

SCS HCS HB 505 -- CHILD ABUSE AND NEGLECT

This bill changes the laws regarding child abuse and neglect. In its main provisions, the bill:

(1) Authorizes the Office of the Child Advocate to mediate between alleged victims of sexual misconduct and charter schools when requested by both parties and the allegation of abuse arises in a school setting (Sections 37.710 and 160.262, RSMo);

(2) Requires a mandatory reporter of suspected child abuse or neglect employed in a school facility and the superintendent of the school district to report directly to the Children's Division within the Department of Social Services any student report of alleged sexual misconduct on the part of a teacher or other school employee. Currently, the reporter and the superintendent must forward the allegation to the division within 24 hours of receiving the information (Section 160.261);

(3) Requires, by July 1, 2014, every charter school to adopt a written policy on information that the charter school provides about former employees, both certificated and non-certificated, to other public schools (Section 162.068);

(4) Requires, by January 1, 2014, the governing body of each charter school to adopt a written policy concerning employee-student communication and the school board of each school district and the governing body of each charter school to adopt and implement training guidelines and an annual training program for all school employees who are mandatory reporters of child abuse or neglect. Every school district and the governing body of each charter school must, by July 1, 2014, include in its teacher and employee training a component that provides up-to-date and reliable information on identifying signs of sexual abuse in children and danger signals of potentially abusive relationships between children and adults (Section 162.069);

(5) Requires a mandatory reporter of suspected child abuse or neglect to immediately report it to the division. Currently, a mandatory reporter must immediately report or cause a report to be made to the division. An internal investigation into a report of child abuse or neglect cannot be initiated until the mandatory report to the division has been made (Section 210.115.1);

(6) Specifies that a single report may be made by a designated member of a medical team if two or more members of a medical institution who are required to report jointly have knowledge of a known or suspected instance of child abuse or neglect. Any member who has knowledge that the member designated has failed to make the

mandatory report must immediately make the report. A supervisor or administrator cannot impede or inhibit the reporting of suspected child abuse or neglect. A person making a report cannot be subject to any sanction, including any adverse employment action for making a report. Every employer must ensure that any employee required to report has immediate and unrestricted access to the communications technology necessary to make an immediate report and is temporarily relieved of other work duties for the time as is required to make the required report (Section 210.115.3);

(7) Specifies that the offense of abuse or neglect of a child is a class A felony if the child dies as a result of injuries sustained from the abuse or neglect of the child (Sections 556.061 and 568.060); and

(8) Requires the Department of Public Safety to establish rules regarding the reimbursement of the costs of forensic examinations for children younger than 14 years of age, including establishing conditions and definitions for emergency and non-emergency forensic examinations, and may by rule establish additional qualifications for appropriate medical providers performing non-emergency forensic examinations. The department must provide reimbursement regardless of whether or not the findings indicate that the child was abused (Section 595.220).

The provisions of the bill regarding the offense of abuse or neglect of a child if he or she dies as a result of the injuries contain an emergency clause.