



Missouri Laws Regarding Abuse, Endangerment, and Neglect

By Faiza Chappell and Leslye E. Orloff October 12, 2018

Child Abuse	<p>Physical Abuse – Mo. Ann. Stat. § 210.110</p> <ul style="list-style-type: none"> Any physical injury inflicted by non-accidental means (except reasonable spanking)
	<p>Sexual Abuse/ Exploitation – Mo. Ann. Stat. § 210.110</p> <ul style="list-style-type: none"> Sexual abuse inflicted by non-accidental means Sex trafficking
	<p>Emotional Abuse – Mo. Ann. Stat. § 210.110</p> <ul style="list-style-type: none"> Emotional abuse inflicted by non-accidental means
	<p>Domestic Violence as Child Abuse – Mo. Ann. Stat. § 455.010</p> <ul style="list-style-type: none"> (7) “Family” or “household member”, spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time (5) “Domestic violence”, abuse or stalking committed by a family or household member, as such terms are defined in this section; (1) “Abuse” includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner
Abandonment	<p>UCCJEA - Mo. Rev. Stat. § 452.705</p> <ul style="list-style-type: none"> “abandoned” means left without provision for reasonable and necessary care or supervision
Child Neglect	<p>Child Protection and Reformation – Child Abuse – Mo. Ann. Stat. § 210.110</p> <ul style="list-style-type: none"> 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. Victims of neglect shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10)



<p>Parent-Child Relationship Covered by the Domestic Violence State Statute</p>	<p>Text Defining Relationships Covered By State Domestic Violence Statutes</p> <p>Domestic Relations- Adult Abuse- Mo. Ann. Stat. § 455.010 (7) “Family” or “household member”, spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time .</p> <hr/> <p>Text of Statute Covering Acts That Constitute Child Abuse</p> <p>Domestic Relations- Adult Abuse- Mo. Ann. Stat. § 455.010 (5) “Domestic violence”, abuse or stalking committed by a family or household member, as such terms are defined in this section; (1) “Abuse” includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner.</p> <p>Crimes and Punishment- Domestic Assault- Mo. Ann. Stat. § 565.072 1. A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term “domestic victim” is defined under section 565.002.</p> <hr/> <p>Domestic Violence Protection Order Statutes</p> <p>Domestic Relations- Adult Abuse- Mo. Ann. Stat. § 455.020 1. Any person who has been subject to domestic violence by a present or former family or household member, or who has been the victim of stalking or sexual assault, may seek relief under sections 455.010 to 455.085 by filing a verified petition alleging such domestic violence, stalking, or sexual assault by the respondent. 2. A person's right to relief under sections 455.010 to 455.085 shall not be affected by the person leaving the residence or household to avoid domestic violence.</p>
<p>Child Endangerment</p>	<p>Endangering the welfare of a child in the first degree - Mo. Ann. Stat. § 568.045 1. A person commits the offense of endangering the welfare of a child in the first degree if he or she: (1) Knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years of age; or</p>



	<p>(2) Knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;</p> <p>(3) Knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 579;</p> <p>(4) In the presence of a child less than seventeen years of age or in a residence where a child less than seventeen years of age resides, unlawfully manufactures, or attempts to manufacture compounds, possesses, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.</p> <p>Endangering the welfare of a child in the second degree, penalties - Mo. Ann. Stat. § 568.050</p> <p>1. A person commits the offense of endangering the welfare of a child in the second degree if he or she:</p> <ol style="list-style-type: none"> (1) With criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen years of age; or (2) Knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or (3) Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years of age, recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him or her from coming within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or (4) Knowingly encourages, aids or causes a child less than seventeen years of age to enter into any room, building or other structure which is a public nuisance as defined in section 579.105. <p>2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he or she is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.</p> <p>3. The offense of endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity, in which case the offense is a class E felony.</p>
Best Interests of the Child	<p>Factors determining “Best interests” of the child - Mo. Ann. Stat. § 452.375.2</p> <ul style="list-style-type: none"> • wishes of the child's parents



	<ul style="list-style-type: none">• proposed parenting plan submitted by both parties• needs of the child for a frequent, continuing and meaningful relationship with both parents• the interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests• ability and willingness of parents to actively perform their functions as mother and father for the needs of the child• which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent• adjustment to home, school, and community• mental and physical health of all individuals involved, including any history of abuse• intention to relocate child's principal residence• wishes of the child• other relevant factors
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