

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2151

101ST GENERAL ASSEMBLY

4675S.04C

ADRIANE D. CROUSE, Secretary

## AN ACT

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

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

Section A. Sections 167.630, 208.044, 208.046, 208.053,  
2 210.027, 210.102, 210.127, 210.135, 210.140, 210.147, 210.199,  
3 210.201, 210.203, 210.211, 210.221, 210.223, 210.231, 210.241,  
4 210.245, 210.251, 210.252, 210.254, 210.255, 210.256, 210.258,  
5 210.275, 210.278, 210.305, 210.565, 210.762, 210.1007,  
6 210.1080, 211.081, and 509.520, RSMo, are repealed and forty-  
7 five new sections enacted in lieu thereof, to be known as  
8 sections 160.077, 163.063, 167.630, 171.097, 208.044, 208.046,  
9 208.053, 210.027, 210.102, 210.127, 210.135, 210.140, 210.147,  
10 210.201, 210.203, 210.211, 210.221, 210.223, 210.231, 210.241,  
11 210.245, 210.251, 210.252, 210.254, 210.255, 210.256, 210.258,  
12 210.275, 210.278, 210.305, 210.565, 210.715, 210.762, 210.1007,  
13 210.1080, 211.081, 217.940, 217.941, 217.942, 217.943, 217.944,  
14 217.945, 217.946, 217.947, and 509.520, to read as follows:

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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

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

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

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

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

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

(b) Ice-making and hot drink machines;

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

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

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

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

37 (8) "Public school", the same definition as in section  
38 160.011;

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

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

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

56 4. (1) Before January 1, 2024, each school shall:

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

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

64           (c) Install a filter that reduces lead in drinking  
65 water on each drinking water outlet, maintain such filters  
66 to ensure that lead concentration levels are below one part  
67 per billion, and replace such filters at least as frequently  
68 as provided for in the manufacturer's instructions. This  
69 paragraph shall apply only to schools with drinking water  
70 determined to have a lead concentration level above the  
71 American Academy of Pediatrics' recommended maximum level  
72 for schools of one part per billion; and

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

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

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

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

89           (5) Within sixty days after filters are installed as  
90 required under paragraph (c) of subdivision (1) of this  
91 subsection and annually thereafter, each school shall  
92 conduct testing for lead by first-draw and follow-up flush  
93 samples of a random sampling of at least twenty-five percent  
94 of remediated drinking water outlets until all remediated  
95 sources have been tested as recommended by the 2018 version

96 of the United States Environmental Protection Agency's  
97 "Training, Testing, and Taking Action" program. The testing  
98 shall be conducted and the results analyzed for both types  
99 of tests by an entity or entities approved by the department.

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

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

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

108 5. (1) If a first draw sample shows a lead  
109 concentration of one part per billion or greater, the  
110 affected school shall:

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

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

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

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

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

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

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

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

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

136 6. (1) In addition to the apportionments payable to a  
137 school district under chapter 163, the department of natural  
138 resources is hereby authorized to apportion to any school  
139 additional funding for the filtration, testing, and other  
140 remediation of drinking water systems required under this  
141 section, subject to appropriation.

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

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

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

157 8. The commission shall:

158           (1) On or before July 1, 2023, provide guidance to  
159 schools regarding the maintenance of filters and filtration  
160 systems and the development and implementation of flushing  
161 plans. Such guidance shall include recommendations for  
162 flushing after stagnant times including, but not limited to,  
163 the morning of each school day and after weekends, school  
164 holidays, and summer break. Flushing plans shall include  
165 details for flushing the incoming water line and the filter;  
166 and

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

173           9. (1) For public schools, the commission shall  
174 ensure compliance with this section. Each school district  
175 shall be responsible for ensuring compliance within each  
176 school within the school district's jurisdiction.

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

180           10. No school building constructed after January 4,  
181 2014, as provided in the federal Reduction of Lead in  
182 Drinking Water Act (42 U.S.C. Section 300g-6), as amended,  
183 shall be required to install, maintain, or replace filters  
184 under paragraph (c) of subdivision (1) of subsection 4 of  
185 this section.

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

190           12. The commission may promulgate all necessary rules  
191 and regulations for the administration of this section. Any  
192 rule or portion of a rule, as that term is defined in  
193 section 536.010, that is created under the authority  
194 delegated in this section shall become effective only if it  
195 complies with and is subject to all of the provisions of  
196 chapter 536 and, if applicable, section 536.028. This  
197 section and chapter 536 are nonseverable, and if any of the  
198 powers vested with the general assembly pursuant to chapter  
199 536 to review, to delay the effective date, or to disapprove  
200 and annul a rule are subsequently held unconstitutional,  
201 then the grant of rulemaking authority and any rule proposed  
202 or adopted after August 28, 2022, shall be invalid and void.

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

          2. If the school district provides a teacher or other  
17 educational resources to such residential treatment facility  
18 or other facility, the district may use moneys provided  
19 under subsection 2 of this section to offset the cost of



20 such teacher or other educational resources that are  
21 directly attributable to such child in state custody at such  
22 facility's site or campus. Such facility shall be afforded  
23 reasonable costs associated with such child's education up  
24 to the average per-pupil cost. No such facility shall be  
25 required to offset the costs to the child's school district  
26 for the education of such child as long as such costs of  
27 education do not exceed the average per-pupil spending on an  
28 annual basis within the school district.

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

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

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

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

9 2. To obtain prefilled epinephrine auto syringes for a  
10 school district, a prescription written by a licensed

11 physician, a physician's assistant, or nurse practitioner is  
12 required. For such prescriptions, the school district shall  
13 be designated as the patient, the nurse's name shall be  
14 required, and the prescription shall be filled at a licensed  
15 pharmacy.

16 3. A school nurse [or], **contracted agent trained by a**  
17 **nurse, or** other school employee trained by and supervised by  
18 the nurse, shall have the discretion to use an epinephrine  
19 auto syringe on any student the school nurse [or], trained  
20 employee, **or trained contracted agent** believes is having a  
21 life-threatening anaphylactic reaction based on the training  
22 in recognizing an acute episode of an anaphylactic  
23 reaction. The provisions of section 167.624 concerning  
24 immunity from civil liability for trained employees  
25 administering lifesaving methods shall apply to trained  
26 employees administering a prefilled auto syringe under this  
27 section. **Trained contracted agents shall have immunity from**  
28 **civil liability for administering a prefilled auto syringe**  
29 **under this section.**

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

10 2. **The state criminal history background check**  
11 **required under this section shall be processed through the**  
12 **Missouri state highway patrol prior to enrollment. The**  
13 **person requesting enrollment in a course as described in**

14 this section shall pay the fee for the state criminal  
15 history background check pursuant to section 43.530.

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

208.044. 1. The [children's division] department of  
2 elementary and secondary education shall provide child day  
3 care services to any person who meets the qualifications set  
4 forth at sections 301 and 302 of the Family Support Act of  
5 1988 (P.L. 100-485).

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

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

208.046. 1. The [children's division] department of  
2 elementary and secondary education shall promulgate rules

3 [to become effective no later than July 1, 2011,] to modify  
4 the income eligibility criteria for any person receiving  
5 state-funded child care assistance [under this chapter],  
6 either through vouchers or direct reimbursement to child  
7 care providers, as follows:

8 (1) Child care recipients eligible under this chapter  
9 and the criteria set forth in [13 CSR 35-32.010] **5 CSR 25-**  
10 **200** may pay a fee based on adjusted gross income and family  
11 size unit based on a child care sliding fee scale  
12 established by the [children's division] **department of**  
13 **elementary and secondary education**, which shall be subject  
14 to appropriations. However, a person receiving state-funded  
15 child care assistance under this chapter and whose income  
16 surpasses the annual appropriation level may continue to  
17 receive reduced subsidy benefits on a scale established by  
18 the [children's division] **department**, at which time such  
19 person will have assumed the full cost of the maximum base  
20 child care subsidy rate established by the [children's  
21 division] **department** and shall be no longer eligible for  
22 child care subsidy benefits;

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

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

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

32 3. Any rule or portion of a rule, as that term is  
33 defined in section 536.010, that is created under the  
34 authority delegated in this section shall become effective

35 only if it complies with and is subject to all of the  
36 provisions of chapter 536 and, if applicable, section  
37 536.028. This section and chapter 536 are nonseverable and  
38 if any of the powers vested with the general assembly  
39 pursuant to chapter 536 to review, to delay the effective  
40 date, or to disapprove and annul a rule are subsequently  
41 held unconstitutional, then the grant of rulemaking  
42 authority and any rule proposed or adopted after August 28,  
43 2010, shall be invalid and void.

208.053. 1. The provisions of this section shall be  
2 known as the "Low-Wage Trap Elimination Act". In order to  
3 more effectively transition persons receiving state-funded  
4 child care subsidy benefits under this chapter, the  
5 **[children's division] department of elementary and secondary**  
6 **education**, in conjunction with the department of revenue,  
7 shall, subject to appropriations, by July 1, 2022, implement  
8 a pilot program in a county with a charter form of  
9 government and with more than six hundred thousand but fewer  
10 than seven hundred thousand inhabitants, a county of the  
11 first classification with more than two hundred sixty  
12 thousand but fewer than three hundred thousand inhabitants,  
13 and a county of the first classification with more than two  
14 hundred thousand but fewer than two hundred sixty thousand  
15 inhabitants, to be called the "Hand-Up Program", to allow  
16 applicants in the program to receive transitional child care  
17 benefits without the requirement that such applicants first  
18 be eligible for full child care benefits.

19 (1) For purposes of this section, "full child care  
20 benefits" shall be the full benefits awarded to a recipient  
21 based on the income eligibility amount established by the  
22 **[division] department** through the annual appropriations  
23 process as of August 28, 2021, to qualify for the benefits

24 and shall not include the transitional child care benefits  
25 that are awarded to recipients whose income surpasses the  
26 eligibility level for full benefits to continue. The hand-  
27 up program shall be voluntary and shall be designed such  
28 that an applicant may begin receiving the transitional child  
29 care benefit without having first qualified for the full  
30 child care benefit or any other tier of the transitional  
31 child care benefit. Under no circumstances shall any  
32 applicant be eligible for the hand-up program if the  
33 applicant's income does not fall within the transitional  
34 child care benefit income limits established through the  
35 annual appropriations process.

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

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

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

61           4. Any rule or portion of a rule, as that term is  
62 defined in section 536.010, that is created under the  
63 authority delegated under this section shall become  
64 effective only if it complies with and is subject to all of  
65 the provisions of chapter 536 and, if applicable, section  
66 536.028. This section and chapter 536 are nonseverable and  
67 if any of the powers vested with the general assembly  
68 pursuant to chapter 536 to review, to delay the effective  
69 date, or to disapprove and annul a rule are subsequently  
70 held unconstitutional, then the grant of rulemaking  
71 authority and any rule proposed or adopted after August 28,  
72 2012, shall be invalid and void.

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

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

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

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

210.027. [1.] For child-care providers who receive  
2 state or federal funds for providing child-care services,  
3 either by direct payment or through reimbursement to a child-  
4 care beneficiary, the department of [social services]

5 **elementary and secondary education** shall:

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

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

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

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

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

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

23 (b) Emergency preparedness and response planning.

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

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



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

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

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

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

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

49           (12) With input from statewide stakeholders such as  
50 parents, child care providers or administrators, and system  
51 advocate groups, establish a transparent system of quality  
52 indicators appropriate to the provider setting that shall  
53 provide parents with a way to differentiate between child  
54 care providers available in their communities as required by  
55 federal rules. The system shall describe the standards used  
56 to assess the quality of child care providers. The system  
57 shall indicate whether the provider meets Missouri's  
58 registration or licensing standards, is in compliance with  
59 applicable health and safety requirements, and the nature of  
60 any violations related to registration or licensing  
61 requirements. The system shall also indicate if the  
62 provider utilizes curricula and if the provider is in  
63 compliance with staff educational requirements. Such system

64 of quality indicators established under this subdivision  
65 with the input from stakeholders shall be promulgated by  
66 rules. Any rule or portion of a rule, as that term is  
67 defined in section 536.010, that is created under the  
68 authority delegated in this section shall become effective  
69 only if it complies with and is subject to all of the  
70 provisions of chapter 536 and, if applicable, section  
71 536.028. This section and chapter 536 are nonseverable and  
72 if any of the powers vested with the general assembly  
73 pursuant to chapter 536 to review, to delay the effective  
74 date, or to disapprove and annul a rule are subsequently  
75 held unconstitutional, then the grant of rulemaking  
76 authority and any rule proposed or adopted after August 28,  
77 2014, shall be invalid and void. This subdivision shall not  
78 be construed as authorizing the operation, establishment,  
79 maintenance, or mandating or offering of incentives to  
80 participate in a quality rating system under section  
81 ~~[161.216]~~ **161.217**.

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

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

- 6 (1) A representative from the governor's office;
- 7 (2) A representative from each of the following  
8 departments: health and senior services, mental health,  
9 social services, and elementary and secondary education;
- 10 (3) A representative of the judiciary;

11           (4) A representative of the family and community trust  
12 board (FACT);

13           (5) A representative from the head start program; **and**

14           (6) Nine members appointed by the governor with the  
15 advice and consent of the senate who are representatives of  
16 the groups, such as business, philanthropy, civic groups,  
17 faith-based organizations, parent groups, advocacy  
18 organizations, early childhood service providers, and other  
19 stakeholders.

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

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

31           (1) Develop a comprehensive statewide long-range  
32 strategic plan for a cohesive early childhood system;

33           (2) Confer with public and private entities for the  
34 purpose of promoting and improving the development of  
35 children from birth through age five of this state;

36           (3) Identify legislative recommendations to improve  
37 services for children from birth through age five;

38           (4) Promote coordination of existing services and  
39 programs across public and private entities;

40           (5) Promote research-based approaches to services and  
41 ongoing program evaluation;

42           (6) Identify service gaps and advise public and  
43 private entities on methods to close such gaps;

44           (7) Apply for and accept gifts, grants,  
45 appropriations, loans, or contributions to the coordinating  
46 board for early childhood fund from any source, public or  
47 private, and enter into contracts or other transactions with  
48 any federal or state agency, any private organizations, or  
49 any other source in furtherance of the purpose of subsection  
50 1 of this section and this subsection, and take any and all  
51 actions necessary to avail itself of such aid and  
52 cooperation;

53           (8) Direct disbursements from the coordinating board  
54 for early childhood fund as provided in this section;

55           (9) Administer the coordinating board for early  
56 childhood fund and invest any portion of the moneys not  
57 required for immediate disbursement in obligations of the  
58 United States or any agency or instrumentality of the United  
59 States, in obligations of the state of Missouri and its  
60 political subdivisions, in certificates of deposit and time  
61 deposits, or other obligations of banks and savings and loan  
62 associations, or in such other obligations as may be  
63 prescribed by the board;

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

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

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

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

78           (14) Adopt and use an official seal;

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

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

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

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

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

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

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

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

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

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

100 Notwithstanding the provisions of section 33.080 to the  
101 contrary, any moneys remaining in the coordinating board for

102 early childhood fund at the end of the biennium shall not  
103 revert to the credit of the general revenue fund.

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

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

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

210.135. 1. Any person, official, **employee of the**  
2 **department of social services**, or institution complying with  
3 the provisions of sections [210.110] **210.109** to 210.165 in  
4 the making of a report, the taking of color photographs, or  
5 the making of radiologic examinations pursuant to sections  
6 [210.110] **210.109** to 210.165, or both such taking of color  
7 photographs and making of radiologic examinations, or the

8 removal or retaining a child pursuant to sections [210.110]  
9 **210.109** to 210.165 **and chapter 211**, or in cooperating with  
10 the division, **or cooperating with a qualified individual**  
11 **pursuant to section 210.715**, or any other law enforcement  
12 agency, juvenile office, court, **state agency**, or child-  
13 protective service agency of this or any other state, in any  
14 of the activities pursuant to sections [210.110] **210.109** to  
15 210.165 **and chapter 211**, or any other allegation of child  
16 abuse, neglect or assault, pursuant to sections 568.045 to  
17 568.060, shall have immunity from any liability, civil or  
18 criminal, that otherwise might result by reason of such  
19 actions. Provided, however, any person, official or  
20 institution intentionally filing a false report, acting in  
21 bad faith, or with ill intent, shall not have immunity from  
22 any liability, civil or criminal. Any such person,  
23 official, or institution shall have the same immunity with  
24 respect to participation in any judicial proceeding  
25 resulting from the report.

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

34 3. Any person, who is not a school district employee,  
35 who makes a report to any employee of the school district of  
36 child abuse by a school employee shall have immunity from  
37 any liability, civil or criminal, that otherwise might  
38 result because of such report. Provided, however, that any  
39 such person who makes a false report, knowing that the

40 report is false, or who acts in bad faith or with ill intent  
41 in making such report shall not have immunity from any  
42 liability, civil or criminal. Any such person shall have  
43 the same immunity with respect to participation in any  
44 judicial proceeding resulting from the report.

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

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

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

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

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

210.140. Any legally recognized privileged  
2 communication, except that between attorney and client or  
3 involving communications made to a minister or clergyperson,  
4 shall not apply to situations involving known or suspected  
5 child abuse or neglect and shall not constitute grounds for  
6 failure to report as required or permitted by sections  
7 **[210.110] 210.109** to 210.165, to cooperate with the division  
8 in any of its activities pursuant to **[sections 210.110 to**  
9 **210.165] this chapter, chapter 211, and chapter 453,** or to



10 give or accept evidence in any judicial proceeding relating  
11 to child abuse or neglect.

210.147. [1. Except as otherwise provided by law,]

2 All information provided at any family support team meeting  
3 [held in relation to the removal of a child from the child's  
4 home] is confidential; except that:

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

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

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

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

31 other party shall be provided with a copy of the signed  
32 document.]

210.201. As used in sections 210.201 to 210.257, the  
2 following terms mean:

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

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

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

16 (a) Six children; or

17 (b) Three children under two years of age;

18 (4) "Child care provider" or "provider", the person or  
19 persons licensed or required to be licensed under section  
20 210.221 to establish, conduct, or maintain a child care  
21 facility;

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

30 **kindergarten in the same space or in the same outdoor play**  
31 **area simultaneously;**

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

38 [(6)] (7) "Neighborhood youth development program", as  
39 described in section 210.278;

40 [(7)] (8) "Nursery school", a program operated by a  
41 person or an organization with the primary function of  
42 providing an educational program for preschool-age children  
43 for no more than four hours per day per child;

44 [(8)] (9) "Person", any individual, firm, corporation,  
45 partnership, association, agency, or an incorporated or  
46 unincorporated organization regardless of the name used;

47 [(9)] (10) "Religious organization", a church,  
48 synagogue or mosque; an entity that has or would qualify for  
49 federal tax-exempt status as a nonprofit religious  
50 organization under Section 501(c) of the Internal Revenue  
51 Code; or an entity whose real estate on which the child-care  
52 facility is located is exempt from taxation because it is  
53 used for religious purposes;

54 [(10)] (11) "School system", a program established  
55 primarily for education and that meets the following  
56 criteria:

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

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

62           (11)] (12) "Summer camp", a program operated from May  
63 to September by a person or organization with the primary  
64 function of providing a summer recreational program for  
65 children five years of age or older and providing no child  
66 care for children under five years of age in the same  
67 [building] space or in the same outdoor play area  
68 **simultaneously.**

          210.203. The department of [health and senior  
2 [services] **elementary and secondary education** shall maintain  
3 a record of substantiated, signed parental complaints  
4 against child care facilities licensed pursuant to this  
5 chapter, and shall make such complaints and findings  
6 available to the public upon request.

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

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

16           (2) Any person who receives free of charge, and not as  
17 a business, for periods not exceeding ninety consecutive  
18 days, as bona fide, occasional and personal guests the child

19 or children of personal friends of such person, and who  
20 receives custody of no other unrelated child or children;

21 (3) Any graded boarding school that is conducted in  
22 good faith primarily to provide education;

23 (4) Any summer **or day** camp that is conducted in good  
24 faith primarily to provide recreation;

25 (5) Any hospital, sanitarium, or home that is  
26 conducted in good faith primarily to provide medical  
27 treatment or nursing or convalescent care for children;

28 (6) Any residential facility or day program licensed  
29 by the department of mental health under sections 630.705 to  
30 630.760 that provides care, treatment, and habilitation  
31 exclusively to children who have a primary diagnosis of  
32 mental disorder, mental illness, intellectual disability, or  
33 developmental disability, as those terms are defined in  
34 section 630.005;

35 (7) Any school system, as defined in section 210.201;

36 (8) Any Montessori school as defined in section  
37 210.201;

38 (9) Any business that operates a child care program  
39 for the convenience of its customers **or its employees** if the  
40 following conditions are met:

41 (a) The business provides child care for **customers' or**  
42 **employees'** children for no more than four hours per day; and

43 (b) Customers **or employees** remain on site while their  
44 children are being cared for by the business establishment;

45 (10) Any home school, as defined in section 167.031;

46 (11) Any religious organization academic preschool or  
47 kindergarten for four- and five-year-old children;

48 (12) Any weekly Sunday or Sabbath school, a vacation  
49 bible school, or child care made available while the parents  
50 or guardians are attending worship services or other

51 meetings and activities conducted or sponsored by a  
52 religious organization;

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

55 (14) Any religious organization elementary or  
56 secondary school;

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

63 (16) Any nursery school, as defined in section  
64 210.201; and

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

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

82 listed in subdivisions (1) and (17) of subsection 1 of this  
83 section.

84 3. **[Any]** Every child care facility not exempt from  
85 licensure shall disclose the licensure status of the  
86 facility to the parents or guardians of children for which  
87 the facility provides care. No child care facility exempt  
88 from licensure shall represent to any parent or guardian of  
89 children for which the facility provides care that the  
90 facility is licensed when such facility is in fact not  
91 licensed. A parent or guardian **utilizing an unlicensed**  
92 **child care facility** shall sign a written notice indicating  
93 he or she is aware of the **[licensure] unlicensed** status of  
94 the facility. The facility shall keep a copy of this signed  
95 written notice on file. All child care facilities shall  
96 provide the parent or guardian enrolling a child in the  
97 facility with a written explanation of the disciplinary  
98 philosophy and policies of the child care facility.

99 4. **Up to two children who are five years of age or**  
100 **older and who are related within the third degree of**  
101 **consanguinity or affinity to, adopted by, or under court**  
102 **appointed guardianship or legal custody of a child care**  
103 **provider who is responsible for the daily operation of a**  
104 **licensed family child care home that is organized as a**  
105 **corporation, association, firm, partnership, limited**  
106 **liability company, sole proprietorship, or any other type of**  
107 **business entity in this state shall not be included in the**  
108 **number of children counted toward the maximum number of**  
109 **children for which the family child care home is licensed**  
110 **under section 210.221. If more than one member of the**  
111 **corporation, association, firm, partnership, limited**  
112 **liability company, or other business entity is responsible**  
113 **for the daily operation of the licensed family child care**

114 home, then the related children of only one such member  
115 shall be excluded. A family child care home caring for  
116 children not counted in the maximum number of children, as  
117 permitted under this subsection, shall disclose this to  
118 parents or guardians on the written notice required under  
119 subsection 3 of this section. If a family child care home  
120 begins caring for children not counted in the maximum number  
121 of children after a parent or guardian has signed the  
122 written notice required under subsection 3 of this section,  
123 the family child care home shall provide a separate notice  
124 to the parent or guardian that the family child care home is  
125 caring for children not counted in the maximum number of  
126 children for which the family child care home is licensed  
127 and shall keep a copy of the signed notice on file.

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

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

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

12 (2) To inspect the conditions of the homes and other  
13 places in which the applicant operates a child-care



14 facility, inspect their books and records, premises and  
15 children being served, examine their officers and agents,  
16 deny, suspend, place on probation or revoke the license of  
17 such persons as fail to obey the provisions of sections  
18 210.201 to 210.245 or the rules and regulations made by the  
19 department of [health and senior services] **elementary and**  
20 **secondary education**. The [director] **commissioner** also may  
21 revoke or suspend a license when the licensee [fails to  
22 renew or] surrenders the license;

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

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

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

39 2. Any child-care facility may request a variance from  
40 a rule or regulation promulgated pursuant to this section.  
41 The request for a variance shall be made in writing to the  
42 department of [health and senior services] **elementary and**  
43 **secondary education** and shall include the reasons the  
44 facility is requesting the variance. The department shall  
45 approve any variance request that does not endanger the

46 health or safety of the children served by the facility.  
47 The burden of proof at any appeal of a disapproval of a  
48 variance application shall be with the department of [health  
49 and senior services] **elementary and secondary education.**  
50 Local inspectors may grant a variance, subject to approval  
51 by the department of [health and senior services] **elementary**  
52 **and secondary education.**

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

70 4. Any rule or portion of a rule, as that term is  
71 defined in section 536.010, that is created under the  
72 authority delegated in sections 210.201 to 210.245 shall  
73 become effective only if it complies with and is subject to  
74 all of the provisions of chapter 536 and, if applicable,  
75 section 536.028. All rulemaking authority delegated prior  
76 to August 28, 1999, is of no force and effect and repealed.  
77 Nothing in this section shall be interpreted to repeal or

78 affect the validity of any rule filed or adopted prior to  
79 August 28, 1999, if it fully complied with all applicable  
80 provisions of law. This section and chapter 536 are  
81 nonseverable and if any of the powers vested with the  
82 general assembly pursuant to chapter 536 to review, to delay  
83 the effective date, or to disapprove and annul a rule are  
84 subsequently held unconstitutional, then the grant of  
85 rulemaking authority and any rule proposed or adopted after  
86 August 28, 1999, shall be invalid and void.

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

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

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

22 (1) "Sudden infant death syndrome", the sudden death  
23 of an infant less than one year of age that cannot be

24 explained after a thorough investigation has been conducted,  
25 including a complete autopsy, an examination of the death  
26 scene, and a review of the clinical history;

27 (2) "Sudden unexpected infant death", the sudden and  
28 unexpected death of an infant less than one year of age in  
29 which the manner and cause of death are not immediately  
30 obvious prior to investigation. Causes of sudden unexpected  
31 infant death include, but are not limited to, metabolic  
32 disorders, hypothermia or hyperthermia, neglect or homicide,  
33 poisoning, and accidental suffocation.

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

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

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

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

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

56           6. The department **of elementary and secondary**  
57 **education** may adopt emergency rules to implement the  
58 requirements of this section. Any rule or portion of a  
59 rule, as that term is defined in section 536.010, that is  
60 created under the authority delegated in this section shall  
61 become effective only if it complies with and is subject to  
62 all of the provisions of chapter 536 and, if applicable,  
63 section 536.028. This section and chapter 536 are  
64 nonseverable and if any of the powers vested with the  
65 general assembly pursuant to chapter 536 to review, to delay  
66 the effective date, or to disapprove and annul a rule are  
67 subsequently held unconstitutional, then the grant of  
68 rulemaking authority and any rule proposed or adopted after  
69 August 28, 2015, shall be invalid and void.

          210.231. The department of [health and senior  
2 [services] **elementary and secondary education** may designate  
3 to act for it, with full authority of law, any  
4 instrumentality of any political subdivision of the state of  
5 Missouri deemed by the department of [health and senior  
6 [services] **elementary and secondary education** to be  
7 competent, to investigate and inspect licensees and  
8 applicants for a license. Local inspection of child care  
9 facilities may be accomplished if the standards employed by  
10 local personnel are substantially equivalent to state  
11 standards and local personnel are available for enforcement  
12 of such standards.

          210.241. Any person aggrieved by a final decision of  
2 the department of [health and senior services] **elementary**  
3 **and secondary education** made in the administration of  
4 sections 210.201 to 210.245 shall be entitled to judicial  
5 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-

33 first day after such delivery or mailing of the notice to  
34 the applicant or licensee. If the applicant or licensee  
35 makes a written request for a hearing, the department of  
36 **[health and senior services] elementary and secondary**  
37 **education** shall file a complaint with the administrative  
38 hearing commission within ninety days of receipt of the  
39 request for a hearing.

40 3. The department of **[health and senior services]**  
41 **elementary and secondary education** may issue letters of  
42 censure or warning without formal notice or hearing.  
43 Additionally, the department of **[health and senior services]**  
44 **elementary and secondary education** may place a licensee on  
45 probation pursuant to chapter 621.

46 4. The department of **[health and senior services]**  
47 **elementary and secondary education** may suspend any license  
48 simultaneously with the notice of the proposed action to be  
49 taken in subsection 2 of this section, if the department of  
50 **[health and senior services] elementary and secondary**  
51 **education** finds that there is a threat of imminent bodily  
52 harm to the children in care. The notice of suspension  
53 shall include the basis of the suspension and the appeal  
54 rights of the licensee pursuant to this section. The  
55 licensee may appeal the decision to suspend the license to  
56 the department of **[health and senior services] elementary**  
57 **and secondary education**. The appeal shall be filed within  
58 ten days from the delivery or mailing by certified mail of  
59 the notice of appeal. A hearing shall be conducted by the  
60 department of **[health and senior services] elementary and**  
61 **secondary education** within ten days from the date the appeal  
62 is filed. The suspension shall continue in effect until the  
63 conclusion of the proceedings, including review thereof,  
64 unless sooner withdrawn by the department of **[health and**

65 **senior services]** **elementary and secondary education,**  
66 dissolved by a court of competent jurisdiction or stayed by  
67 the administrative hearing commission. Any person aggrieved  
68 by a final decision of the department made pursuant to this  
69 section shall be entitled to judicial review in accordance  
70 with chapter 536.

71 5. In addition to initiating proceedings pursuant to  
72 subsection 1 of this section, or in lieu thereof, the  
73 prosecuting attorney of the county where the child-care  
74 facility is located may file suit for a preliminary and  
75 permanent order overseeing or preventing the operation of a  
76 child-care facility for violating any provision of sections  
77 210.201 to 210.245. The order shall remain in force until  
78 such a time as the court determines that the child-care  
79 facility is in substantial compliance. If the prosecuting  
80 attorney refuses to act or fails to act after receipt of  
81 notice from the department of **[health and senior services]**  
82 **elementary and secondary education,** the department of  
83 **[health and senior services]** **elementary and secondary**  
84 **education** may request that the attorney general seek an  
85 injunction of the operation of such child-care facility.

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



97           7. Any person who operates an unlicensed, nonexempt  
98 child-care facility in violation of the provisions of  
99 sections 210.201 to 210.245 shall be liable for a civil  
100 penalty of not less than seven hundred fifty dollars and not  
101 more than two thousand dollars. The department shall serve  
102 upon such person written notice of the department's findings  
103 as to the child-care facility's unlicensed, nonexempt  
104 status, along with educational materials about Missouri's  
105 child-care facility laws and regulations, how a facility may  
106 become exempt or licensed, and penalties for operating an  
107 unlicensed, nonexempt child-care facility. The notice shall  
108 contain a statement that the person shall have thirty days  
109 to become compliant with sections 210.201 to 210.245,  
110 including attaining exempt status or becoming licensed. The  
111 person's failure to do so shall result in a civil action in  
112 the circuit court of Cole County or criminal charges under  
113 this section. If, following the receipt of the written  
114 notice, the person operating the child-care facility fails  
115 to become compliant with sections 210.201 to 210.245, the  
116 department may bring a civil action in the circuit court of  
117 Cole County against such person. The department may, but  
118 shall not be required to, request that the attorney general  
119 bring the action in place of the department. No civil  
120 action provided by this subsection shall be brought if the  
121 criminal penalties under subsection 1 of this section have  
122 been previously ordered against the person for the same  
123 violation. Failure by the department to file suit under the  
124 provisions of this subsection shall not be construed as  
125 creating any liability in tort or incurring other  
126 obligations or duties except as otherwise specified.

127           8. There shall be established the "Family Child Care  
128 Provider Fund" in the state treasury, which shall consist of

129 such funds as appropriated by the general assembly. The  
130 state treasurer shall be custodian of the fund. In  
131 accordance with sections 30.170 and 30.180, the state  
132 treasurer may approve disbursements. The fund shall be a  
133 dedicated fund and moneys in the fund shall be used solely  
134 by the department for the dissemination of information  
135 concerning compliance with child-care facility laws and  
136 regulations, including licensed or exempt status;  
137 educational initiatives relating to, inter alia, child care,  
138 safe sleep practices, and child nutrition; and the provision  
139 of financial assistance on the basis of need for family  
140 child-care homes to become licensed, as determined by the  
141 department and subject to available moneys in the fund.  
142 Notwithstanding the provisions of section 33.080 to the  
143 contrary, any moneys remaining in the fund at the end of the  
144 biennium shall not revert to the credit of the general  
145 revenue fund. The state treasurer shall invest moneys in  
146 the fund in the same manner as other funds are invested.  
147 Any interest and moneys earned on such investments shall be  
148 credited to the fund.

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

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

11 3. Notwithstanding any other provision of law to the  
12 contrary, in the administration of the program for at-risk

13 children through the Child and Adult Care Food Program, 42  
14 U.S.C. Section 1766, this state shall not have requirements  
15 that are stricter than federal regulations for participants  
16 in such program. Child care facilities shall not be  
17 required to be licensed child care providers to participate  
18 in such federal program so long as minimum health and safety  
19 standards are met and documented.

210.252. 1. All buildings and premises used by a  
2 child-care facility to care for more than six children  
3 except those exempted from the licensing provisions of the  
4 department of [health and senior services] **elementary and**  
5 **secondary education** pursuant to subdivisions (1) to (15) of  
6 subsection 1 of section 210.211, shall be inspected annually  
7 for fire and safety by the state fire marshal, the marshal's  
8 designee or officials of a local fire district and for  
9 health and sanitation by the department of elementary and  
10 secondary education or the department's designee, including  
11 officials of the department of health and senior services,  
12 or officials of the local health department. Evidence of  
13 compliance with the inspections required by this section  
14 shall be kept on file and available to parents of children  
15 enrolling in the child-care facility.

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

20 3. Any child-care facility may request a variance from  
21 a rule or regulation promulgated pursuant to this section.  
22 The request for a variance shall be made in writing to the  
23 department of elementary and secondary education and shall  
24 include the reasons the facility is requesting the  
25 variance. The department shall approve any variance request

26 that does not endanger the health or safety of the children  
27 served by the facility. The burden of proof at any appeal  
28 of a disapproval of a variance application shall be with the  
29 department of elementary and secondary education. Local  
30 inspectors may grant a variance, subject to approval by the  
31 department **of elementary and secondary education.**

32 4. The department of elementary and secondary  
33 education shall administer the provisions of sections  
34 210.252 to 210.256, with the cooperation of the state fire  
35 marshal, the department of [elementary and secondary  
36 education] **health and senior services**, local fire  
37 departments and local health agencies.

38 5. The department of elementary and secondary  
39 education shall promulgate rules and regulations to  
40 implement and administer the provisions of sections 210.252  
41 to 210.256. Such rules and regulations shall provide for  
42 the protection of children in all child-care facilities  
43 whether or not such facility is subject to the licensing  
44 provisions of sections 210.201 to 210.245.

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

53 7. Any rule or portion of a rule, as that term is  
54 defined in section 536.010, that is created under the  
55 authority delegated in sections 210.252 to 210.256 shall  
56 become effective only if it complies with and is subject to  
57 all of the provisions of chapter 536 and, if applicable,

58 section 536.028. All rulemaking authority delegated prior  
59 to August 28, 1999, is of no force and effect and repealed.  
60 Nothing in this section shall be interpreted to repeal or  
61 affect the validity of any rule filed or adopted prior to  
62 August 28, 1999, if it fully complied with all applicable  
63 provisions of law. This section and chapter 536 are  
64 nonseverable and if any of the powers vested with the  
65 general assembly pursuant to chapter 536 to review, to delay  
66 the effective date or to disapprove and annul a rule are  
67 subsequently held unconstitutional, then the grant of  
68 rulemaking authority and any rule proposed or adopted after  
69 August 28, 1999, shall be invalid and void.

210.254. 1. Child-care facilities operated by  
2 religious organizations pursuant to the exempt status  
3 recognized in subdivision (17) of subsection 1 of section  
4 210.211 shall upon enrollment of any child provide the  
5 parent or guardian enrolling the child two copies of a  
6 notice of parental responsibility, one copy of which shall  
7 be retained in the files of the facility after the enrolling  
8 parent acknowledges, by signature, having read and accepted  
9 the information contained therein.

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

12 (1) Notification that the child-care facility is  
13 exempt as a religious organization from state licensing and  
14 therefore not inspected or supervised by the department of  
15 [health and senior services] **elementary and secondary**  
16 **education** other than as provided herein and that the  
17 facility has been inspected by those designated in section  
18 210.252 and is complying with the fire, health and  
19 sanitation requirements of sections 210.252 to 210.257;

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

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

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

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

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

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

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

6           2. If a child care facility maintained or operated  
7 under the exclusive control of a religious organization is  
8 suspected of violating any provision of sections 210.252 to  
9 210.255, or if there is good cause to believe that the  
10 signatory made a materially false statement in the notice of  
11 parental responsibility required by sections 210.252 to  
12 210.255, the department of [health and senior services]  
13 **elementary and secondary education** shall give twenty days'  
14 written notice to the facility concerning the nature of its  
15 suspected noncompliance. If compliance is not forthcoming  
16 within the twenty days, the department shall thereafter  
17 notify the prosecuting attorney of the county wherein the  
18 facility is located concerning the suspected noncompliance.  
19 If the prosecuting attorney refuses to act or fails to act  
20 within thirty days of receipt of notice from the department,  
21 the department of [health and senior services] **elementary**  
22 **and secondary education** may notify the attorney general  
23 concerning the suspected noncompliance and the attorney  
24 general may proceed under section [210.248] **27.060**.

210.256. 1. Any person who violates any provision of  
2 sections 210.252 to 210.255, or who for such person or for  
3 any other person makes a materially false statement in the  
4 notice of parental responsibility required by sections  
5 210.254 and 210.255, shall be guilty of an infraction for  
6 the first offense and shall be assessed a fine not to exceed  
7 two hundred dollars and shall be guilty of a class A  
8 misdemeanor for subsequent offenses. In case such guilty  
9 person is a corporation, association, institution, or  
10 society, the officers thereof who participate in such  
11 violation shall be subject to the same penalties.

12           2. In addition to initiating proceedings pursuant to  
13 subsection 1 of this section, or in lieu thereof, the

14 prosecuting attorney of the county where the child-care  
15 facility is located may file suit for a preliminary and  
16 permanent order overseeing or preventing the operation of a  
17 child-care facility for violating any provision of section  
18 210.252. The injunction shall remain in force until such  
19 time as the court determines that the child-care facility is  
20 in substantial compliance.

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

210.258. The provisions of this section and section  
2 210.259 apply to a child care facility maintained or  
3 operated under the exclusive control of a religious  
4 organization. Nothing in sections 210.252 to 210.257 shall  
5 be construed to authorize the department of [health and  
6 senior services] **elementary and secondary education** or any  
7 other governmental entity:

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

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

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

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



18           (5) To prohibit the use of corporal punishment.  
19 However, the department of [health and senior services]  
20 **elementary and secondary education** may require the child  
21 care facility to provide the parent or guardian enrolling a  
22 child in the facility a written explanation of the  
23 disciplinary philosophy and policies of the child care  
24 facility.

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

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

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

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

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

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

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

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

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

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

210.305. 1. When an initial emergency placement of a  
2 child is deemed necessary, the children's division shall  
3 immediately begin a diligent [efforts] **search** to locate,  
4 contact, and place the child with a grandparent or  
5 grandparents **or a relative or relatives** of the child,  
6 **subject to subsection 3 of section 210.565 regarding**  
7 **preference of placement**, except when the children's division  
8 determines that placement with a grandparent or grandparents  
9 **or a relative or relatives** is not in the best interest of  
10 the child and subject to the provisions of section 210.482  
11 regarding background checks for emergency placements. If  
12 emergency placement of a child with [a grandparent]  
13 **grandparents or relatives** is deemed not to be in the best  
14 interest of the child, the children's division shall

15 document in writing the reason [the grandparent has been  
16 denied emergency placement] **for denial** and shall have just  
17 cause to deny the emergency placement. **The children's**  
18 **division shall continue the search for other relatives until**  
19 **the division locates the relatives of the child for**  
20 **placement or the court excuses further search.** Prior to  
21 placement of the child in any emergency placement, the  
22 division shall assure that the child's physical needs are  
23 met.

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

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

36 (2) "Emergency placement", those limited instances  
37 when the children's division is placing for an initial  
38 placement a child in the home of private individuals,  
39 including neighbors, friends, or relatives, as a result of a  
40 sudden unavailability of the child's primary caretaker.

41 3. **A diligent [efforts] search** shall be made to  
42 **locate, contact, and notify** the grandparent or grandparents  
43 of the child within three hours from the time the emergency  
44 placement is deemed necessary for the child. During such  
45 three-hour time period, the child may be placed in an  
46 emergency placement. If a grandparent or grandparents of

47 the child cannot be located within the three-hour period,  
48 the child may be temporarily placed in emergency placement;  
49 except that, after the emergency placement is deemed  
50 necessary, the children's division shall continue **[to make]**  
51 **a diligent [efforts] search** to contact, locate, and place  
52 the child with a grandparent or grandparents, or **[another**  
53 **relative] other relatives**, with first consideration given to  
54 a grandparent for placement, **subject to subsection 3 of**  
55 **section 210.565 regarding preference of placement.**

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

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

71 6. Nothing in this section shall be construed or  
72 interpreted to interfere with or **[supercede] supersede** laws  
73 related to parental rights or judicial authority.

210.565. 1. Whenever a child is placed in a foster  
2 home and the court has determined pursuant to subsection 4  
3 of this section that foster home placement with relatives is  
4 not contrary to the best interest of the child, the  
5 children's division shall give foster home placement to

6 relatives of the child. Notwithstanding any rule of the  
7 division to the contrary, the children's division shall  
8 **[make diligent efforts] complete a diligent search** to locate  
9 **and notify** the grandparents, adult siblings, **[and]** parents  
10 of siblings of the child, **and all other relatives** and  
11 determine whether they wish to be considered for placement  
12 of the child. Grandparents who request consideration shall  
13 be given preference and first consideration for foster home  
14 placement of the child. If more than one grandparent  
15 requests consideration, the family support team shall make  
16 recommendations to the juvenile or family court about which  
17 grandparent should be considered for placement.

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

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

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

28 (3) "Sibling", one of two or more individuals who have  
29 one or both parents in common through blood, marriage, or  
30 adoption, including siblings as defined by the child's  
31 tribal code or custom.

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

34 (1) Grandparents;

35 (2) Adult siblings or parents of siblings;

36 (3) Relatives related by blood or affinity within the  
37 third degree;

38 (4) Other relatives; and

39 (5) Any foster parent who is currently licensed and  
40 capable of accepting placement of the child.

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

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

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

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

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

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

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

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

13           (1) "Child", "children", and "youth", any person under  
14 eighteen years of age or any person between eighteen and

15 twenty-one years of age in the legal custody of the  
16 children's division and over whom the court has maintained  
17 jurisdiction;

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

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

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

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

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

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

45 (e) A setting providing high-quality residential care  
46 and supportive services to children and youth who have been



47 found to be, or are at risk of becoming, sex trafficking  
48 victims; or

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

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

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

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

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

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

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

71 4. The children's division shall assemble a family  
72 support team for the child in accordance with the  
73 requirements of section 210.762. The qualified individual  
74 conducting the assessment shall work in conjunction with the  
75 family of, and family support team for, the child while  
76 conducting and making the assessment.

77 5. Notwithstanding any other provision of law to the  
78 contrary, the qualified individual shall have unlimited

79 access to any and all records and information pertaining to  
80 the child that the qualified individual determines are  
81 necessary to complete the assessment, including, but not  
82 limited to, medical records, therapy records, psychological  
83 and psychiatric evaluations, educational records, and  
84 placement history, including progress reports from such  
85 placements.

86         6. (1) The qualified individual shall provide the  
87 written assessment to the children's division. The  
88 children's division shall provide a copy of the assessment  
89 to the parties to the juvenile proceeding, the members of  
90 the family support team, and the court. The division may  
91 redact any information from the report that may be  
92 confidential as a matter of law, or may be harmful to the  
93 best interests, safety, and welfare of the child. The copy  
94 of the report as redacted shall be admitted into evidence  
95 and considered by the court without further foundation,  
96 unless any party to the juvenile proceeding objects. The  
97 objection shall be in writing and shall specify the legal  
98 and factual basis for the objection. The burden of proof  
99 shall be on the party objecting to the admissibility of the  
100 report; except that the children's division shall have the  
101 burden to establish the legal and factual basis for any  
102 redactions. The court may hold a hearing, take evidence on  
103 the objection, and independently determine whether any  
104 redactions are appropriate.

105         (2) The children's division shall provide information  
106 to the court as to the efforts the division made to meet the  
107 needs of the child in a less restrictive setting and the  
108 services provided to meet the needs of the child.

109         7. Within sixty days of the start of each placement in  
110 a residential setting, the court shall assess the

111 appropriateness for the child to remain in a residential  
112 setting. In conducting that assessment, the court shall  
113 make specific written findings of fact and:

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

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

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

125 (4) Approve or disapprove the placement.

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

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

138 10. The children's division may promulgate rules,  
139 including emergency rules, to implement the provisions of  
140 this section and the federal Family First Prevention  
141 Services Act, or amendments thereto, and, pursuant to this  
142 section, shall define implementation plans and dates. Any

143 rule or portion of a rule, as that term is defined in  
144 section 536.010, that is created under the authority  
145 delegated in this section shall become effective only if it  
146 complies with and is subject to all of the provisions of  
147 chapter 536 and, if applicable, section 536.028. This  
148 section and chapter 536 are nonseverable and if any of the  
149 powers vested with the general assembly pursuant to chapter  
150 536 to review, to delay the effective date, or to disapprove  
151 and annul a rule are subsequently held unconstitutional,  
152 then the grant of rulemaking authority and any rule proposed  
153 or adopted after August 28, 2022, shall be invalid and void.

210.762. 1. When a child is taken into custody by a  
2 juvenile officer, **physician**, or law enforcement official  
3 **[under]** pursuant to section 210.125 and comes under the  
4 **jurisdiction of the court pursuant to** subdivision (1) and  
5 **(2)** of subsection 1 of section 211.031 and **[initially]**  
6 placed with the division, the division may make a temporary  
7 placement and shall arrange for a family support team  
8 meeting prior to or within twenty-four hours following the  
9 protective custody hearing held under section 211.032. After  
10 a child is in the division's custody **[and a temporary**  
11 **placement has been made]**, the division shall arrange an  
12 additional family support team meeting prior to taking any  
13 action relating to the placement of such child; except that,  
14 when the welfare of a child in the custody of the division  
15 requires an immediate or emergency change of placement, the  
16 division may make a temporary placement and shall schedule a  
17 family support team meeting within seventy-two hours. The  
18 requirement for a family support team meeting shall not  
19 apply when the parent has consented in writing to the  
20 termination of his or her parental rights in conjunction

21 with a placement in a licensed child-placing agency under  
22 subsection 6 of section 453.010.

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

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

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

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

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

70 [4.] **5. The [case manager] division shall be**  
71 **responsible for including such form with the case records of**  
72 **the child.**

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

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

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

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

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

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

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

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

26           (3) "Criminal background check":

27           (a) A Federal Bureau of Investigation fingerprint  
28 check;

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

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

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

38           b. The state sex offender registry or repository; and

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



41 (4) ["Designated department", the department to which  
42 criminal background check results are sent; the department  
43 of health and senior services for child care staff members  
44 or prospective child care staff members of licensed child  
45 care facilities; and the department of social services for  
46 child care staff members or prospective child care staff  
47 members of a license-exempt child care facility or an  
48 unlicensed child care facility registered with the  
49 department of social services under section 210.027]

50 **"Department", the department of elementary and secondary**  
51 **education;**

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

57 2. (1) Prior to the employment or presence of a child  
58 care staff member in a licensed, **license-exempt, or**  
59 **unlicensed registered** child care facility, the child care  
60 provider shall request the results of a criminal background  
61 check for such child care staff member from the department  
62 [of health and senior services].

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

70 (3)] A prospective child care staff member may begin  
71 work for a child care provider after **receiving** the  
72 qualifying result of either a Federal Bureau of

73 Investigation fingerprint check or a search of the Missouri  
74 criminal registry or repository with the use of fingerprints  
75 [has been received from the designated department]; however,  
76 pending completion of the criminal background check, the  
77 prospective child care staff member shall be supervised at  
78 all times by another child care staff member who received a  
79 qualifying result on the criminal background check within  
80 the past five years.

81 [(4)] (3) Any individual who meets the definition of  
82 child care provider but is not responsible for the oversight  
83 or direction of the child care facility and does not have  
84 independent access to the child care facility [is] shall not  
85 required to request the results of a criminal background  
86 check under this section; however, such individual shall be  
87 accompanied by an individual with a qualifying criminal  
88 background check in order to be present at the child care  
89 facility during child care hours.

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

96 4. Upon completion of the criminal background check,  
97 any child care staff member or prospective child care staff  
98 member shall be ineligible for employment or presence at a  
99 licensed or license-exempt child care facility or an  
100 unlicensed child care facility registered with the  
101 department [of social services] and shall be disqualified  
102 from receipt of state or federal funds for providing child  
103 care services either by direct payment or through

104 reimbursement to an individual who receives child care  
105 benefits if such person:

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

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

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

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

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

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

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

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

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

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

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

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

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

134 (i) Any felony for armed criminal action as defined in  
135 section 571.015, unlawful use of a weapon as defined in

136 section 571.030, unlawful possession of a firearm as defined  
137 in section 571.070, or the unlawful possession of an  
138 explosive as defined in section 571.072;

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

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

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

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

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

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

171           (1) The staff member received a qualifying criminal  
172 background check within five years before the latest date on  
173 which such a submission may be made and while employed by or  
174 seeking employment by another child care provider within  
175 Missouri;

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

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

185           8. (1) The department [processing] **shall process** the  
186 request for a criminal background check for any prospective  
187 child care staff member or child care staff member [shall do  
188 so] as expeditiously as possible, but not to exceed forty-  
189 five days after the date on which the provider submitted the  
190 request.

191           (2) The department shall provide the results of the  
192 criminal background check to the child care provider in a  
193 statement that indicates whether the prospective child care  
194 staff member or child care staff member is eligible or  
195 ineligible for employment or presence at the child care  
196 facility or receipt of state or federal funds for providing  
197 child care services either by direct payment or through  
198 reimbursement to an individual who receives child care  
199 benefits. The department shall not reveal to the child care

200 provider any disqualifying crime or other related  
201 information regarding the prospective child care staff  
202 member or child care staff member.

203 (3) If such prospective child care staff member or  
204 child care staff member is ineligible for employment or  
205 presence at the child care facility, the department shall,  
206 when providing the results of criminal background check,  
207 include information related to each disqualifying crime or  
208 other related information, in a report to such prospective  
209 child care staff member or child care staff member, along  
210 with information regarding the opportunity to appeal under  
211 subsection 9 of this section.

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

217 9. (1) The prospective child care staff member or  
218 child care staff member may appeal a finding of  
219 ineligibility for employment or presence at a child care  
220 facility in writing to the department [that made the  
221 determination of ineligibility] to challenge the accuracy or  
222 completeness of the information contained in his or her  
223 criminal background check if his or her finding of  
224 ineligibility is based on one or more of the following  
225 offenses:

226 (a) Murder, as described in 18 U.S.C. Section 1111;

227 (b) Felony child abuse or neglect;

228 (c) A felony crime against children, including child  
229 pornography;

230 (d) Felony spousal abuse;

231 (e) A felony crime involving rape or sexual assault;

232 (f) Felony kidnapping;

233 (g) Felony arson;

234 (h) Felony physical assault or battery;

235 (i) A violent misdemeanor offense committed as an  
236 adult against a child, including the offense of child abuse,  
237 child endangerment, or sexual assault, or a misdemeanor  
238 offense involving child pornography; or

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

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

249 (3) The **written** appeal shall be filed with the  
250 department [that made the determination] within ten days  
251 from the mailing of the notice of ineligibility. [Such] **The**  
252 department shall attempt to verify the accuracy of the  
253 information challenged by the individual, including making  
254 an effort to locate any missing disposition information  
255 related to the disqualifying offense. After the department  
256 verifies the accuracy of the information challenged by the  
257 individual, the department shall [forward the appeal to the  
258 child care background screening review committee established  
259 in subdivision (4) of this subsection. The child care  
260 background screening review committee shall] make a final  
261 decision on the written appeal, and such decision shall be  
262 made in a timely manner. Such decision shall be considered  
263 a noncontested final agency decision by the department [that

264 made the determination of ineligibility under this section  
265 and], appealable under section 536.150. Such decision shall  
266 be appealed within thirty days of the mailing of the  
267 decision.

268 [(4) There is hereby established a "Child Care  
269 Background Screening Review Committee", which shall consist  
270 of the directors of the department of health and senior  
271 services and the department of social services or the  
272 directors' designee or designees.]

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

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

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



295 [12.] 11. The department [of health and senior  
296 services and the department of social services] may [each]  
297 adopt emergency rules to implement the requirements of this  
298 section. Any rule or portion of a rule, as that term is  
299 defined in section 536.010, that is created under the  
300 authority delegated in this section shall become effective  
301 only if it complies with and is subject to all of the  
302 provisions of chapter 536 and, if applicable, section  
303 536.028. This section and chapter 536 are nonseverable and  
304 if any of the powers vested with the general assembly  
305 pursuant to chapter 536 to review, to delay the effective  
306 date, or to disapprove and annul a rule are subsequently  
307 held unconstitutional, then the grant of rulemaking  
308 authority and any rule proposed or adopted after August 28,  
309 2018, shall be invalid and void.

310 [13.] 12. The provisions of this section shall not  
311 apply to any child care facility, as defined in section  
312 210.201, maintained or operated under the exclusive control  
313 of a religious organization, as described in subdivision  
314 (17) of subsection 1 of section 210.211, unless such  
315 facility is a recipient of federal funds for providing care  
316 for children, except for federal funds for those programs  
317 that meet the requirements for participation in the Child  
318 and Adult Care Food Program under 42 U.S.C. Section 1766.

211.081. 1. Whenever any person informs the juvenile  
2 officer in writing that a child appears to be within the  
3 purview of applicable provisions of section 211.031, the  
4 juvenile officer shall make or cause to be made a  
5 preliminary inquiry to determine the facts and to determine  
6 whether or not the interests of the public or of the child  
7 require that further action be taken. On the basis of this  
8 inquiry, the juvenile officer may make such informal

9 adjustment as is practicable without a petition or file a  
10 petition. Any other provision of this chapter to the  
11 contrary notwithstanding, the juvenile court shall not make  
12 any order for disposition of a child which would place or  
13 commit the child to any location outside the state of  
14 Missouri without first receiving the approval of the  
15 children's division.

16 2. Placement in any **[institutional] residential**  
17 setting, **as defined in section 210.715**, shall represent the  
18 least restrictive appropriate placement for the child and  
19 shall **[be recommended based upon a psychological or**  
20 **psychiatric evaluation or both]** **meet all requirements set**  
21 **forth in section 210.715.** Prior to entering any order for  
22 disposition of a child which would order residential  
23 treatment or other services inside the state of Missouri,  
24 the juvenile court shall enter findings which include the  
25 recommendation of the psychological or psychiatric  
26 evaluation or both; and certification from the division  
27 director or designee as to whether a provider or funds or  
28 both are available, including a projection of their future  
29 availability. If the children's division indicates that  
30 funding is not available, the division shall recommend and  
31 make available for placement by the court an alternative  
32 placement for the child. The division shall have the burden  
33 of demonstrating that they have exercised due diligence in  
34 utilizing all available services to carry out the  
35 recommendation of the evaluation team and serve the best  
36 interest of the child. The judge shall not order placement  
37 or an alternative placement with a specific provider but may  
38 reasonably designate the scope and type of the services  
39 which shall be provided by the department to the child. **For**

40 purposes of this subsection, the word "child" shall have the  
41 same meaning as in section 210.715.

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

217.940. 1. This act establishes the "Correctional  
2 Center Nursery Program". The department of corrections  
3 shall, subject to appropriations, establish a correctional  
4 center nursery in one or more of the correctional centers  
5 for women operated by the department, no later than July 1,  
6 2025. The purpose of the correctional center nursery  
7 program is for bonding and unification between the mother  
8 and child. The program shall allow eligible inmates and  
9 children born from them while in the custody of the  
10 department to reside together in the institution for up to  
11 eighteen months post-delivery. In establishing this  
12 program, neither the inmate's participation in the program  
13 nor any provision of sections 217.940 to 217.947 shall  
14 affect, modify, or interfere with the inmate's custodial  
15 rights to the child nor does it establish legal custody of  
16 the child with the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24           3. Program capacity shall be determined by the  
25 department.

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

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

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

8           (2) If eligible, have the child participate in the  
9 state children's health insurance program under sections  
10 208.631 to 208.658;

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

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

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

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

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

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

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

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

14           (5) A court of competent jurisdiction issues an order  
15 regarding the child granting temporary, permanent, or legal  
16 custody of the child to a person other than the inmate, or  
17 to a public children services agency or private child  
18 placing agency; or

19           (6) The inmate is released from imprisonment.

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

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

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

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

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

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

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

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

          217.946. Notwithstanding any other provision of law to  
2 the contrary, neither the correctional center nursery  
3 program nor the department, with respect to the program, is  
4 subject to any regulation, licensing, or oversight by the  
5 department of health and senior services, department of  
6 social services, children's division, juvenile officer of

7 any jurisdiction or the office of childhood unless the  
8 department voluntarily agrees to services, regulation,  
9 licensing, or oversight from any of the aforementioned  
10 entities.

217.947. The operation of a correctional center  
2 nursery program established under sections 217.940 to  
3 217.947 and the presence of children of inmates  
4 participating in the correctional center nursery program  
5 shall not be considered a dangerous condition that would  
6 result in a waiver of sovereign immunity under section  
7 537.600. The sovereign immunity provisions of section  
8 537.600 and any other statute regarding the sovereign  
9 immunity of the state or public entities in existence as of  
10 August 28, 2022, shall remain in effect and shall be applied  
11 in the same manner as such provisions were applied prior to  
12 the establishment of the correctional center nursery program  
13 under sections 217.940 to 217.947.

509.520. 1. Notwithstanding any provision of law to  
2 the contrary, beginning August 28, 2009, pleadings,  
3 attachments, or exhibits filed with the court in any case,  
4 as well as any judgments issued by the court, shall not  
5 include:

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

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

11 (3) Any personal identifying information, including  
12 name, address, and year of birth, of a minor and, if  
13 applicable, any next friend. Such information shall be  
14 provided in a confidential information filing sheet  
15 contemporaneously filed with the court or entered by the



16 **court, which shall not be subject to public inspection or**  
17 **availability.**

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

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

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

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

33 3. Contemporaneously with the filing of every  
34 responsive pleading petition for dissolution of marriage,  
35 legal separation, motion for modification, action to  
36 establish paternity, and petition or motion for support or  
37 custody of a minor child, the responding party shall file a  
38 confidential case filing sheet with the court which shall  
39 not be subject to public inspection and which provides:

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

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

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

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

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

60           6. Except as provided in section 452.430, the clerk  
61 shall not be required to redact any document described in  
62 subsection 1 of this section issued or filed before August  
63 28, 2009, prior to releasing the document to the public.

64           7. For good cause shown, the court may release  
65 information contained on the confidential case filing sheet;  
66 except that, any state agency acting under authority of  
67 chapter 454 shall have access to information contained  
68 herein without court order in carrying out their official  
69 duty.

2           [210.199. Any applicant for a grant or  
3 contract who offers early childhood development,  
4 education or care programs and who receives  
5 funds derived from an appropriation to the  
6 department of elementary and secondary education  
7 pursuant to paragraph (d) of subdivision (3) of  
8 section 313.835 shall be licensed by the  
9 department of health and senior services  
10 pursuant to sections 210.201 to 210.259 prior to  
11 opening of the facility. The provisions of this  
12 section shall not apply to any grant or contract  
13 awarded to a request for proposal issued prior  
to August 28, 1999.]

Section B. Because of the need for safe and adequate  
2 child care services for Missouri families, the repeal and

3 reenactment of section 210.211 of this act is deemed  
4 necessary for the immediate preservation of the public  
5 health, welfare, peace, and safety, and is hereby declared  
6 to be an emergency act within the meaning of the  
7 constitution, and the repeal and reenactment of section  
8 210.211 of this act shall be in full force and effect upon  
9 its passage and approval.

✓