

HCS HB 143 -- CHILD ABUSE AND NEGLECT REPORTS

SPONSOR: Largent (Schoeller)

COMMITTEE ACTION: Voted "do pass by consent" by the Committee on Children and Families by a vote of 12 to 0.

This substitute changes the laws regarding hotline calls reporting suspected child abuse or neglect to the Children's Division within the Department of Social Services. In its main provisions, the substitute:

(1) Requires each hotline and division case worker and the circuit manager assigned to the county where an investigation occurs that is involved in a case of a child's death or serious injury to receive a preliminary evaluation by the division to determine if a performance assessment to assess if the worker's or manager's ability to competently perform his or her duties is required. If an assessment is required, it must be completed within three days of the child's death;

(2) Requires the division to review a case when three or more calls regarding the same child are made to the hotline within a 72-hour time period to determine if the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. The review must include contacting the hotline caller or callers to collect information to determine if the calls meet the criteria for harassment;

(3) Requires a hotline worker to instruct an individual to call 911 when a child may be in immediate danger;

(4) Prohibits any person responding to a child abuse and neglect investigation from calling prior to a home visit or leaving a business card, pamphlet, or other similar identifying information at a residence if:

(a) No person is present at the time of the home visit and the alleged perpetrator resides in the home or the child's safety may be compromised if the alleged perpetrator becomes aware of the attempted visit;

(b) The alleged perpetrator will be alerted regarding the attempted visit; or

(c) The family has a history of domestic violence or fleeing the community; and

(5) Requires a person responding to or investigating a child abuse and neglect report, if the alleged perpetrator is present

during the visit, to provide written material to the alleged perpetrator informing the person of his or her rights regarding the visit, including the right to contact an attorney. The alleged perpetrator must be given a reasonable amount of time, not to exceed five minutes, to read the material or have the material read to him or her before the visit commences. This requirement does not apply in a case where the child faces an immediate threat or danger or if the person responding to or investigating a report feels threatened or in danger of physical harm.

FISCAL NOTE: No impact on state funds in FY 2012, FY 2013, and FY 2014.

PROPOSERS: Supporters say that the sole intent of the bill is to protect children who are being abused. Too many children have died with records showing that the state had received complaints that a child was being abused but nothing was done. A case worker must be accountable and educated on how to do his or her job properly so children are protected. The purpose of having a case worker take a leave of absence after a death is to investigate and evaluate whether the worker is capable of doing his or her job and if further training is needed in order to do his or her job effectively. Not leaving information at the site of the home is critical. Currently, it can be difficult for case workers to get information about domestic orders of protection because some of this information is not readily accessible on Casenet.

Testifying for the bill were Representative Schoeller; Timothy and Debora Davis; and Missouri Coalition Against Domestic and Sexual Violence.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say a report of suspected abuse is tracked by child and by parent. Hotline workers do tell callers to hang up and call 911 if there is a threat of immediate danger. Case workers do not obtain ex parte orders. On average, a case worker maintains 15 cases and does six months of training. Four weeks of training are in the classroom and the rest is on-the-job training.

Testifying on the bill was Children's Division, Department of Social Services.