

HCS HB 734 -- CHILD PROTECTION

SPONSOR: Haefner

COMMITTEE ACTIONS: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 8 to 4. Voted "Do Pass with HCS" by the Select Committee on Judiciary by a vote of 7 to 3.

This bill defines "multidisciplinary investigation team" as a team used to investigate child abuse and provide protective or preventive social services including the services of law enforcement, the Children's Division within the Department of Social Services, the prosecuting attorney, the child advocacy center, the juvenile center, the medical provider, the mental health provider, and other agencies with a common mission of achieving victim safety and perpetrator accountability and who have entered into an agreement to maintain confidentiality as required by law, both public and private.

The bill prohibits any health care provider, child advocacy center, or multidisciplinary investigation team from providing to any person or entity copies of visual or aural recordings or photographs of a minor or his or her body who is alleged to be the victim of child abuse unless ordered by a court of competent jurisdiction. Members of the team may share the recordings of the child's statements or photographs with other members of the team for the purposes of investigation, related child protection court proceedings or prosecution, as a part of specified reviews by the Office of the Child Advocate, or as part of specified reviews by the Child Abuse and Neglect Review Board.

A court is prohibited from ordering the copying of the recordings or photographs unless it does so after a hearing has been held and notice to the parties given, at which the child or his or her representative, health care provider, child advocacy center representative, or team member may present and offer objections or suggestions for the court. Upon a showing of good cause, the court may order the provider, advocacy center, or team member to copy the recordings or photographs to the moving party's counsel of record or specified experts who have been duly qualified by the court in the evaluation or medical diagnosis of child abuse.

If a court orders the copying of the recordings or photographs, the order must be limited solely to the use of the recordings or photographs for the purposes of a current or pending court proceeding; prohibit further copying, reproduction, or dissemination of the recordings or photographs; prohibit the moving party's counsel of record or specified experts from allowing any

other person copies of the recordings or photographs without a court order; and require the return of the copies to the provider, advocacy center, or team member upon the end of the counsel or expert's involvement in the relevant case or the final disposition of the case unless the copies have become part of the official court record, whichever comes first.

These provisions cannot prohibit the court or a multidisciplinary member from granting access to viewing, but not copying, the recordings or photographs as part of a pending related matter in front of the court involving an alleged victim of child abuse or as part of specified reviews by the Child Abuse and Neglect Review Board.

PROPOSERS: Supporters say that the bill will protect children by preventing the dissemination of videos related to the investigation of crimes against children.

Testifying for the bill were Representative Haefner; Adrienne Atzemis; Mark Bradford, Missouri Psychological Association; Missouri Coalition of Children's Agencies; Missouri Children's Leadership Council; Missouri National Education Association; Jason Lamb; Missouri Family Network; and Missouri Kids First.

OPPOSERS: There was no opposition voiced to the committee.