



## ***Reporting Child Abuse In The State Of Missouri***

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# **Reporting Child Abuse In The State Of Missouri**

## **Chapters:**

- Chapter One: Reporting Child Abuse**
- Chapter Two: Who Are Mandatory Reporters?**
- Chapter Three: When Must You Report?**
- Chapter Four: Who Receives Reports?**
- Chapter Five: Why Everyone Should Report Child Abuse**

## **Introduction**

Welcome to this SafeParish™ training module regarding reporting child abuse and, specifically, the duties of mandatory reporters in the State of Missouri to report child abuse. This module will also discuss the importance of reporting child abuse; who reports abuse; and when and how to report in the State of Missouri.

This module is approximately 20 minutes long. If you need to leave for any reason, you may do so. The module will bookmark your place. When you return to your training, the module will resume where you left the training.

This module has five chapters. Each chapter begins with a true or false statement. Your reply to the statement is recorded. Before you can receive your certification, you must correctly answer each statement at the end of the training.

## **Chapter One: Reporting Child Abuse**

### **Statement One:**

**Only mandatory reporters are required under Missouri law to report child sexual abuse.**

### **True False Don't Know**

The best answer is “True”. Only mandatory reporters are required under Missouri law to report child sexual abuse. However, anyone can and should report child abuse. The Archdiocese of St. Louis encourages every person, whether or not that person is a mandatory reporter, to report his or her reasonable suspicions of child abuse to the Missouri Department of Social Services-Children’s Division.

People who are required by law to report their reasonable suspicions of child abuse to the Missouri Department of Social Services-Children’s Division are often referred to as mandatory reporters.

Child abuse in Missouri includes:

- Sexual abuse
- Physical abuse
- Neglect
- Medical neglect
- Emotional neglect
- Emotional abuse
- Educational neglect
- Abandonment
- Prenatal exposure to alcohol and drugs
- Child trafficking or
- Threatening to harm a child.

Under Missouri law, a child is “any person, regardless of physical or mental condition, under eighteen years of age.”

Missouri law defines “abuse” as “any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control.”

However, under Missouri’s law, the duty to report child abuse is not limited to abuse inflicted by a person responsible for the child's care, custody, and control, but also includes abuse inflicted by any other person.

“Neglect” under Missouri law is the “failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support; education as required by law; nutrition; or medical, surgical, or any other care necessary for the child’s well-being.”

"Those responsible for the care, custody, and control of the child" include, but are not limited to: the parents or legal guardians of a child; other members of the child's household; those exercising supervision over a child for any part of the day; any person who has access to the child based on his or her relationship to the parents of the child or members of the child's household or family; or any person who takes control of the child by deception, force, or coercion.”

Victims of abuse and neglect also include any victims of sex trafficking or severe forms of trafficking for labor or services.

A child who does not receive specified medical treatment because of the legitimate practice of the religious belief of the child's parents, guardians, or others legally responsible for the child is not a victim of abuse or neglect. However, the state may take measures to ensure that the child receives medical services when his or her health requires it.

Mandatory reporters who fail to report are guilty of a class A misdemeanor. In Missouri, class A misdemeanors are punishable by a fine of up to \$2,000 and/or imprisonment of up to one year.

## **News To Use**

Two school district administrators in Highlandville, Missouri were indicted for failing to report child abuse. According to police reports, three baseball players pinned another boy down in the dugout and touched him in a "sexually overt manner". The principal allegedly received reports of the child sexual abuse, but did not report them to the proper Missouri authority, as required by law. Instead, the principal handled the matter "in house" by giving the perpetrators a three-day suspension.

According to the indictments, the retired district superintendent and the high school principal both had "reasonable cause to suspect" that the child sexual abuse had occurred and failed to report it to the Missouri Department of Social Services - Children's Division.

Another form of neglect of minors is known as educational neglect.

Educational neglect occurs when the person responsible for the care, custody, and control of a child fails to provide an appropriate education for the child.

Neglect is not limited to minors, however.

Missouri law requires everyone to report the suspected abuse and neglect of the elderly and people with disabilities - so-called "eligible adults."

"Eligible adults" under Missouri law are those people who are unable to protect their own interests or to adequately perform or obtain services which are necessary to meet their essential human needs and who are either 60 years of age or older or who are adults with a disability between the ages of 18 and 59.

A "disability" is any medically-verified mental or physical impairment, whether congenital or the result of an accident, injury, or disease, that substantially limits one or more major life activity.

Abuse of eligible adults is defined as "the infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm, or corporation." Abuse of eligible adults also includes bullying, which the law defines as "intimidation or harassment that causes a reasonable person to fear for his or her physical safety or property." Bullying can include gestures; cyberbullying; oral, electronic, or written communication; and any threat of retaliation for reporting bullying.

In Missouri, mandatory reporters of abuse or neglect of eligible adults include any person with reasonable cause to suspect that an eligible adult is likely to suffer serious physical harm or bullying and is in need of protective services. Any individual that observes an eligible adult being subjected to conditions or circumstances that would reasonably result in abuse or neglect is also required to report. The Missouri hotline for reporting eligible adult abuse is 800.392.0210.

## **News To Use**

A 56-year-old Missouri man faces charges of abusing his 82-year-old mother. The mother initially called the police to complain about her son. When police investigated, they found the son and mother living in “squalid conditions,” with mold, ashes, cigarette butts, feces, and broken glass on the floor and in sinks. The mother was bedridden and had not been bathed in six months. Investigators determined that the son had denied his mother food and had given her dirty water to drink.

After inspecting the home, police called the Missouri Elder Abuse and Neglect Hotline to report the situation. The St. Louis County prosecutor charged the son with elder abuse in the third degree.

## **Chapter Two: Who Are Mandatory Reporters?**

### **Statement Two:**

**Priests and deacons are mandatory reporters under Missouri law.**

### **True False Don't Know**

The best answer is “True”. Priests, deacons, and other ministers of faith are mandatory reporters under Missouri law.

“Ministers” are defined as “any person while practicing as a minister of the gospel, clergyperson, priest, rabbi, Christian Science practitioner, or other person serving in a similar capacity for any religious organization who is responsible for the care, custody, and control of a child, supervises such a person, or has access to a child.”

In Missouri, the following, in addition to ministers, are considered mandatory reporters:

- Physicians, dentists, chiropractors, optometrists, and podiatrists;
- Medical residents, interns, and nurses;
- Medical examiners and coroners;
- Other hospital or clinic personnel who examine, care for, treat, or research people;
- Psychologists, mental health professionals, and social workers;
- Any other health practitioner;
- Day care center workers or other child-care workers;

- Juvenile, probation, or parole officers;
- Jail or detention center personnel;
- Teachers, principals, and other school officials;
- Peace officers or law enforcement officials;
- Volunteers or personnel of a community service program that offers support services for families in crisis to assist in the delegation of any powers regarding the care and custody of a child by a properly executed power of attorney in petitions for guardianship or appointment of a conservator;
- Other people with responsibility for the care of children; and
- Any person or persons the Archdiocese of Saint Louis designates as a mandatory reporter as permitted by Missouri law.

## Scenario

Julie is a part-time volunteer, who watches over students at her parish's day school. Is Julie a mandatory reporter?

- A. Yes
- B. No
- C. Depends
- D. Not Sure

The best answer is "A." Julie is a mandatory reporter, even though she is a part-time volunteer. Under Missouri law, any adult who has responsibility for the care of children is considered a mandatory reporter.

## Chapter Three: When Must You Report?

### Statement Three:

**A mandatory reporter only reports child sexual abuse when he or she can prove it occurred.**

### True False Don't Know

The best answer is "False." A mandatory reporter must report all types of child abuse and neglect, including child sexual abuse, when he or she reasonably suspects it is occurring or has occurred. A mandatory reporter does not have to prove that child sexual abuse has actually occurred.

Having a reasonable cause to suspect child sexual abuse in Missouri refers to a standard of "reasonable suspicion," meaning that conclusive proof is not necessary before one makes a report of child sexual abuse.

Reasonable suspicion means that the mandatory reporter is aware of articulable facts or circumstances that give the reporter reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or when the mandatory reporter observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

## Scenario

Laura is a volunteer cheerleader coach. During practice, one of the cheerleaders, Kate, hurt her back while performing a routine. When Laura placed an icepack on Kate's back, she noticed ten red welt marks on Kate's lower back. The marks looked like someone had severely whipped Kate with a cord. When Laura asked Kate how she received those injuries, Kate denied she was injured at first, but then stated she must have received them playing football with her brothers. Laura does not believe Kate is telling the truth. Laura should:

- A. Do nothing because Kate provided an explanation
- B. Do nothing because the injuries are not sexual in nature
- C. Both A and B
- D. None of the above

The best answer is "D", none of the above.

For many reasons, victims of child abuse and neglect often deny that abuse or neglect has occurred. Mandatory reporters, like Laura, should listen to the victim's explanation, but should then apply the legal standard in Missouri - reasonable suspicion that a child has been subjected to abuse or neglect - to determine whether to report what she has discovered to the Missouri Department of Social Services - Children's Division authorities. The physical wounds and questionable explanation should raise Laura's suspicions. As a mandatory reporter, she is required to immediately report her reasonable suspicions to the Children's Division.

## Scenario

Sister Francine works as a part-time volunteer nurse at a local charity for underprivileged youth. She assists a physician from the community. During an examination of a toddler, the physician states that he believes a rash he sees on the child is from a sexually-transmitted disease. Sister Francine also believes it is a sign of a sexually-transmitted disease. Sister Francine tells the physician that he must report his opinion to the Missouri Department of Social Services - Children's Division, but the physician refuses, stating the issue is a private family matter, and that he will let the family manage the situation. Sister Francine should:

- A. Report her reasonable suspicions of sexual abuse to the Children's Division.

- B. Listen to the physician because he is the expert.
- C. Let the family resolve this private matter.
- D. Both B and C.

The best answer is “A”. Sister Francine is a mandatory reporter under Missouri law, who should report her reasonable suspicions of sexual abuse to the Children’s Division.

A toddler having a sexually transmitted disease is a red flag for potential child sexual abuse. Although the physician is also a mandatory reporter under Missouri law, Sister Francine has her own legal obligation to report her reasonable suspicions of child sexual abuse to the Missouri Department of Social Services - Children’s Division, with, or independent of, the physician. Her reporting to the Children’s Division does not preclude the physician from discussing the matter with the family. However, for the protection of the potential child victim and to protect herself, Sister Francine should make certain that she immediately makes her report and then documents that she has made the report.

## **Chapter Four: Who Receives Reports?**

### **Statement Four:**

**A mandatory reporter should report child abuse and neglect to his or her employer first.**

### **True False Don't Know**

The best answer is “False”. Any reporter, especially a mandatory reporter, must report his or her reasonable suspicions about neglect or abuse to the Missouri Department of Social Services - Children’s Division first. Then, if the mandatory reporter is an employee, the mandatory reporter should inform his or her employer or, if the mandatory reporter is a volunteer, he or she should inform the organization for which he or she volunteers.

If the report is an emergency, the reporter should call 9-1-1.

The Missouri Department of Social Services - Children’s Division hotline number is: 1.800.392.3738. Mandatory reporters may not report anonymously.

Mandatory reporters may report non-emergencies online at <https://apps.dss.mo.gov/OnlineCanReporting/default.aspx>.

If a mandatory reporter believes the child is a resident of another state, or that the abuse occurred in another state, the mandatory reporter may contact the child protective services agency of the other state.

Mandatory reporters may report to law enforcement in addition to reporting to the Missouri Department of Social Services - Children’s Division, but they must always



report to the Missouri Department of Social Services first, no matter who else they inform of the report later.

Finally, mandatory reporters should also let their employers know that they have made a report, but the duty of a mandatory reporter to make a report is his or her personal, legal duty. A mandatory reporter must not rely on the archdiocese, priest, employer, manager, supervisor, or anyone else to make a report for him or her, and Missouri law states that no supervisor or administrator may impede or inhibit a mandatory reporter from reporting.

The Archdiocese of Saint Louis's policy on reporting child neglect and abuse reflects that of the State of Missouri. The Archdiocese's policy states:

*"A person is required to report when he or she has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or when he or she observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect. The individual who initially suspects or observes the abuse is responsible for making the report himself or herself. The responsibility to report suspected and/or observed child abuse and neglect may not be delegated to someone else, including that person's supervisor. While a supervisor should be made aware of the circumstances and intent to make a hotline report, the responsibility of making the call falls on the individual who suspected or observed the child abuse and neglect. All adults in the Archdiocese, employed or volunteer, who have contact with children are required to complete the Protecting God's Children program. This program teaches participants how to identify potential or actual abuse situations."*

When making a report of neglect or abuse, Missouri law requires a mandatory reporter to provide as much of the basic information about the targets, victims, parents and/or guardians, witnesses, the accused, and the reporter as is known at the time of making the report. Basic information regarding the parties includes:

- Name
- Address
- Sex
- Race
- Age
- Employment
- Present whereabouts of the parties
- Directions to involved locations

Other information requested concerns the incident or circumstances that surround the reporter's reasonable suspicion, including:

- Where events occurred
- Who else was involved
- Relationship of the parties to the reporter and

- Any other related information.

## **Chapter Five: Why Everyone Should Report Child Abuse**

### **Statement Five:**

**Everyone has an obligation to report child neglect and abuse.**

### **True False Don't Know**

The best answer is “True”. Everyone has an obligation to report child neglect and abuse. Although mandatory reporters are required by law to report their reasonable suspicions of neglect or abuse and to face penalties if they do not, the law does not preclude or prevent any other adult, not listed as a mandatory reporter, from reporting to authorities his or her reasonable suspicions that neglect or abuse has occurred or is occurring.

### **Scenario**

John’s oldest son, Mark, plays on a local soccer team. Mark’s teammate, Jeremy, asked John what he should do if one of the coaches gave him alcohol and touched his private parts. Jeremy did not confirm or deny the drinking or touching actually occurred. He just asked John what he should do. John is not a mandatory reporter. John should:

- A. Do nothing unless Jeremy states he was sexually abused
- B. Report what Jeremy told him to the child protection authorities
- C. Do nothing because the coach may sue him if he is wrong
- D. Call the coach’s employer

The best answer is “B”. John should report exactly what Jeremy told him to the Missouri Department of Social Services - Children’s Division.

Although John is not a mandatory reporter, he has a moral and ethical duty as a safe adult to protect children.

A victim of child sexual abuse often does not want to disclose his or her abuse and may speak in hypotheticals or ask directed questions. When a child makes a statement about potential abuse, it is important to listen to what the child is saying and not interject opinion or judgment.

In this situation, Jeremy gave specific details about who committed the potential abuse and how, including his statement that the coach provided alcohol.

A safe adult would have a reasonable suspicion that Jeremy may have been abused. Although John cannot prove the abuse occurred like Jeremy described it, John has no duty or obligation to investigate or prove the allegations before he makes a report. It is

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the duty of the Missouri Department of Social Services - Children's Division to investigate the report and to determine the truth about what happened.

If John simply relates what Jeremy told him to the child protection authorities, then John has told the truth. The risk of a lawsuit only arises if a reporter, like John, intentionally makes a knowingly false report of neglect or abuse to the authorities or to anyone else.

The State of Missouri shields those who report in good faith from litigation related to reporting their reasonable suspicions of neglect or abuse. The law states that any person, official, or institution that makes a report in compliance with Missouri law "shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions."

However, those who intentionally file a false report or act in bad faith or with ill intent are not immune from liability.

After you report your reasonable suspicions of child sexual abuse or neglect to the Missouri Department of Social Services - Children's Division at 1.800.392.3738, whether you suspect the conduct occurred within the archdiocese or elsewhere, the Archdiocese of Saint Louis encourages you and all other adults to report their reasonable suspicions of sexual abuse to the archdiocese if the alleged perpetrator is a priest, minister, employee, or volunteer of the Catholic Church within the archdiocese.

For more information, please call Sandra Price, Executive Director of the Office of Child and Youth Protection, at 314.792.7704, or email her at [sandraprice@archstl.org](mailto:sandraprice@archstl.org).

Finally, for more detailed information about Missouri's mandatory reporter requirements please go to <http://protectmokids.com>, a free resource.

## **Summation:**

Thank you for participating in this SafeParish™ training, entitled: "**Reporting Child Abuse In The State Of Missouri**". Your certificate of completion is ready to view or download. Please join us again for another SafeParish™ training session.

## **Answer Key:**

**1. Only mandatory reporters are required under Missouri law to report child sexual abuse.**

**True**

Only mandatory reporters are required under Missouri law to report child sexual abuse. However, anyone can and should report child abuse. The Archdiocese of St. Louis

encourages every person, whether or not that person is a mandatory reporter, to report his or her reasonable suspicions of child abuse to the Missouri Department of Social Services-Children's Division.

**2. Priests and deacons are mandatory reporters under Missouri law.**

**True**

Priests, deacons, and other ministers of faith are mandatory reporters under Missouri law.

**3. A mandatory reporter only reports child sexual abuse when he or she can prove it occurred.**

**False**

A mandatory reporter must report all types of child abuse and neglect, including child sexual abuse, when he or she reasonably suspects it is occurring or has occurred. A mandatory reporter does not have to prove that child sexual abuse has actually occurred.

**4. A mandatory reporter should report child abuse and neglect to his or her employer first.**

**False**

Any reporter, especially a mandatory reporter, must report his or her reasonable suspicions about neglect or abuse to the Missouri Department of Social Services - Children's Division first. Then, if the mandatory reporter is an employee, the mandatory reporter can inform his or her employer or, if the mandatory reporter is a volunteer, he or she should inform the organization for which he or she volunteers.

**5. Everyone has an obligation to report child neglect and abuse.**

**True**

Everyone has an obligation to report child neglect and abuse. Although mandatory reporters are required by law to report their reasonable suspicions of neglect or abuse and to face penalties if they do not, the law does not preclude or prevent any other adult, not listed as a mandatory reporter, to report to authorities his or her reasonable suspicions that neglect or abuse has occurred or is occurring.