

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 1047

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR KENNEDY.

Read 1st time January 13, 2004, and ordered printed.

Read 2nd time January 26, 2004, and referred to the Committee on Aging, Families, Mental and Public Health.

Reported from the Committee March 8, 2004, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 18, 2004. Read 3rd time and placed upon its final passage; bill passed.

3900S.01P

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 210.481, 210.484, and 210.486, RSMo, and to enact in lieu thereof two new sections relating to facilities providing twenty-four-hour care for children in a group setting.

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

Section A. Sections 210.481, 210.484, and 210.486, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.481 and 210.486, to read as follows:

210.481. As used in sections 210.481 to 210.536, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Child", any individual under eighteen years of age or in the custody of the division;

(2) "Child placing agency", any person, other than the parents, who places a child outside the home of the child's parents or guardian, or advertises or holds himself forth as performing such services, but excluding the attorney, physician, or clergyman of the parents;

(3) "Division", the **children's** division [of family services] of the department of social services of the state of Missouri;

(4) "Foster home", a private residence of one or more family members providing twenty-four-hour care to one or more but less than seven children who are unattended by parent or guardian and who are unrelated to either foster parent by blood, marriage, or

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

adoption;

(5) "Guardian", the person designated by a court of competent jurisdiction as the "guardian of the person of a minor" or "guardian of the person and conservator of the estate of a minor";

(6) "License", the document issued by the division in accordance with the applicable provisions of sections 210.481 to 210.536 to a foster home, residential care facility, or child placing agency which authorizes the foster home, residential care facility, or child placing agency to operate its program in accordance with the applicable provisions of sections 210.481 to 210.536 and rules issued pursuant thereto;

(7) "Person", any individual, firm, corporation, partnership, association, agency, or an incorporated or unincorporated organization, regardless of the name used;

(8) "Provisional license", the document issued by the division in accordance with the applicable provisions of sections 210.481 to 210.536 to a foster home, residential care facility, or child placing agency which is not currently meeting requirements for full licensure;

(9) "Related", any of the following by blood, marriage, or adoption: Parent, grandparent, brother, sister, half-brother, half-sister, stepparent, stepbrother, stepsister, uncle, aunt, or first cousin;

(10) "Residential care facility", a facility providing twenty-four-hour care in a group setting to children who are unrelated to the person operating the facility and who are unattended by a parent or guardian.

210.486. 1. No person shall operate or maintain a foster home, residential care facility, or child placing agency without having in full force and effect a valid license issued by the division [or the department of health and senior services as provided in section 210.484].

2. The division [or the department of health and senior services as provided in section 210.484] shall conduct an investigation of all applicants and such investigation shall include examination of the physical facility and investigation of persons responsible for the care of, planning, and services for the children being served.

3. The division [or the department of health and senior services as provided in section 210.484] shall issue a license upon being satisfied that the applicant complies with the applicable provisions of sections 210.481 to 210.536 and rules issued pursuant thereto.

4. The division [or the department of health and senior services as provided in section 210.484] shall initiate action on an application within a reasonable time, which shall not exceed thirty days, from receipt of the application.

5. The license shall be valid for a period not to exceed two years from date of issuance.

6. The division [or the department of health and senior services as provided in section 210.484] may issue a provisional license to a foster home, residential care facility, or child

placing agency that is not currently meeting requirements for full licensure but demonstrates the potential capacity to meet full requirements for licensure; but no provisional license shall be issued unless the director is satisfied that the operation of the foster home, residential care facility, or child placing agency so licensed is not detrimental to the health and safety of the children being served. The provisional license shall be nonrenewable and shall be valid for a period not to exceed six months from date of issuance.

[210.484. Notwithstanding any other provision of law to the contrary, the department of health and senior services shall license residential care facilities, as defined in subdivision (10) of section 210.481.]

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