

NEW 2015 MISSOURI LAW



mcaadv

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To look up and print copies of Missouri laws:

Please note that revisions to the General Assembly’s website no longer allow live links to each bill, so navigating to specific bills requires a few more steps:

- To review copies of all bills, go to www.moga.mo.gov.
 - Select “Bill Search” from the top menu bar, then enter the bill number in the search field. Select “Full Bill Text” from the next screen.
- To view the final version of a bill passed by the General Assembly, select the bill text identified as “Truly Agreed” on the bill page.

If you would like to see how a bill progressed through this session, please refer to our monthly *MCADSV Legislative Updates*, which can be found at on our website at www.mocadsv.org, under the “What We Do” tab and “Public Policy” header.

ORDERS OF PROTECTION

STATUTE

Chapter 455
RSMo

PASSED AS

SB 321
SB 341

SEXUAL ASSAULT PROTECTION ORDERS CREATED

Missouri protection order laws were expanded to allow sexual assault survivors with no family or household relationship to their perpetrators to obtain an order. This change includes both Adult and Child Orders of Protection. Throughout Chapter 455 RSMo, victims of sexual assault are added to the law's protections, which previously were limited to victims of domestic violence and stalking. Sexual assault remains included in the statutory definitions of the types of abuse that constitute domestic violence.

The laws on Orders of Protection also were revised to change the definition of sexual assault to include a victim's lack of consent, broadening the definition from acts of violence, threats of violence or duress. This revision mirrors changes made in 2013 to the criminal offenses of rape in Missouri statutes.

Two additional changes were made to the definition of stalking in Chapter 455 RSMo that: 1) allow the inclusion of household members in a stalking victim's protection order provisions; and 2) clarify that stalking occurs through an unwanted course of conduct that occurs "two or more" times and not "repeatedly."

Lawmakers unanimously passed Senate Bill 321 with these changes. The bill was signed into law by Governor Jay Nixon on July 8, 2015, and is effective on Aug. 28, 2015 (the same protection order changes were included in Senate Bill 341, detailed below). The Supreme Court of Missouri will add sexual assault victims and approve all related changes to the uniform protection order forms, in compliance with existing law in Section 455.073 RSMo.

The following changes in the definition sections of protection order laws are below. New language is in **bold** and language that is deleted is shown in [brackets].

REVISED DEFINITION OF SEXUAL ASSAULT (Section 455.010(1)(e) RSMo)

- "Sexual assault," causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, [or] duress, or **without that person's consent**;

REVISED DEFINITION OF STALKING (Section 455.010(14) RSMo)

- "Stalking" is when any person purposely [and repeatedly] engages in an unwanted course of conduct that causes alarm to another person, **or a person who resides together in the same household with the person seeking the order of protection** when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:
 - (a) "Alarm" means to cause fear of danger of physical harm; **and**
 - (b) "Course of conduct" means a pattern of conduct composed of [repeated] **two or more** acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact [; and
 - (c) "Repeated" means two or more incidents evidencing a continuity of purpose].

The sections of law in Chapter 455 RSMo that added sexual assault victims to the Missouri laws providing protection to domestic violence and stalking victims include:

- Sections 455.010, 455.020, 455.032, 455.040, 455.045, 455.050, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523 and 455.538 RSMo.



SEXUAL ABUSE OF CHILDREN

STATUTES

Section

37.719 RSMo

Section

160.975 RSMo

Section

210.003 RSMo

Section

210.148 RSMo

Sections

210.221,

210.221 RSMo

Section

210.861 RSMo

Chapter

455 RSMo

PASSED AS

SB 341

CHANGES TO LAWS TO ADDRESS SEXUAL ABUSE OF CHILDREN INCLUDE SEXUAL ASSAULT PROTECTION ORDERS

A range of Missouri laws addressing the protection of children were changed in Senate Bill 341. The primary focus of the bill was to give authority to the Children’s Division to respond to juveniles with problem sexual behaviors against other children. This statutory change was a priority of the Task Force on the Prevention of Child Sexual Abuse, on which MCADSV serves. Gov. Nixon signed SB 341 into law on July 8, 2015 and it is effective on Aug. 28, 2015.

The provisions of SB 341 include the following changes to Missouri laws:

JUVENILES WITH PROBLEM SEXUAL BEHAVIOR (Section 210.148 RSMo)

- The Children’s Division has the authority to open a family-centered investigation of reports of sexual abuse of children committed by other juveniles or children, who are defined in law as “juveniles with problem sexual behavior.” Previously, the law for the Children’s Division did not provide specific authority for the Division to investigate reports of sexual abuse against children committed by other children or juveniles. A juvenile with problem sexual behavior is defined in the law as a person who is younger than 14 who has allegedly committed sexual abuse against another child.

The Division will respond through its local offices to child sexual abuse reports of juveniles with problem sexual behavior using an initial “family assessment and services approach.” A full child abuse investigation, including law enforcement involvement, can begin if the assessment determines that is needed.

OFFICE OF CHILD ADVOCATE (Section 37.719 RSMo)

- The Office of Child Advocate is granted the authority to conduct an independent review, after three or more requests, of a county’s Children’s Division office, a Juvenile Office, a guardian ad litem, or “any entity within a county.” When conducting a review, the Office can make “any necessary inquiries” that include access to requested information and records. The Office will forward the results of a review, and recommendations for changes in an entity’s policies and procedures, to either the Children’s Division or the Office of the State Courts Administrator.

NOTICE OF CHILD ABUSE HOTLINE IN SCHOOLS (Section 160.975 RSMo)

- All public and private schools are required to post signs with the toll-free Missouri Child Abuse Hotline number, in English and Spanish, in all student restrooms and a public area of the school.

NOTICE OF NON-IMMUNIZED CHILDREN IN CHILD CARE CENTERS AND PRESCHOOLS (Section 210.003 RSMo)

- Parents or guardians of children in all public, private and parochial child care centers, pre-schools and nursery schools can request information from those providers about whether there are any children enrolled or attending the facility who are not immunized because of medical or religious exemptions.

SEXUAL ABUSE OF CHILDREN (CONT.)

SAFE SLEEP RECOMMENDATIONS (Sections 210.221 AND 210.223 RSMo)

- All licensed child care facilities that provide care for children younger than 1 are required to implement safe sleep policies for infants and provide training every three years for staff and volunteers working at the facility. The policies, based on standards from the American Academy of Pediatrics, must be written and include provisions for medically required alternate or special sleeping arrangements for infants.

CHILDREN'S SERVICES FUND (Section 210.861 RSMo)

- In counties where voters passed tax levies for a Children's Services Fund (as allowed in Section 210.860 and Section 67.1775 RSMo), any changes in the uses of those funds to support services for children must be approved by voters.

SEXUAL ASSAULT ORDERS OF PROTECTION (CHAPTER 455 RSMo)

- SB 341 contained the expansion of Missouri laws to allow sexual assault victims to obtain Orders of Protection that also were passed in SB 321.

STATUTE
Section
170.015 RSMo

PASSED AS
House Bill 501

SCHOOLS TO TEACH RISK REDUCTION AND INTERNET SAFETY CONTENT IN HUMAN SEXUALITY COURSEWORK

Missouri public and charter schools that provide instruction on human sexuality are required to add additional content on internet safety skills, online sexual predators and other risk reduction strategies for students using electronic communications. The section of law that was changed, Section 170.015 RSMo, details the additional curricula and content schools are to include if they offer coursework on human sexuality and sexually transmitted diseases.

TOPIC AREAS FOR SCHOOLS TO INCORPORATE INTO HUMAN SEXUALITY EDUCATION (Section 170.015.1(7)-(8) RSMo)

- “Teach pupils about the dangers of sexual predators, including online predators when using electronic communication methods such as the internet, cell phones, text messages, chat rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly and remain safe on the internet and the importance of having open communication with responsible adults and reporting any inappropriate situation, activity, or abuse to a responsible adult, and depending on intent and content, to local law enforcement, the Federal Bureau of Investigation, or the National Center for Missing and Exploited Children's CyberTipline; and
- “Teach pupils about the consequences, both personal and legal, of inappropriate text messaging, even among friends.”



TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)

STATUTE

Section

208.026 RSMo

Section

208.040 RSMo

Section

208.067 RSMo

Section

208.244.1 RSMo

Section

208.244.2 RSMo

Section

208.244.3 RSMo

PASSED AS

SB 24

CHANGES IN TANF LAWS EFFECT ELIGIBILITY, REDUCE LIFETIME BENEFITS AND REQUIRE “FULL-FAMILY SANCTIONS”

Significant changes were made in 2015 to the Missouri laws governing the public assistance cash benefit program Temporary Assistance to Needy Families (TANF). The changes were made in Senate Bill 24, part of which will be effective on Aug. 28, 2015, with other provisions effective on Jan. 1, 2016. SB 24 was passed by lawmakers, vetoed by Gov. Nixon, and then that veto was overridden by legislators.

TANF is a federal program that can be altered in some respects by state laws. The TANF program is administered in Missouri by the Department of Social Services (DSS), Family Support Division (FSD).

The 2015 changes in Missouri law reduce the lifetime limit for receiving TANF benefits by 15 months—from 60 months to 45 months. Also, for the first time, the law requires that TANF public assistance benefits to children be cut if their parents are not in compliance with TANF work requirements, a “full-family sanction.” Several exemptions for victims of domestic violence are included in the 2015 TANF laws.

The TANF lifetime limits and sanctions do not apply to Medicaid benefits, but changes in Missouri law require individuals to work to be eligible for food stamps through the Supplemental Nutrition Assistance Program (SNAP).

Some initial TANF program changes may be revised

Many aspects of implementing the changes in the TANF program are to be accomplished by the DSS Family Support Division through the development of TANF regulations, policies and procedures. Some of the initial plans for implementing TANF law changes may be revised during that process. MCADSV is working with FSD on implementation of the full range of TANF program changes and will provide additional information if revisions are made to the provisions outlined below.

Changes in law for the TANF program, effective Aug. 28, 2015, include:

FULL-FAMILY SANCTIONS/BENEFITS LOSS FOR RECIPIENTS (Section 208.026 RSMo)

- TANF recipients, both adults and their children, will face gradual loss of their cash benefits if the adult parents are not compliant with work activities requirements. This determination of non-compliance will be made after an investigation by FSD or its contracted Missouri Work Assistance (MWA) providers. A face-to-face meeting with a TANF recipient is required if a recipient is not engaged in work activities to “explain the potential sanction and the requirements to cure the sanction.”
- **Graduated process for sanctions** (from the Family Support Division)
 - If a participant does not comply with their required hours during the six weeks following the face-to-face meeting, a 50% sanction of full benefits—for the participant and any minor children—will be imposed for 10 weeks.
 - To remove the 50% sanction, the participant must perform work activities for a minimum average of 30 hours per week for 4 consecutive weeks.

TANF (CONT.)

- o If the participant is not compliant during the 10 weeks, the TANF case will close and all benefits will stop.
- o A TANF case can be reopened when a participant complies with work activities with the required number of hours for one week.

Child care assistance still can be provided to those who have lost TANF benefits through a sanction and are working to regain eligibility and “cure” a sanction of cash benefits.

NEW SPOUSE INCOME DISREGARD FOR SIX MONTHS (SECTION 208.206.7 RSMO)

- When a TANF recipient marries, for six months the income and resources of the new spouse will not be counted against the recipient’s income and TANF eligibility. This is a one-time only income disregard for each of the spouses.

Changes in law for the TANF program, effective Jan. 1, 2016, include:

NEW PROCESS AND WORK ACTIVITIES REQUIRED TO APPLY FOR TANF BENEFITS (Section 208.206.3 RSMo)

- A person applying for TANF is required by this section of law to “engage in work activities” to be eligible for benefits. This requirement can be met when a person goes to a FSD Resource Center, watches a TANF orientation video, completes and signs a written Personal Responsibility Plan, registers on **jobs.mo.gov** for job searches, and submits an application for benefits. The Personal Responsibility Plan is a checklist of work activities the applicant wants to participate.

LIFETIME LIMIT OF 45 MONTHS FOR TANF BENEFITS (Section 208.040.5(5) RSMo)

- The lifetime limit for a Missouri resident to receive TANF benefits is 45 months, effective Jan. 1, 2016, which is a reduction from the previous limit of 60 months (5 years). On Jan. 1, 2016, all TANF recipients who have received TANF benefits for 45 months by that date will lose their benefits immediately. The new lifetime limit does not affect those given a hardship exemption, which includes victims of domestic violence and minor children receiving TANF benefits. The lifetime limit will apply to a minor child who receives TANF as the head of a household or is married to the head of a household and not in school.

CASH DIVERSION PROGRAM CREATED FOR LUMP-SUM CASH GRANTS (Section 208.040.5(6) RSMo)

- A cash diversion program will allow a TANF-eligible person to receive a lump-sum cash grant that is up to 3 times the monthly amount a person (and their children) would receive in TANF cash benefits. This cash grant is allowed once in a 12-month period, with a limit of receiving the cash grant five times. The cash diversion program is in lieu of a person receiving TANF benefits. The section of law creating this program details that the cash diversion program is intended to temporarily help those who do not apply for TANF benefits but have lost a job, experience illness of themselves or a family member that prevents employment, are victims of domestic violence or are in other emergency situations.



TANF (CONT.)

FOOD STAMP PROGRAM CHANGES REQUIRE RECIPIENTS TO WORK (Section 208.244.1 RSMo)

- As of Jan. 1, 2016, Missouri will reinstate a work requirement for applicants and recipients of the Supplemental Nutrition Assistance Program (SNAP), the federal food stamp program. Previously, this work requirement was waived.

TANF AND SNAP FUNDS TO BE APPROPRIATED FOR ADDITIONAL SERVICES IN STATE BUDGET (Section 208.067 RSMo and 208.244.2 RSMo)

- Two different sections of law direct that TANF funds be spent on specific services or programs in the Missouri state budget. One requires that a minimum of 2% of TANF funds support Alternative to Abortion Services programs, and an additional 2% of TANF funds are to support healthy marriage and responsible fatherhood programs (Section 208.067 RSMo). A second section of law requires that any savings resulting from changes in the TANF and SNAP programs are to be allocated for child care assistance for single parents, education assistance, transportation assistance and job training for TANF and SNAP recipients (Section 208.244.2 RSMo).

ANNUAL REPORT REQUIRED ON NEW TANF LAW IMPLEMENTATION (Section 208.244.3 RSMo)

- The Department of Social Services is required to issue an annual report to a legislative committee with data and information detailed on the progress of implementing changes to the TANF program in Missouri.

CRIME VICTIMS' COMPENSATION

STATUTE
Section
595.030 RSMo

PASSED AS
SB 141

MAXIMUM WEEKLY COMPENSATION TO CRIME VICTIMS DOUBLES IN CRIME VICTIMS' COMPENSATION PAYMENTS

Changes to Missouri crime victim compensation laws increased, from \$200 to \$400 per week, the maximum amount of compensation paid to crime victims or, in cases of death, their families. These payments, through the Crime Victims' Compensation (CVC) program, are for death, personal injury, or loss of a victim's earnings or support from employment. This law also allows the Department of Public Safety to negotiate directly with medical or other service providers on the costs to be paid for care provided to crime victims. After unanimous passage by the Missouri General Assembly, Gov. Jay Nixon signed Senate Bill 141 into law on June 24, 2015, and it goes into effect on Aug. 28, 2015. The maximum amount of compensation that can be paid to a victim of crime through the CVC program was not changed, and it remains set at \$25,000 in Section 595.030 RSMo.

SAFE AT HOME ADDRESS CONFIDENTIALITY PROGRAM

STATUTE

Section
115.277.1(6)
RSMo

PASSED AS

SB 34

ELECTIONS BILL INCLUDES MEASURE TO ALLOW ABSENTEE VOTING BY SAFE AT HOME PARTICIPANTS

Participants in the Safe at Home address confidentiality program can cast absentee ballots in elections as a result of changes to election laws passed in Senate Bill 34. Missouri election laws were amended to protect the voting rights of Safe at Home participants, who are domestic violence, sexual assault and stalking victims, who might be tracked by their abusers to public polling places. The Safe at Home program is operated by the Missouri Secretary of State's office. The Governor signed SB 34 into law on June 24, 2015, and its effective date is Aug. 28, 2015.

TRAFFICKING

STATUTE

Action of the legislature,
not a statute

PASSED AS

House
Concurrent
Resolution 38

HOUSE RESOLUTION CREATES HUMAN TRAFFICKING TASK FORCE

A Human Trafficking Task Force was established by House Concurrent Resolution 28, which was passed unanimously by legislators. The Task Force will include legislators, representatives of state departments, the courts, the Attorney General's office, and representatives of organizations that provide services to victims of human trafficking, including MCADSV. The service providers will be selected and appointed by the President of the Senate and the House Speaker. The Task Force will be required to issue a report to the Missouri General Assembly with recommendations to address human trafficking in Missouri.

STATUTE

Appendix H
of Revised
Statutes of
Missouri

PASSED AS

Senate
Concurrent
Resolution 1

SENATE CONCURRENT RESOLUTION DESIGNATES JANUARY AS SEX TRAFFICKING AWARENESS MONTH IN MISSOURI

Senate Concurrent Resolution 1 designates January as Sex Trafficking Awareness Month in Missouri. Gov. Nixon signed the resolution into law on July 6, 2015, and SCR 1 goes into effect in January 2016.



EATING DISORDERS

STATUTES

Section

378.845 RSMo

PASSED AS

SB 145

HEALTH BENEFIT PLANS REQUIRED TO COVER DIAGNOSIS AND TREATMENT OF EATING DISORDERS IN JANUARY 2017

After years of legislative attempts, the laws regulating health insurance coverage were changed to include the diagnosis and treatment of eating disorders. This change, contained in Senate Bill 145, requires health benefit plans to cover treatment and care management of eating disorders as an aspect of coverage for mental health disorders. This change in Missouri law effects health insurance and benefit plans issued, continued or renewed on, or after, Jan. 1, 2017.

The law in Section 378.845 RSMo also requires that the provided coverage include a broad array of specialist services deemed necessary by the patient's treatment team. SB 145 was signed into law by Gov. Nixon on June 19, 2015.