

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 523
99TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, April 13, 2017, with recommendation that the Senate Committee Substitute do pass.

2270S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 210.025, RSMo, and to enact in lieu thereof one new section relating to criminal background checks for child care providers.

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

Section A. Section 210.025, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 210.025, to read as follows:

210.025. 1. **An applicant child care provider; persons employed**
2 **by the applicant child care provider for compensation, including**
3 **contract employees or self-employed individuals; individuals or**
4 **volunteers whose activities involve the care or supervision of children**
5 **for the applicant child care provider or unsupervised access to children**
6 **who are cared for or supervised by the applicant child care provider;**
7 **or individuals residing in the applicant's family child care home who**
8 **are age seventeen or older shall be required to submit to a criminal**
9 **background check under section 43.540 and a check of the central**
10 **registry for child abuse established in section 210.145 in order for the**
11 **applicant** to qualify for receipt of state or federal funds for providing child-care
12 services [in the home] either by direct payment or through reimbursement to a
13 child-care beneficiary[, an applicant and any person over the age of seventeen
14 who is living in the applicant's home shall be required to submit to a criminal
15 background check pursuant to section 43.540 and a check of the central registry
16 for child abuse established in section 210.145. Effective January 1, 2001, the
17 requirements of this subsection or subsection 2 of this section shall be satisfied
18 through registration with the family care safety registry established in sections

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

19 210.900 to 210.936]. Any costs associated with such checks shall be paid by the
20 applicant.

21 2. Upon receipt of an application for state or federal funds for providing
22 child-care services in the home, the [family support] **children's** division shall:

23 (1) Determine if a finding of child abuse or neglect by probable cause prior
24 to August 28, 2004, or by a preponderance of the evidence after August 28, 2004,
25 involving the applicant or any person over the age of seventeen who is living in
26 the applicant's home has been recorded pursuant to section 210.145 or 210.221;

27 (2) Determine if the applicant or any person over the age of seventeen who
28 is living in the applicant's home has been refused licensure or has experienced
29 licensure suspension or revocation pursuant to section 210.221 or 210.496; and

30 (3) Upon initial application, require the applicant to submit to
31 fingerprinting and request a criminal background check of the applicant and any
32 person over the age of seventeen who is living in the applicant's home pursuant
33 to section 43.540 and section 210.487, and inquire of the applicant whether any
34 children less than seventeen years of age residing in the applicant's home have
35 ever been certified as an adult and convicted of, or pled guilty or nolo contendere
36 to any crime.

37 3. Except as otherwise provided in subsection 4 of this section, upon
38 completion of the background checks in subsection 2 of this section, an applicant
39 shall be denied state or federal funds for providing child care if such applicant,
40 any person over the age of seventeen who is living in the applicant's home, and
41 any child less than seventeen years of age who is living in the applicant's home
42 and who the division has determined has been certified as an adult for the
43 commission of a crime:

44 (1) Has had a finding of child abuse or neglect by probable cause prior to
45 August 28, 2004, or by a preponderance of the evidence after August 28, 2004,
46 pursuant to section 210.145 or section 210.152;

47 (2) Has been refused licensure or has experienced licensure suspension
48 or revocation pursuant to section 210.496;

49 (3) Has pled guilty or nolo contendere to or been found guilty of any felony
50 for an offense against the person as defined by chapter 565, or any other offense
51 against the person involving the endangerment of a child as prescribed by law;
52 of any misdemeanor or felony for a sexual offense as defined by chapter 566; of
53 any misdemeanor or felony for an offense against the family as defined in chapter
54 568, with the exception of the sale of fireworks, as defined in section 320.110, to

55 a child under the age of eighteen; of any misdemeanor or felony for pornography
56 or related offense as defined by chapter 573; or of any similar crime in any
57 federal, state, municipal or other court of similar jurisdiction of which the
58 director has knowledge or any offenses or reports which will disqualify an
59 applicant from receiving state or federal funds.

60 4. An applicant shall be given an opportunity by the division to offer any
61 extenuating or mitigating circumstances regarding the findings, refusals or
62 violations against such applicant or any person over the age of seventeen or less
63 than seventeen who is living in the applicant's home listed in subsection 2 of this
64 section. Such extenuating and mitigating circumstances may be considered by
65 the division in its determination of whether to permit such applicant to receive
66 state or federal funds for providing child care in the home.

67 5. An applicant who has been denied state or federal funds for providing
68 child care in the home may appeal such denial decision in accordance with the
69 provisions of section 208.080.

70 6. If an applicant is denied state or federal funds for providing child care
71 in the home based on the background check results for any person over the age
72 of seventeen who is living in the applicant's home, the applicant shall not apply
73 for such funds until such person is no longer living in the applicant's home.

74 7. Any rule or portion of a rule, as that term is defined in section 536.010,
75 that is created under the authority delegated in this section shall become effective
76 only if it complies with and is subject to all of the provisions of chapter 536 and,
77 if applicable, section 536.028. All rulemaking authority delegated prior to August
78 28, 1999, is of no force and effect and repealed. Nothing in this section shall be
79 interpreted to repeal or affect the validity of any rule filed or adopted prior to
80 August 28, 1999, if it fully complied with all applicable provisions of law. This
81 section and chapter 536 are nonseverable and if any of the powers vested with the
82 general assembly pursuant to chapter 536 to review, to delay the effective date
83 or to disapprove and annul a rule are subsequently held unconstitutional, then
84 the grant of rulemaking authority and any rule proposed or adopted after August
85 28, 1999, shall be invalid and void.

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