

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2376

AN ACT

To repeal sections 136.055, 161.217, 162.720, 208.044, 208.046, 208.053, 210.027, 210.102, 210.135, 210.140, 210.147, 210.199, 210.201, 210.203, 210.211, 210.221, 210.223, 210.231, 210.241, 210.245, 210.251, 210.252, 210.254, 210.255, 210.256, 210.258, 210.275, 210.278, 210.493, 210.762, 210.1007, 210.1080, 211.081, 302.178, and 302.181, RSMo, and to enact in lieu thereof thirty-seven new sections relating to youth services, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 136.055, 161.217, 162.720, 208.044, 208.046, 208.053, 210.027, 210.102, 210.135, 210.140, 210.147, 210.199, 210.201, 210.203, 210.211, 210.221, 210.223, 210.231, 210.241, 210.245, 210.251, 210.252, 210.254, 210.255, 210.256, 210.258, 210.275, 210.278, 210.493, 210.762, 210.1007, 210.1080, 211.081, 302.178, and 302.181, RSMo, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 136.055, 161.217, 162.720, 163.063, 208.044, 208.046, 208.053, 210.027, 210.102, 210.135, 210.140, 210.147, 210.201, 210.203, 210.211, 210.221, 210.223, 210.231, 210.241, 210.245, 210.251, 210.252, 210.254, 210.255, 210.256, 210.258, 210.275, 210.278, 210.493, 210.715, 210.762, 210.1007, 210.1080, 210.1450, 211.081, 302.178, and 302.181, to read as follows:

136.055. 1. Except as provided in subsection 8 of this section, any person who is selected or appointed by the

state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

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

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

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

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

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

2. The director of revenue shall award fee office contracts under this section through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3), 501(c)(6), or 501(c)(4), except those civic organizations that would be considered action organizations under 26 C.F.R. Section 1.501(c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as amended, with special consideration given to those organizations and

entities that reinvest a minimum of seventy-five percent of the net proceeds to charitable organizations in Missouri, and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts. The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection. 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 subsection 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, 2009, shall be invalid and void.

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

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

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

6. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor

vehicle dealers authorized to collect and remit sales tax under subsection 10 of section 144.070.

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

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

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

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

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

(4) A school social worker or counselor.

161.217. 1. The department of elementary and secondary education shall, in collaboration with the Missouri Head Start State Collaboration Office and the [departments] department of [health and senior services,] mental health[, and social services, shall develop, as a three-year pilot program, a voluntary] and as part of a program, provide a continuous quality improvement process

for early learning programs and present families with updated consumer education about the quality of early learning programs by producing an early learning quality assurance report. The early learning quality assurance report shall be developed based on evidence-based practices.

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

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

4. The early learning quality assurance report shall not be used for enforcement of

compliance with any law or for any punitive purposes.

5. The department of elementary and secondary education shall 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, 2016, shall be invalid and void.

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

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

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset 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.]

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

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

2. For school year 2024-25 and all subsequent school years, any teacher providing gifted services to students in districts with an average daily attendance of more than three hundred fifty students shall be certificated in gifted education. In districts with an average daily attendance of three hundred fifty students or fewer, any teacher providing gifted services shall not be required to be certificated to teach gifted education but such teacher shall annually

participate in at least six clock hours of professional development focused on gifted services. The school district shall pay for such professional development focused on gifted services.

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

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

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

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

7. The department of elementary and secondary education may promulgate all necessary rules and regulations

for the implementation and 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.

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.

210.135. 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, provided, however, that no information identifying the reporters shall be made available.

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 licensed 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 licensed 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 licensed 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 licensed family child care home shall provide a separate notice to the parent or guardian that the licensed family child care home is caring for children not counted in the maximum number of children for which the licensed 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.

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

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.

210.493. 1. [Officers, managers,] As used in this section, the following terms mean:

(1) "Applicant", any individual who applies or is required to successfully complete the background check requirements for employment or presence at a licensed residential care facility, license-exempt residential care facility, or child care facility. For the purposes of background checks conducted by the Missouri state highway patrol, the term "applicant" is further defined in section 43.540;

(2) "Contractor", a person who contracts to do work for or supply goods to a licensed residential care facility, license-exempt residential care facility, or child placing agency;

(3) "Employee", an individual who works in the service of a licensed residential care facility, license-exempt residential care facility, or child placing agency under an express or implied contract for hire, whether written or unwritten or full-time or part-time, under which the licensed residential care facility, license-exempt residential care facility, or child placing agency has the right to control, in whole or in part, the details of the individual's work performance;

(4) "Owner", an individual who holds an equity interest in a licensed residential care facility, license-exempt residential care facility, or child care facility;

(5) "Volunteer", an individual who performs a service for or on behalf of a licensed residential care facility, license-exempt residential care facility, or child care facility of the individual's own free will without obligation or without any expectation of a reward or compensation.

2. Contractors, volunteers with access to children, and employees[, and other support staff] of licensed residential care facilities and licensed child placing agencies in accordance with sections 210.481 to 210.536; owners of such residential care facilities who will have access to the facilities; and owners of such child placing agencies who will have access to children shall submit fingerprints and any information that the department requires to complete the background checks, as specified in regulations established by the department, to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks.

[2. Officers, managers,] 3. Contractors, volunteers with access to children, and employees[, and other support staff] of residential care facilities subject to the notification requirements under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides at or on the property of such residential care facility; any person who has unsupervised contact with a resident of the residential care facility; and owners of such residential care facilities who will have access to the facilities shall submit fingerprints and any information that the department requires to complete the background checks, as specified in regulations established by the department, to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks.

[3.] 4. A background check shall include:

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

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

[3.] A search of the following registries, repositories, or databases in Missouri, the state where the applicant resides, and each state where such applicant 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 applicant resides and optional in other states;

(b) The state sex offender registry or repository;

(c) The state family care safety registry; and

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

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

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

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

[7.] 8. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120, all records related to any criminal history information

discovered shall be accessible and available to the department.

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

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

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

[11.] 12. An applicant shall be ineligible if the applicant:

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

(2) Knowingly makes a materially false statement in connection with the 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 section 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

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

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

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

[14.] 15. The department is authorized to promulgate rules, including emergency rules, to implement the provisions 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 July 14, 2021, shall be invalid and void.

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.

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

(1) The Commission on Accreditation of Rehabilitation Facilities;

(2) The Joint Commission on Accreditation of Healthcare Organizations;

(3) The Council on Accreditation; or

(4) Any other independent, not-for-profit accrediting body approved by the United States Department of Health and Human Services.

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

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

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

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

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

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

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

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

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

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

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

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

(5) The department has the duty to seek maximum federal funding, and the department shall report to the general assembly the federal financial participation of Title IV-E and Medicaid for licensed residential treatment programs within thirty days after the end of each fiscal quarter in which the waiver is in effect.

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

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

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

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

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

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

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

(7) That solely provide family-based treatment.

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.

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

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

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

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

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

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

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

(c) Enters active duty in the Armed Forces;

(d) Has written consent to the emancipation from the custodial parent or legal guardian; **[or]**

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

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

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

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

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

3. Each intermediate driver's license shall be restricted by requiring that the driver and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction shall not apply to a person operating a motorcycle. For the first six months after issuance of the intermediate driver's license, the holder of the license shall not operate a motor vehicle with more than one passenger who is under the age of nineteen who is not a member of the holder's immediate family. As used in this subsection, an intermediate driver's license holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household of the intermediate driver's license holder. After the expiration of the first six months, the holder of an intermediate

driver's license shall not operate a motor vehicle with more than three passengers who are under nineteen years of age and who are not members of the holder's immediate family. The passenger restrictions of this subsection shall not be applicable to any intermediate driver's license holder who is operating a motor vehicle being used in agricultural work-related activities.

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

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

6. (1) An intermediate driver's licensee who has, for the preceding twelve-month period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic convictions for which points are assessed, upon reaching the age of eighteen years or within the thirty days immediately preceding their eighteenth birthday may apply for and receive without further examination, other than a vision test as prescribed by section 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person shall pay the required fee for such license as prescribed in section 302.177.

(2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday, such license shall

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

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

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

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

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

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

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

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

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

(4) A school social worker or counselor.

11. 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, 2000, shall be invalid and void.

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

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

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall

be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. The director of revenue shall not issue a license without a facial digital image of the license applicant, except as provided pursuant to subsection 7 of this section. A digital image of the applicant's full facial features shall be taken in a manner prescribed by the director. No digital image shall be taken wearing anything which cloaks the facial features of the individual.

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

6. The department of revenue shall issue upon request a nondriver's license card containing essentially the same information and photograph or digital image, except as provided pursuant to subsection 7 of this section, as the driver's license upon payment of six dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A person who has passed his or her seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. Notwithstanding any other provision of this chapter, a nondriver's license containing a concealed carry endorsement

shall expire three years from the date the certificate of qualification was issued pursuant to section 571.101, as section 571.101 existed prior to August 28, 2013. The fee for nondriver's licenses issued for a period exceeding three years is six dollars or three dollars for nondriver's licenses issued for a period of three years or less. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license. No fee shall be required or collected from a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for a first nondriver's license card issued under this subsection. Such person's status as a homeless child or youth or unaccompanied youth shall be verified by a letter signed by one of the following persons:

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

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

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

(4) A school social worker or counselor.

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

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

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

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

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

9. Beginning July 1, 2005, the director shall not issue a driver's license or a nondriver's license for a period that exceeds an applicant's lawful presence in the

United States. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license or nondriver's license issued under this section.

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

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

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

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

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

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

11. The director of the department of revenue may promulgate rules as necessary 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, 2020, shall be invalid and void.

[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 immediate action is necessary to have access to necessary funding, and because of the need for safe and adequate child care services for Missouri families, the enactment of section 210.1450, and the repeal and reenactment of sections 210.201 and 210.211 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 210.1450, and the repeal and reenactment of sections 210.201 and 210.211 of this act shall be in full force and effect upon its passage and approval.