

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/Senate Bill No. 1062, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "192.2405. 1. The following persons shall be required
4 to immediately report or cause a report to be made to the
5 department under sections 192.2400 to 192.2470:

6 (1) Any person having reasonable cause to suspect that
7 an eligible adult presents a likelihood of suffering serious
8 physical harm, or bullying as defined in subdivision (2) of
9 section 192.2400, and is in need of protective services; and

10 (2) Any adult day care worker, animal control officer,
11 animal humane investigator as defined in section 273.415,
12 chiropractor, Christian Science practitioner, coroner,
13 dentist, embalmer, employee of the departments of social
14 services, mental health, or health and senior services,
15 employee of a local area agency on aging or an organized
16 area agency on aging program, emergency medical technician,
17 firefighter, first responder, funeral director, home health
18 agency, home health agency employee, hospital and clinic
19 personnel engaged in the care or treatment of others, in-
20 home services owner or provider, in-home services operator
21 or employee, law enforcement officer, long-term care
22 facility administrator or employee, medical examiner,
23 medical resident or intern, mental health professional,
24 minister, nurse, nurse practitioner, optometrist, other
25 health practitioner, peace officer, pharmacist, physical

26 therapist, physician, physician's assistant, podiatrist,
27 probation or parole officer, psychologist, social worker, or
28 other person with the responsibility for the care of an
29 eligible adult who has reasonable cause to suspect that the
30 eligible adult has been subjected to abuse or neglect or
31 observes the eligible adult being subjected to conditions or
32 circumstances which would reasonably result in abuse or
33 neglect. Notwithstanding any other provision of this
34 section, a duly ordained minister, clergy, religious worker,
35 or Christian Science practitioner while functioning in his
36 or her ministerial capacity shall not be required to report
37 concerning a privileged communication made to him or her in
38 his or her professional capacity.

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

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

46 4. As used in this section, "first responder" means
47 any person trained and authorized by law or rule to render
48 emergency medical assistance or treatment. Such persons may
49 include, but shall not be limited to, emergency first
50 responders, police officers, sheriffs, deputy sheriffs,
51 firefighters, or emergency medical technicians.

52 192.2510. 1. All persons providing protective
53 services to eligible adults, as such terms are defined in
54 section 192.2400, and who have direct contact with such
55 adults, shall be required to complete at least one and one-
56 half hours of training within the first sixty days of
57 employment. The training shall include the following:

58 (1) Requirements to report animal abuse or neglect and
59 the penalties associated with failure to report under
60 section 273.410;

61 (2) How to identify animal abuse or neglect;

62 (3) How to make a report of animal abuse or neglect;
63 and

64 (4) The relationship between eligible adult abuse or
65 neglect and animal abuse or neglect.

66 2. The department of health and senior services, in
67 consultation with the department of agriculture and animal
68 welfare associations, shall develop or adapt and use
69 available training materials for the training required under
70 this section. Persons required to complete training under
71 this section shall be provided with opportunities to do so
72 during regular working hours.

73 3. As used in this section, the following terms shall
74 mean:

75 (1) "Animal", dogs, cats, rabbits, and birds;

76 (2) "Animal welfare association", a nonprofit
77 organization that is established to promote animal welfare,
78 is recognized by the Internal Revenue Service as tax exempt
79 under the provisions of the Internal Revenue Code Section
80 501(c)(3) or 501(c)(4), or the corresponding section of any
81 future tax code, and is registered with the secretary of
82 state under chapter 355.

83 210.115. 1. When any physician, medical examiner,
84 coroner, dentist, chiropractor, optometrist, podiatrist,
85 resident, intern, nurse, hospital or clinic personnel that
86 are engaged in the examination, care, treatment or research
87 of persons, and any other health practitioner, psychologist,
88 mental health professional, social worker, day care center
89 worker or other child-care worker, juvenile officer,
90 probation or parole officer, jail or detention center

91 personnel, teacher, principal or other school official,
92 minister as provided by section 352.400, peace officer or
93 law enforcement official, animal control officer, animal
94 humane investigator as defined in section 273.415, volunteer
95 or personnel of a community service program that offers
96 support services for families in crisis to assist in the
97 delegation of any powers regarding the care and custody of a
98 child by a properly executed power of attorney pursuant to
99 sections 475.600 to 475.604, or other person with
100 responsibility for the care of children has reasonable cause
101 to suspect that a child has been or may be subjected to
102 abuse or neglect or observes a child being subjected to
103 conditions or circumstances which would reasonably result in
104 abuse or neglect, that person shall immediately report to
105 the division in accordance with the provisions of sections
106 210.109 to 210.183. No internal investigation shall be
107 initiated until such a report has been made. As used in
108 this section, the term "abuse" is not limited to abuse
109 inflicted by a person responsible for the child's care,
110 custody and control as specified in section 210.110, but
111 shall also include abuse inflicted by any other person.

112 2. If two or more members of a medical institution who
113 are required to report jointly have knowledge of a known or
114 suspected instance of child abuse or neglect, a single
115 report may be made by a designated member of that medical
116 team. Any member who has knowledge that the member
117 designated to report has failed to do so shall thereafter
118 immediately make the report. Nothing in this section,
119 however, is meant to preclude any person from reporting
120 abuse or neglect.

121 3. The reporting requirements under this section are
122 individual, and no supervisor or administrator may impede or
123 inhibit any reporting under this section. No person making

124 a report under this section shall be subject to any
125 sanction, including any adverse employment action, for
126 making such report. Every employer shall ensure that any
127 employee required to report pursuant to subsection 1 of this
128 section has immediate and unrestricted access to
129 communications technology necessary to make an immediate
130 report and is temporarily relieved of other work duties for
131 such time as is required to make any report required under
132 subsection 1 of this section.

133 4. Notwithstanding any other provision of sections
134 210.109 to 210.183, any child who does not receive specified
135 medical treatment by reason of the legitimate practice of
136 the religious belief of the child's parents, guardian, or
137 others legally responsible for the child, for that reason
138 alone, shall not be found to be an abused or neglected
139 child, and such parents, guardian or other persons legally
140 responsible for the child shall not be entered into the
141 central registry. However, the division may accept reports
142 concerning such a child and may subsequently investigate or
143 conduct a family assessment as a result of that report.
144 Such an exception shall not limit the administrative or
145 judicial authority of the state to ensure that medical
146 services are provided to the child when the child's health
147 requires it.

148 5. In addition to those persons and officials required
149 to report actual or suspected abuse or neglect, any other
150 person may report in accordance with sections 210.109 to
151 210.183 if such person has reasonable cause to suspect that
152 a child has been or may be subjected to abuse or neglect or
153 observes a child being subjected to conditions or
154 circumstances which would reasonably result in abuse or
155 neglect.

156 6. Any person or official required to report pursuant
157 to this section, including employees of the division, who
158 has probable cause to suspect that a child who is or may be
159 under the age of eighteen, who is eligible to receive a
160 certificate of live birth, has died shall report that fact
161 to the appropriate medical examiner or coroner. If, upon
162 review of the circumstances and medical information, the
163 medical examiner or coroner determines that the child died
164 of natural causes while under medical care for an
165 established natural disease, the coroner, medical examiner
166 or physician shall notify the division of the child's death
167 and that the child's attending physician shall be signing
168 the death certificate. In all other cases, the medical
169 examiner or coroner shall accept the report for
170 investigation, shall immediately notify the division of the
171 child's death as required in section 58.452 and shall report
172 the findings to the child fatality review panel established
173 pursuant to section 210.192.

174 7. Any person or individual required to report may
175 also report the suspicion of abuse or neglect to any law
176 enforcement agency or juvenile office. Such report shall
177 not, however, take the place of reporting to the division.

178 8. If an individual required to report suspected
179 instances of abuse or neglect pursuant to this section has
180 reason to believe that the victim of such abuse or neglect
181 is a resident of another state or was injured as a result of
182 an act which occurred in another state, the person required
183 to report such abuse or neglect may, in lieu of reporting to
184 the Missouri children's division, make such a report to the
185 child protection agency of the other state with the
186 authority to receive such reports pursuant to the laws of
187 such other state. If such agency accepts the report, no

188 report is required to be made, but may be made, to the
189 children's division.

190 9. For the purposes of providing supportive services
191 or verifying the status of a youth as unaccompanied or
192 homeless for the purposes of accessing supportive services,
193 the fact that a child is an unaccompanied youth as defined
194 in 42 U.S.C. Section 11434a(6) is not, in and of itself, a
195 sufficient basis for reporting child abuse or neglect,
196 unless the child is under sixteen years of age or is an
197 incapacitated person, as defined in section 475.010.
198 Nothing in this subsection shall limit a mandated reporter
199 from making a report under this section if the mandated
200 reporter knows or has reasonable cause to suspect that an
201 unaccompanied youth has been or may be a victim of abuse or
202 neglect.

203 210.191. 1. All children's division employees, and
204 contractors for children's services, who have direct contact
205 with children through the state's child protection and
206 welfare system shall be required to complete at least one
207 and one-half hours of training within the first sixty days
208 of employment or contract. The training shall include the
209 following:

210 (1) Requirements to report animal abuse or neglect and
211 the penalties associated with failure to report under
212 section 273.410;

213 (2) How to identify animal abuse or neglect;

214 (3) How to make a report of animal abuse or neglect;

215 and

216 (4) The relationship between child abuse or neglect
217 and animal abuse or neglect.

218 2. The division, in consultation with the department
219 of agriculture and animal welfare associations, shall
220 develop or adapt and use available training materials for

221 the training required under this section. Persons required
222 to complete training under this section shall be provided
223 with opportunities to do so during regular working hours.

224 3. As used in this section, the following terms shall
225 mean:

226 (1) "Animal", dogs, cats, rabbits, and birds;

227 (2) "Animal welfare association", the same meaning as
228 in section 192.2510.

229 273.410. 1. When any psychologist, mental health
230 professional, social worker, school counselor, teacher, or
231 other school professional, or juvenile officer, law
232 enforcement or peace officer, probation or parole officer,
233 home health aide, adult or child protective services worker,
234 or volunteer or personnel of a community service program
235 that offers support or advocacy services for children in
236 foster care has reasonable cause to suspect that an animal
237 has been or may be subjected to abuse or neglect or observes
238 an animal being subjected to conditions or circumstances
239 that would reasonably result in abuse or neglect, that
240 person shall make a report to the hotline established and
241 operated by the Missouri Animal Control Association (MACA)
242 within one day.

243 2. The hotline worker shall request all of the
244 following information for the report:

245 (1) The name and description of the animal involved,
246 if known;

247 (2) The address and telephone number of the owner or
248 other person responsible for the care of the animal, if
249 known;

250 (3) The nature and extent of the suspected abuse or
251 neglect; and

252 (4) Any other information that the person making the
253 report believes may be useful in establishing the existence

254 of the suspected abuse or neglect or the identity of the
255 person causing the abuse or neglect.

256 3. Upon receiving a report of suspected abuse or
257 neglect, MACA shall provide the report to any duly-
258 authorized law enforcement official, county or municipal
259 animal control officer, or any Missouri peace officer
260 standards and training (POST)-certified or MACA-certified
261 animal cruelty investigator.

262 4. Any person required to report animal abuse or
263 neglect under this section shall be immune from civil and
264 criminal liability in connection with making any required
265 report if the person acted in good faith when making such
266 report.

267 5. Notwithstanding any provision of law to the
268 contrary, any information identifying a person who reports
269 suspected animal abuse or neglect under this section shall
270 be confidential and shall not be deemed a public record and
271 shall not be subject to the provisions of section 109.180 or
272 chapter 610.

273 6. No person required to make a report of animal abuse
274 or neglect under this section shall knowingly make a false
275 report. The penalty for making a false report and the
276 defenses to prosecution shall be the same as under section
277 575.080.

278 7. If an agency or political subdivision of the state
279 determines that an employee who is a mandated reporter under
280 this section has failed to make a report as required by this
281 section, the agency or political subdivision shall issue a
282 written notice to such employee that shall include a finding
283 of facts in support of the failure to make a report and an
284 explanation of the reporting requirement. Such notice shall
285 not be retained in a permanent employment file and shall be
286 retained in a separate file or database maintained by the

287 agency or political subdivision. Such notice shall be
288 considered a closed record under the provisions of chapter
289 610.

290 8. Any person required to make a report under this
291 section who is subject to professional licensure and who
292 fails to make a report as required by this section shall be
293 subject to discipline by his or her respective licensing
294 board as follows:

295 (1) For the first instance of a failure to report, the
296 licensing board shall issue a written notice to such
297 employee that shall include a finding of facts in support of
298 the failure to make a report and an explanation of the
299 reporting requirement;

300 (2) For a second instance of a failure to report, the
301 licensing board shall impose a fine of one hundred dollars;

302 (3) For a third and each subsequent instance of a
303 failure to report, the licensing board shall impose a fine
304 of five hundred dollars.

305 9. As used in this section, the term "animal" means
306 dogs, cats, rabbits, and birds.

307 273.415. 1. All persons employed or serving as animal
308 control officers or animal humane investigators who have
309 direct contact with animals shall be required to complete at
310 least one and one-half hours of training within the first
311 sixty days of employment. The training shall include the
312 following:

313 (1) Requirements to report child abuse or neglect
314 under section 210.115 or eligible person abuse or neglect
315 under section 192.2405 and the penalties associated with
316 failure to report such abuse or neglect;

317 (2) How to identify child or eligible person abuse or
318 neglect;

319 (3) How to make a report of child or eligible person
320 abuse or neglect; and

321 (4) The relationship between child, eligible adult,
322 and animal abuse or neglect.

323 2. The children's division and the department of
324 health and senior services, in consultation with the
325 department of agriculture and animal welfare associations,
326 shall develop or adapt and use available training materials
327 for the training required under this section. Persons
328 required to complete training under this section shall be
329 provided with opportunities to do so during regular working
330 hours.

331 3. As used in this section, the following terms shall
332 mean:

333 (1) "Animal", dogs, cats, rabbits, and birds;

334 (2) "Animal humane investigator", a duly-authorized
335 county or municipal animal control officer or any Missouri
336 peace officer standards and training (POST)-certified or
337 Missouri Animal Control Association (MACA)-certified animal
338 cruelty investigator;

339 (3) "Animal welfare association", the same meaning as
340 in section 192.2510."; and

341 Further amend the title and enacting clause accordingly.