

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 982
101ST GENERAL ASSEMBLY

4507H.04C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 43.400, 161.217, 162.720, 167.227, 208.044, 208.046, 208.053, 208.147, 208.151, 208.646, 210.027, 210.102, 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, 210.762, 210.1007, 210.1080, and 211.081, RSMo, and to enact in lieu thereof thirty-five new sections relating to youth services, with 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, 161.217, 162.720, 167.227, 208.044, 208.046, 208.053, 208.147, 208.151, 208.646, 210.027, 210.102, 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210.251, 210.252, 210.254, 210.255, 210.256, 210.258, 210.275, 210.762, 210.1007, 210.1080, and 211.081, RSMo, are repealed and thirty-five new sections enacted in lieu thereof, to be known as sections 43.400, 161.217, 162.720, 167.227, 208.044, 208.046, 208.053, 208.147, 208.151, 208.646, 210.027, 210.102, 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, 210.715, 210.762, 210.1007, 210.1080, and 211.081, to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

161.217. 1. The department of elementary and secondary education **shall**, in
2 collaboration with the Missouri Head Start State Collaboration Office and the ~~[departments]~~
3 **department of [health and senior services,] mental health[, and social services, shall develop,**
4 ~~as a three-year pilot program, a voluntary]~~ **and as part of a program, provide a continuous**
5 **quality improvement process for early learning programs and present families with**
6 **updated consumer education about the quality of early learning programs by producing**
7 **an** early learning quality assurance report. The early learning quality assurance report shall
8 be developed based on evidence-based practices.

9 2. Participation in the early learning quality assurance report ~~[pilot program]~~ shall be
10 voluntary for any licensed or license-exempt early learning providers that are center-based or
11 home-based and are providing services for children from any ages from birth up to
12 kindergarten.

13 3. The early learning quality assurance report may include, but is not limited to,
14 information regarding staff qualifications, instructional quality, professional development,
15 health and safety standards, parent engagement, and community engagement.

16 4. The early learning quality assurance report shall not be used for enforcement of
17 compliance with any law or for any punitive purposes.

18 5. The department of elementary and secondary education shall promulgate all
19 necessary rules and regulations for the administration of this section. Any rule or portion of a
20 rule, as that term is defined in section 536.010, that is created under the authority delegated in
21 this section shall become effective only if it complies with and is subject to all of the
22 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
23 are nonseverable and if any of the powers vested with the general assembly pursuant to
24 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
25 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
26 proposed or adopted after August 28, 2016, shall be invalid and void.

27 ~~[6. Under section 23.253 of the Missouri sunset act:~~

28 ~~(1) The provisions of the new program authorized under this section shall~~
29 ~~automatically sunset three years after August 28, 2019, unless reauthorized by an act of the~~
30 ~~general assembly; and~~

31 ~~(2) If such program is reauthorized, the program authorized under this section shall~~
32 ~~automatically sunset three years after the effective date of the reauthorization of this section;~~
33 ~~and~~

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

162.720. 1. **(1) This subdivision shall apply to all school years ending before**
2 **July 1, 2024.** Where a sufficient number of children are ~~[determined to be]~~ **identified as**
3 **gifted** and their development requires programs or services beyond the level of those
4 ordinarily provided in regular public school programs, districts may establish special
5 programs for such gifted children.

6 **(2) For school year 2024-25 and all subsequent school years, if three percent or**
7 **more of students enrolled in a school district are identified as gifted and their**
8 **development requires programs or services beyond the level of those ordinarily**
9 **provided in regular public school programs, the district shall establish a state-approved**
10 **gifted program for gifted children.**

11 **2. For school year 2024-25 and all subsequent school years, any teacher**
12 **providing gifted services to students in districts with an average daily attendance of**
13 **more than three hundred fifty students shall be certificated in gifted education. In**
14 **districts with an average daily attendance of three hundred fifty students or fewer, any**

15 **teacher providing gifted services shall not be required to be certificated to teach gifted**
16 **education but such teacher shall annually participate in at least six clock hours of**
17 **professional development focused on gifted services. The school district shall pay for**
18 **such professional development focused on gifted services.**

19 **3.** The state board of education shall determine standards for such **gifted** programs
20 **and gifted services.** Approval of ~~[such]~~ **gifted** programs shall be made by the state
21 department of elementary and secondary education based upon project applications submitted
22 ~~[by July fifteenth of each year]~~ **at a time and in a form determined by the department of**
23 **elementary and secondary education.**

24 ~~[3-]~~ **4.** No district shall ~~[make a determination as to whether]~~ **identify** a child ~~[is]~~ **as**
25 **gifted based on the child's participation in an advanced placement course or international**
26 **baccalaureate course. Districts shall ~~[determine]~~ identify a child ~~[is]~~ as gifted only if the**
27 **child meets the definition of gifted children as provided in section 162.675.**

28 ~~[4-]~~ **5.** Any district with a gifted education program approved under subsection ~~[2]~~ **3**
29 **of this section shall have a policy, approved by the board of education of the district, that**
30 **establishes a process that outlines the procedures and conditions under which parents or**
31 **guardians may request a review of the decision ~~[that determined]~~ that their child did not**
32 **qualify to receive services through the district's gifted education program.**

33 ~~[5-]~~ **6.** School districts and school district employees shall be immune from liability
34 for any and all acts or omissions relating to the decision that a child did not qualify to receive
35 services through the district's gifted education program.

36 **7. The department of elementary and secondary education may promulgate all**
37 **necessary rules and regulations for the implementation and administration of this**
38 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
39 **created under the authority delegated in this section shall become effective only if it**
40 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
41 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
42 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
43 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
44 **then the grant of rulemaking authority and any rule proposed or adopted after August**
45 **28, 2022, shall be invalid and void.**

167.227. 1. A pupil may attend a summer school program in a public school district
2 other than his district of residence if accepted by the district offering the program. Such
3 summer programs may be advanced, academic or remedial programs but shall not include
4 those programs funded wholly by federal moneys. No pupil shall attend summer school
5 classes in more than one district **concurrently** during any one summer.

6 2. For purposes of funding summer school programs, each district shall either
7 consider all nonresident students residents for purposes of receiving state aid or consider all
8 nonresident students nonresidents for purposes of collecting tuition. Any pupil attending a
9 summer school program in a public school district other than his district of residence shall for
10 purposes of state aid for the summer term be considered a resident of the district in which he
11 is attending.

12 3. Any public school district may cooperate with other public school districts to make
13 optimum use of faculty and resources in providing summer school options for pupils in all
14 districts. Nothing in this section shall prohibit schools from establishing contractual services
15 for certain summer school students.

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.

208.147. 1. The family support division shall conduct an annual income and eligibility verification review of each recipient of medical assistance. Such review shall be completed not later than twelve months after the recipient's last eligibility determination.

2. The annual eligibility review requirement may be satisfied by the completion of a periodic food stamp redetermination for the household.

~~3. [The family support division shall annually send a reverification eligibility form letter to the recipient requiring the recipient to respond within ten days of receiving the letter and to provide income verification documentation described in subsection 4 of this section. If the division does not receive the recipient's response and documentation within the ten days, the division shall send a letter notifying the recipient that he or she has ten days to file an appeal or the case will be closed.]~~ **Except as provided in subsection 2 of this section, the family support division shall follow the eligibility redetermination and renewal process under 42 CFR 435.916 when conducting the annual eligibility verification review required under subsection 1 of this section.**

4. The family support division shall require recipients to provide documentation for income verification for purposes of eligibility review described in subsection 1 of this section. Such documentation may include, but not be limited to:

- (1) Current wage stubs;
- (2) A current W-2 form;
- (3) Statements from the recipient's employer;
- (4) A wage match with the division of employment security; and
- (5) Bank statements.

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

- (1) All participants receiving state supplemental payments for the aged, blind and disabled;
- (2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in treatment court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;
- (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 2. Rules and regulations to implement this section shall be promulgated in accordance
190 with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that
191 is created under the authority delegated in this section shall become effective only if it
192 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
193 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with
194 the general assembly pursuant to chapter 536 to review, to delay the effective date or to
195 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
196 rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid
197 and void.

198 3. After December 31, 1973, and before April 1, 1990, any family eligible for
199 assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last
200 six months immediately preceding the month in which such family became ineligible for such

201 assistance because of increased income from employment shall, while a member of such
202 family is employed, remain eligible for MO HealthNet benefits for four calendar months
203 following the month in which such family would otherwise be determined to be ineligible for
204 such assistance because of income and resource limitation. After April 1, 1990, any family
205 receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the
206 six months immediately preceding the month in which such family becomes ineligible for
207 such aid, because of hours of employment or income from employment of the caretaker
208 relative, shall remain eligible for MO HealthNet benefits for six calendar months following
209 the month of such ineligibility as long as such family includes a child as provided in 42
210 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the
211 entire six-month period described in this section and which meets reporting requirements and
212 income tests established by the division and continues to include a child as provided in 42
213 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six
214 months. The MO HealthNet division may provide by rule and as authorized by annual
215 appropriation the scope of MO HealthNet coverage to be granted to such families.

216 4. When any individual has been determined to be eligible for MO HealthNet
217 benefits, such medical assistance will be made available to him or her for care and services
218 furnished in or after the third month before the month in which he **or she** made application for
219 such assistance if such individual was, or upon application would have been, eligible for such
220 assistance at the time such care and services were furnished; provided, further, that such
221 medical expenses remain unpaid.

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

236 6. Notwithstanding any other provision of law to the contrary, in any given fiscal
237 year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of

238 subsection 1 of this section shall only be eligible if annual appropriations are made for such
239 eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section
240 1396a(a)(10)(A)(i).

241 7. (1) Notwithstanding any provision of law to the contrary, a military service
242 member, or an immediate family member residing with such military service member, who is
243 a legal resident of this state and is eligible for MO HealthNet developmental disability
244 services, shall have his or her eligibility for MO HealthNet developmental disability services
245 temporarily suspended for any period of time during which such person temporarily resides
246 outside of this state for reasons relating to military service, but shall have his or her eligibility
247 immediately restored upon returning to this state to reside.

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

254 **8. A child shall no longer be eligible and shall be disenrolled from MO HealthNet**
255 **if the state becomes aware of or is notified that the child has moved out of the state or**
256 **the child has reached nineteen years of age.**

208.646. There shall be ~~[a thirty day]~~ **no** waiting period after ~~[enrollment]~~ **receipt of**
2 **an application** for an uninsured ~~[children in families with an income of more than two~~
3 ~~hundred twenty five percent of the federal poverty level]~~ **child** before the child becomes
4 eligible for insurance under the provisions of sections 208.631 to 208.658. If ~~[the]~~ **a** parent or
5 guardian with an income of more than two hundred twenty-five percent of the federal poverty
6 level fails to meet the co-payment **on three separate occasions** or premium requirements **for**
7 **three consecutive months**, the child shall not be eligible for coverage under sections 208.631
8 to 208.658 for ninety days after the department provides notice of such failure to the parent or
9 guardian.

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.

210.135. 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.

13 ~~[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;
- 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.

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 facility 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 facility 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 facility, the related children of only one such member shall be excluded. A licensed**
79 **family child care facility caring for children not counted in the maximum number of**
80 **children, as permitted under this subsection, shall disclose this to parents or guardians**
81 **on the written notice required under subsection 3 of this section. If a licensed family**
82 **child care facility begins caring for children not counted in the maximum number of**
83 **children after a parent or guardian has signed the written notice required under**

84 **subsection 3 of this section, the licensed family child care facility shall provide a separate**
85 **notice to the parent or guardian that the licensed family child care facility is caring for**
86 **children not counted in the maximum number of children for which the licensed family**
87 **child care facility 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.

**210.715. 1. The department of social services shall establish programs to
2 implement provisions related to the federal Family First Prevention Services Act, Pub.
3 L. 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. When a child is taken into custody by a juvenile officer, physician, or
2 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. The parents, the legal counsel for the parents, the foster parents, the legal guardian
16 or custodian of the child, the guardian ad litem for the child, and the volunteer advocate, and
17 any designee of the parent that has written authorization shall be notified and invited to
18 participate in all family support team meetings. The family support team meeting may
19 include such other persons whose attendance at the meeting may assist the team in making
20 appropriate decisions in the best interests of the child, **including biological family members**
21 **and relatives, as appropriate, as well as professionals who are a resource to the family of**
22 **the child, such as teachers, medical or mental health providers who have treated the**
23 **child, or clergy. In the case of a child who is age fourteen or older, the family support**
24 **team shall include the members selected by the child. The division may exclude an**
25 **individual from a family support team meeting or make alternative arrangements for an**
26 **individual to express his or her views if an individual becomes disruptive to the meeting.**

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

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

35 4. The division shall be responsible for developing a form to be signed at the
36 conclusion of any team meeting held in relation to a child removed from the home and
37 placed in the custody of the state that reflects the core commitments made by the
38 children's division or the convenor of the team meeting and the parents of the child or
39 any other party. The content of the form shall be consistent with service agreements or

40 **case plans required by statute, but not the specific address of the child; whether the**
41 **child shall remain in current placement or be moved to a new placement; visitation**
42 **schedule for the child's family; and any additional core commitments. Any dissenting**
43 **views shall be recorded and attested to on such form. The parents and any other party**
44 **shall be provided with a copy of the signed document.**

45 ~~[4-] 5.~~ The ~~[case manager]~~ **division** shall be responsible for including such form with
46 the case records of the child.

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 be** required to request the results of
55 a criminal background check under this section; however, such individual shall be
56 accompanied by an individual with a qualifying criminal background check in order to be
57 present at the 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 **elementary and secondary education**, health and senior
116 services, or ~~[the department of]~~ social services provided to the first provider a qualifying
117 criminal background check result, consistent with this section, for the staff member; and

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

121 8. (1) The department [~~processing~~] **shall process** the request for a criminal
122 background check for any prospective child care staff member or child care staff member
123 [~~shall do so~~] as expeditiously as possible, but not to exceed forty-five days after the date on
124 which the provider submitted the request.

125 (2) The department shall provide the results of the criminal background check to the
126 child care provider in a statement that indicates whether the prospective child care staff
127 member or child care staff member is eligible or ineligible for employment or presence at the
128 child care facility or receipt of state or federal funds for providing child care services either by
129 direct payment or through reimbursement to an individual who receives child care benefits.
130 The department shall not reveal to the child care provider any disqualifying crime or other
131 related information regarding the prospective child care staff member or child care staff
132 member.

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

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

142 9. (1) The prospective child care staff member or child care staff member may appeal
143 a finding of ineligibility for employment or presence at a child care facility in writing to the
144 department [~~that made the determination of ineligibility~~] to challenge the accuracy or
145 completeness of the information contained in his or her criminal background check if his or
146 her finding of ineligibility is based on one or more of the following offenses:

- 147 (a) Murder, as described in 18 U.S.C. Section 1111;
- 148 (b) Felony child abuse or neglect;
- 149 (c) A felony crime against children, including child pornography;
- 150 (d) Felony spousal abuse;
- 151 (e) A felony crime involving rape or sexual assault;
- 152 (f) Felony kidnapping;
- 153 (g) Felony arson;
- 154 (h) Felony physical assault or battery;

155 (i) A violent misdemeanor offense committed as an adult against a child, including
156 the offense of child abuse, child endangerment, or sexual assault, or a misdemeanor offense
157 involving child pornography; or

158 (j) Any similar offense in any federal, state, municipal, or other court.

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

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

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

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

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

186 44.] Nothing in this section shall prohibit [~~either~~] the department [~~of health and senior~~
187 ~~services or the department of social services~~] from requiring more frequent checks of the
188 family care safety registry established under section 210.903 or the central registry for child
189 abuse established under section 210.109 in order to determine eligibility for employment or
190 presence at the child care facility or receipt of state or federal funds for providing child care

191 services either by direct payment or through reimbursement to an individual who receives
192 child care benefits.

193 ~~[12.]~~ 11. The department ~~[of health and senior services and the department of social~~
194 ~~services]~~ may ~~[each]~~ adopt emergency rules to implement the requirements of this section.
195 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under
196 the authority delegated in this section shall become effective only if it complies with and is
197 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
198 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
199 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a
200 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
201 rule proposed or adopted after August 28, 2018, shall be invalid and void.

202 ~~[13.]~~ 12. The provisions of this section shall not apply to any child care facility, as
203 defined in section 210.201, maintained or operated under the exclusive control of a religious
204 organization, as described in subdivision (17) of subsection 1 of section 210.211, unless such
205 facility is a recipient of federal funds for providing care for children, except for federal funds
206 for those programs that meet the requirements for participation in the Child and Adult Care
207 Food Program under 42 U.S.C. Section 1766.

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.

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 of the need for safe and adequate child care services for Missouri
2 families, the repeal and reenactment of sections 210.201 and 210.211 of section A of this act
3 is deemed necessary for the immediate preservation of the public health, welfare, peace, and
4 safety, and is hereby declared to be an emergency act within the meaning of the constitution,
5 and the repeal and reenactment of sections 210.201 and 210.211 of section A of this act shall
6 be in full force and effect upon its passage and approval.

✓