

## DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

August 22, 2013

## M E M O R A N D U M

<b>What's Inside:</b> 2013 Legislative Session Update
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TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND CHILDREN'S DIVISION STAFF

FROM: CANDACE A. SHIVELY, DIRECTOR

SUBJECT: 2013 LEGISLATIVE UPDATE AND RELATED POLICY REVISIONS

The purpose of this memorandum is to introduce staff to legislation passed in the 2013 legislative session. These changes will go into effect August 28<sup>th</sup>, 2013, except for one emergency clause, which goes into effect immediately after the bill is signed by Governor Nixon. This memorandum includes only the bills and provisions which impact the Division directly or may be of interest to staff. Bills impacting policy and/or procedure which require individual memorandums are also excluded from this list.

## [House Bill 505](#)

***Child Abuse and Neglect*** - This bill modifies laws related to child abuse and neglect. Provisions which pertain to or are of interest to Children's Division staff are as follows:

- Authorizes the Office of the Child Advocate to provide mediation services between an alleged victim of sexual misconduct and a charter school if; 1) the allegations arose in a school setting and, 2) if mediation is requested by both parties. (Sections 37.710 and 160.262 RSMo.)
- Requires the employee and the superintendent of the school district to report directly to the Children's Division when a student reports sexual misconduct on the part of a teacher or school employee.
- Requires charter schools to adopt a written policy by July 1, 2014, concerning the information the charter school must provide to other schools, about both certificated and non-certificated, former employees. (Section 162.068 RSMo.)
- Requires each charter school to adopt a written policy, by January 1, 2014, concerning employee-student communication. (Section 162.069. 1 RSMo.)
- Requires, by January 1, 2014, each school district and charter school to adopt and implement guidelines for child abuse and neglect mandated reporter training and to conduct the training for all school employees annually. (Section 162.069.2 RSMo.)

- Requires by July 1, 2014, every school district and charter school to include, in its teacher and employee training, 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 RSMo.)
- Requires mandated reporters to immediately report suspected child abuse or neglect to the Children's Division. This bill also prohibits any internal investigation into a report of child abuse or neglect until the mandatory report to the Division has been made. (Section 210.115.1 and 162.069 RSMo.)

These provisions effectively remove language in the statute which made it permissible to pass the responsibility for reporting to a designated person in the school or institution.

- Adds a provision stating when two or more members of a medical institution mandated to report suspected child abuse or neglect, jointly have knowledge of suspected abuse or neglect, a single report may be made by a designated member of a medical team. Any member who has knowledge that the member designated to report failed to do so, he or she is required to immediately report. (Section 210.115.2 RSMo.)
- Prohibits any supervisor or administrator from impeding or inhibiting an employee, who is a mandated reporter, from reporting suspected child abuse or neglect. Additionally, this bill provides no person making a report can be subject to any sanction, including any adverse employment action, for making a report. Every employer must ensure any employee required to report has immediate and unrestricted access to 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 report. (Section 210.115.3 and 162.069 RSMo.)
- Specifies 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 chargeable conduct. This provision included an emergency clause, therefore became effective on July 9<sup>th</sup>, 2013, when the bill was approved by the Governor. (Section 556.061 and 568.060 RSMo.)
- 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. This must include the establishment of conditions and definitions for emergency and non-emergency forensic exams and may include additional qualifications for appropriate medical providers performing non-emergency forensic exams. Public safety must also provide reimbursement regardless of whether or not the findings indicate the child was abused. (Section 595.220.7 RSMo.) *This provision was also passed in Senate Bill 256.*
- Provides the Department of Public Safety with authority to add qualifications for a medical provider to perform non-emergency forensic evaluations for child(ren) younger than 14 years of age. (Section 595.220.8 RSMo.)

## [Senate Bill 256](#)

***Child Abuse and Neglect*** - This bill changes the laws regarding child abuse and neglect. Provisions which pertain to the Children's Division are as follows:

*Task Force on the Prevention of Sexual Abuse of Children* - This section of the bill removes the January 1, 2013, expiration date for the Task Force on the Prevention of Sexual Abuse of Children. Additionally, beginning January 1, 2014, this bill requires the Department of Elementary and Secondary

Education (DESE), in collaboration with the Task Force, to submit an annual report to the General Assembly on the Department's progress in preventing child sexual abuse. (Section 160.2100 RSMo.)

*Safe Place for Newborns Act* - This section of the bill modifies provisions relating to the Safe Place for Newborns Act of 2002.

- Prior to the passage of this bill, the Safe Place for Newborns Act of 2002, allowed a parent to give up custody of his/her child, up to 5 days from birth, to a medical facility staff member, provider or volunteer, a firefighter or emergency medical technician or with a law enforcement officer, without being prosecuted for abandonment and as long as there were no signs of abuse.

This bill increases the age in which a parent may give up his/her child, from up to five days to up to 45 days from birth, and adds to the list of persons, who may receive the child under this law, staff from a maternity homes or a pregnancy resource center.

- Requires no parent giving up custody of a child under this law to release identifying information about the child or parent and prohibits any officer, employee, or agent of this state or any political subdivision from attempting to locate or determine the identity of a parent or disclose identifying information except in certain cases. (Sections 1, 210.950 and 211.447 RSMo.)
- Provides an affirmative defense to prosecution for the abandonment if a parent voluntarily gave up custody of a child to the persons listed under the Safe Place for Newborns law, when the child is less one year of age. This provision has not changed, however it was removed from section 210.950.3 and relocated to section 210.950.11.
- This bill also allows school districts and charter schools to provide 30 minutes of classroom instruction, annually, about the Safe Place for Newborns Act, to high school students enrolled in health education. (Section 1 RSMo.)

*Forensic Examinations in Child Abuse Cases* - (Section 595.220) Adds the same provisions as House Bill 505. (See House Bill 505)

## **Senate Bill 330**

***Adoption Investigations*** - This bill adds licensed professional counselor, and psychologist associated with a licensed child placing agency to the list of persons authorized to conduct a full investigation into suitability as an adoptive parent. (Section 453.070.2 RSMo.)

## **House Bills 148, Senate Bill 106, and Senate Bill 117**

***Child Custody and Visitation Rights for Military Personnel*** - These bills enact provisions establishing child custody and visitation rights for parents who are deployed or have received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component. (Section 452.413 RSMo.)

## **House Bill 374 / House Bill 434**

***Judicial Procedures*** – The provision pertaining to the Children's Division is the increase in charges for court transcripts to \$2.60 per legal page which must be paid by the party requesting the preparation and production. (Section 488.2250 RSMo.)

**NECESSARY ACTION**

1. Review this memorandum with all Children’s Division staff.
2. All questions should be cleared through normal supervisory channels and directed to:

**PDS CONTACT**

Randall McDermit  
573-751-8932  
[Randall.D.McDermit@dss.mo.gov](mailto:Randall.D.McDermit@dss.mo.gov)

**QUALITY IMPROVEMENT UNIT MANAGER**

Tricia Phillips  
573-522-2713  
[Tricia.Phillips@dss.mo.gov](mailto:Tricia.Phillips@dss.mo.gov)

**CHILD WELFARE MANUAL REVISIONS - N/A**

**FORMS AND INSTRUCTIONS - N/A**

**REFERENCE DOCUMENTS AND RESOURCES - N/A**

**RELATED STATUTE**

Sections 37.710 RSMo.	Section 210.115.1 RSMo.	Section 453.070.2 RSMo.
Section 160.2100 RSMo.	Section 210.115.2 RSMo.	Section 488.2250 RSMo.
Section 160.261 RSMo.	Section 210.115.3 RSMo.	Section 556.061 RSMo.
Section 160.262 RSMo.	Section 210.950 RSMo.	Section 568.060 RSMo.
Section 162.068 RSMo.	Section 211.447 RSMo.	Section 595.220 RSMo.
Section 162.069 RSMo.	Section 452.413 RSMo.	Section 1 RSMo.

**ADMINISTRATIVE RULE - N/A**

**COUNCIL ON ACCREDITATION (COA) STANDARDS - N/A**

**CHILD AND FAMILY SERVICES REVIEW (CFSR) - N/A**

**PROTECTIVE FACTORS - N/A**

Parental Resilience  
Social Connections  
Knowledge of Parenting and Child Development  
Concrete Support in Times of Need  
Social and Emotional Competence of Children

**FACES REQUIREMENTS - N/A**