

SECOND REGULAR SESSION

HOUSE BILL NO. 1976

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANKLIN.

5539H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 210.110, RSMo, and to enact in lieu thereof one new section relating to child abuse.

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

Section A. Section 210.110, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.110, to read as follows:

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);

(2) "Assessment and treatment services for children under ten years old", an approach to be developed by the children's division which will recognize and treat the specific needs of at-risk and abused or neglected children under the age of ten. The developmental and medical assessment may be a broad physical, developmental, and mental health screening to be completed within thirty days of a child's entry into custody and every six months thereafter as long as the child remains in care. Screenings may be offered at a centralized location and include, at a minimum, the following:

(a) Complete physical to be performed by a pediatrician familiar with the effects of abuse and neglect on young children;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (b) Developmental, behavioral, and emotional screening in addition to early periodic
18 screening, diagnosis, and treatment services, including a core set of standardized and recognized
19 instruments as well as interviews with the child and appropriate caregivers. The screening
20 battery may be performed by a licensed mental health professional familiar with the effects of
21 abuse and neglect on young children, who will then serve as the liaison between all service
22 providers in ensuring that needed services are provided. Such treatment services may include
23 in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family
24 counseling, parenting training and other best practices.

25

26 Children whose screenings indicate an area of concern may complete a comprehensive, in-depth
27 health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

28 (3) “Central registry”, a registry of persons where the division has found probable cause
29 to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004,
30 or a court has substantiated through court adjudication that the individual has committed child
31 abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to
32 section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if the victim
33 is a child less than eighteen years of age, or any other crime pursuant to chapter 566 if the victim
34 is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older,
35 a crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023,
36 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such
37 crimes. Any persons placed on the registry prior to August 28, 2004, shall remain on the registry
38 for the duration of time required by section 210.152;

39 (4) “Child”, any person, regardless of physical or mental condition, under eighteen years
40 of age;

41 (5) “Children’s services providers and agencies”, any public, quasi-public, or private
42 entity with the appropriate and relevant training and expertise in delivering services to children
43 and their families as determined by the children’s division, and capable of providing direct
44 services and other family services for children in the custody of the children’s division or any
45 such entities or agencies that are receiving state moneys for such services;

46 (6) “Director”, the director of the Missouri children’s division within the department of
47 social services;

48 (7) “Division”, the Missouri children’s division within the department of social services;

49 (8) “Family assessment and services”, an approach to be developed by the children’s
50 division which will provide for a prompt assessment of a child who has been reported to the
51 division as a victim of abuse or neglect by a person responsible for that child’s care, custody or

52 control and of that child's family, including risk of abuse and neglect and, if necessary, the
53 provision of community-based services to reduce the risk and support the family;

54 (9) "Family support team meeting" or "team meeting", a meeting convened by the
55 division or children's services provider in behalf of the family and/or child for the purpose of
56 determining service and treatment needs, determining the need for placement and developing a
57 plan for reunification or other permanency options, determining the appropriate placement of the
58 child, evaluating case progress, and establishing and revising the case plan;

59 (10) "Investigation", the collection of physical and verbal evidence to determine if a
60 child has been abused or neglected;

61 (11) "Jail or detention center personnel", employees and volunteers working in any
62 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is
63 provided to persons who are being held under custody of the law;

64 (12) "Neglect", failure to provide, by those responsible for the care, custody, and control
65 of the child, the proper or necessary support, education as required by law, nutrition or medical,
66 surgical, or any other care necessary for the child's well-being. Victims of neglect shall also
67 include any victims of sex trafficking or severe forms of trafficking as those terms are defined
68 in 22 U.S.C. 78 Section 7102(9)-(10);

69 (13) "Preponderance of the evidence", that degree of evidence that is of greater weight
70 or more convincing than the evidence which is offered in opposition to it or evidence which as
71 a whole shows the fact to be proved to be more probable than not;

72 (14) "Probable cause", available facts when viewed in the light of surrounding
73 circumstances which would cause a reasonable person to believe a child was abused or
74 neglected;

75 (15) "Report", the communication of an allegation of child abuse or neglect to the
76 division pursuant to section 210.115;

77 (16) "Those responsible for the care, custody, and control of the child", includes, but is
78 not limited to:

79 (a) The parents or legal guardians of a child;

80 (b) Other members of the child's household;

81 (c) Those exercising supervision over a child for any part of a twenty-four-hour day;

82 (d) Any **adult** person who has access to the child based on relationship to the parents of
83 the child or members of the child's household or the family; [øø]

84 (e) Any person who takes control of the child by deception, force, or coercion; **or**

85 (f) **Any school personnel, contractor, or volunteer if the person established a**
86 **relationship with the child through the school or through school-related activities. School**
87 **personnel, contractors, and volunteers shall be deemed to have care, custody, and control**

88 **of the child even if the alleged abuse or neglect by the school personnel, contractor, or**
89 **volunteer occurred outside of school hours, off of school grounds, or outside the scope of**
90 **school functions.**

✓