

FIRST REGULAR SESSION

HOUSE BILL NO. 764

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRAGG.

1996H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

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

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

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

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

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

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

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

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

10 (2) **Registration with a qualified association shall consist of annually filing with
11 the qualified association, on forms provided by the qualified association, the name and
12 address of the facility or organization; the capacity of, and the number of children being
13 cared for in, the facility or organization; the names and addresses of the officers and the
14 board of directors or other governing body of the facility or organization, if applicable;
15 the name of the owner, operator, director, or person in charge of the facility or
16 organization; and proof that the facility or organization is in compliance with the
17 standards required by applicable state law or local ordinance for fire, safety, health, and**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 sanitary standards and for screening of personnel. A separate registration form shall be
19 filed for each such facility or organization.

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

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

37 2. The standards developed by the qualified association shall ensure child
38 welfare and include clear guidelines for safety, investigational procedures, complaints,
39 allegations of abuse or neglect, local health and safety requirements and written policies,
40 as well as policies on regular background checks for screening employees of
41 participating facilities in addition to any such requirements under state law.

42 3. Each child served by a facility or organization that registers under this section
43 shall be covered by a written contract executed at the time of admission into the facility
44 or organization or prior to admission between the facility or organization and the
45 parent, legal guardian, or person having legal custody of the child. The parent, legal
46 guardian, or person having legal custody of the child shall be given a copy of the
47 contract at the time of its execution, and the facility or organization shall retain the
48 original contract. Each contract shall:

49 (1) Enumerate the basic services and accommodations provided by the facility or
50 organization;

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

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

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

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

57 (6) Authorize the owner, operator, director, or person in charge, or his or her
58 designee, of the facility or organization to consent to routine and emergency medical
59 care on behalf of the parent, legal guardian, or person having legal custody of the child,
60 provided the owner, operator, director, or person in charge, or his or her designee, of the
61 facility or organization shall immediately notify the parent, legal guardian, or person
62 having legal custody of the child of medical care being provided on his or her behalf.

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

67 4. (1) There is hereby established the "Child Protection Board" within the
68 department of social services to provide oversight of qualified associations and to report
69 to the director of the department as needed. The board shall consist of ten members
70 appointed by the governor with the advice and consent of the senate, without regard to
71 political affiliation. The members of the board shall serve for a term of four years.

72 (2) The board shall be composed of:

73 (a) Two foster parents;

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

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

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

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

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

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

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

91 **(5) For any complaint or allegation of child abuse or neglect in which the alleged**
92 **perpetrator is aggrieved by the decision of the children's division, the board shall**
93 **independently review the decision and make recommendations to the department of**
94 **social services, provided that nothing in this subdivision shall be construed to deny the**
95 **state the authority to initiate an investigation into any allegations of child abuse or**
96 **neglect.**

97 **(6) The board may deny, suspend, or revoke the registration of a participating**
98 **facility or organization that fails to comply with the standards established by the**
99 **qualified association.**

100 **(7) The director of the department of social services may revoke, suspend, or**
101 **deny a registration of a participating or prospective facility or organization upon the**
102 **finding of abuse or neglect occurring within the facility or organization and retains the**
103 **decision-making authority to supersede any other recommendation. The director shall**
104 **not arbitrarily or capriciously revoke, suspend, or deny a registration of a participating**
105 **or prospective facility or organization unless the findings of fact and conclusions of law**
106 **provided by the board verify such allegations of abuse or neglect occurring within the**
107 **facility or organization. The participating or prospective facility or organization shall**
108 **retain the right to appeal to the administrative hearing commission for a final**
109 **determination under chapter 621.**

110 **(8) The board shall notify the qualified association and the department of social**
111 **services within ten days of the suspension or revocation of the registration.**

112 **(9) The board shall make any other recommendations to participating facilities**
113 **or organizations and to the department of social services as the board deems**
114 **appropriate.**

115 **5. Any facility or organization that meets the requirements of the qualified**
116 **association may apply for a license under this chapter. A facility or organization that**
117 **has applied for and received a license is no longer eligible to operate under the**
118 **provisions of this section.**

119 **6. After a facility or organization obtains a registration under this section, a**
120 **child shall be allowed to be placed by the department of social services within the facility**
121 **or organization.**

122 **7. Employees of any facility or organization registered under this section shall**
123 **undergo background checks as provided under section 210.493.**

124 **8. Nothing in this section shall be construed to negate the necessity of facilities**
125 **that have registered with the qualified association from following applicable state law**
126 **and local ordinance pertaining to health, safety, and sanitary standards, and for the**
127 **screening of both paid and unpaid personnel.**

128 **9. The department of social services shall work in conjunction with the qualified**
129 **association to promulgate all necessary rules and regulations regarding the placement of**
130 **children in a facility or organization that is registered under this section. Any rule or**
131 **portion of a rule, as that term is defined in section 536.010, that is created under the**
132 **authority delegated in this section shall become effective only if it complies with and is**
133 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
134 **section and chapter 536 are nonseverable and if any of the powers vested with the**
135 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**
136 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
137 **rulemaking authority and any rule proposed or adopted after August 28, 2025, shall be**
138 **invalid and void.**

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