

# SENATE BILL NO. 525

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNELTING.

1671S.03I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 210, RSMo, by adding thereto one new section relating to child protections required for certain children's homes.

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

Section A. Chapter 210, RSMo, is amended by adding thereto one new section, to be known as section 210.497, to read as follows:

**210.497. 1. (1) In lieu of a license required under this chapter, a facility or organization that meets the requirements set forth by a qualified association may register with a qualified association that:**

**(a) Is a well-established organization that has been in place for a minimum of twenty years;**

**(b) Publishes and requires compliance with the association's written standards;**

**(c) Files copies of the standards with the department of social services as required under this section; and**

**(d) Has a board of directors able to conduct oversight of member organizations.**

**(2) Registration with a qualified association shall consist of annually filing with the qualified association, on forms provided by the qualified association, the name and address of the facility or organization; the capacity of, and the number of children being cared for in, the facility or organization; the names and addresses of the officers and**

19 the board of directors or other governing body of the  
20 facility or organization, if applicable; the name of the  
21 owner, operator, director, or person in charge of the  
22 facility or organization; and proof that the facility or  
23 organization is in compliance with the standards required by  
24 applicable state law or local ordinance for fire, safety,  
25 health, and sanitary standards and for screening of  
26 personnel. A separate registration form shall be filed for  
27 each such facility or organization.

28 (3) As part of the registration application, each  
29 facility or organization that accepts foster children from  
30 the department of social services and that meets the  
31 requirements set forth by the qualified association shall  
32 annually provide to the qualified association the names and  
33 ages of children being cared for in the facility or by the  
34 organization; the names of children sent from the department  
35 who have been received from out of this state or who have  
36 been sent out of this state during the past calendar year;  
37 the names of children who have left the facility or  
38 organization during the past year, the length of their stay,  
39 and the nature of their placement; the names of all  
40 personnel; and proof that the facility or organization is in  
41 compliance with published minimum standards that are filed  
42 with the department. Each facility or organization shall  
43 have the responsibility to maintain the relevant information  
44 described in this subdivision for privately placed children  
45 and to confirm that such facility or organization has done  
46 so on the registration application, as well as to confirm  
47 that state law shall be followed in the event of an  
48 allegation of abuse or neglect.

49 (4) Upon verification that all requirements for  
50 registration have been met, the qualified association shall

51 issue without charge a certificate of registration to the  
52 facility or organization. The certificate of registration  
53 shall be valid for two years.

54 2. The standards developed by the qualified  
55 association shall ensure child welfare and include clear  
56 guidelines for safety, investigational procedures,  
57 complaints, allegations of abuse or neglect, local health  
58 and safety requirements and written policies, as well as  
59 policies on regular background checks for screening  
60 employees of participating facilities in addition to any  
61 such requirements under state law.

62 3. Each child served by a facility or organization  
63 that registers under this section shall be covered by a  
64 written contract executed at the time of admission into the  
65 facility or organization or prior to admission between the  
66 facility or organization and the parent, legal guardian, or  
67 person having legal custody of the child. The parent, legal  
68 guardian, or person having legal custody of the child shall  
69 be given a copy of the contract at the time of its  
70 execution, and the facility or organization shall retain the  
71 original contract. Each contract shall:

72 (1) Enumerate the basic services and accommodations  
73 provided by the facility or organization;

74 (2) State that the facility or organization is  
75 registered under the provisions of this section;

76 (3) Contain the address and telephone number of the  
77 qualified association;

78 (4) Specify the charges, if any, to the parent, legal  
79 guardian, or person having legal custody of the child;

80 (5) Contain a clear statement regarding disciplinary  
81 procedures; and

82           (6) Authorize the owner, operator, director, or person  
83 in charge, or his or her designee, of the facility or  
84 organization to consent to routine and emergency medical  
85 care on behalf of the parent, legal guardian, or person  
86 having legal custody of the child, provided the owner,  
87 operator, director, or person in charge, or his or her  
88 designee, of the facility or organization shall immediately  
89 notify the parent, legal guardian, or person having legal  
90 custody of the child of medical care being provided on his  
91 or her behalf.

92 A copy of the contract signed by the parent, legal guardian,  
93 or person having legal custody of the child shall be filed  
94 with the qualified association within ten days after the  
95 child enters the facility or organization.

96           4. (1) There is hereby established the "Child  
97 Protection Board" within the department of social services  
98 to provide oversight of qualified associations and to report  
99 to the director of the department as needed. The board  
100 shall consist of ten members appointed by the governor with  
101 the advice and consent of the senate, without regard to  
102 political affiliation. The members of the board shall serve  
103 for a term of four years.

104           (2) The board shall be composed of:

105           (a) Two foster parents;

106           (b) A member in a leadership position of a faith-based  
107 child care agency, provided that such agency has been in  
108 existence at least twenty years;

109           (c) Five members of faith-based child care agencies;

110           (d) A member with expertise in nutrition; and

111           (e) A teacher with a certificate of license to teach  
112 issued by the state board of education or any other educator

113 or administrator required to maintain a professional license  
114 issued by the state board of education.

115 Members shall be appointed based upon recommendations from  
116 faith-based child care agencies, foster care and mental  
117 health boards, and similar entities.

118 (3) The board shall hold an annual meeting at which it  
119 shall elect from its membership a chair and secretary. The  
120 chair may call for additional meetings as may be required,  
121 provided that notice of every meeting shall be given to each  
122 member at least ten days prior to the date of the meeting.

123 (4) The board shall establish procedures, provide  
124 written opinions and recommendations as to any changes to  
125 the standards, and provide policy suggestions for  
126 improvement to the department of social services and to  
127 facilities or organizations.

128 (5) For any complaint or allegation of child abuse or  
129 neglect in which the alleged perpetrator is aggrieved by the  
130 decision of the children's division, the board shall  
131 independently review the decision and make recommendations  
132 to the department of social services, provided that nothing  
133 in this subdivision shall be construed to deny the state the  
134 authority to initiate an investigation into any allegations  
135 of child abuse or neglect.

136 (6) The board may deny, suspend, or revoke the  
137 registration of a participating facility or organization  
138 that fails to comply with the standards established by the  
139 qualified association.

140 (7) The director of the department of social services  
141 may revoke, suspend, or deny a registration of a  
142 participating or prospective facility or organization upon  
143 the finding of abuse or neglect occurring within the

144 facility or organization and retains the decision-making  
145 authority to supersede any other recommendation. The  
146 director shall not arbitrarily or capriciously revoke,  
147 suspend, or deny a registration of a participating or  
148 prospective facility or organization unless the findings of  
149 fact and conclusions of law provided by the board verify  
150 such allegations of abuse or neglect occurring within the  
151 facility or organization. The participating or prospective  
152 facility or organization shall retain the right to appeal to  
153 the administrative hearing commission for a final  
154 determination under chapter 621.

155 (8) The board shall notify the qualified association  
156 and the department of social services within ten days of the  
157 suspension or revocation of the registration.

158 (9) The board shall make any other recommendations to  
159 participating facilities or organizations and to the  
160 department of social services as the board deems appropriate.

161 5. Any facility or organization that meets the  
162 requirements of the qualified association may apply for a  
163 license under this chapter. A facility or organization that  
164 has applied for and received a license is no longer eligible  
165 to operate under the provisions of this section.

166 6. After a facility or organization obtains a  
167 registration under this section, a child shall be allowed to  
168 be placed by the department of social services within the  
169 facility or organization.

170 7. Employees of any facility or organization  
171 registered under this section shall undergo background  
172 checks as provided under section 210.493.

173 8. Nothing in this section shall be construed to  
174 negate the necessity of facilities that have registered with  
175 the qualified association from following applicable state

176 law and local ordinance pertaining to health, safety, and  
177 sanitary standards, and for the screening of both paid and  
178 unpaid personnel.

179 9. The department of social services shall work in  
180 conjunction with the qualified association to promulgate all  
181 necessary rules and regulations regarding the placement of  
182 children in a facility or organization that is registered  
183 under this section. Any rule or portion of a rule, as that  
184 term is defined in section 536.010, that is created under  
185 the authority delegated in this section shall become  
186 effective only if it complies with and is subject to all of  
187 the provisions of chapter 536 and, if applicable, section  
188 536.028. This section and chapter 536 are nonseverable and  
189 if any of the powers vested with the general assembly  
190 pursuant to chapter 536 to review, to delay the effective  
191 date, or to disapprove and annul a rule are subsequently  
192 held unconstitutional, then the grant of rulemaking  
193 authority and any rule proposed or adopted after August 28,  
194 2025, shall be invalid and void.

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