

FIRST REGULAR SESSION

SENATE BILL NO. 536

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

2641S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 210.115, RSMo, and to enact in lieu thereof two new sections relating to unaccompanied youth.

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

Section A. Section 210.115, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections
3 210.115 and 210.121, to read as follows:

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, volunteer or personnel of a
12 community service program that offers support services for
13 families in crisis to assist in the delegation of any powers
14 regarding the care and custody of a child by a properly
15 executed power of attorney pursuant to sections 475.600 to
16 475.604, or other person with responsibility for the care of
17 children has reasonable cause to suspect that a child has
18 been or may be subjected to abuse or neglect or observes a

19 child being subjected to conditions or circumstances which
20 would reasonably result in abuse or neglect, that person
21 shall immediately report to the division in accordance with
22 the provisions of sections 210.109 to 210.183. No internal
23 investigation shall be initiated until such a report has
24 been made. As used in this section, the term "abuse" is not
25 limited to abuse inflicted by a person responsible for the
26 child's care, custody and control as specified in section
27 210.110, but shall also include abuse inflicted by any other
28 person.

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

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

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

65 5. In addition to those persons and officials required
66 to report actual or suspected abuse or neglect, any other
67 person may report in accordance with sections 210.109 to
68 210.183 if such person has reasonable cause to suspect that
69 a child has been or may be subjected to abuse or neglect or
70 observes a child being subjected to conditions or
71 circumstances which would reasonably result in abuse or
72 neglect.

73 6. Any person or official required to report pursuant
74 to this section, including employees of the division, who
75 has probable cause to suspect that a child who is or may be
76 under the age of eighteen, who is eligible to receive a
77 certificate of live birth, has died shall report that fact
78 to the appropriate medical examiner or coroner. If, upon
79 review of the circumstances and medical information, the
80 medical examiner or coroner determines that the child died
81 of natural causes while under medical care for an

82 established natural disease, the coroner, medical examiner
83 or physician shall notify the division of the child's death
84 and that the child's attending physician shall be signing
85 the death certificate. In all other cases, the medical
86 examiner or coroner shall accept the report for
87 investigation, shall immediately notify the division of the
88 child's death as required in section 58.452 and shall report
89 the findings to the child fatality review panel established
90 pursuant to section 210.192.

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

95 8. If an individual required to report suspected
96 instances of abuse or neglect pursuant to this section has
97 reason to believe that the victim of such abuse or neglect
98 is a resident of another state or was injured as a result of
99 an act which occurred in another state, the person required
100 to report such abuse or neglect may, in lieu of reporting to
101 the Missouri children's division, make such a report to the
102 child protection agency of the other state with the
103 authority to receive such reports pursuant to the laws of
104 such other state. If such agency accepts the report, no
105 report is required to be made, but may be made, to the
106 children's division.

107 9. **For the purposes of providing supportive services**
108 **or verifying the status of a youth as unaccompanied or**
109 **homeless for the purposes of accessing supportive services,**
110 **the fact that a child is an unaccompanied youth, as defined**
111 **in 42 U.S.C. Section 11434a(6), shall not be, in and of**
112 **itself, a sufficient basis for reporting child abuse or**
113 **neglect.**

210.121. 1. As used in this section, the following
2 terms mean:

3 (1) "Service provider", a public or private nonprofit
4 organization that provides age-appropriate shelter or
5 supportive services to unaccompanied youth;

6 (2) "Shelter", an emergency shelter, transitional
7 living program, or independent living program services;

8 (3) "Supportive services", interventions, services, or
9 resources necessary to assist an unaccompanied youth.

10 "Supportive services" shall include, but are not limited to,
11 the following:

12 (a) Food and access to an overnight shelter;

13 (b) Housing search, counseling, rental assistance,
14 financial assistance with eviction prevention, utilities,
15 security deposit, relocation, and other housing support
16 services;

17 (c) Services for families to prevent separation and
18 support reunification if safe and appropriate;

19 (d) Employment assistance, job training, and job
20 placement;

21 (e) Assistance and advocacy to ensure access to
22 federal, state, and local benefits;

23 (f) Assistance and advocacy to ensure access to
24 education;

25 (g) Services to prevent and treat violence and crime
26 victimization;

27 (h) Case management;

28 (i) Child care operations and vouchers;

29 (j) Legal services;

30 (k) Life skills training;

31 (l) Outpatient health, behavioral health, and
32 substance abuse treatment services;

33 (m) Transportation;
34 (n) Outreach services; and
35 (o) Homelessness prevention services;
36 (4) "Unaccompanied youth", the same meaning as such
37 term is defined in 42 U.S.C. Section 11434a(6).

38 2. An unaccompanied youth may access supportive
39 services so long as the youth is verified as an
40 unaccompanied youth, as provided under subsection 3 of this
41 section.

42 3. Acceptable documentation to verify the status of an
43 unaccompanied youth shall include, but is not limited to,
44 the following:

45 (1) A statement documenting the youth as an
46 unaccompanied youth that is signed by a director or designee
47 of a government or nonprofit agency that receives public or
48 private funding to provide services to homeless people;

49 (2) A statement documenting the youth as an
50 unaccompanied youth that is signed by a local educational
51 agency liaison for homeless children and youth designated
52 under 42 U.S.C. Section 11432(g)(1)(J)(ii) or a school
53 social worker or counselor; or

54 (3) A statement documenting that the youth is an
55 unaccompanied youth that is signed by an attorney
56 representing the youth in any legal matter.

57 4. A person who in good faith accepts a written
58 statement under subdivision (1) of subsection 3 of this
59 section and who is without actual knowledge that the
60 statement is fraudulent or otherwise invalid may rely upon
61 the statement as if it were genuine and shall not be held
62 liable in any civil or criminal action for providing shelter
63 or supportive services without having obtained permission
64 from the minor's parent or guardian. The service provider

65 shall not be relieved from liability for negligence or
66 criminal acts on the basis of this section.

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