

# SENATE BILL NO. 1259

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

4379S.01H

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2 repealed and six new sections enacted in lieu thereof, to be  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, 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, **animal control officer, animal**  
25 **humane investigator as defined in section 273.415**, or other  
26 person with the responsibility for the care of an eligible  
27 adult who has reasonable cause to suspect that the eligible  
28 adult has been subjected to abuse or neglect or observes the  
29 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 companion animal abuse or  
8 neglect under section 273.410;

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

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

12 (4) The relationship between eligible adult abuse or  
13 neglect and companion animal abuse or neglect.

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

20 3. As used in this section, the following terms shall  
21 mean:

22 (1) "Animal welfare organization", a nonprofit  
23 organization that is established to promote animal welfare,  
24 is recognized by the Internal Revenue Service as tax exempt  
25 under the provisions of the Internal Revenue Code Section  
26 501(c)(3) or 501(c)(4), or the corresponding section of any  
27 future tax code, and is registered with the secretary of  
28 state under chapter 355;

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

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

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

96           8. If an individual required to report suspected  
97 instances of abuse or neglect pursuant to this section has

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

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

**8 (1) Requirements to report companion animal abuse or  
9 neglect 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, law  
4 enforcement officer, probation or parole officer, home  
5 health aide, adult protective services worker, or volunteer  
6 or personnel of a community service program that offers  
7 support or advocacy services for children in foster care has  
8 reasonable cause to suspect that a companion animal has been  
9 or may be subjected to abuse or neglect or observes a  
10 companion animal being subjected to conditions or  
11 circumstances that would reasonably result in abuse or  
12 neglect, that person shall immediately make a report to the  
13 hotline established and operated by the Missouri Animal  
14 Control Association (MACA).



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

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

19           (2) The address and telephone number of the owner or  
20 other person responsible for the care of the companion  
21 animal, if 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 companion animal  
35 abuse or neglect under this section shall be immune from  
36 civil or criminal liability in connection with making any  
37 required reports if the person acted in good faith when  
38 making such report.

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

44           6. If an agency or political subdivision of the state  
45 determines that an employee who is a mandated reporter under  
46 this section has failed to make a report as required by this

47 section, the agency or political subdivision shall issue a  
48 written notice to such employee that shall include a finding  
49 of facts in support of the failure to make a report and an  
50 explanation of the reporting requirement. Such notice shall  
51 not be retained in a permanent employment file and shall be  
52 retained in a separate file or database maintained by the  
53 agency or political subdivision. Such notice shall be  
54 considered a closed record under the provisions of chapter  
55 610.

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

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

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

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

72 8. As used in this section, the term "companion  
73 animal" means a living creature maintained by a household  
74 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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