

SENATE BILL NO. 1707

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

6989S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 210.115, 210.140, 352.400, and 537.046, RSMo, and to enact in lieu thereof four new sections relating to child abuse or neglect.

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

Section A. Sections 210.115, 210.140, 352.400, and
2 537.046, RSMo, are repealed and four new sections enacted in
3 lieu thereof, to be known as sections 210.115, 210.140, 352.400,
4 and 537.046, 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, **clergy, or religious worker** as provided by section
11 352.400, peace officer or law enforcement official,
12 volunteer or personnel of a community service program that
13 offers support services for families in crisis to assist in
14 the delegation of any powers regarding the care and custody
15 of a child by a properly executed power of attorney pursuant
16 to sections 475.600 to 475.604, or other person with

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

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

112 sufficient basis for reporting child abuse or neglect,
113 unless the child is under sixteen years of age or is an
114 incapacitated person, as defined in section 475.010.
115 Nothing in this subsection shall limit a mandated reporter
116 from making a report under this section if the mandated
117 reporter knows or has reasonable cause to suspect that an
118 unaccompanied youth has been or may be a victim of abuse or
119 neglect.

120 **10. Notwithstanding any other provision of law to the**
121 **contrary, a minister or designated agent shall report**
122 **suspected child abuse or neglect as required under**
123 **subdivision (2) of subsection 2 of section 352.400 when such**
124 **report concerns a privileged communication made to him or**
125 **her in his or her professional capacity.**

210.140. 1. Any legally recognized privileged
2 communication, except that between attorney and client [or
3 involving communications made to a minister or
4 clergyperson], shall not apply to situations involving known
5 or suspected child abuse or neglect and shall not constitute
6 grounds for failure to report as required or permitted by
7 sections 210.110 to 210.165, to cooperate with the division
8 in any of its activities pursuant to sections 210.110 to
9 210.165, or to give or accept evidence in any judicial
10 proceeding relating to child abuse or neglect.

11 **2. Notwithstanding any other provision of law to the**
12 **contrary, a minister or designated agent shall report**
13 **suspected child abuse or neglect as required under**
14 **subdivision (2) of subsection 2 of section 352.400 when such**
15 **report concerns a privileged communication made to him or**
16 **her in his or her professional capacity.**

352.400. 1. As used in this section, the following
2 words and phrases shall mean:

3 (1) "Abuse", any physical injury, sexual abuse, or
4 emotional abuse, injury or harm to a child under
5 circumstances required to be reported pursuant to sections
6 210.109 to 210.183;

7 (2) "Child", any person regardless of physical or
8 mental condition, under eighteen years of age;

9 (3) "Minister", any person while practicing as a
10 minister of the gospel, clergyperson, priest, rabbi,
11 Christian Science practitioner, or other person serving in a
12 similar capacity for any religious organization who is
13 responsible for or who has supervisory authority over one
14 who is responsible for the care, custody, and control of a
15 child or has access to a child;

16 (4) "Neglect", failure to provide the proper or
17 necessary support or services by those responsible for the
18 care, custody, and control of a child, under circumstances
19 required to be reported pursuant to sections 210.109 to
20 210.183;

21 (5) "Religious organization", any society, sect,
22 persuasion, mission, church, parish, congregation, temple,
23 convention or association of any of the foregoing, diocese
24 or presbytery, or other organization, whether or not
25 incorporated, that meets at more or less regular intervals
26 for worship of a supreme being or higher power, or for
27 mutual support or edification in piety or with respect to
28 the idea that a minimum standard of behavior from the
29 standpoint of overall morality is to be observed, or for the
30 sharing of common religious bonds and convictions;

31 (6) "Report", the communication of an allegation of
32 abuse or neglect pursuant to sections 210.109 to 210.183.

33 2. **(1)** When a minister or agent designated pursuant
34 to subsection 3 of this section has reasonable cause to

35 suspect that a child has been or may be subjected to abuse
36 or neglect under circumstances required to be reported
37 pursuant to sections 210.109 to 210.183, the minister or
38 designated agent shall immediately report or cause a report
39 to be made as provided in sections 210.109 to 210.183.

40 [Notwithstanding any other provision of this section or
41 sections 210.109 to 210.183, a minister shall not be
42 required to report concerning a privileged communication
43 made to him or her in his or her professional capacity.]

44 **(2) Notwithstanding any other provision of law to the**
45 **contrary, a minister or designated agent pursuant to**
46 **subsection 3 of this section shall be required to report or**
47 **cause a report to be made pursuant to sections 210.109 to**
48 **210.183 concerning privileged communication made to him or**
49 **her in his or her professional capacity regarding child**
50 **abuse or neglect.**

51 3. A religious organization may designate an agent or
52 agents required to report pursuant to sections 210.109 to
53 210.183 in an official capacity on behalf of the religious
54 organization. In the event a minister, official or staff
55 member of a religious organization has probable cause to
56 believe that the child has been subjected to abuse or
57 neglect under circumstances required to be reported pursuant
58 to sections 210.109 to 213.183 and the minister, official or
59 staff member of the religious organization does not
60 personally make a report pursuant to sections 210.109 to
61 210.183, the designated agent of the religious organization
62 shall be notified. The designated agent shall then become
63 responsible for making or causing the report to be made
64 pursuant to sections 210.109 to 210.183. This section shall
65 not preclude any person from reporting abuse or neglect as
66 otherwise provided by law.

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

3 (1) "Childhood sexual abuse", any act committed by the
4 defendant, **or an act committed by an individual if the**
5 **defendant's tortious conduct causes such act to occur,**
6 against the plaintiff which act occurred when the plaintiff
7 was under the age of eighteen years and which act would have
8 been a violation of section 566.030, 566.031, 566.032,
9 566.034, 566.060, 566.061, 566.062, 566.064, 566.067,
10 566.068, 566.069, 566.071, 566.083, 566.086, 566.093,
11 566.095, 566.100, 566.101, 566.209, 566.210, 566.211,
12 568.020, or 573.200;

13 (2) "Injury" or "illness", either a physical injury or
14 illness or a psychological injury or illness. A
15 psychological injury or illness need not be accompanied by
16 physical injury or illness.

17 2. Any action **against any party** to recover damages
18 from injury or illness caused by childhood sexual abuse **or**
19 **tortious conduct that causes a victim to be a victim of**
20 **childhood sexual abuse** in an action brought pursuant to this
21 section [shall be commenced within ten years of the
22 plaintiff attaining the age of twenty-one or within three
23 years of the date the plaintiff discovers, or reasonably
24 should have discovered, that the injury or illness was
25 caused by childhood sexual abuse, whichever later occurs]
26 **may be commenced at any time.**

27 3. This section shall apply to any action arising on
28 or after August 28, 2025.

29 4. Notwithstanding any other provision of law to the
30 contrary, a nondisclosure agreement by any party to a
31 childhood sexual abuse action shall not be judicially

32 enforceable in a dispute involving childhood sexual abuse
33 allegations or claims, and shall be void.

✓