

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 256

AN ACT

To repeal sections 160.2100, 210.950, 211.447, and 595.220, RSMo, and to enact in lieu thereof five new sections relating to child abuse and neglect.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 160.2100, 210.950, 211.447, and
2 595.220, RSMo, are repealed and five new sections enacted in lieu
3 thereof, to be known as sections 160.2100, 210.950, 211.447,
4 595.220, and 1, to read as follows:

5 160.2100. 1. Sections 160.2100 and 160.2110 shall be known
6 and may be cited as "Erin's Law".

7 2. The "Task Force on the Prevention of Sexual Abuse of
8 Children" is hereby created to study the issue of sexual abuse of
9 children [until January 1, 2013]. The task force shall consist
10 of all of the following members:

11 (1) One member of the general assembly appointed by the
12 president pro tem of the senate;

13 (2) One member of the general assembly appointed by the

- 1 minority floor leader of the senate;
- 2 (3) One member of the general assembly appointed by the
3 speaker of the house of representatives;
- 4 (4) One member of the general assembly appointed by the
5 minority leader of the house of representatives;
- 6 (5) The director of the department of social services or
7 his or her designee;
- 8 (6) The commissioner of education or his or her designee;
- 9 (7) The director of the department of health and senior
10 services or his or her designee;
- 11 (8) The director of the office of prosecution services or
12 his or her designee;
- 13 (9) A representative representing law enforcement appointed
14 by the governor;
- 15 (10) Three active teachers employed in Missouri appointed
16 by the governor;
- 17 (11) A representative of an organization involved in
18 forensic investigation relating to child abuse in this state
19 appointed by the governor;
- 20 (12) A school superintendent appointed by the governor;
- 21 (13) A representative of the state domestic violence
22 coalition appointed by the governor;
- 23 (14) A representative from the juvenile and family court
24 appointed by the governor;
- 25 (15) A representative from Missouri Network of Child
26 Advocacy Centers appointed by the governor;
- 27 (16) An at-large member appointed by the governor.
- 28 3. Members of the task force shall be individuals who are

1 actively involved in the fields of the prevention of child abuse
2 and neglect and child welfare. The appointment of members shall
3 reflect the geographic diversity of the state.

4 4. The task force shall elect a presiding officer by a
5 majority vote of the membership of the task force. The task
6 force shall meet at the call of the presiding officer.

7 5. The task force shall make recommendations for reducing
8 child sexual abuse in Missouri. In making those recommendations,
9 the task force shall:

10 (1) Gather information concerning child sexual abuse
11 throughout the state;

12 (2) Receive reports and testimony from individuals, state
13 and local agencies, community-based organizations, and other
14 public and private organizations; and

15 (3) Create goals for state policy that would prevent child
16 sexual abuse[; and

17 (4) Submit a final report with its recommendations to the
18 governor, general assembly, and the state board of education by
19 January 1, 2013].

20 6. The recommendations may include proposals for specific
21 statutory changes and methods to foster cooperation among state
22 agencies and between the state and local government.

23 7. The task force shall consult with employees of the
24 department of social services, the department of public safety,
25 department of elementary and secondary education, and any other
26 state agency, board, commission, office, or department as
27 necessary to accomplish the task force's responsibilities under
28 this section.

1 8. The members of the task force shall serve without
2 compensation and shall not be reimbursed for their expenses.

3 9. [The provisions of sections 160.2100 and 160.2110 shall
4 expire on January 1, 2013.] Beginning January 1, 2014, the
5 department of elementary and secondary education, in
6 collaboration with the task force, shall make yearly reports to
7 the general assembly on the department's progress in preventing
8 child sexual abuse.

9 210.950. 1. This section shall be known and may be cited
10 as the "Safe Place for Newborns Act of 2002". The purpose of
11 this section is to protect newborn children from injury and death
12 caused by abandonment by a parent, and to provide safe and secure
13 alternatives to such abandonment.

14 2. As used in this section, the following terms mean:

15 (1) "Hospital", as defined in section 197.020;

16 (2) "Maternity home", the same meaning as such term is
17 defined in section 135.600;

18 (3) "Nonrelinquishing parent", the biological parent who
19 does not leave a newborn infant with any person listed in
20 subsection 3 of this section in accordance with this section;

21 [(3)] (4) "Pregnancy resource center", the same meaning as
22 such term is defined in section 135.630;

23 (5) "Relinquishing parent", the biological parent or person
24 acting on such parent's behalf who leaves a newborn infant with
25 any person listed in subsection 3 of this section in accordance
26 with this section.

27 3. A parent shall not be prosecuted for a violation of
28 section 568.030, 568.032, 568.045 or 568.050 for actions related

1 to the voluntary relinquishment of a child up to [five] forty-
2 five days old pursuant to this section [and it shall be an
3 affirmative defense to prosecution for a violation of sections
4 568.030, 568.032, 568.045 and 568.050, that a parent who is a
5 defendant voluntarily relinquished a child no more than one year
6 old pursuant to this section] if:

7 (1) Expressing intent not to return for the child, the
8 parent voluntarily delivered the child safely to the physical
9 custody of any of the following persons:

10 (a) An employee, agent, or member of the staff of any
11 hospital, maternity home, or pregnancy resource center in a
12 health care provider position or on duty in a nonmedical paid or
13 volunteer position;

14 (b) A firefighter or emergency medical technician on duty
15 in a paid position or on duty in a volunteer position; or

16 (c) A law enforcement officer;

17 (2) The child was no more than [one year] forty-five days
18 old when delivered by the parent to any person listed in
19 subdivision (1) of this subsection; and

20 (3) The child has not been abused or neglected by the
21 parent prior to such voluntary delivery.

22 4. A parent voluntarily relinquishing a child under this
23 section shall not be required to provide any identifying
24 information about the child or the parent. No person shall
25 induce or coerce, or attempt to induce or coerce, a parent into
26 revealing his or her identity. No officer, employee, or agent of
27 this state or any political subdivision of this state shall
28 attempt to locate or determine the identity of such parent. In

1 addition, any person who obtains information on the relinquishing
2 parent shall not disclose such information except to the
3 following:

4 (1) A birth parent who has waived anonymity or the child's
5 adoptive parent;

6 (2) The staff of the department of health and senior
7 services, the department of social services, or any county health
8 or social services agency or licensed child welfare agency that
9 provides services to the child;

10 (3) A person performing juvenile court intake or
11 dispositional services;

12 (4) The attending physician;

13 (5) The child's foster parent or any other person who has
14 physical custody of the child;

15 (6) A juvenile court or other court of competent
16 jurisdiction conducting proceedings relating to the child;

17 (7) The attorney representing the interests of the public
18 in proceedings relating to the child; and

19 (8) The attorney representing the interests of the child.

20 5. A person listed in subdivision (1) of subsection 3 of
21 this section shall, without a court order, take physical custody
22 of a child the person reasonably believes to be no more than [one
23 year] forty-five days old and is delivered in accordance with
24 this section by a person purporting to be the child's parent. If
25 delivery of a newborn is made pursuant to this section in any
26 place other than a hospital, the person taking physical custody
27 of the child shall arrange for the immediate transportation of
28 the child to the nearest hospital licensed pursuant to chapter

1 197, RSMo.

2 [5.] 6. The hospital, its employees, agents and medical
3 staff shall perform treatment in accordance with the prevailing
4 standard of care as necessary to protect the physical health or
5 safety of the child. The hospital shall notify the division of
6 family services and the local juvenile officer upon receipt of a
7 child pursuant to this section. The local juvenile officer shall
8 immediately begin protective custody proceedings and request the
9 child be made a ward of the court during the child's stay in the
10 medical facility. Upon discharge of the child from the medical
11 facility and pursuant to a protective custody order ordering
12 custody of the child to the division, the children's division [of
13 family services] shall take physical custody of the child. The
14 parent's voluntary delivery of the child in accordance with this
15 section shall constitute the parent's implied consent to any such
16 act and a voluntary relinquishment of such parent's parental
17 rights.

18 [6.] 7. In any termination of parental rights proceeding
19 initiated after the relinquishment of a child pursuant to this
20 section, the juvenile officer shall make public notice that a
21 child has been relinquished, including the sex of the child, and
22 the date and location of such relinquishment. Within thirty days
23 of such public notice, the [nonrelinquishing] parent wishing to
24 establish parental rights shall identify himself or herself to
25 the court and state his or her intentions regarding the child.
26 The court shall initiate proceedings to establish paternity, or
27 if no person identifies himself as the father within thirty days,
28 maternity. The juvenile officer shall make examination of the

1 putative father registry established in section 192.016 to
2 determine whether attempts have previously been made to preserve
3 parental rights to the child. If such attempts have been made,
4 the juvenile officer shall make reasonable efforts to provide
5 notice of the abandonment of the child to such putative father.

6 [7.] 8. (1) If a relinquishing parent of a child
7 relinquishes custody of the child to any person listed in
8 subsection 3 of this section in accordance with this section and
9 to preserve the parental rights of the nonrelinquishing parent,
10 the nonrelinquishing parent shall take such steps necessary to
11 establish parentage within thirty days after the public notice or
12 specific notice provided in subsection [6] 7 of this section.

13 (2) If [a nonrelinquishing] either parent fails to take
14 steps to establish parentage within the thirty-day period
15 specified in subdivision (1) of this subsection, [the
16 nonrelinquishing] either parent may have all of his or her rights
17 terminated with respect to the child.

18 (3) When [a nonrelinquishing] either parent inquires at a
19 hospital regarding a child whose custody was relinquished
20 pursuant to this section, such facility shall refer [the
21 nonrelinquishing] such parent to the children's division [of
22 family services] and the juvenile court exercising jurisdiction
23 over the child.

24 [8.] 9. The persons listed in subdivision (1) of
25 subsection 3 of this section shall be immune from civil,
26 criminal, and administrative liability for accepting physical
27 custody of a child pursuant to this section if such persons
28 accept custody in good faith. Such immunity shall not extend to

1 any acts or omissions, including negligent or intentional acts or
2 omissions, occurring after the acceptance of such child.

3 [9.] 10. The children's division [of family services]
4 shall:

5 (1) Provide information and answer questions about the
6 process established by this section on the statewide, toll-free
7 telephone number maintained pursuant to section 210.145;

8 (2) Provide information to the public by way of pamphlets,
9 brochures, or by other ways to deliver information about the
10 process established by this section.

11 [10.] 11. It shall be an affirmative defense to
12 prosecution for a violation of sections 568.030, 568.032,
13 568.045, and 568.050 that a parent who is a defendant voluntarily
14 relinquished a child no more than one year old under this
15 section.

16 12. Nothing in this section shall be construed as
17 conflicting with section 210.125.

18 211.447. 1. Any information that could justify the filing
19 of a petition to terminate parental rights may be referred to the
20 juvenile officer by any person. The juvenile officer shall make
21 a preliminary inquiry and if it does not appear to the juvenile
22 officer that a petition should be filed, such officer shall so
23 notify the informant in writing within thirty days of the
24 referral. Such notification shall include the reasons that the
25 petition will not be filed. Thereupon, the informant may bring
26 the matter directly to the attention of the judge of the juvenile
27 court by presenting the information in writing, and if it appears
28 to the judge that the information could justify the filing of a

1 petition, the judge may order the juvenile officer to take
2 further action, including making a further preliminary inquiry or
3 filing a petition.

4 2. Except as provided for in subsection 4 of this section,
5 a petition to terminate the parental rights of the child's parent
6 or parents shall be filed by the juvenile officer or the
7 division, or if such a petition has been filed by another party,
8 the juvenile officer or the division shall seek to be joined as a
9 party to the petition, when:

10 (1) Information available to the juvenile officer or the
11 division establishes that the child has been in foster care for
12 at least fifteen of the most recent twenty-two months; or

13 (2) A court of competent jurisdiction has determined the
14 child to be an abandoned infant. For purposes of this
15 subdivision, an "infant" means any child one year of age or under
16 at the time of filing of the petition. The court may find that
17 an infant has been abandoned if:

18 (a) The parent has left the child under circumstances that
19 the identity of the child was unknown and could not be
20 ascertained, despite diligent searching, and the parent has not
21 come forward to claim the child; or

22 (b) The parent has, without good cause, left the child
23 without any provision for parental support and without making
24 arrangements to visit or communicate with the child, although
25 able to do so; or

26 (c) The parent has voluntarily relinquished a child under
27 section 210.950; or

28 (3) A court of competent jurisdiction has determined that

1 the parent has:

2 (a) Committed murder of another child of the parent; or

3 (b) Committed voluntary manslaughter of another child of
4 the parent; or

5 (c) Aided or abetted, attempted, conspired or solicited to
6 commit such a murder or voluntary manslaughter; or

7 (d) Committed a felony assault that resulted in serious
8 bodily injury to the child or to another child of the parent.

9 3. A termination of parental rights petition shall be filed
10 by the juvenile officer or the division, or if such a petition
11 has been filed by another party, the juvenile officer or the
12 division shall seek to be joined as a party to the petition,
13 within sixty days of the judicial determinations required in
14 subsection 2 of this section, except as provided in subsection 4
15 of this section. Failure to comply with this requirement shall
16 not deprive the court of jurisdiction to adjudicate a petition
17 for termination of parental rights which is filed outside of
18 sixty days.

19 4. If grounds exist for termination of parental rights
20 pursuant to subsection 2 of this section, the juvenile officer or
21 the division may, but is not required to, file a petition to
22 terminate the parental rights of the child's parent or parents
23 if:

24 (1) The child is being cared for by a relative; or

25 (2) There exists a compelling reason for determining that
26 filing such a petition would not be in the best interest of the
27 child, as documented in the permanency plan which shall be made
28 available for court review; or

1 (3) The family of the child has not been provided such
2 services as provided for in section 211.183.

3 5. The juvenile officer or the division may file a petition
4 to terminate the parental rights of the child's parent when it
5 appears that one or more of the following grounds for termination
6 exist:

7 (1) The child has been abandoned. For purposes of this
8 subdivision a "child" means any child over one year of age at the
9 time of filing of the petition. The court shall find that the
10 child has been abandoned if, for a period of six months or
11 longer:

12 (a) The parent has left the child under such circumstances
13 that the identity of the child was unknown and could not be
14 ascertained, despite diligent searching, and the parent has not
15 come forward to claim the child; or

16 (b) The parent has, without good cause, left the child
17 without any provision for parental support and without making
18 arrangements to visit or communicate with the child, although
19 able to do so;

20 (2) The child has been abused or neglected. In determining
21 whether to terminate parental rights pursuant to this
22 subdivision, the court shall consider and make findings on the
23 following conditions or acts of the parent:

24 (a) A mental condition which is shown by competent evidence
25 either to be permanent or such that there is no reasonable
26 likelihood that the condition can be reversed and which renders
27 the parent unable to knowingly provide the child the necessary
28 care, custody and control;

1 (b) Chemical dependency which prevents the parent from
2 consistently providing the necessary care, custody and control of
3 the child and which cannot be treated so as to enable the parent
4 to consistently provide such care, custody and control;

5 (c) A severe act or recurrent acts of physical, emotional
6 or sexual abuse toward the child or any child in the family by
7 the parent, including an act of incest, or by another under
8 circumstances that indicate that the parent knew or should have
9 known that such acts were being committed toward the child or any
10 child in the family; or

11 (d) Repeated or continuous failure by the parent, although
12 physically or financially able, to provide the child with
13 adequate food, clothing, shelter, or education as defined by law,
14 or other care and control necessary for the child's physical,
15 mental, or emotional health and development. Nothing in this
16 subdivision shall be construed to permit discrimination on the
17 basis of disability or disease;

18 (3) The child has been under the jurisdiction of the
19 juvenile court for a period of one year, and the court finds that
20 the conditions which led to the assumption of jurisdiction still
21 persist, or conditions of a potentially harmful nature continue
22 to exist, that there is little likelihood that those conditions
23 will be remedied at an early date so that the child can be
24 returned to the parent in the near future, or the continuation of
25 the parent-child relationship greatly diminishes the child's
26 prospects for early integration into a stable and permanent home.
27 In determining whether to terminate parental rights under this
28 subdivision, the court shall consider and make findings on the

1 following:

2 (a) The terms of a social service plan entered into by the
3 parent and the division and the extent to which the parties have
4 made progress in complying with those terms;

5 (b) The success or failure of the efforts of the juvenile
6 officer, the division or other agency to aid the parent on a
7 continuing basis in adjusting his circumstances or conduct to
8 provide a proper home for the child;

9 (c) A mental condition which is shown by competent evidence
10 either to be permanent or such that there is no reasonable
11 likelihood that the condition can be reversed and which renders
12 the parent unable to knowingly provide the child the necessary
13 care, custody and control;

14 (d) Chemical dependency which prevents the parent from
15 consistently providing the necessary care, custody and control
16 over the child and which cannot be treated so as to enable the
17 parent to consistently provide such care, custody and control; or

18 (4) The parent has been found guilty or pled guilty to a
19 felony violation of chapter 566 when the child or any child in
20 the family was a victim, or a violation of section 568.020 when
21 the child or any child in the family was a victim. As used in
22 this subdivision, a "child" means any person who was under
23 eighteen years of age at the time of the crime and who resided
24 with such parent or was related within the third degree of
25 consanguinity or affinity to such parent; or

26 (5) The child was conceived and born as a result of an act
27 of forcible rape. When the biological father has pled guilty to,
28 or is convicted of, the forcible rape of the birth mother, such a

1 plea or conviction shall be conclusive evidence supporting the
2 termination of the biological father's parental rights; or

3 (6) The parent is unfit to be a party to the parent and
4 child relationship because of a consistent pattern of committing
5 a specific abuse, including but not limited to abuses as defined
6 in section 455.010, child abuse or drug abuse before the child or
7 of specific conditions directly relating to the parent and child
8 relationship either of which are determined by the court to be of
9 a duration or nature that renders the parent unable, for the
10 reasonably foreseeable future, to care appropriately for the
11 ongoing physical, mental or emotional needs of the child. It is
12 presumed that a parent is unfit to be a party to the parent-child
13 relationship upon a showing that within a three-year period
14 immediately prior to the termination adjudication, the parent's
15 parental rights to one or more other children were involuntarily
16 terminated pursuant to subsection 2 or 4 of this section or
17 subdivisions (1), (2), (3) or (4) of [subsection 5 of this
18 section] this subsection or similar laws of other states.

19 6. The juvenile court may terminate the rights of a parent
20 to a child upon a petition filed by the juvenile officer or the
21 division, or in adoption cases, by a prospective parent, if the
22 court finds that the termination is in the best interest of the
23 child and when it appears by clear, cogent and convincing
24 evidence that grounds exist for termination pursuant to
25 subsection 2, 4 or 5 of this section.

26 7. When considering whether to terminate the parent-child
27 relationship pursuant to subsection 2 or 4 of this section or
28 subdivision (1), (2), (3) or (4) of subsection 5 of this section,

1 the court shall evaluate and make findings on the following
2 factors, when appropriate and applicable to the case:

3 (1) The emotional ties to the birth parent;

4 (2) The extent to which the parent has maintained regular
5 visitation or other contact with the child;

6 (3) The extent of payment by the parent for the cost of
7 care and maintenance of the child when financially able to do so
8 including the time that the child is in the custody of the
9 division or other child-placing agency;

10 (4) Whether additional services would be likely to bring
11 about lasting parental adjustment enabling a return of the child
12 to the parent within an ascertainable period of time;

13 (5) The parent's disinterest in or lack of commitment to
14 the child;

15 (6) The conviction of the parent of a felony offense that
16 the court finds is of such a nature that the child will be
17 deprived of a stable home for a period of years; provided,
18 however, that incarceration in and of itself shall not be grounds
19 for termination of parental rights;

20 (7) Deliberate acts of the parent or acts of another of
21 which the parent knew or should have known that subjects the
22 child to a substantial risk of physical or mental harm.

23 8. The court may attach little or no weight to infrequent
24 visitations, communications, or contributions. It is irrelevant
25 in a termination proceeding that the maintenance of the
26 parent-child relationship may serve as an inducement for the
27 parent's rehabilitation.

28 9. In actions for adoption pursuant to chapter 453, the

1 court may hear and determine the issues raised in a petition for
2 adoption containing a prayer for termination of parental rights
3 filed with the same effect as a petition permitted pursuant to
4 subsection 2, 4, or 5 of this section.

5 10. The disability or disease of a parent shall not
6 constitute a basis for a determination that a child is a child in
7 need of care, for the removal of custody of a child from the
8 parent, or for the termination of parental rights without a
9 specific showing that there is a causal relation between the
10 disability or disease and harm to the child.

11 595.220. 1. The department of public safety shall make
12 payments to appropriate medical providers, out of appropriations
13 made for that purpose, to cover the reasonable charges of the
14 forensic examination of persons who may be a victim of a sexual
15 offense if:

16 (1) The victim or the victim's guardian consents in writing
17 to the examination; and

18 (2) The report of the examination is made on a form
19 approved by the attorney general with the advice of the
20 department of public safety. The department shall establish
21 maximum reimbursement rates for charges submitted under this
22 section, which shall reflect the reasonable cost of providing the
23 forensic exam.

24 2. A minor may consent to examination under this section.
25 Such consent is not subject to disaffirmance because of minority,
26 and consent of parent or guardian of the minor is not required
27 for such examination. The appropriate medical provider making
28 the examination shall give written notice to the parent or

1 guardian of a minor that such an examination has taken place.

2 3. The attorney general, with the advice of the department
3 of public safety, shall develop the forms and procedures for
4 gathering evidence during the forensic examination under the
5 provisions of this section. The department of health and senior
6 services shall develop a checklist, protocols, and procedures for
7 appropriate medical providers to refer to while providing medical
8 treatment to victims of a sexual offense, including those
9 specific to victims who are minors.

10 4. Evidentiary collection kits shall be developed and made
11 available, subject to appropriation, to appropriate medical
12 providers by the highway patrol or its designees and eligible
13 crime laboratories. Such kits shall be distributed with the
14 forms and procedures for gathering evidence during forensic
15 examinations of victims of a sexual offense to appropriate
16 medical providers upon request of the provider, in the amount
17 requested, and at no charge to the medical provider. All
18 appropriate medical providers shall, with the written consent of
19 the victim, perform a forensic examination using the evidentiary
20 collection kit, or other collection procedures developed for
21 victims who are minors, and forms and procedures for gathering
22 evidence following the checklist for any person presenting as a
23 victim of a sexual offense.

24 5. In reviewing claims submitted under this section, the
25 department shall first determine if the claim was submitted
26 within ninety days of the examination. If the claim is submitted
27 within ninety days, the department shall, at a minimum, use the
28 following criteria in reviewing the claim: examination charges

1 submitted shall be itemized and fall within the definition of
2 forensic examination as defined in subdivision (3) of subsection
3 ~~[7]~~ 8 of this section.

4 6. All appropriate medical provider charges for eligible
5 forensic examinations shall be billed to and paid by the
6 department of public safety. No appropriate medical provider
7 conducting forensic examinations and providing medical treatment
8 to victims of sexual offenses shall charge the victim for the
9 forensic examination. For appropriate medical provider charges
10 related to the medical treatment of victims of sexual offenses,
11 if the victim is an eligible claimant under the crime victims'
12 compensation fund, the victim shall seek compensation under
13 sections 595.010 to 595.075.

14 7. The department of public safety shall establish rules
15 regarding the reimbursement of the costs of forensic examinations
16 for children under fourteen years of age, including establishing
17 conditions and definitions for emergency and nonemergency
18 forensic examinations and may by rule establish additional
19 qualifications for appropriate medical providers performing
20 nonemergency forensic examinations for children under fourteen
21 years of age. The department shall provide reimbursement
22 regardless of whether or not the findings indicate that the child
23 was abused.

24 8. For purposes of this section, the following terms mean:

25 (1) "Appropriate medical provider",

26 (a) Any licensed nurse, physician, or physician assistant,
27 and any institution employing licensed nurses, physicians, or
28 physician assistants, provided that such licensed professionals

1 are the only persons at such institution to perform tasks under
2 the provisions of this section; or

3 (b) For the purposes of any nonemergency forensic
4 examination of a child under fourteen years of age, the
5 department of public safety may establish additional
6 qualifications for any provider listed in paragraph (a) of this
7 subdivision under rules authorized under subsection 7 of this
8 section;

9 (2) "Evidentiary collection kit", a kit used during a
10 forensic examination that includes materials necessary for
11 appropriate medical providers to gather evidence in accordance
12 with the forms and procedures developed by the attorney general
13 for forensic examinations;

14 (3) "Forensic examination", an examination performed by an
15 appropriate medical provider on a victim of an alleged sexual
16 offense to gather evidence for the evidentiary collection kit or
17 using other collection procedures developed for victims who are
18 minors;

19 (4) "Medical treatment", the treatment of all injuries and
20 health concerns resulting directly from a patient's sexual
21 assault or victimization;

22 (5) "Emergency forensic examination", an examination of a
23 person under fourteen years of age that occurs within five days
24 of the alleged sexual offense. The department of public safety
25 may further define the term "emergency forensic examination" by
26 rule;

27 (6) "Non-emergency forensic examination", an examination of
28 a person under fourteen years of age that occurs more than five

1 days after the alleged sexual offense. The department of public
2 safety may further define the term "non-emergency forensic
3 examination" by rule.

4 [8.] 9. The department shall have authority to promulgate
5 rules and regulations necessary to implement the provisions of
6 this section. Any rule or portion of a rule, as that term is
7 defined in section 536.010, that is created under the authority
8 delegated in this section shall become effective only if it
9 complies with and is subject to all of the provisions of chapter
10 536 and, if applicable, section 536.028. This section and
11 chapter 536 are nonseverable and if any of the powers vested with
12 the general assembly pursuant to chapter 536 to review, to delay
13 the effective date, or to disapprove and annul a rule are
14 subsequently held unconstitutional, then the grant of rulemaking
15 authority and any rule proposed or adopted after August 28, 2009,
16 shall be invalid and void.

17 Section 1. 1. A school district or charter school may
18 provide annually to high school students enrolled in health
19 education at least thirty minutes of age and grade appropriate
20 classroom instruction relative to the safe place for newborns act
21 of 2002 under section 210.950, which provides a mechanism whereby
22 any parent may relinquish the care of an infant to the state in
23 safety and anonymity and without fear of prosecution under
24 certain specified conditions.

25 2. A school district or charter school that elects to offer
26 such information pursuant to this section shall include the
27 following:

28 (1) An explanation that relinquishment of an infant means

1 to give over possession or control of the infant to other
2 specified persons as provided by law with the settled intent to
3 forego all parental responsibilities;

4 (2) The process to be followed by a parent in making a
5 relinquishment;

6 (3) The general locations where an infant may be left in
7 the care of certain people;

8 (4) The available options if a parent is unable to travel
9 to a designated emergency care facility; and

10 (5) The process by which a relinquishing parent may reclaim
11 parental rights to the infant and the time lines for taking this
12 action.

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Ryan Silvey

_____ Noel Torpey