

HB 1592 -- ADMISSIBILITY OF ALLEGATIONS OF ABUSE

SPONSOR: Ellinger

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Judiciary by a vote of 6 to 2.

This bill specifies that if three or more unsubstantiated reports of abuse involving any of the parties or children of the marriage are made to the child abuse and neglect hotline within 30 days prior to or during a dissolution or child custody proceeding, the identity of the person making the report or reports must be admissible as evidence in the dissolution or child custody proceeding.

PROPONENTS: Supporters say that individuals regularly abuse the hotline process, and if an individual abuses this process during a custody proceeding in an attempt to gain an advantage in that case, the court should be made aware of the false reports. The law currently says that this information is not discoverable. This is a narrow carve out, and all reports must be unsubstantiated.

Testifying for the bill was Representative Kelly (45) for Representative Ellinger.

OPPONENTS: Those who oppose the bill say that custody cases are some of the hardest cases for investigators to determine what is actually going on in terms of the allegations of abuse against a parent. Parents who truly think that their children are being abused get desperate to protect the children and to get help, and they will often make multiple hotline calls in an effort to protect the children. By attempting to penalize the parents who abuse the hotline system with false reports, the bill could adversely effect parents who are solely trying to protect their children through their multiple reports. The potential costs of this legislation far outweigh the potential benefits.

Testifying against the bill was Missouri Kids First.

OTHERS: Others testifying on the bill say "unsubstantiated" report means that the preponderance standard was not met; it does not mean that there was not abuse. The marks left by sexual or other abuse don't always last long enough to be captured by investigators. Mandated reporters will call in anonymously, so the bill does not address the situation when a hotline call has been made anonymously. Anonymity is the bedrock of our reporting system, and anything that chills that is a concern for the department. Judges can read between the lines on an unsubstantiated case without needing to know who made the report.

Testifying on the bill were Kelly Schultze, Office of the Child Advocate; and Department of Social Services.