

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 132

101ST GENERAL ASSEMBLY

0978S.03C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 210.211, RSMo, and to enact in lieu thereof one new section relating to family child care homes, with an emergency clause.

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

Section A. Section 210.211, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 210.211,
3 to read as follows:

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

9 (1) Any person who is caring for six or fewer
10 children, including a maximum of three children under the
11 age of two, at the same physical address. For purposes of
12 this subdivision, children who live in the caregiver's home
13 and who are eligible for enrollment in a public
14 kindergarten, elementary, or high school shall not be
15 considered in the total number of children being cared for;

16 (2) Any person who receives free of charge, and not as
17 a business, for periods not exceeding ninety consecutive

18 days, as bona fide, occasional and personal guests the child
19 or children of personal friends of such person, and who
20 receives custody of no other unrelated child or children;

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

23 (4) Any summer camp that is conducted in good faith
24 primarily to provide recreation;

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

28 (6) Any residential facility or day program licensed
29 by the department of mental health under sections 630.705 to
30 630.760 that provides care, treatment, and habilitation
31 exclusively to children who have a primary diagnosis of
32 mental disorder, mental illness, intellectual disability, or
33 developmental disability, as those terms are defined in
34 section 630.005;

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

36 (8) Any Montessori school as defined in section
37 210.201;

38 (9) Any business that operates a child care program
39 for the convenience of its customers if the following
40 conditions are met:

41 (a) The business provides child care for employees'
42 children for no more than four hours per day; and

43 (b) Customers remain on site while their children are
44 being cared for by the business establishment;

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

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

48 (12) Any weekly Sunday or Sabbath school, a vacation
49 bible school, or child care made available while the parents

50 or guardians are attending worship services or other
51 meetings and activities conducted or sponsored by a
52 religious organization;

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

55 (14) Any religious organization elementary or
56 secondary school;

57 (15) Any private organization elementary or secondary
58 school system providing child care to children younger than
59 school age. If a facility or program is exempt from
60 licensure based upon this exception, such facility or
61 program shall submit documentation annually to the
62 department to verify its licensure-exempt status;

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

65 (17) Any child care facility maintained or operated
66 under the exclusive control of a religious organization. If
67 a nonreligious organization having as its principal purpose
68 the provision of child care services enters into an
69 arrangement with a religious organization for the
70 maintenance or operation of a child care facility, the
71 facility is not under the exclusive control of the religious
72 organization.

73 2. Notwithstanding the provisions of subsection 1 of
74 this section, no child-care facility shall be exempt from
75 licensure if such facility receives any state or federal
76 funds for providing care for children, except for federal
77 funds for those programs which meet the requirements for
78 participation in the Child and Adult Care Food Program
79 pursuant to 42 U.S.C. Section 1766. Grants to parents for
80 child care pursuant to sections 210.201 to 210.257 shall not
81 be construed to be funds received by a person or facility

82 listed in subdivisions (1) and (17) of subsection 1 of this
83 section.

84 3. Any child care facility not exempt from licensure
85 shall disclose the licensure status of the facility to the
86 parents or guardians of children for which the facility
87 provides care. No child care facility exempt from licensure
88 shall represent to any parent or guardian of children for
89 which the facility provides care that the facility is
90 licensed when such facility is in fact not licensed. A
91 parent or guardian shall sign a written notice indicating he
92 or she is aware of the licensure status of the facility.
93 The facility shall keep a copy of this signed written notice
94 on file. All child care facilities shall provide the parent
95 or guardian enrolling a child in the facility with a written
96 explanation of the disciplinary philosophy and policies of
97 the child care facility.

98 **4. Up to two children who are five years of age or**
99 **older and who are related within the third degree of**
100 **consanguinity or affinity to, adopted by, or under court**
101 **appointed guardianship or legal custody of a child care**
102 **provider who is responsible for the daily operation of a**
103 **licensed family child care home that is organized as a**
104 **corporation, association, firm, partnership, limited**
105 **liability company, sole proprietorship, or any other type of**
106 **business entity in this state shall not be included in the**
107 **number of children counted toward the maximum number of**
108 **children for which the family child care home is licensed**
109 **under section 210.221. If more than one member of the**
110 **corporation, association, firm, partnership, limited**
111 **liability company, or other business entity is responsible**
112 **for the daily operation of the licensed family child care**
113 **home, then the related children of only one such member**

114 shall be excluded. A family child care home caring for
115 children not counted in the maximum number of children, as
116 permitted under this subsection, shall disclose this to
117 parents or guardians on the written notice required under
118 subsection 3 of this section. If a family child care home
119 begins caring for children not counted in the maximum number
120 of children after a parent or guardian has signed the
121 written notice required under subsection 3 of this section,
122 the family child care home shall provide a separate notice
123 to the parent or guardian that the family child care home is
124 caring for children not counted in the maximum number of
125 children for which the family child care home is licensed
126 and shall keep a copy of the signed notice on file.

127 5. Nothing in this section shall prevent the
128 department from enforcing licensing regulations promulgated
129 under this chapter, including, but not limited to,
130 supervision requirements and capacity limitations based on
131 the amount of child care space available.

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

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