

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 325, Page 1, Section A, Line 2, by inserting after all of said section and
2 line the following:

3
4 "192.2405. 1. The following persons shall be required to immediately report or cause a
5 report to be made to the department under sections 192.2400 to 192.2470:

6 (1) Any person having reasonable cause to suspect that an eligible adult presents a
7 likelihood of suffering serious physical harm, or bullying as defined in subdivision (2) of section
8 192.2400, and is in need of protective services; and

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

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

28 3. The penalty for failing to report as required under subdivision (2) of subsection 1 of this
29 section is provided under section 565.188.

Action Taken _____ Date _____

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

5 192.2510. 1. All persons providing protective services to eligible adults, as such terms are
6 defined in section 192.2400, and who have direct contact with such adults, shall be required to
7 complete at least one hour of training within the first sixty days of employment. The training shall
8 include the following:

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

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

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

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

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

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

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

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

24 210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor,
25 optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the
26 examination, care, treatment or research of persons, and any other health practitioner, psychologist,
27 mental health professional, social worker, day care center worker or other child-care worker,
28 juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or
29 other school official, minister as provided by section 352.400, peace officer or law enforcement
30 official, animal control officer, animal humane investigator as defined in section 273.415, volunteer
31 or personnel of a community service program that offers support services for families in crisis to
32 assist in the delegation of any powers regarding the care and custody of a child by a properly
33 executed power of attorney pursuant to sections 475.600 to 475.604, or other person with
34 responsibility for the care of children has reasonable cause to suspect that a child has been or may
35 be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances
36 which would reasonably result in abuse or neglect, that person shall immediately report to the
37 division in accordance with the provisions of sections 210.109 to 210.183. No internal investigation
38 shall be initiated until such a report has been made. As used in this section, the term "abuse" is not

1 limited to abuse inflicted by a person responsible for the child's care, custody and control as
2 specified in section 210.110, but shall also include abuse inflicted by any other person.

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

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

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

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

29 6. Any person or official required to report pursuant to this section, including employees of
30 the division, who has probable cause to suspect that a child who is or may be under the age of
31 eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the
32 appropriate medical examiner or coroner. If, upon review of the circumstances and medical
33 information, the medical examiner or coroner determines that the child died of natural causes while
34 under medical care for an established natural disease, the coroner, medical examiner or physician
35 shall notify the division of the child's death and that the child's attending physician shall be signing
36 the death certificate. In all other cases, the medical examiner or coroner shall accept the report for
37 investigation, shall immediately notify the division of the child's death as required in section 58.452
38 and shall report the findings to the child fatality review panel established pursuant to section
39 210.192.

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

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

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

19 210.191. 1. All children's division employees, and contractors for children's services, who
20 have direct contact with children through the state's child protection and welfare system shall be
21 required to complete at least one hour of training within the first sixty days of employment or
22 contract. The training shall include the following:

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

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

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

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

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

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

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

34 (2) "Animal welfare association", the same meaning as in section 192.2510.

35 273.410. 1. When any psychologist, mental health professional, social worker, school
36 counselor, teacher, or other school professional, or juvenile officer, law enforcement or peace
37 officer, probation or parole officer, home health aide, adult or child protective services worker, or
38 volunteer or personnel of a community service program that offers support or advocacy services for
39 children in foster care has reasonable cause to suspect that an animal has been or may be subjected

1 to abuse or neglect or observes an animal being subjected to conditions or circumstances that would
2 reasonably result in abuse or neglect, that person shall make a report to the hotline established and
3 operated by the Missouri Animal Control Association (MACA) within one day.

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

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

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

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

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

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

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

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

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

26 7. If an agency or political subdivision of the state determines that an employee who is a
27 mandated reporter under this section has failed to make a report as required by this section, the
28 agency or political subdivision shall issue a written notice to such employee that shall include a
29 finding of facts in support of the failure to make a report and an explanation of the reporting
30 requirement. Such notice shall not be retained in a permanent employment file and shall be retained
31 in a separate file or database maintained by the agency or political subdivision. Such notice shall be
32 considered a closed record under the provisions of chapter 610.

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

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

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

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

5 9. As used in this section, the term "animal" shall have the same meaning as in section
6 578.029.

7 273.415. 1. All persons employed or serving as animal control officers or animal humane
8 investigators who have direct contact with animals shall be required to complete at least one hour of
9 training within the first sixty days of employment. The training shall include the following:

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

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

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

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

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

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

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

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

25 (3) "Animal welfare association", the same meaning as in section 192.2510."; and
26

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