

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 256
97TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Pensions, March 28, 2013, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 256, adopted April 16, 2013.

Taken up for Perfection April 16, 2013. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

1371S.02P

AN ACT

To repeal sections 160.2110, 174.335, 210.861, 210.950, 211.447, and 595.220, RSMo, and to enact in lieu thereof eight new sections relating to child abuse and neglect.

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

Section A. Sections 160.2110, 174.335, 210.861, 210.950, 211.447, and
2 595.220, RSMo, are repealed and eight new sections enacted in lieu thereof, to be
3 known as sections 160.2110, 167.638, 174.335, 210.861, 210.950, 211.447, 595.220,
4 and 1, to read as follows:

160.2110. 1. The task force on the prevention of sexual abuse of children
2 established in section 160.2100 may adopt and implement a policy addressing
3 sexual abuse of children that may include:

4 (1) Age-appropriate curriculum for students in pre-K through fifth grade;
5 (2) Training for school personnel on child sexual abuse;
6 (3) Educational information to parents or guardians provided in the school
7 handbook on the warning signs of a child being abused, along with any needed
8 assistance, referral, or resource information;

9 (4) Available counseling and resources for students affected by sexual
10 abuse; and

11 (5) Emotional and educational support for a child of abuse to continue to
12 be successful in school.

13 2. Any policy adopted may address without limitation:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 (1) Methods for increasing teacher, student, and parent awareness of
15 issues regarding sexual abuse of children, including knowledge of likely warning
16 signs indicating that a child may be a victim of sexual abuse;

17 (2) Actions that a child who is a victim of sexual abuse could take to
18 obtain assistance and intervention; and

19 (3) Available counseling options for students affected by sexual abuse.

20 **3. Once the task force has adopted the policy as described under**
21 **subsection 1 of this section, the department of elementary and**
22 **secondary education shall implement the provisions of said policy**
23 **including the promulgation of rules to accomplish such implementation.**

167.638. 1. The department of health and senior services shall
2 **develop an informational brochure relating to meningococcal disease,**
3 **and that an immunization against meningococcal disease is**
4 **available. The department shall make the brochure available on its**
5 **website and shall notify each school district and charter school in this**
6 **state of the availability of the brochure. Each school district and**
7 **charter school shall provide a copy of the brochure to parents. Such**
8 **information in the brochure shall include:**

9 (1) The risk factors for developing meningococcal disease, the
10 symptoms of meningococcal disease, how it may be diagnosed, and its
11 possible consequences if untreated;

12 (2) How meningococcal disease is transmitted;

13 (3) The latest scientific information on the immunization against
14 meningococcal disease and the immunization's effectiveness;

15 (4) A statement that any questions or concerns regarding
16 immunizing the child against meningococcal disease could be answered
17 by contacting the family's health care provider.

18 **2. Any rule or portion of a rule, as that term is defined in section**
19 **536.010, that is created under the authority delegated in this section**
20 **shall become effective only if it complies with and is subject to all of**
21 **the provisions of chapter 536 and, if applicable, section 536.028. This**
22 **section and chapter 536 are nonseverable and if any of the powers**
23 **vested with the general assembly pursuant to chapter 536 to review, to**
24 **delay the effective date, or to disapprove and annul a rule are**
25 **subsequently held unconstitutional, then the grant of rulemaking**
26 **authority and any rule proposed or adopted after August 28, 2013, shall**
27 **be invalid and void.**

174.335. 1. Beginning with the 2004-2005 school year and for each school
2 year thereafter, every public institution of higher education in this state shall
3 require all students who reside in on-campus housing to [sign a written waiver
4 stating that the institution of higher education has provided the student, or if the
5 student is a minor, the student's parents or guardian, with detailed written
6 information on the risks associated with meningococcal disease and the
7 availability and effectiveness of] **have received** the meningococcal vaccine
8 **unless a signed statement of medical or religious exemption is on file**
9 **with the institution's administration. A student shall be exempted from**
10 **the immunization requirement of this section upon signed certification**
11 **by a doctor licensed under chapter 334, indicating that either the**
12 **immunization would seriously endanger the student's health or life or**
13 **the student has documentation of disease or laboratory evidence of**
14 **immunity to the disease. A student shall be exempted from the**
15 **immunization requirement of this section if he or she objects in writing**
16 **to the institution's administration that immunization violates his or her**
17 **religious beliefs.**

18 2. [Any student who elects to receive the meningococcal vaccine shall not
19 be required to sign a waiver referenced in subsection 1 of this section and shall
20 present a record of said vaccination to the institution of higher education.

21 3.] Each public university or college in this state shall maintain records
22 on the meningococcal vaccination status of every student residing in on-campus
23 housing at the university or college[, including any written waivers executed
24 pursuant to subsection 1 of this section]. **The department of health and**
25 **senior services shall oversee, supervise, and secure the enforcement of**
26 **this section. The department of health and senior services may**
27 **promulgate rules and regulations governing the requirements of this**
28 **section. Any rule or portion of a rule, as that term is defined in section**
29 **536.010 that is created under the authority delegated in this section**
30 **shall become effective only if it complies with and is subject to all of**
31 **the provisions of chapter 536, and, if applicable, section 536.028. This**
32 **section and chapter 536 are nonseverable and if any of the powers**
33 **vested with the general assembly pursuant to chapter 536, to review, to**
34 **delay the effective date, or to disapprove and annul a rule are**
35 **subsequently held unconstitutional, then the grant of rulemaking**
36 **authority and any rule proposed or adopted after August 28, 2013, shall**

37 **be invalid and void.**

38 [4.] 3. Nothing in this section shall be construed as requiring any
39 institution of higher education to provide or pay for vaccinations against
40 meningococcal disease.

210.861. 1. When the tax prescribed by section 210.860 or section 67.1775
2 is established, the governing body of the city or county or city not within a county
3 shall appoint a board of directors consisting of nine members, who shall be
4 residents of the city or county or city not within a county. All board members
5 shall be appointed to serve for a term of three years, except that of the first board
6 appointed, three members shall be appointed for one-year terms, three members
7 for two-year terms and three members for three-year terms. Board members may
8 be reappointed. In a city not within a county, or any county of the first
9 classification with a charter form of government with a population not less than
10 nine hundred thousand inhabitants, or any county of the first classification with
11 a charter form of government with a population not less than two hundred
12 thousand inhabitants and not more than six hundred thousand inhabitants, or
13 any noncharter county of the first classification with a population not less than
14 one hundred seventy thousand and not more than two hundred thousand
15 inhabitants, or any noncharter county of the first classification with a population
16 not less than eighty thousand and not more than eighty-three thousand
17 inhabitants, or any third classification county with a population not less than
18 twenty-eight thousand and not more than thirty thousand inhabitants, or any
19 county of the third classification with a population not less than nineteen
20 thousand five hundred and not more than twenty thousand inhabitants the
21 members of the community mental health board of trustees appointed pursuant
22 to the provisions of sections 205.975 to 205.990 shall be the board members for
23 the community children's services fund. The directors shall not receive
24 compensation for their services, but may be reimbursed for their actual and
25 necessary expenses.

26 2. The board shall elect a chairman, vice chairman, treasurer, and such
27 other officers as it deems necessary for its membership. Before taking office, the
28 treasurer shall furnish a surety bond, in an amount to be determined and in a
29 form to be approved by the board, for the faithful performance of his or her duties
30 and faithful accounting of all moneys that may come into his or her hands. The
31 treasurer shall enter into the surety bond with a surety company authorized to
32 do business in Missouri, and the cost of such bond shall be paid by the board of

33 directors. The board shall administer and expend all funds generated pursuant
34 to section 210.860 or section 67.1775 in a manner consistent with this section.

35 3. The board may contract with public or not-for-profit agencies licensed
36 or certified where appropriate to provide qualified services and may place
37 conditions on the use of such funds. The board shall reserve the right to audit
38 the expenditure of any and all funds. The board and any agency with which the
39 board contracts may establish eligibility standards for the use of such funds and
40 the receipt of services. No member of the board shall serve on the governing
41 body, have any financial interest in, or be employed by any agency which is a
42 recipient of funds generated pursuant to section 210.860 or section 67.1775.

43 4. Revenues collected and deposited in the community children's services
44 fund may be expended for the purchase of the following services:

45 (1) Up to thirty days of temporary shelter for abused, neglected, runaway,
46 homeless or emotionally disturbed youth; respite care services; and services to
47 unwed mothers;

48 (2) Outpatient chemical dependency and psychiatric treatment programs;
49 counseling and related services as a part of transitional living programs;
50 home-based and community-based family intervention programs; unmarried
51 parent services; crisis intervention services, inclusive of telephone hotlines;
52 **preventative services designed to prevent substance abuse and**
53 **emotional abuse;** and prevention programs which promote healthy lifestyles
54 among children and youth and strengthen families;

55 (3) Individual, group, or family professional counseling and therapy
56 services; psychological evaluations; and mental health screening;

57 **(4) Programs intended to improve children's and families' well-**
58 **being by including juvenile delinquency prevention services to support**
59 **families and enhance the positive development of youth, including up**
60 **to one month of start-up fees for such programs.**

61 5. Revenues collected and deposited in the community children's services
62 fund may not be expended for inpatient medical, psychiatric, and chemical
63 dependency services, or for transportation services.

210.950. 1. This section shall be known and may be cited as the "Safe
2 Place for Newborns Act of 2002". The purpose of this section is to protect
3 newborn children from injury and death caused by abandonment by a parent, and
4 to provide safe and secure alternatives to such abandonment.

5 2. As used in this section, the following terms mean:

6 (1) "Hospital", as defined in section 197.020;

7 (2) **"Maternity home", the same meaning as such term is defined**
8 **in section 135.600;**

9 (3) "Nonrelinquishing parent", the biological parent who does not leave
10 a newborn infant with any person listed in subsection 3 of this section in
11 accordance with this section;

12 ~~[(3)]~~ (4) **"Pregnancy resource center", the same meaning as such**
13 **term is defined in section 135.630;**

14 (5) "Relinquishing parent", the biological parent or person acting on such
15 parent's behalf who leaves a newborn infant with any person listed in subsection
16 3 of this section in accordance with this section.

17 3. A parent shall not be prosecuted for a violation of section 568.030,
18 568.032, 568.045 or 568.050 for actions related to the voluntary relinquishment
19 of a child up to ~~[five]~~ **forty-five** days old pursuant to this section [and it shall
20 be an affirmative defense to prosecution for a violation of sections 568.030,
21 568.032, 568.045 and 568.050, that a parent who is a defendant voluntarily
22 relinquished a child no more than one year old pursuant to this section] if:

23 (1) Expressing intent not to return for the child, the parent voluntarily
24 delivered the child safely to the physical custody of any of the following persons:

25 (a) An employee, agent, or member of the staff of any hospital, **maternity**
26 **home, or pregnancy resource center** in a health care provider position or on
27 duty in a nonmedical paid or volunteer position;

28 (b) A firefighter or emergency medical technician on duty in a paid
29 position or on duty in a volunteer position; or

30 (c) A law enforcement officer;

31 (2) The child was no more than ~~[one year]~~ **forty-five days** old when
32 delivered by the parent to any person listed in subdivision (1) of this subsection;
33 and

34 (3) The child has not been abused or neglected by the parent prior to such
35 voluntary delivery.

36 4. **A parent voluntarily relinquishing a child under this section**
37 **shall not be required to provide any identifying information about the**
38 **child or the parent. No person shall induce or coerce, or attempt to**
39 **induce or coerce, a parent into revealing his or her identity. No officer,**
40 **employee, or agent of this state or any political subdivision of this state**
41 **shall attempt to locate or determine the identity of such parent. In**

42 **addition, any person who obtains information on the relinquishing**
43 **parent shall not disclose such information except to the following:**

44 **(1) A birth parent who has waived anonymity or the child's**
45 **adoptive parent;**

46 **(2) The staff of the department of health and senior services, the**
47 **department of social services, or any county health or social services**
48 **agency or licensed child welfare agency that provides services to the**
49 **child;**

50 **(3) A person performing juvenile court intake or dispositional**
51 **services;**

52 **(4) The attending physician;**

53 **(5) The child's foster parent or any other person who has**
54 **physical custody of the child;**

55 **(6) A juvenile court or other court of competent jurisdiction**
56 **conducting proceedings relating to the child;**

57 **(7) The attorney representing the interests of the public in**
58 **proceedings relating to the child; and**

59 **(8) The attorney representing the interests of the child.**

60 **5.** A person listed in subdivision (1) of subsection 3 of this section shall,
61 without a court order, take physical custody of a child the person reasonably
62 believes to be no more than [one year] **forty-five days** old and is delivered in
63 accordance with this section by a person purporting to be the child's parent. If
64 delivery of a newborn is made pursuant to this section in any place other than a
65 hospital, the person taking physical custody of the child shall arrange for the
66 immediate transportation of the child to the nearest hospital licensed pursuant
67 to chapter 197, RSMo.

68 **[5.] 6.** The hospital, its employees, agents and medical staff shall perform
69 treatment in accordance with the prevailing standard of care as necessary to
70 protect the physical health or safety of the child. The hospital shall notify the
71 division of family services and the local juvenile officer upon receipt of a child
72 pursuant to this section. The local juvenile officer shall immediately begin
73 protective custody proceedings and request the child be made a ward of the court
74 during the child's stay in the medical facility. Upon discharge of the child from
75 the medical facility and pursuant to a protective custody order ordering custody
76 of the child to the division, the **children's** division [of family services] shall take
77 physical custody of the child. The parent's voluntary delivery of the child in

78 accordance with this section shall constitute the parent's implied consent to any
79 such act and a voluntary relinquishment of such parent's parental rights.

80 [6.] 7. In any termination of parental rights proceeding initiated after the
81 relinquishment of a child pursuant to this section, the juvenile officer shall make
82 public notice that a child has been relinquished, including the sex of the child,
83 and the date and location of such relinquishment. Within thirty days of such
84 public notice, the [nonrelinquishing] parent wishing to establish parental rights
85 shall identify himself or herself to the court and state his or her intentions
86 regarding the child. The court shall initiate proceedings to establish paternity,
87 or if no person identifies himself as the father within thirty days, maternity. The
88 juvenile officer shall make examination of the putative father registry established
89 in section 192.016 to determine whether attempts have previously been made to
90 preserve parental rights to the child. If such attempts have been made, the
91 juvenile officer shall make reasonable efforts to provide notice of the
92 abandonment of the child to such putative father.

93 [7.] 8. (1) If a relinquishing parent of a child relinquishes custody of the
94 child to any person listed in subsection 3 of this section in accordance with this
95 section and to preserve the parental rights of the nonrelinquishing parent, the
96 nonrelinquishing parent shall take such steps necessary to establish parentage
97 within thirty days after the public notice or specific notice provided in subsection
98 [6] 7 of this section.

99 (2) If [a nonrelinquishing] **either** parent fails to take steps to establish
100 parentage within the thirty-day period specified in subdivision (1) of this
101 subsection, [the nonrelinquishing] **either** parent may have all of his or her rights
102 terminated with respect to the child.

103 (3) When [a nonrelinquishing] **either** parent inquires at a hospital
104 regarding a child whose custody was relinquished pursuant to this section, such
105 facility shall refer [the nonrelinquishing] **such** parent to the **children's** division
106 [of family services] and the juvenile court exercising jurisdiction over the child.

107 [8.] 9. The persons listed in subdivision (1) of subsection 3 of this section
108 shall be immune from civil, criminal, and administrative liability for accepting
109 physical custody of a child pursuant to this section if such persons accept custody
110 in good faith. Such immunity shall not extend to any acts or omissions, including
111 negligent or intentional acts or omissions, occurring after the acceptance of such
112 child.

113 [9.] 10. The **children's** division [of family services] shall:

114 (1) Provide information and answer questions about the process
115 established by this section on the statewide, toll-free telephone number
116 maintained pursuant to section 210.145;

117 (2) Provide information to the public by way of pamphlets, brochures, or
118 by other ways to deliver information about the process established by this section.

119 **[10.] 11. It shall be an affirmative defense to prosecution for a**
120 **violation of sections 568.030, 568.032, 568.045, and 568.050 that a parent**
121 **who is a defendant voluntarily relinquished a child no more than one**
122 **year old under this section.**

123 **12.** Nothing in this section shall be construed as conflicting with section
124 210.125.

211.447. 1. Any information that could justify the filing of a petition to
2 terminate parental rights may be referred to the juvenile officer by any
3 person. The juvenile officer shall make a preliminary inquiry and if it does not
4 appear to the juvenile officer that a petition should be filed, such officer shall so
5 notify the informant in writing within thirty days of the referral. Such
6 notification shall include the reasons that the petition will not be
7 filed. Thereupon, the informant may bring the matter directly to the attention
8 of the judge of the juvenile court by presenting the information in writing, and
9 if it appears to the judge that the information could justify the filing of a petition,
10 the judge may order the juvenile officer to take further action, including making
11 a further preliminary inquiry or filing a petition.

12 2. Except as provided for in subsection 4 of this section, a petition to
13 terminate the parental rights of the child's parent or parents shall be filed by the
14 juvenile officer or the division, or if such a petition has been filed by another
15 party, the juvenile officer or the division shall seek to be joined as a party to the
16 petition, when:

17 (1) Information available to the juvenile officer or the division establishes
18 that the child has been in foster care for at least fifteen of the most recent
19 twenty-two months; or

20 (2) A court of competent jurisdiction has determined the child to be an
21 abandoned infant. For purposes of this subdivision, an "infant" means any child
22 one year of age or under at the time of filing of the petition. The court may find
23 that an infant has been abandoned if:

24 (a) The parent has left the child under circumstances that the identity of
25 the child was unknown and could not be ascertained, despite diligent searching,

26 and the parent has not come forward to claim the child; or

27 (b) The parent has, without good cause, left the child without any
28 provision for parental support and without making arrangements to visit or
29 communicate with the child, although able to do so; or

30 **(c) The parent has voluntarily relinquished a child under section**
31 **210.950; or**

32 (3) A court of competent jurisdiction has determined that the parent has:

33 (a) Committed murder of another child of the parent; or

34 (b) Committed voluntary manslaughter of another child of the parent; or

35 (c) Aided or abetted, attempted, conspired or solicited to commit such a
36 murder or voluntary manslaughter; or

37 (d) Committed a felony assault that resulted in serious bodily injury to
38 the child or to another child of the parent.

39 3. A termination of parental rights petition shall be filed by the juvenile
40 officer or the division, or if such a petition has been filed by another party, the
41 juvenile officer or the division shall seek to be joined as a party to the petition,
42 within sixty days of the judicial determinations required in subsection 2 of this
43 section, except as provided in subsection 4 of this section. Failure to comply with
44 this requirement shall not deprive the court of jurisdiction to adjudicate a
45 petition for termination of parental rights which is filed outside of sixty days.

46 4. If grounds exist for termination of parental rights pursuant to
47 subsection 2 of this section, the juvenile officer or the division may, but is not
48 required to, file a petition to terminate the parental rights of the child's parent
49 or parents if:

50 (1) The child is being cared for by a relative; or

51 (2) There exists a compelling reason for determining that filing such a
52 petition would not be in the best interest of the child, as documented in the
53 permanency plan which shall be made available for court review; or

54 (3) The family of the child has not been provided such services as provided
55 for in section 211.183.

56 5. The juvenile officer or the division may file a petition to terminate the
57 parental rights of the child's parent when it appears that one or more of the
58 following grounds for termination exist:

59 (1) The child has been abandoned. For purposes of this subdivision a
60 "child" means any child over one year of age at the time of filing of the
61 petition. The court shall find that the child has been abandoned if, for a period

62 of six months or longer:

63 (a) The parent has left the child under such circumstances that the
64 identity of the child was unknown and could not be ascertained, despite diligent
65 searching, and the parent has not come forward to claim the child; or

66 (b) The parent has, without good cause, left the child without any
67 provision for parental support and without making arrangements to visit or
68 communicate with the child, although able to do so;

69 (2) The child has been abused or neglected. In determining whether to
70 terminate parental rights pursuant to this subdivision, the court shall consider
71 and make findings on the following conditions or acts of the parent:

72 (a) A mental condition which is shown by competent evidence either to be
73 permanent or such that there is no reasonable likelihood that the condition can
74 be reversed and which renders the parent unable to knowingly provide the child
75 the necessary care, custody and control;

76 (b) Chemical dependency which prevents the parent from consistently
77 providing the necessary care, custody and control of the child and which cannot
78 be treated so as to enable the parent to consistently provide such care, custody
79 and control;

80 (c) A severe act or recurrent acts of physical, emotional or sexual abuse
81 toward the child or any child in the family by the parent, including an act of
82 incest, or by another under circumstances that indicate that the parent knew or
83 should have known that such acts were being committed toward the child or any
84 child in the family; or

85 (d) Repeated or continuous failure by the parent, although physically or
86 financially able, to provide the child with adequate food, clothing, shelter, or
87 education as defined by law, or other care and control necessary for the child's
88 physical, mental, or emotional health and development. Nothing in this
89 subdivision shall be construed to permit discrimination on the basis of disability
90 or disease;

91 (3) The child has been under the jurisdiction of the juvenile court for a
92 period of one year, and the court finds that the conditions which led to the
93 assumption of jurisdiction still persist, or conditions of a potentially harmful
94 nature continue to exist, that there is little likelihood that those conditions will
95 be remedied at an early date so that the child can be returned to the parent in
96 the near future, or the continuation of the parent-child relationship greatly
97 diminishes the child's prospects for early integration into a stable and permanent

98 home. In determining whether to terminate parental rights under this
99 subdivision, the court shall consider and make findings on the following:

100 (a) The terms of a social service plan entered into by the parent and the
101 division and the extent to which the parties have made progress in complying
102 with those terms;

103 (b) The success or failure of the efforts of the juvenile officer, the division
104 or other agency to aid the parent on a continuing basis in adjusting his
105 circumstances or conduct to provide a proper home for the child;

106 (c) A mental condition which is shown by competent evidence either to be
107 permanent or such that there is no reasonable likelihood that the condition can
108 be reversed and which renders the parent unable to knowingly provide the child
109 the necessary care, custody and control;

110 (d) Chemical dependency which prevents the parent from consistently
111 providing the necessary care, custody and control over the child and which cannot
112 be treated so as to enable the parent to consistently provide such care, custody
113 and control; or

114 (4) The parent has been found guilty or pled guilty to a felony violation
115 of chapter 566 when the child or any child in the family was a victim, or a
116 violation of section 568.020 when the child or any child in the family was a
117 victim. As used in this subdivision, a "child" means any person who was under
118 eighteen years of age at the time of the crime and who resided with such parent
119 or was related within the third degree of consanguinity or affinity to such parent;
120 or

121 (5) The child was conceived and born as a result of an act of forcible
122 rape. When the biological father has pled guilty to, or is convicted of, the forcible
123 rape of the birth mother, such a plea or conviction shall be conclusive evidence
124 supporting the termination of the biological father's parental rights; or

125 (6) The parent is unfit to be a party to the parent and child relationship
126 because of a consistent pattern of committing a specific abuse, including but not
127 limited to abuses as defined in section 455.010, child abuse or drug abuse before
128 the child or of specific conditions directly relating to the parent and child
129 relationship either of which are determined by the court to be of a duration or
130 nature that renders the parent unable, for the reasonably foreseeable future, to
131 care appropriately for the ongoing physical, mental or emotional needs of the
132 child. It is presumed that a parent is unfit to be a party to the parent-child
133 relationship upon a showing that within a three-year period immediately prior

134 to the termination adjudication, the parent's parental rights to one or more other
135 children were involuntarily terminated pursuant to subsection 2 or 4 of this
136 section or subdivisions (1), (2), (3) or (4) of [subsection 5 of this section] **this**
137 **subsection** or similar laws of other states.

138 6. The juvenile court may terminate the rights of a parent to a child upon
139 a petition filed by the juvenile officer or the division, or in adoption cases, by a
140 prospective parent, if the court finds that the termination is in the best interest
141 of the child and when it appears by clear, cogent and convincing evidence that
142 grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

143 7. When considering whether to terminate the parent-child relationship
144 pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of
145 subsection 5 of this section, the court shall evaluate and make findings on the
146 following factors, when appropriate and applicable to the case:

147 (1) The emotional ties to the birth parent;

148 (2) The extent to which the parent has maintained regular visitation or
149 other contact with the child;

150 (3) The extent of payment by the parent for the cost of care and
151 maintenance of the child when financially able to do so including the time that
152 the child is in the custody of the division or other child-placing agency;

153 (4) Whether additional services would be likely to bring about lasting
154 parental adjustment enabling a return of the child to the parent within an
155 ascertainable period of time;

156 (5) The parent's disinterest in or lack of commitment to the child;

157 (6) The conviction of the parent of a felony offense that the court finds is
158 of such a nature that the child will be deprived of a stable home for a period of
159 years; provided, however, that incarceration in and of itself shall not be grounds
160 for termination of parental rights;

161 (7) Deliberate acts of the parent or acts of another of which the parent
162 knew or should have known that subjects the child to a substantial risk of
163 physical or mental harm.

164 8. The court may attach little or no weight to infrequent visitations,
165 communications, or contributions. It is irrelevant in a termination proceeding
166 that the maintenance of the parent-child relationship may serve as an
167 inducement for the parent's rehabilitation.

168 9. In actions for adoption pursuant to chapter 453, the court may hear and
169 determine the issues raised in a petition for adoption containing a prayer for

170 termination of parental rights filed with the same effect as a petition permitted
171 pursuant to subsection 2, 4, or 5 of this section.

172 10. The disability or disease of a parent shall not constitute a basis for a
173 determination that a child is a child in need of care, for the removal of custody
174 of a child from the parent, or for the termination of parental rights without a
175 specific showing that there is a causal relation between the disability or disease
176 and harm to the child.

595.220. 1. The department of public safety shall make payments to
2 appropriate medical providers, out of appropriations made for that purpose, to
3 cover the reasonable charges of the forensic examination of persons who may be
4 a victim of a sexual offense if:

5 (1) The victim or the victim's guardian consents in writing to the
6 examination; and

7 (2) The report of the examination is made on a form approved by the
8 attorney general with the advice of the department of public safety. The
9 department shall establish maximum reimbursement rates for charges submitted
10 under this section, which shall reflect the reasonable cost of providing the
11 forensic exam.

12 2. A minor may consent to examination under this section. Such consent
13 is not subject to disaffirmance because of minority, and consent of parent or
14 guardian of the minor is not required for such examination. The appropriate
15 medical provider making the examination shall give written notice to the parent
16 or guardian of a minor that such an examination has taken place.

17 3. The attorney general, with the advice of the department of public
18 safety, shall develop the forms and procedures for gathering evidence during the
19 forensic examination under the provisions of this section. The department of
20 health and senior services shall develop a checklist, protocols, and procedures for
21 appropriate medical providers to refer to while providing medical treatment to
22 victims of a sexual offense, including those specific to victims who are minors.

23 4. Evidentiary collection kits shall be developed and made available,
24 subject to appropriation, to appropriate medical providers by the highway patrol
25 or its designees and eligible crime laboratories. Such kits shall be distributed
26 with the forms and procedures for gathering evidence during forensic
27 examinations of victims of a sexual offense to appropriate medical providers upon
28 request of the provider, in the amount requested, and at no charge to the medical
29 provider. All appropriate medical providers shall, with the written consent of the

30 victim, perform a forensic examination using the evidentiary collection kit, or
31 other collection procedures developed for victims who are minors, and forms and
32 procedures for gathering evidence following the checklist for any person
33 presenting as a victim of a sexual offense.

34 5. In reviewing claims submitted under this section, the department shall
35 first determine if the claim was submitted within ninety days of the examination. ~~If~~
36 the claim is submitted within ninety days, the department shall, at a minimum,
37 use the following criteria in reviewing the claim: examination charges submitted
38 shall be itemized and fall within the definition of forensic examination as defined
39 in subdivision (3) of subsection [7] 8 of this section.

40 6. All appropriate medical provider charges for eligible forensic
41 examinations shall be billed to and paid by the department of public safety. No
42 appropriate medical provider conducting forensic examinations and providing
43 medical treatment to victims of sexual offenses shall charge the victim for the
44 forensic examination. For appropriate medical provider charges related to the
45 medical treatment of victims of sexual offenses, if the victim is an eligible
46 claimant under the crime victims' compensation fund, the victim shall seek
47 compensation under sections 595.010 to 595.075.

48 **7. The department of public safety shall establish rules regarding**
49 **the reimbursement of the costs of forensic examinations for children**
50 **under fourteen years of age, including establishing conditions and**
51 **definitions for emergency and non-emergency forensic examinations**
52 **and may by rule establish additional qualifications for appropriate**
53 **medical providers performing non-emergency forensic examinations for**
54 **children under fourteen years of age.**

55 8. For purposes of this section, the following terms mean:

56 (1) "Appropriate medical provider",

57 **(a)** Any licensed nurse, physician, or physician assistant, and any
58 institution employing licensed nurses, physicians, or physician assistants,
59 provided that such licensed professionals are the only persons at such institution
60 to perform tasks under the provisions of this section; or

61 **(b) For the purposes of any non-emergency forensic examination**
62 **of a child under fourteen years of age, the department of public safety**
63 **may establish additional qualifications for any provider listed in**
64 **paragraph (a) of this subdivision by the rules authorized under**
65 **subsection 7 of this section;**

66 (2) "Evidentiary collection kit", a kit used during a forensic examination
67 that includes materials necessary for appropriate medical providers to gather
68 evidence in accordance with the forms and procedures developed by the attorney
69 general for forensic examinations;

70 (3) "Forensic examination", an examination performed by an appropriate
71 medical provider on a victim of an alleged sexual offense to gather evidence for
72 the evidentiary collection kit or using other collection procedures developed for
73 victims who are minors;

74 (4) "Medical treatment", the treatment of all injuries and health concerns
75 resulting directly from a patient's sexual assault or victimization;

76 (5) **"Emergency forensic examination", an examination of a**
77 **person under fourteen years of age that occurs within five days of the**
78 **alleged sexual offense. The department of public safety may further**
79 **define the term "emergency forensic examination" by rule;**

80 (6) **"Non-emergency forensic examination", an examination of a**
81 **person under fourteen years of age that occurs more than five days**
82 **after the alleged sexual offense. The department of public safety may**
83 **further define the term "non-emergency forensic examination" by rule.**

84 [8.] 9. The department shall have authority to promulgate rules and
85 regulations necessary to implement the provisions of this section. Any rule or
86 portion of a rule, as that term is defined in section 536.010, that is created under
87 the authority delegated in this section shall become effective only if it complies
88 with and is subject to all of the provisions of chapter 536 and, if applicable,
89 section 536.028. This section and chapter 536 are nonseverable and if any of the
90 powers vested with the general assembly pursuant to chapter 536 to review, to
91 delay the effective date, or to disapprove and annul a rule are subsequently held
92 unconstitutional, then the grant of rulemaking authority and any rule proposed
93 or adopted after August 28, 2009, shall be invalid and void.

Section 1. 1. A school district or charter school may provide
2 **annually to high school students enrolled in health education at least**
3 **thirty minutes of age and grade appropriate classroom instruction**
4 **relative to the safe place for newborns act of 2002 under section**
5 **210.950, which provides a mechanism whereby any parent may**
6 **relinquish the care of an infant to the state in safety and anonymity**
7 **and without fear of prosecution under certain specified conditions.**

8 **2. A school district or charter school that elects to offer such**

9 information pursuant to this section shall include the following:

10 (1) An explanation that relinquishment of an infant means to
11 give over possession or control of the infant to other specified persons
12 as provided by law with the settled intent to forego all parental
13 responsibilities;

14 (2) The process to be followed by a parent in making a
15 relinquishment;

16 (3) The general locations where an infant may be left in the care
17 of certain people;

18 (4) The available options if a parent is unable to travel to a
19 designated emergency care facility; and

20 (5) The process by which a relinquishing parent may reclaim
21 parental rights to the infant and the time lines for taking this action.

✓

Bill

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