

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 445

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES PORTWOOD, COOPER (155),  
WILLOUGHBY AND BISHOP (Co-sponsors).

Read 1<sup>st</sup> time February 11, 2003, and copies ordered printed.

Read 2<sup>nd</sup> time February 12, 2003, and referred to the Committee on Children and Families February 13, 2003.

Reported from the Committee on Children and Families March 12, 2003, with recommendation that the bill Do Pass by Consent.

Perfected by Consent March 19, 2003.

STEPHEN S. DAVIS, Chief Clerk

1579L.01P

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### AN ACT

To repeal sections 210.115 and 352.400, RSMo, and to enact in lieu thereof two new sections relating to Christian Science practitioners.

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

Section A. Sections 210.115 and 352.400, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 210.115 and 352.400, to read as follows:

210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor,  
2 optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the  
3 examination, care, treatment or research of persons, and any other health practitioner,  
4 psychologist, mental health professional, social worker, day care center worker or other  
5 child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel,  
6 teacher, principal or other school official, minister as provided by section 352.400, RSMo,  
7 [Christian Science practitioner,] peace officer or law enforcement official, or other person with  
8 responsibility for the care of children has reasonable cause to suspect that a child has been or  
9 may be subjected to abuse or neglect or observes a child being subjected to conditions or  
10 circumstances which would reasonably result in abuse or neglect, that person shall immediately  
11 report or cause a report to be made to the division in accordance with the provisions of sections  
12 210.109 to 210.183. As used in this section, the term "abuse" is not limited to abuse inflicted

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

13 by a person responsible for the child's care, custody and control as specified in section 210.110,  
14 but shall also include abuse inflicted by any other person.

15         2. Whenever such person is required to report pursuant to sections 210.109 to 210.183  
16 in an official capacity as a staff member of a medical institution, school facility, or other agency,  
17 whether public or private, the person in charge or a designated agent shall be notified  
18 immediately. The person in charge or a designated agent shall then become responsible for  
19 immediately making or causing such report to be made to the division. Nothing in this section,  
20 however, is meant to preclude any person from reporting abuse or neglect.

21         3. Notwithstanding any other provision of sections 210.109 to 210.183, any child who  
22 does not receive specified medical treatment by reason of the legitimate practice of the religious  
23 belief of the child's parents, guardian, or others legally responsible for the child, for that reason  
24 alone, shall not be found to be an abused or neglected child, and such parents, guardian or other  
25 persons legally responsible for the child shall not be entered into the central registry. However,  
26 the division may accept reports concerning such a child and may subsequently investigate or  
27 conduct a family assessment as a result of that report. Such an exception shall not limit the  
28 administrative or judicial authority of the state to ensure that medical services are provided to  
29 the child when the child's health requires it.

30         4. In addition to those persons and officials required to report actual or suspected abuse  
31 or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such  
32 person has reasonable cause to suspect that a child has been or may be subjected to abuse or  
33 neglect or observes a child being subjected to conditions or circumstances which would  
34 reasonably result in abuse or neglect.

35         5. Any person or official required to report pursuant to this section, including employees  
36 of the division, who has probable cause to suspect that a child who is or may be under the age  
37 of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to  
38 the appropriate medical examiner or coroner. If, upon review of the circumstances and medical  
39 information, the medical examiner or coroner determines that the child died of natural causes  
40 while under medical care for an established natural disease, the coroner, medical examiner or  
41 physician shall notify the division of the child's death and that the child's attending physician  
42 shall be signing the death certificate. In all other cases, the medical examiner or coroner shall  
43 accept the report for investigation, shall immediately notify the division of the child's death as  
44 required in section 58.452, RSMo, and shall report the findings to the child fatality review panel  
45 established pursuant to section 210.192.

46         6. Any person or individual required to report may also report the suspicion of abuse or  
47 neglect to any law enforcement agency or juvenile office. Such report shall not, however, take  
48 the place of reporting or causing a report to be made to the division.

49           7. If an individual required to report suspected instances of abuse or neglect pursuant to  
50 this section has reason to believe that the victim of such abuse or neglect is a resident of another  
51 state or was injured as a result of an act which occurred in another state, the person required to  
52 report such abuse or neglect may, in lieu of reporting to the Missouri division of family services,  
53 make such a report to the child protection agency of the other state with the authority to receive  
54 such reports pursuant to the laws of such other state. If such agency accepts the report, no report  
55 is required to be made, but may be made, to the Missouri division of family services.

352.400. 1. As used in this section, the following words and phrases shall mean:

2           (1) "Abuse", any physical injury, sexual abuse, or emotional abuse, injury or harm to a  
3 child under circumstances required to be reported pursuant to sections 210.109 to 210.183,  
4 RSMo;

5           (2) "Child", any person regardless of physical or mental condition, under eighteen years  
6 of age;

7           (3) "Minister", any person while practicing as a minister of the gospel, clergyperson,  
8 priest, rabbi, **Christian Science practitioner**, or other person serving in a similar capacity for  
9 any religious organization who is responsible for or who has supervisory authority over one who  
10 is responsible for the care, custody, and control of a child or has access to a child;

11           (4) "Neglect", failure to provide the proper or necessary support or services by those  
12 responsible for the care, custody, and control of a child, under circumstances required to be  
13 reported pursuant to sections 210.109 to 210.183, RSMo;

14           (5) "Religious organization", any society, sect, persuasion, mission, church, parish,  
15 congregation, temple, convention or association of any of the foregoing, diocese or presbytery,  
16 or other organization, whether or not incorporated, that meets at more or less regular intervals  
17 for worship of a supreme being or higher power, or for mutual support or edification in piety or  
18 with respect to the idea that a minimum standard of behavior from the standpoint of overall  
19 morality is to be observed, or for the sharing of common religious bonds and convictions;

20           (6) "Report", the communication of an allegation of abuse or neglect pursuant to sections  
21 210.109 to 210.183, RSMo.

22           2. When a minister or agent designated pursuant to subsection 3 of this section has  
23 reasonable cause to suspect that a child has been or may be subjected to abuse or neglect under  
24 circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo, the  
25 minister or designated agent shall immediately report or cause a report to be made as provided  
26 in sections 210.109 to 210.183, RSMo. Notwithstanding any other provision of this section or  
27 sections 210.109 to 210.183, RSMo, a minister shall not be required to report concerning a  
28 privileged communication made to him or her in his or her professional capacity.

29           3. A religious organization may designate an agent or agents required to report pursuant

30 to sections 210.109 to 210.183, RSMo, in an official capacity on behalf of the religious  
31 organization. In the event a minister, official or staff member of a religious organization has  
32 probable cause to believe that the child has been subjected to abuse or neglect under  
33 circumstances required to be reported pursuant to sections 210.109 to 213.183, RSMo, and the  
34 minister, official or staff member of the religious organization does not personally make a report  
35 pursuant to sections 210.109 to 210.183, RSMo, the designated agent of the religious  
36 organization shall be notified. The designated agent shall then become responsible for making  
37 or causing the report to be made pursuant to sections 210.109 to 210.183, RSMo. This section  
38 shall not preclude any person from reporting abuse or neglect as otherwise provided by law.