

FIRST REGULAR SESSION

HOUSE BILL NO. 536

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WRIGHT (137).

Read 1st time February 14, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1621L.011

AN ACT

To repeal section 210.109, RSMo, and to enact in lieu thereof one new section relating to the reporting of child abuse or neglect.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 210.109, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.109, to read as follows:

210.109. 1. The children's division shall establish a child protection system for the entire state.

2. The child protection system shall promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments and providing services in response to reports of child abuse or neglect. The system shall coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

3. In addition to any duties specified in section 210.145, in implementing the child protection system, the division shall:

(1) Maintain a central registry;

(2) Receive reports and establish and maintain an information system operating at all times, capable of receiving and maintaining reports;

(3) [Attempt to] Obtain the name and address of any person making a report in all cases[,] after obtaining relevant information regarding the alleged abuse or neglect[, although reports may be made anonymously; except that, reports by mandatory reporters under section 210.115, including employees of the children's division, juvenile officers, and school personnel

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 shall not be made anonymously,]; provided that the reporter shall be informed, at the time of the
18 report, that the reporter's name and any other personally identifiable information shall be held
19 as confidential and shall not be made public as provided under this section and section 211.319,
20 RSMo, **unless the report is made by the reporter maliciously, with an intent to harass, or**
21 **with knowledge that the report is false;**

22 (4) Upon receipt of a report, check with the information system to determine whether
23 previous reports have been made regarding actual or suspected abuse or neglect of the subject
24 child, of any siblings, and the perpetrator, and relevant dispositional information regarding such
25 previous reports;

26 (5) Provide protective or preventive services to the family and child and to others in the
27 home to prevent abuse or neglect, to safeguard their health and welfare, and to help preserve and
28 stabilize the family whenever possible. The juvenile court shall cooperate with the division in
29 providing such services;

30 (6) Collaborate with the community to identify comprehensive local services and assure
31 access to those services for children and families where there is risk of abuse or neglect;

32 (7) Maintain a record which contains the facts ascertained which support the
33 determination as well as the facts that do not support the determination;

34 (8) Whenever available and appropriate, contract for the provision of children's services
35 through children's services providers and agencies in the community; except that the state shall
36 be the sole provider of child abuse and neglect hotline services, the initial child abuse and neglect
37 investigation, and the initial family assessment. The division shall attempt to seek input from
38 child welfare service providers in completing the initial family assessment. In all legal
39 proceedings involving children in the custody of the division, the division shall be represented
40 in court by either division personnel or persons with whom the division contracts with for such
41 legal representation. All children's services providers and agencies shall be subject to criminal
42 background checks pursuant to chapter 43, RSMo, and shall submit names of all employees to
43 the family care safety registry.

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45 As used in this subsection, "report" includes any telephone call made pursuant to section
46 210.145.