

HCS HB 505 -- CHILD ABUSE AND NEGLECT

SPONSOR: Haefner

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Judiciary by a vote of 12 to 0.

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

- (1) 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;
- (2) 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;
- (3) Specifies that an internal investigation into a report of child abuse or neglect can not be initiated until the mandatory report to the division has been made;
- (4) Specifies that a single report may be made if two or more members of a medical institution who are mandatory reporters of suspected child abuse or neglect 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;
- (5) Prohibits a supervisor or administrator from impeding or inhibiting the mandatory reporting of suspected child abuse or neglect;
- (6) Prohibits any employer from sanctioning or imposing any adverse employment action on any mandatory reporter for making a report;
- (7) 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 exams and specific qualifications for appropriate medical providers performing non-emergency forensic exams;
- (8) Allows the Department of Public Safety to establish additional

qualifications for appropriate medical providers performing non-emergency forensic evaluations for children younger than 14 years of age;

(9) Specifies that child abuse is a class A felony if the child dies as a result of injuries sustained from chargeable conduct; and

(10) Repeals the provisions that allow a school district to investigate reports of abuse and requires the division to handle the abuse investigation.

PROPOSERS: Supporters say that this bill will tighten the laws regarding when a forensic rape kit can be performed on a child. Currently, medical providers receive approximately \$600 in reimbursement for each kit, causing the kits to be performed when there is no evidence of abuse or well after any forensic evidence can be collected. The ability of a provider performing the kits needs to be tied to his or her level of training.

Testifying for the bill were Representative Haefner; Office of Child Advocate; Dr. James Anders; Missouri Kids First; Dan Knight, Boone County Prosecuting Attorney.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others say that teachers in general do not have long distance phone access in their classrooms; therefore the committee should consider adding language to the bill that would prohibit a communication barrier from occurring in making the report.

Others testifying on the bill was Missouri National Education Association.