

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 445
92ND GENERAL ASSEMBLY

Reported from the Committee on Aging, Families, Mental and Public Health, April 14, 2003, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

TERRY L. SPIELER, Secretary.

1579S.02C

AN ACT

To repeal sections 210.115, 210.937, and 352.400, RSMo, and to enact in lieu thereof three new sections relating to child protection.

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

Section A. Sections 210.115, 210.937, and 352.400, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 210.115, 210.937, and
3 352.400, to read as follows:

210.115. 1. When any physician, medical examiner, coroner, dentist,
2 chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel
3 that are engaged in the examination, care, treatment or research of persons, and any
4 other health practitioner, psychologist, mental health professional, social worker, day
5 care center worker or other child-care worker, juvenile officer, probation or parole officer,
6 jail or detention center personnel, teacher, principal or other school official, minister as
7 provided by section 352.400, RSMo, [Christian Science practitioner,] peace officer or law
8 enforcement official, or other person with responsibility for the care of children has
9 reasonable cause to suspect that a child has been or may be subjected to abuse or neglect
10 or observes a child being subjected to conditions or circumstances which would
11 reasonably result in abuse or neglect, that person shall immediately report or cause a
12 report to be made to the division in accordance with the provisions of sections 210.109
13 to 210.183. As used in this section, the term "abuse" is not limited to abuse inflicted by
14 a person responsible for the child's care, custody and control as specified in section
15 210.110, but shall also include abuse inflicted by any other person.

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

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

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

33 4. In addition to those persons and officials required to report actual or suspected
34 abuse or neglect, any other person may report in accordance with sections 210.109 to
35 210.183 if such person has reasonable cause to suspect that a child has been or may be
36 subjected to abuse or neglect or observes a child being subjected to conditions or
37 circumstances which would reasonably result in abuse or neglect.

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

50 6. Any person or individual required to report may also report the suspicion of
51 abuse or neglect to any law enforcement agency or juvenile office. Such report shall not,

52 however, take the place of reporting or causing a report to be made to the division.

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

 210.937. The provisions of sections 210.900 to 210.936 shall terminate on
2 January 1, [2004] **2007**.

2 352.400. 1. As used in this section, the following words and phrases shall mean:

3 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse, injury or harm
4 to a child under circumstances required to be reported pursuant to sections 210.109 to
5 210.183, RSMo;

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

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

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

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

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

25 2. When a minister or agent designated pursuant to subsection 3 of this section
26 has reasonable cause to suspect that a child has been or may be subjected to abuse or

27 neglect under circumstances required to be reported pursuant to sections 210.109 to
28 210.183, RSMo, the minister or designated agent shall immediately report or cause a
29 report to be made as provided in sections 210.109 to 210.183, RSMo. Notwithstanding
30 any other provision of this section or sections 210.109 to 210.183, RSMo, a minister shall
31 not be required to report concerning a privileged communication made to him or her in
32 his or her professional capacity.

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

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