

SENATE BILL NO. 1182

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR GANNON.

4765S.011

ADRIANE D. CROUSE, 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2 repealed and six new sections enacted in lieu thereof, to be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, chiropractor, Christian
9 Science practitioner, coroner, dentist, embalmer, employee
10 of the departments of social services, mental health, or
11 health and senior services, employee of a local area agency
12 on aging or an organized area agency on aging program,
13 emergency medical technician, firefighter, first responder,
14 funeral director, home health agency, home health agency
15 employee, hospital and clinic personnel engaged in the care
16 or treatment of others, in-home services owner or provider,
17 in-home services operator or employee, law enforcement
18 officer, long-term care facility administrator or employee,
19 medical examiner, medical resident or intern, mental health

20 professional, minister, nurse, nurse practitioner,
21 optometrist, other health practitioner, peace officer,
22 pharmacist, physical therapist, physician, physician's
23 assistant, podiatrist, probation or parole officer,
24 psychologist, social worker, **veterinarian, animal control**
25 **officer, animal humane investigator as defined in section**
26 **273.415**, or other person with the responsibility for the
27 care of an eligible adult who has reasonable cause to
28 suspect that the eligible adult has been subjected to abuse
29 or neglect or observes the eligible adult being subjected to
30 conditions or circumstances which would reasonably result in
31 abuse or neglect. Notwithstanding any other provision of
32 this section, a duly ordained minister, clergy, religious
33 worker, or Christian Science practitioner while functioning
34 in his or her ministerial capacity shall not be required to
35 report concerning a privileged communication made to him or
36 her in 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, emergency medical technicians, or emergency
50 medical technician-paramedics.

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 companion animal abuse or
8 neglect and the penalties associated with failure to report
9 under section 273.410;

10 (2) How to identify companion animal abuse or neglect;

11 (3) How to make a report of companion animal abuse or
12 neglect; and

13 (4) The relationship between eligible adult abuse or
14 neglect and companion 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 welfare organization", a nonprofit
24 organization that is established to promote animal welfare,
25 is recognized by the Internal Revenue Service as tax exempt
26 under the provisions of the Internal Revenue Code Section
27 501(c) (3) or 501(c) (4), or the corresponding section of any
28 future tax code, and is registered with the secretary of
29 state under chapter 355;

30 (2) "Companion animal", the same meaning as in section
31 273.410.

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, **veterinarian, animal control**
12 **officer, animal humane investigator as defined in section**
13 **273.415**, volunteer or personnel of a community service
14 program that offers support services for families in crisis
15 to assist in the delegation of any powers regarding the care
16 and custody of a child by a properly executed power of
17 attorney pursuant to sections 475.600 to 475.604, or other
18 person with responsibility for the care of children has
19 reasonable cause to suspect that a child has been or may be
20 subjected to abuse or neglect or observes a child being
21 subjected to conditions or circumstances which would
22 reasonably result in abuse or neglect, that person shall
23 immediately report to the division in accordance with the
24 provisions of sections 210.109 to 210.183. No internal
25 investigation shall be initiated until such a report has
26 been made. As used in this section, the term "abuse" is not
27 limited to abuse inflicted by a person responsible for the
28 child's care, custody and control as specified in section
29 210.110, but shall also include abuse inflicted by any other
30 person.

31 2. If two or more members of a medical institution who
32 are required to report jointly have knowledge of a known or

33 suspected instance of child abuse or neglect, a single
34 report may be made by a designated member of that medical
35 team. Any member who has knowledge that the member
36 designated to report has failed to do so shall thereafter
37 immediately make the report. Nothing in this section,
38 however, is meant to preclude any person from reporting
39 abuse or neglect.

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

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

65 services are provided to the child when the child's health
66 requires it.

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

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

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

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

109 9. For the purposes of providing supportive services
110 or verifying the status of a youth as unaccompanied or
111 homeless for the purposes of accessing supportive services,
112 the fact that a child is an unaccompanied youth as defined
113 in 42 U.S.C. Section 11434a(6) is not, in and of itself, a
114 sufficient basis for reporting child abuse or neglect,
115 unless the child is under sixteen years of age or is an
116 incapacitated person, as defined in section 475.010.
117 Nothing in this subsection shall limit a mandated reporter
118 from making a report under this section if the mandated
119 reporter knows or has reasonable cause to suspect that an
120 unaccompanied youth has been or may be a victim of abuse or
121 neglect.

**210.191. 1. All children's division employees, and
2 contractors for children's services, who have direct contact
3 with children through the state's child protection and
4 welfare system shall be required to complete at least one
5 hour of training within the first sixty days of employment
6 or contract. The training shall include the following:**

7 (1) Requirements to report companion animal abuse or
8 neglect and the penalties associated with failure to report
9 under section 273.410;

10 (2) How to identify companion animal abuse or neglect;

11 (3) How to make a report of companion animal abuse or
12 neglect; and

13 (4) The relationship between child abuse or neglect
14 and companion 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 welfare organization", the same meaning as
24 in section 192.2510;

25 (2) "Companion animal", the same meaning as in section
26 273.410.

273.410. 1. When any psychologist, mental health
2 professional, social worker, school counselor, teacher, or
3 other school professional, or juvenile officer, probation or
4 parole officer, home health aide, veterinarian, adult
5 protective services worker, or volunteer or personnel of a
6 community service program that offers support or advocacy
7 services for children in foster care has reasonable cause to
8 suspect that a companion animal has been or may be subjected
9 to abuse or neglect or observes a companion animal being
10 subjected to conditions or circumstances that would
11 reasonably result in abuse or neglect, that person shall

12 immediately make a report to the hotline established and
13 operated by the Missouri Animal Control Association (MACA).

14 2. The hotline worker shall request all of the
15 following information for the report:

16 (1) The name and description of the companion animal
17 involved, if known;

18 (2) The address and telephone number of the owner or
19 other person responsible for the care of the companion
20 animal, if known;

21 (3) The nature and extent of the suspected abuse or
22 neglect;

23 (4) Any other information that the person making the
24 report believes may be useful in establishing the existence
25 of the suspected abuse or neglect or the identity of the
26 person causing the abuse or neglect.

27 3. Upon receiving a report of suspected abuse or
28 neglect, MACA shall provide the report to any duly-
29 authorized law enforcement official, county or municipal
30 animal control officer, or any Missouri peace officer
31 standards and training (POST)- certified or MACA-certified
32 animal cruelty investigator.

33 4. Any person required to report companion animal
34 abuse or neglect under this section shall be immune from
35 civil or criminal liability in connection with making any
36 required reports if the person acted in good faith when
37 making such report.

38 5. No person required to make a report of companion
39 animal abuse or neglect under this section shall knowingly
40 make a false report. The penalty for making a false report
41 and the defenses to prosecution shall be the same as under
42 section 575.080.

43 6. If an agency or political subdivision of the state
44 determines that an employee who is a mandated reporter under
45 this section has failed to make a report as required by this
46 section, the agency or political subdivision shall issue a
47 written notice to such employee that shall include a finding
48 of facts in support of the failure to make a report and an
49 explanation of the reporting requirement. Such notice shall
50 not be retained in a permanent employment file and shall be
51 retained in a separate file or database maintained by the
52 agency or political subdivision. Such notice shall be
53 considered a closed record under the provisions of chapter
54 610.

55 7. Any person required to make a report under this
56 section who is subject to professional licensure and who
57 fails to make a report as required by this section shall be
58 subject to discipline by his or her respective licensing
59 board as follows:

60 (1) For the first instance of a failure to report, the
61 licensing board shall issue a written notice to such
62 employee that shall include a finding of facts in support of
63 the failure to make a report and an explanation of the
64 reporting requirement;

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

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

70 8. As used in this section, the term "companion
71 animal" means a living creature maintained by a household
72 member for companionship and not commercial purposes.

273.415. 1. All persons employed or serving as animal
2 control officers or animal humane investigators who have

3 direct contact with companion animals shall be required to
4 complete at least one hour of training within the first
5 sixty days of employment. The training shall include the
6 following:

7 (1) Requirements to report child abuse or neglect
8 under section 210.115 or eligible person abuse or neglect
9 under section 192.2405 and the penalties associated with
10 failure to report such abuse or neglect;

11 (2) How to identify child or eligible person abuse or
12 neglect;

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

15 (4) The relationship between child, eligible adult,
16 and companion animal abuse or neglect.

17 2. The children's division and the department of
18 health and senior services, in consultation with animal
19 welfare associations, shall develop or adapt and use
20 available training materials for the training required under
21 this section. Persons required to complete training under
22 this section shall be provided with opportunities to do so
23 during regular working hours.

24 3. As used in this section, the following terms shall
25 mean:

26 (1) "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 (2) "Animal welfare organization", the same meaning as
32 in section 192.2510;

33 (3) "Companion animal", the same meaning as in section
34 273.410.

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