

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 823
101ST GENERAL ASSEMBLY

4084H.08C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 43.400, 43.401, 136.055, 160.261, 167.630, 208.044, 208.046, 208.053, 208.151, 208.662, 210.027, 210.102, 210.127, 210.135, 210.140, 210.147, 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, 210.482, 210.487, 210.493, 210.565, 210.762, 210.1007, 210.1080, 211.081, 302.178, 302.181, 452.415, 509.520, and 568.045, RSMo, and to enact in lieu thereof fifty-one new sections relating to the care of children, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 43.400, 43.401, 136.055, 160.261, 167.630, 208.044, 208.046, 208.053, 208.151, 208.662, 210.027, 210.102, 210.127, 210.135, 210.140, 210.147, 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, 210.482, 210.487, 210.493, 210.565, 210.762, 210.1007, 210.1080, 211.081, 302.178, 302.181, 452.415, 509.520, and 568.045, RSMo, are repealed and fifty-one new sections enacted in lieu thereof, to be known as sections 43.400, 43.401, 136.055, 160.261, 163.063, 167.630, 208.044, 208.046, 208.053, 208.151, 208.662, 210.027, 210.102, 210.127, 210.135, 210.140, 210.147, 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, 210.482, 210.487, 210.493, 210.565, 210.715, 210.762, 210.795, 210.1007, 210.1080, 210.1450, 211.081, 302.178, 302.181, 452.415, 509.520, 568.045, and 571.031, to read as follows:

43.400. As used in sections 43.400 to 43.410, the following terms mean:

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.

2 (1) "Missing child" or "missing juvenile", any person who is under the age of
3 ~~seventeen~~ **eighteen years or who is in foster care regardless of the person's age**, whose
4 temporary or permanent residence is in the state of Missouri or who is believed to be within
5 the state of Missouri, whose location has not been determined, and who has been reported as
6 missing to a law enforcement agency;

7 (2) "Missing child report", a report prepared on a standard form supplied by the
8 Missouri state highway patrol for the use by private citizens and law enforcement agencies to
9 report missing children or missing juvenile information to the Missouri state highway patrol;

10 (3) "Missing person", a person who is missing and meets one of the following
11 characteristics:

12 (a) Is physically or mentally disabled to the degree that the person is dependent upon
13 an agency or another individual;

14 (b) Is missing under circumstances indicating that the missing person's safety may be
15 in danger;

16 (c) Is missing under involuntary or unknown circumstances; subject to the provisions
17 of (a), (b), (d), (e), and (f) of this subsection;

18 (d) Is a child or juvenile runaway from the residence of a parent, legal guardian, or
19 custodian;

20 (e) Is a child and is missing under circumstances indicating that the person was or is
21 in the presence of or under the control of a party whose presence or control was or is in
22 violation of a permanent or temporary court order and fourteen or more days have elapsed,
23 during which time the party has failed to file any pleading with the court seeking modification
24 of the permanent or temporary court order;

25 (f) Is missing under circumstances indicating that the person was or is in the presence
26 of or under the control of a party whose presence or control was or is in violation of a
27 permanent or temporary court order and there are reasonable grounds to believe that the
28 person may be taken outside of the United States;

29 (4) "Patrol", the Missouri state highway patrol;

30 (5) "Registrar", the state registrar of vital statistics.

43.401. 1. The reporting of missing persons by law enforcement agencies, private
2 citizens, and the responsibilities of the patrol in maintaining accurate records of missing
3 persons are as follows:

4 (1) A person may file a complaint of a missing person with a law enforcement agency
5 having jurisdiction. The complaint shall include, but need not be limited to, the following
6 information:

7 (a) The name of the complainant;

8 (b) The name, address, and phone number of the guardian, if any, of the missing
9 person;

10 (c) The relationship of the complainant to the missing person;

11 (d) The name, age, address, and all identifying characteristics of the missing person;

12 (e) The length of time the person has been missing; and

13 (f) All other information deemed relevant by either the complainant or the law
14 enforcement agency;

15 (2) A report of the complaint of a missing person shall be immediately entered into
16 the Missouri uniform law enforcement system (MULES) and the National Crime Information
17 Center (NCIC) system by the law enforcement agency receiving the complaint, and
18 disseminated to other law enforcement agencies who may come in contact with or be
19 involved in the investigation or location of a missing person;

20 (3) A law enforcement agency with which a complaint of a missing child has been
21 filed shall prepare, as soon as practicable, a standard missing child report. The missing child
22 report shall be maintained as a record by the reporting law enforcement agency during the
23 course of an active investigation;

24 (4) Upon the location of a missing person, or the determination by the law
25 enforcement agency of jurisdiction that the person is no longer missing, the law enforcement
26 agency which reported the missing person shall immediately remove the record of the missing
27 person from the MULES and NCIC files.

28 2. No law enforcement agency shall prevent an immediate active investigation on the
29 basis of an agency rule which specifies an automatic time limitation for a missing person
30 investigation.

31 **3. An agency or placement provider with legal custody of a child shall ensure a**
32 **missing child report is filed once the agency or placement provider determines that a**
33 **child in the agency's or placement provider's custody is missing, and the agency or**
34 **placement provider shall be subject to the penalty provided under subdivision (2) of**
35 **subsection 1 of section 210.762. A law enforcement officer shall take a missing child**
36 **report from any member of the family support team as defined under section 210.762**
37 **and shall provide a copy of the missing child report to the agency or placement provider**
38 **with legal custody of the missing child. The agency or placement provider shall**
39 **maintain all missing child reports for any child under the legal custody of the agency or**
40 **placement provider.**

136.055. 1. **Except as provided in subsection 8 of this section,** any person who is
2 selected or appointed by the state director of revenue as provided in subsection 2 of this
3 section to act as an agent of the department of revenue, whose duties shall be the processing
4 of motor vehicle title and registration transactions and the collection of sales and use taxes

5 when required under sections 144.070 and 144.440, and who receives no salary from the
6 department of revenue, shall be authorized to collect from the party requiring such services
7 additional fees as compensation in full and for all services rendered on the following basis:

8 (1) For each motor vehicle or trailer registration issued, renewed or transferred, six
9 dollars and twelve dollars for those licenses sold or biennially renewed pursuant to section
10 301.147;

11 (2) For each application or transfer of title, six dollars;

12 (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's
13 license issued for a period of three years or less, six dollars and twelve dollars for licenses or
14 instruction permits issued or renewed for a period exceeding three years;

15 (4) For each notice of lien processed, six dollars;

16 (5) Notary fee or electronic transmission per processing, two dollars.

17 2. The director of revenue shall award fee office contracts under this section through
18 a competitive bidding process. The competitive bidding process shall give priority to
19 organizations and entities that are exempt from taxation under Section 501(c)(3), 501(c)(6), or
20 501(c)(4), except those civic organizations that would be considered action organizations
21 under 26 C.F.R. Section 1.501 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as
22 amended, with special consideration given to those organizations and entities that reinvest a
23 minimum of seventy-five percent of the net proceeds to charitable organizations in Missouri,
24 and political subdivisions, including but not limited to, municipalities, counties, and fire
25 protection districts. The director of the department of revenue may promulgate rules and
26 regulations necessary to carry out the provisions of this subsection. Any rule or portion of a
27 rule, as that term is defined in section 536.010, that is created under the authority delegated in
28 this subsection shall become effective only if it complies with and is subject to all of the
29 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
30 are nonseverable and if any of the powers vested with the general assembly pursuant to
31 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
32 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
33 proposed or adopted after August 28, 2009, shall be invalid and void.

34 3. All fees collected by a tax-exempt organization may be retained and used by the
35 organization.

36 4. All fees charged shall not exceed those in this section. The fees imposed by this
37 section shall be collected by all permanent offices and all full-time or temporary offices
38 maintained by the department of revenue.

39 5. Any person acting as agent of the department of revenue for the sale and issuance
40 of registrations, licenses, and other documents related to motor vehicles shall have an

41 insurable interest in all license plates, licenses, tabs, forms and other documents held on
42 behalf of the department.

43 6. The fees authorized by this section shall not be collected by motor vehicle dealers
44 acting as agents of the department of revenue under section 32.095 or those motor vehicle
45 dealers authorized to collect and remit sales tax under subsection 10 of section 144.070.

46 7. Notwithstanding any other provision of law to the contrary, the state auditor may
47 audit all records maintained and established by the fee office in the same manner as the
48 auditor may audit any agency of the state, and the department shall ensure that this audit
49 requirement is a necessary condition for the award of all fee office contracts. No confidential
50 records shall be divulged in such a way to reveal personally identifiable information.

51 **8. The fees described in subsection 1 of this section shall not be collected from**
52 **any person who qualifies as a homeless child or homeless youth, as defined in subsection**
53 **1 of section 167.020, or as an unaccompanied youth as defined in 42 U.S.C. Section**
54 **11434a(6). Such person's status as a homeless child or youth or unaccompanied youth**
55 **shall be verified by a letter signed by one of the following persons:**

56 **(1) A director or designee of a governmental or nonprofit agency that receives**
57 **public or private funding to provide services to homeless persons;**

58 **(2) A local education agency liaison for homeless children and youth designated**
59 **under 42 U.S.C. Section 11432(g)(1)(J)(ii);**

60 **(3) A licensed attorney representing the minor in any legal matter; or**

61 **(4) A school social worker or counselor.**

160.261. 1. The local board of education of each school district shall clearly establish
2 a written policy of discipline, including the district's determination on the use of corporal
3 punishment and the procedures in which punishment will be applied. A written copy of the
4 district's discipline policy and corporal punishment procedures, if applicable, shall be
5 provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the
6 beginning of each school year and also made available in the office of the superintendent of
7 such district, during normal business hours, for public inspection. **No pupil shall be subject**
8 **to corporal punishment procedures outlined in the discipline and corporal punishment**
9 **policy without a parent or guardian being notified and providing written permission for**
10 **the corporal punishment.** All employees of the district shall annually receive instruction
11 related to the specific contents of the policy of discipline and any interpretations necessary to
12 implement the provisions of the policy in the course of their duties, including but not limited
13 to approved methods of dealing with acts of school violence, disciplining students with
14 disabilities and instruction in the necessity and requirements for confidentiality.

15 2. The policy shall require school administrators to report acts of school violence to
16 all teachers at the attendance center and, in addition, to other school district employees with a

17 need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as
18 school personnel who are directly responsible for the student's education or who otherwise
19 interact with the student on a professional basis while acting within the scope of their
20 assigned duties. As used in this section, the phrase "act of school violence" or "violent
21 behavior" means the exertion of physical force by a student with the intent to do serious
22 physical injury as defined in section 556.061 to another person while on school property,
23 including a school bus in service on behalf of the district, or while involved in school
24 activities. The policy shall at a minimum require school administrators to report, as soon as
25 reasonably practical, to the appropriate law enforcement agency any of the following crimes,
26 or any act which if committed by an adult would be one of the following crimes:

- 27 (1) First degree murder under section 565.020;
- 28 (2) Second degree murder under section 565.021;
- 29 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or
30 kidnapping in the first degree under section 565.110;
- 31 (4) First degree assault under section 565.050;
- 32 (5) Rape in the first degree under section 566.030;
- 33 (6) Sodomy in the first degree under section 566.060;
- 34 (7) Burglary in the first degree under section 569.160;
- 35 (8) Burglary in the second degree under section 569.170;
- 36 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1,
37 2017, or robbery in the first degree under section 570.023;
- 38 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017,
39 or manufacture of a controlled substance under section 579.055;
- 40 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to
41 January 1, 2017, or delivery of a controlled substance under section 579.020;
- 42 (12) Arson in the first degree under section 569.040;
- 43 (13) Voluntary manslaughter under section 565.023;
- 44 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1,
45 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary
46 manslaughter in the second degree under section 565.027;
- 47 (15) Second degree assault under section 565.060 as it existed prior to January 1,
48 2017, or second degree assault under section 565.052;
- 49 (16) Rape in the second degree under section 566.031;
- 50 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017,
51 or kidnapping in the second degree under section 565.120;
- 52 (18) Property damage in the first degree under section 569.100;
- 53 (19) The possession of a weapon under chapter 571;

54 (20) Child molestation in the first degree pursuant to section 566.067 as it existed
55 prior to January 1, 2017, or child molestation in the first, second, or third degree pursuant to
56 section 566.067, 566.068, or 566.069;

57 (21) Sodomy in the second degree pursuant to section 566.061;

58 (22) Sexual misconduct involving a child pursuant to section 566.083;

59 (23) Sexual abuse in the first degree pursuant to section 566.100;

60 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or
61 harassment in the first degree under section 565.090; or

62 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking
63 in the first degree under section 565.225;

64

65 committed on school property, including but not limited to actions on any school bus in
66 service on behalf of the district or while involved in school activities. The policy shall require
67 that any portion of a student's individualized education program that is related to
68 demonstrated or potentially violent behavior shall be provided to any teacher and other
69 school district employees who are directly responsible for the student's education or who
70 otherwise interact with the student on an educational basis while acting within the scope of
71 their assigned duties. The policy shall also contain the consequences of failure to obey
72 standards of conduct set by the local board of education, and the importance of the standards
73 to the maintenance of an atmosphere where orderly learning is possible and encouraged.

74 3. The policy shall provide that any student who is on suspension for any of the
75 offenses listed in subsection 2 of this section or any act of violence or drug-related activity
76 defined by school district policy as a serious violation of school discipline pursuant to
77 subsection 9 of this section shall have as a condition of his or her suspension the requirement
78 that such student is not allowed, while on such suspension, to be within one thousand feet of
79 any school property in the school district where such student attended school or any activity
80 of that district, regardless of whether or not the activity takes place on district property unless:

81 (1) Such student is under the direct supervision of the student's parent, legal guardian,
82 or custodian and the superintendent or the superintendent's designee has authorized the
83 student to be on school property;

84 (2) Such student is under the direct supervision of another adult designated by the
85 student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the
86 school which suspended the student and the superintendent or the superintendent's designee
87 has authorized the student to be on school property;

88 (3) Such student is enrolled in and attending an alternative school that is located
89 within one thousand feet of a public school in the school district where such student attended
90 school; or

91 (4) Such student resides within one thousand feet of any public school in the school
92 district where such student attended school in which case such student may be on the property
93 of his or her residence without direct adult supervision.

94 4. Any student who violates the condition of suspension required pursuant to
95 subsection 3 of this section may be subject to expulsion or further suspension pursuant to the
96 provisions of sections 167.161, 167.164, and 167.171. In making this determination
97 consideration shall be given to whether the student poses a threat to the safety of any child or
98 school employee and whether such student's unsupervised presence within one thousand feet
99 of the school is disruptive to the educational process or undermines the effectiveness of the
100 school's disciplinary policy. Removal of any pupil who is a student with a disability is subject
101 to state and federal procedural rights. This section shall not limit a school district's ability to:

102 (1) Prohibit all students who are suspended from being on school property or
103 attending an activity while on suspension;

104 (2) Discipline students for off-campus conduct that negatively affects the educational
105 environment to the extent allowed by law.

106 5. The policy shall provide for a suspension for a period of not less than one year, or
107 expulsion, for a student who is determined to have brought a weapon to school, including but
108 not limited to the school playground or the school parking lot, brought a weapon on a school
109 bus or brought a weapon to a school activity whether on or off of the school property in
110 violation of district policy, except that:

111 (1) The superintendent or, in a school district with no high school, the principal of the
112 school which such child attends may modify such suspension on a case-by-case basis; and

113 (2) This section shall not prevent the school district from providing educational
114 services in an alternative setting to a student suspended under the provisions of this section.

115 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined
116 under 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a
117 blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas
118 gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or
119 a switchblade knife; except that this section shall not be construed to prohibit a school board
120 from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on
121 school property for educational purposes so long as the firearm is unloaded. The local board
122 of education shall define weapon in the discipline policy. Such definition shall include the
123 weapons defined in this subsection but may also include other weapons.

124 7. All school district personnel responsible for the care and supervision of students
125 are authorized to hold every pupil strictly accountable for any disorderly conduct in school or
126 on any property of the school, on any school bus going to or returning from school, during
127 school-sponsored activities, or during intermission or recess periods.

128 8. Teachers and other authorized district personnel in public schools responsible for
129 the care, supervision, and discipline of schoolchildren, including volunteers selected with
130 reasonable care by the school district, shall not be civilly liable when acting in conformity
131 with the established policies developed by each board, including but not limited to policies of
132 student discipline or when reporting to his or her supervisor or other person as mandated by
133 state law acts of school violence or threatened acts of school violence, within the course and
134 scope of the duties of the teacher, authorized district personnel or volunteer, when such
135 individual is acting in conformity with the established policies developed by the board.
136 Nothing in this section shall be construed to create a new cause of action against such school
137 district, or to relieve the school district from liability for the negligent acts of such persons.

138 9. Each school board shall define in its discipline policy acts of violence and any
139 other acts that constitute a serious violation of that policy. "Acts of violence" as defined by
140 school boards shall include but not be limited to exertion of physical force by a student with
141 the intent to do serious bodily harm to another person while on school property, including a
142 school bus in service on behalf of the district, or while involved in school activities. School
143 districts shall for each student enrolled in the school district compile and maintain records of
144 any serious violation of the district's discipline policy. Such records shall be made available
145 to teachers and other school district employees with a need to know while acting within the
146 scope of their assigned duties, and shall be provided as required in section 167.020 to any
147 school district in which the student subsequently attempts to enroll.

148 10. Spanking, when administered by certificated personnel and in the presence of a
149 witness who is an employee of the school district, or the use of reasonable force to protect
150 persons or property, when administered by personnel of a school district in a reasonable
151 manner in accordance with the local board of education's written policy of discipline, is not
152 abuse within the meaning of chapter 210. ~~[The provisions of sections 210.110 to 210.165~~
153 ~~notwithstanding, the children's division shall not have jurisdiction over or investigate any~~
154 ~~report of alleged child abuse arising out of or related to the use of reasonable force to protect~~
155 ~~persons or property when administered by personnel of a school district or any spanking~~
156 ~~administered in a reasonable manner by any certificated school personnel in the presence of a~~
157 ~~witness who is an employee of the school district pursuant to a written policy of discipline~~
158 ~~established by the board of education of the school district, as long as no allegation of sexual~~
159 ~~misconduct arises from the spanking or use of force.~~

160 11. ~~If a student reports alleged sexual misconduct on the part of a teacher or other~~
161 ~~school employee to a person employed in a school facility who is required to report such~~
162 ~~misconduct to the children's division under section 210.115, such person and the~~
163 ~~superintendent of the school district shall report the allegation to the children's division as~~
164 ~~set forth in section 210.115. Reports made to the children's division under this subsection~~

165 shall be investigated by the division in accordance with the provisions of sections 210.145 to
166 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this
167 section for purposes of determining whether the allegations should or should not be
168 substantiated. The district may investigate the allegations for the purpose of making any
169 decision regarding the employment of the accused employee.

170 ~~12.]~~ 11. Upon receipt of any reports of child abuse by the children's division [~~other~~
171 ~~than reports provided under subsection 11 of this section,~~] pursuant to sections 210.110 to
172 210.165 which allegedly involve personnel of a school district, the children's division shall
173 notify the superintendent of schools of the district or, if the person named in the alleged
174 incident is the superintendent of schools, the president of the school board of the school
175 district where the alleged incident occurred.

176 [~~13. If, after an initial investigation, the superintendent of schools or the president of~~
177 ~~the school board finds that the report involves an alleged incident of child abuse other than the~~
178 ~~administration of a spanking by certificated school personnel or the use of reasonable force to~~
179 ~~protect persons or property when administered by school personnel pursuant to a written~~
180 ~~policy of discipline or that the report was made for the sole purpose of harassing a public~~
181 ~~school employee, the superintendent of schools or the president of the school board shall~~
182 ~~immediately refer the matter back to the children's division and take no further action. In all~~
183 ~~matters referred back to the children's division, the division shall treat the report in the same~~
184 ~~manner as other reports of alleged child abuse received by the division.~~

185 14. ~~If the report pertains to an alleged incident which arose out of or is related to a~~
186 ~~spanking administered by certificated personnel or the use of reasonable force to protect~~
187 ~~persons or property when administered by personnel of a school district pursuant to a written~~
188 ~~policy of discipline or a report made for the sole purpose of harassing a public school~~
189 ~~employee, a notification of the reported child abuse shall be sent by the superintendent of~~
190 ~~schools or the president of the school board to the law enforcement in the county in which the~~
191 ~~alleged incident occurred.~~

192 15. ~~The report shall be jointly investigated by the law enforcement officer and the~~
193 ~~superintendent of schools or, if the subject of the report is the superintendent of schools, by a~~
194 ~~law enforcement officer and the president of the school board or such president's designee.~~

195 16. ~~The investigation shall begin no later than forty eight hours after notification from~~
196 ~~the children's division is received, and shall consist of, but need not be limited to,~~
197 ~~interviewing and recording statements of the child and the child's parents or guardian within~~
198 ~~two working days after the start of the investigation, of the school district personnel allegedly~~
199 ~~involved in the report, and of any witnesses to the alleged incident.~~

200 17. ~~The law enforcement officer and the investigating school district personnel shall~~
201 ~~issue separate reports of their findings and recommendations after the conclusion of the~~

202 investigation to the school board of the school district within seven days after receiving notice
203 from the children's division.

204 ~~18. The reports shall contain a statement of conclusion as to whether the report of~~
205 ~~alleged child abuse is substantiated or is unsubstantiated.~~

206 ~~19. The school board shall consider the separate reports referred to in subsection 17~~
207 ~~of this section and shall issue its findings and conclusions and the action to be taken, if any,~~
208 ~~within seven days after receiving the last of the two reports. The findings and conclusions~~
209 ~~shall be made in substantially the following form:~~

210 ~~(1) The report of the alleged child abuse is unsubstantiated. The law enforcement~~
211 ~~officer and the investigating school board personnel agree that there was not a preponderance~~
212 ~~of evidence to substantiate that abuse occurred;~~

213 ~~(2) The report of the alleged child abuse is substantiated. The law enforcement~~
214 ~~officer and the investigating school district personnel agree that the preponderance of~~
215 ~~evidence is sufficient to support a finding that the alleged incident of child abuse did occur;~~

216 ~~(3) The issue involved in the alleged incident of child abuse is unresolved. The law~~
217 ~~enforcement officer and the investigating school personnel are unable to agree on their~~
218 ~~findings and conclusions on the alleged incident.~~

219 ~~20. The findings and conclusions of the school board under subsection 19 of this~~
220 ~~section shall be sent to the children's division. If the findings and conclusions of the school~~
221 ~~board are that the report of the alleged child abuse is unsubstantiated, the investigation shall~~
222 ~~be terminated, the case closed, and no record shall be entered in the children's division central~~
223 ~~registry. If the findings and conclusions of the school board are that the report of the alleged~~
224 ~~child abuse is substantiated, the children's division shall report the incident to the prosecuting~~
225 ~~attorney of the appropriate county along with the findings and conclusions of the school~~
226 ~~district and shall include the information in the division's central registry. If the findings and~~
227 ~~conclusions of the school board are that the issue involved in the alleged incident of child~~
228 ~~abuse is unresolved, the children's division shall report the incident to the prosecuting~~
229 ~~attorney of the appropriate county along with the findings and conclusions of the school~~
230 ~~board, however, the incident and the names of the parties allegedly involved shall not be~~
231 ~~entered into the central registry of the children's division unless and until the alleged child~~
232 ~~abuse is substantiated by a court of competent jurisdiction.~~

233 ~~21. Any superintendent of schools, president of a school board or such person's~~
234 ~~designee or law enforcement officer who knowingly falsifies any report of any matter~~
235 ~~pursuant to this section or who knowingly withholds any information relative to any~~
236 ~~investigation or report pursuant to this section is guilty of a class A misdemeanor.~~

237 ~~22.]~~ **12.** In order to ensure the safety of all students, should a student be expelled for
238 bringing a weapon to school, violent behavior, or for an act of school violence, that student

239 shall not, for the purposes of the accreditation process of the Missouri school improvement
240 plan, be considered a dropout or be included in the calculation of that district's educational
241 persistence ratio.

**163.063. 1. For the purpose of determining state and local funding for a child's
2 education, if the child resides in a residential treatment facility or other facility and is
3 unable to attend in the public school district where the child resides, either because the
4 child may be a safety risk or the child has behavioral conditions that support the need to
5 educate the child on such facility's site or campus and the school district uses the
6 residential care facility to provide any portion of the child's education, the school
7 district shall pass through to such facility at least eighty percent of any state or local
8 moneys paid to the district on a per-pupil basis for such child in addition to any other
9 moneys available to the school district through the department of elementary and
10 secondary education for such child.**

**11 2. If the school district provides a teacher or other educational resources to such
12 residential treatment facility or other facility, the district may use moneys provided
13 under subsection 2 of this section to offset the cost of such teacher or other educational
14 resources that are directly attributable to such child in state custody at such facility's
15 site or campus. Such facility shall be afforded reasonable costs associated with such
16 child's education up to the average per-pupil cost. No such facility shall be required to
17 offset the costs to the child's school district for the education of such child as long as
18 such costs of education do not exceed the average per-pupil spending on an annual basis
19 within the school district.**

**20 3. The school district shall provide an annual accounting to the residential
21 treatment facility or other facility and shall either support or approve the facility's
22 education plan for such child or provide for the child's education on such facility's site
23 or campus.**

**24 4. If a child receives educational services from a residential care facility, it shall
25 be the responsibility of the school district in which the child resides to provide for the
26 education of the child and ensure the child is receiving education services that are
27 substantially similar to the curriculum and standards of the school district.**

**28 5. The provisions of this section shall not apply to school boards authorized
29 under sections 162.670 to 162.999.**

167.630. 1. Each school board may authorize a school nurse licensed under chapter
2 335 who is employed by the school district and for whom the board is responsible for to
3 maintain an adequate supply of prefilled auto syringes of epinephrine with fifteen-hundredths
4 milligram or three-tenths milligram delivery at the school. The nurse shall recommend to the

5 school board the number of prefilled epinephrine auto syringes that the school should
6 maintain.

7 2. To obtain prefilled epinephrine auto syringes for a school district, a prescription
8 written by a licensed physician, a physician's assistant, or nurse practitioner is required. For
9 such prescriptions, the school district shall be designated as the patient, the nurse's name shall
10 be required, and the prescription shall be filled at a licensed pharmacy.

11 3. A school nurse ~~[or]~~, **contracted agent trained by a nurse, or** other school
12 employee trained by and supervised by the nurse, shall have the discretion to use an
13 epinephrine auto syringe on any student the school nurse ~~[or]~~, trained employee **or trained**
14 **contracted agent** believes is having a life-threatening anaphylactic reaction based on the
15 training in recognizing an acute episode of an anaphylactic reaction. The provisions of
16 section 167.624 concerning immunity from civil liability for trained employees administering
17 lifesaving methods shall apply to trained employees administering a prefilled auto syringe
18 under this section. **Trained contracted agents shall have immunity from civil liability for**
19 **administering a prefilled auto syringe under this section.**

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

4 2. The ~~[division]~~ **department** shall purchase the child day care services required by
5 this section by making payments directly to any providers of day care services licensed
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 ~~[13~~
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
2 Elimination Act". In order to more effectively transition persons receiving state-funded child
3 care subsidy benefits under this chapter, the ~~[children's division]~~ **department of elementary
4 and secondary education**, in conjunction with the department of revenue, shall, subject to
5 appropriations, by July 1, 2022, implement a pilot program in a county with a charter form of
6 government and with more than six hundred thousand but fewer than seven hundred thousand
7 inhabitants, a county of the first classification with more than two hundred sixty thousand but
8 fewer than three hundred thousand inhabitants, and a county of the first classification with
9 more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, to be
10 called the "Hand-Up Program", to allow applicants in the program to receive transitional child
11 care benefits without the requirement that such applicants first be eligible for full child care
12 benefits.

13 (1) For purposes of this section, "full child care benefits" shall be the full benefits
14 awarded to a recipient based on the income eligibility amount established by the ~~[division]~~
15 **department** through the annual appropriations process as of August 28, 2021, to qualify for
16 the benefits and shall not include the transitional child care benefits that are awarded to
17 recipients whose income surpasses the eligibility level for full benefits to continue. The

18 hand-up program shall be voluntary and shall be designed such that an applicant may begin
19 receiving the transitional child care benefit without having first qualified for the full child
20 care benefit or any other tier of the transitional child care benefit. Under no circumstances
21 shall any applicant be eligible for the hand-up program if the applicant's income does not fall
22 within the transitional child care benefit income limits established through the annual
23 appropriations process.

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

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

36 3. The ~~[division]~~ **department** shall pursue all necessary waivers from the federal
37 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.

208.151. 1. Medical assistance on behalf of needy persons shall be known as "MO
2 HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX,
3 Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section
4 301, et seq.) as amended, the following needy persons shall be eligible to receive MO
5 HealthNet benefits to the extent and in the manner hereinafter provided:

6 (1) All participants receiving state supplemental payments for the aged, blind and
7 disabled;

8 (2) All participants receiving aid to families with dependent children benefits,
9 including all persons under nineteen years of age who would be classified as dependent
10 children except for the requirements of subdivision (1) of subsection 1 of section 208.040.
11 Participants eligible under this subdivision who are participating in treatment court, as
12 defined in section 478.001, shall have their eligibility automatically extended sixty days from
13 the time their dependent child is removed from the custody of the participant, subject to
14 approval of the Centers for Medicare and Medicaid Services;

15 (3) All participants receiving blind pension benefits;

16 (4) All persons who would be determined to be eligible for old age assistance
17 benefits, permanent and total disability benefits, or aid to the blind benefits under the
18 eligibility standards in effect December 31, 1973, or less restrictive standards as established
19 by rule of the family support division, who are sixty-five years of age or over and are patients
20 in state institutions for mental diseases or tuberculosis;

21 (5) All persons under the age of twenty-one years who would be eligible for aid to
22 families with dependent children except for the requirements of subdivision (2) of subsection
23 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active
24 treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section
25 1396d, as amended;

26 (6) All persons under the age of twenty-one years who would be eligible for aid to
27 families with dependent children benefits except for the requirement of deprivation of
28 parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

29 (7) All persons eligible to receive nursing care benefits;

30 (8) All participants receiving family foster home or nonprofit private child-care
31 institution care, subsidized adoption benefits and parental school care wherein state funds are
32 used as partial or full payment for such care;

33 (9) All persons who were participants receiving old age assistance benefits, aid to the
34 permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who
35 continue to meet the eligibility requirements, except income, for these assistance categories,

36 but who are no longer receiving such benefits because of the implementation of Title XVI of
37 the federal Social Security Act, as amended;

38 (10) Pregnant women who meet the requirements for aid to families with dependent
39 children, except for the existence of a dependent child in the home;

40 (11) Pregnant women who meet the requirements for aid to families with dependent
41 children, except for the existence of a dependent child who is deprived of parental support as
42 provided for in subdivision (2) of subsection 1 of section 208.040;

43 (12) Pregnant women or infants under one year of age, or both, whose family income
44 does not exceed an income eligibility standard equal to one hundred eighty-five percent of the
45 federal poverty level as established and amended by the federal Department of Health and
46 Human Services, or its successor agency;

47 (13) Children who have attained one year of age but have not attained six years of age
48 who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget
49 Reconciliation Act of 1989) (42 U.S.C. Sections 1396a to 1396b). The family support
50 division shall use an income eligibility standard equal to one hundred thirty-three percent of
51 the federal poverty level established by the Department of Health and Human Services, or its
52 successor agency;

53 (14) Children who have attained six years of age but have not attained nineteen years
54 of age. For children who have attained six years of age but have not attained nineteen years
55 of age, the family support division shall use an income assessment methodology which
56 provides for eligibility when family income is equal to or less than equal to one hundred
57 percent of the federal poverty level established by the Department of Health and Human
58 Services, or its successor agency. As necessary to provide MO HealthNet coverage under this
59 subdivision, the department of social services may revise the state MO HealthNet plan to
60 extend coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to children who have
61 attained six years of age but have not attained nineteen years of age as permitted by paragraph
62 (2) of subsection (n) of 42 U.S.C. Section 1396d using a more liberal income assessment
63 methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. Section 1396a;

64 (15) The family support division shall not establish a resource eligibility standard in
65 assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The
66 MO HealthNet division shall define the amount and scope of benefits which are available to
67 individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in
68 accordance with the requirements of federal law and regulations promulgated thereunder;

69 (16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal
70 care shall be made available to pregnant women during a period of presumptive eligibility
71 pursuant to 42 U.S.C. Section 1396r-1, as amended;

72 (17) A child born to a woman eligible for and receiving MO HealthNet benefits under
73 this section on the date of the child's birth shall be deemed to have applied for MO HealthNet
74 benefits and to have been found eligible for such assistance under such plan on the date of
75 such birth and to remain eligible for such assistance for a period of time determined in
76 accordance with applicable federal and state law and regulations so long as the child is a
77 member of the woman's household and either the woman remains eligible for such assistance
78 or for children born on or after January 1, 1991, the woman would remain eligible for such
79 assistance if she were still pregnant. Upon notification of such child's birth, the family
80 support division shall assign a MO HealthNet eligibility identification number to the child so
81 that claims may be submitted and paid under such child's identification number;

82 (18) Pregnant women and children eligible for MO HealthNet benefits pursuant to
83 subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO
84 HealthNet benefits be required to apply for aid to families with dependent children. The
85 family support division shall utilize an application for eligibility for such persons which
86 eliminates information requirements other than those necessary to apply for MO HealthNet
87 benefits. The division shall provide such application forms to applicants whose preliminary
88 income information indicates that they are ineligible for aid to families with dependent
89 children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this
90 subsection shall be informed of the aid to families with dependent children program and that
91 they are entitled to apply for such benefits. Any forms utilized by the family support division
92 for assessing eligibility under this chapter shall be as simple as practicable;

93 (19) Subject to appropriations necessary to recruit and train such staff, the family
94 support division shall provide one or more full-time, permanent eligibility specialists to
95 process applications for MO HealthNet benefits at the site of a health care provider, if the
96 health care provider requests the placement of such eligibility specialists and reimburses the
97 division for the expenses including but not limited to salaries, benefits, travel, training,
98 telephone, supplies, and equipment of such eligibility specialists. The division may provide a
99 health care provider with a part-time or temporary eligibility specialist at the site of a health
100 care provider if the health care provider requests the placement of such an eligibility specialist
101 and reimburses the division for the expenses, including but not limited to the salary, benefits,
102 travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The
103 division may seek to employ such eligibility specialists who are otherwise qualified for such
104 positions and who are current or former welfare participants. The division may consider
105 training such current or former welfare participants as eligibility specialists for this program;

106 (20) Pregnant women who are eligible for, have applied for and have received MO
107 HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue
108 to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits

109 provided under section 208.152 until the end of the sixty-day period beginning on the last day
110 of their pregnancy. Pregnant women receiving mental health treatment for postpartum
111 depression or related mental health conditions within sixty days of giving birth shall, subject
112 to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits
113 for mental health services for the treatment of postpartum depression and related mental
114 health conditions for up to twelve additional months. Pregnant women receiving substance
115 abuse treatment within sixty days of giving birth shall, subject to appropriations and any
116 necessary federal approval, be eligible for MO HealthNet benefits for substance abuse
117 treatment and mental health services for the treatment of substance abuse for no more than
118 twelve additional months, as long as the woman remains adherent with treatment. The
119 department of mental health and the department of social services shall seek any necessary
120 waivers or state plan amendments from the Centers for Medicare and Medicaid Services and
121 shall develop rules relating to treatment plan adherence. No later than fifteen months after
122 receiving any necessary waiver, the department of mental health and the department of social
123 services shall report to the house of representatives budget committee and the senate
124 appropriations committee on the compliance with federal cost neutrality requirements;

125 (21) Case management services for pregnant women and young children at risk shall
126 be a covered service. To the greatest extent possible, and in compliance with federal law and
127 regulations, the department of health and senior services shall provide case management
128 services to pregnant women by contract or agreement with the department of social services
129 through local health departments organized under the provisions of chapter 192 or chapter
130 205 or a city health department operated under a city charter or a combined city-county health
131 department or other department of health and senior services designees. To the greatest extent
132 possible the department of social services and the department of health and senior services
133 shall mutually coordinate all services for pregnant women and children with the crippled
134 children's program, the prevention of intellectual disability and developmental disability
135 program and the prenatal care program administered by the department of health and senior
136 services. The department of social services shall by regulation establish the methodology for
137 reimbursement for case management services provided by the department of health and senior
138 services. For purposes of this section, the term "case management" shall mean those
139 activities of local public health personnel to identify prospective MO HealthNet-eligible high-
140 risk mothers and enroll them in the state's MO HealthNet program, refer them to local
141 physicians or local health departments who provide prenatal care under physician protocol
142 and who participate in the MO HealthNet program for prenatal care and to ensure that said
143 high-risk mothers receive support from all private and public programs for which they are
144 eligible and shall not include involvement in any MO HealthNet prepaid, case-managed
145 programs;

146 (22) By January 1, 1988, the department of social services and the department of
147 health and senior services shall study all significant aspects of presumptive eligibility for
148 pregnant women and submit a joint report on the subject, including projected costs and the
149 time needed for implementation, to the general assembly. The department of social services,
150 at the direction of the general assembly, may implement presumptive eligibility by regulation
151 promulgated pursuant to chapter 207;

152 (23) All participants who would be eligible for aid to families with dependent
153 children benefits except for the requirements of paragraph (d) of subdivision (1) of section
154 208.150;

155 (24) (a) All persons who would be determined to be eligible for old age assistance
156 benefits under the eligibility standards in effect December 31, 1973, as authorized by 42
157 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet
158 state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income
159 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the
160 income limit if authorized by annual appropriation;

161 (b) All persons who would be determined to be eligible for aid to the blind benefits
162 under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C.
163 Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state
164 plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in
165 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent
166 of the federal poverty level;

167 (c) All persons who would be determined to be eligible for permanent and total
168 disability benefits under the eligibility standards in effect December 31, 1973, as authorized
169 by 42 U.S.C. Section 1396a(f); or less restrictive methodologies as contained in the MO
170 HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less
171 restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be
172 used to change the income limit if authorized by annual appropriations. Eligibility standards
173 for permanent and total disability benefits shall not be limited by age;

174 (25) Persons who have been diagnosed with breast or cervical cancer and who are
175 eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such
176 persons shall be eligible during a period of presumptive eligibility in accordance with 42
177 U.S.C. Section 1396r-1;

178 (26) Persons who are in foster care under the responsibility of the state of Missouri on
179 the date such persons attained the age of eighteen years, or at any time during the thirty-day
180 period preceding their eighteenth birthday, or persons who received foster care for at least six
181 months in another state, are residing in Missouri, and are at least eighteen years of age,
182 without regard to income or assets, if such persons:

183 (a) Are under twenty-six years of age;
184 (b) Are not eligible for coverage under another mandatory coverage group; and
185 (c) Were covered by Medicaid while they were in foster care;
186 (27) Any homeless child or homeless youth, as those terms are defined in section
187 167.020, subject to approval of a state plan amendment by the Centers for Medicare and
188 Medicaid Services;

189 **(28) (a) Beginning April 1, 2022, or the effective date of this act, whichever is**
190 **later, pregnant women who are eligible for, have applied for, and have received MO**
191 **HealthNet benefits under subdivision (2), (10), (11), or (12) of this subsection shall be**
192 **eligible for medical assistance during the pregnancy and during the twelve-month**
193 **period that begins on the last day of the woman's pregnancy and ends on the last day of**
194 **the month in which such twelve-month period ends, consistent with the provisions of 42**
195 **U.S.C. Section 1396a(e)(16). The department shall submit a state plan amendment to**
196 **the Centers for Medicare and Medicaid Services within sixty days of the effective date of**
197 **this act;**

198 **(b) The provisions of this subdivision shall remain in effect for any period of**
199 **time during which the federal authority under 42 U.S.C. Section 1396a(e)(16), as**
200 **amended, or any successor statutes or implementing regulations, is in effect.**

201 2. Rules and regulations to implement this section shall be promulgated in accordance
202 with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that
203 is created under the authority delegated in this section shall become effective only if it
204 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
205 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with
206 the general assembly pursuant to chapter 536 to review, to delay the effective date or to
207 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
208 rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid
209 and void.

210 3. After December 31, 1973, and before April 1, 1990, any family eligible for
211 assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last
212 six months immediately preceding the month in which such family became ineligible for such
213 assistance because of increased income from employment shall, while a member of such
214 family is employed, remain eligible for MO HealthNet benefits for four calendar months
215 following the month in which such family would otherwise be determined to be ineligible for
216 such assistance because of income and resource limitation. After April 1, 1990, any family
217 receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the
218 six months immediately preceding the month in which such family becomes ineligible for
219 such aid, because of hours of employment or income from employment of the caretaker

220 relative, shall remain eligible for MO HealthNet benefits for six calendar months following
221 the month of such ineligibility as long as such family includes a child as provided in 42
222 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the
223 entire six-month period described in this section and which meets reporting requirements and
224 income tests established by the division and continues to include a child as provided in 42
225 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six
226 months. The MO HealthNet division may provide by rule and as authorized by annual
227 appropriation the scope of MO HealthNet coverage to be granted to such families.

228 4. When any individual has been determined to be eligible for MO HealthNet
229 benefits, such medical assistance will be made available to him or her for care and services
230 furnished in or after the third month before the month in which he made application for such
231 assistance if such individual was, or upon application would have been, eligible for such
232 assistance at the time such care and services were furnished; provided, further, that such
233 medical expenses remain unpaid.

234 5. The department of social services may apply to the federal Department of Health
235 and Human Services for a MO HealthNet waiver amendment to the Section 1115
236 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed
237 one million dollars in additional costs to the state, unless subject to appropriation or directed
238 by statute, but in no event shall such waiver applications or amendments seek to waive the
239 services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C.
240 Section 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as
241 provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is
242 approved by the oversight committee created in section 208.955. A request for such a waiver
243 so submitted shall only become effective by executive order not sooner than ninety days after
244 the final adjournment of the session of the general assembly to which it is submitted, unless it
245 is disapproved within sixty days of its submission to a regular session by a senate or house
246 resolution adopted by a majority vote of the respective elected members thereof, unless the
247 request for such a waiver is made subject to appropriation or directed by statute.

248 6. Notwithstanding any other provision of law to the contrary, in any given fiscal
249 year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of
250 subsection 1 of this section shall only be eligible if annual appropriations are made for such
251 eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section
252 1396a(a)(10)(A)(i).

253 7. (1) Notwithstanding any provision of law to the contrary, a military service
254 member, or an immediate family member residing with such military service member, who is
255 a legal resident of this state and is eligible for MO HealthNet developmental disability
256 services, shall have his or her eligibility for MO HealthNet developmental disability services

257 temporarily suspended for any period of time during which such person temporarily resides
258 outside of this state for reasons relating to military service, but shall have his or her eligibility
259 immediately restored upon returning to this state to reside.

260 (2) Notwithstanding any provision of law to the contrary, if a military service
261 member, or an immediate family member residing with such military service member, is not a
262 legal resident of this state, but would otherwise be eligible for MO HealthNet developmental
263 disability services, such individual shall be deemed eligible for MO HealthNet developmental
264 disability services for the duration of any time in which such individual is temporarily present
265 in this state for reasons relating to military service.

208.662. 1. There is hereby established within the department of social services the
2 "Show-Me Healthy Babies Program" as a separate children's health insurance program
3 (CHIP) for any low-income unborn child. The program shall be established under the
4 authority of Title XXI of the federal Social Security Act, the State Children's Health
5 Insurance Program, as amended, and 42 CFR 457.1.

6 2. For an unborn child to be enrolled in the show-me healthy babies program, his or
7 her mother shall not be eligible for coverage under Title XIX of the federal Social Security
8 Act, the Medicaid program, as it is administered by the state, and shall not have access to
9 affordable employer-subsidized health care insurance or other affordable health care coverage
10 that includes coverage for the unborn child. In addition, the unborn child shall be in a family
11 with income eligibility of no more than three hundred percent of the federal poverty level, or
12 the equivalent modified adjusted gross income, unless the income eligibility is set lower by
13 the general assembly through appropriations. In calculating family size as it relates to income
14 eligibility, the family shall include, in addition to other family members, the unborn child, or
15 in the case of a mother with a multiple pregnancy, all unborn children.

16 3. Coverage for an unborn child enrolled in the show-me healthy babies program
17 shall include all prenatal care and pregnancy-related services that benefit the health of the
18 unborn child and that promote healthy labor, delivery, and birth. Coverage need not include
19 services that are solely for the benefit of the pregnant mother, that are unrelated to
20 maintaining or promoting a healthy pregnancy, and that provide no benefit to the unborn
21 child. However, the department may include pregnancy-related assistance as defined in 42
22 U.S.C. Section 1397ll.

23 4. There shall be no waiting period before an unborn child may be enrolled in the
24 show-me healthy babies program. In accordance with the definition of child in 42 CFR
25 457.10, coverage shall include the period from conception to birth. The department shall
26 develop a presumptive eligibility procedure for enrolling an unborn child. There shall be
27 verification of the pregnancy.

28 5. Coverage for the child shall continue for up to one year after birth, unless otherwise
29 prohibited by law or unless otherwise limited by the general assembly through appropriations.

30 6. **(1)** Pregnancy-related and postpartum coverage for the mother shall begin on the
31 day the pregnancy ends and extend through the last day of the month that includes the sixtieth
32 day after the pregnancy ends, unless otherwise prohibited by law or unless otherwise limited
33 by the general assembly through appropriations. The department may include pregnancy-
34 related assistance as defined in 42 U.S.C. Section 1397ll.

35 **(2) Beginning April 1, 2022, or the effective date of this act, whichever is later,**
36 **mothers eligible to receive coverage under this section shall receive medical assistance**
37 **benefits during the pregnancy and during the twelve-month period that begins on the**
38 **last day of the woman's pregnancy and ends on the last day of the month in which such**
39 **twelve-month period ends, consistent with the provisions of 42 U.S.C. Section 1397gg(e)**
40 **(1)(J). The department shall seek any necessary state plan amendments or waivers to**
41 **implement the provisions of this subdivision within sixty days of the effective date of this**
42 **act. The provisions of this subdivision shall remain in effect for any period of time**
43 **during which the federal authority under 42 U.S.C. Section 1397gg(e)(1)(J), as amended,**
44 **or any successor statutes or implementing regulations, is in effect.**

45 7. The department shall provide coverage for an unborn child enrolled in the show-
46 me healthy babies program in the same manner in which the department provides coverage
47 for the children's health insurance program (CHIP) in the county of the primary residence of
48 the mother.

49 8. The department shall provide information about the show-me healthy babies
50 program to maternity homes as defined in section 135.600, pregnancy resource centers as
51 defined in section 135.630, and other similar agencies and programs in the state that assist
52 unborn children and their mothers. The department shall consider allowing such agencies and
53 programs to assist in the enrollment of unborn children in the program, and in making
54 determinations about presumptive eligibility and verification of the pregnancy.

55 9. Within sixty days after August 28, 2014, the department shall submit a state plan
56 amendment or seek any necessary waivers from the federal Department of Health and Human
57 Services requesting approval for the show-me healthy babies program.

58 10. At least annually, the department shall prepare and submit a report to the
59 governor, the speaker of the house of representatives, and the president pro tempore of the
60 senate analyzing and projecting the cost savings and benefits, if any, to the state, counties,
61 local communities, school districts, law enforcement agencies, correctional centers, health
62 care providers, employers, other public and private entities, and persons by enrolling unborn
63 children in the show-me healthy babies program. The analysis and projection of cost savings
64 and benefits, if any, may include but need not be limited to:

65 (1) The higher federal matching rate for having an unborn child enrolled in the show-
66 me healthy babies program versus the lower federal matching rate for a pregnant woman
67 being enrolled in MO HealthNet or other federal programs;

68 (2) The efficacy in providing services to unborn children through managed care
69 organizations, group or individual health insurance providers or premium assistance, or
70 through other nontraditional arrangements of providing health care;

71 (3) The change in the proportion of unborn children who receive care in the first
72 trimester of pregnancy due to a lack of waiting periods, by allowing presumptive eligibility,
73 or by removal of other barriers, and any resulting or projected decrease in health problems
74 and other problems for unborn children and women throughout pregnancy; at labor, delivery,
75 and birth; and during infancy and childhood;

76 (4) The change in healthy behaviors by pregnant women, such as the cessation of the
77 use of tobacco, alcohol, illicit drugs, or other harmful practices, and any resulting or projected
78 short-term and long-term decrease in birth defects; poor motor skills; vision, speech, and
79 hearing problems; breathing and respiratory problems; feeding and digestive problems; and
80 other physical, mental, educational, and behavioral problems; and

81 (5) The change in infant and maternal mortality, preterm births and low birth weight
82 babies and any resulting or projected decrease in short-term and long-term medical and other
83 interventions.

84 11. The show-me healthy babies program shall not be deemed an entitlement
85 program, but instead shall be subject to a federal allotment or other federal appropriations and
86 matching state appropriations.

87 12. Nothing in this section shall be construed as obligating the state to continue the
88 show-me healthy babies program if the allotment or payments from the federal government
89 end or are not sufficient for the program to operate, or if the general assembly does not
90 appropriate funds for the program.

91 13. Nothing in this section shall be construed as expanding MO HealthNet or
92 fulfilling a mandate imposed by the federal government on the state.

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.

210.127. 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.

210.135. 1. Any person, official, **employee of the department of social services,** or
2 institution complying with the provisions of sections ~~[210.110]~~ **210.109** to 210.165 in the
3 making of a report, the taking of color photographs, or the making of radiologic examinations
4 pursuant to sections ~~[210.110]~~ **210.109** to 210.165, or both such taking of color photographs
5 and making of radiologic examinations, or the removal or retaining a child pursuant to
6 sections ~~[210.110]~~ **210.109** to 210.165 **and chapter 211,** or in cooperating with the division,

7 **or cooperating with a qualified individual pursuant to section 210.715**, or any other law
8 enforcement agency, juvenile office, court, **state agency**, or child-protective service agency of
9 this or any other state, in any of the activities pursuant to sections [~~210.110~~] **210.109** to
10 **210.165 and chapter 211**, or any other allegation of child abuse, neglect or assault, pursuant
11 to sections 568.045 to 568.060, shall have immunity from any liability, civil or criminal, that
12 otherwise might result by reason of such actions. Provided, however, any person, official or
13 institution intentionally filing a false report, acting in bad faith, or with ill intent, shall not
14 have immunity from any liability, civil or criminal. Any such person, official, or institution
15 shall have the same immunity with respect to participation in any judicial proceeding
16 resulting from the report.

17 2. An employee, including a contracted employee, of a state-funded child assessment
18 center, as provided for in subsection 2 of section 210.001, shall be immune from any civil
19 liability that arises from the employee's participation in the investigation process and services
20 by the child assessment center, unless such person acted in bad faith. This subsection shall
21 not displace or limit any other immunity provided by law.

22 3. Any person, who is not a school district employee, who makes a report to any
23 employee of the school district of child abuse by a school employee shall have immunity from
24 any liability, civil or criminal, that otherwise might result because of such report. Provided,
25 however, that any such person who makes a false report, knowing that the report is false, or
26 who acts in bad faith or with ill intent in making such report shall not have immunity from
27 any liability, civil or criminal. Any such person shall have the same immunity with respect to
28 participation in any judicial proceeding resulting from the report.

29 4. In a case involving the death or serious injury of a child after a report has been
30 made under sections 210.109 to 210.165, the division shall conduct a preliminary evaluation
31 in order to determine whether a review of the ability of the circuit manager or case worker or
32 workers to perform their duties competently is necessary. The preliminary evaluation shall
33 examine:

- 34 (1) The hotline worker or workers who took any reports related to such case;
35 (2) The division case worker or workers assigned to the investigation of such report;
36 and
37 (3) The circuit manager assigned to the county where the report was investigated.

38

39 Any preliminary evaluation shall be completed no later than three days after the child's death.
40 If the division determines a review and assessment is necessary, it shall be completed no later
41 than three days after the child's death.

210.140. Any legally recognized privileged communication, except that between
2 attorney and client or involving communications made to a minister or clergyperson, shall not

3 apply to situations involving known or suspected child abuse or neglect and shall not
4 constitute grounds for failure to report as required or permitted by sections ~~[210.110]~~ **210.109**
5 to 210.165, to cooperate with the division in any of its activities pursuant to ~~[sections 210.110~~
6 ~~to 210.165]~~ **this chapter, chapter 211, and chapter 453**, or to give or accept evidence in any
7 judicial proceeding relating to child abuse or neglect.

210.147. ~~[1. Except as otherwise provided by law,]~~ All information provided at any
2 family support team meeting ~~[held in relation to the removal of a child from the child's home]~~
3 is confidential; except that:

4 (1) Any parent or party may waive confidentiality for himself or herself to the extent
5 permitted by law; and

6 (2) Any parent of the child shall have an absolute right to video and/or audio tape
7 such team meetings to the extent permitted by law; and

8 (3) No parent or party shall be required to sign a confidentiality agreement before
9 testifying or providing information at such team meetings. Any person, other than a parent or
10 party, who does not agree to maintain confidentiality of the information provided at such team
11 meetings may be excluded from all or any portion of such team meetings during which such
12 person is not testifying or providing information.

~~[2. The division shall be responsible for developing a form to be signed at the
14 conclusion of any team meeting held in relation to a child removed from the home and placed
15 in the custody of the state that reflects the core commitments made by the children's division
16 or the convener of the team meeting and the parents of the child or any other party. The
17 content of the form shall be consistent with service agreements or case plans required by
18 statute, but not the specific address of the child; whether the child shall remain in current
19 placement or be moved to a new placement; visitation schedule for the child's family; and any
20 additional core commitments. Any dissenting views shall be recorded and attested to on such
21 form. The parents and any other party shall be provided with a copy of the signed document.]~~

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]~~ **eighteen**;

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 with the primary function of providing a recreational program**
 17 **for children five years of age or older who are enrolled in kindergarten or any grade**
 18 **above kindergarten but providing no child care for children under five years of age who**
 19 **are not yet enrolled in kindergarten in the same space or in the same outdoor play area**
 20 **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, **provided, however, that no information identifying**
5 **the reporters shall be made available.**

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 licensed family child care home is licensed under section 210.221. If more than one**
76 **member of the corporation, association, firm, partnership, limited liability company, or**
77 **other business entity is responsible for the daily operation of the licensed family child**
78 **care home, then the related children of only one such member shall be excluded. A**
79 **licensed family child care home caring for children not counted in the maximum**
80 **number of children, as permitted under this subsection, shall disclose this to parents or**
81 **guardians on the written notice required under subsection 3 of this section. If a licensed**
82 **family child care home begins caring for children not counted in the maximum number**
83 **of children after a parent or guardian has signed the written notice required under**
84 **subsection 3 of this section, the licensed family child care home shall provide a separate**
85 **notice to the parent or guardian that the licensed family child care home is caring for**
86 **children not counted in the maximum number of children for which the licensed family**
87 **child care home is licensed and shall 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.**

92 **6. Notwithstanding any other provision of law to the contrary, any licensed child**
93 **care facility receiving funding for a child in the facility's care under the Child Care and**
94 **Development Block Grant Act of 2014, as amended, and not utilizing the exemptions**
95 **outlined in this section, shall abide by the licensure provisions required under this**
96 **chapter to receive such funding.**

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

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

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

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

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

4. **A diligent search shall be made to locate, contact, and notify the relative or 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.**

210.482. 1. If the emergency placement of a child in a private home is necessary due
2 to the unexpected absence of the child's parents, legal guardian, or custodian, the juvenile
3 court or children's division:

4 (1) May request that a local or state law enforcement agency or juvenile officer,
5 subject to any required federal authorization, immediately conduct a name-based criminal
6 history record check to include full orders of protection and outstanding warrants of each
7 person over the age of seventeen residing in the home by using the Missouri uniform law
8 enforcement system (MULES) and the National Crime Information Center to access the
9 Interstate Identification Index maintained by the Federal Bureau of Investigation; and

10 (2) Shall determine or, in the case of the juvenile court, shall request the division to
11 determine whether any person over the age of seventeen years residing in the home is listed
12 on the child abuse and neglect registry. For any children less than ~~[seventeen]~~ **eighteen** years
13 of age residing in the home, the children's division shall inquire of the person with whom an
14 emergency placement of a child will be made whether any children less than ~~[seventeen]~~
15 **eighteen** years of age residing in the home have ever been certified as an adult and convicted
16 of or pled guilty or nolo contendere to any crime.

17 2. If a name-based search has been conducted pursuant to subsection 1 of this section,
18 within fifteen calendar days after the emergency placement of the child in the private home,
19 and if the private home has not previously been approved as a foster or adoptive home, all
20 persons over the age of seventeen residing in the home and all children less than ~~[seventeen]~~
21 **eighteen** residing in the home who the division has determined have been certified as an adult
22 for the commission of a crime shall report to a local law enforcement agency for the purpose
23 of providing fingerprints and accompanying fees, pursuant to sections 43.530 and 43.540.
24 Results of the checks shall be provided to the juvenile court or children's division office
25 requesting such information. Any child placed in emergency placement in a private home
26 shall be removed immediately if any person residing in the home fails to provide fingerprints

27 after being requested to do so, unless the person refusing to provide fingerprints ceases to
28 reside in the private home.

29 3. If the placement of a child is denied as a result of a name-based criminal history
30 check and the denial is contested, all persons over the age of seventeen residing in the home
31 and all children less than [~~seventeen~~] **eighteen** years of age residing in the home who the
32 division has determined have been certified as an adult for the commission of a crime shall,
33 within fifteen calendar days, submit to the juvenile court or the children's division fingerprints
34 in the same manner described in subsection 2 of this section, accompanying fees, and written
35 permission authorizing the juvenile court or the children's division to forward the fingerprints
36 to the state criminal record repository for submission to the Federal Bureau of Investigation.

37 4. No person who submits fingerprints under this section shall be required to submit
38 additional fingerprints under this section or section 210.487 unless the original fingerprints
39 retained by the division are lost or destroyed.

40 5. Subject to appropriation, the total cost of fingerprinting required by this section
41 may be paid by the state, including reimbursement of persons incurring fingerprinting costs
42 under this section.

43 6. For the purposes of this section, "emergency placement" refers to those limited
44 instances when the juvenile court or children's division is placing a child in the home of
45 private individuals, including neighbors, friends, or relatives, as a result of a sudden
46 unavailability of the child's primary caretaker.

210.487. 1. When conducting investigations of persons for the purpose of foster
2 parent licensing, the division shall:

3 (1) Conduct a search for all persons over the age of seventeen in the applicant's
4 household and for any child less than [~~seventeen~~] **eighteen** years of age residing in the
5 applicant's home who the division has determined has been certified as an adult for the
6 commission of a crime for evidence of full orders of protection. The office of state courts
7 administrator shall allow access to the automated court information system by the division.
8 The clerk of each court contacted by the division shall provide the division information within
9 ten days of a request;

10 (2) Obtain fingerprints for any person over the age of seventeen in the applicant's
11 household and for any child less than [~~seventeen~~] **eighteen** years of age residing in the
12 applicant's home who the division has determined has been certified as an adult for the
13 commission of a crime in the same manner set forth in subsection 2 of section 210.482. The
14 highway patrol shall assist the division and provide the criminal fingerprint background
15 information, upon request, under and in accordance with the provisions of section 43.540; and

16 (3) Determine whether any person over the age of seventeen residing in the home and
17 any child less than [~~seventeen~~] **eighteen** years of age residing in the applicant's home who the

18 division has determined has been certified as an adult for the commission of a crime is listed
19 on the child abuse and neglect registry. For any children less than ~~[seventeen]~~ **eighteen** years
20 of age residing in the applicant's home, the children's division shall inquire of the applicant
21 whether any children less than ~~[seventeen]~~ **eighteen** years of age residing in the home have
22 ever been certified as an adult and been convicted of or pled guilty or nolo contendere to any
23 crime.

24 2. After the initial investigation is completed under subsection 1 of this section:

25 (1) No person who submits fingerprints under subsection 1 of this section or section
26 210.482 shall be required to submit additional fingerprints under this section or section
27 210.482 unless the original fingerprints retained by the division are lost or destroyed;

28 (2) The highway patrol shall provide ongoing electronic updates to criminal history
29 background checks of those persons previously submitted as part of the licensing or approval
30 process under subsection 1 of this section. Ongoing electronic updates for such persons and
31 for those in their households shall terminate when such persons cease to be applicant or
32 licensed foster parents; and

33 (3) The children's division and the department of health and senior services may
34 waive the requirement for a fingerprint background check for any subsequent recertification.

35 3. Subject to appropriation, the total cost of fingerprinting required by this section
36 may be paid by the state, including reimbursement of persons incurring fingerprinting costs
37 under this section.

38 4. The division may make arrangements with other executive branch agencies to
39 obtain any investigative background information.

40 5. The division may promulgate rules that are necessary to implement the provisions
41 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
42 created under the authority delegated in this section shall become effective only if it complies
43 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
44 This section and chapter 536 are nonseverable and if any of the powers vested with the
45 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
46 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
47 rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid
48 and void.

210.493. 1. Officers, managers, contractors, volunteers with access to children, **and**
2 employees~~[-, and other support staff]~~ of licensed residential care facilities and licensed child
3 placing agencies in accordance with sections 210.481 to 210.536; owners of such residential
4 care facilities who will have access to the facilities; and owners of such child placing agencies
5 who will have access to children shall submit fingerprints and any information that the
6 department requires to complete the background checks, as specified in regulations

7 established by the department, to the Missouri state highway patrol for the purpose of
8 conducting state and federal fingerprint-based background checks.

9 2. Officers, managers, contractors, volunteers with access to children, **and** employees
10 [~~and other support staff~~] of residential care facilities subject to the notification requirements
11 under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides at
12 or on the property of such residential care facility; any person who has unsupervised contact
13 with a resident of the residential care facility; and owners of such residential care facilities
14 who will have access to the facilities shall submit fingerprints and any information that the
15 department requires to complete the background checks, as specified in regulations
16 established by the department, to the Missouri state highway patrol for the purpose of
17 conducting state and federal fingerprint-based background checks.

18 3. A background check shall include:

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

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

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

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

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

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

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

30 4. For the purposes this section and notwithstanding any other provision of law,
31 "department" means the department of social services.

32 5. The department shall be responsible for background checks as part of a residential
33 care facility or child placing agency application for licensure, renewal of licensure, or for
34 license monitoring.

35 6. The department shall be responsible for background checks for residential care
36 facilities subject to the notification requirements of sections 210.1250 to 210.1286.

37 7. Fingerprint cards and any required fees shall be sent to the Missouri state highway
38 patrol's central repository. The fingerprints shall be used for searching the state criminal
39 records repository and shall also be forwarded to the Federal Bureau of Investigation for a
40 federal criminal records search under section 43.540. The Missouri state highway patrol shall
41 notify the department of any criminal history record information or lack of criminal history
42 record information discovered on the individual. Notwithstanding the provisions of section

43 610.120, all records related to any criminal history information discovered shall be accessible
44 and available to the department.

45 8. Fingerprints submitted to the Missouri state highway patrol for the purpose of
46 conducting state and federal fingerprint-based background checks under this section shall be
47 valid for a period of five years.

48 9. The department shall provide the results of the background check to the applicant
49 in a statement that indicates whether the applicant is eligible or ineligible for employment or
50 presence at the licensed residential care facility or licensed child placing agency. The
51 department shall not reveal to the residential care facility or the child placing agency any
52 disqualifying offense or other related information regarding the applicant. The applicant shall
53 have the opportunity to appeal an ineligible finding.

54 10. The department shall provide the results of the background check to the applicant
55 in a statement that indicates whether the applicant is eligible or ineligible for employment or
56 presence at the residential care facility subject to the notification requirements of sections
57 210.1250 to 210.1286. The department shall not reveal to the residential care facility any
58 disqualifying offense or other related information regarding the applicant. The applicant shall
59 have the opportunity to appeal an ineligible finding.

60 11. An applicant shall be ineligible if the applicant:

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

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

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

66 (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to
67 210.183 or any other finding of child abuse or neglect based on any other state's registry or
68 database; or

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

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

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

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

74 (d) Any misdemeanor or felony for an offense against the family as defined in chapter
75 568;

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

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

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

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

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

84 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or
85 574.125;

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

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

89 12. Any person aggrieved by a decision of the department shall have the right to seek
90 an administrative review. The review shall be filed with the department within fourteen days
91 from the mailing of the notice of ineligibility. Any decision not timely appealed shall be final.

92 13. Any required fees shall be paid by the individual applicant, facility, or agency.

93 14. The department is authorized to promulgate rules, including emergency rules, to
94 implement the provisions of this section. Any rule or portion of a rule, as that term is defined
95 in section 536.010, that is created under the authority delegated in this section shall become
96 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
97 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
98 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
99 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
100 the grant of rulemaking authority and any rule proposed or adopted after July 14, 2021, shall
101 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.

**210.715. 1. The department of social services shall establish programs to
2 implement provisions related to the federal Family First Prevention Services Act, P.L.
3 115-123, as amended, to provide enhanced support to children and their families to
4 prevent foster care placements when doing so serves the safety and well-being of
5 children, as well as to promote family-based care, ensuring the limited use of residential
6 setting placements when found to be the least restrictive, appropriate placement, as
7 approved by the juvenile or family court.**

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

9 **(1) "Child", "children", and "youth", any person under eighteen years of age or
10 any person between eighteen and twenty-one years of age in the legal custody of the
11 children's division and over whom the court has maintained jurisdiction;**

12 **(2) "Qualified individual", a trained professional or licensed clinician who is not
13 an employee of the children's division or of a foster care case management contractor, or
14 subcontractor thereof, of the children's division; and who is not connected to, or
15 affiliated with, any placement setting in which children are placed by the state. The
16 department of social services shall enter into contracts with appropriate individuals or
17 entities to serve as a qualified individual. The children's division shall establish the
18 qualifications of qualified individuals in rule;**

19 **(3) "Residential setting", a congregate setting that provides twenty-four-hour
20 supervision to a child for the purposes of rehabilitative treatment related to emotional
21 and psychiatric needs, learning difficulties, behavioral disorders, trauma histories, or
22 developmental challenges that require a higher level of supervision and treatment than
23 available in a foster home setting. This setting shall include:**

24 **(a) A qualified residential treatment program, as defined in rule;**

25 **(b) A psychiatric residential treatment facility, as defined in rule;**

26 **(c) A setting specializing in providing prenatal, postpartum, or parenting
27 supports for youth;**

28 **(d) A supervised congregate setting in which a youth who is eighteen years of age
29 or older can live independently;**

30 (e) A setting providing high-quality residential care and supportive services to
31 children and youth who have been found to be, or are at risk of becoming, sex
32 trafficking victims; or

33 (f) A residential treatment agency licensed by the children's division.

34 3. If a child is placed in a residential setting, the children's division shall arrange
35 for a qualified individual to complete an assessment of the child within thirty days of the
36 start of each placement in a residential setting. The assessment shall be in writing and
37 shall:

38 (1) Assess the strengths and needs of the child using an age-appropriate, trauma-
39 informed, evidence-based, and validated tool approved by the children's division;

40 (2) Assess whether the needs of the child can be met through placement with
41 family members or in a foster home;

42 (3) Explain why the child's placement in a residential setting will be the most
43 effective and appropriate level of care in the least restrictive environment, if the needs of
44 the child cannot be met with family members or in a foster home;

45 (4) Describe how that placement is consistent with the short-term and long-term
46 goals for the child, as specified in the child's permanency plan; and

47 (5) Develop a list of child-specific short-term and long-term mental and
48 behavioral health goals.

49 4. The children's division shall assemble a family support team for the child in
50 accordance with the requirements of section 210.762. The qualified individual
51 conducting the assessment shall work in conjunction with the family of, and family
52 support team for, the child while conducting and making the assessment.

53 5. Notwithstanding any other provision of law to the contrary, the qualified
54 individual shall have unlimited access to any and all records and information pertaining
55 to the child that the qualified individual determines are necessary to complete the
56 assessment, including, but not limited to, medical records, therapy records,
57 psychological and psychiatric evaluations, educational records, and placement history,
58 including progress reports from such placements.

59 6. (1) The qualified individual shall provide the written assessment to the
60 children's division. The children's division shall provide a copy of the assessment to the
61 parties to the juvenile proceeding, the members of the family support team, and the
62 court. The division may redact any information from the report that may be
63 confidential as a matter of law, or may be harmful to the best interests, safety, and
64 welfare of the child. The copy of the report as redacted shall be admitted into evidence
65 and considered by the court without further foundation, unless any party to the juvenile
66 proceeding objects. The objection shall be in writing and shall specify the legal and

67 **factual basis for the objection. The burden of proof shall be on the party objecting to**
68 **the admissibility of the report; except that the children's division shall have the burden**
69 **to establish the legal and factual basis for any redactions. The court may hold a**
70 **hearing, take evidence on the objection, and independently determine whether any**
71 **redactions are appropriate.**

72 **(2) The children's division shall provide information to the court as to the efforts**
73 **the division made to meet the needs of the child in a less restrictive setting and the**
74 **services provided to meet the needs of the child.**

75 **7. Within sixty days of the start of each placement in a residential setting, the**
76 **court shall assess the appropriateness for the child to remain in a residential setting. In**
77 **conducting that assessment, the court shall make specific written findings of fact and:**

78 **(1) Consider the assessment, determination, and documentation made by the**
79 **qualified individual conducting the assessment;**

80 **(2) Determine whether the needs of the child can be met through placement in a**
81 **foster home or, if not, whether placement of the child in a residential setting provides the**
82 **most effective and appropriate level of care for the child in the least restrictive**
83 **environment;**

84 **(3) Determine whether that placement is consistent with the short-term and**
85 **long-term goals for the child, as specified in the permanency plan for the child; and**

86 **(4) Approve or disapprove the placement.**

87 **8. The court shall reassess the appropriateness for the child to remain in a**
88 **residential setting at every hearing subsequent to placement in a residential setting and**
89 **make written findings of fact as required in subsection 7 of this section, but not less than**
90 **every six months, until the child is discharged to a less restrictive, nonresidential setting.**

91 **9. If any party to the case at any time opposes the child's placement in a**
92 **residential setting, the opposing party may request a hearing. After a hearing, the court**
93 **shall make a finding as prescribed in subsection 7 of this section.**

94 **10. The children's division may promulgate rules, including emergency rules, to**
95 **implement the provisions of this section and the federal Family First Prevention**
96 **Services Act, or amendments thereto, and, pursuant to this section, shall define**
97 **implementation plans and dates. Any rule or portion of a rule, as that term is defined in**
98 **section 536.010, that is created under the authority delegated in this section shall**
99 **become effective only if it complies with and is subject to all of the provisions of chapter**
100 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable,**
101 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
102 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**

103 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
104 **adopted after August 28, 2022, shall be invalid and void.**

210.762. 1. (1) When a child is taken into custody by a juvenile officer, **physician,**
2 or law enforcement official ~~[under]~~ **pursuant to section 210.125 and comes under the**
3 **jurisdiction of the court pursuant to** subdivision (1) **and (2)** of subsection 1 of section
4 211.031 and ~~[initially]~~ placed with the division, the division may make a temporary
5 placement and shall arrange for a family support team meeting prior to or within twenty-four
6 hours following the protective custody hearing held under section 211.032. After a child is in
7 the division's custody ~~[and a temporary placement has been made]~~, the division shall arrange
8 an additional family support team meeting prior to taking any action relating to the placement
9 of such child; except that, when the welfare of a child in the custody of the division requires
10 an immediate or emergency change of placement, the division may make a temporary
11 placement and shall schedule a family support team meeting within seventy-two hours. The
12 requirement for a family support team meeting shall not apply when the parent has consented
13 in writing to the termination of his or her parental rights in conjunction with a placement in a
14 licensed child-placing agency under subsection 6 of section 453.010.

15 **(2) An agency or placement provider with legal custody of a child shall ensure a**
16 **missing child report is filed once the agency or placement provider determines that a**
17 **child in the agency's or placement provider's custody is missing. Within seventy-two**
18 **hours of a missing child report being filed for a child placed in an authorized agency or**
19 **foster care or within seventy-two hours of an authorized agency or foster care being**
20 **notified that a child under its custody is missing, whichever event first occurs, a family**
21 **support team meeting shall be held to discuss the whereabouts of the missing child and**
22 **to discuss the initial decision regarding the custody and placement of the missing child**
23 **once the child is found. If the missing child is brought back into custody, another family**
24 **support team meeting shall be held as provided under this section. Any agency or**
25 **placement provider with legal custody of a child who goes missing that fails to comply**
26 **with the provisions under this subdivision shall be liable to the injured party, which**
27 **includes the missing child, parent, foster parent, or legal guardian of the missing child,**
28 **and the state of Missouri, in an action at law and subject to a civil penalty of fifty**
29 **thousand dollars per occurrence.**

30 2. The parents, the legal counsel for the parents, the foster parents, the legal guardian
31 or custodian of the child, the guardian ad litem for the child, and the volunteer advocate, and
32 any designee of the parent that has written authorization shall be notified and invited to
33 participate in all family support team meetings. The family support team meeting may
34 include such other persons whose attendance at the meeting may assist the team in making
35 appropriate decisions in the best interests of the child, **including biological family members**

36 **and relatives, as appropriate, as well as professionals who are a resource to the family of**
37 **the child, such as teachers, medical or mental health providers who have treated the**
38 **child, or clergy. In the case of a child who is age fourteen or older, the family support**
39 **team shall include the members selected by the child. The division may exclude an**
40 **individual from a family support team meeting or make alternative arrangements for an**
41 **individual to express his or her views if an individual becomes disruptive to the meeting.**

42 **3.** If the division finds that it is not in the best interest of a child to be placed with
43 relatives, the division shall make specific findings in the division's report detailing the reasons
44 why the best interests of the child necessitate placement of the child with persons other than
45 relatives.

46 ~~[3. The division shall use the form created in subsection 2 of section 210.147 to be~~
47 ~~signed upon the conclusion of the meeting pursuant to subsection 1 of this section confirming~~
48 ~~that all involved parties are aware of the team's decision regarding the custody and placement~~
49 ~~of the child. Any dissenting views must be recorded and attested to on such form.]~~

50 **4.** The division shall be responsible for developing a form to be signed at the
51 conclusion of any team meeting held in relation to a child removed from the home and
52 placed in the custody of the state that reflects the core commitments made by the
53 children's division or the convenor of the team meeting and the parents of the child or
54 any other party. The content of the form shall be consistent with service agreements or
55 case plans required by statute, but not the specific address of the child; whether the
56 child shall remain in current placement or be moved to a new placement; visitation
57 schedule for the child's family; and any additional core commitments. Any dissenting
58 views shall be recorded and attested to on such form. The parents and any other party
59 shall be provided with a copy of the signed document.

60 ~~[4.]~~ **5.** The ~~[ease manager]~~ **division** shall be responsible for including such form with
61 the case records of the child.

62 **6.** As used in this section, "family support team" means a team who may consist
63 of a youth if the youth is twelve years of age or older, parents, legal counsel for the
64 parents, resource providers, the legal guardian for the child, the juvenile officer, the
65 guardian ad litem, the court appointed special advocate, up to two youth-chosen
66 advocates for a youth twelve years of age or older, and individuals invited by the
67 parents. The team meets for the purpose of determining the following:

68 **(1) The safety of the child;**

69 **(2) A comprehensive visitation plan for parents, siblings, and family members;**

70 **(3) Service and treatment needs;**

71 **(4) The need for placement and developing a plan for reunification or other**
72 **permanency options, including a projected date for permanency;**

- 73 **(5) The appropriate placement of the child;**
74 **(6) The child's access and opportunities for normalcy activities based on the**
75 **reasonable and prudent parenting standard;**
76 **(7) An educational plan for the child;**
77 **(8) The case plan, which includes establishing and revising the case plan; and**
78 **(9) Compliance with the case plan and progress toward alleviating or mitigating**
79 **the causes necessitating placement in foster care.**

210.795. A case worker shall notify a juvenile officer if a child goes missing or is
2 **suspected of being on the run. Once the juvenile officer is notified, the officer shall file**
3 **with the court a notice in the child's case file that states the child is missing and include**
4 **any other relevant information, which shall include the missing child report. If the**
5 **missing child is found, the juvenile officer shall file with the court a notice in the child's**
6 **case file that the child has been found and include any other relevant information.**

 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.

210.1450. 1. Before January 1, 2024, all licensed residential care facilities
2 **currently contracted with the department of social services shall seek and obtain**
3 **national accreditation by one of the following:**

- 4 (1) **The Commission on Accreditation of Rehabilitation Facilities;**
- 5 (2) **The Joint Commission on Accreditation of Healthcare Organizations;**
- 6 (3) **The Council on Accreditation; or**
- 7 (4) **Any other independent, not-for-profit accrediting body approved by the**
8 **United States Department of Health and Human Services.**

9 **2. (1) Each licensed residential care facility with accreditation under subsection**
10 **1 of this section at the time this section takes effect shall apply for designation as a**
11 **qualified residential treatment program by the department of social services before**
12 **October 1, 2023, unless the facility is licensed by the department for intensive residential**

13 treatment to meet above level IV needs and may apply for certification as a psychiatric
14 residential treatment facility by the department of health and senior services.

15 (2) Any licensed residential care facility that obtains accreditation after the
16 effective date of this section shall apply to the department of social services for
17 designation as a qualified residential treatment program within sixty days after
18 obtaining accreditation.

19 3. Within forty-five days of receiving an application from a licensed residential
20 care facility for designation as a qualified residential treatment program, the
21 department of social services shall issue a qualified residential treatment program
22 designation to a licensed residential care facility meeting the following requirements and
23 shall issue to the facility new or amended contracts for qualified residential treatment
24 program services:

25 (1) National accreditation as described under subsection 1 of this section; and

26 (2) Other standards for a qualified residential treatment program under Part IV,
27 Section 50741(a)(4)(A) to (F) of the Family First Prevention Services Act of 2018, as
28 amended.

29 4. Subject to appropriations, the department shall provide grants to licensed
30 residential care facilities for the purpose of helping the facilities obtain national
31 accreditation and developing the infrastructure, workforce, and programming
32 necessary to meet the standards for a designation as a qualified residential treatment
33 program.

34 5. The department of social services shall assess and determine if each qualified
35 residential treatment program is an institution for mental diseases (IMD) using the
36 criteria provided in The State Medicaid Manual.

37 6. (1) The department of social services shall seek a section 1115 demonstration
38 waiver of the IMD exclusion for qualified residential treatment programs within ninety
39 days after the effective date of this section.

40 (2) No fewer than one hundred eighty days before the expiration of the waiver,
41 the department shall seek an extension or amendment of the waiver or seek a new
42 waiver.

43 (3) All licensed residential care facilities designated by the department as a
44 qualified residential treatment program shall follow rules and procedures to limit the
45 use of seclusion and restraint under 42 CFR, Part 483, Subpart G.

46 (4) The provisions of this subsection shall not apply to licensed residential care
47 facilities not assessed and determined to be an institution for mental diseases.

48 (5) The department has the duty to seek maximum federal funding, and the
49 department shall report to the general assembly the federal financial participation of

50 **Title IV-E and Medicaid for licensed residential treatment programs within thirty days**
51 **after the end of each fiscal quarter in which the waiver is in effect.**

52 **7. The provisions of this section shall apply to licensed residential care facilities**
53 **licensed by the department of social services, except licensed residential care facilities:**

54 **(1) With a capacity for fewer than seven children or youth;**

55 **(2) With no placement for children or youth beyond fourteen days;**

56 **(3) With a supervised independent living setting for youth eighteen years of age**
57 **or older;**

58 **(4) That solely provide supportive services for pregnant or parenting youth in**
59 **foster care;**

60 **(5) That solely provide supportive services for children or youth who have been**
61 **found to be or are at risk of becoming sex trafficking victims;**

62 **(6) That serve as an emergency shelter with temporary placement for children**
63 **or youth; or**

64 **(7) That solely provide family-based treatment.**

211.081. 1. Whenever any person informs the juvenile officer in writing that a child
2 appears to be within the purview of applicable provisions of section 211.031, the juvenile
3 officer shall make or cause to be made a preliminary inquiry to determine the facts and to
4 determine whether or not the interests of the public or of the child require that further action
5 be taken. On the basis of this inquiry, the juvenile officer may make such informal
6 adjustment as is practicable without a petition or file a petition. Any other provision of this
7 chapter to the contrary notwithstanding, the juvenile court shall not make any order for
8 disposition of a child which would place or commit the child to any location outside the state
9 of Missouri without first receiving the approval of the children's division.

10 2. Placement in any ~~institutional~~ **residential** setting, **as defined in section 210.715,**
11 **shall represent the least restrictive appropriate placement for the child and shall ~~be~~**
12 **~~recommended based upon a psychological or psychiatric evaluation or both~~ meet all**
13 **requirements set forth in section 210.715.** Prior to entering any order for disposition of a
14 child which would order residential treatment or other services inside the state of Missouri,
15 the juvenile court shall enter findings which include the recommendation of the psychological
16 or psychiatric evaluation or both; and certification from the division director or designee as to
17 whether a provider or funds or both are available, including a projection of their future
18 availability. If the children's division indicates that funding is not available, the division shall
19 recommend and make available for placement by the court an alternative placement for the
20 child. The division shall have the burden of demonstrating that they have exercised due
21 diligence in utilizing all available services to carry out the recommendation of the evaluation
22 team and serve the best interest of the child. The judge shall not order placement or an

23 alternative placement with a specific provider but may reasonably designate the scope and
24 type of the services which shall be provided by the department to the child. **For purposes of**
25 **this subsection, the word "child" shall have the same meaning as in section 210.715.**

26 3. Obligations of the state incurred under the provisions of section 211.181 shall not
27 exceed, in any fiscal year, the amount appropriated for this purpose.

302.178. 1. Any person between the ages of sixteen and eighteen years who is
2 qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the
3 director shall issue, an intermediate driver's license entitling the applicant, while having such
4 license in his or her possession, to operate a motor vehicle of the appropriate class upon the
5 highways of this state in conjunction with the requirements of this section. An intermediate
6 driver's license shall be readily distinguishable from a license issued to those over the age of
7 eighteen. All applicants for an intermediate driver's license shall:

8 (1) Successfully complete the examination required by section 302.173;

9 (2) Pay the fee required by subsection 4 of this section;

10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of
11 section 302.130 for at least a six-month period or a valid license from another state; and

12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a
13 federal residential job training program, a driving instructor employed by a federal residential
14 job training program, sign the application stating that the applicant has completed at least
15 forty hours of supervised driving experience under a temporary instruction permit issued
16 pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the
17 person over twenty-one years of age who supervised such driving. For purposes of this
18 section, the term "emancipated minor" means a person who is at least sixteen years of age, but
19 less than eighteen years of age, who:

20 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to
21 section 451.080;

22 (b) Has been declared emancipated by a court of competent jurisdiction;

23 (c) Enters active duty in the Armed Forces;

24 (d) Has written consent to the emancipation from the custodial parent or legal
25 guardian; ~~or~~

26 (e) Through employment or other means provides for such person's own food, shelter
27 and other cost-of-living expenses; **or**

28 **(f) Qualifies as a homeless child or homeless youth, as defined in subsection 1 of**
29 **section 167.020, or as an unaccompanied youth as defined in 42 U.S.C. Section 11434a**
30 **(6), and whose status as such is verified as provided under subsection 10 of this section;**

31 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525
32 during the preceding twelve months; and

33 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
34 section 302.302, within the preceding six months.

35 2. An intermediate driver's license grants the licensee the same privileges to operate
36 that classification of motor vehicle as a license issued pursuant to section 302.177, except that
37 no person shall operate a motor vehicle on the highways of this state under such an
38 intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless
39 accompanied by a person described in subsection 1 of section 302.130; except the licensee
40 may operate a motor vehicle without being accompanied if the travel is to or from a school or
41 educational program or activity, a regular place of employment or in emergency situations as
42 defined by the director by regulation.

43 3. Each intermediate driver's license shall be restricted by requiring that the driver
44 and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt
45 restriction shall not apply to a person operating a motorcycle. For the first six months after
46 issuance of the intermediate driver's license, the holder of the license shall not operate a motor
47 vehicle with more than one passenger who is under the age of nineteen who is not a member
48 of the holder's immediate family. As used in this subsection, an intermediate driver's license
49 holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the
50 driver, including adopted or foster children residing in the same household of the intermediate
51 driver's license holder. After the expiration of the first six months, the holder of an
52 intermediate driver's license shall not operate a motor vehicle with more than three passengers
53 who are under nineteen years of age and who are not members of the holder's immediate
54 family. The passenger restrictions of this subsection shall not be applicable to any
55 intermediate driver's license holder who is operating a motor vehicle being used in
56 agricultural work-related activities.

57 4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an
58 intermediate driver's license shall be five dollars and such license shall be valid for a period of
59 two years. **Such fee shall be waived for any person qualifying as an emancipated minor
60 under subdivision (4) of subsection 1 of this section.**

61 5. Any intermediate driver's licensee accumulating six or more points in a twelve-
62 month period may be required to participate in and successfully complete a driver-
63 improvement program approved by the state highways and transportation commission. The
64 driver-improvement program ordered by the director of revenue shall not be used in lieu of
65 point assessment.

66 6. (1) An intermediate driver's licensee who has, for the preceding twelve-month
67 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no
68 traffic convictions for which points are assessed, upon reaching the age of eighteen years or
69 within the thirty days immediately preceding their eighteenth birthday may apply for and

70 receive without further examination, other than a vision test as prescribed by section 302.173,
71 a license issued pursuant to this chapter granting full driving privileges. Such person shall
72 pay the required fee for such license as prescribed in section 302.177.

73 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,
74 such license shall remain valid for the five business days immediately following the
75 expiration date. In no case shall a licensee whose intermediate driver's license expires on a
76 Saturday, Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid
77 driver's license if such offense occurred within five business days immediately following an
78 expiration date that occurs on a Saturday, Sunday, or legal holiday.

79 (3) The director of revenue shall deny an application for a full driver's license until
80 the person has had no traffic convictions for which points are assessed for a period of twelve
81 months prior to the date of application for license or until the person is eligible to apply for a
82 six-year driver's license as provided for in section 302.177, provided the applicant is
83 otherwise eligible for full driving privileges. An intermediate driver's license shall expire
84 when the licensee is eligible and receives a full driver's license as prescribed in subdivision
85 (1) of this section.

86 7. No person upon reaching the age of eighteen years whose intermediate driver's
87 license and driving privilege is denied, suspended, cancelled or revoked in this state or any
88 other state for any reason may apply for a full driver's license until such license or driving
89 privilege is fully reinstated. Any such person whose intermediate driver's license has been
90 revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of
91 reinstatement of the revocation from the director, pass the complete driver examination, apply
92 for a new license, and pay the proper fee before again operating a motor vehicle upon the
93 highways of this state.

94 8. A person shall be exempt from the intermediate licensing requirements if the
95 person has reached the age of eighteen years and meets all other licensing requirements.

96 9. Any person who violates any of the provisions of this section relating to
97 intermediate drivers' licenses or the provisions of section 302.130 relating to temporary
98 instruction permits is guilty of an infraction, and no points shall be assessed to his or her
99 driving record for any such violation.

100 10. **A person's status as a homeless child or youth or unaccompanied youth**
101 **under paragraph (f) of subdivision (4) of subsection 1 of this section shall be verified by**
102 **a letter signed by one of the following persons:**

103 (1) **A director or designee of a governmental or nonprofit agency that receives**
104 **public or private funding to provide services to homeless persons;**

105 (2) **A local education agency liaison for homeless children and youth designated**
106 **under 42 U.S.C. Section 11432(g)(1)(J)(ii);**

- 107 **(3) A licensed attorney representing the minor in any legal matter; or**
108 **(4) A school social worker or counselor.**

109 **11.** Any rule or portion of a rule, as that term is defined in section 536.010, that is
110 created under the authority delegated in this section shall become effective only if it complies
111 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
112 This section and chapter 536 are nonseverable and if any of the powers vested with the
113 general assembly pursuant to chapter 536 to review, to delay the effective date or to
114 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
115 rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid
116 and void.

 302.181. 1. The license issued pursuant to the provisions of sections 302.010 to
2 302.340 shall be in such form as the director shall prescribe, but the license shall be a card
3 made of plastic or other comparable material. All licenses shall be manufactured of materials
4 and processes that will prohibit, as nearly as possible, the ability to reproduce, alter,
5 counterfeit, forge, or duplicate any license without ready detection. The license shall also
6 bear the expiration date of the license, the classification of the license, the name, date of birth,
7 residence address including the county of residence or a code number corresponding to such
8 county established by the department, and brief description and colored digitized image of the
9 licensee, and a facsimile of the signature of the licensee. The director shall provide by
10 administrative rule the procedure and format for a licensee to indicate on the back of the
11 license together with the designation for an anatomical gift as provided in section 194.240 the
12 name and address of the person designated pursuant to sections 404.800 to 404.865 as the
13 licensee's attorney in fact for the purposes of a durable power of attorney for health care
14 decisions. No license shall be valid until it has been so signed by the licensee. If any portion
15 of the license is prepared by a private firm, any contract with such firm shall be made in
16 accordance with the competitive purchasing procedures as established by the state director of
17 the division of purchasing.

18 2. All digital images produced for licenses shall become the property of the
19 department of revenue.

20 3. The license issued shall be carried at all times by the holder thereof while driving a
21 motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or
22 any police officer or peace officer, or any other duly authorized person, for inspection when
23 demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her
24 license to any duly authorized officer shall be presumptive evidence that such person is not a
25 duly licensed operator.

26 4. The director of revenue shall not issue a license without a facial digital image of
27 the license applicant, except as provided pursuant to subsection 7 of this section. A digital

28 image of the applicant's full facial features shall be taken in a manner prescribed by the
29 director. No digital image shall be taken wearing anything which cloaks the facial features of
30 the individual.

31 5. The department of revenue may issue a temporary license or a full license without
32 the photograph or with the last photograph or digital image in the department's records to
33 members of the Armed Forces, except that where such temporary license is issued it shall be
34 valid only until the applicant shall have had time to appear and have his or her picture taken
35 and a license with his or her photograph issued.

36 6. The department of revenue shall issue upon request a nondriver's license card
37 containing essentially the same information and photograph or digital image, except as
38 provided pursuant to subsection 7 of this section, as the driver's license upon payment of six
39 dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after
40 issuance. A person who has passed his or her seventieth birthday shall upon application be
41 issued a nonexpiring nondriver's license card. Notwithstanding any other provision of this
42 chapter, a nondriver's license containing a concealed carry endorsement shall expire three
43 years from the date the certificate of qualification was issued pursuant to section 571.101, as
44 section 571.101 existed prior to August 28, 2013. The fee for nondriver's licenses issued for a
45 period exceeding three years is six dollars or three dollars for nondriver's licenses issued for a
46 period of three years or less. The nondriver's license card shall be used for identification
47 purposes only and shall not be valid as a license. **No fee shall be required or collected from**
48 **a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or**
49 **unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for a first nondriver's**
50 **license card issued under this subsection. Such person's status as a homeless child or**
51 **youth or unaccompanied youth shall be verified by a letter signed by one of the**
52 **following persons:**

53 (1) **A director or designee of a governmental or nonprofit agency that receives**
54 **public or private funding to provide services to homeless persons;**

55 (2) **A local education agency liaison for homeless children and youth designated**
56 **under 42 U.S.C. Section 11432(g)(1)(J)(ii);**

57 (3) **A licensed attorney representing the minor in any legal matter; or**

58 (4) **A school social worker or counselor.**

59 7. If otherwise eligible, an applicant may receive a driver's license or nondriver's
60 license without a photograph or digital image of the applicant's full facial features except that
61 such applicant's photograph or digital image shall be taken and maintained by the director and
62 not printed on such license. In order to qualify for a license without a photograph or digital
63 image pursuant to this section the applicant must:

64 (1) Present a form provided by the department of revenue requesting the applicant's
65 photograph be omitted from the license or nondriver's license due to religious affiliations.
66 The form shall be signed by the applicant and another member of the religious tenant
67 verifying the photograph or digital image exemption on the license or nondriver's license is
68 required as part of their religious affiliation. The required signatures on the prescribed form
69 shall be properly notarized;

70 (2) Provide satisfactory proof to the director that the applicant has been a United
71 States citizen for at least five years and a resident of this state for at least one year, except that
72 an applicant moving to this state possessing a valid driver's license from another state without
73 a photograph shall be exempt from the one-year state residency requirement. The director
74 may establish rules necessary to determine satisfactory proof of citizenship and residency
75 pursuant to this section;

76 (3) Applications for a driver's license or nondriver's license without a photograph or
77 digital image must be made in person at a license office determined by the director. The
78 director is authorized to limit the number of offices that may issue a driver's or nondriver's
79 license without a photograph or digital image pursuant to this section.

80 8. The department of revenue shall make available, at one or more locations within
81 the state, an opportunity for individuals to have their full facial photograph taken by an
82 employee of the department of revenue, or their designee, who is of the same sex as the
83 individual being photographed, in a segregated location.

84 9. Beginning July 1, 2005, the director shall not issue a driver's license or a
85 nondriver's license for a period that exceeds an applicant's lawful presence in the United
86 States. The director may, by rule or regulation, establish procedures to verify the lawful
87 presence of the applicant and establish the duration of any driver's license or nondriver's
88 license issued under this section.

89 10. (1) Notwithstanding any biometric data restrictions contained in section 302.170,
90 the department of revenue is hereby authorized to design and implement a secure digital
91 driver's license program that allows applicants applying for a driver's license in accordance
92 with this chapter to obtain a secure digital driver's license in addition to the physical card-
93 based license specified in this section.

94 (2) A digital driver's license as described in this subsection shall be accepted for all
95 purposes for which a license, as defined in section 302.010, is used.

96 (3) The department may contract with one or more entities to develop the secure
97 digital driver's license system. The department or entity may develop a mobile software
98 application capable of being utilized through a person's electronic device to access the
99 person's secure digital driver's license.

100 (4) The department shall suspend, disable, or terminate a person's participation in the
101 secure digital driver's license program if:

102 (a) The person's driving privilege is suspended, revoked, denied, withdrawn, or
103 cancelled as provided in this chapter; or

104 (b) The person reports that the person's electronic device has been lost, stolen, or
105 compromised.

106 11. The director of the department of revenue may promulgate rules as necessary for
107 the implementation of this section. Any rule or portion of a rule, as that term is defined in
108 section 536.010 that is created under the authority delegated in this section shall become
109 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
110 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
111 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
112 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
113 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,
114 shall be invalid and void.

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 27, 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.**

7 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.**

14 [~~3. Sections 452.300 to 452.415 apply to all proceedings commenced after January 1,~~
15 ~~1974, for the modification of a judgment or order entered prior to January 1, 1974.~~

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

509.520. 1. Notwithstanding any provision of law to the contrary, beginning August
2 28, 2009, pleadings, attachments, or exhibits filed with the court in any case, as well as any
3 judgments issued by the court, shall not include:

4 (1) The full Social Security number of any party or any child who is the subject to an
5 order of custody or support;

6 (2) The full credit card number or other financial account number of any party;

7 **(3) Any personal identifying information, including name, address, and year of**
8 **birth, of a minor and, if applicable, any next friend. Such information shall be provided**
9 **in a confidential information filing sheet contemporaneously filed with the court or**
10 **entered by the court, which shall not be subject to public inspection or availability.**

11 2. Contemporaneously with the filing of every petition for dissolution of marriage,
12 legal separation, motion for modification, action to establish paternity, and petition or motion
13 for support or custody of a minor child, the filing party shall file a confidential case filing
14 sheet with the court which shall not be subject to public inspection and which provides:

15 (1) The name and address of the current employer and the Social Security number of
16 the petitioner or movant, if a person;

17 (2) If known to the petitioner or movant, the name and address of the current
18 employer and the Social Security number of the respondent; and

19 (3) The names, dates of birth, and Social Security numbers of any children subject to
20 the action.

21 3. Contemporaneously with the filing of every responsive pleading petition for
22 dissolution of marriage, legal separation, motion for modification, action to establish
23 paternity, and petition or motion for support or custody of a minor child, the responding party
24 shall file a confidential case filing sheet with the court which shall not be subject to public
25 inspection and which provides:

26 (1) The name and address of the current employer and the Social Security number of
27 the responding party, if a person;

28 (2) If known to the responding party, the name and address of the current employer
29 and the Social Security number of the petitioner or movant; and

30 (3) The names, dates of birth, and Social Security numbers of any children subject to
31 the action.

32 4. The full Social Security number of any party or child subject to an order of custody
33 or support shall be retained by the court on the confidential case filing sheet or other
34 confidential record maintained in conjunction with the administration of the case. The full
35 credit card number or other financial account number of any party may be retained by the
36 court on a confidential record if it is necessary to maintain the number in conjunction with the
37 administration of the case.

38 5. Any document described in subsection 1 of this section shall, in lieu of the full
39 number, include only the last four digits of any such number.

40 6. Except as provided in section 452.430, the clerk shall not be required to redact any
41 document described in subsection 1 of this section issued or filed before August 28, 2009,
42 prior to releasing the document to the public.

43 7. For good cause shown, the court may release information contained on the
44 confidential case filing sheet; except that, any state agency acting under authority of chapter
45 454 shall have access to information contained herein without court order in carrying out their
46 official duty.

 568.045. 1. A person commits the offense of endangering the welfare of a child in the
2 first degree if he or she:

3 (1) Knowingly acts in a manner that creates a substantial risk to the life, body, or
4 health of a child less than ~~seventeen~~ **eighteen** years of age; or

5 (2) Knowingly engages in sexual conduct with a person under the age of ~~seventeen~~
6 **eighteen** years over whom the person is a parent, guardian, or otherwise charged with the care
7 and custody;

8 (3) Knowingly encourages, aids or causes a child less than ~~seventeen~~ **eighteen** years
9 of age to engage in any conduct which violates the provisions of chapter 579;

10 (4) In the presence of a child less than ~~seventeen~~ **eighteen** years of age or in a
11 residence where a child less than ~~seventeen~~ **eighteen** years of age resides, unlawfully
12 manufactures, or attempts to manufacture compounds, possesses, produces, prepares, sells,
13 transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.

14 2. The offense of endangering the welfare of a child in the first degree is a class D
15 felony unless the offense:

16 (1) Is committed as part of an act or series of acts performed by two or more persons
17 as part of an established or prescribed pattern of activity, or where physical injury to the child
18 results, or the offense is a second or subsequent offense under this section, in which case the
19 offense is a class C felony;

20 (2) Results in serious physical injury to the child, in which case the offense is a class
21 B felony; or

22 (3) Results in the death of a child, in which case the offense is a class A felony.

571.031. 1. This section shall be known and may be cited as "Blair's Law".

2 **2. A person commits the offense of unlawful discharge of a firearm if, with**
3 **criminal negligence, he or she discharges a firearm within or into the limits of any**
4 **municipality.**

5 **3. This section shall not apply if the firearm is discharged:**

6 **(1) As allowed by a defense of justification under chapter 563;**

7 **(2) On a properly supervised shooting range;**

8 **(3) To lawfully take wildlife during an open season established by the**
9 **department of conservation. Nothing in this subdivision shall prevent a municipality**
10 **from adopting an ordinance restricting the discharge of a firearm within one-quarter**
11 **mile of an occupied structure;**

12 **(4) For the control of nuisance wildlife as permitted by the department of**
13 **conservation or the United States Fish and Wildlife Service;**

14 **(5) By special permit of the chief of police of the municipality;**

15 **(6) As required by an animal control officer in the performance of his or her**
16 **duties;**

17 **(7) Using blanks;**

18 **(8) More than one mile from any occupied structure;**

19 **(9) In self-defense or defense of another person against an animal attack if a**
20 **reasonable person would believe that deadly physical force against the animal is**
21 **immediately necessary and reasonable under the circumstances to protect oneself or the**
22 **other person; or**

23 **(10) By law enforcement personnel, as defined in section 590.1040, or a member**
24 **of the United States Armed Forces if acting in an official capacity.**

25 **4. A person who commits the offense of discharge of a firearm shall be guilty of:**

26 **(1) For a first offense, a class A misdemeanor;**

27 **(2) For a second offense, a class E felony; and**

28 **(3) For a third or subsequent offense, a class D felony.**

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.]~~

Section B. Because immediate action is necessary for the care of children and
2 pregnant and postpartum women, the enactment of section 210.1450 and the repeal and
3 reenactment of sections 208.151, 208.662, 210.201, and 210.211 of section A of this act are
4 deemed necessary for the immediate preservation of the public health, welfare, peace, and
5 safety, and is hereby declared to be an emergency act within the meaning of the constitution,
6 and the enactment of section 210.1450 and the repeal and reenactment of sections 208.151,
7 208.662, 210.201, and 210.211 of section A of this act shall be in full force and effect upon its
8 passage and approval.

✓