

SECOND REGULAR SESSION

HOUSE BILL NO. 1840

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BROWN (50) (Sponsor), ROORDA, WILDBERGER, BOGETTO, WALTON, MEINERS, WALSH, GEORGE, LAMPE, CURLS, ROBINSON, SPRENG, VILLA, CASEY, SKAGGS, DOUGHERTY, RUCKER, HOSKINS, HUBBARD, BLAND, AULL, JOHNSON (90), BURNETT, YAEGER, TILLEY, LOW (39), STORCH, SATER, DENISON, HARRIS (110), BAKER (123), HOBBS, WRIGHT (159) AND LeVOTA (Co-sponsors).

Read 1st time February 22, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4421L.011

AN ACT

To amend chapter 210, RSMo, by adding thereto three new sections relating to the Precious Doe Hotline.

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

Section A. Chapter 210, RSMo, is amended by adding thereto three new sections, to be
2 known as sections 210.1050, 210.1055, and 210.1060, to read as follows:

210.1050. 1. The department of public safety shall develop and maintain the
2 "Precious Doe Hotline" to operate at all times and be capable of receiving and maintaining
3 reports regarding the disappearance or suspicious circumstances of children, including but
4 not limited to amber alert cases under section 210.1012. The Precious Doe Hotline shall
5 have the ability to receive reports over a single, statewide toll-free number and shall
6 maintain the results of all investigations and other relevant information.

7 2. Upon receipt of a report, the department shall investigate all reports made on the
8 hotline and refer any child abuse or neglect report to the children's division within the
9 department of social services for investigation under section 210.145. The Precious Doe
10 Hotline system shall indicate that a case has been referred to the children's division and,
11 in consultation with the division, whether such investigation resulted in a substantiated or
12 unsubstantiated report of abuse or neglect.

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.

13 **3. For all cases other than abuse or neglect cases, the department shall contact the**
14 **appropriate local law enforcement agency immediately upon receipt of a report and**
15 **provide such agency with a detailed description of the report received. The appropriate**
16 **law enforcement agency shall either assist the department in the investigation or provide**
17 **the department, within twenty-four hours, an explanation in writing detailing the reasons**
18 **why it is unable to assist.**

19 **4. All investigations initiated based on a report to the hotline shall include direct**
20 **observation of the subject child within twenty-four hours of the receipt of the report. Local**
21 **law enforcement shall take all necessary steps to facilitate such direct observation. When**
22 **a child is reported absent from the child's residence, the location and the well-being of the**
23 **child shall be verified. If a child cannot be located by local law enforcement, the report**
24 **shall be handled and noted in the hotline system as a missing child case.**

25 **5. Public school districts in this state, in conjunction with the department, shall**
26 **develop protocols to ensure information regarding an investigation is shared with**
27 **appropriate school personnel. The superintendent of each school district shall designate**
28 **a specific person or persons to act as the public school district liaison. If the subject child**
29 **attends a nonpublic school, the department shall notify the school principal of the**
30 **investigation. Upon notification of an investigation, all information received by the public**
31 **school district liaison or the school shall be subject to the provisions of the federal Family**
32 **Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule**
33 **34 C.F.R., Part 99.**

34 **6. The investigation shall include but not be limited to the nature, extent, and cause**
35 **of the disappearance or suspicious circumstances of the subject child; the identity and age**
36 **of the person responsible for the disappearance or suspicious circumstances of the subject**
37 **child; the names and conditions of other children in the home, if any; the home**
38 **environment and the relationship of the subject child to the parents or other persons**
39 **responsible for the child's care; any indication of incidents of physical violence against any**
40 **other household or family member; and other pertinent data.**

41 **7. Upon completion of the investigation, if the department suspects that the report**
42 **was made maliciously or for the purpose of harassment, the department shall refer the**
43 **report and any evidence of malice or harassment to the local prosecuting or circuit**
44 **attorney.**

45 **8. If the department determines after an investigation has begun that completing**
46 **an investigation is not appropriate, the department shall provide written notification to**
47 **local law enforcement prior to terminating any investigative process. The reason for the**
48 **termination of the investigative process shall be documented in the record of the**

49 department and the written notification submitted to local law enforcement. Such
50 notification shall not preclude nor prevent any investigation by law enforcement.

51 **9. Within thirty days of an oral report of the disappearance or suspicious**
52 **circumstances of a child, the department shall update the information in the information**
53 **system. The hotline system shall contain, at a minimum, the determination made by the**
54 **department as a result of the investigation, whether the location of the child has been**
55 **ascertained, identifying information on the subjects of the report, any persons responsible**
56 **for the care of the subject child, and other relevant dispositional information. The**
57 **department shall complete all investigations within thirty days, unless good cause for the**
58 **failure to complete the investigation is documented in the hotline system. If the**
59 **investigation is not completed within thirty days, the hotline system shall be updated at**
60 **regular intervals and upon the completion of the investigation. The information in the**
61 **hotline system shall be updated to reflect any subsequent findings, including any changes**
62 **to the findings based on an administrative or judicial hearing on the matter.**

63 **10. The department shall promulgate rules to implement the provisions of this**
64 **section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
65 **that is created under the authority delegated in this section shall become effective only if**
66 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
67 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
68 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
69 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**
70 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
71 **adopted after August 28, 2006, shall be invalid and void.**

210.1055. 1. When any physician, medical examiner, coroner, dentist, chiropractor,
2 **optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged**
3 **in the examination, care, treatment or research of persons, and any other health**
4 **practitioner, psychologist, mental health professional, social worker, day care center**
5 **worker or other child-care worker, juvenile officer, probation or parole officer, jail or**
6 **detention center personnel, teacher, principal or other school official, minister as provided**
7 **by section 352.400, RSMo, peace officer or law enforcement official, or other person with**
8 **responsibility for the care of children has reasonable cause to suspect that a child has**
9 **disappeared or is the subject of suspicious circumstances affecting the health, safety, and**
10 **well-being of the child, such person shall immediately report or cause a report to be made**
11 **to the department in accordance with the Precious Doe Hotline system under section**
12 **210.1050 or the child abuse and neglect hotline under section 210.145.**

13 **2. Whenever such person is required to report under this section in an official**
14 **capacity as a staff member of a medical institution, school facility, or other agency, whether**
15 **public or private, the person in charge or a designated agent shall be notified immediately.**
16 **The person in charge or a designated agent shall then become responsible for immediately**
17 **making or causing such report to be made to the department or children's division.**
18 **Nothing in this section, however, is meant to preclude any person from reporting abuse or**
19 **neglect, or the disappearance or suspicious circumstances of a child.**

20 **3. In addition to those persons and officials required to report under this section,**
21 **any other person may report in accordance with this section if such person has reasonable**
22 **cause to suspect that a child has disappeared or may be the subject of suspicious**
23 **circumstances related to the health, safety, and well-being of the child.**

24 **4. Any person or official required to report under this section who has probable**
25 **cause to suspect that a child who is or may be under the age of eighteen, who is eligible to**
26 **receive a certificate of live birth, has died shall report that fact to the appropriate medical**
27 **examiner or coroner. If, upon review of the circumstances and medical information, the**
28 **medical examiner or coroner determines that the child died of natural causes while under**
29 **medical care for an established natural disease, the coroner, medical examiner or physician**
30 **shall notify the department of the child's death and that the child's attending physician**
31 **shall be signing the death certificate. In all other cases, the medical examiner or coroner**
32 **shall accept the report for investigation, shall immediately notify the department of the**
33 **child's death as required in section 58.452, RSMo, and shall report the findings to the child**
34 **fatality review panel established under section 210.192.**

35 **5. Any person or individual required to report may also report the suspicion of**
36 **abuse or neglect to any law enforcement agency or juvenile office. Such report shall not,**
37 **however, take the place of reporting or causing a report to be made to the department.**

38 **6. If an individual required to report suspected instances of disappearance or**
39 **suspicious circumstances under this section has reason to believe that the child is a resident**
40 **of another state or was injured as a result of an act which occurred in another state, the**
41 **person required to report may, in lieu of reporting to the Missouri department of public**
42 **safety, make such a report to the child protection agency of the other state with the**
43 **authority to receive such reports under the laws of such other state. If such agency accepts**
44 **the report, no report is required to be made, but may be made, to the Missouri department**
45 **of public safety under section 210.1050 or children's division under section 210.145.**

210.1060. 1. Any person not otherwise required to report under section 210.115 or
2 **210.1055 who makes a report under section 210.145 or 210.1050 which leads to:**

3 (1) A substantiated report of abuse or neglect by the children's division, a
4 substantiation of the suspicious circumstances of the child by the department, or
5 verification of a missing child by the department shall receive a reward of five hundred
6 dollars;

7 (2) The recovery of a missing child shall receive a two thousand dollar reward; and

8 (3) The arrest of the person or persons responsible for the abuse or neglect,
9 suspicious circumstances, or disappearance of a child shall receive a reward of five
10 hundred to two thousand dollars, to be determined by the director of the department of
11 public safety.

12 2. (1) There is hereby established the "Precious Doe Hotline Reward Fund" within
13 the state treasury which shall consist of moneys appropriated to the fund by the general
14 assembly. The state treasurer shall be custodian of the fund and shall disburse moneys
15 from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation,
16 moneys in the fund shall be used solely for providing rewards under this section.

17 (2) Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any
18 moneys remaining in the fund at the end of the biennium shall not revert to the credit of
19 the general revenue fund.

20 (3) The state treasurer shall invest moneys in the fund in the same manner as other
21 funds are invested. Any interest and moneys earned on such investments shall be credited
22 to the fund.

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