

FIRST REGULAR SESSION

# HOUSE BILL NO. 580

## 93RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE BYRD.

Read 1<sup>st</sup> time February 16, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1660L.011

---

### AN ACT

To repeal section 210.115, RSMo, and to enact in lieu thereof one new section relating to child abuse and neglect reports.

---

*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Section A. Section 210.115, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.115, to read as follows: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 include, but are not limited to:**

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.

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

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

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

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

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

52           6. Any person or individual required to report may also report the suspicion of abuse or

53 neglect to any law enforcement agency or juvenile office. Such report shall not, however, take  
54 the place of reporting or causing a report to be made to the division.

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