

SECOND REGULAR SESSION

HOUSE BILL NO. 1084

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POLLOCK.

Pre-filed December 8, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3189L.02I

AN ACT

To amend chapter 210, RSMo, by adding thereto one new section relating to child care providers.

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 210.265, to read as follows:

**210.265. 1. Any person seventeen years of age or older who provides child care
2 services in his or her home during the daytime for compensation and who is otherwise
3 exempt from licensure under sections 210.201 to 210.257 shall provide the parent or
4 guardian of any child for whom child care services are provided with notification that
5 background checks have been conducted on each child care provider and all other persons
6 seventeen years of age or older living in the home. Such background checks shall:**

7 **(1) Be conducted prior to the initial provision of child care services and every two
8 years thereafter for each child care provider and all other persons seventeen years of age
9 or older living in the home; and**

10 **(2) Include a screening for child abuse or neglect through the children's division
11 and a criminal record review through the Missouri highway patrol under section 43.540,
12 RSMo. The fee for the criminal record review shall be limited to the actual costs incurred
13 by the Missouri highway patrol in conducting such review.**

14 **2. All persons required to provide background check notification under this section
15 shall file appropriate documentation with the department of health and senior services**

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.

16 verifying that the child care provider has complied with the background check
17 requirements of this section. The department of health and senior services shall establish
18 by rule the documentation required for compliance with this section.

19 **3. Any person who utilizes the in-home child care services of a person subject to the**
20 **provisions of this section may request a copy of the required background checks from the**
21 **provider. Any person for whom a provider fails to provide such documentation upon**
22 **request may report such provider to the department of health and senior services.**

23 **4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
24 **that is created under the authority delegated in this section shall become effective only if**
25 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
26 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
27 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
28 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
29 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
30 **adopted after August 28, 2006, shall be invalid and void.**

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