

SCS HCS#2 HB 1323 -- CHILD CARE AND CHILD ABUSE AND NEGLECT INVESTIGATIONS

This bill establishes the Low-Wage Trap Elimination Act and Sam Pratt's Law and changes the laws regarding child abuse and neglect investigations and unlicensed child care facilities.

LOW-WAGE TRAP ELIMINATION ACT (Sections 208.044 and 208.053, RSMo)

The bill establishes the Low-Wage Trap Elimination Act which requires, subject to appropriations, the Children's Division within the Department of Social Services in conjunction with the Department of Revenue to implement a child care subsidy pilot program in at least one rural county and at least one urban child care center that serves at least 300 families by January 1, 2013, to be known as the Hand-up Program.

The program will allow willing recipients to continue to receive child care subsidy benefits while sharing in the cost of the benefits through a premium payment. The program must be voluntary and must be designed to make sure that a participating recipient will not be faced with a sudden loss of child care benefits should the recipient's income rise above the maximum allowable monthly income for a person to receive full child care benefits as of August 28, 2012. If this occurs, the recipient must be permitted to continue to receive benefits if the recipient pays a premium to be applied only to that portion of the recipient's income above the maximum allowable monthly income for the receipt of full child care benefits.

The premium must be 44% of the recipient's excess adjusted gross income over the maximum allowable monthly income for the applicable family size for the receipt of child care benefits. The premium must be paid on a monthly basis or through a payroll deduction by the participating recipient. The division must develop a payroll deduction program in conjunction with the Department of Revenue and must promulgate rules for the payment of premiums owed under the program. A participating recipient who fails to pay the premium owed must be removed permanently from the program after 60 days of nonpayment.

Subject to the receipt of federal waivers if necessary, a participating recipient must be eligible to receive child care service benefits at income levels all the way up to the level at which a person's premium equals the value of the child care services received. Only a recipient who currently receives full child care benefits as of joining the program and who had been receiving full benefits continuously since on or before August 28, 2012, and agrees to the terms of the program during a 90-day

sign-up period will be eligible to participate in the program. A participant must be allowed to opt out of the program at any time, but the person cannot be allowed to participate in the program a second time.

The division must track the number of participants and information on premiums and taxes paid and issue an annual report to the General Assembly by January 1, 2014, and on every January 1 thereafter detailing the effectiveness of the pilot program in encouraging recipients to increase their income levels above the income maximum applicable to each recipient and other specified information. The division must pursue all necessary waivers from the federal government to implement the program.

The Hand-up Program Premium Fund is created consisting of the premiums collected under the act to pay the costs of administering the program as well as the necessary payments to the federal government and the state General Revenue Fund. Child care benefits under the program must continue to be paid for as under the existing state child care assistance program.

HOTLINE CALLS AND INVESTIGATIONS (Sections 210.135 and 210.145)

In a case involving the death or serious injury of a child after a report has been made, the Children's Division within the Department of Social Services must conduct a preliminary evaluation in order to determine whether a review of the ability of the circuit manager or caseworker or caseworkers to perform their duties competently is necessary. Any preliminary evaluation must be completed no later than three days after the child's death. If the division determines a review and assessment is necessary, it must be completed no later than three days after the child's death.

The division must conduct a review when three or more calls regarding the same child are made to the hotline within a 72-hour period to determine whether the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. The review must include contacting the hotline caller or callers to collect information to determine whether the calls meet the criteria for harassment. A hotline worker must instruct an individual making a hotline call to call 911 when a child may be in immediate danger.

A person responding to or investigating a child abuse and neglect report is prohibited from calling prior to a home visit or leaving a business card, pamphlet, or other similar identifying information at a residence if the worker has a reasonable basis to believe that no person is present at the time of the home visit and the alleged perpetrator resides in the home or the

child's safety may be compromised if the alleged perpetrator becomes aware of the attempted visit, the alleged perpetrator will be alerted regarding the attempted visit, or the family has a history of domestic violence or fleeing the community.

If the alleged perpetrator is present during the visit, a person responding to or investigating a child abuse and neglect report must provide written material to the alleged perpetrator informing the person of his or her rights regarding the visit, including the right to contact an attorney. The alleged perpetrator must be given a reasonable amount of time, not to exceed five minutes, to read the material or have the material read to him or her by the caseworker before the visit commences. This requirement does not apply in a case where the child faces an immediate threat or danger or if the person responding to investigate the report feels threatened or in danger of physical harm.

UNLICENSED CHILD CARE FACILITIES (Sections 210.211 and 210.245)

The bill requires any child care facility that is not exempt from licensure to disclose to any parent or guardian of children in its care the facility's licensure status. A child care facility that is exempt from licensure cannot represent to any parent or guardian of children in its care that the facility is licensed when it is not.

Any person who violates the provisions regarding child care licensure a second or subsequent time must be assessed a fine of up to \$200 per day, not to exceed \$10,000.

SAM PRATT'S LAW (Section 544.456)

Sam Pratt's Law is established which allows any court with competent jurisdiction in a case involving the abuse, neglect, or death of a child to impose as a condition of release of the defendant that he or she be prohibited from providing child care services for compensation pending final disposition of the case. The court must notify the Department of Health and Senior Services and the Department of Social Services when it makes this determination and when it makes its final disposition of the case.

The provisions of the bill regarding the Hand-up Program expire three years after the effective date.