

SECOND REGULAR SESSION

# HOUSE BILL NO. 2745

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHMIDT.

5913H.01I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 210.110, RSMo, and to enact in lieu thereof one new section relating to health screenings upon a child's entry into custody.

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

Section A. Section 210.110, RSMo, is repealed and one new section enacted in lieu  
2 thereof, to be known as section 210.110, to read as follows:

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183,  
2 the following terms mean:

3 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child  
4 other than by accidental means by those responsible for the child's care, custody, and control,  
5 except that discipline including spanking, administered in a reasonable manner, shall not be  
6 construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or  
7 severe forms of trafficking as those terms are defined in 22 U.S.C. Section 7102, as amended;

8 (2) "Assessment and treatment services for children", an approach to be developed by  
9 the children's division which will recognize and treat the specific needs of at-risk and abused  
10 or neglected children. The developmental and medical assessment may be a broad physical,  
11 developmental, and mental health screening ~~to be completed within thirty days of a child's~~  
12 ~~entry into custody and~~ **that shall be** in accordance with **the time frames set forth under**  
13 **paragraphs (a) and (b) of this subdivision and** the periodicity schedule set forth by the  
14 American Academy of Pediatrics thereafter as long as the child remains in care. Screenings  
15 may be offered at a centralized location and **shall** include, at a minimum, the following:

16 (a) **Within seventy-two hours upon entry into custody, a complete physical to be**  
17 **performed by a pediatrician familiar with the effects of abuse [and] or neglect on young**

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.

18 children. **The pediatrician who performs the physical under this paragraph shall also**  
19 **request the child's past medical records, and a foster family of the child shall have**  
20 **access to all medical records under this paragraph. Any person receiving such request**  
21 **shall fulfill the request within thirty days; and**

22 **(b) Within thirty days of the physical under paragraph (a) of this subdivision, a**  
23 developmental, behavioral, and emotional screening in addition to early periodic screening,  
24 diagnosis, and treatment services, including a core set of standardized and recognized  
25 instruments as well as interviews with the child and appropriate caregivers. The screening  
26 battery may be performed by a licensed mental health professional familiar with the effects of  
27 abuse ~~and~~ or neglect on young children **or a primary care physician using a standardized**  
28 **assessment tool**, who will then serve as the liaison between all service providers in ensuring  
29 that needed services are provided. Such treatment services may include in-home services,  
30 out-of-home placement, intensive twenty-four-hour treatment services, family counseling,  
31 parenting training and other best practices.

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33 Children whose screenings indicate an area of concern may complete a comprehensive, in-  
34 depth health, psychodiagnostic, or developmental assessment within sixty days of entry into  
35 custody;

36 (3) "Central registry", a registry of persons where the division has found probable  
37 cause to believe prior to August 28, 2004, or by a preponderance of the evidence after August  
38 28, 2004, or a court has substantiated through court adjudication that the individual has  
39 committed child abuse or neglect or the person has pled guilty or has been found guilty of a  
40 crime pursuant to section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or  
41 567.050 if the victim is a child less than eighteen years of age, or any other crime pursuant to  
42 chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is  
43 twenty-one years of age or older, a crime under section 568.020, 568.030, 568.045, 568.050,  
44 568.060, 568.080, 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or  
45 573.205, or an attempt to commit any such crimes. Any persons placed on the registry prior  
46 to August 28, 2004, shall remain on the registry for the duration of time required by section  
47 210.152;

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

50 (5) "Children's services providers and agencies", any public, quasi-public, or private  
51 entity with the appropriate and relevant training and expertise in delivering services to  
52 children and their families as determined by the children's division, and capable of providing  
53 direct services and other family services for children in the custody of the children's division  
54 or any such entities or agencies that are receiving state moneys for such services;

55 (6) "Director", the director of the Missouri children's division within the department  
56 of social services;

57 (7) "Division", the Missouri children's division within the department of social  
58 services;

59 (8) "Family assessment and services", an approach to be developed by the children's  
60 division which will provide for a prompt assessment of a child who has been reported to the  
61 division as a victim of abuse or neglect by a person responsible for that child's care, custody  
62 or control and of that child's family, including risk of abuse and neglect and, if necessary, the  
63 provision of community-based services to reduce the risk and support the family;

64 (9) "Family support team meeting" or "team meeting", a meeting convened by the  
65 division or children's services provider in behalf of the family and/or child for the purpose of  
66 determining service and treatment needs, determining the need for placement and developing  
67 a plan for reunification or other permanency options, determining the appropriate placement  
68 of the child, evaluating case progress, and establishing and revising the case plan;

69 (10) "Investigation", the collection of physical and ~~verbal~~ **oral** evidence to  
70 determine if a child has been abused or neglected;

71 (11) "Jail or detention center personnel", employees and volunteers working in any  
72 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is  
73 provided to persons who are being held under custody of the law;

74 (12) "Neglect", failure to provide, by those responsible for the care, custody, and  
75 control of the child, the proper or necessary support, education as required by law, nutrition or  
76 medical, surgical, or any other care necessary for the child's well-being, except that neglect  
77 shall not be found by virtue of the sole fact that a person allows a child to engage in  
78 independent activities without adult supervision including, but not limited to, traveling to or  
79 from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home  
80 for a reasonable period of time, provided such activities are appropriate based on the child's  
81 age, maturity, and physical and mental abilities, and the lack of adult supervision does not  
82 constitute conduct that is so grossly negligent as to endanger the health or safety of the child.  
83 Victims of neglect shall also include any victims of sex trafficking or severe forms of  
84 trafficking as those terms are defined in 22 U.S.C. Section 7102, as amended;

85 (13) "Preponderance of the evidence", that degree of evidence that is of greater  
86 weight or more convincing than the evidence which is offered in opposition to it or evidence  
87 which as a whole shows the fact to be proved to be more probable than not;

88 (14) "Probable cause", available facts when viewed in the light of surrounding  
89 circumstances which would cause a reasonable person to believe a child was abused or  
90 neglected;

91 (15) "Report", the communication of an allegation of child abuse or neglect to the  
92 division pursuant to section 210.115;

93 (16) "Those responsible for the care, custody, and control of the child", includes, but  
94 is not limited to:

95 (a) The parents or legal guardians of a child;

96 (b) Other members of the child's household;

97 (c) Those exercising supervision over a child for any part of a twenty-four-hour day;

98 (d) Any adult person who has access to the child based on relationship to the parents

99 of the child or members of the child's household or the family;

100 (e) Any person who takes control of the child by deception, force, or coercion; or

101 (f) School personnel, contractors, and volunteers, if the relationship with the child

102 was established through the school or through school-related activities, even if the alleged

103 abuse or neglect occurred outside of school hours or off school grounds.

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