

SECOND REGULAR SESSION

# SENATE BILL NO. 899

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

4274S.011

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2 repealed and six new sections enacted in lieu thereof, to be  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, **animal control officer,**  
9 **animal humane investigator as defined in section 273.415,**  
10 chiropractor, Christian Science practitioner, coroner,  
11 dentist, embalmer, employee of the departments of social  
12 services, mental health, or health and senior services,  
13 employee of a local area agency on aging or an organized  
14 area agency on aging program, emergency medical technician,  
15 firefighter, first responder, funeral director, home health  
16 agency, home health agency employee, hospital and clinic

17 personnel engaged in the care or treatment of others, in-  
18 home services owner or provider, in-home services operator  
19 or employee, law enforcement officer, long-term care  
20 facility administrator or employee, medical examiner,  
21 medical resident or intern, mental health professional,  
22 minister, nurse, nurse practitioner, optometrist, other  
23 health practitioner, peace officer, pharmacist, physical  
24 therapist, physician, physician's assistant, podiatrist,  
25 probation or parole officer, psychologist, social worker, or  
26 other person with the responsibility for the care of an  
27 eligible adult who has reasonable cause to suspect that the  
28 eligible adult has been subjected to abuse or neglect or  
29 observes the eligible adult being subjected to conditions or  
30 circumstances which would reasonably result in abuse or  
31 neglect. Notwithstanding any other provision of this  
32 section, a duly ordained minister, clergy, religious worker,  
33 or Christian Science practitioner while functioning in his  
34 or her ministerial capacity shall not be required to report  
35 concerning a privileged communication made to him or her in  
36 his or her professional capacity.

37       2. Any other person who becomes aware of circumstances  
38 that may reasonably be expected to be the result of, or  
39 result in, abuse or neglect of an eligible adult may report  
40 to the department.

41       3. The penalty for failing to report as required under  
42 subdivision (2) of subsection 1 of this section is provided  
43 under section 565.188.

44       4. As used in this section, "first responder" means  
45 any person trained and authorized by law or rule to render  
46 emergency medical assistance or treatment. Such persons may  
47 include, but shall not be limited to, emergency first

48 responders, police officers, sheriffs, deputy sheriffs,  
49 firefighters, or emergency medical technicians.

192.2510. 1. All persons providing protective  
2 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,  
coroner, dentist, chiropractor, optometrist, podiatrist,  
resident, intern, nurse, hospital or clinic personnel that  
are engaged in the examination, care, treatment or research  
of persons, and any other health practitioner, psychologist,  
mental health professional, social worker, day care center  
worker or other child-care worker, juvenile officer,  
probation or parole officer, jail or detention center  
personnel, teacher, principal or other school official,  
minister as provided by section 352.400, peace officer or  
law enforcement official, **animal control officer, animal  
humane investigator as defined in section 273.415**, volunteer  
or personnel of a community service program that offers  
support services for families in crisis to assist in the  
delegation of any powers regarding the care and custody of a  
child by a properly executed power of attorney pursuant to  
sections 475.600 to 475.604, or other person with  
responsibility for the care of children 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, that person shall immediately report to  
the division in accordance with the provisions of sections  
210.109 to 210.183. No internal investigation shall be  
initiated until such a report has been made. As used in  
this section, the term "abuse" is not limited to abuse  
inflicted by a person responsible for the child's care,  
custody and control as specified in section 210.110, but  
shall also include abuse inflicted by any other person.

2. If two or more members of a medical institution who  
are required to report jointly have knowledge of a known or  
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  
69 210.183 if such person has reasonable cause to suspect that  
70 a child has been or may be subjected to abuse or neglect or  
71 observes a child being subjected to conditions or  
72 circumstances which would reasonably result in abuse or  
73 neglect.

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

92 7. Any person or individual required to report may  
93 also report the suspicion of abuse or neglect to any law  
94 enforcement agency or juvenile office. Such report shall  
95 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:**

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 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 report 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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