

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 208, Page 1, Section A, Line 2 by inserting after all of said section the
2 following:

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

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

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

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

32 3. If the placement of a child is denied as a result of a name-based criminal history check and
33 the denial is contested, all persons over the age of seventeen residing in the home and all children
34 less than seventeen years of age residing in the home who the division has determined have been
35 certified as an adult for the commission of a crime shall, within fifteen calendar days, submit to the
36 juvenile court or the children's division [two] three sets of fingerprints in the same manner described
37 in subsection 2 of this section, accompanying fees, and written permission authorizing the juvenile

Action Taken _____ Date _____

1 court or the children's division to forward the fingerprints to the state criminal record repository for
 2 submission to the Federal Bureau of Investigation. One set of fingerprints shall be used by the
 3 highway patrol to search the criminal history repository [and the second], one set shall be forwarded
 4 to the Federal Bureau of Investigation for searching the federal criminal history files, and one set
 5 shall be retained by the division.

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

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

12 [5.] 6. For the purposes of this section, "emergency placement" refers to those limited
 13 instances when the juvenile court or children's division is placing a child in the home of private
 14 individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of the
 15 child's primary caretaker.

16 210.487. 1. When conducting investigations of persons for the purpose of foster parent
 17 licensing, the division shall:

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

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

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

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

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

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

48 4. The division may make arrangements with other executive branch agencies to obtain any

1 investigative background information.

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

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