

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 869, Pages 4 through
2 5 , Section 210.027, Lines 1 through 38, by deleting all of said lines and inserting in lieu thereof the
3 following:

4
5 "210.027. 1. For child-care providers who receive state or federal funds for providing
6 child-care [services in the home] fee assistance, either by direct payment or through reimbursement
7 to a child-care beneficiary, the department of social services shall:

8 (1) Establish publicly available website access to provider-specific information about any
9 health and safety licensing or regulatory requirements for the providers, and including dates of
10 inspections, history of violations, and compliance actions taken, as well as the consumer education
11 information required under subdivision (12) of this section;

12 (2) Establish or designate one hotline for parents to submit complaints about child care
13 providers;

14 (3) Be authorized to revoke the registration of a registered provider for due cause;

15 [(2)] (4) Require providers to be at least eighteen years of age;

16 [(3)] (5) Establish minimum requirements for building and physical premises to include:

17 (a) Compliance with state and local fire, health, and building codes, which shall include the
18 ability to evacuate children in the case of an emergency; and

19 (b) Emergency preparedness and response planning.

20
21 Child care providers shall meet these minimum requirements prior to receiving federal assistance.
22 Where there are no local ordinances or regulations regarding smoke detectors, the department shall
23 require providers, by rule, to install and maintain an adequate number of smoke detectors in the
24 residence or other building where child care is provided;

25 [(4)] (6) Require providers to be tested for tuberculosis on the schedule required for
26 employees in licensed facilities;

27 [(5)] (7) Require providers to notify parents if the provider does not have immediate access
28 to a telephone;

29 [(6)] (8) Make providers aware of local opportunities for training in first aid and child care;

30 (9) Promulgate rules and regulations to define pre-service training requirements for child
31 care providers and employees pursuant to applicable federal laws and regulations;

Action Taken _____ Date _____

1 (10) Establish procedures for conducting unscheduled onsite monitoring of child care
 2 providers prior to receiving state or federal funds for providing child care services either by direct
 3 payment or through reimbursement to a child care beneficiary, and annually thereafter;

4 (11) Require child care providers who receive assistance under applicable federal laws and
 5 regulations to report to the department any serious injuries or death of children occurring in child
 6 care; and

7 (12) With input from statewide stakeholders such as parents, child care providers or
 8 administrators, and system advocate group, establish a transparent system of quality indicators
 9 appropriate to the provider setting that shall provide parents with a way to differentiate between
 10 child care providers available in their communities as required by federal rules. The system shall
 11 describe the standards used to assess the quality of child care providers. The system shall indicate
 12 whether the provider meets Missouri's registration or licensing standards, is in compliance with
 13 applicable health and safety requirements, and the nature of any violations related to registration or
 14 licensing requirements. The system shall also indicate if the provider utilizes curricula and if the
 15 provider is in compliance with staff educational requirements. Such system of quality indicators
 16 established under this subdivision with the input from stakeholders shall be promulgated by rules.
 17 Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the
 18 authority delegated in this section shall become effective only if it complies with and is subject to all
 19 of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536
 20 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
 21 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
 22 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 23 August 28, 2014, shall be invalid and void. This subdivision shall not be construed as authorizing
 24 the operation, establishment, maintenance, or mandating or offering of incentives to participate in a
 25 quality rating system under section 161.216.

26 2. No state agency shall enforce the provisions of this section until October 1, 2015,
 27 or six months after the implementation of federal regulations mandating such provisions, whichever
 28 is later."; and

29
 30 Further amend said bill, Page 16, Section 210.183, Line 42, by inserting after all of said line the
 31 following:

32
 33 "210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child-care
 34 facility for children, or to advertise or hold himself or herself out as being able to perform any of the
 35 services as defined in section 210.201, without having in effect a written license granted by the
 36 department of health and senior services; except that nothing in sections 210.203 to 210.245 shall
 37 apply to:

38 (1) Any person who is caring for four or fewer children. For purposes of this subdivision,
 39 children who are related by blood, marriage or adoption to such person within the third degree shall
 40 not be considered in the total number of children being cared for;

41 (2) Any person who has been duly appointed by a court of competent jurisdiction the

1 guardian of the person of the child or children, or the person who has legal custody of the child or
2 children;

3 (3) Any person who receives free of charge, and not as a business, for periods not exceeding
4 ninety consecutive days, as bona fide, occasional and personal guests the child or children of
5 personal friends of such person, and who receives custody of no other unrelated child or children;

6 (4) Any graded boarding school, summer camp, hospital, sanitarium or home which is
7 conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or
8 convalescent care for children;

9 (5) Any child-care facility maintained or operated under the exclusive control of a religious
10 organization. When a nonreligious organization, having as its principal purpose the provision of
11 child-care services, enters into an arrangement with a religious organization for the maintenance or
12 operation of a child-care facility, the facility is not under the exclusive control of the religious
13 organization;

14 (6) Any residential facility or day program licensed by the department of mental health
15 pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation exclusively
16 to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or
17 developmental disability, as defined in section 630.005; and

18 (7) Any nursery school.

19 2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall
20 be exempt from licensure if such facility receives any state or federal funds for providing care for
21 children, except for federal funds for those programs which meet the requirements for participation
22 in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to parents for child
23 care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person
24 or facility listed in subdivisions (1) and (5) of subsection 1 of this section.

25 3. Any child care facility not exempt from licensure shall disclose the licensure status of the
26 facility to the parents or guardians of children for which the facility provides care. No child care
27 facility exempt from licensure shall represent to any parent or guardian of children for which the
28 facility provides care that the facility is licensed when such facility is in fact not licensed.

29 4. Any in-home licensed child care facility that is organized as a corporation, association,
30 firm, partnership, proprietorship, limited liability company, or any other type of business entity in
31 this state shall qualify for the exemption for related children for children who are related to the
32 member of the corporation, association, firm, partnership, proprietorship, limited liability company,
33 or other type of business entity who is responsible for the daily operation of the child care facility
34 and who meets the requirements of the child care provider. If more than one member of the
35 corporation, association, firm, partnership, proprietorship, limited liability company, or other type of
36 business entity is responsible for the daily operation of the child care facility, the exemption for
37 related children shall only be granted for children who are related to one of the members. All child
38 care facilities under this subsection shall disclose the licensure status of the facility to the parents or
39 guardians of children for which the facility provides care. A parent or guardian shall sign a written
40 notice indicating he or she is aware of the licensure status of the facility. The facility shall keep a
41 copy of this signed written notice on file. All child care facilities shall provide the parent or guardian

1 enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies
 2 of the child care facility.

3 211.171. 1. The procedure to be followed at the hearing shall be determined by the juvenile
 4 court judge and may be as formal or informal as he or she considers desirable, consistent with
 5 constitutional and statutory requirements. The judge may take testimony and inquire into the habits,
 6 surroundings, conditions and tendencies of the child and the family to enable the court to render such
 7 order or judgment as will best promote the welfare of the child and carry out the objectives of this
 8 chapter.

9 2. The hearing may, in the discretion of the court, proceed in the absence of the child and
 10 may be adjourned from time to time.

11 3. The current foster parents of a child, or any preadoptive parent or relative currently
 12 providing care for the child, shall be provided with notice of, and an opportunity to be heard in, any
 13 hearing to be held with respect to the child, and a foster parent shall have standing to participate in
 14 all court hearings pertaining to a child in their care. [This subsection shall not be construed to
 15 require that any such foster parent, preadoptive parent or relative providing care for a child be made
 16 a party to the case solely on the basis of such notice and opportunity to be heard.]

17 4. All cases of children shall be heard separately from the trial of cases against adults.

18 5. Stenographic notes or an authorized recording of the hearing shall be required if the court
 19 so orders or, if requested by any party interested in the proceeding.

20 6. The general public shall be excluded and only such persons admitted as have a direct
 21 interest in the case or in the work of the court except in cases where the child is accused of conduct
 22 which, if committed by an adult, would be considered a class A or B felony; or for conduct which
 23 would be considered a class C felony, if the child has previously been formally adjudicated for the
 24 commission of two or more unrelated acts which would have been class A, B or C felonies, if
 25 committed by an adult.

26 7. The practice and procedure customary in proceedings in equity shall govern all
 27 proceedings in the juvenile court; except that, the court shall not grant a continuance in such
 28 proceedings absent compelling extenuating circumstances, and in such cases, the court shall make
 29 written findings on the record detailing the specific reasons for granting a continuance.

30 8. The court shall allow the victim of any offense to submit a written statement to the court.
 31 The court shall allow the victim to appear before the court personally or by counsel for the purpose
 32 of making a statement, unless the court finds that the presence of the victim would not serve justice.
 33 The statement shall relate solely to the facts of the case and any personal injuries or financial loss
 34 incurred by the victim. A member of the immediate family of the victim may appear personally or
 35 by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of
 36 the offense committed by the child."; and

37
 38 Further amend said bill, Page 19, Section 453.074, Line 19, by inserting after all of said line the
 39 following:

40
 41 "Section B. The repeal and reenactment of section 210.027 shall become effective upon the
 42 department of health and senior services providing notice to the revisor of statutes that the
 43 implementation of federal regulations mandating such provisions has occurred."; and

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1 Further amend said bill by amending the title, enacting clause, and intersectional references
2 accordingly.
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