

FIRST REGULAR SESSION

# HOUSE BILL NO. 33

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FRASER.

Pre-filed December 2, 2002, and copies ordered printed.

TED WEDEL, Chief Clerk

0331L.01I

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### AN ACT

To repeal section 210.516, RSMo, and to enact in lieu thereof one new section relating to the licensure of homes for children.

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

Section A. Section 210.516, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.516, to read as follows:

210.516. [1.] It shall be unlawful for any person to establish, maintain, or operate a foster home, residential care facility, or child placing agency, or to advertise or hold himself **or herself** out as being able to perform any of the services as defined in sections 210.481 to 210.536, without having in full force and effect a license issued by the division; provided, however, that nothing in sections 210.481 to 210.536 shall apply to:

(1) Any [residential care facility operated by a person in which the care provided is in conjunction with an educational program for which a tuition is charged and completion of the program results in meeting requirements for a diploma recognized by the state department of elementary and secondary education;

(2) Any camp, hospital, sanitarium, or home which is conducted in good faith primarily to provide recreation, medical treatment, or nursing or convalescent care for children;

(3)] **hospital licensed under chapter 197, RSMo;**

(2) Any person who receives free of charge, and not as a business, for periods of time not exceeding ninety consecutive days, the child of personal friends of such person as an occasional and personal guest, and who receives custody of no other unrelated child;

[4)] (3) Any child placing agency operated by the department of mental health or any

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

17 foster home or residential care facility operated or licensed by the department of mental health  
18 under sections 630.705 to 630.760, RSMo, which provides care, treatment, and habilitation  
19 exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental  
20 retardation or developmental disability, as defined in section 630.005, RSMo;

21 [(5) Any foster home arrangement established and operated by any well-known religious  
22 order or church and any residential care facility or child placement agency operated by such  
23 organization; or

24 (6)] (4) Any institution or agency maintained or operated by the state, city or county.

25 [2. The division shall not require any foster home, residential care facility, or child  
26 placing agency which believes itself exempt from licensure as provided in subsection 1 of this  
27 section to submit any documentation in support of the claimed exemption; however said foster  
28 home, residential care facility, or child placing agency is not precluded from furnishing such  
29 documentation if it chooses to do so.]