

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND Senate Committee Substitute for Senate Bill No. 47, Page 1, Section A, Line 2, by  
2 inserting after all of said section and line the following:

3  
4 "210.482. 1. If the emergency placement of a child in a private home is necessary due to the  
5 unexpected absence of the child's parents, legal guardian, or custodian, the juvenile court or  
6 children's division:

7 (1) May request that a local or state law enforcement agency or juvenile officer, subject to  
8 any required federal authorization, immediately conduct a name-based criminal history record check  
9 to include full orders of protection and outstanding warrants of each person over the age of seventeen  
10 residing in the home by using the Missouri uniform law enforcement system (MULES) and the  
11 National Crime Information Center to access the Interstate Identification Index maintained by the  
12 Federal Bureau of Investigation; and

13 (2) Shall determine or, in the case of the juvenile court, shall request the division to  
14 determine whether any person over the age of seventeen years residing in the home is listed on the  
15 child abuse and neglect registry. For any children less than seventeen years of age residing in the  
16 home, the children's division shall inquire of the person with whom an emergency placement of a  
17 child will be made whether any children less than seventeen years of age residing in the home have  
18 ever been certified as an adult and convicted of or pled guilty or nolo contendere to any crime.

19 2. If a name-based search has been conducted pursuant to subsection 1 of this section, within  
20 fifteen calendar days after the emergency placement of the child in the private home, and if the  
21 private home has not previously been approved as a foster or adoptive home, all persons over the age  
22 of seventeen residing in the home and all children less than seventeen residing in the home who the  
23 division has determined have been certified as an adult for the commission of a crime shall report to  
24 a local law enforcement agency for the purpose of providing [two] three sets of fingerprints each and  
25 accompanying fees, pursuant to section 43.530. One set of fingerprints shall be used by the highway  
26 patrol to search the criminal history repository [and the second], one set shall be forwarded to the  
27 Federal Bureau of Investigation for searching the federal criminal history files, and one set shall be  
28 forwarded to and retained by the division. Results of the checks [will] shall be provided to the  
29 juvenile court or children's division office requesting such information. Any child placed in  
30 emergency placement in a private home shall be removed immediately if any person residing in the  
31 home fails to provide fingerprints after being requested to do so, unless the person refusing to  
32 provide fingerprints ceases to reside in the private home.

33 3. If the placement of a child is denied as a result of a name-based criminal history check and  
34 the denial is contested, all persons over the age of seventeen residing in the home and all children  
35 less than seventeen years of age residing in the home who the division has determined have been  
36 certified as an adult for the commission of a crime shall, within fifteen calendar days, submit to the  
37 juvenile court or the children's division [two] three sets of fingerprints in the same manner described

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

in subsection 2 of this section, accompanying fees, and written permission authorizing the juvenile court or the children's division to forward the fingerprints to the state criminal record repository for submission to the Federal Bureau of Investigation. One set of fingerprints shall be used by the highway patrol to search the criminal history repository [and the second], one set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, and one set shall be retained by the division.

4. No person who submits fingerprints under this section shall be required to submit additional fingerprints under this section or section 210.487 unless the original fingerprints retained by the division are lost or destroyed.

5. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

[5.] 6. For the purposes of this section, "emergency placement" refers to those limited instances when the juvenile court or children's division is placing a child in the home of private individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary caretaker.

210.487. 1. When conducting investigations of persons for the purpose of foster parent licensing, the division shall:

(1) Conduct a search for all persons over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime for evidence of full orders of protection. The office of state courts administrator shall allow access to the automated court information system by the division. The clerk of each court contacted by the division shall provide the division information within ten days of a request; and

(2) Obtain [two] three sets of fingerprints for any person over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime in the same manner set forth in subsection 2 of section 210.482. One set of fingerprints shall be used by the highway patrol to search the criminal history repository [and the second], one set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, and one set shall be forwarded to and retained by the division. The highway patrol shall assist the division and provide the criminal fingerprint background information, upon request; and

(3) Determine whether any person over the age of seventeen residing in the home and any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime is listed on the child abuse and neglect registry. For any children less than seventeen years of age residing in the applicant's home, the children's division shall inquire of the applicant whether any children less than seventeen years of age residing in the home have ever been certified as an adult and been convicted of or pled guilty or nolo contendere to any crime. 2. After the initial investigation is completed under subsection 1 of this section[,]:

(1) No person who submits fingerprints under subsection 1 of this section or section 210.482 shall be required to submit additional fingerprints under this section or section 210.482 unless the original fingerprints retained by the division are lost or destroyed; and

(2) The children's division and the department of health and senior services may waive the requirement for a fingerprint background check for any subsequent recertification.

3. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

1           4. The division may make arrangements with other executive branch agencies to obtain any  
2     investigative background information.

3           5. The division may promulgate rules that are necessary to implement the provisions of this  
4     section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under  
5     the authority delegated in this section shall become effective only if it complies with and is subject to  
6     all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536  
7     are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536  
8     to review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
9     unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
10    August 28, 2004, shall be invalid and void."; and

11  
12    Further amend said bill by amending the title, enacting clause, and intersectional references  
13    accordingly.