

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2745**  
**103RD GENERAL ASSEMBLY**

5913H.02C

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Section A. Section 210.110, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.110, to read as follows: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

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

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

(a) **Within seventy-two hours upon entry into custody, a [complete] physical** to be performed by a ~~[pediatrician]~~ **physician or nurse practitioner** familiar with the effects of abuse ~~[and]~~ **or** neglect on young children. **The physician or nurse practitioner who**

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.

19 **performs the physical under this paragraph shall also request the child's past medical**  
20 **records, and a foster family of the child shall have access to all medical records under**  
21 **this paragraph. If medical records indicate that an evaluation has been completed and**  
22 **such evaluation indicated a need for developmental, behavioral, and emotional**  
23 **treatment, best efforts shall be made to provide or, if such treatment is being**  
24 **provided, continue such care with the current provider or another provider if such**  
25 **provider is not available. Any person receiving such request shall fulfill the request**  
26 **within thirty days of placement. No vaccine shall be administered during the physical**  
27 **without the consent of the biological parent; and**

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

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

42 (3) "Central registry", a registry of persons where the division has found probable  
43 cause to believe prior to August 28, 2004, or by a preponderance of the evidence after August  
44 28, 2004, or a court has substantiated through court adjudication that the individual has  
45 committed child abuse or neglect or the person has pled guilty or has been found guilty of a  
46 crime pursuant to section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or  
47 567.050 if the victim is a child less than eighteen years of age, or any other crime pursuant to  
48 chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is  
49 twenty-one years of age or older, a crime under section 568.020, 568.030, 568.045, 568.050,  
50 568.060, 568.080, 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or  
51 573.205, or an attempt to commit any such crimes. Any persons placed on the registry prior  
52 to August 28, 2004, shall remain on the registry for the duration of time required by section  
53 210.152;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

104 (d) Any adult person who has access to the child based on relationship to the parents  
105 of the child or members of the child's household or the family;

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

107 (f) School personnel, contractors, and volunteers, if the relationship with the child  
108 was established through the school or through school-related activities, even if the alleged  
109 abuse or neglect occurred outside of school hours or off school grounds.

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