for law enforcement, education for foster kids about child predators, and strong criminal penalties for adults who abuse children.

MODEL LAWS



PHOTO IDENTIFICATION

Free state photo identification cards for all children in foster care; photo ID cards for children in group homes are mandatory. Law enforcement reports that having a current photo is critical to finding children quickly.



MANDATORY REPORTING

Requires child protection agencies to report a missing foster child to law enforcement and the National Center for Missing and Exploited Children (NCMEC) within two hours. Requires law enforcement to enter the child's information into state and national missing person databases within two hours.



CHILD PREDATOR EDUCATION

Requires the state to provide children in foster care with information about online predators and other forms of trafficking and predation.



STRONGER CRIMINAL PENALTIES

Foster parents and group home employees who exploit children will face stronger criminal penalties.



KEEP COURT CASES OPEN

A missing child's court case must stay open.

*"No one looks for us.
I really want to make this
clear. No one looks for us."*

- T. Ortiz Walker Pettigrew

Ms. Pettigrew went missing from foster care when she was 10 years old. Her kidnapper raped, beat and sold her for sex across the western United States. T escaped at 17 and is now a child and human rights advocate.

KEY TAKEAWAYS

- 20,000 children go missing from the child protection system every year.
- America's child sex trafficking trade is fueled by missing foster children.
- Searches for missing children must be mandatory.



CENTER FOR THE RIGHTS
OF ABUSED CHILDREN

Support Senate Bill 646

Requires protocols for reporting and searching for children in the custody of Children's Division whose whereabouts are unknown.

Oral Testimony

Kendall Seal, Vice President of Policy
Center for the Rights of Abused Children

Senate Committee on Health and Welfare

Wednesday, May 3, 2023

Chair Coleman, Vice Chair Carter, and Committee Members:

Good morning, I am Kendall Seal, Vice President of Policy at the Center for the Rights of Abused Children. Our mission is to protect children, change laws, and inspire people – to ensure every abused child has a bright future.

A child should never go missing from foster care. Yet, many child safety agencies fail to keep children safely in care and protect against the exploitation and life-long harms of running away or disappearing. That is why the Center for the Rights of Abused Children advocates for mandatory reporting and searching for children who go missing from the care of state foster care agencies. It is a crucial reform, given these young people suffer extremely high risks of being unhoused, entering the criminal justice system, and being trafficked.

The problem

The current system fails Missouri children. Despite their responsibility for a child's stability and safety, Missouri fails to properly report and recover children



missing from care. State law does not explicitly address protocols for reporting or locating children missing from care – diminishing children's stability and safety.

- A 2021 report from the U.S. Office of Inspector General (OIG) analyzed the cases of the nearly 1,000 Missouri children who went missing from foster care in 2019. They found that Missouri Children's Division failed to report children as missing in nearly half of the cases reviewed. The Division further rarely attempted to reduce children's risk of going missing, failed to protect children who went missing from foster care, and did not effectively use resources to assist in locating them.¹
- The identified issues continue to persist. A follow up 2022 OIG report found that, over a 2.5-year period, there were 1,780 instances of Missouri children missing from foster care. Put another way, 4% of Missouri children in care went missing.²
- A third, 2023 report from OIG found state agencies continue violating federal mandates by not properly reporting children missing from foster care. In 69% of missing children episodes over a 2.5-year period, agencies failed to report children missing from care within federal timelines. Further, state agency systems inadequately identify whether they had reported missing children

¹ Suzanne Murrin, "Case Study: Missouri's Efforts To Protect Children Missing From Foster Care," U.S. Department of Health and Human Services Office of Inspector General, September 2021, <https://oig.hhs.gov/oei/reports/OEI-07-19-00372.pdf>.

² Christi A. Grimm, "National Snapshot of State Agency Approaches To Reporting and Locating Children Missing From Foster Care," U.S. Department of Health and Human Services Office of Inspector General, May 2022, <https://oig.hhs.gov/oas/reports/region7/72006095.pdf>.



episodes accurately and timely - reiterating findings of shortcoming in Missouri's system.³

The solution

This reform establishes procedures regarding children missing from care. Specifically, it will amend the missing persons statute, section 43.400-401, and the child protection and reformation statute, section 210.795:

- Mandating Division personnel to immediately report missing children to law enforcement and the National Center for Missing and Exploited Children (NCMEC) within two hours of determining the child is missing. Law enforcement, in turn, must keep a child's case open until the child is found.
- Requiring the Division to develop appropriate search protocols, including bringing into law some existing Division internal policies. Specifically, the case manager must inform parents, a juvenile officer, and the child's guardian ad litem within 24 hours of a child going missing, must maintain contact with law enforcement, family, and providers, and must continue documenting and reporting to the court about ongoing efforts to recover the child.
- Prohibiting the Division from closing a case (i.e. petitioning the court for a release of jurisdiction over the child) until the child is found or turns 21 years old.

³ Amy J. Frontz, "State Agencies Did Not Always Ensure That Children Missing From Foster Care Were Reported to the National Center for Missing and Exploited Children in Accordance With Federal Requirements," U.S. Department of Health and Human Services Office of Inspector General, March 2023, https://oig.hhs.gov/oas/reports/region7/72106102.asp?utm_medium=email&utm_source=govdelivery, page 9; Murrin, page 13; Grimm, pages 17-20.



- Requiring the Division to maintain a recent photo of the child in their case file.
- Instructing the Division to develop preventative protocols for identifying children at risk of disappearing and mitigating such risk.

Estimated impact of Senate Bill 646

Children and youth who are missing, or have run away from, foster care have a greater likelihood of experiencing adverse outcomes, including poor health, substance use, academic underperformance, and involvement with the juvenile justice system.⁴ Further, research supports an association between running away from home and increased vulnerability for experiencing sexual exploitation and human trafficking. NCMEC estimates that 19% of those who run away from foster care likely experience sex trafficking.⁵

The reforms in Senate Bill 646 will counteract and prevent these harms.

- Timely reporting of a child missing from care, an immediately available photo, and targeted resources and attention to those most at risk of disappearing are the leading practices most likely to protect children.⁶

⁴ Natasha E. Lutzman, et al., "Examining the Link: Foster Care Runaway Episodes and Human Trafficking," 2020, https://www.acf.hhs.gov/sites/default/files/documents/opre/foster_care_runaway_human_trafficking_october_2020_508.pdf, page 3.

⁵ "Child Sex Trafficking Overview," National Center for Missing and Exploited Children, 2022, <https://www.missingkids.org/content/dam/missingkids/pdfs/CST%20Identification%20Resource.pdf>.

⁶ Murrin; Grimm; "National Advisory Committee on the Sex Trafficking of Children and Youth in the United States Report," Administration for Children and Families, 2020, https://www.acf.hhs.gov/sites/default/files/documents/otip/nac_report_2020.pdf; D.A. Gibbs, et al, "Report to Congress: The Child Welfare System Response to Sex Trafficking of Children, 2019," Administration for Children and Families, 2019, https://www.acf.hhs.gov/sites/default/files/documents/cb/report_congress_child_trafficking.pdf.



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- For the nearly 1,000 children who currently disappear from care, Missouri will be held accountable to a stronger state law to properly report them missing and not cease searching until they are home.
- Just as importantly, fewer children will go missing thanks to improved placement stability and preventative protocols that intervene for those most at-risk of running away, disappearing, and being exploited.

Through the work of our pro bono legal clinic at the Center for the Rights of Abused Children, we know firsthand the safety risks facing children in foster care - and the urgency with which these policies are needed. Child are often without an advocate, overlooked, and shuffled from home to home, increasing their likelihood of running away and disappearing.⁷

With a few simple and meaningful reforms, Missouri can signal to these children that they matter, and that no effort will be spared to prevent their harm or safe return home. Thank you for your time and for your consideration. It is a privilege to address you on such an important topic, and I look forward to answering any questions.

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⁷ Latzman.



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OF ABUSED CHILDREN

Support Senate Bill 646

Requires protocols for reporting and searching for children in the custody of Children's Division whose whereabouts are unknown.

Written Testimony

Kendall Seal, Vice President of Policy
Center for the Rights of Abused Children

Senate Committee on Health and Welfare

Wednesday, May 3, 2023

Chair Coleman, Vice Chair Carter, and Committee Members:

Good afternoon, I am Kendall Seal, Vice President of Policy at the Center for the Rights of Abused Children. Our mission is to protect children, change laws, and inspire people – to ensure every abused child has a bright future.

Foster care systems across the country underserve children who suffer abuse and neglect. In no matter is the need for improvement more obvious than in maintaining the most basic level of safety: that a child never go missing from foster care. Too many child safety agencies fail to keep children safely in care and protect against the exploitation and life-long harms of running away or disappearing.

One of the hallmark reforms we promote at the Center for the Rights of Abused Children is mandatory reporting and searching for children who go missing from the care of state foster care agencies. It is a crucial reform, given these young people suffer extremely high risks of being unhoused, entering the criminal justice system, and being trafficked.



Despite Missouri being responsible for their safety and care, the state frequently fails to properly search for these children or even report them missing. State law does not mandate strict policies to prevent their disappearance or search until they are found, depriving these at-risk children of the protection they deserve.¹

Missouri Fails to Properly Report and Recover Children Missing from Care

A 2021 report from the U.S. Office of Inspector General (OIG) analyzed the cases of the nearly 1,000 Missouri children who went missing from foster care in 2019. They found that Missouri Children’s Division failed to report children as missing in nearly half of the cases reviewed. The Division further rarely attempted to reduce children’s risk of going missing, failed to protect children who went missing from foster care, and did not effectively use resources to assist in locating them.²

The identified issues continue to persist. A follow up 2022 OIG report found that, over a 2.5-year period, there were 1,780 instances of Missouri children missing from foster care. Put another way, 4% of Missouri children in care went missing.³

A third, 2023 report from OIG found state agencies continue violating federal mandates by not properly reporting children missing from foster care. An estimated

¹ Christi A. Grimm, “National Snapshot of State Agency Approaches To Reporting and Locating Children Missing From Foster Care,” U.S. Department of Health and Human Services Office of Inspector General, May 2022, <https://oig.hhs.gov/oas/reports/region7/72006095.pdf>; “Children Missing from Care,” National Center for Missing and Exploited Children, <https://www.missingkids.org/theissues/missingfromcare>.

² Suzanne Murrin, “Case Study: Missouri’s Efforts To Protect Children Missing From Foster Care,” U.S. Department of Health and Human Services Office of Inspector General, September 2021, <https://oig.hhs.gov/oei/reports/OEI-07-19-00372.pdf>. Further, one in three cases lacked documentation that case managers assessed the child’s safety or determined their experiences while missing (including whether they fell victim to sex trafficking) following the child’s return.

³ Grimm.



47% of missing children episodes over a 2.5-year period were not reported and an additional 22% were reported later than required – undermining efforts to find these children in the crucial hours following their disappearance. When questioned, most states could provide no reason the cases weren't reported or demonstrated an inadequate understanding of federal requirements or best practices.⁴ Further, state agency systems inadequately identify whether they had reported missing children episodes accurately and timely – reiterating findings of shortcoming in Missouri's system.⁵

Why Immediate and Ongoing Searches are Needed

Children and youth who are missing, or have run away from, foster care have a greater likelihood of experiencing adverse outcomes, including poor health, substance use, academic underperformance, and involvement with the juvenile justice system.⁶ Further, research supports an association between running away from home and increased vulnerability for experiencing sexual exploitation and human trafficking. The National Center for Missing and Exploited Children (NCMEC) estimates that 19% of those who run away from foster care likely experience sex trafficking.⁷

⁴ Amy J. Frontz, "State Agencies Did Not Always Ensure That Children Missing From Foster Care Were Reported to the National Center for Missing and Exploited Children in Accordance With Federal Requirements," U.S. Department of Health and Human Services Office of Inspector General, March 2023, https://oig.hhs.gov/oas/reports/region7/72106102.asp?utm_medium=email&utm_source=govdelivery.

⁵ Frontz, page 9; Murrin, page 13; Grimm, pages 17-20.

⁶ Latzman, page 3.

⁷ "Child Sex Trafficking Overview," National Center for Missing and Exploited Children, 2022, <https://www.missingkids.org/content/dam/missingkids/pdfs/CST%20Identification%20Resource.pdf>.



Timely reporting of a child missing from care, an immediately available photo, and targeted resources and attention to those most at risk of disappearing are the leading practices most likely to protect children. For instance, children who have gone missing at least once were 92% more likely to going missing again when compared with children who had never gone missing.⁸

Current System for Reporting and Finding Children Missing from Care

The current system fails Missouri children. State law is relatively silent on the reporting, searching, and recovery of children missing from care, or lacks best practices. The net result is diminished accountability for ensuring child safety.

The Preventing Sex Trafficking and Strengthening Families Act amended Title IV-E to require state agencies develop and implement specific protocols to immediately report and locate any children missing from foster care.⁹ Such responses include notifying law enforcement and NCMEC – the national clearinghouse managing missing children’s cases – within 24 hours of awareness. Protocols must also determine a child’s experiences while missing from care, in instances when the child is located, including screening for human trafficking.¹⁰

⁸ Murrin; Grimm; “National Advisory Committee on the Sex Trafficking of Children and Youth in the United States Report,” Administration for Children and Families, 2020, https://www.acf.hhs.gov/sites/default/files/documents/otip/nac_report_2020.pdf; D.A. Gibbs, et al, “Report to Congress: The Child Welfare System Response to Sex Trafficking of Children, 2019,” Administration for Children and Families, 2019, https://www.acf.hhs.gov/sites/default/files/documents/cb/report_congress_child_trafficking.pdf.

⁹ The Preventing Sex Trafficking and Strengthening Families Act, P.L. No. 113-183 (Sep. 29, 2014); 42 U.S.C. § 471(a)(35).

¹⁰ 34 U.S.C. § 11293(b). NCMEC is the national clearinghouse on issues relating to missing and exploited children and the case management center to help find missing children, reduce child sexual exploitation, and prevent child



Missouri state law does not explicitly address protocols for reporting or locating children missing from care.¹¹ Rather, these processes are found in the Child Welfare Manual.¹² As highlighted above, audits suggest that even these protocols are not followed.

The Solution

We support Senate Bill 646 in increasing accountability for reporting and finding children missing from care. The bill includes the following reforms:

- Mandating Division personnel to immediately report missing children to law enforcement and NCMEC within two hours of determining the child is missing. Law enforcement, in turn, must keep a child's case open until the child is found.
- Requiring the Division to develop appropriate search protocols, including bringing into law some existing Division internal policies. Specifically, the case manager must inform parents, a juvenile officer, and the child's guardian ad litem within 24 hours of a child going missing, must maintain contact with law enforcement, family, and providers, and must continue documenting and reporting to the court about ongoing efforts to recover the child.

victimization. NCMEC requires the child's full name, date of birth, gender, height, weight, date the child went missing, city, and state from which the child went missing, caseworker or provider information, and information on notification of law enforcement. It focuses its efforts on missing children who are 17 years old and younger and on 18-to-20-year-old missing children who are considered at an elevated risk of danger. However, NCMEC may also assist with unemancipated youths missing from care who are 18 to 20 years old and still under legal guardianship of a state agency.

¹¹ Rather, general policies defining a missing child and reporting are found in Title V, Chapter 43.

¹² "Child Welfare Manual," Missouri Department of Social Services, <https://dssmanuals.mo.gov/child-welfare-manual/section-4-chapter-10-case-management-activities-subsection-2-diligent-searches/>.



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- Prohibiting the Division from closing a case (i.e. petitioning the court for a release of jurisdiction over the child) until the child is found or turns 21 years old.
- Requiring the Division to maintain a recent photo of the child in their case file.
- Instructing the Division to develop preventative protocols for identifying children at risk of disappearing and mitigating such risk.

These Reforms are Informed by Data and Experience

It is important to remember that not only child welfare data informs our position, but practical experience. Through the work of our pro bono legal clinic at the Center for the Rights of Abused Children, we know firsthand the safety risks facing children in foster care – and the urgency with which these policies are needed. Children are often without an advocate, overlooked, and shuffled from home to home, increasing their likelihood of running away and disappearing.¹³ With a few simple and meaningful reforms, Missouri can signal to these children that they matter, and that no effort will be spared to prevent their harm or safe return home.

Thank you for your time and for your consideration. It is a privilege to address you on such an important topic, and I look forward to answering any questions you may have.

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¹³ Natasha E. Latzman, et al., “Examining the Link: Foster Care Runaway Episodes and Human Trafficking,” 2020, https://www.acf.hhs.gov/sites/default/files/documents/opre/foster_care_runaway_human_trafficking_october_2020_508.pdf.



CENTER FOR THE RIGHTS
OF ABUSED CHILDREN

May 12, 2023

Governor Michael Parson
201 W. Capitol Avenue
Jefferson City, Missouri 65101

RE: Support for Senate Bill 186

Honorable Governor Parson:

Thank you for your work on behalf of Missouri's abused and neglected children.

I am writing to ask for your signature on Senate Bill 186, which will improve the placement of abused and neglected children with willing relatives and ensure the state searches for and finds children disappearing from the state's care.

These reforms play a crucial role in strengthening Missouri's preference for relative placements and improving a child's stability by:

- Ensuring thorough searches for relatives as soon as a child enters care;
- Providing relatives with timely information and an opportunity to be involved in the child's life;
- Increasing accountability by outlining necessary routine relative search documentation with the court; and
- Allowing courts to consider the full scope of relative placement options when determining what is in the best interest of the child.

Also, we know that foster care instability fuels the risk of children running away and experiencing exploitation and human trafficking. Notably, federal investigators found that nearly 1,000 Missouri children disappear from the foster care system annually - and little is done to protect these children or effectively deploy resources to bring them home safely. Senate Bill 186 improves children's safety by:

- Mandating child safety personnel immediately report when children go missing from care and develop appropriate search and prevention protocols;
- Requiring up-to-date photo IDs in every child's case file; and
- Ensuring Missouri keeps searching for missing children.

With your signature, you will help ensure abused and neglected children are quickly placed with relatives, experience fewer home disruptions, and enjoy the sense of safety that comes from a loving family.

I look forward to continuing to work with you and your administration. Thank you for your consideration of this bill and for your service to Missouri.

Sincerely,

A handwritten signature in blue ink that reads "Darcy Olsen". The signature is written in a cursive style with a large, prominent "D" and "O".

Darcy Olsen
CEO

OP ED | Opinion *This piece expresses the views of its author(s), separate from those of this publication.*

How can social services lose 18,000 children - and not look for them?

Opinion: Many of the children sold as sex slaves were in the care of social services when they went missing. Aren't these agencies supposed to keep kids safe?

Darcy Olsen opinion contributor

Published 6:55 a.m. MT Jan. 31, 2019

This year, an estimated 18,000 American children will disappear, but their families will not be looking for them. Neighbors will not canvas the streets. Our Facebook feeds will not show their pictures. And after six months, the records of their existence may close entirely.

This is the fate awaiting children who vanish while in the care and custody of America's child-protection system. Some run to escape abuse. Some follow false promises of love and security. Still others are kidnapped outright.

No matter the reason for falling off the grid, many of these boys and girls will resurface on the black market as child sex slaves. According to the FBI, more than half of trafficked children in America were in the care of social services when they disappeared. That is a damning statistic for a system whose sole purpose is to keep children safe.

Arizona can close cases after 6 months

Withelma "T" Pettigrew, one of TIME magazine's 100 most influential people, was one of those children in foster care who became a trafficking victim. T testified to Congress: "I spent, for the most part, the first 18 years of my life in the foster-care system. Seven of those years, I was a child being sexually trafficked on the streets, Internet, strip clubs, massage parlors ...

Traffickers, pimps, exploiters have no fear of punishment because they rely on the lack of attention that occurs when these young people go missing."

Making matters worse, the National Center for Missing and Exploited Children found that "historically, many of these children were not being reported missing." To correct that, federal law enacted in 2014 required that state agencies must report a missing child to law enforcement within 24 hours. Reports of children missing from care have since more than doubled.

But reporting a child missing is only a first step in what should be a 24/7 search. Every missing child counts, regardless of race, gender, age or social status.

The state is the legal guardian of these children, but Arizona law allows a case to be closed after the child has been missing from care for only six months. That responsibility should end only when the child is in a permanent and safe home — not because the child has disappeared.

Keep searching until they're found

Giving up on finding a child after six months is contrary to the very purpose of being a guardian. Closing the books also gives predators a green light: If you can keep a kid hidden for six months, you're home free. Predators should know that we will never give up on finding these children — ever.

Twenty years ago, families relied on newspapers, flyers and milk cartons to find a missing person. Today, social media can spread the news of a missing child in seconds. The ability to rapidly disseminate the word has saved many lives. Children who vanish from state care should be entitled to no less, and Arizonans would be eager to help.

Similarly, all of us can support the hard work of local law enforcement by becoming more aware of potential predators around us by checking the sex-offender registry.

Arizona would benefit from a robust conversation between law enforcement, child-protection workers, private agencies and the children and families who have lived through this experience. With a goal of modernizing and strengthening safety procedures, we can work to provide the same safeguards for children in state care that we would demand for our own.

Darcy Olsen is the founder and CEO of Gen Justice, which serves abused children through its pro bono Children's Law Clinic and aims to reform the child-protection system to prevent future injustice. Reach her at darcy@genjustice.org.

READ MORE:

Arizona DPS is increasing its focus on human trafficking
8 arrested in sex trafficking investigation in western Arizona
What 'sex trafficking' really means



Rebecca Masterson: Our nation's foster kids shouldn't be invisible -- here's one thing that must happen now

By Rebecca Smith Masterson

Published March 06, 2021

Fox News

Parents, do me a favor. Take a look at your phone and count up how many pictures you have of your kids.

I bet most of you thought, "please, I don't have that kind of time." I hear you. Of the hundreds of photos on my phone, I bet you over half are of my son. I've taken eight photos of my child since Saturday.

The girl in this missing juvenile poster (see below) had no one taking pictures of her. Because the girl in this missing poster was in foster care.



This child -- I'm not even allowed to share her name -- went missing this past November, yet there have been no fliers posted, no social media campaigns, and no local news coverage.

FOSTER CARE AND ADOPTION SYSTEM SHATTERED BY CORONAVIRUS LOCKDOWN, EXPERTS CAUTION

None of these efforts can be made because there is "No Image Available." There is not a single photo of this child to help the police find her.

I doubt I need to explain to you how dismal the chances of finding this child are when we have no idea what she looks like. Tragically, this isn't an isolated case.

More than 18,000 children disappear from our nation's child protection system every year. Every year.

33 MISSING CHILDREN RESCUED IN MAJOR HUMAN TRAFFICKING INVESTIGATION, FBI SAYS

At heightened risk of disappearing are kids in group homes and/or who have moved multiple times within the foster system, and children with intellectual disabilities. In other words, the most vulnerable of our vulnerable go missing from foster care.

We don't know what happens to these children because child welfare agencies are not required to report which children are missing when their files are closed.

What we do know is the majority of sexually trafficked children in the United States are from foster care. Predators know that children without stable families are easy prey.

CLICK HERE TO GET THE OPINION NEWSLETTER

As child rights advocate and former foster child T. Ortiz Walker said, "No one looks for us. I really want to make this clear. No one looks for us."

MORE FROM OPINION

Tim Tebow: COVID couldn't cancel this -- how 'Night to Shine' 2021 showed love in the midst of a pandemic

Douglas MacKinnon: Black lives matter, especially the lives of children like Anisa Scott who are senselessly murdered
Federal law addressed this crisis in 2014 by requiring child protection agencies to report missing foster youth to law enforcement and to the National Center for Missing Exploited Children. This is a start, but many states fail to meet even this minimal requirement. And like the missing juvenile in the posting above, without a recent photograph, this mandatory reporting is essentially useless.

We can't search for children who have disappeared from state care if we don't know what they look like. Every child in state care needs a photograph.

CLICK HERE TO GET THE FOX NEWS APP

The solution to this problem already exists in the form of state identification cards. Available in every state, ID cards should be available at no cost to every child in state care and mandatory for children in congregate care and group homes. Just like a driver's license, the ID card has a photograph that, in an emergency, can be linked to all state and national databases with the click of a button.

This year, Arizona bill SB1019 has been introduced to turn this common-sense solution into law. Every state can enact similar legislation and make "No Image Available" a thing of the past for our nation's foster kids.

Rebecca Masterson is Chief Counsel of Gen Justice, an award-winning charitable organization mending the broken child protection system through nonpartisan policy changes and a pro bono Children's Law Clinic. She recently co-authored "Disappearing and Dying, an issue brief outlining reforms to address the missing foster child national crisis. She has two adopted sons and lives in Phoenix, Arizona.

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Reform to help missing foster children receives unanimous support; heads to Arizona Governor Doug Ducey for signature

Apr. 28, 2021

SHARE



PHOENIX – Senate Bill 1019, sponsored by Arizona Sen. Nancy Barto, today passed the Arizona legislature unanimously and heads to Arizona Governor Doug Ducey for signature. The legislation adds a critical safeguard for Arizona’s foster children by making photo identification cards free for all children in state care.

“20,000 foster children disappear every year. I was shocked to learn how often photographs weren’t available to assist law enforcement in their searches,” said Rebecca Masterson, Gen Justice Chief Counsel. “Arizona unanimously recognized that this is unacceptable.”

Because a majority of missing foster children disappear from group homes, SB1019 requires Arizona group homes to obtain a state ID for all children in their care. If a child goes missing, the child’s photo and identifying information can immediately be uploaded to state and federal databases so the child can be found.

The law also makes a photo ID card free for any child in foster care. A foster family or kinship provider can now get the child in their care photograph identification free of charge, no matter the age of the child.

Gen Justice CEO, Darcy Olsen, said, “Most trafficked kids in America are from foster care. Law enforcement told us they needed photographs to fix this, so that’s what we did. Now, if a child goes missing from care, our officers have the tools they need.”

About Gen Justice

[Gen Justice](#) is an award-winning charitable organization working to mend the broken child protection system through nonpartisan policy changes and a pro bono Children's Law Clinic.

Contact

For press opportunities, please contact Matt Shupe at Praetorian Public Relations: (415) 735-8491 or matt@praetorianpr.com.



Gen Justice releases new issue brief, “Disappearing and Dying: Why 20,000 kids disappear from foster care every year and how to end this crisis.”

Jan. 19, 2021

SHARE



PHOENIX – The number of children who have disappeared from the nation’s foster care system has more than doubled in the past six years, according to a just-released Gen Justice issue brief. In [Disappearing and Dying](#), Gen Justice founder Darcy Olsen and chief counsel Rebecca Masterson detail this national crisis and recommend reforms for lawmakers.

“The fact is there is little effort to locate missing foster children and even less hope of recovering them,” said Masterson.

On an average day, 55 children disappear from the U.S. foster care system. An unknown number of the missing are taken and trafficked by pedophiles. Other missing children are killed, like Anaiyah Walker of Arizona, whose body was found on a Phoenix freeway last year.

Traffickers know that children who go missing from foster care probably will not be searched for, a fact shared before Congress by Withelma Pettigrew, who went missing from foster care when she was ten years old. Kidnapped by a predator, he raped, beat, and sold her for sex. “No one looks for us,” Pettigrew testified. “I really want to make this clear. No one looks for us.” Thanks in part to Pettigrew’s testimony, federal law in 2014 required states to report children missing from care. But for most foster children, searches still are either non-existent or totally ineffective.

“Foster children are in the legal care and custody of the state,” said Olsen, a ten-time foster mom, “The state has a responsibility to find these children.”

The single most helpful tool in recovering a missing child is a recent photograph, according to law enforcement, but many foster kids don’t have one. Arizona State Sen. Nancy Barto has introduced a bipartisan measure to

ensure that every child in state care has a current photo card for free, and a parallel reform to ensure children in state custody have an attorney to enforce the law and hold government accountable.

About Gen Justice

Gen Justice is an award-winning charitable organization celebrating its third year working to mend the broken child protection system through nonpartisan policy changes and a pro bono Children's Law Clinic. Online: genjustice.org

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CENTER FOR THE RIGHTS OF ABUSED CHILDREN

SAMPLE SOCIAL MEDIA

1

Kendall S. · 2nd Attorney · Lobbyist · Stra...
10mo · Edited ·

Problem

Over a 2.5 year period, there were 1,780 instances of children missing from foster care in Missouri.

A report from the U.S. Office of Inspector General found that Missouri Children's Division failed to report children as missing in nearly HALF of the cases reviewed.

Solution

Rep. Cyndi Buchheit-Courtway is championing our [Center for the Rights of Abused Children](#) legislation. HB 1005 focuses on relative placement of children in the foster care system and the mandatory search for missing children. [#fostercare](#) [#fosteryouth](#) [#moleg](#)

Here's the bill: <https://lkd.in/gVGicmx9>



2

Kendall S. · 2nd Attorney · Lobbyist · Stra...
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Victory for Abused and Missing Children

Thank you to Governor Mike Parson and bill sponsor Rep. Cyndi Buchheit-Courtway for delivering results and fighting for Missouri's abused and missing children.

Problem(s)

• A family member could be down the street and not know a child in their extended family was taken into the state's custody due to abuse or neglect by their parent. State law did not detail what a notification to grandparents and relatives should entail, require timely responses, or detail what must be reported to the court.

• Because of this ongoing search requirement and preferential treatment for certain types of relatives, a presumption of stability did not exist in state law, creating home disruptions for children when relatives are not found at the start of a case but may appear months or years down the line. In many instances, children fled foster care in attempts to return to their family of origin.

• Federal investigators found that nearly 1,000 Missouri children disappear from the foster care system annually, and the state notoriously failed to report the children as missing as required by federal law. Many of these children experienced human trafficking, horrible substance use, homelessness, and mental health challenges.

Solution(s)

This new [Center for the Rights of Abused Children](#) law plays a crucial role in strengthening Missouri's preference for relative placements and improving a child's stability by:

- Ensuring thorough searches for relatives as soon as a child enters care;
- Providing relatives with timely information and an opportunity to be involved in the child's life; and
- Increasing accountability by requiring the state's search to be filed with the court in every child's case.

Senate Bill 186 requires the state to report on and to search for any child who disappears from care, including:

- Mandating any agency, placement provider, parent, or guardian, with the care and custody of a child who is missing from care, immediately report to law enforcement and the [National Center for Missing & Exploited Children](#) ;
- Requiring Children's Division develop prevention protocols and improved searches;
- Requiring up-to-date photographs in every child's case file to help police identify missing children; and
- Ensuring Missouri keeps searching for missing children.

Impact

This new law will impact 21,000 children in the state's child welfare system each year.

Grateful for [Alex Eaton](#) [Jasmine Wells](#) and our many legislative friends who rallied to get this across the finish line. [#fostercare](#) [#law](#)



3

Kendall S. · 2nd Attorney · Lobbyist · Stra...
2mo · Edited ·

628 missing children found

That's progress The [Center for the Rights of Abused Children](#) legislation on mandatory searches in SB 186 is working.

Let's keep going until all the missing children are found.

Jason Hancock · 3rd+ Editor in Chief at The Missou...
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A state investigative team has helped locate 628 foster kids this year who were missing from state custody in Missouri, state lawmakers were informed at a House budget hearing Monday. [#moleg](#) [#mogov](#)



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