

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 683
101ST GENERAL ASSEMBLY

4097H.06C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 208.044, 208.046, 208.053, 210.027, 210.102, 210.109, 210.112, 210.127, 210.199, 210.201, 210.203, 210.211, 210.221, 210.223, 210.231, 210.241, 210.245, 210.251, 210.252, 210.254, 210.255, 210.256, 210.258, 210.275, 210.278, 210.305, 210.493, 210.565, 210.1007, 210.1080, 452.415, and 475.050, RSMo, and to enact in lieu thereof thirty-nine new sections relating to child care, with penalty provisions and an emergency clause for a certain section.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 208.044, 208.046, 208.053, 210.027, 210.102, 210.109, 210.112, 210.127, 210.199, 210.201, 210.203, 210.211, 210.221, 210.223, 210.231, 210.241, 210.245, 210.251, 210.252, 210.254, 210.255, 210.256, 210.258, 210.275, 210.278, 210.305, 210.493, 210.565, 210.1007, 210.1080, 452.415, and 475.050, RSMo, are repealed and thirty-nine new sections enacted in lieu thereof, to be known as sections 208.044, 208.046, 208.053, 210.027, 210.102, 210.109, 210.112, 210.127, 210.201, 210.203, 210.211, 210.221, 210.223, 210.231, 210.241, 210.245, 210.251, 210.252, 210.254, 210.255, 210.256, 210.258, 210.275, 210.278, 210.305, 210.493, 210.565, 210.1007, 210.1080, 217.940, 217.941, 217.942, 217.943, 217.944, 217.945, 217.946, 217.947, 452.415, and 475.050, to read as follows:

208.044. 1. The [~~children's division~~] **department of elementary and secondary education** shall provide child day care services to any person who meets the qualifications set forth at sections 301 and 302 of the Family Support Act of 1988 (P.L. 100-485).

2. The [~~division~~] **department** shall purchase the child day care services required by this section by making payments directly to any providers of day care services licensed

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 pursuant to chapter 210 or to providers of day care services who are not required by chapter
7 210 to be licensed because they are providing care to no more than six children pursuant to
8 section 210.211.

9 3. When a person who has been eligible and receiving day care services under this
10 section becomes ineligible due to the end of the twelve-month period of transitional day care,
11 as defined in section 208.400, such person may receive day care services from the ~~[division]~~
12 **department** if otherwise eligible for such services.

208.046. 1. The ~~[children's division]~~ **department of elementary and secondary**
2 **education** shall promulgate rules ~~[to become effective no later than July 1, 2011,]~~ to modify
3 the income eligibility criteria for any person receiving state-funded child care assistance
4 ~~[under this chapter]~~, either through vouchers or direct reimbursement to child care providers,
5 as follows:

6 (1) Child care recipients eligible under this chapter and the criteria set forth in ~~[43~~
7 ~~CSR 35-32.010]~~ **5 CSR 25-200** may pay a fee based on adjusted gross income and family size
8 unit based on a child care sliding fee scale established by the ~~[children's division]~~
9 **department of elementary and secondary education**, which shall be subject to
10 appropriations. However, a person receiving state-funded child care assistance under this
11 chapter and whose income surpasses the annual appropriation level may continue to receive
12 reduced subsidy benefits on a scale established by the ~~[children's division]~~ **department**, at
13 which time such person will have assumed the full cost of the maximum base child care
14 subsidy rate established by the ~~[children's division]~~ **department** and shall be no longer
15 eligible for child care subsidy benefits;

16 (2) The sliding scale fee may be waived for children with special needs as established
17 by the ~~[division]~~ **department**; and

18 (3) The maximum payment by the ~~[division]~~ **department** shall be the applicable rate
19 minus the applicable fee.

20 2. For purposes of this section, "annual appropriation level" shall mean the maximum
21 income level to be eligible for a full child care benefit as determined through the annual
22 appropriations process.

23 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is
24 created under the authority delegated in this section shall become effective only if it complies
25 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
26 This section and chapter 536 are nonseverable and if any of the powers vested with the
27 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
28 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
29 rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid
30 and void.

208.053. 1. The provisions of this section shall be known as the "Low-Wage Trap Elimination Act". In order to more effectively transition persons receiving state-funded child care subsidy benefits under this chapter, the ~~[children's division]~~ **department of elementary and secondary education**, in conjunction with the department of revenue, shall, subject to appropriations, by July 1, 2022, implement a pilot program in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, and a county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, to be called the "Hand-Up Program", to allow applicants in the program to receive transitional child care benefits without the requirement that such applicants first be eligible for full child care benefits.

(1) For purposes of this section, "full child care benefits" shall be the full benefits awarded to a recipient based on the income eligibility amount established by the ~~[division]~~ **department** through the annual appropriations process as of August 28, 2021, to qualify for the benefits and shall not include the transitional child care benefits that are awarded to recipients whose income surpasses the eligibility level for full benefits to continue. The hand-up program shall be voluntary and shall be designed such that an applicant may begin receiving the transitional child care benefit without having first qualified for the full child care benefit or any other tier of the transitional child care benefit. Under no circumstances shall any applicant be eligible for the hand-up program if the applicant's income does not fall within the transitional child care benefit income limits established through the annual appropriations process.

(2) A participating recipient shall be allowed to opt out of the program at any time, but such person shall not be allowed to participate in the program a second time.

2. The ~~[division]~~ **department** shall track the number of participants in the hand-up program and shall issue an annual report to the general assembly by September 1, 2023, and annually on September first thereafter, detailing the effectiveness of the pilot program in encouraging recipients to secure employment earning an income greater than the maximum wage eligible for the full child care benefit. The report shall also detail the costs of administration and the increased amount of state income tax paid as a result of the program, as well as an analysis of whether the pilot program could be expanded to include other types of benefits, including, but not limited to, food stamps, temporary assistance for needy families, low-income heating assistance, women, infants and children supplemental nutrition program, the state children's health insurance program, and MO HealthNet benefits.

3. The ~~[division]~~ **department** shall pursue all necessary waivers from the federal government to implement the hand-up program. If the ~~[division]~~ **department** is unable to

38 obtain such waivers, the ~~[division]~~ **department** shall implement the program to the degree
39 possible without such waivers.

40 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is
41 created under the authority delegated under this section shall become effective only if it
42 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
43 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with
44 the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
45 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
46 rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid
47 and void.

48 5. Pursuant to section 23.253 of the Missouri sunset act:

49 (1) The provisions of the new program authorized under this section shall sunset
50 automatically three years after August 28, 2021, unless reauthorized by an act of the general
51 assembly; and

52 (2) If such program is reauthorized, the program authorized under this section shall
53 sunset automatically three years after the effective date of the reauthorization of this section;
54 and

55 (3) This section shall terminate on September first of the calendar year immediately
56 following the calendar year in which the program authorized under this section is sunset.

210.027. ~~[+]~~ For child-care providers who receive state or federal funds for
2 providing child-care services, either by direct payment or through reimbursement to a child-
3 care beneficiary, the department of ~~[social services]~~ **elementary and secondary education**
4 shall:

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

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

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

12 (4) Require providers to be at least eighteen years of age;

13 (5) Establish minimum requirements for building and physical premises to include:

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

16 (b) Emergency preparedness and response planning.

17

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

22 (6) Require providers to be tested for tuberculosis on the schedule required for
23 employees in licensed facilities;

24 (7) Require providers to notify parents if the provider does not have immediate access
25 to a telephone;

26 (8) Make providers aware of local opportunities for training in first aid and child care;

27 (9) Promulgate rules and regulations to define preservice training requirements for
28 child care providers and employees pursuant to applicable federal laws and regulations;

29 (10) Establish procedures for conducting unscheduled on-site monitoring of child
30 care providers prior to receiving state or federal funds for providing child care services either
31 by direct payment or through reimbursement to a child care beneficiary, and annually
32 thereafter;

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

36 (12) With input from statewide stakeholders such as parents, child care providers or
37 administrators, and system advocate groups, establish a transparent system of quality
38 indicators appropriate to the provider setting that shall provide parents with a way to
39 differentiate between child care providers available in their communities as required by
40 federal rules. The system shall describe the standards used to assess the quality of child care
41 providers. The system shall indicate whether the provider meets Missouri's registration or
42 licensing standards, is in compliance with applicable health and safety requirements, and the
43 nature of any violations related to registration or licensing requirements. The system shall
44 also indicate if the provider utilizes curricula and if the provider is in compliance with staff
45 educational requirements. Such system of quality indicators established under this
46 subdivision with the input from stakeholders shall be promulgated by rules. Any rule or
47 portion of a rule, as that term is defined in section 536.010, that is created under the authority
48 delegated in this section shall become effective only if it complies with and is subject to all of
49 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
50 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
51 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
52 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
53 proposed or adopted after August 28, 2014, shall be invalid and void. This subdivision shall
54 not be construed as authorizing the operation, establishment, maintenance, or mandating or

55 offering of incentives to participate in a quality rating system under section ~~[461.216]~~
56 **161.217**.

57 ~~[2. No state agency shall enforce the provisions of this section until October 1, 2015,~~
58 ~~or six months after the implementation of federal regulations mandating such provisions,~~
59 ~~whichever is later.]~~

210.102. 1. There is hereby established within the department of ~~[social services]~~
2 **elementary and secondary education** the "Coordinating Board for Early Childhood", which
3 shall constitute a body corporate and politic, and shall include, but not be limited to, the
4 following members:

- 5 (1) A representative from the governor's office;
- 6 (2) A representative from each of the following departments: health and senior
7 services, mental health, social services, and elementary and secondary education;
- 8 (3) A representative of the judiciary;
- 9 (4) A representative of the family and community trust board (FACT);
- 10 (5) A representative from the head start program; **and**
- 11 (6) Nine members appointed by the governor with the advice and consent of the
12 senate who are representatives of the groups, such as business, philanthropy, civic groups,
13 faith-based organizations, parent groups, advocacy organizations, early childhood service
14 providers, and other stakeholders.

15
16 The coordinating board may make all rules it deems necessary to enable it to conduct its
17 meetings, elect its officers, and set the terms and duties of its officers. The coordinating
18 board shall elect from amongst its members a chairperson, vice chairperson, a secretary-
19 reporter, and such other officers as it deems necessary. Members of the board shall serve
20 without compensation but may be reimbursed for actual expenses necessary to the
21 performance of their official duties for the board.

22 2. The coordinating board for early childhood shall have the power to:

- 23 (1) Develop a comprehensive statewide long-range strategic plan for a cohesive early
24 childhood system;
- 25 (2) Confer with public and private entities for the purpose of promoting and
26 improving the development of children from birth through age five of this state;
- 27 (3) Identify legislative recommendations to improve services for children from birth
28 through age five;
- 29 (4) Promote coordination of existing services and programs across public and private
30 entities;
- 31 (5) Promote research-based approaches to services and ongoing program evaluation;

32 (6) Identify service gaps and advise public and private entities on methods to close
33 such gaps;

34 (7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the
35 coordinating board for early childhood fund from any source, public or private, and enter into
36 contracts or other transactions with any federal or state agency, any private organizations, or
37 any other source in furtherance of the purpose of subsection 1 of this section and this
38 subsection, and take any and all actions necessary to avail itself of such aid and cooperation;

39 (8) Direct disbursements from the coordinating board for early childhood fund as
40 provided in this section;

41 (9) Administer the coordinating board for early childhood fund and invest any portion
42 of the moneys not required for immediate disbursement in obligations of the United States or
43 any agency or instrumentality of the United States, in obligations of the state of Missouri and
44 its political subdivisions, in certificates of deposit and time deposits, or other obligations of
45 banks and savings and loan associations, or in such other obligations as may be prescribed by
46 the board;

47 (10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or
48 otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal
49 property or any interests therein, wherever situated;

50 (11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its
51 property or any interest therein, wherever situated;

52 (12) Employ and fix the compensation of an executive director and such other agents
53 or employees as it considers necessary;

54 (13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the
55 manner in which its business may be transacted;

56 (14) Adopt and use an official seal;

57 (15) Assess or charge fees as the board determines to be reasonable to carry out its
58 purposes;

59 (16) Make all expenditures which are incident and necessary to carry out its purposes;

60 (17) Sue and be sued in its official name;

61 (18) Take such action, enter into such agreements, and exercise all functions
62 necessary or appropriate to carry out the duties and purposes set forth in this section.

63 3. There is hereby created the "Coordinating Board for Early Childhood Fund" which
64 shall consist of the following:

65 (1) Any moneys appropriated by the general assembly for use by the board in
66 carrying out the powers set out in subsections 1 and 2 of this section;

67 (2) Any moneys received from grants or which are given, donated, or contributed to
68 the fund from any source;

69 (3) Any moneys received as fees authorized under subsections 1 and 2 of this section;

70 (4) Any moneys received as interest on deposits or as income on approved
71 investments of the fund;

72 (5) Any moneys obtained from any other available source.

73

74 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in
75 the coordinating board for early childhood fund at the end of the biennium shall not revert to
76 the credit of the general revenue fund.

210.109. 1. The children's division shall establish a child protection system for the
2 entire state.

3 2. The child protection system shall promote the safety of children and the integrity
4 and preservation of their families by conducting investigations or family assessments and
5 providing services in response to reports of child abuse or neglect. The system shall
6 coordinate community resources and provide assistance or services to children and families
7 identified to be at risk, and to prevent and remedy child abuse and neglect.

8 3. In addition to any duties specified in section 210.145, in implementing the child
9 protection system, the division shall:

10 (1) Maintain a central registry;

11 (2) Receive reports and establish and maintain an information system operating at all
12 times, capable of receiving and maintaining reports;

13 (3) Attempt to obtain the name and address of any person making a report in all cases,
14 after obtaining relevant information regarding the alleged abuse or neglect, although reports
15 may be made anonymously; except that, reports by mandatory reporters under section
16 210.115, including employees of the children's division, juvenile officers, and school
17 personnel shall not be made anonymously, provided that the reporter shall be informed, at the
18 time of the report, that the reporter's name and any other personally identifiable information
19 shall be held as confidential and shall not be made public as provided under this section and
20 section 211.319;

21 (4) Upon receipt of a report, check with the information system to determine whether
22 previous reports have been made regarding actual or suspected abuse or neglect of the subject
23 child, of any siblings, and the perpetrator, and relevant dispositional information regarding
24 such previous reports;

25 (5) Provide protective or preventive services to the family and child and to others in
26 the home to prevent abuse or neglect, to safeguard their health and welfare, and to help
27 preserve and stabilize the family whenever possible. The juvenile court shall cooperate with
28 the division in providing such services;

29 (6) Collaborate with the community to identify comprehensive local services and
30 assure access to those services for children and families where there is risk of abuse or
31 neglect;

32 (7) Maintain a record which contains the facts ascertained which support the
33 determination as well as the facts that do not support the determination;

34 (8) Whenever available and appropriate, contract for the provision of children's
35 services through children's services providers and agencies in the community; except that the
36 state shall be the sole provider of child abuse and neglect hotline services, the initial child
37 abuse and neglect investigation, and the initial family assessment. **To assist in its child
38 abuse and neglect investigation, children's division may contract for services designed to
39 ascertain child safety.** The division shall attempt to seek input from child welfare service
40 providers in completing the initial family assessment. In all legal proceedings involving
41 children in the custody of the division, the division shall be represented in court by either
42 division personnel or persons with whom the division contracts with for such legal
43 representation. All children's services providers and agencies shall be subject to criminal
44 background checks pursuant to chapter 43 and shall submit names of all employees to the
45 family care safety registry; and

46 (9) Upon receipt of a report, attempt to ascertain whether the suspected perpetrator or
47 any person responsible for the care, custody, and control of the subject child is a member of
48 any branch of the military, as defined under section 40.005, or is a member of the Armed
49 Forces, as defined in section 41.030.

50

51 As used in this subsection, "report" includes any telephone call made pursuant to section
52 210.145.

210.112. 1. It is the policy of this state and its agencies to implement a foster care and
2 child protection and welfare system focused on providing the highest quality of services and
3 outcomes for children and their families. The department of social services shall implement
4 such system subject to the following principles:

5 (1) The safety and welfare of children is paramount;

6 (2) All providers of direct services to children and their families will be evaluated in a
7 uniform, transparent, objective, and consistent basis based on an evaluation tool established in
8 this section;

9 (3) Services to children and their families shall be provided in a timely manner to
10 maximize the opportunity for successful outcomes, and such services shall be tracked and
11 routinely evaluated through a quality assurance program;

12 (4) Any provider of direct services to children and families shall have the appropriate
13 and relevant training, education, and expertise to provide the highest quality of services
14 possible which shall be consistent with federal and state standards;

15 (5) Resources and efforts shall be committed to pursue the best possible opportunity
16 for a successful outcome for each child. Successful outcomes may include preparing youth
17 for a productive and successful life as an adult outside the foster care system, such as
18 independent living. For those providers that work with children requiring intensive twenty-
19 four-hour treatment services, successful outcomes shall be based on the least restrictive
20 alternative possible based on the child's needs as well as the quality of care received; and

21 (6) All service providers shall prioritize methods of reducing or eliminating a child's
22 need for residential treatment through community-based services and supports.

23 2. (1) In conjunction with the response and evaluation team established under
24 subsection 3 of this section, as well as other individuals the division deems appropriate, the
25 division shall establish an evaluation tool that complies with state and federal guidelines.

26 (2) The evaluation tool shall include metrics supporting best practices for case
27 management and service provision including, but not limited to, the frequency of face-to-face
28 visits with the child.

29 (3) There shall be a mechanism whereby providers may propose different evaluation
30 metrics on a case-by-case basis if such case may have circumstances far beyond those that
31 would be expected. Such cases shall be evaluated by the response and evaluation team under
32 subsection 3 of this section.

33 (4) Data regarding all evaluation metrics shall be collected by the division on a
34 monthly basis, and the division shall issue a quarterly report regarding the evaluation data for
35 each provider, both public and private, by county. The response and evaluation team shall
36 determine how to aggregate cases for the division and large contractors so that performance
37 and outcomes may be compared effectively while also protecting confidentiality. Such
38 reports shall be made public and shall include information by county.

39 (5) The standards and metrics developed through this evaluation tool shall be used to
40 evaluate competitive bids for future contracts established under subsection 4 of this section.

41 3. The division shall create a response and evaluation team. Membership of the team
42 shall be composed of five staff members from the division with experience in foster care
43 appointed by the director of the division; five representatives, one from each contract region
44 for foster care case management contracts under this section, who shall be annually rotated
45 among contractors in each region, which shall appoint the agency; two experts working in
46 either research or higher education on issues relating to child welfare and foster care
47 appointed by the director of the division and who shall be actively working for either an
48 academic institution or policy foundation; one juvenile officer or a Missouri juvenile justice

49 director to be appointed by the Missouri Juvenile Justice Association; and one juvenile or
50 family court judge appointed by the supreme court. The division shall provide the necessary
51 staffing for the team's operations. All members shall be appointed and the team shall meet for
52 the first time before January 1, 2021. The team shall:

53 (1) Review the evaluation tool and metrics set forth in subsection 2 of this section on
54 a semiannual basis to determine any adjustments needed or issues that could affect the quality
55 of such tools and approve or deny on a case-by-case basis:

56 (a) Cases that a provider feels are anomalous and should not be part of developing the
57 case management tool under subsection 2 of this section;

58 (b) Alternative evaluation metrics recommended by providers based on the best
59 interests of the child under subsections 2 and 5 of this section; or

60 (c) Review and recommend any structure for incentives or other reimbursement
61 strategies under subsection 6 of this section;

62 (2) Develop and execute periodic provider evaluations of cases managed by the
63 division and children service providers contracted with the state to provide foster care case
64 management services, in the field under the evaluation tool created under subsection 2 of this
65 section to ensure basic requirements of the program are met, which shall include, but are not
66 limited to, random file review to ensure documentation shows required visits and case
67 management plan notes; and

68 (3) Develop a system for reviewing and working with providers identified under
69 subdivision (2) of this subsection or providers who request such assistance from the division
70 who show signs of performance weakness to ensure technical assistance and other services
71 are offered to assist the providers in achieving successful outcomes for their cases.

72 4. The children's division and any other state agency deemed necessary by the
73 division shall, in consultation with service providers and other relevant parties, enter into and
74 implement contracts with qualified children's services providers and agencies to provide a
75 comprehensive and deliberate system of service delivery for children and their families.
76 Contracts shall be awarded through a competitive process and provided by qualified public
77 and private not-for-profit or limited liability corporations owned exclusively by not-for-profit
78 corporations children's services providers and agencies which have:

79 (1) A proven record of providing child welfare services within the state of Missouri
80 which shall be consistent with the federal standards, but not less than the standards and
81 policies used by the children's division as of January 1, 2004; and

82 (2) The ability to provide a range of child welfare services including, but not limited
83 to, case management services, family-centered services, foster and adoptive parent
84 recruitment and retention, residential care, in-home services, foster care services, adoption

85 services, relative care case management, planned permanent living services, and family
86 reunification services.

87

88 No contracts under this section shall be issued for services related to the child abuse and
89 neglect hotline, investigations of alleged abuse and neglect, and initial family assessments,
90 **except for services designed to assist the division in ascertaining child safety.** Any
91 contracts entered into by the division shall be in accordance with all federal laws and
92 regulations, and shall seek to maximize federal funding. Children's services providers and
93 agencies under contract with the division shall be subject to all federal, state, and local laws
94 and regulations relating to the provision of such services, and shall be subject to oversight and
95 inspection by appropriate state agencies to assure compliance with standards which shall be
96 consistent with the federal standards.

97 5. The division shall accept as prima facie evidence of completion of the
98 requirements for licensure under sections 210.481 to 210.511 proof that an agency is
99 accredited by any of the following nationally recognized bodies: the Council on
100 Accreditation of Services, Children and Families, Inc.; the Joint Commission on
101 Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities.

102 6. Payment to the children's services providers and agencies shall be made based on
103 the reasonable costs of services, including responsibilities necessary to execute the contract.
104 Any reimbursement increases made through enhanced appropriations for services shall be
105 allocated to providers regardless of whether the provider is public or private. Such increases
106 shall be considered additive to the existing contracts. In addition to payments reflecting the
107 cost of services, contracts shall include incentives provided in recognition of performance
108 based on the evaluation tool created under subsection 2 of this section and the corresponding
109 savings for the state. The response and evaluation team under subsection 3 of this section
110 shall review a formula to distribute such payments, as recommended by the division.

111 7. The division shall consider immediate actions that are in the best interests of the
112 children served including, but not limited to, placing the agency on a corrective plan, halting
113 new referrals, transferring cases to other performing providers, or terminating the provider's
114 contract. The division shall take steps necessary to evaluate the nature of the issue and act
115 accordingly in the most timely fashion possible.

116 8. By July 1, 2021, the children's division shall promulgate and have in effect rules to
117 implement the provisions of this section and, pursuant to this section, shall define
118 implementation plans and dates. Any rule or portion of a rule, as that term is defined in
119 section 536.010, that is created under the authority delegated in this section shall become
120 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
121 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the

122 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
123 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
124 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004,
125 shall be invalid and void.

210.127. 1. **(1)** If the location or identity of the biological parent or parents of a child
2 in the custody of the division is unknown, the children's division shall ~~utilize all reasonable~~
3 ~~and effective means available to~~ conduct ~~a~~ **an active, thorough, and timely** diligent search
4 for the biological parent or parents of such child, **including obtaining information from any**
5 **known parent or relative.**

6 **(2) If a child is removed from a home and is placed in the custody of the division,**
7 **the division shall, immediately following the removal from the home, conduct an active,**
8 **thorough, and timely diligent search for the biological parent or parents, including**
9 **obtaining information from any known parent or relative.**

10 2. For purposes of this section, "diligent search" means ~~the efforts of the division, or~~
11 ~~an entity under contract with the division, to~~ **an exhaustive effort to identify and** locate a
12 biological parent whose identity or location is unknown, initiated as soon as the division is
13 made aware of the existence of such parent, with the search progress reported at each court
14 hearing until the parent is either identified and located or the court excuses further search.

210.201. As used in sections 210.201 to 210.257, the following terms mean:

2 (1) "Child", an individual who is under the age of seventeen;

3 (2) "Child care", care of a child away from his or her home for any part of the twenty-
4 four-hour day for compensation or otherwise. Child care is a voluntary supplement to
5 parental responsibility for the child's protection, development, and supervision;

6 (3) "Child-care facility" or "child care facility", a house or other place conducted or
7 maintained by any person who advertises or holds himself or herself out as providing child
8 care for any part of the twenty-four-hour day for compensation or otherwise if providing child
9 care to more than:

10 (a) Six children; or

11 (b) Three children under two years of age;

12 (4) "Child care provider" or "provider", the person or persons licensed or required to
13 be licensed under section 210.221 to establish, conduct, or maintain a child care facility;

14 (5) **"Day camp", a program operated by a person or organization between the**
15 **hours of 6:00 a.m. and 7:00 p.m., when a local school system is not in session requiring**
16 **actual pupil attendance, and with the primary function of providing a recreational**
17 **program for children five years of age or older who are enrolled in kindergarten or any**
18 **grade above kindergarten, but providing no child care for children under five years of**

19 **age who are not yet enrolled in kindergarten in the same space or in the same outdoor**
 20 **play area simultaneously;**

21 (6) "Montessori school", a child care program that is either accredited by, actively
 22 seeking accreditation by, or maintains an active school membership with the American
 23 Montessori Society, the Association Montessori Internationale, the International Montessori
 24 Counsel, or the Montessori Educational Programs International;

25 ~~[(6)]~~ (7) "Neighborhood youth development program", as described in section
 26 210.278;

27 ~~[(7)]~~ (8) "Nursery school", a program operated by a person or an organization with
 28 the primary function of providing an educational program for preschool-age children for no
 29 more than four hours per day per child;

30 ~~[(8)]~~ (9) "Person", any individual, firm, corporation, partnership, association, agency,
 31 or an incorporated or unincorporated organization regardless of the name used;

32 ~~[(9)]~~ (10) "Religious organization", a church, synagogue or mosque; an entity that has
 33 or would qualify for federal tax-exempt status as a nonprofit religious organization under
 34 Section 501(c) of the Internal Revenue Code; or an entity whose real estate on which the
 35 child-care facility is located is exempt from taxation because it is used for religious purposes;

36 ~~[(10)]~~ (11) "School system", a program established primarily for education and that
 37 meets the following criteria:

38 (a) Provides education in at least the first to the sixth grade; and

39 (b) Provides evidence that the school system's records will be accepted by a public or
 40 private school for the transfer of any student;

41 ~~[(11)]~~ (12) "Summer camp", a program operated from May to September by a person
 42 or organization with the primary function of providing a summer recreational program for
 43 children five years of age or older and providing no child care for children under five years of
 44 age in the same ~~[building]~~ **space** or in the same outdoor play area **simultaneously**.

210.203. The department of ~~[health and senior services]~~ **elementary and secondary**
 2 **education** shall maintain a record of substantiated, signed parental complaints against child
 3 care facilities licensed pursuant to this chapter, and shall make such complaints and findings
 4 available to the public upon request.

210.211. 1. It shall be unlawful for any person to establish, maintain or operate a
 2 child-care facility for children, or to advertise or hold himself or herself out as being able to
 3 perform any of the services as defined in section 210.201, without having in effect a written
 4 license granted by the department of ~~[health and senior services]~~ **elementary and secondary**
 5 **education**; except that nothing in sections 210.203 to 210.245 shall apply to:

6 (1) Any person who is caring for six or fewer children, including a maximum of three
 7 children under the age of two, at the same physical address. For purposes of this subdivision,

8 children who live in the caregiver's home and who are eligible for enrollment in a public
9 kindergarten, elementary, or high school shall not be considered in the total number of
10 children being cared for;

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

15 (3) Any graded boarding school that is conducted in good faith primarily to provide
16 education;

17 (4) Any summer **or day** camp that is conducted in good faith primarily to provide
18 recreation;

19 (5) Any hospital, sanitarium, or home that is conducted in good faith primarily to
20 provide medical treatment or nursing or convalescent care for children;

21 (6) Any residential facility or day program licensed by the department of mental
22 health under sections 630.705 to 630.760 that provides care, treatment, and habilitation
23 exclusively to children who have a primary diagnosis of mental disorder, mental illness,
24 intellectual disability, or developmental disability, as those terms are defined in section
25 630.005;

26 (7) Any school system as defined in section 210.201;

27 (8) Any Montessori school as defined in section 210.201;

28 (9) Any business that operates a child care program for the convenience of its
29 customers **or its employees** if the following conditions are met:

30 (a) The business provides child care for **customers' or** employees' children for no
31 more than four hours per day; and

32 (b) Customers **or employees** remain on site while their children are being cared for
33 by the business establishment;

34 (10) Any home school as defined in section 167.031;

35 (11) Any religious organization academic preschool or kindergarten for four- and
36 five-year-old children;

37 (12) Any weekly Sunday or Sabbath school, a vacation bible school, or child care
38 made available while the parents or guardians are attending worship services or other
39 meetings and activities conducted or sponsored by a religious organization;

40 (13) Any neighborhood youth development program under section 210.278;

41 (14) Any religious organization elementary or secondary school;

42 (15) Any private organization elementary or secondary school system providing child
43 care to children younger than school age. If a facility or program is exempt from licensure

44 based upon this exception, such facility or program shall submit documentation annually to
45 the department to verify its licensure-exempt status;

46 (16) Any nursery school as defined in section 210.201; and

47 (17) Any child care facility maintained or operated under the exclusive control of a
48 religious organization. If a nonreligious organization having as its principal purpose the
49 provision of child care services enters into an arrangement with a religious organization for
50 the maintenance or operation of a child care facility, the facility is not under the exclusive
51 control of the religious organization.

52 2. Notwithstanding the provisions of subsection 1 of this section, no child-care
53 facility shall be exempt from licensure if such facility receives any state or federal funds for
54 providing care for children, except for federal funds for those programs which meet the
55 requirements for participation in the Child and Adult Care Food Program pursuant to 42
56 U.S.C. Section 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257
57 shall not be construed to be funds received by a person or facility listed in subdivisions (1)
58 and (17) of subsection 1 of this section.

59 3. ~~[Any]~~ **Every** child care facility ~~[not exempt from licensure]~~ shall disclose the
60 licensure status of the facility to the parents or guardians of children for which the facility
61 provides care. No child care facility exempt from licensure shall represent to any parent or
62 guardian of children for which the facility provides care that the facility is licensed when such
63 facility is in fact not licensed. A parent or guardian **utilizing an unlicensed child care**
64 **facility** shall sign a written notice indicating he or she is aware of the ~~[licensure]~~ **unlicensed**
65 status of the facility. The facility shall keep a copy of this signed written notice on file. All
66 child care facilities shall provide the parent or guardian enrolling a child in the facility with a
67 written explanation of the disciplinary philosophy and policies of the child care facility.

68 4. **Up to two children who are five years of age or older and who are related**
69 **within the third degree of consanguinity or affinity to, adopted by, or under court**
70 **appointed guardianship or legal custody of a child care provider who is responsible for**
71 **the daily operation of a licensed family child care home that is organized as a**
72 **corporation, association, firm, partnership, limited liability company, sole**
73 **proprietorship, or any other type of business entity in this state shall not be included**
74 **in the number of children counted toward the maximum number of children for which**
75 **the family child care home is licensed under section 210.221. If more than one member**
76 **of the corporation, association, firm, partnership, limited liability company, or other**
77 **business entity is responsible for the daily operation of the licensed family child care**
78 **home, then the related children of only one such member shall be excluded. A family**
79 **child care home caring for children not counted in the maximum number of children, as**
80 **permitted under this subsection, shall disclose this to parents or guardians on the**

81 **written notice required under subsection 3 of this section. If a family child care home**
82 **begins caring for children not counted in the maximum number of children after a**
83 **parent or guardian has signed the written notice required under subsection 3 of this**
84 **section, the family child care home shall provide a separate notice to the parent or**
85 **guardian that the family child care home is caring for children not counted in the**
86 **maximum number of children for which the family child care home is licensed and shall**
87 **keep a copy of the signed notice on file.**

88 **5. Nothing in this section shall prevent the department from enforcing licensing**
89 **regulations promulgated under this chapter, including, but not limited to, supervision**
90 **requirements and capacity limitations based on the amount of child care space**
91 **available.**

210.221. 1. The department of [~~health and senior services~~] **elementary and**
2 **secondary education** shall have the following powers and duties:

3 (1) After inspection, to grant licenses to persons to operate child-care facilities if
4 satisfied as to the good character and intent of the applicant and that such applicant is
5 qualified and equipped to render care or service conducive to the welfare of children. Each
6 license shall specify the kind of child-care services the licensee is authorized to perform, the
7 number of children that can be received or maintained, and their ages [~~and sex~~];

8 (2) To inspect the conditions of the homes and other places in which the applicant
9 operates a child-care facility, inspect their books and records, premises and children being
10 served, examine their officers and agents, deny, suspend, place on probation or revoke the
11 license of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the
12 rules and regulations made by the department of [~~health and senior services~~] **elementary and**
13 **secondary education**. The [~~director~~] **commissioner** also may revoke or suspend a license
14 when the licensee [~~fails to renew or~~] surrenders the license;

15 (3) To promulgate and issue rules and regulations the department deems necessary or
16 proper in order to establish standards of service and care to be rendered by such licensees to
17 children. No rule or regulation promulgated by the [~~division~~] **department** shall in any
18 manner restrict or interfere with any religious instruction, philosophies or ministries provided
19 by the facility and shall not apply to facilities operated by religious organizations which are
20 not required to be licensed;

21 (4) To approve training concerning the safe sleep recommendations of the American
22 Academy of Pediatrics in accordance with section 210.223; and

23 (5) To determine what records shall be kept by such persons and the form thereof, and
24 the methods to be used in keeping such records, and to require reports to be made to the
25 department at regular intervals.

26 2. Any child-care facility may request a variance from a rule or regulation
27 promulgated pursuant to this section. The request for a variance shall be made in writing to
28 the department of ~~[health and senior services]~~ **elementary and secondary education** and
29 shall include the reasons the facility is requesting the variance. The department shall approve
30 any variance request that does not endanger the health or safety of the children served by the
31 facility. The burden of proof at any appeal of a disapproval of a variance application shall be
32 with the department of ~~[health and senior services]~~ **elementary and secondary education**.
33 Local inspectors may grant a variance, subject to approval by the department of ~~[health and~~
34 ~~senior services]~~ **elementary and secondary education**.

35 3. The department shall deny, suspend, place on probation or revoke a license if it
36 receives official written notice that the local governing body has found that license is
37 prohibited by any local law related to the health and safety of children. The department may
38 deny an application for a license if the department determines that a home or other place in
39 which an applicant would operate a child-care facility is located within one thousand feet of
40 any location where a person required to register under sections 589.400 to 589.425 either
41 resides, as that term is defined in subsection 3 of section 566.147, or regularly receives
42 treatment or services, excluding any treatment or services delivered in a hospital, as that term
43 is defined in section 197.020, or in facilities owned or operated by a hospital system. The
44 department may, after inspection, find the licensure, denial of licensure, suspension or
45 revocation to be in the best interest of the state.

46 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is
47 created under the authority delegated in sections 210.201 to 210.245 shall become effective
48 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
49 section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force
50 and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the
51 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all
52 applicable provisions of law. This section and chapter 536 are nonseverable and if any of the
53 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
54 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
55 the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999,
56 shall be invalid and void.

210.223. 1. All licensed child care facilities that provide care for children less than
2 one year of age shall implement and maintain a written safe sleep policy in accordance with
3 the most recent safe sleep recommendations of the American Academy of Pediatrics. The
4 purpose of the safe sleep policy is to maintain a safe sleep environment that reduces the risk
5 of sudden infant death syndrome and sudden unexpected infant deaths in children less than
6 one year of age.

7 2. When, in the opinion of the infant's licensed health care provider, an infant requires
8 alternative sleep positions or special sleeping arrangements that differ from those set forth in
9 the most recent sleep recommendations of the American Academy of Pediatrics, the child
10 care facility shall be provided with written instructions, signed by the infant's licensed health
11 care provider, detailing the alternative sleep positions or special sleeping arrangements for
12 such infant. The child care facility shall put the infant to sleep in accordance with such
13 written instructions.

14 3. As used in this section, the following terms shall mean:

15 (1) "Sudden infant death syndrome", the sudden death of an infant less than one year
16 of age that cannot be explained after a thorough investigation has been conducted, including a
17 complete autopsy, an examination of the death scene, and a review of the clinical history;

18 (2) "Sudden unexpected infant death", the sudden and unexpected death of an infant
19 less than one year of age in which the manner and cause of death are not immediately obvious
20 prior to investigation. Causes of sudden unexpected infant death include, but are not limited
21 to, metabolic disorders, hypothermia or hyperthermia, neglect or homicide, poisoning, and
22 accidental suffocation.

23 4. All employees of licensed child care facilities who care for infants less than one
24 year of age or any volunteer who may be assisting at the facility shall successfully complete
25 department-approved training on the most recent safe sleep recommendations of the
26 American Academy of Pediatrics every three years.

27 5. The department **of elementary and secondary education** shall promulgate rules to
28 implement the provisions of this section. Such rules shall include, but not be limited to:

29 (1) Amending any current rules which are not in compliance with the most recent safe
30 sleep recommendations of the American Academy of Pediatrics [~~including but not limited to~~
31 ~~19 CSR 30.62-092(1)C which permits the use of bumper pads in cribs or playpens~~];

32 (2) Keeping soft or loose bedding away from sleeping infants and out of safe sleep
33 environments, including, but not limited to, bumper pads, pillows, quilts, comforters, sleep
34 positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, and other similar
35 items; and

36 (3) Prohibiting blankets or other soft or loose bedding from being hung on the sides
37 of cribs.

38 6. The department **of elementary and secondary education** may adopt emergency
39 rules to implement the requirements of this section. Any rule or portion of a rule, as that term
40 is defined in section 536.010, that is created under the authority delegated in this section shall
41 become effective only if it complies with and is subject to all of the provisions of chapter 536
42 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any
43 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the

44 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
45 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015,
46 shall be invalid and void.

210.231. The department of [~~health and senior services~~] **elementary and secondary**
2 **education** may designate to act for it, with full authority of law, any instrumentality of any
3 political subdivision of the state of Missouri deemed by the department of [~~health and senior~~
4 ~~services~~] **elementary and secondary education** to be competent, to investigate and inspect
5 licensees and applicants for a license. Local inspection of child care facilities may be
6 accomplished if the standards employed by local personnel are substantially equivalent to
7 state standards and local personnel are available for enforcement of such standards.

210.241. Any person aggrieved by a final decision of the department of [~~health and~~
2 ~~senior services~~] **elementary and secondary education** made in the administration of sections
3 210.201 to 210.245 shall be entitled to judicial review thereof as provided in chapter 536.

210.245. 1. Any person who violates any provision of sections 210.201 to 210.245,
2 or who for such person or for any other person makes materially false statements in order to
3 obtain a license or the renewal thereof pursuant to sections 210.201 to 210.245, shall be guilty
4 of a class C misdemeanor for the first offense and shall be assessed a fine not to exceed seven
5 hundred fifty dollars and shall be guilty of a class A misdemeanor and shall be assessed a fine
6 of up to two thousand dollars per day, not to exceed a total of ten thousand dollars for
7 subsequent offenses. In case such guilty person is a corporation, association, institution or
8 society, the officers thereof who participate in such misdemeanor shall be subject to the
9 penalties provided by law.

10 2. If the department of [~~health and senior services~~] **elementary and secondary**
11 **education** proposes to deny, suspend, place on probation or revoke a license, the department
12 of [~~health and senior services~~] **elementary and secondary education** shall serve upon the
13 applicant or licensee written notice of the proposed action to be taken. The notice shall
14 contain a statement of the type of action proposed, the basis for it, the date the action will
15 become effective, and a statement that the applicant or licensee shall have thirty days to
16 request in writing a hearing before the administrative hearing commission and that such
17 request shall be made to the department of [~~health and senior services~~] **elementary and**
18 **secondary education**. If no written request for a hearing is received by the department of
19 [~~health and senior services~~] **elementary and secondary education** within thirty days of the
20 delivery or mailing by certified mail of the notice to the applicant or licensee, the proposed
21 discipline shall take effect on the thirty-first day after such delivery or mailing of the notice to
22 the applicant or licensee. If the applicant or licensee makes a written request for a hearing,
23 the department of [~~health and senior services~~] **elementary and secondary education** shall

24 file a complaint with the administrative hearing commission within ninety days of receipt of
25 the request for a hearing.

26 3. The department of [~~health and senior services~~] **elementary and secondary**
27 **education** may issue letters of censure or warning without formal notice or hearing.
28 Additionally, the department of [~~health and senior services~~] **elementary and secondary**
29 **education** may place a licensee on probation pursuant to chapter 621.

30 4. The department of [~~health and senior services~~] **elementary and secondary**
31 **education** may suspend any license simultaneously with the notice of the proposed action to
32 be taken in subsection 2 of this section, if the department of [~~health and senior services~~]
33 **elementary and secondary education** finds that there is a threat of imminent bodily harm to
34 the children in care. The notice of suspension shall include the basis of the suspension and
35 the appeal rights of the licensee pursuant to this section. The licensee may appeal the
36 decision to suspend the license to the department of [~~health and senior services~~] **elementary**
37 **and secondary education**. The appeal shall be filed within ten days from the delivery or
38 mailing by certified mail of the notice of appeal. A hearing shall be conducted by the
39 department of [~~health and senior services~~] **elementary and secondary education** within ten
40 days from the date the appeal is filed. The suspension shall continue in effect until the
41 conclusion of the proceedings, including review thereof, unless sooner withdrawn by the
42 department of [~~health and senior services~~] **elementary and secondary education**, dissolved
43 by a court of competent jurisdiction or stayed by the administrative hearing commission. Any
44 person aggrieved by a final decision of the department made pursuant to this section shall be
45 entitled to judicial review in accordance with chapter 536.

46 5. In addition to initiating proceedings pursuant to subsection 1 of this section, or in
47 lieu thereof, the prosecuting attorney of the county where the child-care facility is located
48 may file suit for a preliminary and permanent order overseeing or preventing the operation of
49 a child-care facility for violating any provision of sections 210.201 to 210.245. The order
50 shall remain in force until such a time as the court determines that the child-care facility is in
51 substantial compliance. If the prosecuting attorney refuses to act or fails to act after receipt of
52 notice from the department of [~~health and senior services~~] **elementary and secondary**
53 **education**, the department of [~~health and senior services~~] **elementary and secondary**
54 **education** may request that the attorney general seek an injunction of the operation of such
55 child-care facility.

56 6. In cases of imminent bodily harm to children in the care of a child-care facility,
57 including an unlicensed, nonexempt facility, the department may file suit in the circuit court
58 of the county in which the child-care facility is located for injunctive relief, which may
59 include removing the children from the facility, overseeing the operation of the facility or
60 closing the facility. Failure by the department to file suit under the provisions of this

61 subsection shall not be construed as creating any liability in tort or incurring other obligations
62 or duties except as otherwise specified.

63 7. Any person who operates an unlicensed, nonexempt child-care facility in violation
64 of the provisions of sections 210.201 to 210.245 shall be liable for a civil penalty of not less
65 than seven hundred fifty dollars and not more than two thousand dollars. The department
66 shall serve upon such person written notice of the department's findings as to the child-care
67 facility's unlicensed, nonexempt status, along with educational materials about Missouri's
68 child-care facility laws and regulations, how a facility may become exempt or licensed, and
69 penalties for operating an unlicensed, nonexempt child-care facility. The notice shall contain
70 a statement that the person shall have thirty days to become compliant with sections 210.201
71 to 210.245, including attaining exempt status or becoming licensed. The person's failure to
72 do so shall result in a civil action in the circuit court of Cole County or criminal charges under
73 this section. If, following the receipt of the written notice, the person operating the child-care
74 facility fails to become compliant with sections 210.201 to 210.245, the department may
75 bring a civil action in the circuit court of Cole County against such person. The department
76 may, but shall not be required to, request that the attorney general bring the action in place of
77 the department. No civil action provided by this subsection shall be brought if the criminal
78 penalties under subsection 1 of this section have been previously ordered against the person
79 for the same violation. Failure by the department to file suit under the provisions of this
80 subsection shall not be construed as creating any liability in tort or incurring other obligations
81 or duties except as otherwise specified.

82 8. There shall be established the "Family Child Care Provider Fund" in the state
83 treasury, which shall consist of such funds as appropriated by the general assembly. The state
84 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the
85 state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in
86 the fund shall be used solely by the department for the dissemination of information
87 concerning compliance with child-care facility laws and regulations, including licensed or
88 exempt status; educational initiatives relating to, inter alia, child care, safe sleep practices,
89 and child nutrition; and the provision of financial assistance on the basis of need for family
90 child-care homes to become licensed, as determined by the department and subject to
91 available moneys in the fund. Notwithstanding the provisions of section 33.080 to the
92 contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the
93 credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the
94 same manner as other funds are invested. Any interest and moneys earned on such
95 investments shall be credited to the fund.

210.251. 1. ~~[By January 1, 1994,]~~ Financial incentives shall be provided by the
2 department of ~~[health and senior services]~~ **elementary and secondary education** through the

3 child development block grant and other public moneys for child-care facilities wishing to
4 upgrade their standard of care and which meet quality standards.

5 2. The department of health and senior services shall make federal funds available to
6 licensed or inspected child-care centers pursuant to federal law as set forth in the Child and
7 Adult Care Food Program, 42 U.S.C. Section 1766.

8 3. Notwithstanding any other provision of law to the contrary, in the administration of
9 the program for at-risk children through the Child and Adult Care Food Program, 42 U.S.C.
10 Section 1766, this state shall not have requirements that are stricter than federal regulations
11 for participants in such program. Child care facilities shall not be required to be licensed
12 child care providers to participate in such federal program so long as minimum health and
13 safety standards are met and documented.

210.252. 1. All buildings and premises used by a child-care facility to care for more
2 than six children except those exempted from the licensing provisions of the department of
3 ~~health and senior services~~ **elementary and secondary education** pursuant to subdivisions
4 (1) to (15) of subsection 1 of section 210.211, shall be inspected annually for fire and safety
5 by the state fire marshal, the marshal's designee or officials of a local fire district and for
6 health and sanitation by the department of elementary and secondary education or the
7 department's designee, including officials of the department of health and senior services, or
8 officials of the local health department. Evidence of compliance with the inspections required
9 by this section shall be kept on file and available to parents of children enrolling in the child-
10 care facility.

11 2. Local inspection of child-care facilities may be accomplished if the standards
12 employed by local personnel are substantially equivalent to state standards and local
13 personnel are available for enforcement of such standards.

14 3. Any child-care facility may request a variance from a rule or regulation
15 promulgated pursuant to this section. The request for a variance shall be made in writing to
16 the department of elementary and secondary education and shall include the reasons the
17 facility is requesting the variance. The department shall approve any variance request that
18 does not endanger the health or safety of the children served by the facility. The burden of
19 proof at any appeal of a disapproval of a variance application shall be with the department of
20 elementary and secondary education. Local inspectors may grant a variance, subject to
21 approval by the department **of elementary and secondary education**.

22 4. The department of elementary and secondary education shall administer the
23 provisions of sections 210.252 to 210.256, with the cooperation of the state fire marshal, the
24 department of ~~elementary and secondary education~~ **health and senior services**, local fire
25 departments and local health agencies.

26 5. The department of elementary and secondary education shall promulgate rules and
27 regulations to implement and administer the provisions of sections 210.252 to 210.256. Such
28 rules and regulations shall provide for the protection of children in all child-care facilities
29 whether or not such facility is subject to the licensing provisions of sections 210.201 to
30 210.245.

31 6. The department of health and senior services, after consultation with the
32 department of elementary and secondary education, may promulgate rules and regulations to
33 implement and administer the provisions of this section related to sanitation requirements.
34 Such rules and regulations shall provide for the protection of children in all child-care
35 facilities whether or not such facility is subject to the licensing provisions of sections 210.201
36 to 210.245.

37 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is
38 created under the authority delegated in sections 210.252 to 210.256 shall become effective
39 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
40 section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force
41 and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the
42 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all
43 applicable provisions of law. This section and chapter 536 are nonseverable and if any of the
44 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
45 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then
46 the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999,
47 shall be invalid and void.

 210.254. 1. Child-care facilities operated by religious organizations pursuant to the
2 exempt status recognized in subdivision (17) of subsection 1 of section 210.211 shall upon
3 enrollment of any child provide the parent or guardian enrolling the child two copies of a
4 notice of parental responsibility, one copy of which shall be retained in the files of the facility
5 after the enrolling parent acknowledges, by signature, having read and accepted the
6 information contained therein.

7 2. The notice of parental responsibility shall include the following:

8 (1) Notification that the child-care facility is exempt as a religious organization from
9 state licensing and therefore not inspected or supervised by the department of ~~health and~~
10 ~~senior services] elementary and secondary education~~ other than as provided herein and that
11 the facility has been inspected by those designated in section 210.252 and is complying with
12 the fire, health and sanitation requirements of sections 210.252 to 210.257;

13 (2) The names, addresses and telephone numbers of agencies and authorities which
14 inspect the facility for fire, health and safety and the date of the most recent inspection by
15 each;

16 (3) The staff/child ratios for enrolled children under two years of age, for children
17 ages two to four and for those five years of age and older as required by the department of
18 ~~[health and senior services]~~ **elementary and secondary education** regulations in licensed
19 facilities, the standard ratio of staff to number of children for each age level maintained in the
20 exempt facility, and the total number of children to be enrolled by the facility;

21 (4) Notification that background checks have been conducted under the provisions of
22 section 210.1080;

23 (5) The disciplinary philosophy and policies of the child-care facility; and

24 (6) The educational philosophy and policies of the child-care facility.

25 3. A copy of notice of parental responsibility, signed by the principal operating officer
26 of the exempt child-care facility and the individual primarily responsible for the religious
27 organization conducting the child-care facility and copies of the annual fire and safety
28 inspections shall be filed annually during the month of August with the department of ~~[health~~
29 ~~and senior services]~~ **elementary and secondary education**.

210.255. 1. A parent or guardian of a child enrolled in a child care facility
2 established, maintained or operated by a religious organization who has cause to believe that
3 this section and section 210.254 are being violated may notify appropriate local law
4 enforcement authorities.

5 2. If a child care facility maintained or operated under the exclusive control of a
6 religious organization is suspected of violating any provision of sections 210.252 to 210.255,
7 or if there is good cause to believe that the signatory made a materially false statement in the
8 notice of parental responsibility required by sections 210.252 to 210.255, the department of
9 ~~[health and senior services]~~ **elementary and secondary education** shall give twenty days'
10 written notice to the facility concerning the nature of its suspected noncompliance. If
11 compliance is not forthcoming within the twenty days, the department shall thereafter notify
12 the prosecuting attorney of the county wherein the facility is located concerning the suspected
13 noncompliance. If the prosecuting attorney refuses to act or fails to act within thirty days of
14 receipt of notice from the department, the department of ~~[health and senior services]~~
15 **elementary and secondary education** may notify the attorney general concerning the
16 suspected noncompliance and the attorney general may proceed under section ~~[210.248]~~
17 **27.060**.

210.256. 1. Any person who violates any provision of sections 210.252 to 210.255,
2 or who for such person or for any other person makes a materially false statement in the
3 notice of parental responsibility required by sections 210.254 and 210.255, shall be guilty of
4 an infraction for the first offense and shall be assessed a fine not to exceed two hundred
5 dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such

6 guilty person is a corporation, association, institution, or society, the officers thereof who
7 participate in such violation shall be subject to the same penalties.

8 2. In addition to initiating proceedings pursuant to subsection 1 of this section, or in
9 lieu thereof, the prosecuting attorney of the county where the child-care facility is located
10 may file suit for a preliminary and permanent order overseeing or preventing the operation of
11 a child-care facility for violating any provision of section 210.252. The injunction shall
12 remain in force until such time as the court determines that the child-care facility is in
13 substantial compliance.

14 3. In cases of imminent bodily harm to children in the care of a child-care facility, the
15 department of [~~health and senior services~~] **elementary and secondary education** may apply
16 to the circuit court of the county in which the child-care facility is located for injunctive relief,
17 which may include removing the children from the facility, overseeing the operation of the
18 facility or closing the facility.

 210.258. The provisions of this section and section 210.259 apply to a child care
2 facility maintained or operated under the exclusive control of a religious organization.
3 Nothing in sections 210.252 to 210.257 shall be construed to authorize the department of
4 [~~health and senior services~~] **elementary and secondary education** or any other governmental
5 entity:

6 (1) To interfere with the program, curriculum, ministry, teaching or instruction
7 offered in a child care facility;

8 (2) To interfere with the selection, certification, minimal formal educational degree
9 requirements, supervision or terms of employment of a facility's personnel;

10 (3) To interfere with the selection of individuals sitting on any governing board of a
11 child care facility;

12 (4) To interfere with the selection of children enrolled in a child care facility; or

13 (5) To prohibit the use of corporal punishment. However, the department of [~~health
14 and senior services~~] **elementary and secondary education** may require the child care facility
15 to provide the parent or guardian enrolling a child in the facility a written explanation of the
16 disciplinary philosophy and policies of the child care facility.

17

18 Nothing in subdivisions (2) and (3) of this section shall be interpreted to relieve a child care
19 facility of its duties and obligations under section 210.1080, or to interfere with the
20 department's duties and obligations under said section.

 210.275. Any program licensed by the department of [~~health and senior services~~]
2 **elementary and secondary education** pursuant to this chapter providing child care to
3 school-age children that is located and operated on elementary or secondary school property
4 shall comply with the child-care licensure provisions in this chapter; except that, for safety,

5 health and fire purposes, all buildings and premises for any such programs shall be deemed to
6 be in compliance with the child-care licensure provisions in this chapter.

210.278. Neighborhood youth development programs shall be exempt from the child
2 care licensing provisions under this chapter so long as the program meets the following
3 requirements:

4 (1) The program is affiliated and in good standing with a national congressionally
5 chartered organization's standards under Title 36, Public Law 105-225;

6 (2) The program provides activities designed for recreational, educational, and
7 character building purposes for children ~~[six]~~ **five** to ~~[seventeen]~~ **eighteen** years of age;

8 (3) The governing body of the program adopts standards for care that at a minimum
9 include staff ratios, staff training, health and safety standards, and mechanisms for assessing
10 and enforcing the program's compliance with the standards;

11 (4) The program does not collect compensation for its services except for one-time
12 annual membership dues not to exceed fifty dollars per year or program service fees for
13 special activities such as field trips or sports leagues, except for current exemptions as written
14 in section 210.211;

15 (5) The program informs each parent that the operation of the program is not
16 regulated by licensing requirements;

17 (6) The program provides a process to receive and resolve parental complaints; and

18 (7) The program conducts national criminal background checks for all employees and
19 volunteers who work with children, as well as screening under the family care safety registry
20 as provided in sections 210.900 to 210.936.

210.305. 1. When an initial emergency placement of a child is deemed necessary, the
2 children's division shall immediately begin a diligent ~~[efforts]~~ **search** to locate, contact, and
3 place the child with a grandparent or grandparents **or a relative or relatives** of the child,
4 **subject to subsection 3 of section 210.565 regarding preference of placement**, except
5 when the children's division determines that placement with a grandparent or grandparents **or**
6 **a relative or relatives** is not in the best interest of the child and subject to the provisions of
7 section 210.482 regarding background checks for emergency placements. If emergency
8 placement of a child with ~~[a grandparent]~~ **grandparents or relatives** is deemed not to be in
9 the best interest of the child, the children's division shall document in writing the reason ~~[the~~
10 ~~grandparent has been denied emergency placement]~~ **for denial** and shall have just cause to
11 deny the emergency placement. **The children's division shall continue the search for other**
12 **relatives until the division locates the relatives of the child for placement or the court**
13 **excuses further search.** Prior to placement of the child in any emergency placement, the
14 division shall assure that the child's physical needs are met.

15 2. For purposes of this section, the following terms shall mean:

16 (1) [~~"Diligent efforts", a good faith attempt documented in writing by the children's~~
17 ~~division, which exercises reasonable efforts and care to utilize all available services and~~
18 ~~resources related to meeting the ongoing health and safety needs of the child, to locate a~~
19 ~~grandparent or grandparents of the child after all of the child's physical needs have been~~
20 ~~attended to by the children's division;]~~ **"Diligent search", an exhaustive effort to identify**
21 **and locate the grandparents or relatives whose identity or location is unknown;**

22 (2) "Emergency placement", those limited instances when the children's division is
23 placing for an initial placement a child in the home of private individuals, including
24 neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary
25 caretaker.

26 3. A diligent [~~efforts~~] **search** shall be made to **locate, contact, and notify** the
27 grandparent or grandparents of the child within three hours from the time the emergency
28 placement is deemed necessary for the child. During such three-hour time period, the child
29 may be placed in an emergency placement. If a grandparent or grandparents of the child
30 cannot be located within the three-hour period, the child may be temporarily placed in
31 emergency placement; except that, after the emergency placement is deemed necessary, the
32 children's division shall continue [~~to make~~] a diligent [~~efforts~~] **search** to contact, locate, and
33 place the child with a grandparent or grandparents, or [~~another relative~~] **other relatives**, with
34 first consideration given to a grandparent for placement, **subject to subsection 3 of section**
35 **210.565 regarding preference of placement.**

36 4. A diligent search shall be made to locate, contact, and notify the relative or
37 relatives of the child within thirty days from the time the emergency placement is
38 deemed necessary for the child. The children's division shall continue the search for the
39 relative or relatives until the division locates the relative or relatives of the child for
40 placement or the court excuses further search. The children's division, or an entity
41 under contract with the division, shall use all sources of information, including any
42 known parent or relative, to attempt to locate an appropriate relative as placement.

43 5. Search progress under subsection 3 or 4 of this section shall be reported at
44 each court hearing until the grandparents or relatives are either located or the court
45 excuses further search.

46 6. Nothing in this section shall be construed or interpreted to interfere with or
47 [~~supereede~~] **supersede** laws related to parental rights or judicial authority.

210.493. 1. As used in this section, the following terms mean:

2 (1) "Applicant", any individual who applies or is required to successfully
3 complete the background check requirements for employment or presence at a licensed
4 residential care facility, license-exempt residential care facility, or child care facility.

5 **For the purposes of background checks conducted by the Missouri state highway patrol,**
6 **the term "applicant" is further defined in section 43.540;**

7 (2) **"Contractor", a person who contracts to do work for or supply goods to a**
8 **licensed residential care facility, license-exempt residential care facility, or child placing**
9 **agency;**

10 (3) **"Employee", an individual who works in the service of a licensed residential**
11 **care facility, license-exempt residential care facility, or child placing agency under an**
12 **express or implied contract for hire, whether written or unwritten or full-time or part-**
13 **time, under which the licensed residential care facility, license-exempt residential care**
14 **facility, or child placing agency has the right to control, in whole or in part, the details of**
15 **the individual's work performance;**

16 (4) **"Owner", an individual who holds an equity interest in a licensed residential**
17 **care facility, license-exempt residential care facility, or child care facility;**

18 (5) **"Volunteer", an individual who performs a service for or on behalf of a**
19 **licensed residential care facility, license-exempt residential care facility, or child care**
20 **facility of the individual's own free will without obligation or without any expectation of**
21 **a reward or compensation.**

22 [~~Officers, managers,~~] 2. Contractors, volunteers with access to children, **and**
23 employees[~~, and other support staff~~] of licensed residential care facilities and licensed child
24 placing agencies in accordance with sections 210.481 to 210.536; owners of such residential
25 care facilities who will have access to the facilities; and owners of such child placing agencies
26 who will have access to children shall submit fingerprints and any information that the
27 department requires to complete the background checks, as specified in regulations
28 established by the department, to the Missouri state highway patrol for the purpose of
29 conducting state and federal fingerprint-based background checks.

30 [~~2. Officers, managers,~~] 3. Contractors, volunteers with access to children, **and**
31 employees[~~, and other support staff~~] of residential care facilities subject to the notification
32 requirements under sections 210.1250 to 210.1286; any person eighteen years of age or older
33 who resides at or on the property of such residential care facility; any person who has
34 unsupervised contact with a resident of the residential care facility; and owners of such
35 residential care facilities who will have access to the facilities shall submit fingerprints and
36 any information that the department requires to complete the background checks, as specified
37 in regulations established by the department, to the Missouri state highway patrol for the
38 purpose of conducting state and federal fingerprint-based background checks.

39 [~~3-~~] 4. A background check shall include:

40 (1) A **state and** Federal Bureau of Investigation fingerprint check; **and**

41 (2) ~~[A search of the National Crime Information Center's National Sex Offender~~
42 ~~Registry; and~~

43 (3) A search of the following registries, repositories, or databases in Missouri, the
44 state where the applicant resides, and each state where such applicant resided during the
45 preceding five years:

46 (a) The state criminal registry or repository, with the use of fingerprints being
47 required in the state where the applicant resides and optional in other states;

48 (b) The state sex offender registry or repository;

49 (c) The state family care safety registry; and

50 (d) The state-based child abuse and neglect registry and database.

51 ~~[4-]~~ 5. For the purposes of this section and notwithstanding any other provision of
52 law, "department" means the department of social services.

53 ~~[5-]~~ 6. The department shall be responsible for background checks as part of a
54 residential care facility or child placing agency application for licensure, renewal of licensure,
55 or for license monitoring.

56 ~~[6-]~~ 7. The department shall be responsible for background checks for residential care
57 facilities subject to the notification requirements of sections 210.1250 to 210.1286.

58 ~~[7-]~~ 8. Fingerprint cards and any required fees shall be sent to the Missouri state
59 highway patrol's central repository. The fingerprints shall be used for searching the state
60 criminal records repository and shall also be forwarded to the Federal Bureau of Investigation
61 for a federal criminal records search under section 43.540. The Missouri state highway patrol
62 shall notify the department of any criminal history record information or lack of criminal
63 history record information discovered on the individual. Notwithstanding the provisions of
64 section 610.120, all records related to any criminal history information discovered shall be
65 accessible and available to the department.

66 ~~[8-]~~ 9. Fingerprints submitted to the Missouri state highway patrol for the purpose of
67 conducting state and federal fingerprint-based background checks under this section shall be
68 valid for a period of five years.

69 ~~[9-]~~ 10. The department shall provide the results of the background check to the
70 applicant in a statement that indicates whether the applicant is eligible or ineligible for
71 employment or presence at the licensed residential care facility or licensed child placing
72 agency. The department shall not reveal to the residential care facility or the child placing
73 agency any disqualifying offense or other related information regarding the applicant. The
74 applicant shall have the opportunity to appeal an ineligible finding.

75 ~~[10-]~~ 11. The department shall provide the results of the background check to the
76 applicant in a statement that indicates whether the applicant is eligible or ineligible for
77 employment or presence at the residential care facility subject to the notification requirements

78 of sections 210.1250 to 210.1286. The department shall not reveal to the residential care
79 facility any disqualifying offense or other related information regarding the applicant. The
80 applicant shall have the opportunity to appeal an ineligible finding.

81 ~~[11.]~~ **12.** An applicant shall be ineligible if the applicant:

82 (1) Refuses to consent to the background check as required by this section;

83 (2) Knowingly makes a materially false statement in connection with the background
84 check as required by this section;

85 (3) Is registered, or is required to be registered, on a state sex offender registry or
86 repository ~~[or the National Sex Offender Registry];~~

87 (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to
88 210.183 or any other finding of child abuse or neglect based on any other state's registry or
89 database; or

90 (5) Has pled guilty or nolo contendere to or been found guilty of:

91 (a) Any felony for an offense against the person as defined in chapter 565;

92 (b) Any other offense against the person involving the endangerment of a child as
93 prescribed by law;

94 (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;

95 (d) Any misdemeanor or felony for an offense against the family as defined in chapter
96 568;

97 (e) Burglary in the first degree as defined in section 569.160;

98 (f) Any misdemeanor or felony for robbery as defined in chapter 570;

99 (g) Any misdemeanor or felony for pornography or related offense as defined in
100 chapter 573;

101 (h) Any felony for arson as defined in chapter 569;

102 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use
103 of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in
104 section 571.070, or the unlawful possession of an explosive as defined in section 571.072;

105 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or
106 574.125;

107 (k) A felony drug-related offense committed during the preceding five years; or

108 (l) Any similar offense in any federal, state, or other court of similar jurisdiction of
109 which the department has knowledge.

110 ~~[12.]~~ **13.** Any person aggrieved by a decision of the department shall have the right to
111 seek an administrative review. The review shall be filed with the department within fourteen
112 days from the mailing of the notice of ineligibility. Any decision not timely appealed shall be
113 final.

114 ~~[13:]~~ 14. Any required fees shall be paid by the individual applicant, facility, or
115 agency.

116 ~~[14:]~~ 15. The department is authorized to promulgate rules, including emergency
117 rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is
118 defined in section 536.010, that is created under the authority delegated in this section shall
119 become effective only if it complies with and is subject to all of the provisions of chapter 536
120 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any
121 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
122 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
123 the grant of rulemaking authority and any rule proposed or adopted after July 14, 2021, shall
124 be invalid and void.

210.565. 1. Whenever a child is placed in a foster home and the court has determined
2 pursuant to subsection 4 of this section that foster home placement with relatives is not
3 contrary to the best interest of the child, the children's division shall give foster home
4 placement to relatives of the child. Notwithstanding any rule of the division to the contrary,
5 the children's division shall ~~[make diligent efforts]~~ **complete a diligent search** to locate **and**
6 **notify** the grandparents, adult siblings, ~~[and]~~ parents of siblings of the child, **and all other**
7 **relatives** and determine whether they wish to be considered for placement of the child.
8 Grandparents who request consideration shall be given preference and first consideration for
9 foster home placement of the child. If more than one grandparent requests consideration, the
10 family support team shall make recommendations to the juvenile or family court about which
11 grandparent should be considered for placement.

12 2. As used in this section, the following terms shall mean:

13 (1) "Adult sibling", any brother or sister of whole or half-blood who is at least
14 eighteen years of age;

15 (2) "Relative", a grandparent or any other person related to another by blood or
16 affinity or a person who is not so related to the child but has a close relationship with the child
17 or the child's family. The status of a grandparent shall not be affected by the death or the
18 dissolution of the marriage of a son or daughter;

19 (3) "Sibling", one of two or more individuals who have one or both parents in
20 common through blood, marriage, or adoption, including siblings as defined by the child's
21 tribal code or custom.

22 3. The following shall be the order or preference for placement of a child under this
23 section:

24 (1) Grandparents;

25 (2) Adult siblings or parents of siblings;

26 (3) Relatives related by blood or affinity within the third degree;

27 (4) Other relatives; and

28 (5) Any foster parent who is currently licensed and capable of accepting placement of
29 the child.

30 4. The preference for placement and first consideration for grandparents or preference
31 for placement with other relatives created by this section shall only apply where the court
32 finds that placement with such grandparents or other relatives is not contrary to the best
33 interest of the child considering all circumstances. If the court finds that it is contrary to the
34 best interest of a child to be placed with grandparents or other relatives, the court shall make
35 specific findings on the record detailing the reasons why the best interests of the child
36 necessitate placement of the child with persons other than grandparents or other relatives.

37 5. Recognizing the critical nature of sibling bonds for children, the children's division
38 shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship,
39 or adoptive placement, unless doing so would be contrary to the safety or well-being of any of
40 the siblings. If siblings are not placed together, the children's division shall make reasonable
41 efforts to provide frequent visitation or other ongoing interaction between the siblings, unless
42 this interaction would be contrary to a sibling's safety or well-being.

43 6. The age of the child's grandparent or other relative shall not be the only factor that
44 the children's division takes into consideration when it makes placement decisions and
45 recommendations to the court about placing the child with such grandparent or other relative.

46 7. For any Native American child placed in protective custody, the children's division
47 shall comply with the placement requirements set forth in 25 U.S.C. Section 1915.

48 8. A grandparent or other relative may, on a case-by-case basis, have standards for
49 licensure not related to safety waived for specific children in care that would otherwise
50 impede licensing of the grandparent's or relative's home. In addition, any person receiving a
51 preference may be licensed in an expedited manner if a child is placed under such person's
52 care.

53 9. The guardian ad litem shall ascertain the child's wishes and feelings about his or
54 her placement by conducting an interview or interviews with the child, if appropriate based
55 on the child's age and maturity level, which shall be considered as a factor in placement
56 decisions and recommendations, but shall not supersede the preference for relative placement
57 created by this section or be contrary to the child's best interests.

210.1007. 1. The department of [~~health and senior services~~] **elementary and**
2 **secondary education** shall [~~on or before July 1, 2003, and~~] quarterly [~~thereafter,~~] provide all
3 child-care facilities licensed pursuant to this chapter with a comprehensive list of children's
4 products that have been identified by the Consumer Product Safety Commission as unsafe.

5 2. Upon notification, a child-care facility shall inspect its premises and immediately
6 dispose of any unsafe children's products which are discovered. Such inspection shall be

7 documented by signing and dating the department's notification form in a space designated by
8 the department. Signed and dated notification forms shall be maintained in the facility's files
9 for departmental inspection.

10 3. During regular inspections, the department shall document the facility's
11 maintenance of past signed and dated notification forms. If the department discovers an
12 unsafe children's product, the facility shall be instructed to immediately dispose of the
13 product. If a facility fails to dispose of a product after being given notice that it is unsafe, it
14 shall be considered a violation under the inspection.

15 4. The department may promulgate rules for the implementation of this section. Any
16 rule or portion of a rule, as that term is defined in section 536.010, that is created under the
17 authority delegated in this section shall become effective only if it complies with and is
18 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
19 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
20 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule
21 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
22 proposed or adopted after August 28, 2002, shall be invalid and void.

210.1080. 1. As used in this section, the following terms mean:

2 (1) "Child care provider", a person licensed, regulated, or registered to provide child
3 care within the state of Missouri, including the member or members, manager or managers,
4 shareholder or shareholders, director or directors, and officer or officers of any entity
5 licensed, regulated, or registered to provide child care within the state of Missouri;

6 (2) "Child care staff member", a child care provider; persons employed by the child
7 care provider for compensation, including contract employees or self-employed individuals;
8 individuals or volunteers whose activities involve the care or supervision of children for a
9 child care provider or unsupervised access to children who are cared for or supervised by a
10 child care provider; individuals residing in a ~~[family child care]~~ home **where child care is**
11 **provided** who are ~~[seventeen years of age or older before January 1, 2021, or]~~ eighteen years
12 of age or older ~~[on or after January 1, 2021];~~ or individuals residing in a ~~[family child care]~~
13 home **where child care is provided** who are under ~~[seventeen years of age before January 1,~~
14 ~~2021, or under]~~ eighteen years of age ~~[on or after January 1, 2021,]~~ and have been certified as
15 an adult for the commission of an offense;

16 (3) "Criminal background check":

17 (a) A Federal Bureau of Investigation fingerprint check;

18 (b) A search of the National Crime Information Center's National Sex Offender
19 Registry; and

20 (c) A search of the following registries, repositories, or databases in Missouri, the
21 state where the child care staff member resides, and each state where such staff member
22 resided during the preceding five years:

23 a. The state criminal registry or repository, with the use of fingerprints being required
24 in the state where the staff member resides and optional in other states;

25 b. The state sex offender registry or repository; and

26 c. The state-based child abuse and neglect registry and database;

27 (4) [~~"Designated department", the department to which criminal background check~~
28 ~~results are sent; the department of health and senior services for child care staff members or~~
29 ~~prospective child care staff members of licensed child care facilities; and the department of~~
30 ~~social services for child care staff members or prospective child care staff members of a~~
31 ~~license-exempt child care facility or an unlicensed child care facility registered with the~~
32 ~~department of social services under section 210.027]~~ **"Department", the department of**
33 **elementary and secondary education;**

34 (5) "Qualifying result" or "qualifying criminal background check", a finding that a
35 child care staff member or prospective child care staff member is eligible for employment or
36 presence in a child care setting described under this section.

37 2. (1) Prior to the employment or presence of a child care staff member in a licensed,
38 **license-exempt, or unlicensed registered** child care facility, the child care provider shall
39 request the results of a criminal background check for such child care staff member from the
40 department [~~of health and senior services~~].

41 (2) [~~Prior to the employment or presence of a child care staff member in a license-~~
42 ~~exempt child care facility or an unlicensed child care facility registered with the department~~
43 ~~of social services, the child care provider shall request the results of a criminal background~~
44 ~~check for such child care staff member from the department of social services.~~

45 (3) A prospective child care staff member may begin work for a child care provider
46 after **receiving** the qualifying result of either a Federal Bureau of Investigation fingerprint
47 check or a search of the Missouri criminal registry or repository with the use of fingerprints
48 [~~has been received from the designated department~~]; however, pending completion of the
49 criminal background check, the prospective child care staff member shall be supervised at all
50 times by another child care staff member who received a qualifying result on the criminal
51 background check within the past five years.

52 [(4)] (3) Any individual who meets the definition of child care provider but is not
53 responsible for the oversight or direction of the child care facility and does not have
54 independent access to the child care facility [~~is~~] **shall** not required to request the results of a
55 criminal background check under this section; however, such individual shall be accompanied

56 by an individual with a qualifying criminal background check in order to be present at the
57 child care facility during child care hours.

58 3. The costs of the criminal background check shall be the responsibility of the child
59 care staff member, but may be paid or reimbursed by the child care provider at the provider's
60 discretion. The fees charged for the criminal background check shall not exceed the actual
61 cost of processing and administration.

62 4. Upon completion of the criminal background check, any child care staff member or
63 prospective child care staff member shall be ineligible for employment or presence at a
64 licensed or license-exempt child care facility or an unlicensed child care facility registered
65 with the department [~~of social services~~] and shall be disqualified from receipt of state or
66 federal funds for providing child care services either by direct payment or through
67 reimbursement to an individual who receives child care benefits if such person:

68 (1) Refuses to consent to the criminal background check as required by this section;

69 (2) Knowingly makes a materially false statement in connection with the criminal
70 background check as required by this section;

71 (3) Is registered, or is required to be registered, on a state sex offender registry or
72 repository or the National Sex Offender Registry;

73 (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to
74 210.183 or any other finding of child abuse or neglect based on any other state's registry or
75 database; or

76 (5) Has pled guilty or nolo contendere to or been found guilty of:

77 (a) Any felony for an offense against the person as defined in chapter 565;

78 (b) Any other offense against the person involving the endangerment of a child as
79 prescribed by law;

80 (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;

81 (d) Any misdemeanor or felony for an offense against the family as defined in chapter
82 568;

83 (e) Burglary in the first degree as defined in 569.160;

84 (f) Any misdemeanor or felony for robbery as defined in chapter 570;

85 (g) Any misdemeanor or felony for pornography or related offense as defined in
86 chapter 573;

87 (h) Any felony for arson as defined in chapter 569;

88 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use
89 of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in
90 section 571.070, or the unlawful possession of an explosive as defined in section 571.072;

91 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or
92 574.125;

93 (k) A felony drug-related offense committed during the preceding five years; or

94 (l) Any similar offense in any federal, state, municipal, or other court of similar
95 jurisdiction of which the ~~[director of the designated]~~ department has knowledge.

96 5. Household members ~~[seventeen years of age or older before January 1, 2021, or]~~
97 eighteen years of age or older ~~[on or after January 1, 2021]~~, or household members under
98 ~~[seventeen years of age before January 1, 2021, or under]~~ eighteen years of age ~~[on or after~~
99 ~~January 1, 2021,]~~ who have been certified as an adult for the commission of an offense, shall
100 be ineligible to maintain a presence at a ~~[facility licensed as a family child care]~~ home **where**
101 **child care is provided** during child care hours if any one or more of the provisions of
102 subsection 4 of this section apply to such members.

103 6. A child care provider may also be disqualified from receipt of state or federal funds
104 for providing child care services either by direct payment or through reimbursement to an
105 individual who receives child care benefits if such person, or any person ~~[seventeen years of~~
106 ~~age or older before January 1, 2021, or]~~ eighteen years of age or older ~~[on or after January 1,~~
107 ~~2021,]~~ residing in the household in which child care is being provided, excluding child care
108 provided in the child's home, has been refused licensure or has experienced licensure
109 suspension or revocation under section 210.221 or 210.496.

110 7. A child care provider shall not be required to submit a request for a criminal
111 background check under this section for a child care staff member if:

112 (1) The staff member received a qualifying criminal background check within five
113 years before the latest date on which such a submission may be made and while employed by
114 or seeking employment by another child care provider within Missouri;

115 (2) The ~~[department of]~~ **departments of elementary and secondary education,**
116 **health and senior services,** or ~~[the department of]~~ social services provided to the first provider
117 a qualifying criminal background check result, consistent with this section, for the staff
118 member; and

119 (3) The staff member is employed by a child care provider within Missouri or has
120 been separated from employment from a child care provider within Missouri for a period of
121 not more than one hundred eighty consecutive days.

122 8. (1) The department ~~[processing]~~ **shall process** the request for a criminal
123 background check for any prospective child care staff member or child care staff member
124 ~~[shall do so]~~ as expeditiously as possible, but not to exceed forty-five days after the date on
125 which the provider submitted the request.

126 (2) The department shall provide the results of the criminal background check to the
127 child care provider in a statement that indicates whether the prospective child care staff
128 member or child care staff member is eligible or ineligible for employment or presence at the
129 child care facility or receipt of state or federal funds for providing child care services either by

130 direct payment or through reimbursement to an individual who receives child care benefits.
131 The department shall not reveal to the child care provider any disqualifying crime or other
132 related information regarding the prospective child care staff member or child care staff
133 member.

134 (3) If such prospective child care staff member or child care staff member is ineligible
135 for employment or presence at the child care facility, the department shall, when providing
136 the results of criminal background check, include information related to each disqualifying
137 crime or other related information, in a report to such prospective child care staff member or
138 child care staff member, along with information regarding the opportunity to appeal under
139 subsection 9 of this section.

140 (4) If a prospective child care provider or child care provider has been denied state or
141 federal funds by the department [~~of social services~~] for providing child care, he or she may
142 appeal such denial to the department [~~of social services~~] **pursuant to section 210.027.**

143 9. (1) The prospective child care staff member or child care staff member may appeal
144 a finding of ineligibility for employment or presence at a child care facility in writing to the
145 department [~~that made the determination of ineligibility~~] to challenge the accuracy or
146 completeness of the information contained in his or her criminal background check if his or
147 her finding of ineligibility is based on one or more of the following offenses:

- 148 (a) Murder, as described in 18 U.S.C. Section 1111;
- 149 (b) Felony child abuse or neglect;
- 150 (c) A felony crime against children, including child pornography;
- 151 (d) Felony spousal abuse;
- 152 (e) A felony crime involving rape or sexual assault;
- 153 (f) Felony kidnapping;
- 154 (g) Felony arson;
- 155 (h) Felony physical assault or battery;
- 156 (i) A violent misdemeanor offense committed as an adult against a child, including
157 the offense of child abuse, child endangerment, or sexual assault, or a misdemeanor offense
158 involving child pornography; or
- 159 (j) Any similar offense in any federal, state, municipal, or other court.

160 (2) If a finding of ineligibility is based on an offense not provided for in subdivision
161 (1) of this subsection, the prospective child care staff member or child care staff member may
162 appeal to challenge the accuracy or completeness of the information contained in his or her
163 criminal background check or to offer information mitigating the results and explaining why
164 an eligibility exception should be granted.

165 (3) The **written** appeal shall be filed with the department [~~that made the~~
166 ~~determination~~] within ten days from the mailing of the notice of ineligibility. [~~Such~~] **The**

167 department shall attempt to verify the accuracy of the information challenged by the
168 individual, including making an effort to locate any missing disposition information related to
169 the disqualifying offense. After the department verifies the accuracy of the information
170 challenged by the individual, the department shall ~~[forward the appeal to the child care~~
171 ~~background screening review committee established in subdivision (4) of this subsection.~~
172 ~~The child care background screening review committee shall]~~ make a final decision on the
173 written appeal, and such decision shall be made in a timely manner. Such decision shall be
174 considered a noncontested final agency decision by the department ~~[that made the~~
175 ~~determination of ineligibility under this section and]~~, appealable under section 536.150.
176 Such decision shall be appealed within thirty days of the mailing of the decision.

177 ~~[(4) There is hereby established a "Child Care Background Screening Review~~
178 ~~Committee", which shall consist of the directors of the department of health and senior~~
179 ~~services and the department of social services or the directors' designee or designees.~~

180 ~~(5) Any decision by the child care background screening review committee to grant~~
181 ~~an eligibility exception as allowed in this section shall only be made upon the approval of all~~
182 ~~committee members.]~~

183 10. ~~[The department of health and senior services and the department of social~~
184 ~~services are authorized to enter into any agreements necessary to facilitate the sharing of~~
185 ~~information between the departments for the enforcement of this section including, but not~~
186 ~~limited to, the results of the criminal background check or any of its individual components.~~

187 ~~11.]~~ Nothing in this section shall prohibit ~~[either]~~ the department ~~[of health and senior~~
188 ~~services or the department of social services]~~ from requiring more frequent checks of the
189 family care safety registry established under section 210.903 or the central registry for child
190 abuse established under section 210.109 in order to determine eligibility for employment or
191 presence at the child care facility or receipt of state or federal funds for providing child care
192 services either by direct payment or through reimbursement to an individual who receives
193 child care benefits.

194 ~~[12.]~~ 11. The department ~~[of health and senior services and the department of social~~
195 ~~services]~~ may ~~[each]~~ adopt emergency rules to implement the requirements of this section.
196 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under
197 the authority delegated in this section shall become effective only if it complies with and is
198 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
199 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
200 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a
201 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
202 rule proposed or adopted after August 28, 2018, shall be invalid and void.

203 ~~[13-]~~ **12.** The provisions of this section shall not apply to any child care facility, as
204 defined in section 210.201, maintained or operated under the exclusive control of a religious
205 organization, as described in subdivision (17) of subsection 1 of section 210.211, unless such
206 facility is a recipient of federal funds for providing care for children, except for federal funds
207 for those programs that meet the requirements for participation in the Child and Adult Care
208 Food Program under 42 U.S.C. Section 1766.

217.940. 1. Sections 217.940 to 217.947 shall be known and may be cited as the
2 **"Correctional Center Nursery Program". The department of corrections shall, subject**
3 **to appropriations, establish a correctional center nursery in one or more of the**
4 **correctional centers for women operated by the department, no later than July 1, 2025.**
5 **The purpose of the correctional center nursery program is for bonding and unification**
6 **between the mother and child. The program shall allow eligible inmates and children**
7 **born from them while in the custody of the department to reside together in the**
8 **institution for up to eighteen months post-delivery. In establishing this program,**
9 **neither the inmate's participation in the program nor any provision of sections 217.940**
10 **to 217.947 shall affect, modify, or interfere with the inmate's custodial rights to the child**
11 **nor does it establish legal custody of the child with the department.**

12 **2. As used in sections 217.940 to 217.947, the following terms shall mean:**

13 **(1) "Correctional center nursery program", the program authorized by sections**
14 **217.940 to 217.947;**

15 **(2) "Department", the department of corrections;**

16 **(3) "Public assistance", all forms of assistance, including monetary assistance**
17 **from any public source paid either to the mother or child or any other person on behalf**
18 **of the child;**

19 **(4) "Support", the payment of money, including interest:**

20 **(a) For a child or spouse ordered by a court of competent jurisdiction, whether**
21 **the payment is ordered in an emergency, temporary, permanent, or modified order, the**
22 **amount of unpaid support shall bear simple interest from the date it accrued, at a rate**
23 **of ten dollars upon one hundred dollars per annum, and proportionately for a greater or**
24 **lesser sum, or for a longer or shorter time;**

25 **(b) To third parties on behalf of a child or spouse, including, but not limited to,**
26 **payments to medical, dental or educational providers, payments to insurers for health**
27 **and hospitalization insurance, payments of residential rent or mortgage payments,**
28 **payments on an automobile, or payments for day care; or**

29 **(c) For a mother, ordered by a court of competent jurisdiction, for the necessary**
30 **expenses incurred by or for the mother in connection with her confinement or of other**
31 **expenses in connection with the pregnancy of the mother.**

217.941. 1. An inmate is eligible to participate in the correctional center nursery program if:

3 (1) She delivers the child while in the custody of the department;

4 (2) She is expected to give birth or gives birth on or after the date the program is
5 implemented;

6 (3) She has a presumptive release date established by the parole board of
7 eighteen months or less from the date she applies to participate in the program;

8 (4) She has not pled guilty to or been convicted of a dangerous felony as defined
9 in section 556.061;

10 (5) She has not pled guilty to or been convicted of any sexual offense contained in
11 chapter 566 where the victim of the crime was a minor;

12 (6) She has not pled guilty to or been convicted of an offense against the family
13 contained in chapter 568, excluding criminal nonsupport; and

14 (7) She and the child meet any other criteria established by the department.

15 2. Placement into the program shall be by internal classification of the
16 department. A sentencing court is without jurisdiction to order a placement of an
17 inmate into the program.

18 3. Program capacity shall be determined by the department.

19 4. Upon first release of the mother and child, the child shall not be eligible to
20 return to the program if the mother is revoked or receives a new assignment to the
21 department of corrections.

217.942. 1. To participate in the correctional center nursery program, each
2 eligible inmate selected by the department shall agree in writing to:

3 (1) Comply with all department policies, procedures and other requirements
4 related to the corrections nursery program and rules that apply to all incarcerated
5 offenders generally;

6 (2) If eligible, have the child participate in the state children's health insurance
7 program under sections 208.631 to 208.658;

8 (3) Abide by any court decisions regarding the allocation of parental rights and
9 responsibilities with respect to the child; and

10 (4) Specify with whom the child is to be placed in the event the inmate's
11 participation in the program is terminated for a reason other than release from
12 imprisonment.

13 2. The department shall be required to establish policy for the operation of the
14 program.

217.943. An inmate's participation in the correctional center nursery program
2 may be terminated by the department if one of the following occurs:

3 (1) The inmate fails to comply with the agreement entered into under section
4 217.942;

5 (2) The inmate violates an institutional rule that results in alternative housing
6 placement outside of the area designated for the program;

7 (3) The inmate's child becomes seriously ill, cannot receive the necessary medical
8 care, or otherwise cannot safely participate in the program;

9 (4) A court of competent jurisdiction grants custody of the child to a person
10 other than the inmate;

11 (5) A court of competent jurisdiction issues an order regarding the child
12 granting temporary, permanent, or legal custody of the child to a person other than the
13 inmate, or to a public children services agency or private child placing agency; or

14 (6) The inmate is released from imprisonment.

 217.944. 1. The division of child support enforcement shall collect support
2 payments made pursuant to the assignment and forward them to the department for
3 deposit into the inmate's inmate banking account.

4 2. The department may accept monetary and property donations on behalf of
5 the program.

6 3. All donations accepted by the department for the correctional center nursery
7 program shall be used solely for any expenses relating to the operation and maintenance
8 of the program.

9 4. No donations of property shall be made on behalf of one particular inmate or
10 child to be used while incarcerated.

11 5. Financial donations, public assistance, or support for a specific inmate or
12 child shall be made through the inmate banking system.

 217.945. 1. There is hereby created in the state treasury the "Correctional
2 Center Nursery Program Fund", which shall consist of money collected under this
3 section and section 217.944 as well as any appropriations made by the general assembly.
4 The department shall obtain sufficient resources to initiate and maintain the program
5 and may accept gifts, grants, and donations of any kind. The state treasurer shall be
6 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer
7 may approve disbursements. The fund shall be a dedicated fund and money in the fund
8 shall be used solely by the department for the purposes of operating and maintaining
9 sections 217.940 to 217.947.

10 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
11 remaining in the fund at the end of the biennium shall not revert to the credit of the
12 general revenue fund.

13 **3. The state treasurer shall invest moneys in the fund in the same manner as**
14 **other funds are invested. Any interest and moneys earned on such investments shall be**
15 **credited to the fund.**

217.946. Notwithstanding any other provision of law to the contrary, neither the
2 **correctional center nursery program nor the department, with respect to the program,**
3 **is subject to any regulation, licensing or oversight by the department of health and**
4 **senior services, department of social services, children's division, juvenile officer of any**
5 **jurisdiction or the office of childhood unless the department voluntarily agrees to**
6 **services, regulation, licensing, or oversight from any of the aforementioned entities.**

217.947. The operation of a correctional center nursery program established
2 **under sections 217.940 to 217.947 and the presence of children of inmates participating**
3 **in the correctional center nursery program shall not be considered a dangerous**
4 **condition that would result in a waiver of sovereign immunity under section 537.600.**
5 **The sovereign immunity provisions of section 537.600 and any other statute regarding**
6 **the sovereign immunity of the state or public entities in existence as of August 28, 2022,**
7 **shall remain in effect and shall be applied in the same manner as such provisions were**
8 **applied prior to the establishment of the correctional center nursery program under**
9 **sections 217.940 to 217.947.**

 452.415. 1. Sections 452.300 to 452.415 [~~apply to all proceedings commenced on or~~
2 ~~after January 1, 1974~~], as such sections existed on August 28, 2021, shall apply to all
3 **pending actions and proceedings brought under this chapter as of that date, except that**
4 **actions on appeal to the supreme court and the court of appeals of Missouri shall be**
5 **governed by the law in effect at the time of the judgment or decree being appealed**
6 **becomes final.**

 2. **Any amendments to sections 452.300 to 452.415 shall, upon becoming effective,**
8 **apply to all pending actions and proceedings [~~commenced prior to January 1, 1974, with~~**
9 **respect to issues on which a judgment has not been entered. Pending actions for divorce or**
10 **separation are deemed to have been commenced on the basis of irretrievable breakdown.**
11 **Evidence adduced after January 1, 1974, shall be in compliance with sections 452.300 to**
12 **452.415] brought under this chapter on or after August 28, 2021, except as otherwise**
13 **provided by law.**

~~[3. Sections 452.300 to 452.415 apply to all proceedings commenced after January 1,~~
14 ~~1974, for the modification of a judgment or order entered prior to January 1, 1974.~~

~~4. In any action or proceeding in which an appeal was pending or a new trial was~~
16 ~~ordered prior to January 1, 1974, the law in effect at the time of the order sustaining the~~
17 ~~appeal or the new trial governs the appeal, the new trial, and any subsequent trial or appeal.]~~
18

475.050. 1. Before appointing any other eligible person as guardian of an
2 incapacitated person, or conservator of a disabled person, the court shall consider the
3 suitability of appointing any of the following persons, listed in the order of priority, who
4 appear to be willing to serve:

5 (1) If the incapacitated or disabled person is, at the time of the hearing, able to make
6 and communicate a reasonable choice, any eligible person nominated by the person;

7 (2) Any eligible person nominated in a durable power of attorney executed by the
8 incapacitated or disabled person, or in an instrument in writing signed by the incapacitated or
9 disabled person and by two witnesses who signed at the incapacitated or disabled person's
10 request, before the inception of the person's incapacity or disability;

11 (3) The spouse, parents, adult children, adult brothers and sisters and other close adult
12 relatives of the incapacitated or disabled person;

13 (4) Any other eligible person or, with respect to the estate only, any eligible
14 organization or corporation, nominated in a duly probated will of such a spouse or relative.

15 2. The court shall not appoint an unrelated third party as a guardian or conservator
16 unless there is no relative suitable and willing to serve or if the appointment of a relative or
17 nominee is otherwise contrary to the best interests of the incapacitated or disabled person. If
18 the incapacitated or disabled person is a minor under the care of the children's division and is
19 entering adult guardianship or conservatorship, it shall be a rebuttable presumption that he or
20 she has no relative suitable and willing to serve as guardian or conservator.

21 3. Except for good cause shown, the court shall make its appointment in accordance
22 with the incapacitated or disabled person's most recent valid nomination of an eligible person
23 qualified to serve as guardian of the person or conservator of the estate.

24 4. Except for those individuals specified in subdivisions (1) and (2) of this subsection,
25 the court shall require all guardians and conservators who are seeking appointment and who
26 have a fiduciary responsibility to a ward, an incapacitated person, or a disabled person to
27 submit at their own expense to a background screening that shall include the disqualification
28 lists of the departments of mental health, social services, and health and senior services; the
29 abuse and neglect registries for adults and children; a Missouri criminal record review; and
30 the sexual offender registry. Individuals seeking appointment as a conservator shall also
31 submit, at their own expense, to a credit history investigation. The nominated guardian or
32 conservator shall file the results of the reports with the court at least ten days prior to the
33 appointment hearing date unless waived or modified by the court for good cause shown by an
34 affidavit filed simultaneously with the petition for appointment or in the event the protected
35 person requests an expedited hearing. The provisions of this subsection shall not apply to:

36 (1) Public administrators; or

37 (2) The ward's, incapacitated person's, or disabled person's spouse, parents, children
 38 who have reached eighteen years of age, [or] siblings who have reached eighteen years of age,
 39 **or grandparents seeking guardianship or conservatorship of a minor grandchild, unless**
 40 **such background reports are requested by any other party to the proceeding, the**
 41 **guardian ad litem for the minor child, or otherwise ordered by the court on its own**
 42 **motion.**

43 5. Guardians certified by a national accrediting organization may file proof of
 44 certification in lieu of the requirements of subsections 4 and 6 of this section.

45 6. An order appointing a guardian or conservator shall not be signed by the judge
 46 until such reports have been filed with the court and reviewed by the judge, who shall
 47 consider the reports in determining whether to appoint a guardian or conservator. Such
 48 reports, or lack thereof, shall be certified either by an affidavit or by obtaining a certified copy
 49 of the reports. No reports or national criminal history record check shall be required by the
 50 court upon the application of a petitioner for an emergency temporary guardianship or
 51 emergency temporary conservatorship. The court may waive the requirements of this
 52 subsection for good cause shown. If appointed, a guardian or conservator may petition the
 53 court for reimbursement of the reasonable expenses of the credit history investigation and
 54 background screenings.

2 ~~[210.199.— Any applicant for a grant or contract who offers early~~
 3 ~~childhood development, education or care programs and who receives funds~~
 4 ~~derived from an appropriation to the department of elementary and secondary~~
 5 ~~education pursuant to paragraph (d) of subdivision (3) of section 313.835 shall~~
 6 ~~be licensed by the department of health and senior services pursuant to~~
 7 ~~sections 210.201 to 210.259 prior to opening of the facility. The provisions of~~
 8 ~~this section shall not apply to any grant or contract awarded to a request for~~
~~proposal issued prior to August 28, 1999.]~~

2 Section B. Because of the need for safe and adequate child care services for Missouri
 3 families, the repeal and reenactment of section 210.211 of this act is deemed necessary for the
 4 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
 5 to be an emergency act within the meaning of the constitution, and the repeal and reenactment
 of section 210.211 of this act shall be in full force and effect upon its passage and approval.

✓