

SECOND REGULAR SESSION

SENATE BILL NO. 996

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Read 1st time February 23, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

5178S.011

AN ACT

To repeal sections 210.481, 210.484, and 210.486, RSMo, and to enact in lieu thereof two new sections relating to licensing of residential facilities and foster family group homes.

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

Section A. Sections 210.481, 210.484, and 210.486, RSMo, are repealed
2 and two new sections enacted in lieu thereof, to be known as sections 210.481 and
3 210.486, to read as follows:

210.481. As used in sections 210.481 to 210.536, unless the context clearly
2 requires otherwise, the following terms shall mean:

3 (1) "Child", any individual under eighteen years of age or in the custody
4 of the division;

5 (2) "Child placing agency", any person, other than the parents, who places
6 a child outside the home of the child's parents or guardian, or advertises or holds
7 himself forth as performing such services, but excluding the attorney, physician,
8 or clergyman of the parents;

9 (3) "Division", the [division of family services] **children's division** of the
10 department of social services of the state of Missouri;

11 (4) "**Foster family group home**", a private residence of one or
12 more family members providing twenty-four-hour care to children
13 whose welfare requires that they be removed from their own homes and
14 are therefore unattended by a parent or guardian and are:

15 (a) Unrelated to either foster parent by blood, marriage, or
16 adoption; or

17 (b) Related to a person who is licensed to operate a foster home

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

18 or foster family group home.

19 This care would be for at least seven but no more than twelve children,
20 including the foster parents' own children. At least one foster parent
21 shall not be employed outside of the home in order to be available to
22 provide supervision of the children. All reference to the term "foster
23 home" contained in sections 210.481 to 210.536 shall include "foster
24 family group home";

25 (5) "Foster home", a private residence of one or more family members
26 providing twenty-four-hour care to children whose welfare requires that
27 they be removed from their own homes and are therefore unattended
28 by parent or guardian and are:

29 (a) Unrelated to either foster parent by blood, marriage, or
30 adoption; or

31 (b) Related to a person who is licensed to operate a foster home
32 or foster family group home.

33 This care would be for one or more but less than seven children [who are
34 unattended by parent or guardian and who are unrelated to either foster parent
35 by blood, marriage, or adoption], including the foster parents' own children;

36 [(5)] (6) "Guardian", the person designated by a court of competent
37 jurisdiction as the "guardian of the person of a minor" or "guardian of the person
38 and conservator of the estate of a minor";

39 [(6)] (7) "License", the document issued by the division in accordance
40 with the applicable provisions of sections 210.481 to 210.536 to a foster home,
41 residential care facility, or child placing agency which authorizes the foster home,
42 residential care facility, or child placing agency to operate its program in
43 accordance with the applicable provisions of sections 210.481 to 210.536 and rules
44 issued pursuant thereto;

45 [(7)] (8) "Person", any individual, firm, corporation, partnership,
46 association, agency, or an incorporated or unincorporated organization, regardless
47 of the name used;

48 [(8)] (9) "Provisional license", the document issued by the division in
49 accordance with the applicable provisions of sections 210.481 to 210.536 to a
50 foster home, residential care facility, or child placing agency which is not
51 currently meeting requirements for full licensure;

52 [(9)] (10) "Related", any of the following by blood, marriage, or adoption:
53 Parent, grandparent, brother, sister, half-brother, half-sister, stepparent,
54 stepbrother, stepsister, uncle, aunt, or first cousin;

55 [(10)] (11) "Residential care facility", a facility providing

56 twenty-four-hour care in a group setting to children who are unrelated to the
57 person operating the facility and who are unattended by a parent or guardian.

210.486. 1. No person shall operate or maintain a foster home, **foster**
2 **family group home**, residential care facility, or child placing agency without
3 having in full force and effect a valid license issued by the division [or the
4 department of health and senior services as provided in section 210.484].

5 2. The division [or the department of health and senior services as
6 provided in section 210.484] shall conduct an investigation of all applicants and
7 such investigation shall include examination of the physical facility and
8 investigation of persons responsible for the care of, planning, and services for the
9 children being served.

10 3. The division [or the department of health and senior services as
11 provided in section 210.484] shall issue a license upon being satisfied that the
12 applicant complies with the applicable provisions of sections 210.481 to 210.536
13 and rules issued pursuant thereto.

14 4. The division [or the department of health and senior services as
15 provided in section 210.484] shall initiate action on an application within a
16 reasonable time, which shall not exceed thirty days, from receipt of the
17 application.

18 5. The license shall be valid for a period not to exceed two years from date
19 of issuance.

20 6. The division [or the department of health and senior services as
21 provided in section 210.484] may issue a provisional license to a foster home,
22 residential care facility, or child placing agency that is not currently meeting
23 requirements for full licensure but demonstrates the potential capacity to meet
24 full requirements for licensure; but no provisional license shall be issued unless
25 the director is satisfied that the operation of the foster home, residential care
26 facility, or child placing agency so licensed is not detrimental to the health and
27 safety of the children being served. The provisional license shall be nonrenewable
28 and shall be valid for a period not to exceed six months from date of issuance.

[210.484. Notwithstanding any other provision of law to the
2 contrary, the department of health and senior services shall license
3 residential care facilities, as defined in subdivision (10) of section
4 210.481.]

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