

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 457
96TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, February 16, 2012, with recommendation that the Senate Committee Substitute do pass.

4432S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 210.115, RSMo, and to enact in lieu thereof one new section relating to persons required to report child abuse and neglect.

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

Section A. Section 210.115, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 210.115, to read as follows:

210.115. 1. When any physician, medical examiner, coroner, dentist,
2 chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic
3 personnel that are engaged in the examination, care, treatment or research of
4 persons, and any other health practitioner, psychologist, mental health
5 professional, social worker, day care center worker or other child-care worker,
6 juvenile officer, probation or parole officer, jail or detention center personnel,
7 teacher, principal or other school official, minister as provided by section 352.400,
8 peace officer or law enforcement official, or other person with responsibility for
9 the care of children has reasonable cause to suspect that a child has been or may
10 be subjected to abuse or neglect or observes a child being subjected to conditions
11 or circumstances which would reasonably result in abuse or neglect, that person
12 shall immediately report or cause a report to be made to the division in
13 accordance with the provisions of sections 210.109 to 210.183. **Any person who
14 observes a child being subjected to sexual abuse shall immediately
15 report to the division in accordance with sections 210.109 to 210.183 or
16 to any law enforcement agency.** As used in this section, the term "abuse" is
17 not limited to abuse inflicted by a person responsible for the child's care, custody
18 and control as specified in section 210.110, but shall also include abuse inflicted
19 by any other person.

20 2. Whenever such person is required to report pursuant to sections

21 210.109 to 210.183 in an official capacity as a staff member of a medical
22 institution, school facility, or other agency, whether public or private, the person
23 in charge or a designated agent shall be notified immediately. The person in
24 charge or a designated agent shall then become responsible for immediately
25 making or causing such report to be made to the division. Nothing in this
26 section, however, is meant to preclude any person from reporting abuse or
27 neglect.

28 3. Notwithstanding any other provision of sections 210.109 to 210.183, any
29 child who does not receive specified medical treatment by reason of the legitimate
30 practice of the religious belief of the child's parents, guardian, or others legally
31 responsible for the child, for that reason alone, shall not be found to be an abused
32 or neglected child, and such parents, guardian or other persons legally
33 responsible for the child shall not be entered into the central registry. However,
34 the division may accept reports concerning such a child and may subsequently
35 investigate or conduct a family assessment as a result of that report. Such an
36 exception shall not limit the administrative or judicial authority of the state to
37 ensure that medical services are provided to the child when the child's health
38 requires it.

39 4. In addition to those persons and officials required to report actual or
40 suspected abuse or neglect, any other person may report in accordance with
41 sections 210.109 to 210.183 if such person has reasonable cause to suspect that
42 a child has been or may be subjected to abuse or neglect or observes a child being
43 subjected to conditions or circumstances which would reasonably result in abuse
44 or neglect.

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

57 review panel established pursuant to section 210.192.

58 6. Any person or individual required to report may also report the
59 suspicion of abuse or neglect to any law enforcement agency or juvenile
60 office. Such report shall not, however, take the place of reporting or causing a
61 report to be made to the division.

62 7. If an individual required to report suspected instances of abuse or
63 neglect pursuant to this section has reason to believe that the victim of such
64 abuse or neglect is a resident of another state or was injured as a result of an act
65 which occurred in another state, the person required to report such abuse or
66 neglect may, in lieu of reporting to the Missouri division of family services, make
67 such a report to the child protection agency of the other state with the authority
68 to receive such reports pursuant to the laws of such other state. If such agency
69 accepts the report, no report is required to be made, but may be made, to the
70 Missouri division of family services.

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Bill

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