

FIRST REGULAR SESSION

HOUSE BILL NO. 365

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PROUDIE.

1061H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 210.140 and 352.400, RSMo, and to enact in lieu thereof two new sections relating to privileged communications regarding child abuse or neglect.

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

Section A. Sections 210.140 and 352.400, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 210.140 and 352.400, to read as follows:

210.140. Any legally recognized privileged communication, except that between
2 attorney and client [~~or involving communications made to a minister or clergyperson~~], shall
3 not apply to situations involving known or suspected child abuse or neglect and shall not
4 constitute grounds for failure to report as required or permitted by sections 210.110 to
5 210.165, to cooperate with the division in any of its activities pursuant to sections 210.110 to
6 210.165, or to give or accept evidence in any judicial proceeding relating to child abuse or
7 neglect.

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
3 a child under circumstances required to be reported pursuant to sections 210.109 to 210.183;

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

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

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.

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

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

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

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
24 under circumstances required to be reported pursuant to sections 210.109 to 210.183, 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. ~~[Notwithstanding any other provision of this section or~~
27 ~~sections 210.109 to 210.183, a minister shall not be required to report concerning a privileged~~
28 ~~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
30 pursuant to sections 210.109 to 210.183 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 and the
34 minister, official or staff member of the religious organization does not personally make a
35 report pursuant to sections 210.109 to 210.183, the designated agent of the religious
36 organization shall be notified. The designated agent shall then become responsible for
37 making or causing the report to be made pursuant to sections 210.109 to 210.183. This
38 section shall not preclude any person from reporting abuse or neglect as otherwise provided
39 by law.

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