

SECOND REGULAR SESSION

SENATE BILL NO. 805

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Read 1st time January 20, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4522S.011

AN ACT

To repeal section 210.125, RSMo, and to enact in lieu thereof one new section relating to child protection.

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

Section A. Section 210.125, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 210.125, to read as follows:

210.125. 1. A police officer, law enforcement official, **children's division**
2 **investigator**, or a physician who has reasonable cause to suspect that a child is
3 suffering from illness or injury or is in danger of personal harm by reason of [his]
4 **the child's** surroundings and that a case of child abuse or neglect exists, may
5 request that the juvenile officer take the child into protective custody under
6 chapter 211, RSMo.

7 2. A police officer, law enforcement official, or a physician who has
8 reasonable cause to believe that a child is in imminent danger of suffering serious
9 physical harm or a threat to life as a result of abuse or neglect and such person
10 has reasonable cause to believe the harm or threat to life may occur before a
11 juvenile court could issue a temporary protective custody order or before a
12 juvenile officer could take the child into protective custody, the police officer, law
13 enforcement official or physician may take or retain temporary protective custody
14 of the child without the consent of the child's parents, guardian or others legally
15 responsible for [his] **the child's** care.

16 3. Any person taking a child in protective custody under this section shall
17 immediately notify the juvenile officer of the court of the county in which the
18 child is located of his actions and notify the division and make a reasonable
19 attempt to advise the parents, guardians or others legally responsible for the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 child's care. The jurisdiction of the juvenile court attaches from the time the
21 juvenile is taken into protective custody. Such person shall file, as soon as
22 practicable but no later than twelve hours, a written statement with the juvenile
23 officer which sets forth the identity of the child and the facts and circumstances
24 which gave such person reasonable cause to believe that there was imminent
25 danger of serious physical harm or threat to the life of the child. Upon
26 notification that a child has been taken into protective custody, the juvenile
27 officer shall either return the child to his parents, guardian, or others responsible
28 for [his] **the child's** care or shall initiate child protective proceedings under
29 chapter 211, RSMo. In no event shall an employee of the division, acting upon
30 his **or her** own, remove a child under the provisions of this act.

31 4. Temporary protective custody for purposes of this section shall not
32 exceed twenty-four hours. Temporary protective custody for a period beyond
33 twenty-four hours may be authorized only by an order of the juvenile court.

34 5. For the purposes of this section, "temporary protective custody" shall
35 mean temporary placement within a hospital or medical facility or emergency
36 foster care facility or such other suitable custody placement as the court may
37 direct; provided, however, that an abused or neglected child may not be detained
38 in temporary custody in a secure detention facility.

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