

AN ORDINANCE PROHIBITING CHILD ABUSE OR NEGLECT WITHIN THE CITY OF
SELIGMAN AND PROVIDING FOR PENALTY FOR VIOLATION

Whereas, the Aldermen of the City of Seligman, Missouri desire to enact an Ordinance defining the criminal offense of abuse or neglect of a child in the City of Seligman and providing for a penalty for violation.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SELIGMAN, AS FOLLOWS:

SECTION ONE: A person commits the offense of abuse or neglect of a child if such person, over the age of eighteen years old, knowingly:

1. "Abuses" a child. Abuse is defined as the infliction of physical, sexual, or mental injury against a child by any person eighteen years of age or older. For purposes of this section, abuse shall not include injury inflicted on a child by accidental means by a person with care, custody, or control of the child, or discipline of a child by a person with care, custody, or control of the child, including spanking, in a reasonable manner; or

2. "Neglects" a child. Neglect is defined as failing to provide, by those responsible for the care, custody, and control of a child under the age of eighteen years, the care reasonable and necessary to maintain the physical and mental health of the child; or

3. Causes "physical injury", which is defined as physical pain, illness, or any impairment of physical condition, including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary disfigurement and impairment of any bodily function or organ.

SECTION TWO: A person commits the offense of abuse or neglect of a child if such person recklessly causes a child who is less than eighteen years of age to suffer from "abusive head trauma." Abusive head trauma is defined as a serious physical injury to the head or brain caused by any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking.

SECTION THREE: A person does not commit the offense of abuse or neglect of a child by virtue of the sole fact that the person delivers or allows the delivery of a child to a provider of emergency services.

SECTION FOUR: The Law Enforcement Officer issuing a citation to any person or persons for violating this ordinance, shall make a reference concerning the person who is suspected of abuse or neglect of a child to the child abuse hotline and if the safety of the child so warrants, shall issue a CS-33 placing the child in protective custody of the Missouri Children’s Division and contact the Missouri Children’s Division immediately.

SECTION FIVE: Discipline, including spanking administered in a reasonable manner, shall not be construed to be abuse under this section.

SECTION SIX: If any provision of this ordinance is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION SEVEN: Any person who violates the provisions of this ordinance, shall, upon conviction, be subject to a fine of not less than \$50.00 nor more than \$500.00.

SECTION EIGHT: This ordinance shall be in full force and effect from and after its passage and approval.

SECTION NINE: Said approval being effective the ____ day of _____, 2017.

Mayor

PASSED AND ADOPTED by the following vote:

Mayor of Seligman

ATTEST

City Clerk

BE IT REMEMBERED that the above Ordinance was adopted upon its second reading by the following votes:

ALDERMAN _____ VOTES _____

ALDERMAN _____ VOTES _____

ALDERMAN _____ VOTES _____

ALDERMAN _____ VOTES _____