

SENATE BILL NO. 911

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNELTING.

4382S.011

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
2 one new section, to be known as section 210.497, to read as
3 follows:

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

5 (a) Is a well-established child care organization that
6 has been in place for a minimum of twenty years;

7 (b) Publishes and requires compliance with the
8 association's written policies and standards for the care of
9 children;

10 (c) Files copies of the policies and standards with
11 the children's division as required under this section; and

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

14 (2) Registration with a qualified association shall
15 consist of annually filing with the qualified association,
16 on forms provided by the qualified association, the name and
17 address of the facility or organization; the capacity of,

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

29 (3) A registered facility or organization that meets
30 the requirements set forth by the qualified association may
31 apply to the children's division for eligibility to accept
32 foster children from the division. Each registered facility
33 or organization that accepts foster children shall annually
34 provide to the division the names, ages, and permanent
35 addresses of foster children who are cared for in or by the
36 facility or organization and the children who have been
37 cared for in or by the facility or organization during the
38 past calendar year; the length of the child's stay and the
39 nature of the child's placement; the names of all personnel;
40 and proof that the facility or organization is in compliance
41 with all applicable regulations promulgated by the division
42 and published minimum standards that are filed with the
43 division. Each facility or organization shall have the
44 responsibility to maintain the relevant information
45 described in this subdivision for privately placed children
46 and to confirm that such facility or organization has done
47 so on the registration application, as well as to confirm
48 that state law shall be followed in the event of an
49 allegation of abuse or neglect.

50 (4) Upon verification that all requirements for
51 registration have been met, the qualified association shall
52 issue without charge a certificate of registration to the
53 facility or organization. The certificate of registration
54 shall be valid for two years.

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

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

73 (1) Enumerate the provision of services and
74 accommodations provided by the facility or organization;

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

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

79 (4) Specify the financial charges, if any, to the
80 parent, legal guardian, or agency having legal custody of
81 the child;

82 (5) Contain a clear statement regarding disciplinary
83 procedures; and

84 (6) Authorize the owner, operator, director, or person
85 in charge, or his or her designee, of the facility or
86 organization to consent to routine and emergency medical
87 care on behalf of the parent, legal guardian, or agency
88 having legal custody of the child, provided the owner,
89 operator, director, or person in charge, or his or her
90 designee, of the facility or organization shall immediately
91 notify the parent, legal guardian, or agency having legal
92 custody of the child of medical care being provided on his
93 or her behalf, and provided that the facility or
94 organization shall obtain specific consent for nonemergency
95 medical care from any agency having legal custody of the
96 child when feasible.

97 A copy of the contract signed by the parent or guardian
98 shall be filed with the qualified association within ten
99 days after the child enters the facility or organization.

100 All contracts between the facility or organization and an
101 agency with legal custody shall be individualized contracts
102 based on assessments of the best interests of each child.

103 4. (1) There is hereby established the "Child
104 Protection Board" within the department of social services
105 to provide oversight of facilities and organizations
106 registered with qualified associations under this section
107 and to report to the director of the department as needed.
108 The board shall consist of thirteen members. The board
109 shall consist of eleven members appointed by the governor
110 with the advice and consent of the senate, without regard to
111 political affiliation. Two members shall be members of the
112 house of representatives, one from each party appointed by

the speaker of the house of representatives. The members of the board shall serve for a term of four years.

(2) The board shall be composed of:

(a) Two foster parents;

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

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

(d) A member with expertise in nutrition;

(e) A teacher with a certificate of license to teach issued by the state board of education or any other educator or administrator required to maintain a professional license issued by the state board of education; and

(f) A guardian ad litem.

Faith-based child care agencies, foster care agencies, child welfare associations, mental health organizations, and similar entities may recommend members for appointment.

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

(4) The board shall establish procedures, provide written opinions and recommendations as to any changes to the standards to the children's division, and provide policy suggestions for improvement to the department of social services and to facilities or organizations.

(5) For any complaint or allegation of child abuse or neglect at a facility or organization in which a facility or organization registered under this section could be aggrieved by the substantiated finding of abuse or neglect

144 by the children's division, the board shall independently
145 review the decision and make recommendations to the division
146 regarding whether any action should be taken affecting the
147 registration of the facility or organization. Nothing in
148 this subdivision shall be construed to deny the state the
149 authority to investigate any allegations of child abuse or
150 neglect.

151 (6) The board may recommend to the director of the
152 children's division that the director place a participating
153 facility or organization on a corrective action plan or
154 deny, suspend, or revoke the registration of a participating
155 facility or organization that fails to comply with the
156 standards established by the qualified association or
157 regulations promulgated to implement the provisions of this
158 section.

159 (7) The director of the children's division may place
160 a participating facility or organization on a corrective
161 action plan or revoke, suspend, or deny a registration of a
162 participating or prospective facility or organization upon
163 the finding that the facility or organization knowingly
164 allowed personnel or other persons subject to background
165 checks under section 210.493 to work, volunteer, or engage
166 in any prohibited activity at the facility or organization
167 without eligibility determinations; violations of the
168 regulations promulgated to implement the provisions of this
169 section; or findings of abuse or neglect occurring within
170 the facility or organization. The director shall retain the
171 decision-making authority to supersede any other
172 recommendation. The director shall not arbitrarily or
173 capriciously revoke, suspend, or deny a registration of a
174 participating or prospective facility or organization. The
175 participating or prospective facility or organization shall

176 retain the right to appeal to the administrative hearing
177 commission for a final determination under chapter 621.

178 (8) The children's division shall notify the board and
179 the qualified association within ten days of the suspension
180 or revocation of the registration.

181 (9) The board shall make any other recommendations to
182 participating facilities or organizations and to the
183 children's division as the board deems appropriate.

184 5. Any facility or organization that meets the
185 requirements of the qualified association may apply for a
186 license under this chapter. A facility or organization that
187 has applied for and received a license is no longer eligible
188 to operate under the provisions of this section.

189 6. After a facility or organization obtains a
190 registration under this section, a child shall be allowed to
191 be placed by the children's division within the facility or
192 organization provided the facility or organization complies
193 with the regulations promulgated to implement the provisions
194 of this section.

195 7. All personnel, whether paid or unpaid, of any
196 facility or organization registered under this section shall
197 undergo background checks as provided under section 210.493.

198 8. Nothing in this section shall be construed to
199 negate the necessity of facilities that have registered with
200 the qualified association from following applicable state
201 law and local ordinance pertaining to health, safety, and
202 sanitary standards, and for the screening of both paid and
203 unpaid personnel.

204 9. The children's division shall promulgate
205 regulations to implement the provisions of this section.
206 This section shall not be effective until the regulations

207 are promulgated. These rules shall be promulgated by August
208 28, 2027.

209 10. Any rule or portion of a rule, as that term is
210 defined in section 536.010, that is created under the
211 authority delegated in this section shall become effective
212 only if it complies with and is subject to all of the
213 provisions of chapter 536 and, if applicable, section
214 536.028. This section and chapter 536 are nonseverable and
215 if any of the powers vested with the general assembly
216 pursuant to chapter 536 to review, to delay the effective
217 date, or to disapprove and annul a rule are subsequently
218 held unconstitutional, then the grant of rulemaking
219 authority and any rule proposed or adopted after August 28,
220 2026, shall be invalid and void.

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