

SECOND REGULAR SESSION

# HOUSE BILL NO. 1486

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FRASER (Sponsor), RIBACK WILSON (25), DONNELLY,  
WALKER, BISHOP, WILSON (42), HILGEMANN AND CAMPBELL (Co-sponsors).

Read 1<sup>st</sup> time February 16, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4312L.011

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### AN ACT

To repeal section 210.516, RSMo, and to enact in lieu thereof one new section relating to  
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Section A. Section 210.516, RSMo, is repealed and one new section enacted in lieu  
2 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  
2 home, residential care facility, or child placing agency, or to advertise or hold himself out as  
3 being able to perform any of the services as defined in sections 210.481 to 210.536, without  
4 having in full force and effect a license issued by the division; provided, however, that nothing  
5 in sections 210.481 to 210.536 shall apply to:

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

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

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

15 (4) Any child placing agency operated by the department of mental health or any foster  
16 home or residential care facility operated or licensed by the department of mental health under

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

17 sections 630.705 to 630.760, RSMo, which provides care, treatment, and habilitation exclusively  
18 to children who have a primary diagnosis of mental disorder, mental illness, mental retardation  
19 or developmental disability, as defined in section 630.005, RSMo;

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

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

24 2. The division shall not require any foster home, residential care facility, or child  
25 placing agency which believes itself exempt from licensure as provided in subsection 1 of this  
26 section to submit any documentation in support of the claimed exemption; however said foster  
27 home, residential care facility, or child placing agency is not precluded from furnishing such  
28 documentation if it chooses to do so.] **It shall be unlawful for any person or entity to**  
29 **establish, maintain, or operate a foster home, residential care facility, or child placing**  
30 **agency, or to advertise or hold himself or herself out as being able to perform any of the**  
31 **services as defined in sections 210.481 to 210.536, without having in full force and effect a**  
32 **license issued by the division; provided, however, that nothing in sections 210.481 to**  
33 **210.536 shall apply to:**

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

37 (2) Any hospital licensed pursuant to chapter 197, RSMo;

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

41 (4) Any child placing agency operated by the department of mental health or any  
42 foster home or residential care facility operated or licensed by the department of mental  
43 health under sections 630.705 to 630.760, RSMo, which provides care, treatment, and  
44 habilitation exclusively to children who have a primary diagnosis of mental disorder,  
45 mental illness, mental retardation, or developmental disability, as defined in section  
46 630.005, RSMo; or

47 (5) Any institution or agency maintained or operated by the state, city, or county.