

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2151

AN ACT

To repeal sections 167.630, 208.044, 208.046, 208.053, 210.027, 210.102, 210.127, 210.135, 210.140, 210.147, 210.199, 210.201, 210.203, 210.211, 210.221, 210.223, 210.231, 210.241, 210.245, 210.251, 210.252, 210.254, 210.255, 210.256, 210.258, 210.275, 210.278, 210.305, 210.565, 210.762, 210.1007, 210.1080, 211.081, and 509.520, RSMo, and to enact in lieu thereof forty-five new sections relating to child protection, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 167.630, 208.044, 208.046, 208.053, 210.027, 210.102, 210.127, 210.135, 210.140, 210.147, 210.199, 210.201, 210.203, 210.211, 210.221, 210.223, 210.231, 210.241, 210.245, 210.251, 210.252, 210.254, 210.255, 210.256, 210.258, 210.275, 210.278, 210.305, 210.565, 210.762, 210.1007, 210.1080, 211.081, and 509.520, RSMo, are repealed and forty-five new sections enacted in lieu thereof, to be known as sections 160.077, 163.063, 167.630, 171.097, 208.044, 208.046, 208.053, 210.027, 210.102, 210.127, 210.135, 210.140, 210.147, 210.201, 210.203, 210.211, 210.221, 210.223, 210.231, 210.241, 210.245, 210.251, 210.252, 210.254, 210.255, 210.256, 210.258, 210.275, 210.278, 210.305, 210.565, 210.715, 210.762, 210.1007, 210.1080, 211.081, 217.940, 217.941, 217.942, 217.943, 217.944, 217.945, 217.946, 217.947, and 509.520, to read as follows:

160.077. 1. This section shall be known and may be cited as the "Get the Lead Out of School Drinking Water Act".

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

(1) "Commission", the safe drinking water commission established under section 640.105;

(2) "Disadvantaged school district", any school district that serves students from a county in which at least twenty-five percent of the households in such county are below the federal poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. Section 9902(2), as amended, or any school district in which more than seventy percent of students in the district qualify for a free or reduced price lunch under the federal Richard B. Russell National School Lunch Act, 42 U.S.C. Section 1751, et seq.;

(3) "Drinking water outlet", a potable water fixture that is used for drinking or food preparation. "Drinking water outlet" includes, but is not limited to:

(a) A water fountain, faucet, or tap that is used or potentially used for drinking or food preparation; and

(b) Ice-making and hot drink machines;

(4) "First draw", a two-hundred-fifty-milliliter sample immediately collected from a drinking water outlet that has been turned on after a stagnation period of at least eight hours;

(5) "NSF/ANSI 53-2017", the standard for drinking water treatment systems that are designed to reduce specific health-related contaminants in water supplies that is published by NSF International/ANSI with the title "Drinking Water Treatment Units - Health Effects", or any more stringent subsequent standard;

(6) "Parent", a parent, guardian, or other person having control or custody of a child;

(7) "Private school", the same definition as in section 166.700;

(8) "Public school", the same definition as in section 160.011;

(9) "Remediation", decreasing the lead concentration in water from a drinking water outlet to less than one part per billion without relying solely on flushing practices, or using methods such as the replacement of lead-containing pipes, solder, fittings, or fixtures with lead-free components. Flushing as a stand alone action shall not be considered remediation;

(10) "School", any public school, private school, or provider of an early childhood education program that receives state funding.

3. Beginning in the 2023-2024 school year and for each subsequent school year, each school shall provide drinking water with a lead concentration level below the American Academy of Pediatrics' recommended maximum level for schools of one part per billion in sufficient amounts to meet the drinking water needs of all students and staff as provided in this section.

4. (1) Before January 1, 2024, each school shall:

(a) Conduct an inventory of all drinking water outlets and nonpotable water fixtures in each of the school's buildings;

(b) Remove any drinking watercoolers that the United States Environmental Protection Agency has determined are not lead-free under the federal Lead Contamination Control Act of 1988, as amended;

(c) Install a filter that reduces lead in drinking water on each drinking water outlet, maintain such filters to ensure that lead concentration levels are below one part per billion, and replace such filters at least as frequently

as provided for in the manufacturer's instructions. This paragraph shall apply only to schools with drinking water determined to have a lead concentration level above the American Academy of Pediatrics' recommended maximum level for schools of one part per billion; and

(d) Upon request, provide general information on the health effects of lead contamination and additional informational resources for employees and parents of children at each school.

(2) Each school shall make buildings housing early childhood education programs, kindergartens, and elementary schools the priority when complying with paragraphs (a) to (c) of subdivision (1) of this subsection.

(3) Filters described in paragraph (c) of subdivision (1) of this subsection and any replacement filters shall be certified as compliant with NSF/ANSI 53-2017 and shall incorporate an integral performance indication device as specified in section 6.1 of NSF/ANSI 53-2017.

(4) Each school shall provide sufficient filtered water to meet the drinking water needs of all students and staff.

(5) Within sixty days after filters are installed as required under paragraph (c) of subdivision (1) of this subsection and annually thereafter, each school shall conduct testing for lead by first-draw and follow-up flush samples of a random sampling of at least twenty-five percent of remediated drinking water outlets until all remediated sources have been tested as recommended by the 2018 version of the United States Environmental Protection Agency's "Training, Testing, and Taking Action" program. The testing shall be conducted and the results analyzed for both types of tests by an entity or entities approved by the department.

(6) Within two weeks after receiving test results, each school shall make all testing results and any lead remediation plans available on the school's website.

(7) School districts shall submit such annual testing results to the commission.

(8) This subsection shall not be construed to prevent a school from conducting more frequent testing than required under this section.

5. (1) If a first draw sample shows a lead concentration of one part per billion or greater, the affected school shall:

(a) Within one business day after receiving the test result, shut off the drinking water outlet;

(b) Provide bottled water if there is not enough water to meet the drinking water needs of the students, teachers, and staff; and

(c) Within thirty days after receiving the test result, determine interim remediation steps to implement to address the elevated lead concentration level. Such steps shall be posted to the school website.

(2) If a pipe, solder, fitting, or fixture is replaced as part of remediation, the replacement shall be lead-free, as such term is defined in 40 CFR 143.12, as amended.

(3) If a test result exceeds one part per billion, the affected school shall contact parents and staff via written notification within seven business days after receiving the test result. The notification shall include at least:

(a) The test results and a summary that explains such results;

(b) A description of any remedial steps taken; and

(c) A description of general health effects of lead contamination and community specific resources.

(4) If, in the ten years prior to the 2023-2024 school year, a fixture tested above one part per billion for lead, such fixture does not need to be repeat tested for lead, but instead remediation shall begin on such fixture.

6. (1) In addition to the apportionments payable to a school district under chapter 163, the department of natural resources is hereby authorized to apportion to any school additional funding for the filtration, testing, and other remediation of drinking water systems required under this section, subject to appropriation.

(2) To the extent permitted by federal law, a school district may seek reimbursement or other funds for compliance incurred under this section under any applicable federal law including, but not limited to, America's Water Infrastructure Act of 2018 and the Water Infrastructure Finance and Innovation Act of 2014, 33 U.S.C. Section 3901, et seq.

(3) Disadvantaged school districts shall receive funding priority under this subsection.

7. The commission, in conjunction with the department of elementary and secondary education, shall publish a report biennially based on the findings from the water testing conducted under this section. Such report shall be sent to the governor and the joint committee on education and shall be made available on the website of the commission.

8. The commission shall:

(1) On or before July 1, 2023, provide guidance to schools regarding the maintenance of filters and filtration systems and the development and implementation of flushing plans. Such guidance shall include recommendations for flushing after stagnant times including, but not limited to, the morning of each school day and after weekends, school holidays, and summer break. Flushing plans shall include

details for flushing the incoming water line and the filter;
and

(2) On or before July 1, 2023, create an online program to provide training for custodial staff on the maintenance of filters and filtration systems and on the implementation of flushing plans, emphasizing that proper maintenance is critical to improved drinking water quality and safety.

9. (1) For public schools, the commission shall ensure compliance with this section. Each school district shall be responsible for ensuring compliance within each school within the school district's jurisdiction.

(2) The commission shall have the authority to enter a school building governed by this section to determine compliance with this section.

10. No school building constructed after January 4, 2014, as provided in the federal Reduction of Lead in Drinking Water Act (42 U.S.C. Section 300g-6), as amended, shall be required to install, maintain, or replace filters under paragraph (c) of subdivision (1) of subsection 4 of this section.

11. A school that tests and does not find a drinking water source with a lead concentration above the acceptable level as defined in subsection 3 of this section shall be required to test only every five years.

12. The commission may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the

powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

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

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

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

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

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

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

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

3. A school nurse [or], contracted agent trained by a nurse, or other school employee trained by and supervised by the nurse, shall have the discretion to use an epinephrine auto syringe on any student the school nurse [or], trained employee, or trained contracted agent believes is having a

life-threatening anaphylactic reaction based on the training in recognizing an acute episode of an anaphylactic reaction. The provisions of section 167.624 concerning immunity from civil liability for trained employees administering lifesaving methods shall apply to trained employees administering a prefilled auto syringe under this section. Trained contracted agents shall have immunity from civil liability for administering a prefilled auto syringe under this section.

171.097. 1. School districts shall ensure that a state criminal history background check consisting of open records is conducted on any person who is eighteen years of age or older, who is not counted by the district for purposes of average daily attendance under section 163.011, and who requests enrollment in a course that takes place on school district property during regular school hours and includes students counted by the district for purposes of average daily attendance under section 163.011.

2. The state criminal history background check required under this section shall be processed through the Missouri state highway patrol prior to enrollment. The person requesting enrollment in a course as described in this section shall pay the fee for the state criminal history background check pursuant to section 43.530.

3. If, as a result of the criminal history background check required under this section, it is determined that a person who requested enrollment has been convicted of a crime or offense listed in subsection 6 of section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, the school district shall prohibit such person from enrolling in any course for which a state

criminal history background check is required under this section.

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

2. The [division] department shall purchase the child day care services required by this section by making payments directly to any providers of day care services licensed pursuant to chapter 210 or to providers of day care services who are not required by chapter 210 to be licensed because they are providing care to no more than six children pursuant to section 210.211.

3. When a person who has been eligible and receiving day care services under this section becomes ineligible due to the end of the twelve-month period of transitional day care, as defined in section 208.400, such person may receive day care services from the [division] department if otherwise eligible for such services.

208.046. 1. The [children's division] department of elementary and secondary education shall promulgate rules [to become effective no later than July 1, 2011,] to modify the income eligibility criteria for any person receiving state-funded child care assistance [under this chapter], either through vouchers or direct reimbursement to child care providers, as follows:

(1) Child care recipients eligible under this chapter and the criteria set forth in [13 CSR 35-32.010] 5 CSR 25-200 may pay a fee based on adjusted gross income and family size unit based on a child care sliding fee scale established by the [children's division] department of elementary and secondary education, which shall be subject

to appropriations. However, a person receiving state-funded child care assistance under this chapter and whose income surpasses the annual appropriation level may continue to receive reduced subsidy benefits on a scale established by the [children's division] department, at which time such person will have assumed the full cost of the maximum base child care subsidy rate established by the [children's division] department and shall be no longer eligible for child care subsidy benefits;

(2) The sliding scale fee may be waived for children with special needs as established by the [division] department; and

(3) The maximum payment by the [division] department shall be the applicable rate minus the applicable fee.

2. For purposes of this section, "annual appropriation level" shall mean the maximum income level to be eligible for a full child care benefit as determined through the annual appropriations process.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

208.053. 1. The provisions of this section shall be known as the "Low-Wage Trap Elimination Act". In order to more effectively transition persons receiving state-funded

child care subsidy benefits under this chapter, the [children's division] department of elementary and secondary education, in conjunction with the department of revenue, shall, subject to appropriations, by July 1, 2022, implement a pilot program in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, and a county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, to be called the "Hand-Up Program", to allow applicants in the program to receive transitional child care benefits without the requirement that such applicants first be eligible for full child care benefits.

(1) For purposes of this section, "full child care benefits" shall be the full benefits awarded to a recipient based on the income eligibility amount established by the [division] department through the annual appropriations process as of August 28, 2021, to qualify for the benefits and shall not include the transitional child care benefits that are awarded to recipients whose income surpasses the eligibility level for full benefits to continue. The hand-up program shall be voluntary and shall be designed such that an applicant may begin receiving the transitional child care benefit without having first qualified for the full child care benefit or any other tier of the transitional child care benefit. Under no circumstances shall any applicant be eligible for the hand-up program if the applicant's income does not fall within the transitional child care benefit income limits established through the annual appropriations process.

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

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

3. The [division] department shall pursue all necessary waivers from the federal government to implement the hand-up program. If the [division] department is unable to obtain such waivers, the [division] department shall implement the program to the degree possible without such waivers.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated under this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective

date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically three years after August 28, 2021, unless reauthorized by an act of the general assembly; and

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

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

210.027. [1.] For child-care providers who receive state or federal funds for providing child-care services, either by direct payment or through reimbursement to a child-care beneficiary, the department of [social services] elementary and secondary education shall:

(1) Establish publicly available website access to provider-specific information about any health and safety licensing or regulatory requirements for the providers, and including dates of inspections, history of violations, and compliance actions taken, as well as the consumer education information required under subdivision (12) of this section;

(2) Establish or designate one hotline for parents to submit complaints about child care providers;

(3) Be authorized to revoke the registration of a registered provider for due cause;

(4) Require providers to be at least eighteen years of age;

(5) Establish minimum requirements for building and physical premises to include:

(a) Compliance with state and local fire, health, and building codes, which shall include the ability to evacuate children in the case of an emergency; and

(b) Emergency preparedness and response planning.

Child care providers shall meet these minimum requirements prior to receiving federal assistance. Where there are no local ordinances or regulations regarding smoke detectors, the department shall require providers, by rule, to install and maintain an adequate number of smoke detectors in the residence or other building where child care is provided;

(6) Require providers to be tested for tuberculosis on the schedule required for employees in licensed facilities;

(7) Require providers to notify parents if the provider does not have immediate access to a telephone;

(8) Make providers aware of local opportunities for training in first aid and child care;

(9) Promulgate rules and regulations to define preservice training requirements for child care providers and employees pursuant to applicable federal laws and regulations;

(10) Establish procedures for conducting unscheduled on-site monitoring of child care providers prior to receiving state or federal funds for providing child care services either by direct payment or through reimbursement to a child care beneficiary, and annually thereafter;

(11) Require child care providers who receive assistance under applicable federal laws and regulations to report to the department any serious injuries or death of children occurring in child care; and

(12) With input from statewide stakeholders such as parents, child care providers or administrators, and system advocate groups, establish a transparent system of quality indicators appropriate to the provider setting that shall provide parents with a way to differentiate between child care providers available in their communities as required by federal rules. The system shall describe the standards used to assess the quality of child care providers. The system shall indicate whether the provider meets Missouri's registration or licensing standards, is in compliance with applicable health and safety requirements, and the nature of any violations related to registration or licensing requirements. The system shall also indicate if the provider utilizes curricula and if the provider is in compliance with staff educational requirements. Such system of quality indicators established under this subdivision with the input from stakeholders shall be promulgated by rules. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void. This subdivision shall not be construed as authorizing the operation, establishment, maintenance, or mandating or offering of incentives to participate in a quality rating system under section ~~[161.216]~~ 161.217.

[2. No state agency shall enforce the provisions of this section until October 1, 2015, or six months after the implementation of federal regulations mandating such provisions, whichever is later.]

210.102. 1. There is hereby established within the department of [social services] elementary and secondary education the "Coordinating Board for Early Childhood", which shall constitute a body corporate and politic, and shall include, but not be limited to, the following members:

- (1) A representative from the governor's office;
- (2) A representative from each of the following departments: health and senior services, mental health, social services, and elementary and secondary education;
- (3) A representative of the judiciary;
- (4) A representative of the family and community trust board (FACT);
- (5) A representative from the head start program; and
- (6) Nine members appointed by the governor with the advice and consent of the senate who are representatives of the groups, such as business, philanthropy, civic groups, faith-based organizations, parent groups, advocacy organizations, early childhood service providers, and other stakeholders.

The coordinating board may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The coordinating board shall elect from amongst its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary. Members of the board shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the board.

2. The coordinating board for early childhood shall have the power to:

- (1) Develop a comprehensive statewide long-range strategic plan for a cohesive early childhood system;
- (2) Confer with public and private entities for the purpose of promoting and improving the development of children from birth through age five of this state;
- (3) Identify legislative recommendations to improve services for children from birth through age five;
- (4) Promote coordination of existing services and programs across public and private entities;
- (5) Promote research-based approaches to services and ongoing program evaluation;
- (6) Identify service gaps and advise public and private entities on methods to close such gaps;
- (7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the coordinating board for early childhood fund from any source, public or private, and enter into contracts or other transactions with any federal or state agency, any private organizations, or any other source in furtherance of the purpose of subsection 1 of this section and this subsection, and take any and all actions necessary to avail itself of such aid and cooperation;
- (8) Direct disbursements from the coordinating board for early childhood fund as provided in this section;
- (9) Administer the coordinating board for early childhood fund and invest any portion of the moneys not required for immediate disbursement in obligations of the United States or any agency or instrumentality of the United States, in obligations of the state of Missouri and its political subdivisions, in certificates of deposit and time deposits, or other obligations of banks and savings and loan

associations, or in such other obligations as may be prescribed by the board;

(10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal property or any interests therein, wherever situated;

(11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its property or any interest therein, wherever situated;

(12) Employ and fix the compensation of an executive director and such other agents or employees as it considers necessary;

(13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the manner in which its business may be transacted;

(14) Adopt and use an official seal;

(15) Assess or charge fees as the board determines to be reasonable to carry out its purposes;

(16) Make all expenditures which are incident and necessary to carry out its purposes;

(17) Sue and be sued in its official name;

(18) Take such action, enter into such agreements, and exercise all functions necessary or appropriate to carry out the duties and purposes set forth in this section.

3. There is hereby created the "Coordinating Board for Early Childhood Fund" which shall consist of the following:

(1) Any moneys appropriated by the general assembly for use by the board in carrying out the powers set out in subsections 1 and 2 of this section;

(2) Any moneys received from grants or which are given, donated, or contributed to the fund from any source;

(3) Any moneys received as fees authorized under subsections 1 and 2 of this section;

(4) Any moneys received as interest on deposits or as income on approved investments of the fund;

(5) Any moneys obtained from any other available source.

Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the coordinating board for early childhood fund at the end of the biennium shall not revert to the credit of the general revenue fund.

210.127. 1. (1) If the location or identity of the biological parent or parents of a child in the custody of the division is unknown, the children's division shall [utilize all reasonable and effective means available to] conduct [a] an active, thorough, and timely diligent search for the biological parent or parents of such child, including obtaining information from any known parent or relative.

(2) If a child is removed from a home and is placed in the custody of the division, the division shall, immediately following the removal from the home, conduct an active, thorough, and timely diligent search for the biological parent or parents, including obtaining information from any known parent or relative.

2. For purposes of this section, "diligent search" means [the efforts of the division, or an entity under contract with the division, to] an exhaustive effort to identify and locate a biological parent whose identity or location is unknown, initiated as soon as the division is made aware of the existence of such parent, with the search progress reported at each court hearing until the parent is either identified and located or the court excuses further search.

210.135. 1. Any person, official, employee of the department of social services, or institution complying with the provisions of sections [210.110] 210.109 to 210.165 in the making of a report, the taking of color photographs, or the making of radiologic examinations pursuant to sections [210.110] 210.109 to 210.165, or both such taking of color photographs and making of radiologic examinations, or the removal or retaining a child pursuant to sections [210.110] 210.109 to 210.165 and chapter 211, or in cooperating with the division, or cooperating with a qualified individual pursuant to section 210.715, or any other law enforcement agency, juvenile office, court, state agency, or child-protective service agency of this or any other state, in any of the activities pursuant to sections [210.110] 210.109 to 210.165 and chapter 211, or any other allegation of child abuse, neglect or assault, pursuant to sections 568.045 to 568.060, shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions. Provided, however, any person, official or institution intentionally filing a false report, acting in bad faith, or with ill intent, shall not have immunity from any liability, civil or criminal. Any such person, official, or institution shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

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

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

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

(1) The hotline worker or workers who took any reports related to such case;

(2) The division case worker or workers assigned to the investigation of such report; and

(3) The circuit manager assigned to the county where the report was investigated.

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

210.140. Any legally recognized privileged communication, except that between attorney and client or involving communications made to a minister or clergyperson, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for

failure to report as required or permitted by sections [210.110] 210.109 to 210.165, to cooperate with the division in any of its activities pursuant to [sections 210.110 to 210.165] this chapter, chapter 211, and chapter 453, or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

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

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

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

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

[2. The division shall be responsible for developing a form to be signed at the conclusion of any team meeting held in relation to a child removed from the home and placed in the custody of the state that reflects the core commitments made by the children's division or the convenor of the team meeting and the parents of the child or any other party. The content of the form shall be consistent with service agreements or case plans required by statute, but not the specific address of the child; whether the child shall remain in current placement or be moved to a new placement;

visitation schedule for the child's family; and any additional core commitments. Any dissenting views shall be recorded and attested to on such 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:

(1) "Child", an individual who is under the age of seventeen;

(2) "Child care", care of a child away from his or her home for any part of the twenty-four-hour day for compensation or otherwise. Child care is a voluntary supplement to parental responsibility for the child's protection, development, and supervision;

(3) "Child-care facility" or "child care facility", a house or other place conducted or maintained by any person who advertises or holds himself or herself out as providing child care for any part of the twenty-four-hour day for compensation or otherwise if providing child care to more than:

(a) Six children; or

(b) Three children under two years of age;

(4) "Child care provider" or "provider", the person or persons licensed or required to be licensed under section 210.221 to establish, conduct, or maintain a child care facility;

(5) "Day camp", a program operated by a person or organization between the hours of 6:00 a.m. and 7:00 p.m., when a local school system is not in session requiring actual pupil attendance, and with the primary function of providing a recreational program for children five years of age or older who are enrolled in kindergarten or any grade above kindergarten, but providing no child care for children

under five years of age who are not yet enrolled in kindergarten in the same space or in the same outdoor play area simultaneously;

(6) "Montessori school", a child care program that is either accredited by, actively seeking accreditation by, or maintains an active school membership with the American Montessori Society, the Association Montessori Internationale, the International Montessori Counsel, or the Montessori Educational Programs International;

[(6)] (7) "Neighborhood youth development program", as described in section 210.278;

[(7)] (8) "Nursery school", a program operated by a person or an organization with the primary function of providing an educational program for preschool-age children for no more than four hours per day per child;

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

[(9)] (10) "Religious organization", a church, synagogue or mosque; an entity that has or would qualify for federal tax-exempt status as a nonprofit religious organization under Section 501(c) of the Internal Revenue Code; or an entity whose real estate on which the child-care facility is located is exempt from taxation because it is used for religious purposes;

[(10)] (11) "School system", a program established primarily for education and that meets the following criteria:

(a) Provides education in at least the first to the sixth grade; and

(b) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student [;

(11)] (12) "Summer camp", a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children five years of age or older and providing no child care for children under five years of 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 education shall maintain a record of substantiated, signed parental complaints against child care facilities licensed pursuant to this chapter, and shall make such complaints and findings available to the public upon request.

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

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

(2) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

- (3) Any graded boarding school that is conducted in good faith primarily to provide education;
- (4) Any summer or day camp that is conducted in good faith primarily to provide recreation;
- (5) Any hospital, sanitarium, or home that is conducted in good faith primarily to provide medical treatment or nursing or convalescent care for children;
- (6) Any residential facility or day program licensed by the department of mental health under sections 630.705 to 630.760 that provides care, treatment, and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, intellectual disability, or developmental disability, as those terms are defined in section 630.005;
- (7) Any school system, as defined in section 210.201;
- (8) Any Montessori school as defined in section 210.201;
- (9) Any business that operates a child care program for the convenience of its customers or its employees if the following conditions are met:
 - (a) The business provides child care for customers' or employees' children for no more than four hours per day; and
 - (b) Customers or employees remain on site while their children are being cared for by the business establishment;
- (10) Any home school, as defined in section 167.031;
- (11) Any religious organization academic preschool or kindergarten for four- and five-year-old children;
- (12) Any weekly Sunday or Sabbath school, a vacation bible school, or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization;

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

(14) Any religious organization elementary or secondary school;

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

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

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

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. Section 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and (17) of subsection 1 of this section.

3. **[Any]** Every child care facility not exempt from licensure shall disclose the licensure status of the

facility to the parents or guardians of children for which the facility provides care. No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed. A parent or guardian utilizing an unlicensed child care facility shall sign a written notice indicating he or she is aware of the [licensure] unlicensed status of the facility. The facility shall keep a copy of this signed written notice on file. All child care facilities shall provide the parent or guardian enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies of the child care facility.

4. Up to two children who are five years of age or older and who are related within the third degree of consanguinity or affinity to, adopted by, or under court appointed guardianship or legal custody of a child care provider who is responsible for the daily operation of a licensed family child care home that is organized as a corporation, association, firm, partnership, limited liability company, sole proprietorship, or any other type of business entity in this state shall not be included in the number of children counted toward the maximum number of children for which the family child care home is licensed under section 210.221. If more than one member of the corporation, association, firm, partnership, limited liability company, or other business entity is responsible for the daily operation of the licensed family child care home, then the related children of only one such member shall be excluded. A family child care home caring for children not counted in the maximum number of children, as permitted under this subsection, shall disclose this to parents or guardians on the written notice required under

subsection 3 of this section. If a family child care home begins caring for children not counted in the maximum number of children after a parent or guardian has signed the written notice required under subsection 3 of this section, the family child care home shall provide a separate notice to the parent or guardian that the family child care home is caring for children not counted in the maximum number of children for which the family child care home is licensed and shall keep a copy of the signed notice on file.

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

210.221. 1. The department of [health and senior services] elementary and secondary education shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children. Each license shall specify the kind of child-care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages [and sex];

(2) To inspect the conditions of the homes and other places in which the applicant operates a child-care facility, inspect their books and records, premises and children being served, examine their officers and agents, deny, suspend, place on probation or revoke the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the department of [health and senior services] elementary and

secondary education. The [director] commissioner also may revoke or suspend a license when the licensee [fails to renew or] surrenders the license;

(3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the [division] department shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed;

(4) To approve training concerning the safe sleep recommendations of the American Academy of Pediatrics in accordance with section 210.223; and

(5) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.

2. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of [health and senior services] elementary and secondary education and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of [health and senior services] elementary and secondary education. Local inspectors may grant a variance, subject to approval by the department of [health and senior services] elementary and secondary education.

3. The department shall deny, suspend, place on probation or revoke a license if it receives official written notice that the local governing body has found that license is prohibited by any local law related to the health and safety of children. The department may deny an application for a license if the department determines that a home or other place in which an applicant would operate a child-care facility is located within one thousand feet of any location where a person required to register under sections 589.400 to 589.425 either resides, as that term is defined in subsection 3 of section 566.147, or regularly receives treatment or services, excluding any treatment or services delivered in a hospital, as that term is defined in section 197.020, or in facilities owned or operated by a hospital system. The department may, after inspection, find the licensure, denial of licensure, suspension or revocation to be in the best interest of the state.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 210.201 to 210.245 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of

rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

210.223. 1. All licensed child care facilities that provide care for children less than one year of age shall implement and maintain a written safe sleep policy in accordance with the most recent safe sleep recommendations of the American Academy of Pediatrics. The purpose of the safe sleep policy is to maintain a safe sleep environment that reduces the risk of sudden infant death syndrome and sudden unexpected infant deaths in children less than one year of age.

2. When, in the opinion of the infant's licensed health care provider, an infant requires alternative sleep positions or special sleeping arrangements that differ from those set forth in the most recent sleep recommendations of the American Academy of Pediatrics, the child care facility shall be provided with written instructions, signed by the infant's licensed health care provider, detailing the alternative sleep positions or special sleeping arrangements for such infant. The child care facility shall put the infant to sleep in accordance with such written instructions.

3. As used in this section, the following terms shall mean:

(1) "Sudden infant death syndrome", the sudden death of an infant less than one year of age that cannot be explained after a thorough investigation has been conducted, including a complete autopsy, an examination of the death scene, and a review of the clinical history;

(2) "Sudden unexpected infant death", the sudden and unexpected death of an infant less than one year of age in which the manner and cause of death are not immediately obvious prior to investigation. Causes of sudden unexpected infant death include, but are not limited to, metabolic

disorders, hypothermia or hyperthermia, neglect or homicide, poisoning, and accidental suffocation.

4. All employees of licensed child care facilities who care for infants less than one year of age or any volunteer who may be assisting at the facility shall successfully complete department-approved training on the most recent safe sleep recommendations of the American Academy of Pediatrics every three years.

5. The department of elementary and secondary education shall promulgate rules to implement the provisions of this section. Such rules shall include, but not be limited to:

(1) Amending any current rules which are not in compliance with the most recent safe sleep recommendations of the American Academy of Pediatrics[, including but not limited to 19 CSR 30.62-092(1)C which permits the use of bumper pads in cribs or playpens];

(2) Keeping soft or loose bedding away from sleeping infants and out of safe sleep environments, including, but not limited to, bumper pads, pillows, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, and other similar items; and

(3) Prohibiting blankets or other soft or loose bedding from being hung on the sides of cribs.

6. The department of elementary and secondary education may adopt emergency rules to implement the requirements of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the

general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

210.231. The department of [health and senior services] elementary and secondary education may designate to act for it, with full authority of law, any instrumentality of any political subdivision of the state of Missouri deemed by the department of [health and senior services] elementary and secondary education to be competent, to investigate and inspect licensees and applicants for a license. Local inspection of child care facilities may be accomplished if the standards employed by local personnel are substantially equivalent to 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 senior services] elementary and secondary education made in the administration of sections 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, or who for such person or for any other person makes materially false statements in order to obtain a license or the renewal thereof pursuant to sections 210.201 to 210.245, shall be guilty of a class C misdemeanor for the first offense and shall be assessed a fine not to exceed seven hundred fifty dollars and shall be guilty of a class A misdemeanor and shall be assessed a fine of up to two thousand dollars per day, not to exceed a total of ten thousand dollars for subsequent offenses. In case such guilty person is a corporation, association,

institution or society, the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

2. If the department of [health and senior services] elementary and secondary education proposes to deny, suspend, place on probation or revoke a license, the department of [health and senior services] elementary and secondary education shall serve upon the applicant or licensee written notice of the proposed action to be taken. The notice shall contain a statement of the type of action proposed, the basis for it, the date the action will become effective, and a statement that the applicant or licensee shall have thirty days to request in writing a hearing before the administrative hearing commission and that such request shall be made to the department of [health and senior services] elementary and secondary education. If no written request for a hearing is received by the department of [health and senior services] elementary and secondary education within thirty days of the delivery or mailing by certified mail of the notice to the applicant or licensee, the proposed discipline shall take effect on the thirty-first day after such delivery or mailing of the notice to the applicant or licensee. If the applicant or licensee makes a written request for a hearing, the department of [health and senior services] elementary and secondary education shall file a complaint with the administrative hearing commission within ninety days of receipt of the request for a hearing.

3. The department of [health and senior services] elementary and secondary education may issue letters of censure or warning without formal notice or hearing. Additionally, the department of [health and senior services]

elementary and secondary education may place a licensee on probation pursuant to chapter 621.

4. The department of **[health and senior services]** elementary and secondary education may suspend any license simultaneously with the notice of the proposed action to be taken in subsection 2 of this section, if the department of **[health and senior services]** elementary and secondary education finds that there is a threat of imminent bodily harm to the children in care. The notice of suspension shall include the basis of the suspension and the appeal rights of the licensee pursuant to this section. The licensee may appeal the decision to suspend the license to the department of **[health and senior services]** elementary and secondary education. The appeal shall be filed within ten days from the delivery or mailing by certified mail of the notice of appeal. A hearing shall be conducted by the department of **[health and senior services]** elementary and secondary education within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of **[health and senior services]** elementary and secondary education, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission. Any person aggrieved by a final decision of the department made pursuant to this section shall be entitled to judicial review in accordance with chapter 536.

5. In addition to initiating proceedings pursuant to subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child-care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child-care facility for violating any provision of sections

210.201 to 210.245. The order shall remain in force until such a time as the court determines that the child-care facility is in substantial compliance. If the prosecuting attorney refuses to act or fails to act after receipt of notice from the department of [health and senior services] elementary and secondary education, the department of [health and senior services] elementary and secondary education may request that the attorney general seek an injunction of the operation of such child-care facility.

6. In cases of imminent bodily harm to children in the care of a child-care facility, including an unlicensed, nonexempt facility, the department may file suit in the circuit court of the county in which the child-care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility. Failure by the department to file suit under the provisions of this subsection shall not be construed as creating any liability in tort or incurring other obligations or duties except as otherwise specified.

7. Any person who operates an unlicensed, nonexempt child-care facility in violation of the provisions of sections 210.201 to 210.245 shall be liable for a civil penalty of not less than seven hundred fifty dollars and not more than two thousand dollars. The department shall serve upon such person written notice of the department's findings as to the child-care facility's unlicensed, nonexempt status, along with educational materials about Missouri's child-care facility laws and regulations, how a facility may become exempt or licensed, and penalties for operating an unlicensed, nonexempt child-care facility. The notice shall contain a statement that the person shall have thirty days to become compliant with sections 210.201 to 210.245,

including attaining exempt status or becoming licensed. The person's failure to do so shall result in a civil action in the circuit court of Cole County or criminal charges under this section. If, following the receipt of the written notice, the person operating the child-care facility fails to become compliant with sections 210.201 to 210.245, the department may bring a civil action in the circuit court of Cole County against such person. The department may, but shall not be required to, request that the attorney general bring the action in place of the department. No civil action provided by this subsection shall be brought if the criminal penalties under subsection 1 of this section have been previously ordered against the person for the same violation. Failure by the department to file suit under the provisions of this subsection shall not be construed as creating any liability in tort or incurring other obligations or duties except as otherwise specified.

8. There shall be established the "Family Child Care Provider Fund" in the state treasury, which shall consist of such funds as appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely by the department for the dissemination of information concerning compliance with child-care facility laws and regulations, including licensed or exempt status; educational initiatives relating to, inter alia, child care, safe sleep practices, and child nutrition; and the provision of financial assistance on the basis of need for family child-care homes to become licensed, as determined by the department and subject to available moneys in the fund. Notwithstanding the provisions of section 33.080 to the

contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

210.251. 1. [By January 1, 1994,] Financial incentives shall be provided by the department of [health and senior services] elementary and secondary education through the child development block grant and other public moneys for child-care facilities wishing to upgrade their standard of care and which meet quality standards.

2. The department of health and senior services shall make federal funds available to licensed or inspected child-care centers pursuant to federal law as set forth in the Child and Adult Care Food Program, 42 U.S.C. Section 1766.

3. Notwithstanding any other provision of law to the contrary, in the administration of the program for at-risk children through the Child and Adult Care Food Program, 42 U.S.C. Section 1766, this state shall not have requirements that are stricter than federal regulations for participants in such program. Child care facilities shall not be required to be licensed child care providers to participate in such federal program so long as minimum health and safety standards are met and documented.

210.252. 1. All buildings and premises used by a child-care facility to care for more than six children except those exempted from the licensing provisions of the department of [health and senior services] elementary and secondary education pursuant to subdivisions (1) to (15) of subsection 1 of section 210.211, shall be inspected annually for fire and safety by the state fire marshal, the marshal's designee or officials of a local fire district and for

health and sanitation by the department of elementary and secondary education or the department's designee, including officials of the department of health and senior services, or officials of the local health department. Evidence of compliance with the inspections required by this section shall be kept on file and available to parents of children enrolling in the child-care facility.

2. Local inspection of child-care facilities may be accomplished if the standards employed by local personnel are substantially equivalent to state standards and local personnel are available for enforcement of such standards.

3. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of elementary and secondary education and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of elementary and secondary education. Local inspectors may grant a variance, subject to approval by the department of elementary and secondary education.

4. The department of elementary and secondary education shall administer the provisions of sections 210.252 to 210.256, with the cooperation of the state fire marshal, the department of [elementary and secondary education] health and senior services, local fire departments and local health agencies.

5. The department of elementary and secondary education shall promulgate rules and regulations to implement and administer the provisions of sections 210.252 to 210.256. Such rules and regulations shall provide for

the protection of children in all child-care facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to 210.245.

6. The department of health and senior services, after consultation with the department of elementary and secondary education, may promulgate rules and regulations to implement and administer the provisions of this section related to sanitation requirements. Such rules and regulations shall provide for the protection of children in all child-care facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to 210.245.

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 210.252 to 210.256 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

210.254. 1. Child-care facilities operated by religious organizations pursuant to the exempt status recognized in subdivision (17) of subsection 1 of section 210.211 shall upon enrollment of any child provide the parent or guardian enrolling the child two copies of a

notice of parental responsibility, one copy of which shall be retained in the files of the facility after the enrolling parent acknowledges, by signature, having read and accepted the information contained therein.

2. The notice of parental responsibility shall include the following:

(1) Notification that the child-care facility is exempt as a religious organization from state licensing and therefore not inspected or supervised by the department of [health and senior services] elementary and secondary education other than as provided herein and that the facility has been inspected by those designated in section 210.252 and is complying with the fire, health and sanitation requirements of sections 210.252 to 210.257;

(2) The names, addresses and telephone numbers of agencies and authorities which inspect the facility for fire, health and safety and the date of the most recent inspection by each;

(3) The staff/child ratios for enrolled children under two years of age, for children ages two to four and for those five years of age and older as required by the department of [health and senior services] elementary and secondary education regulations in licensed facilities, the standard ratio of staff to number of children for each age level maintained in the exempt facility, and the total number of children to be enrolled by the facility;

(4) Notification that background checks have been conducted under the provisions of section 210.1080;

(5) The disciplinary philosophy and policies of the child-care facility; and

(6) The educational philosophy and policies of the child-care facility.

3. A copy of notice of parental responsibility, signed by the principal operating officer of the exempt child-care facility and the individual primarily responsible for the religious organization conducting the child-care facility and copies of the annual fire and safety inspections shall be filed annually during the month of August with the department of **[health and senior services]** elementary and secondary education.

210.255. 1. A parent or guardian of a child enrolled in a child care facility established, maintained or operated by a religious organization who has cause to believe that this section and section 210.254 are being violated may notify appropriate local law enforcement authorities.

2. If a child care facility maintained or operated under the exclusive control of a religious organization is suspected of violating any provision of sections 210.252 to 210.255, or if there is good cause to believe that the signatory made a materially false statement in the notice of parental responsibility required by sections 210.252 to 210.255, the department of **[health and senior services]** elementary and secondary education shall give twenty days' written notice to the facility concerning the nature of its suspected noncompliance. If compliance is not forthcoming within the twenty days, the department shall thereafter notify the prosecuting attorney of the county wherein the facility is located concerning the suspected noncompliance. If the prosecuting attorney refuses to act or fails to act within thirty days of receipt of notice from the department, the department of **[health and senior services]** elementary and secondary education may notify the attorney general concerning the suspected noncompliance and the attorney general may proceed under section **[210.248]** 27.060.

210.256. 1. Any person who violates any provision of sections 210.252 to 210.255, or who for such person or for any other person makes a materially false statement in the notice of parental responsibility required by sections 210.254 and 210.255, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association, institution, or society, the officers thereof who participate in such violation shall be subject to the same penalties.

2. In addition to initiating proceedings pursuant to subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child-care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child-care facility for violating any provision of section 210.252. The injunction shall remain in force until such time as the court determines that the child-care facility is in substantial compliance.

3. In cases of imminent bodily harm to children in the care of a child-care facility, the department of [health and senior services] elementary and secondary education may apply to the circuit court of the county in which the child-care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility.

210.258. The provisions of this section and section 210.259 apply to a child care facility maintained or operated under the exclusive control of a religious organization. Nothing in sections 210.252 to 210.257 shall be construed to authorize the department of [health and

senior services] elementary and secondary education or any other governmental entity:

(1) To interfere with the program, curriculum, ministry, teaching or instruction offered in a child care facility;

(2) To interfere with the selection, certification, minimal formal educational degree requirements, supervision or terms of employment of a facility's personnel;

(3) To interfere with the selection of individuals sitting on any governing board of a child care facility;

(4) To interfere with the selection of children enrolled in a child care facility; or

(5) To prohibit the use of corporal punishment.

However, the department of [health and senior services] elementary and secondary education may require the child care facility to provide the parent or guardian enrolling a child in the facility a written explanation of the disciplinary philosophy and policies of the child care facility.

Nothing in subdivisions (2) and (3) of this section shall be interpreted to relieve a child care facility of its duties and obligations under section 210.1080, or to interfere with the department's duties and obligations under said section.

210.275. Any program licensed by the department of [health and senior services] elementary and secondary education pursuant to this chapter providing child care to school-age children that is located and operated on elementary or secondary school property shall comply with the child-care licensure provisions in this chapter; except that, for safety, health and fire purposes, all buildings and premises for any such programs shall be deemed to be in compliance with the child-care licensure provisions in this chapter.

210.278. Neighborhood youth development programs shall be exempt from the child care licensing provisions under this chapter so long as the program meets the following requirements:

(1) The program is affiliated and in good standing with a national congressionally chartered organization's standards under Title 36, Public Law 105-225;

(2) The program provides activities designed for recreational, educational, and character building purposes for children [~~six~~] five to [~~seventeen~~] eighteen years of age;

(3) The governing body of the program adopts standards for care that at a minimum include staff ratios, staff training, health and safety standards, and mechanisms for assessing and enforcing the program's compliance with the standards;

(4) The program does not collect compensation for its services except for one-time annual membership dues not to exceed fifty dollars per year or program service fees for special activities such as field trips or sports leagues, except for current exemptions as written in section 210.211;

(5) The program informs each parent that the operation of the program is not regulated by licensing requirements;

(6) The program provides a process to receive and resolve parental complaints; and

(7) The program conducts national criminal background checks for all employees and volunteers who work with children, as well as screening under the family care safety registry as provided in sections 210.900 to 210.936.

210.305. 1. When an initial emergency placement of a child is deemed necessary, the children's division shall immediately begin a diligent [~~efforts~~] search to locate, contact, and place the child with a grandparent or grandparents or a relative or relatives of the child,

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

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

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

(2) "Emergency placement", those limited instances when the children's division is placing for an initial placement a child in the home of private individuals,

including neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary caretaker.

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

4. A diligent search shall be made to locate, contact, and notify the relative or relatives of the child within thirty days from the time the emergency placement is deemed necessary for the child. The children's division shall continue the search for the relative or relatives until the division locates the relative or relatives of the child for placement or the court excuses further search. The children's division, or an entity under contract with the division, shall use all sources of information, including any known parent or relative, to attempt to locate an appropriate relative as placement.

5. Search progress under subsection 3 or 4 of this section shall be reported at each court hearing until the grandparents or relatives are either located or the court excuses further search.

6. Nothing in this section shall be construed or interpreted to interfere with or ~~supercede~~ supersede laws related to parental rights or judicial authority.

210.565. 1. Whenever a child is placed in a foster home and the court has determined pursuant to subsection 4 of this section that foster home placement with relatives is not contrary to the best interest of the child, the children's division shall give foster home placement to relatives of the child. Notwithstanding any rule of the division to the contrary, the children's division shall ~~make diligent efforts~~ complete a diligent search to locate and notify the grandparents, adult siblings, ~~and~~ parents of siblings of the child, and all other relatives and determine whether they wish to be considered for placement of the child. Grandparents who request consideration shall be given preference and first consideration for foster home placement of the child. If more than one grandparent requests consideration, the family support team shall make recommendations to the juvenile or family court about which grandparent should be considered for placement.

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

(1) "Adult sibling", any brother or sister of whole or half-blood who is at least eighteen years of age;

(2) "Relative", a grandparent or any other person related to another by blood or affinity or a person who is not so related to the child but has a close relationship with the child or the child's family. The status of a grandparent shall not be affected by the death or the dissolution of the marriage of a son or daughter;

(3) "Sibling", one of two or more individuals who have one or both parents in common through blood, marriage, or

adoption, including siblings as defined by the child's tribal code or custom.

3. The following shall be the order or preference for placement of a child under this section:

- (1) Grandparents;
- (2) Adult siblings or parents of siblings;
- (3) Relatives related by blood or affinity within the third degree;
- (4) Other relatives; and
- (5) Any foster parent who is currently licensed and capable of accepting placement of the child.

4. The preference for placement and first consideration for grandparents or preference for placement with other relatives created by this section shall only apply where the court finds that placement with such grandparents or other relatives is not contrary to the best interest of the child considering all circumstances. If the court finds that it is contrary to the best interest of a child to be placed with grandparents or other relatives, the court shall make specific findings on the record detailing the reasons why the best interests of the child necessitate placement of the child with persons other than grandparents or other relatives.

5. Recognizing the critical nature of sibling bonds for children, the children's division shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement, unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the children's division shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings, unless this interaction would be contrary to a sibling's safety or well-being.

6. The age of the child's grandparent or other relative shall not be the only factor that the children's division takes into consideration when it makes placement decisions and recommendations to the court about placing the child with such grandparent or other relative.

7. For any Native American child placed in protective custody, the children's division shall comply with the placement requirements set forth in 25 U.S.C. Section 1915.

8. A grandparent or other relative may, on a case-by-case basis, have standards for licensure not related to safety waived for specific children in care that would otherwise impede licensing of the grandparent's or relative's home. In addition, any person receiving a preference may be licensed in an expedited manner if a child is placed under such person's care.

9. The guardian ad litem shall ascertain the child's wishes and feelings about his or her placement by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered as a factor in placement decisions and recommendations, but shall not supersede the preference for relative placement created by this section or be contrary to the child's best interests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The children's division shall assemble a family support team for the child in accordance with the requirements of section 210.762. The qualified individual conducting the assessment shall work in conjunction with the

family of, and family support team for, the child while conducting and making the assessment.

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

6. (1) The qualified individual shall provide the written assessment to the children's division. The children's division shall provide a copy of the assessment to the parties to the juvenile proceeding, the members of the family support team, and the court. The division may redact any information from the report that may be confidential as a matter of law, or may be harmful to the best interests, safety, and welfare of the child. The copy of the report as redacted shall be admitted into evidence and considered by the court without further foundation, unless any party to the juvenile proceeding objects. The objection shall be in writing and shall specify the legal and factual basis for the objection. The burden of proof shall be on the party objecting to the admissibility of the report; except that the children's division shall have the burden to establish the legal and factual basis for any redactions. The court may hold a hearing, take evidence on the objection, and independently determine whether any redactions are appropriate.

(2) The children's division shall provide information to the court as to the efforts the division made to meet the

needs of the child in a less restrictive setting and the services provided to meet the needs of the child.

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

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

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

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

(4) Approve or disapprove the placement.

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

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

10. The children's division may promulgate rules, including emergency rules, to implement the provisions of

this section and the federal Family First Prevention Services Act, or amendments thereto, and, pursuant to this section, shall define implementation plans and dates. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or 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 law enforcement official **[under]** pursuant to section 210.125 and comes under the jurisdiction of the court pursuant to subdivision (1) and (2) of subsection 1 of section 211.031 and **[initially]** placed with the division, the division may make a temporary placement and shall arrange for a family support team meeting prior to or within twenty-four hours following the protective custody hearing held under section 211.032. After a child is in the division's custody **[and a temporary placement has been made]**, the division shall arrange an additional family support team meeting prior to taking any action relating to the placement of such child; except that, when the welfare of a child in the custody of the division requires an immediate or emergency change of placement, the division may make a temporary placement and shall schedule a family support team meeting within seventy-two hours. The requirement for a family support team meeting shall not apply when the parent has consented in writing to the

termination of his or her parental rights in conjunction with a placement in a licensed child-placing agency under subsection 6 of section 453.010.

2. The parents, the legal counsel for the parents, the foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate, and any designee of the parent that has written authorization shall be notified and invited to participate in all family support team meetings. The family support team meeting may include such other persons whose attendance at the meeting may assist the team in making appropriate decisions in the best interests of the child, including biological family members and relatives, as appropriate, as well as professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy. In the case of a child who is age fourteen or older, the family support team shall include the members selected by the child. The division may exclude an individual from a family support team meeting or make alternative arrangements for an individual to express his or her views if an individual becomes disruptive to the meeting.

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

[3. The division shall use the form created in subsection 2 of section 210.147 to be signed upon the conclusion of the meeting pursuant to subsection 1 of this section confirming that all involved parties are aware of the team's decision regarding the custody and placement of

the child. Any dissenting views must be recorded and attested to on such form.]

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

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

210.1007. 1. The department of [health and senior services] elementary and secondary education shall[, on or before July 1, 2003, and] quarterly [thereafter,] provide all child-care facilities licensed pursuant to this chapter with a comprehensive list of children's products that have been identified by the Consumer Product Safety Commission as unsafe.

2. Upon notification, a child-care facility shall inspect its premises and immediately dispose of any unsafe children's products which are discovered. Such inspection shall be documented by signing and dating the department's notification form in a space designated by the department.

Signed and dated notification forms shall be maintained in the facility's files for departmental inspection.

3. During regular inspections, the department shall document the facility's maintenance of past signed and dated notification forms. If the department discovers an unsafe children's product, the facility shall be instructed to immediately dispose of the product. If a facility fails to dispose of a product after being given notice that it is unsafe, it shall be considered a violation under the inspection.

4. The department may promulgate rules for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

210.1080. 1. As used in this section, the following terms mean:

(1) "Child care provider", a person licensed, regulated, or registered to provide child care within the state of Missouri, including the member or members, manager or managers, shareholder or shareholders, director or directors, and officer or officers of any entity licensed, regulated, or registered to provide child care within the state of Missouri;

(2) "Child care staff member", a child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; individuals residing in a [family child care] home where child care is provided who are [seventeen years of age or older before January 1, 2021, or] eighteen years of age or older [on or after January 1, 2021]; or individuals residing in a [family child care] home where child care is provided who are under [seventeen years of age before January 1, 2021, or under] eighteen years of age [on or after January 1, 2021,] and have been certified as an adult for the commission of an offense;

(3) "Criminal background check":

(a) A Federal Bureau of Investigation fingerprint check;

(b) A search of the National Crime Information Center's National Sex Offender Registry; and

(c) A search of the following registries, repositories, or databases in Missouri, the state where the child care staff member resides, and each state where such staff member resided during the preceding five years:

a. The state criminal registry or repository, with the use of fingerprints being required in the state where the staff member resides and optional in other states;

b. The state sex offender registry or repository; and

c. The state-based child abuse and neglect registry and database;

(4) ["Designated department", the department to which criminal background check results are sent; the department

of health and senior services for child care staff members or prospective child care staff members of licensed child care facilities; and the department of social services for child care staff members or prospective child care staff members of a license-exempt child care facility or an unlicensed child care facility registered with the department of social services under section 210.027] "Department", the department of elementary and secondary education;

(5) "Qualifying result" or "qualifying criminal background check", a finding that a child care staff member or prospective child care staff member is eligible for employment or presence in a child care setting described under this section.

2. (1) Prior to the employment or presence of a child care staff member in a licensed, license-exempt, or unlicensed registered child care facility, the child care provider shall request the results of a criminal background check for such child care staff member from the department [of health and senior services].

(2) [Prior to the employment or presence of a child care staff member in a license-exempt child care facility or an unlicensed child care facility registered with the department of social services, the child care provider shall request the results of a criminal background check for such child care staff member from the department of social services.

(3)] A prospective child care staff member may begin work for a child care provider after receiving the qualifying result of either a Federal Bureau of Investigation fingerprint check or a search of the Missouri criminal registry or repository with the use of fingerprints [has been received from the designated department]; however,

pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five years.

~~[(4)]~~ (3) Any individual who meets the definition of child care provider but is not responsible for the oversight or direction of the child care facility and does not have independent access to the child care facility ~~[is]~~ shall not be required to request the results of a criminal background check under this section; however, such individual shall be accompanied by an individual with a qualifying criminal background check in order to be present at the child care facility during child care hours.

3. The costs of the criminal background check shall be the responsibility of the child care staff member, but may be paid or reimbursed by the child care provider at the provider's discretion. The fees charged for the criminal background check shall not exceed the actual cost of processing and administration.

4. Upon completion of the criminal background check, any child care staff member or prospective child care staff member shall be ineligible for employment or presence at a licensed or license-exempt child care facility or an unlicensed child care facility registered with the department ~~[of social services]~~ and shall be disqualified from receipt of state or federal funds for providing child care services either by direct payment or through reimbursement to an individual who receives child care benefits if such person:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) Any similar offense in any federal, state, municipal, or other court of similar jurisdiction of which the [director of the designated] department has knowledge.

5. Household members [seventeen years of age or older before January 1, 2021, or] eighteen years of age or older [on or after January 1, 2021], or household members under [seventeen years of age before January 1, 2021, or under] eighteen years of age [on or after January 1, 2021,] who have been certified as an adult for the commission of an offense, shall be ineligible to maintain a presence at a [facility licensed as a family child care] home where child care is provided during child care hours if any one or more of the provisions of subsection 4 of this section apply to such members.

6. A child care provider may also be disqualified from receipt of state or federal funds for providing child care services either by direct payment or through reimbursement to an individual who receives child care benefits if such person, or any person [seventeen years of age or older before January 1, 2021, or] eighteen years of age or older [on or after January 1, 2021,] residing in the household in which child care is being provided, excluding child care provided in the child's home, has been refused licensure or has experienced licensure suspension or revocation under section 210.221 or 210.496.

7. A child care provider shall not be required to submit a request for a criminal background check under this section for a child care staff member if:

(1) The staff member received a qualifying criminal background check within five years before the latest date on which such a submission may be made and while employed by or

seeking employment by another child care provider within Missouri;

(2) The [department of] departments of elementary and secondary education, health and senior services, or [the department of] social services provided to the first provider a qualifying criminal background check result, consistent with this section, for the staff member; and

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

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

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

(3) If such prospective child care staff member or child care staff member is ineligible for employment or presence at the child care facility, the department shall, when providing the results of criminal background check,

include information related to each disqualifying crime or other related information, in a report to such prospective child care staff member or child care staff member, along with information regarding the opportunity to appeal under subsection 9 of this section.

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

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

- (a) Murder, as described in 18 U.S.C. Section 1111;
- (b) Felony child abuse or neglect;
- (c) A felony crime against children, including child pornography;
- (d) Felony spousal abuse;
- (e) A felony crime involving rape or sexual assault;
- (f) Felony kidnapping;
- (g) Felony arson;
- (h) Felony physical assault or battery;
- (i) A violent misdemeanor offense committed as an adult against a child, including the offense of child abuse, child endangerment, or sexual assault, or a misdemeanor offense involving child pornography; or

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

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

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

[(4) There is hereby established a "Child Care Background Screening Review Committee", which shall consist of the directors of the department of health and senior

services and the department of social services or the directors' designee or designees.

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

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

[11.] Nothing in this section shall prohibit [either] the department [of health and senior services or the department of social services] from requiring more frequent checks of the family care safety registry established under section 210.903 or the central registry for child abuse established under section 210.109 in order to determine eligibility for employment or presence at the child care facility or receipt of state or federal funds for providing child care services either by direct payment or through reimbursement to an individual who receives child care benefits.

[12.] 11. The department [of health and senior services and the department of social services] may [each] adopt emergency rules to implement the requirements of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and

if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

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

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

2. Placement in any [institutional] residential setting, as defined in section 210.715, shall represent the least restrictive appropriate placement for the child and

shall [be recommended based upon a psychological or psychiatric evaluation or both] meet all requirements set forth in section 210.715. Prior to entering any order for disposition of a child which would order residential treatment or other services inside the state of Missouri, the juvenile court shall enter findings which include the recommendation of the psychological or psychiatric evaluation or both; and certification from the division director or designee as to whether a provider or funds or both are available, including a projection of their future availability. If the children's division indicates that funding is not available, the division shall recommend and make available for placement by the court an alternative placement for the child. The division shall have the burden of demonstrating that they have exercised due diligence in utilizing all available services to carry out the recommendation of the evaluation team and serve the best interest of the child. The judge shall not order placement or an alternative placement with a specific provider but may reasonably designate the scope and type of the services which shall be provided by the department to the child. For purposes of this subsection, the word "child" shall have the same meaning as in section 210.715.

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

217.940. 1. This act establishes the "Correctional Center Nursery Program". The department of corrections shall, subject to appropriations, establish a correctional center nursery in one or more of the correctional centers for women operated by the department, no later than July 1, 2025. The purpose of the correctional center nursery program is for bonding and unification between the mother

and child. The program shall allow eligible inmates and children born from them while in the custody of the department to reside together in the institution for up to eighteen months post-delivery. In establishing this program, neither the inmate's participation in the program nor any provision of sections 217.940 to 217.947 shall affect, modify, or interfere with the inmate's custodial rights to the child nor does it establish legal custody of the child with the department.

2. As used in sections 217.940 to 217.947, the following terms shall mean:

(1) "Correctional center nursery program", the program authorized by sections 217.940 to 217.947;

(2) "Department", the department of corrections;

(3) "Public assistance", all forms of assistance, including monetary assistance from any public source paid either to the mother or child or any other person on behalf of the child;

(4) "Support", the payment of money, including interest:

(a) For a child or spouse ordered by a court of competent jurisdiction, whether the payment is ordered in an emergency, temporary, permanent, or modified order, the amount of unpaid support shall bear simple interest from the date it accrued, at a rate of ten dollars upon one hundred dollars per annum, and proportionately for a greater or lesser sum, or for a longer or shorter time;

(b) To third parties on behalf of a child or spouse, including, but not limited to, payments to medical, dental or educational providers, payments to insurers for health and hospitalization insurance, payments of residential rent or mortgage payments, payments on an automobile, or payments for day care; or

(c) For a mother, ordered by a court of competent jurisdiction, for the necessary expenses incurred by or for the mother in connection with her confinement or of other expenses in connection with the pregnancy of the mother.

217.941. 1. An inmate is eligible to participate in the correctional center nursery program if:

(1) She delivers the child while in the custody of the department;

(2) She is expected to give birth or gives birth on or after the date the program is implemented;

(3) She has a presumptive release date established by the parole board of eighteen months or less from the date she applies to participate in the program;

(4) She has not pled guilty to or been convicted of a dangerous felony as defined in section 556.061;

(5) She has not pled guilty to or been convicted of any sexual offense contained in chapter 566 where the victim of the crime was a minor;

(6) She has not pled guilty to or been convicted of an offense against the family contained in chapter 568, excluding criminal nonsupport; and

(7) She and the child meet any other criteria established by the department.

2. Placement into the program shall be by internal classification of the department. A sentencing court is without jurisdiction to order a placement of an inmate into the program.

3. Program capacity shall be determined by the department.

4. Upon first release of the mother and child, the child shall not be eligible to return to the program if the mother is revoked or receives a new assignment to the department of corrections.

217.942. 1. To participate in the correctional center nursery program, each eligible inmate selected by the department shall agree in writing to:

(1) Comply with all department policies, procedures, and other requirements related to the corrections nursery program and rules that apply to all incarcerated offenders generally;

(2) If eligible, have the child participate in the state children's health insurance program under sections 208.631 to 208.658;

(3) Abide by any court decisions regarding the allocation of parental rights and responsibilities with respect to the child; and

(4) Specify with whom the child is to be placed in the event the inmate's participation in the program is terminated for a reason other than release from imprisonment.

2. The department shall be required to establish policy for the operation of the program.

217.943. An inmate's participation in the correctional center nursery program may be terminated by the department if one of the following occurs:

(1) The inmate fails to comply with the agreement entered into under section 217.942;

(2) The inmate violates an institutional rule that results in alternative housing placement outside of the area designated for the program;

(3) The inmate's child becomes seriously ill, cannot receive the necessary medical care, or otherwise cannot safely participate in the program;

(4) A court of competent jurisdiction grants custody of the child to a person other than the inmate;

(5) A court of competent jurisdiction issues an order regarding the child granting temporary, permanent, or legal

custody of the child to a person other than the inmate, or to a public children services agency or private child placing agency; or

(6) The inmate is released from imprisonment.

217.944. 1. The division of child support enforcement shall collect support payments made pursuant to the assignment and forward them to the department for deposit into the inmate's inmate banking account.

2. The department may accept monetary and property donations on behalf of the program.

3. All donations accepted by the department for the correctional center nursery program shall be used solely for any expenses relating to the operation and maintenance of the program.

4. No donations of property shall be made on behalf of one particular inmate or child to be used while incarcerated.

5. Financial donations, public assistance, or support for a specific inmate or child shall be made through the inmate banking system.

217.945. 1. There is hereby created in the state treasury the "Correctional Center Nursery Program Fund", which shall consist of money collected under this section and section 217.944 as well as any appropriations made by the general assembly. The department shall obtain sufficient resources to initiate and maintain the program and may accept gifts, grants, and donations of any kind. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department for the purposes of operating and maintaining sections 217.940 to 217.947.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

217.946. Notwithstanding any other provision of law to the contrary, neither the correctional center nursery program nor the department, with respect to the program, is subject to any regulation, licensing, or oversight by the department of health and senior services, department of social services, children's division, juvenile officer of any jurisdiction or the office of childhood unless the department voluntarily agrees to services, regulation, licensing, or oversight from any of the aforementioned entities.

217.947. The operation of a correctional center nursery program established under sections 217.940 to 217.947 and the presence of children of inmates participating in the correctional center nursery program shall not be considered a dangerous condition that would result in a waiver of sovereign immunity under section 537.600. The sovereign immunity provisions of section 537.600 and any other statute regarding the sovereign immunity of the state or public entities in existence as of August 28, 2022, shall remain in effect and shall be applied in the same manner as such provisions were applied prior to the establishment of the correctional center nursery program under sections 217.940 to 217.947.

509.520. 1. Notwithstanding any provision of law to the contrary, beginning August 28, 2009, pleadings,

attachments, or exhibits filed with the court in any case, as well as any judgments issued by the court, shall not include:

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

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

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

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

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

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

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

3. Contemporaneously with the filing of every responsive pleading petition for dissolution of marriage, legal separation, motion for modification, action to

establish paternity, and petition or motion for support or custody of a minor child, the responding party shall file a confidential case filing sheet with the court which shall not be subject to public inspection and which provides:

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

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

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

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

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

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

7. For good cause shown, the court may release information contained on the confidential case filing sheet; except that, any state agency acting under authority of chapter 454 shall have access to information contained

herein without court order in carrying out their official duty.

[210.199. Any applicant for a grant or contract who offers early childhood development, education or care programs and who receives funds derived from an appropriation to the department of elementary and secondary education pursuant to paragraph (d) of subdivision (3) of section 313.835 shall be licensed by the department of health and senior services pursuant to sections 210.201 to 210.259 prior to opening of the facility. The provisions of 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 families, the repeal and reenactment of section 210.211 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 210.211 of this act shall be in full force and effect upon its passage and approval.