

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 580
93RD GENERAL ASSEMBLY

Reported from the Committee on Judiciary March 1, 2005 with recommendation that House Committee Substitute for House Bill No. 580 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

1660L.03C

AN ACT

To repeal section 210.115, RSMo, and to enact in lieu thereof one new section relating to the protection of children under the age of eighteen.

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

Section A. Section 210.115, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.115, to read as follows:

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

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

16 **include, but are not limited to:**

17 **(1) Severe malnutrition not caused by a medical condition;**

18 **(2) Severe bruising, lacerations, burns, fractures, ligature marks, or severe welting**
19 **not caused by a medical condition and which are inconsistent with the explanation given**
20 **for the condition; and**

21 **(3) Substantial evidence of sexual intercourse by an unmarried minor under the age**
22 **of consent.**

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

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

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

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

52 required in section 58.452, RSMo, and shall report the findings to the child fatality review panel
53 established pursuant to section 210.192.

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

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