

SS HCS HBs 557 & 560 -- PROTECTION OF CHILDREN

This bill establishes the "Residential Care Facility notification Act" which creates a process by which an "exempt-from-licensure residential care facility", as defined in the bill, is required to notify the Department of Social Services (DSS) of their existence and compliance with provisions that protect the safety of the children in residence. These include: fire and safety inspections, local health department inspections, background checks, medical records for all residents, and information about schools serving the children.

The bill requires residential care facilities to allow parents or guardians of children in the facility access to their children without giving prior notice to the facility and requires residential care facilities to provide adequate food, clothing, shelter, medical, and other care necessary to provide for the physical and mental health of the children in their care.

This bill requires certain specified individuals employed by or associated with licensed residential care facilities, child placing agencies, or residential care facilities subject to the notification requirements established in the bill to submit fingerprints and any other information required by DSS to complete background checks. The bill outlines the process for DSS to provide such background checks. Fingerprints submitted for a background check under these provisions are valid for 5 years and DSS will provide results to the applicant and to the facility or agency. The bill outlines what will make an applicant ineligible and provides applicants the right to appeal. The bill further details that failure to complete a background check may result in a class B misdemeanor.

If a residential care facility provides supervision, care, lodging or maintenance for children without first meeting the notification requirements of the bill; fails to satisfactorily comply with all fire safety, health, and sanitation inspections; fails to comply with the background check requirements of this bill; or there is an immediate health or safety concern for the children at the residential care facility, DSS, the prosecuting or circuit attorney, or the attorney general can seek injunctive relief to cease the operation of that residential care facility and provide for the appropriate removal of the children or refer the matter to the juvenile officer for a proceeding under Chapter 211, RSMo.

However, the bill specifies that it does not give any governmental agency the authority to regulate any religious program, curriculum, or ministry of a school or of a facility sponsored by a church or religious organization.

When there are allegations of abuse or neglect in an exempt-from-licensure residential facility, this bill allows Children's Division, law enforcement, or the prosecuting or circuit attorney to petition a court for an order directing the facility to present the child, at a specific time and place, to a Children's Division worker so that Children's Division may assess the health, safety, and well-being of the child. Under the provisions of the bill, the court shall only enter such an order if it determines that there is reasonable cause to believe the child has been abused or neglected and the facility refused to provide access to the child, the assessment by a Children's Division worker is necessary to complete the investigation or to collect evidence, and granting the order would be in the best interest of the child.

The bill allows such orders and petitions to be made on an ex parte basis if providing notice might place the child at risk for further abuse or neglect, cause the child to be removed from the state or jurisdiction of the court, or cause evidence relevant to the investigation to become unavailable. However, any person who is served with a subpoena, petition, or order under this bill may file a motion for a protective order and the court shall expedite a hearing on the motion and issue its decision no later than one business day after the date the motion is filed. The court can stay the implementation of the order once for up to three days.

The bill includes an emergency clause for immediate implementation to protect children.