

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 256
97TH GENERAL ASSEMBLY

1371H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.2100, 174.335, 210.950, 211.447, and 595.220, RSMo, and to enact in lieu thereof six 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 160.2100, 174.335, 210.950, 211.447, and 595.220, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections 160.2100,
3 174.335, 210.950, 211.447, 595.220, and 1, to read as follows:

160.2100. 1. Sections 160.2100 and 160.2110 shall be known and may be cited as
2 "Erin's Law".

3 2. The "Task Force on the Prevention of Sexual Abuse of Children" is hereby created
4 to study the issue of sexual abuse of children [until January 1, 2013]. The task force shall consist
5 of all of the following members:

6 (1) One member of the general assembly appointed by the president pro tem of the
7 senate;

8 (2) One member of the general assembly appointed by the minority floor leader of the
9 senate;

10 (3) One member of the general assembly appointed by the speaker of the house of
11 representatives;

12 (4) One member of the general assembly appointed by the minority leader of the house
13 of representatives;

14 (5) The director of the department of social services or his or her designee;

15 (6) The commissioner of education or his or her designee;

16 (7) The director of the department of health and senior services or his or her designee;

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 (8) The director of the office of prosecution services or his or her designee;
- 18 (9) A representative representing law enforcement appointed by the governor;
- 19 (10) Three active teachers employed in Missouri appointed by the governor;
- 20 (11) A representative of an organization involved in forensic investigation relating to
- 21 child abuse in this state appointed by the governor;
- 22 (12) A school superintendent appointed by the governor;
- 23 (13) A representative of the state domestic violence coalition appointed by the governor;
- 24 (14) A representative from the juvenile and family court appointed by the governor;
- 25 (15) A representative from Missouri Network of Child Advocacy Centers appointed by
- 26 the governor;
- 27 (16) An at-large member appointed by the governor.
- 28 3. Members of the task force shall be individuals who are actively involved in the fields
- 29 of the prevention of child abuse and neglect and child welfare. The appointment of members
- 30 shall reflect the geographic diversity of the state.
- 31 4. The task force shall elect a presiding officer by a majority vote of the membership of
- 32 the task force. The task force shall meet at the call of the presiding officer.
- 33 5. The task force shall make recommendations for reducing child sexual abuse in
- 34 Missouri. In making those recommendations, the task force shall:
- 35 (1) Gather information concerning child sexual abuse throughout the state;
- 36 (2) Receive reports and testimony from individuals, state and local agencies, community-
- 37 based organizations, and other public and private organizations; **and**
- 38 (3) Create goals for state policy that would prevent child sexual abuse[; and
- 39 (4) Submit a final report with its recommendations to the governor, general assembly,
- 40 and the state board of education by January 1, 2013].
- 41 6. The recommendations may include proposals for specific statutory changes and
- 42 methods to foster cooperation among state agencies and between the state and local government.
- 43 7. The task force shall consult with employees of the department of social services, the
- 44 department of public safety, department of elementary and secondary education, and any other
- 45 state agency, board, commission, office, or department as necessary to accomplish the task
- 46 force's responsibilities under this section.
- 47 8. The members of the task force shall serve without compensation and shall not be
- 48 reimbursed for their expenses.
- 49 9. [The provisions of sections 160.2100 and 160.2110 shall expire on January 1, 2013.]
- 50 **Beginning January 1, 2014, the department of elementary and secondary education, in**
- 51 **collaboration with the task force, shall make yearly reports to the general assembly on the**
- 52 **department's progress in preventing child sexual abuse.**

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

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

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

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

210.950. 1. This section shall be known and may be cited as the "Safe Place for Newborns Act of 2002". The purpose of this section is to protect newborn children from injury

3 and death caused by abandonment by a parent, and to provide safe and secure alternatives to such
4 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 in section 135.600;**

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

10 ~~[(3)]~~ (4) **"Pregnancy resource center", the same meaning as such term is defined**
11 **in section 135.630;**

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

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

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

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

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

27 (c) A law enforcement officer;

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

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

32 4. **A parent voluntarily relinquishing a child under this section shall not be**
33 **required to provide any identifying information about the child or the parent. No person**
34 **shall induce or coerce, or attempt to induce or coerce, a parent into revealing his or her**
35 **identity. No officer, employee, or agent of this state or any political subdivision of this state**
36 **shall attempt to locate or determine the identity of such parent. In addition, any person**
37 **who obtains information on the relinquishing parent shall not disclose such information**
38 **except to the following:**

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

40 **(2) The staff of the department of health and senior services, the department of**
41 **social services, or any county health or social services agency or licensed child welfare**
42 **agency that provides services to the child;**

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

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

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

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

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

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

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

59 [5.] **6.** The hospital, its employees, agents and medical staff shall perform treatment in
60 accordance with the prevailing standard of care as necessary to protect the physical health or
61 safety of the child. The hospital shall notify the division of family services and the local juvenile
62 officer upon receipt of a child pursuant to this section. The local juvenile officer shall
63 immediately begin protective custody proceedings and request the child be made a ward of the
64 court during the child's stay in the medical facility. Upon discharge of the child from the medical
65 facility and pursuant to a protective custody order ordering custody of the child to the division,
66 the **children's** division [of family services] shall take physical custody of the child. The parent's
67 voluntary delivery of the child in accordance with this section shall constitute the parent's
68 implied consent to any such act and a voluntary relinquishment of such parent's parental rights.

69 [6.] **7.** In any termination of parental rights proceeding initiated after the relinquishment
70 of a child pursuant to this section, the juvenile officer shall make public notice that a child has
71 been relinquished, including the sex of the child, and the date and location of such
72 relinquishment. Within thirty days of such public notice, the [nonrelinquishing] parent wishing
73 to establish parental rights shall identify himself or herself to the court and state his or her
74 intentions regarding the child. The court shall initiate proceedings to establish paternity, or if

75 no person identifies himself as the father within thirty days, maternity. The juvenile officer shall
76 make examination of the putative father registry established in section 192.016 to determine
77 whether attempts have previously been made to preserve parental rights to the child. If such
78 attempts have been made, the juvenile officer shall make reasonable efforts to provide notice of
79 the abandonment of the child to such putative father.

80 [7.] **8.** (1) If a relinquishing parent of a child relinquishes custody of the child to any
81 person listed in subsection 3 of this section in accordance with this section and to preserve the
82 parental rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps
83 necessary to establish parentage within thirty days after the public notice or specific notice
84 provided in subsection [6] 7 of this section.

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

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

92 [8.] **9.** The persons listed in subdivision (1) of subsection 3 of this section shall be
93 immune from civil, criminal, and administrative liability for accepting physical custody of a child
94 pursuant to this section if such persons accept custody in good faith. Such immunity shall not
95 extend to any acts or omissions, including negligent or intentional acts or omissions, occurring
96 after the acceptance of such child.

97 [9.] **10.** The **children's** division [of family services] shall:

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

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

102 [10.] **11. It shall be an affirmative defense to prosecution for a violation of sections**
103 **568.030, 568.032, 568.045, and 568.050 that a parent who is a defendant voluntarily**
104 **relinquished a child no more than one year old under this section.**

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

211.447. 1. Any information that could justify the filing of a petition to terminate
2 parental rights may be referred to the juvenile officer by any person. The juvenile officer shall
3 make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should
4 be filed, such officer shall so notify the informant in writing within thirty days of the referral.
5 Such notification shall include the reasons that the petition will not be filed. Thereupon, the

6 informant may bring the matter directly to the attention of the judge of the juvenile court by
7 presenting the information in writing, and if it appears to the judge that the information could
8 justify the filing of a petition, the judge may order the juvenile officer to take further action,
9 including making a further preliminary inquiry or filing a petition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 (3) The family of the child has not been provided such services as provided for in section
47 211.183.

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

51 (1) The child has been abandoned. For purposes of this subdivision a "child" means any
52 child over one year of age at the time of filing of the petition. The court shall find that the child
53 has been abandoned if, for a period of six months or longer:

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

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

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

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

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

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

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

78 (3) The child has been under the jurisdiction of the juvenile court for a period of one
79 year, and the court finds that the conditions which led to the assumption of jurisdiction still
80 persist, or conditions of a potentially harmful nature continue to exist, that there is little
81 likelihood that those conditions will be remedied at an early date so that the child can be returned
82 to the parent in the near future, or the continuation of the parent-child relationship greatly
83 diminishes the child's prospects for early integration into a stable and permanent home. In
84 determining whether to terminate parental rights under this subdivision, the court shall consider
85 and make findings on the following:

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

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

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

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

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

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

106 (6) The parent is unfit to be a party to the parent and child relationship because of a
107 consistent pattern of committing a specific abuse, including but not limited to abuses as defined
108 in section 455.010, child abuse or drug abuse before the child or of specific conditions directly
109 relating to the parent and child relationship either of which are determined by the court to be of
110 a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care
111 appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed
112 that a parent is unfit to be a party to the parent-child relationship upon a showing that within a
113 three-year period immediately prior to the termination adjudication, the parent's parental rights

114 to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this
115 section or subdivisions (1), (2), (3) or (4) of [subsection 5 of this section] **this subsection** or
116 similar laws of other states.

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

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

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

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

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

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

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

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

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

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

143 9. In actions for adoption pursuant to chapter 453, the court may hear and determine the
144 issues raised in a petition for adoption containing a prayer for termination of parental rights filed
145 with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

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

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

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

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

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

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

4. Evidentiary collection kits shall be developed and made available, subject to appropriation, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. Such kits shall be distributed with the forms and procedures for gathering evidence during forensic examinations of victims of a sexual offense to appropriate medical providers upon request of the provider, in the amount requested, and at no charge to the medical provider. All appropriate medical providers shall, with the written consent of the victim, perform a forensic examination using the evidentiary collection kit, or other collection procedures developed for victims who are minors, and forms and procedures for gathering evidence following the checklist for any person presenting as a victim of a sexual offense.

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

6. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety. No appropriate medical provider conducting forensic examinations and providing medical treatment to victims of sexual offenses shall charge the victim for the forensic examination. For appropriate medical provider charges

37 related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant
38 under the crime victims' compensation fund, the victim shall seek compensation under sections
39 595.010 to 595.075.

40 **7. The department of public safety shall establish rules regarding the**
41 **reimbursement of the costs of forensic examinations for children under fourteen years of**
42 **age, including establishing conditions and definitions for emergency and non-emergency**
43 **forensic examinations and may by rule establish additional qualifications for appropriate**
44 **medical providers performing non-emergency forensic examinations for children under**
45 **fourteen years of age.**

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

47 (1) "Appropriate medical provider",

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

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

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

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

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

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

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

70 [8.] **9.** The department shall have authority to promulgate rules and regulations necessary
71 to implement the provisions of this section. Any rule or portion of a rule, as that term is defined
72 in section 536.010, that is created under the authority delegated in this section shall become

73 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
74 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
75 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
76 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
77 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid
78 and void.

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

**7 2. A school district or charter school that elects to offer such information pursuant
8 to this section shall include the following:**

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

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

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

**14 (4) The available options if a parent is unable to travel to a designated emergency
15 care facility; and**

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

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