

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 717, Pages 16-27, Sections 210.145,
2 210.152, 210.153, by deleting all of said sections from the bill and inserting in lieu thereof the
3 following:

4
5 "210.145. 1. The division shall develop protocols which give priority to:

6 (1) Ensuring the well-being and safety of the child in instances where child abuse or neglect
7 has been alleged;

8 (2) Promoting the preservation and reunification of children and families consistent with
9 state and federal law;

10 (3) Providing due process for those accused of child abuse or neglect; and

11 (4) Maintaining an information system operating at all times, capable of receiving and
12 maintaining reports. This information system shall have the ability to receive reports over a single,
13 statewide toll-free number. Such information system shall maintain the results of all investigations,
14 family assessments and services, and other relevant information.

15 2. The division shall utilize structured decision-making protocols for classification purposes
16 of all child abuse and neglect reports. The protocols developed by the division shall give priority to
17 ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated
18 within twenty-four hours and shall be classified based upon the reported risk and injury to the child.
19 The division shall promulgate rules regarding the structured decision-making protocols to be utilized
20 for all child abuse and neglect reports.

21 3. Upon receipt of a report, the division shall determine if the report merits investigation,
22 including reports which if true would constitute a suspected violation of any of the following:
23 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen
24 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or
25 other crimes under chapter 566 if the victim is a child less than eighteen years of age and the
26 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than
27 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090,
28 section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The
29 division shall immediately communicate all reports that merit investigation to its appropriate local
30 office and any relevant information as may be contained in the information system. The local
31 division staff shall determine, through the use of protocols developed by the division, whether an
32 investigation or the family assessment and services approach should be used to respond to the
33 allegation. The protocols developed by the division shall give priority to ensuring the well-being and
34 safety of the child.

35 4. When the child abuse and neglect hotline receives three or more calls, within a
36 seventy-two hour period, from one or more individuals concerning the same child, the division shall
37 conduct a review to determine whether the calls meet the criteria and statutory definition for a child

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1 abuse and neglect report to be accepted. In conducting the review, the division shall contact the
2 hotline caller or callers in order to collect information to determine whether the calls meet the
3 criteria for harassment.

4 5. The local office shall contact the appropriate law enforcement agency immediately upon
5 receipt of a report which division personnel determine merits an investigation and provide such
6 agency with a detailed description of the report received. In such cases the local division office shall
7 request the assistance of the local law enforcement agency in all aspects of the investigation of the
8 complaint. The appropriate law enforcement agency shall either assist the division in the
9 investigation or provide the division, within twenty-four hours, an explanation in writing detailing
10 the reasons why it is unable to assist.

11 6. The local office of the division shall cause an investigation or family assessment and
12 services approach to be initiated in accordance with the protocols established in subsection 2 of this
13 section, except in cases where the sole basis for the report is educational neglect. If the report
14 indicates that educational neglect is the only complaint and there is no suspicion of other neglect or
15 abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the
16 report indicates the child is in danger of serious physical harm or threat to life, an investigation shall
17 include direct observation of the subject child within twenty-four hours of the receipt of the report.
18 Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to
19 the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances
20 where the child may be in immediate danger. If the parents of the child are not the alleged abusers, a
21 parent of the child must be notified prior to the child being interviewed by the division. No person
22 responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave
23 any documentation of any attempted visit, such as business cards, pamphlets, or other similar
24 identifying information if he or she has a reasonable basis to believe the following factors are
25 present:

- 26 (1) (a) No person is present in the home at the time of the home visit; and
27 (b) The alleged perpetrator resides in the home or the physical safety of the child may be
28 compromised if the alleged perpetrator becomes aware of the attempted visit;
29 (2) The alleged perpetrator will be alerted regarding the attempted visit; or
30 (3) The family has a history of domestic violence or fleeing the community.

31
32 If the alleged perpetrator is present during a visit by the person responding to or investigating the
33 report, such person shall provide written material to the alleged perpetrator informing him or her of
34 his or her rights regarding such visit, including but not limited to the right to contact an attorney.
35 The alleged perpetrator shall be given a reasonable amount of time to read such written material or
36 have such material read to him or her by the case worker before the visit commences, but in no event
37 shall such time exceed five minutes; except that, such requirement to provide written material and
38 reasonable time to read such material shall not apply in cases where the child faces an immediate
39 threat or danger, or the person responding to investigating the report is or feels threatened or in
40 danger of physical harm. If the abuse is alleged to have occurred in a school or child care facility the
41 division shall not meet with the child in any school building or child-care facility building where
42 abuse of such child is alleged to have occurred. When the child is reported absent from the
43 residence, the location and the well-being of the child shall be verified. For purposes of this
44 subsection, child care facility shall have the same meaning as such term is defined in section
45 210.201.

46 7. The director of the division shall name at least one chief investigator for each local
47 division office, who shall direct the division response on any case involving a second or subsequent
48 incident regarding the same subject child or perpetrator. The duties of a chief investigator shall

1 include verification of direct observation of the subject child by the division and shall ensure
2 information regarding the status of an investigation is provided to the public school district liaison.
3 The public school district liaison shall develop protocol in conjunction with the chief investigator to
4 ensure information regarding an investigation is shared with appropriate school personnel. The
5 superintendent of each school district shall designate a specific person or persons to act as the public
6 school district liaison. Should the subject child attend a nonpublic school the chief investigator shall
7 notify the school principal of the investigation. Upon notification of an investigation, all
8 information received by the public school district liaison or the school shall be subject to the
9 provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section
10 1232g, and federal rule 34 CFR, Part 99.

11 8. The investigation shall include but not be limited to the nature, extent, and cause of the
12 abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names
13 and conditions of other children in the home, if any; the home environment and the relationship of
14 the subject child to the parents or other persons responsible for the child's care; any indication of
15 incidents of physical violence against any other household or family member; and other pertinent
16 data.

17 9. When a report has been made by a person required to report under section 210.115, the
18 division shall contact the person who made such report within forty-eight hours of the receipt of the
19 report in order to ensure that full information has been received and to obtain any additional
20 information or medical records, or both, that may be pertinent.

21 10. Upon completion of the investigation, if the division suspects that the report was made
22 maliciously or for the purpose of harassment, the division shall refer the report and any evidence of
23 malice or harassment to the local prosecuting or circuit attorney.

24 11. Multidisciplinary teams shall be used whenever conducting the investigation as
25 determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall
26 be used in providing protective or preventive social services, including the services of law
27 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other
28 agencies, both public and private.

29 12. For all family support team meetings involving an alleged victim of child abuse or
30 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of
31 the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
32 provided notice and be permitted to attend all such meetings. Family members, other than alleged
33 perpetrators, or other community informal or formal service providers that provide significant
34 support to the child and other individuals may also be invited at the discretion of the parents of the
35 child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and
36 the foster parents may request that other individuals, other than alleged perpetrators, be permitted to
37 attend such team meetings. Once a person is provided notice of or attends such team meetings, the
38 division or the convenor of the meeting shall provide such persons with notice of all such subsequent
39 meetings involving the child. Families may determine whether individuals invited at their discretion
40 shall continue to be invited.

41 13. If the appropriate local division personnel determine after an investigation has begun that
42 completing an investigation is not appropriate, the division shall conduct a family assessment and
43 services approach. The division shall provide written notification to local law enforcement prior to
44 terminating any investigative process. The reason for the termination of the investigative process
45 shall be documented in the record of the division and the written notification submitted to local law
46 enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

47 14. If the appropriate local division personnel determines to use a family assessment and
48 services approach, the division shall:

1 (1) Assess any service needs of the family. The assessment of risk and service needs shall be
2 based on information gathered from the family and other sources;

3 (2) Provide services which are voluntary and time-limited unless it is determined by the
4 division based on the assessment of risk that there will be a high risk of abuse or neglect if the family
5 refuses to accept the services. The division shall identify services for families where it is determined
6 that the child is at high risk of future abuse or neglect. The division shall thoroughly document in
7 the record its attempt to provide voluntary services and the reasons these services are important to
8 reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary
9 services or the child needs to be protected, the division may commence an investigation;

10 (3) Commence an immediate investigation if at any time during the family assessment and
11 services approach the division determines that an investigation, as delineated in sections 210.109 to
12 210.183, is required. The division staff who have conducted the assessment may remain involved in
13 the provision of services to the child and family;

14 (4) Document at the time the case is closed, the outcome of the family assessment and
15 services approach, any service provided and the removal of risk to the child, if it existed.

16 15. Within thirty days of an oral report of abuse or neglect, the local office shall update the
17 information in the information system. The information system shall contain, at a minimum, the
18 determination made by the division as a result of the investigation, identifying information on the
19 subjects of the report, those responsible for the care of the subject child, and other relevant
20 dispositional information. The division shall complete all investigations within thirty days, unless
21 good cause for the failure to complete the investigation is documented in the information system. If
22 a child involved in a pending investigation dies, the investigation shall remain open until the
23 division's investigation surrounding the death is completed. If the investigation is not completed
24 within thirty days, the information system shall be updated at regular intervals and upon the
25 completion of the investigation. The information in the information system shall be updated to
26 reflect any changes in classification under subsection 2 of this section or subsection 1 of section
27 210.152, or any subsequent findings, including any changes to the findings based on an
28 administrative or judicial hearing on the matter.

29 16. A person required to report under section 210.115 to the division and any person making
30 a report of child abuse or neglect made to the division which is not made anonymously shall be
31 informed by the division of his or her right to obtain information concerning the disposition of his or
32 her report. Such person shall receive, from the local office, if requested, information on the general
33 disposition of his or her report. Such person may receive, if requested, findings and information
34 concerning the case. Such release of information shall be at the discretion of the director based upon
35 a review of the reporter's ability to assist in protecting the child or the potential harm to the child or
36 other children within the family. The local office shall respond to the request within forty-five days.
37 The findings shall be made available to the reporter within five days of the outcome of the
38 investigation. If the report is determined to be unsubstantiated, the reporter may request that the
39 report be referred by the division to the office of child advocate for children's protection and services
40 established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the
41 division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate
42 for children's protection and services.

43 17. The division shall provide to any individual who is not satisfied with the results of an
44 investigation information about the office of child advocate and the services it may provide under
45 sections 37.700 to 37.730.

46 18. In any judicial proceeding involving the custody of a child the fact that a report may
47 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

48 (1) Nothing in this subsection shall prohibit the introduction of evidence from independent

1 sources to support the allegations that may have caused a report to have been made; and

2 (2) The court may on its own motion, or shall if requested by a party to the proceeding, make
3 an inquiry not on the record with the children's division to determine if such a report has been made.
4

5 If a report has been made, the court may stay the custody proceeding until the children's division
6 completes its investigation.

7 19. In any judicial proceeding involving the custody of a child where the court determines
8 that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section
9 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into
10 the registry.

11 20. The children's division is hereby granted the authority to promulgate rules and
12 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions
13 of sections 210.109 to 210.183.

14 21. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
15 under the authority delegated in this section shall become effective only if it complies with and is
16 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
17 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
18 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently
19 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
20 August 28, 2000, shall be invalid and void.

21 210.152. 1. All identifying information, including telephone reports reported pursuant to
22 section 210.145, relating to reports of abuse or neglect received by the division after July 1, 2014,
23 shall be classified in one of the following tiers based on level of harm to the child:

24 (1) Tier one: severe harm to a child. Such classification shall include, but not be limited to,
25 all cases of sexual abuse or serious physical abuse;

26 (2) Tier two: moderate harm to a child. Such classification shall include, but not be limited
27 to, serious physical abuse that is not categorized into tier one, serious neglect, or multiple
28 substantiated reports of abuse or neglect over time; or

29 (3) Tier three: mild harm to a child. Such classification shall include, but not be limited to,
30 a single substantiated report of abuse or neglect that is not classified in tier one or tier two.

31
32 By July 1, 2014, the division shall promulgate rules to establish the standards for each classification
33 in this subsection.

34 2. The identifying information described in subsection 1 of this section shall be retained by
35 the division and removed from the records of the division as follows:

36 (1) For investigation reports contained in the central registry[, identifying information shall
37 be retained by the division];

38 (a) All tier one reports shall be placed on the registry for life;

39 (b) All tier two reports shall be placed on the registry for five years, unless the individual is
40 found to have committed another act of child abuse or neglect in such five-year period, in which case
41 the individual shall be classified as a tier one report. Any tier two report shall be eligible for record
42 closure at the expiration of such five-year period; and

43 (c) All tier three reports shall be placed on the registry for two years and shall automatically
44 be closed at the end of such two-year period; except that, a person shall be placed back on the
45 registry for any subsequent acts of abuse or neglect such person is found to have committed;

46 (2) (a) For investigation reports initiated against a person required to report pursuant to
47 section 210.115, where insufficient evidence of abuse or neglect is found by the division and where
48 the division determines the allegation of abuse or neglect was made maliciously, for purposes of

1 harassment or in retaliation for the filing of a report by a person required to report, identifying
2 information shall be expunged by the division within forty-five days from the conclusion of the
3 investigation;

4 (b) For investigation reports, where insufficient evidence of abuse or neglect is found by the
5 division and where the division determines the allegation of abuse or neglect was made maliciously,
6 for purposes of harassment or in retaliation for the filing of a report, identifying information shall be
7 expunged by the division within forty-five days from the conclusion of the investigation;

8 (c) For investigation reports initiated by a person required to report under section 210.115,
9 where insufficient evidence of abuse or neglect is found by the division, identifying information
10 shall be retained for five years from the conclusion of the investigation. For all other investigation
11 reports where insufficient evidence of abuse or neglect is found by the division, identifying
12 information shall be retained for two years from the conclusion of the investigation. Such reports
13 shall include any exculpatory evidence known by the division, including exculpatory evidence
14 obtained after the closing of the case. At the end of such time period, the identifying information
15 shall automatically be removed from the records of the division and destroyed;

16 (3) For reports where the division uses the family assessment and services approach,
17 identifying information shall be retained by the division in accordance with the provisions of this
18 subsection;

19 (4) For reports in which the division is unable to locate the child alleged to have been abused
20 or neglected, identifying information shall be retained for ten years from the date of the report and
21 then shall be removed from the records of the division.

22 [2.] 3. Within ninety days after receipt of a report of abuse or neglect that is investigated, the
23 alleged perpetrator named in the report and the parents of the child named in the report, if the alleged
24 perpetrator is not a parent, shall be notified in writing of any determination made by the division
25 based on the investigation. The notice shall advise either:

26 (1) That the division has determined by a probable cause finding prior to August 28, 2004, or
27 by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists, the
28 classification of the report under subsection 2 of section 210.145 or subsection 1 of this section, and
29 that the division shall retain all identifying information regarding the abuse or neglect for the
30 duration of time specified in subsection 1 of this section; that such information shall remain
31 confidential and will not be released except to law enforcement agencies, prosecuting or circuit
32 attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the date
33 of receipt of the notice to seek reversal of the division's determination through a review by the child
34 abuse and neglect review board as provided in subsection 4 of this section; or

35 (2) That the division has not made a probable cause finding or determined by a
36 preponderance of the evidence that abuse or neglect exists.

37 [3.] 4. The children's division may reopen a case for review at the request of the alleged
38 perpetrator, the alleged victim, or the office of the child advocate if new, specific, and credible
39 evidence is obtained that the division's decision was based on fraud or misrepresentation of material
40 facts relevant to the division's decision and there is credible evidence that absent such fraud or
41 misrepresentation the division's decision would have been different. If the alleged victim is under
42 the age of eighteen, the request for review may be made by the alleged victim's parent, legal
43 custodian, or legal guardian. All requests to reopen an investigation for review shall be made within
44 a reasonable time and not more than one year after the children's division made its decision. The
45 division shall not reopen a case for review based on any information which the person requesting the
46 review knew, should have known, or could by the exercise of reasonable care have known before the
47 date of the division's final decision in the case, unless the person requesting the review shows by a
48 preponderance of the evidence that he or she could not have provided such information to the

1 division before the date of the division's final decision in the case. Any person, other than the office
2 of the child advocate, who makes a request to reopen a case for review based on facts which the
3 person knows to be false or misleading or who acts in bad faith or with the intent to harass the
4 alleged victim or perpetrator shall not have immunity from any liability, civil or criminal, for
5 providing the information and requesting that the division reopen the investigation. Any person who
6 makes a request to reopen an investigation based on facts which the person knows to be false shall be
7 guilty of a class A misdemeanor. The children's division shall not reopen an investigation under any
8 circumstances while the case is pending before a court of this state nor when a court has entered a
9 final judgment after de novo judicial review pursuant to this section.

10 [4.] 5. Any person named in an investigation as a perpetrator who is aggrieved by a
11 determination of abuse or neglect by the division as provided in this section may seek an
12 administrative review by the child abuse and neglect review board pursuant to the provisions of
13 section 210.153. Such request for review shall be made within sixty days of notification of the
14 division's decision under this section. In those cases where criminal charges arising out of facts of
15 the investigation are pending, the request for review shall be made within sixty days from the court's
16 final disposition or dismissal of the charges.

17 [5.] 6. In any such action for administrative review, the child abuse and neglect review board
18 shall sustain the division's determination if such determination was supported by evidence of
19 probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after
20 August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review
21 board hearing shall be closed to all persons except the parties, their attorneys and those persons
22 providing testimony on behalf of the parties.

23 [6.] 7. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect
24 review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the
25 county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which
26 the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the
27 state, proper venue shall be in Cole County. The case may be assigned to the family court division
28 where such a division has been established. The request for a judicial review shall be made within
29 sixty days of notification of the decision of the child abuse and neglect review board decision. In
30 reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to
31 appear and present testimony. The alleged perpetrator may subpoena any witnesses except the
32 alleged victim or the reporter. However, the circuit court shall have the discretion to allow the
33 parties to submit the case upon a stipulated record.

34 [7.] 8. In any such action for administrative review, the child abuse and neglect review board
35 shall notify the child or the parent, guardian or legal representative of the child that a review has
36 been requested.

37 9. (1) Individuals placed on the child abuse and neglect registry after July 1, 2014, may
38 petition the children's division for review and record closure of all identifying information from the
39 registry based on such individual's classification under subsection 1 of this section. Individuals
40 placed on the child abuse and neglect registry prior to July 1, 2014, may petition the children's
41 division for classification under subsection 1 of this section and record closure if such individual is
42 eligible based on his or her classification under subsection 1 of this section.

43 (2) A petition for record closure under this subsection shall state good cause for removal,
44 which shall include, but not be limited to:

45 (a) Proof of rehabilitation;

46 (b) Acceptance of personal responsibility for placement on the registry;

47 (c) A bona fide need for removal from the registry; and

48 (d) At least two letters supporting the petition from individuals not related by blood or

1 marriage.

2 (3) The children's division shall make a decision on a petition within ninety days of receiving
3 such petition. The division shall grant a petition if the petitioner has satisfied the criteria in
4 subdivision (2) of this subsection and the division determines that the petitioner poses no significant
5 risk to children or other vulnerable populations.

6 (4) Any individual aggrieved by the decision of the children's division may seek review by
7 the child abuse and neglect review board in accordance with the provisions of subsection 5 of this
8 section. Any individual aggrieved by the decision of the child abuse and neglect review board may
9 seek de novo judicial review of such decision in accordance with the provisions of subsection 7 of
10 this section. Any individual whose petition for record closure is denied may refile such petition for
11 record closure two years after the final denial of such petition.

12 (5) When the division grants record closure under this subsection, the division shall maintain
13 a record of the underlying report and investigation or assessment of child abuse or neglect.
14 Identifying information on such a record shall not be available to individuals or entities requesting an
15 examination of the central registry from the division for employees or prospective employees,
16 including but not limited to entities listed in subdivision (8) of subsection 2 of section 210.150.

17 (6) The children's division shall be a party to any action before the child abuse and neglect
18 review board or court regarding record closure on the child abuse and neglect registry.

19 210.153. 1. There is hereby created in the department of social services the "Child Abuse
20 and Neglect Review Board", which shall provide an independent review of child abuse and neglect
21 determinations in instances in which the alleged perpetrator is aggrieved by the decision of the
22 children's division and review record closure petitions under subdivision (4) of subsection 9 of
23 section 210.152. The division may establish more than one board to assure timely review of the
24 determination and record closure petitions.

25 2. The board shall consist of nine members, who shall be appointed by the governor with the
26 advice and consent of the senate, and shall include:

27 (1) A physician, nurse or other medical professional;

28 (2) A licensed child or family psychologist, counselor or social worker;

29 (3) An attorney who has acted as a guardian ad litem or other attorney who has represented a
30 subject of a child abuse and neglect report;

31 (4) A representative from law enforcement or a juvenile office.

32 3. Other members of the board may be selected from:

33 (1) A person from another profession or field who has an interest in child abuse or neglect;

34 (2) A college or university professor or elementary or secondary teacher;

35 (3) A child advocate;

36 (4) A parent, foster parent or grandparent.

37 4. The following persons may participate in a child abuse and neglect review board review:

38 (1) Appropriate children's division staff and legal counsel for the department;

39 (2) The alleged perpetrator, who may be represented pro se or be represented by legal
40 counsel. The alleged perpetrator's presence is not required for the review to be conducted. The
41 alleged perpetrator may submit a written statement for the board's consideration in lieu of personal
42 appearance; and

43 (3) Witnesses providing information on behalf of the child, the alleged perpetrator or the
44 department. Witnesses shall only be allowed to attend that portion of the review in which they are
45 presenting information.

46 5. The members of the board shall serve without compensation, but shall receive
47 reimbursement for reasonable and necessary expenses actually incurred in the performance of their
48 duties.

1 6. All records and information compiled, obtained, prepared or maintained by the child
2 abuse and neglect review board in the course of any review shall be confidential information.

3 7. The department shall promulgate rules and regulations governing the operation of the
4 child abuse and neglect review board except as otherwise provided for in this section. These rules
5 and regulations shall, at a minimum, describe the length of terms, the selection of the chairperson,
6 confidentiality, notification of parties and time frames for the completion of the review.

7 8. Findings of probable cause to suspect prior to August 28, 2004, or findings by a
8 preponderance of the evidence after August 28, 2004, of child abuse and neglect by the division
9 which are substantiated by court adjudication shall not be heard by the child abuse and neglect
10 review board."; and

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.