

HOUSE AMENDMENT NO. _____
TO
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Offered By

AMEND House Amendment No. _____ to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 60, Page 1, Line 5, by deleting said line and inserting in lieu thereof the following:

""192.2405. 1. The following persons shall be required to immediately report or cause a report to be made to the department under sections 192.2400 to 192.2470:

(1) Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm, or bullying as defined in subdivision (2) of section 192.2400, and is in need of protective services; and

(2) Any adult day care worker, chiropractor, Christian Science practitioner, coroner, dentist, embalmer, employee of the departments of social services, mental health, or health and senior services, employee of a local area agency on aging or an organized area agency on aging program, emergency medical technician, firefighter, first responder, funeral director, home health agency, home health agency employee, hospital and clinic personnel engaged in the care or treatment of others, in-home services owner or provider, in-home services operator or employee, law enforcement officer, long-term care facility administrator or employee, medical examiner, medical resident or intern, mental health professional, minister, nurse, nurse practitioner, optometrist, other health practitioner, peace officer, pharmacist, physical therapist, physician, physician's assistant, podiatrist, probation or parole officer, psychologist, social worker, animal control officer, animal humane investigator as defined in section 273.415, or other person with the responsibility for the care of an eligible adult who has reasonable cause to suspect that the eligible adult has been subjected to abuse or neglect or observes the eligible adult being subjected to conditions or circumstances which would reasonably result in abuse or neglect. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

2. Any other person who becomes aware of circumstances that may reasonably be expected to be the result of, or result in, abuse or neglect of an eligible adult may report to the department.

3. The penalty for failing to report as required under subdivision (2) of subsection 1 of this

Action Taken _____ Date _____

1 section is provided under section 565.188.

2 4. As used in this section, "first responder" means any person trained and authorized by law
3 or rule to render emergency medical assistance or treatment. Such persons may include, but shall
4 not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters,
5 or emergency medical technicians.

6 192.2510. 1. All persons providing protective services to eligible adults, as such terms are
7 defined in section 192.2400, and who have direct contact with such adults, shall be required to
8 complete at least one hour of training within the first sixty days of employment. The training shall
9 include the following:

10 (1) Requirements to report animal abuse or neglect and the penalties associated with failure
11 to report under section 273.410;

12 (2) How to identify animal abuse or neglect;

13 (3) How to make a report of animal abuse or neglect; and

14 (4) The relationship between eligible adult abuse or neglect and animal abuse or neglect.

15 2. The department of health and senior services, in consultation with animal welfare
16 associations, shall develop or adapt and use available training materials for the training required
17 under this section. Persons required to complete training under this section shall be provided with
18 opportunities to do so during regular working hours.

19 3. As used in this section, the following terms shall mean:

20 (1) "Animal", the same meaning as in section 578.029;

21 (2) "Animal welfare association", a nonprofit organization that is established to promote
22 animal welfare, is recognized by the Internal Revenue Service as tax exempt under the provisions of
23 the Internal Revenue Code Section 501(c)(3) or 501(c)(4), or the corresponding section of any
24 future tax code, and is registered with the secretary of state under chapter 355.

25 198.700. 1. As used in this section, the following terms mean:"; and
26

27 Further amend said amendment, Page 2, Line 24, by deleting said line and inserting in lieu thereof
28 the following:

29
30 "the violation by the referral agency.

31 210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor,
32 optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the
33 examination, care, treatment or research of persons, and any other health practitioner, psychologist,
34 mental health professional, social worker, day care center worker or other child-care worker,
35 juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or
36 other school official, minister as provided by section 352.400, peace officer or law enforcement
37 official, animal control officer, animal humane investigator as defined in section 273.415, volunteer
38 or personnel of a community service program that offers support services for families in crisis to
39 assist in the delegation of any powers regarding the care and custody of a child by a properly

1 executed power of attorney pursuant to sections 475.600 to 475.604, or other person with
2 responsibility for the care of children has reasonable cause to suspect that a child has been or may
3 be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances
4 which would reasonably result in abuse or neglect, that person shall immediately report to the
5 division in accordance with the provisions of sections 210.109 to 210.183. No internal investigation
6 shall be initiated until such a report has been made. As used in this section, the term "abuse" is not
7 limited to abuse inflicted by a person responsible for the child's care, custody and control as
8 specified in section 210.110, but shall also include abuse inflicted by any other person.

9 2. If two or more members of a medical institution who are required to report jointly have
10 knowledge of a known or suspected instance of child abuse or neglect, a single report may be made
11 by a designated member of that medical team. Any member who has knowledge that the member
12 designated to report has failed to do so shall thereafter immediately make the report. Nothing in this
13 section, however, is meant to preclude any person from reporting abuse or neglect.

14 3. The reporting requirements under this section are individual, and no supervisor or
15 administrator may impede or inhibit any reporting under this section. No person making a report
16 under this section shall be subject to any sanction, including any adverse employment action, for
17 making such report. Every employer shall ensure that any employee required to report pursuant to
18 subsection 1 of this section has immediate and unrestricted access to communications technology
19 necessary to make an immediate report and is temporarily relieved of other work duties for such
20 time as is required to make any report required under subsection 1 of this section.

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

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

35 6. Any person or official required to report pursuant to this section, including employees of
36 the division, who has probable cause to suspect that a child who is or may be under the age of
37 eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the
38 appropriate medical examiner or coroner. If, upon review of the circumstances and medical
39 information, the medical examiner or coroner determines that the child died of natural causes while

1 under medical care for an established natural disease, the coroner, medical examiner or physician
2 shall notify the division of the child's death and that the child's attending physician shall be signing
3 the death certificate. In all other cases, the medical examiner or coroner shall accept the report for
4 investigation, shall immediately notify the division of the child's death as required in section 58.452
5 and shall report the findings to the child fatality review panel established pursuant to section
6 210.192.

7 7. Any person or individual required to report may also report the suspicion of abuse or
8 neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the
9 place of reporting to the division.

10 8. If an individual required to report suspected instances of abuse or neglect pursuant to this
11 section has reason to believe that the victim of such abuse or neglect is a resident of another state or
12 was injured as a result of an act which occurred in another state, the person required to report such
13 abuse or neglect may, in lieu of reporting to the Missouri children's division, make such a report to
14 the child protection agency of the other state with the authority to receive such reports pursuant to
15 the laws of such other state. If such agency accepts the report, no report is required to be made, but
16 may be made, to the children's division.

17 9. For the purposes of providing supportive services or verifying the status of a youth as
18 unaccompanied or homeless for the purposes of accessing supportive services, the fact that a child is
19 an unaccompanied youth as defined in 42 U.S.C. Section 11434a(6) is not, in and of itself, a
20 sufficient basis for reporting child abuse or neglect, unless the child is under sixteen years of age or
21 is an incapacitated person, as defined in section 475.010. Nothing in this subsection shall limit a
22 mandated reporter from making a report under this section if the mandated reporter knows or has
23 reasonable cause to suspect that an unaccompanied youth has been or may be a victim of abuse or
24 neglect.

25 210.191. 1. All children's division employees, and contractors for children's services, who
26 have direct contact with children through the state's child protection and welfare system shall be
27 required to complete at least one hour of training within the first sixty days of employment or
28 contract. The training shall include the following:

29 (1) Requirements to report animal abuse or neglect and the penalties associated with failure
30 to report under section 273.410;

31 (2) How to identify animal abuse or neglect;

32 (3) How to make a report of animal abuse or neglect; and

33 (4) The relationship between child abuse or neglect and animal abuse or neglect.

34 2. The division, in consultation with animal welfare associations, shall develop or adapt and
35 use available training materials for the training required under this section. Persons required to
36 complete training under this section shall be provided with opportunities to do so during regular
37 working hours.

38 3. As used in this section, the following terms shall mean:

39 (1) "Animal", the same meaning as in section 578.029;

1 (2) "Animal welfare association", the same meaning as in section 192.2510.'; and"

2
3 Further amend said bill, Page 14, Section 210.1505, Line 100, by inserting after said section and line
4 the following:

5
6 "273.410. 1. When any psychologist, mental health professional, social worker, school
7 counselor, teacher, or other school professional, or juvenile officer, law enforcement or peace
8 officer, probation or parole officer, home health aide, adult or child protective services worker, or
9 volunteer or personnel of a community service program that offers support or advocacy services for
10 children in foster care has reasonable cause to suspect that an animal has been or may be subjected
11 to abuse or neglect or observes an animal being subjected to conditions or circumstances that would
12 reasonably result in abuse or neglect, that person shall make a report to the hotline established and
13 operated by the Missouri Animal Control Association (MACA) within one day.

14 2. The hotline worker shall request all of the following information for the report:

15 (1) The name and description of the animal involved, if known;

16 (2) The address and telephone number of the owner or other person responsible for the care
17 of the animal, if known;

18 (3) The nature and extent of the suspected abuse or neglect; and

19 (4) Any other information that the person making the report believes may be useful in
20 establishing the existence of the suspected abuse or neglect or the identity of the person causing the
21 abuse or neglect.

22 3. Upon receiving a report of suspected abuse or neglect, MACA shall provide the report to
23 any duly-authorized law enforcement official, county or municipal animal control officer, or any
24 Missouri peace officer standards and training (POST)-certified or MACA-certified animal cruelty
25 investigator.

26 4. Any person required to report animal abuse or neglect under this section shall be immune
27 from civil and criminal liability in connection with making any required reports if the person acted
28 in good faith when making such report.

29 5. Notwithstanding any provision of law to the contrary, any information identifying a
30 person who reports suspected animal abuse or neglect under this section shall be confidential and
31 shall not be deemed a public record and shall not be subject to the provisions of section 109.180 or
32 chapter 610.

33 6. No person required to make a report of animal abuse or neglect under this section shall
34 knowingly make a false report. The penalty for making a false report and the defenses to
35 prosecution shall be the same as under section 575.080.

36 7. If an agency or political subdivision of the state determines that an employee who is a
37 mandated reporter under this section has failed to make a report as required by this section, the
38 agency or political subdivision shall issue a written notice to such employee that shall include a
39 finding of facts in support of the failure to make a report and an explanation of the reporting

1 requirement. Such notice shall not be retained in a permanent employment file and shall be retained
 2 in a separate file or database maintained by the agency or political subdivision. Such notice shall be
 3 considered a closed record under the provisions of chapter 610.

4 8. Any person required to make a report under this section who is subject to professional
 5 licensure and who fails to make a report as required by this section shall be subject to discipline by
 6 his or her respective licensing board as follows:

7 (1) For the first instance of a failure to report, the licensing board shall issue a written notice
 8 to such employee that shall include a finding of facts in support of the failure to make a report and
 9 an explanation of the reporting requirement;

10 (2) For a second instance of a failure to report, the licensing board shall impose a fine of one
 11 hundred dollars;

12 (3) For a third and each subsequent instance of a failure to report, the licensing board shall
 13 impose a fine of five hundred dollars.

14 9. As used in this section, the term "animal" shall have the same meaning as in section
 15 578.029.

16 273.415. 1. All persons employed or serving as animal control officers or animal humane
 17 investigators who have direct contact with animals shall be required to complete at least one hour of
 18 training within the first sixty days of employment. The training shall include the following:

19 (1) Requirements to report child abuse or neglect under section 210.115 or eligible person
 20 abuse or neglect under section 192.2405 and the penalties associated with failure to report such
 21 abuse or neglect;

22 (2) How to identify child or eligible person abuse or neglect;

23 (3) How to make a report of child or eligible person abuse or neglect; and

24 (4) The relationship between child, eligible adult, and animal abuse or neglect.

25 2. The children's division and the department of health and senior services, in consultation
 26 with animal welfare associations, shall develop or adapt and use available training materials for the
 27 training required under this section. Persons required to complete training under this section shall
 28 be provided with opportunities to do so during regular working hours.

29 3. As used in this section, the following terms shall mean:

30 (1) "Animal", the same meaning as in section 578.029;

31 (2) "Animal humane investigator", a duly-authorized county or municipal animal control
 32 officer or any Missouri peace officer standards and training (POST)-certified or Missouri Animal
 33 Control Association (MACA)-certified animal cruelty investigator;

34 (3) "Animal welfare association", the same meaning as in section 192.2510."; and"; and
 35

36 Further amend said bill by amending the title, enacting clause, and intersectional references
 37 accordingly.

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 39 THIS AMENDMENT AMENDS 1011H06.30H.