

SENATE BILL NO. 655

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURGER.

2558S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 192.2405 and 210.115, RSMo, and to enact in lieu thereof six new sections relating to reporting of abuse and neglect, with penalty provisions.

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

Section A. Sections 192.2405 and 210.115, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be
3 known as sections 192.2405, 192.2510, 210.115, 210.191,
4 273.410, and 273.415, to read as follows:

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

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

8 (2) Any adult day care worker, chiropractor, Christian
9 Science practitioner, coroner, dentist, embalmer, employee
10 of the departments of social services, mental health, or
11 health and senior services, employee of a local area agency
12 on aging or an organized area agency on aging program,
13 emergency medical technician, firefighter, first responder,
14 funeral director, home health agency, home health agency
15 employee, hospital and clinic personnel engaged in the care
16 or treatment of others, in-home services owner or provider,
17 in-home services operator or employee, law enforcement
18 officer, long-term care facility administrator or employee,
19 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 section is provided under section 565.188.

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

192.2510. 1. All persons providing protective services to eligible adults, as such terms are defined in

3 section 192.2400, and who have direct contact with such
4 adults, shall be required to complete at least one hour of
5 training within the first sixty days of employment. The
6 training shall include the following:

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

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

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

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

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

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

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

24 (2) "Animal welfare association", a nonprofit
25 organization that is established to promote animal welfare,
26 is recognized by the Internal Revenue Service as tax exempt
27 under the provisions of the Internal Revenue Code Section
28 501(c)(3) or 501(c)(4), or the corresponding section of any
29 future tax code, and is registered with the secretary of
30 state under chapter 355.

210.115. 1. When any physician, medical examiner,
2 coroner, dentist, chiropractor, optometrist, podiatrist,
3 resident, intern, nurse, hospital or clinic personnel that
4 are engaged in the examination, care, treatment or research

5 of persons, and any other health practitioner, psychologist,
6 mental health professional, social worker, day care center
7 worker or other child-care worker, juvenile officer,
8 probation or parole officer, jail or detention center
9 personnel, teacher, principal or other school official,
10 minister as provided by section 352.400, peace officer or
11 law enforcement official, **animal control officer, animal**
12 **humane investigator as defined in section 273.415**, volunteer
13 or personnel of a community service program that offers
14 support services for families in crisis to assist in the
15 delegation of any powers regarding the care and custody of a
16 child by a properly executed power of attorney pursuant to
17 sections 475.600 to 475.604, or other person with
18 responsibility for the care of children has reasonable cause
19 to suspect that a child has been or may be subjected to
20 abuse or neglect or observes a child being subjected to
21 conditions or circumstances which would reasonably result in
22 abuse or neglect, that person shall immediately report to
23 the division in accordance with the provisions of sections
24 210.109 to 210.183. No internal investigation shall be
25 initiated until such a report has been made. As used in
26 this section, the term "abuse" is not limited to abuse
27 inflicted by a person responsible for the child's care,
28 custody and control as specified in section 210.110, but
29 shall also include abuse inflicted by any other person.

30 2. If two or more members of a medical institution who
31 are required to report jointly have knowledge of a known or
32 suspected instance of child abuse or neglect, a single
33 report may be made by a designated member of that medical
34 team. Any member who has knowledge that the member
35 designated to report has failed to do so shall thereafter
36 immediately make the report. Nothing in this section,

37 however, is meant to preclude any person from reporting
38 abuse or neglect.

39 3. The reporting requirements under this section are
40 individual, and no supervisor or administrator may impede or
41 inhibit any reporting under this section. No person making
42 a report under this section shall be subject to any
43 sanction, including any adverse employment action, for
44 making such report. Every employer shall ensure that any
45 employee required to report pursuant to subsection 1 of this
46 section has immediate and unrestricted access to
47 communications technology necessary to make an immediate
48 report and is temporarily relieved of other work duties for
49 such time as is required to make any report required under
50 subsection 1 of this section.

51 4. Notwithstanding any other provision of sections
52 210.109 to 210.183, any child who does not receive specified
53 medical treatment by reason of the legitimate practice of
54 the religious belief of the child's parents, guardian, or
55 others legally responsible for the child, for that reason
56 alone, shall not be found to be an abused or neglected
57 child, and such parents, guardian or other persons legally
58 responsible for the child shall not be entered into the
59 central registry. However, the division may accept reports
60 concerning such a child and may subsequently investigate or
61 conduct a family assessment as a result of that report.
62 Such an exception shall not limit the administrative or
63 judicial authority of the state to ensure that medical
64 services are provided to the child when the child's health
65 requires it.

66 5. In addition to those persons and officials required
67 to report actual or suspected abuse or neglect, any other
68 person may report in accordance with sections 210.109 to

210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

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

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

8. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required

to report such abuse or neglect may, in lieu of reporting to the Missouri children's division, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the children's division.

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

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

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

(2) How to identify animal abuse or neglect;

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

and

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

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

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

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

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

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

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

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

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

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

24 (4) Any other information that the person making the
25 report believes may be useful in establishing the existence
26 of the suspected abuse or neglect or the identity of the
27 person causing the abuse or neglect.

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

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

39 5. Notwithstanding any provision of law to the
40 contrary, any information identifying a person who reports
41 suspected animal abuse or neglect under this section shall
42 be confidential and shall not be deemed a public record and
43 shall not be subject to the provisions of section 109.180 or
44 chapter 610.

45 6. No person required to make a report of animal abuse
46 or neglect under this section shall knowingly make a false
47 report. The penalty for making a false report and the
48 defenses to prosecution shall be the same as under section
49 575.080.

50 7. If an agency or political subdivision of the state
51 determines that an employee who is a mandated reporter under
52 this section has failed to make a report as required by this
53 section, the agency or political subdivision shall issue a
54 written notice to such employee that shall include a finding
55 of facts in support of the failure to make a report and an
56 explanation of the reporting requirement. Such notice shall
57 not be retained in a permanent employment file and shall be
58 retained in a separate file or database maintained by the
59 agency or political subdivision. Such notice shall be
60 considered a closed record under the provisions of chapter
61 610.

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

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

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

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

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

273.415. 1. All persons employed or serving as animal
2 control officers or animal humane investigators who have
3 direct contact with animals shall be required to complete at

4 least one hour of training within the first sixty days of
5 employment. The training shall include the following:

6 (1) Requirements to report child abuse or neglect
7 under section 210.115 or eligible person abuse or neglect
8 under section 192.2405 and the penalties associated with
9 failure to report such abuse or neglect;

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

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

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

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

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

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

26 (2) "Animal humane investigator", a duly-authorized
27 county or municipal animal control officer or any Missouri
28 peace officer standards and training (POST)-certified or
29 Missouri Animal Control Association (MACA)-certified animal
30 cruelty investigator;

31 (3) "Animal welfare association", the same meaning as
32 in section 192.2510.

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