

HCS SCS SB 341 -- PROTECTION OF VULNERABLE PERSONS

SPONSOR: Riddle (Franklin)

COMMITTEE ACTIONS: Voted "Do Pass with Amendments" by the Standing Committee on Children and Families by a vote of 12 to 0. Voted "Do Pass with HCS" by the Select Committee on Social Services by a vote of 10 to 0.

This bill changes the laws relating to the protection of vulnerable persons.

OFFICE OF CHILD ADVOCATE (Section 37.719, RSMo.)

The bill allows the Office of Child Advocate to conduct an audit of any county entity including children's division, juvenile office, and guardian ad litem processes when the office receives three or more review requests for the same county entity in a calendar year. The audit may include record requests and inquiries for information with the goal of improving the delivery of services and the efficiency of processes and procedures. The office may produce findings and recommendations based on the audit which will be forward to the Office of State Courts Administrator and the Children's Division within the Missouri Department of Social Services.

CHILD ABUSE AND NEGLECT HOTLINE POSTERS (Section 160.975)

The bill requires each public school and charter school to post in a clearly visible location in a public area of the school that is readily accessible to students a sign in English and in Spanish that contains the toll-free child abuse and neglect hotline number established by the Children's Division within the Department of Social Services. Additionally, each school must post signs containing the same information in all student restrooms in the school, to allow for private access to the information by students of either gender. The information contained on the signs must be presented on a poster at least 11 inches by 17 inches in size, contain large print, and be placed at eye level to the student for easy viewing. The hotline number must be displayed in bold print and the signs must contain instructions to call 911 for emergencies and directions for accessing the Children's Division website for more information on reporting abuse, neglect, and exploitation. The bill requires the Children's Division to create an acronym to help children to remember the toll-free child abuse and neglect hotline number.

IMMUNIZATION OF CHILDREN (Section 210.003)

The bill requires all public, private, and parochial day care centers, preschools, and nursery schools to notify the parent or guardian of each child at the time of initial enrollment in or attendance at the facility that he or she may request notice of whether there are children currently enrolled in or attending the facility that have an immunization exemption on file. Beginning December 1, 2015, all public, private, and parochial day care centers, preschools, and nursery schools must notify the parent or guardian of each child currently enrolled in or attending the facility that the parent or guardian may request notice of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed. Upon request, the facility must notify the parent or guardian if there are children currently enrolled in or attending the facility that have an immunization exemption on file.

#### REPORTS OF CHILD ABUSE COMMITTED BY JUVENILES (Section 210.148)

This bill specifies that upon the receipt of a hotline report of child abuse or neglect where the subject of the report is any person, less than 14 years of age, who has allegedly committed sexual abuse against another younger child, the Children's Division within the Department of Social Services must immediately communicate the report to the appropriate local office along with any relevant information as may be contained in the information system. Upon receipt of the report and information, the local office must use a family assessment and services approach to respond to the allegation contained in the report. These provisions cannot prohibit the local office from commencing an investigation if it, at any point in using the family assessment and services approach, determines that an investigation is required. The investigation must comply with specified provisions and may include requesting assistance from the appropriate law enforcement agency.

#### SAFE SLEEP PRACTICES (Sections 210.221 and 210.223)

The bill authorizes the Department of Health and Senior Services to approve training concerning the safe sleep recommendations of the American Academy of Pediatrics.

The bill requires all licensed child care facilities that provide care for children less than one year of age to implement and maintain a written safe sleep policy in accordance with the most recent safe sleep recommendations of the academy.

When an infant requires alternative sleep positions or special sleeping arrangements, the facility must be provided with written instructions, signed by the infant's licensed health care provider,

detailing the alternative sleep positions or special sleeping arrangements for the infant. The facility must put the infant to sleep in accordance with the written instructions.

All employees of licensed child care facilities who care for infants less than one year of age or any volunteer who may be assisting at the facility are required to successfully complete department-approved training on the most recent safe sleep recommendations of the academy every three years.

The department must establish rules that include:

(1) Amending any current rules which are not in compliance with the most recent recommendations of the academy, including the rule that permits the use of bumper pads in cribs or playpens;

(2) Keeping soft or loose bedding away from sleeping infants and out of safe sleep environments; and

(3) Prohibiting blankets or other soft or loose bedding from being hung on the sides of cribs. The department may adopt emergency rules to implement these requirements.

#### COMMUNITY CHILDREN'S SERVICES FUNDS (Section 210.861)

Currently, before taking office an individual elected treasurer by a community children's services fund must furnish a surety bond that meets specified requirements. The bill adds the option of furnishing comparable insurance coverage for theft, misappropriation, mismanagement, or other acts that otherwise meet the specified requirements for a surety bond under these provisions. The board must not be mandated to expend funds by an act of state legislation without a majority vote of the county or St. Louis City. The bill prohibits any county or St. Louis City in which voters have approved the levy of a tax under these provisions from adding services in addition to those currently permitted at the time the levy is approved by voters unless the voters approve the additional services in the same manner as the original levy was approved.

#### ORDERS OF PROTECTION (Sections 455.010 - 455.538)

Current law allows a person, including a child, who has been subject to domestic violence by a family or household member or any person who has been the victim of stalking to be granted an order of protection. The bill permits the courts to also grant protective orders to victims of sexual assault.

Under the current law definitions that apply to the provisions relating to orders of protection, "sexual assault" is defined as

causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress. The bill adds causing or attempting to cause another person to engage involuntarily in a sexual act without that person's consent to the definition.

PROPOSERS: Supporters say that addressing youth with problem sexual behaviors is key to curbing child abuse in Missouri. Currently, the state is not doing enough to address youths with sexual problem behaviors. The state uses all of its resources on adult offenders who have limited ability to change. Missouri doesn't intervene when a child is abused by another youth most times, and it leads to great harm later. The Children's Division cannot provide assessments when the perpetrator of the abuse does not have care, custody, and control of the abused child; the division can only refer the case to the juvenile office or law enforcement. As the law currently stands, it discriminates against children who are abused by other juveniles. There is a lack of a consistent systematic response to sexual abuse of a child. The bill allows earlier intervention that can stop what causes a lot of the sexual abuse problems that occur later in life.

Testifying for the bill were Senator Riddle; Missouri Coalition Against Domestic And Sexual Violence; Emily J. Van Schenkhof, Missouri Kids First; Missouri Children's Leadership Council; and Missouri Juvenile Justice Association.

OPPOSERS: There was no opposition voiced to the committee.