

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**IN RE THE MATTER OF TARYN  
WILLIAMS**

**RESPONDENT,**

**v.  
STATE OF MISSOURI,  
DEPARTMENT OF SOCIAL SERVICES,  
CHILDREN'S DIVISION, CHILD ABUSE  
AND NEGLECT REVIEW BOARD**

**APPELLANT.**

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DOCKET NUMBER WD75693

DATE: July 23, 2013

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Appeal From:

Jackson County Circuit Court  
The Honorable Marco A. Roldan, Judge

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Appellate Judges:

Division Three: Lisa White Hardwick, Presiding Judge, Mark D. Pfeiffer, Judge and Cynthia L. Martin, Judge

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Attorneys:

Christopher R. Mirakian and James R. Hobbs, Kansas City, MO, for respondent.

Gary L. Gardner, Jefferson City, MO, for appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

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**APPELLANT.**

No. WD75693

Jackson County

Before Division Three: Lisa White Hardwick, Presiding Judge, Mark D. Pfeiffer, Judge and Cynthia L. Martin, Judge

The Children's Division of the Department of Social Services of the State of Missouri appeals the trial court's judgment ordering the removal of Taryn Williams's name from the Central Registry of child abuse and neglect perpetrators because the Children's Division did not comply with the mandatory thirty- and ninety-day time limitations set out in sections 210.145 and 210.152, respectively. The Children's Division contends that the trial court erred in concluding that: (1) it had not established good cause for delaying completion of its child abuse investigation; (2) the statutorily imposed time limitations for completion of child abuse investigations and for providing notice to alleged perpetrators are mandatory; and (3) Williams's due process rights were implicated by the child abuse investigation.

**Affirmed**

**Division Three holds:**

1. The legislature intended "shall" as used in sections 210.145.14 and 210.152.2 to be mandatory. This conclusion is supported by its plain meaning, the legislative intent of Chapter 210 to balance the competing interests of the protection of children and the protection of the rights of a person accused of abuse or neglect, the context of section 210.145 in that there would be no need for a "good cause" exception if the word "shall" was merely directory, and a statutory amendments to Chapter 210 which permits an investigation to extend indefinitely where there has been a child's death, an amendment which would have been unnecessary if "shall" were merely directory.

2. The "good cause" exception in section 210.145.14 does not operate to permit an extension of the ninety-day notification time limit in section 210.152.2. Instead, the mandatory time limit for notification about the results of an investigation set forth in section 210.152.2

necessarily operates as an outside parameter within which an investigation extended for "good cause" must be completed, unless the investigation involves the death of a child.

3. Once the time frame for notification pursuant to section 210.152.2 passed, the Children's Division had no statutory authority to take any further action on Williams's case, including placing her name in the Central Registry.

Opinion by Cynthia L. Martin, Judge

July 23, 2013

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