

FIRST REGULAR SESSION

SENATE BILL NO. 523

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time March 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2270S.011

AN ACT

To repeal section 210.025, RSMo, and to enact in lieu thereof one new section relating to criminal background checks for child care providers.

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

Section A. Section 210.025, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 210.025, to read as follows:

210.025. 1. To qualify for receipt of state or federal funds for providing
2 child-care services in the home either by direct payment or through
3 reimbursement to a child-care beneficiary, an applicant and any person over the
4 age of seventeen who is living in the applicant's home shall be required to submit
5 to a criminal background check pursuant to section 43.540 and a check of the
6 central registry for child abuse established in section 210.145. Effective January
7 1, 2001, the requirements of this subsection or subsection 2 of this section shall
8 be satisfied through registration with the family care safety registry established
9 in sections 210.900 to 210.936. Any costs associated with such checks shall be
10 paid by the applicant.

11 2. Upon receipt of an application for state or federal funds for providing
12 child-care services in the home, the family support division shall:

13 (1) Determine if a finding of child abuse or neglect by probable cause prior
14 to August 28, 2004, or by a preponderance of the evidence after August 28, 2004,
15 involving the applicant or any person over the age of seventeen who is living in
16 the applicant's home has been recorded pursuant to section 210.145 or 210.221;

17 (2) Determine if the applicant or any person over the age of seventeen who
18 is living in the applicant's home has been refused licensure or has experienced
19 licensure suspension or revocation pursuant to section 210.221 or 210.496; and

20 (3) Upon initial application, require the applicant to submit to

21 fingerprinting and request a criminal background check of the applicant and any
22 person over the age of seventeen who is living in the applicant's home pursuant
23 to section 43.540 and section 210.487, and inquire of the applicant whether any
24 children less than seventeen years of age residing in the applicant's home have
25 ever been certified as an adult and convicted of, or pled guilty or nolo contendere
26 to any crime.

27 3. Except as otherwise provided in subsection 4 of this section, upon
28 completion of the background checks in subsection 2 of this section, an applicant
29 shall be denied state or federal funds for providing child care if such applicant,
30 any person over the age of seventeen who is living in the applicant's home, and
31 any child less than seventeen years of age who is living in the applicant's home
32 and who the division has determined has been certified as an adult for the
33 commission of a crime:

34 (1) Has had a finding of child abuse or neglect by probable cause prior to
35 August 28, 2004, or by a preponderance of the evidence after August 28, 2004,
36 pursuant to section 210.145 or section 210.152;

37 (2) Has been refused licensure or has experienced licensure suspension
38 or revocation pursuant to section 210.496;

39 (3) Has pled guilty or nolo contendere to or been found guilty of any felony
40 for an offense against the person as defined by chapter 565, or any other offense
41 against the person involving the endangerment of a child as prescribed by law;
42 of any misdemeanor or felony for a sexual offense as defined by chapter 566; of
43 any misdemeanor or felony for an offense against the family as defined in chapter
44 568, with the exception of the sale of fireworks, as defined in section 320.110, to
45 a child under the age of eighteen; of any misdemeanor or felony for pornography
46 or related offense as defined by chapter 573; or of any similar crime in any
47 federal, state, municipal or other court of similar jurisdiction of which the
48 director has knowledge or any offenses or reports which will disqualify an
49 applicant from receiving state or federal funds.

50 4. An applicant shall be given an opportunity by the division to offer any
51 extenuating or mitigating circumstances regarding the findings, refusals or
52 violations against such applicant or any person over the age of seventeen or less
53 than seventeen who is living in the applicant's home listed in subsection 2 of this
54 section. Such extenuating and mitigating circumstances may be considered by
55 the division in its determination of whether to permit such applicant to receive
56 state or federal funds for providing child care in the home.

57 5. An applicant who has been denied state or federal funds for providing
58 child care in the home may appeal such denial decision in accordance with the
59 provisions of section 208.080.

60 6. If an applicant is denied state or federal funds for providing child care
61 in the home based on the background check results for any person over the age
62 of seventeen who is living in the applicant's home, the applicant shall not apply
63 for such funds until such person is no longer living in the applicant's home.

64 7. **Any applicant seeking to receive state or federal funds for**
65 **providing child care shall sign an authorization allowing the**
66 **department of health and senior services to share the results of the**
67 **applicant's criminal background check with the department of social**
68 **services.**

69 8. Any rule or portion of a rule, as that term is defined in section 536.010,
70 that is created under the authority delegated in this section shall become effective
71 only if it complies with and is subject to all of the provisions of chapter 536 and,
72 if applicable, section 536.028. All rulemaking authority delegated prior to August
73 28, 1999, is of no force and effect and repealed. Nothing in this section shall be
74 interpreted to repeal or affect the validity of any rule filed or adopted prior to
75 August 28, 1999, if it fully complied with all applicable provisions of law. This
76 section and chapter 536 are nonseverable and if any of the powers vested with the
77 general assembly pursuant to chapter 536 to review, to delay the effective date
78 or to disapprove and annul a rule are subsequently held unconstitutional, then
79 the grant of rulemaking authority and any rule proposed or adopted after August
80 28, 1999, shall be invalid and void.

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