

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 397

AN ACT

To repeal sections 208.044, 208.151, 210.025, 210.192, 210.194, 210.195, 210.201, 210.211, 210.221, 210.245, 210.252, 210.254, 210.565, 210.1014, 210.1080, 452.377, 454.507, 454.600, 454.603, 513.430, 566.147, 567.020, 578.421, 578.423, and 610.131, RSMo, and to enact in lieu thereof twenty-six new sections relating to the protection of children, with penalty provisions and an emergency clause for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 208.044, 208.151, 210.025, 210.192,
2 210.194, 210.195, 210.201, 210.211, 210.221, 210.245, 210.252,
3 210.254, 210.565, 210.1014, 210.1080, 452.377, 454.507, 454.600,
4 454.603, 513.430, 566.147, 567.020, 578.421, 578.423, and
5 610.131, RSMo, are repealed and twenty-six new sections enacted
6 in lieu thereof, to be known as sections 191.250, 208.044,
7 208.151, 210.025, 210.192, 210.194, 210.195, 210.201, 210.211,
8 210.221, 210.245, 210.252, 210.254, 210.565, 210.1014, 210.1080,
9 452.377, 454.507, 454.600, 454.603, 513.430, 566.147, 567.020,
10 578.421, 578.423, and 610.131, to read as follows:

11 191.250. 1. This section shall be known and may be cited

1 as "Simon's Law".

2 2. As used in this section, the following terms shall mean:

3 (1) "End-of-life medical decision order", a decision issued
4 by a juvenile or family court pertaining to life-sustaining
5 treatment, including do-not-resuscitate orders, provided on
6 behalf of and in the best interests of a child under juvenile or
7 family court jurisdiction under section 211.031;

8 (2) "Reasonable medical judgment", a medical judgment that
9 would be made by a reasonably prudent health care provider who is
10 knowledgeable about the case and the treatment possibilities with
11 respect to the medical conditions involved.

12 3. For a child who is not under juvenile or family court
13 jurisdiction under section 211.031, no health care facility,
14 nursing home, physician, nurse, or medical staff shall institute
15 a do-not-resuscitate order or similar physician's order, either
16 orally or in writing, without the written or oral consent of at
17 least one parent or legal guardian of the patient or resident
18 under eighteen years of age who is not emancipated. If consent
19 to implement a do-not-resuscitate order or similar physician's
20 order is granted orally, two witnesses other than the parent,
21 legal guardian, or physician shall be present and willing to
22 attest to the consent given by the legal guardian of the patient
23 or at least one parent of the patient. The provision of such
24 consent shall be immediately recorded in the patient's medical
25 record, specifying who provided the information, to whom the
26 information was provided, which parent or legal guardian gave the
27 consent, who the witnesses were, and the date and time the
28 consent was obtained.

1 4. The requirements of subsection 3 of this section shall
2 not apply if a reasonably diligent effort of at least forty-eight
3 hours without success has been made to contact and inform each
4 known parent or legal guardian of the intent to implement a
5 do-not-resuscitate order or similar physician's order.

6 5. Consent previously given under subsection 3 of this
7 section may be revoked orally or in writing by the parent or
8 legal guardian of the patient or resident who granted the
9 original permission. Such revocation of prior consent shall take
10 precedence over any prior consent to implement a
11 do-not-resuscitate order or similar physician's order and shall
12 be immediately recorded in the patient's or resident's medical
13 record, specifying who provided the information, to whom the
14 information was provided, which parent or legal guardian revoked
15 consent, who the witnesses were, and the date and time the
16 revocation was obtained.

17 6. For a child under juvenile court jurisdiction under
18 section 211.031, a juvenile or family court may issue an end-of-
19 life medical decision order, a physician's order, or any other
20 medical decision order, or may appoint a guardian for the child
21 for that purpose. The children's division shall not be appointed
22 as guardian for a child to make end-of-life medical decisions,
23 including do-not-resuscitate orders. In the event a child under
24 the jurisdiction of a juvenile or family court under section
25 211.031 is returned to the custody of the legal guardian or
26 parent, the legal guardian or parent may revoke the consent for
27 the end-of-life medical decisions or similar physician's orders
28 ordered by the court, including do-not-resuscitate orders for the

1 child. Revocation may be orally or in writing and shall be
2 immediately recorded in the patient's medical records, specifying
3 who provided the information, to whom the information was
4 provided, which parent or legal guardian revoked consent, who the
5 witnesses were, and the date and time the revocation was
6 obtained.

7 7. For the purposes of this section, a relative caregiver
8 under the provisions of section 431.058 shall have the same
9 authority given to a parent or legal guardian of a nonemancipated
10 patient or resident under eighteen years of age, provided that
11 such a patient or resident is not under juvenile or family court
12 jurisdiction under section 211.031.

13 8. Nothing in this section shall be construed to require
14 any health care facility, nursing home, physician, nurse, or
15 medical staff to provide or continue any treatment, including
16 resuscitative efforts, food, medication, oxygen, intravenous
17 fluids, or nutrition, that would be:

18 (1) Medically inappropriate because, in their reasonable
19 medical judgment, providing such treatment would create a greater
20 risk of causing or hastening the death of the patient; or

21 (2) Medically inappropriate because, in their reasonable
22 medical judgment, providing such treatment would be potentially
23 harmful or cause unnecessary pain, suffering, or injury to the
24 patient.

25 9. Nothing in this section shall require health care
26 providers to continue cardiopulmonary resuscitation or manual
27 ventilation beyond a time in which, in their reasonable medical
28 judgment, there is no further benefit to the patient or likely

1 recovery of the patient.

2 208.044. 1. The children's division shall provide child
3 day care services to any person who meets the qualifications set
4 forth at sections 301 and 302 of the Family Support Act of 1988
5 (P.L. 100-485).

6 2. The division shall purchase the child day care services
7 required by this section by making payments directly to any
8 providers of day care services licensed pursuant to chapter 210
9 or to providers of day care services who are not required by
10 chapter 210 to be licensed because they are providing care to
11 [relative children or] no more than [four] ~~six~~ children pursuant
12 to section 210.211.

13 3. When a person who has been eligible and receiving day
14 care services under this section becomes ineligible due to the
15 end of the twelve-month period of transitional day care, as
16 defined in section 208.400, such person may receive day care
17 services from the division if otherwise eligible for such
18 services.

19 208.151. 1. Medical assistance on behalf of needy persons
20 shall be known as "MO HealthNet". For the purpose of paying MO
21 HealthNet benefits and to comply with Title XIX, Public Law
22 89-97, 1965 amendments to the federal Social Security Act (42
23 U.S.C. Section 301, et seq.) as amended, the following needy
24 persons shall be eligible to receive MO HealthNet benefits to the
25 extent and in the manner hereinafter provided:

26 (1) All participants receiving state supplemental payments
27 for the aged, blind and disabled;

28 (2) All participants receiving aid to families with

1 dependent children benefits, including all persons under nineteen
2 years of age who would be classified as dependent children except
3 for the requirements of subdivision (1) of subsection 1 of
4 section 208.040. Participants eligible under this subdivision
5 who are participating in treatment court, as defined in section
6 478.001, shall have their eligibility automatically extended
7 sixty days from the time their dependent child is removed from
8 the custody of the participant, subject to approval of the
9 Centers for Medicare and Medicaid Services;

10 (3) All participants receiving blind pension benefits;

11 (4) All persons who would be determined to be eligible for
12 old age assistance benefits, permanent and total disability
13 benefits, or aid to the blind benefits under the eligibility
14 standards in effect December 31, 1973, or less restrictive
15 standards as established by rule of the family support division,
16 who are sixty-five years of age or over and are patients in state
17 institutions for mental diseases or tuberculosis;

18 (5) All persons under the age of twenty-one years who would
19 be eligible for aid to families with dependent children except
20 for the requirements of subdivision (2) of subsection 1 of
21 section 208.040, and who are residing in an intermediate care
22 facility, or receiving active treatment as inpatients in
23 psychiatric facilities or programs, as defined in 42 U.S.C.
24 Section 1396d, as amended;

25 (6) All persons under the age of twenty-one years who would
26 be eligible for aid to families with dependent children benefits
27 except for the requirement of deprivation of parental support as
28 provided for in subdivision (2) of subsection 1 of section

1 208.040;

2 (7) All persons eligible to receive nursing care benefits;

3 (8) All participants receiving family foster home or
4 nonprofit private child-care institution care, subsidized
5 adoption benefits and parental school care wherein state funds
6 are used as partial or full payment for such care;

7 (9) All persons who were participants receiving old age
8 assistance benefits, aid to the permanently and totally disabled,
9 or aid to the blind benefits on December 31, 1973, and who
10 continue to meet the eligibility requirements, except income, for
11 these assistance categories, but who are no longer receiving such
12 benefits because of the implementation of Title XVI of the
13 federal Social Security Act, as amended;

14 (10) Pregnant women who meet the requirements for aid to
15 families with dependent children, except for the existence of a
16 dependent child in the home;

17 (11) Pregnant women who meet the requirements for aid to
18 families with dependent children, except for the existence of a
19 dependent child who is deprived of parental support as provided
20 for in subdivision (2) of subsection 1 of section 208.040;

21 (12) Pregnant women or infants under one year of age, or
22 both, whose family income does not exceed an income eligibility
23 standard equal to one hundred eighty-five percent of the federal
24 poverty level as established and amended by the federal
25 Department of Health and Human Services, or its successor agency;

26 (13) Children who have attained one year of age but have
27 not attained six years of age who are eligible for medical
28 assistance under 6401 of P.L. 101-239 (Omnibus Budget

1 Reconciliation Act of 1989). The family support division shall
2 use an income eligibility standard equal to one hundred
3 thirty-three percent of the federal poverty level established by
4 the Department of Health and Human Services, or its successor
5 agency;

6 (14) Children who have attained six years of age but have
7 not attained nineteen years of age. For children who have
8 attained six years of age but have not attained nineteen years of
9 age, the family support division shall use an income assessment
10 methodology which provides for eligibility when family income is
11 equal to or less than equal to one hundred percent of the federal
12 poverty level established by the Department of Health and Human
13 Services, or its successor agency. As necessary to provide MO
14 HealthNet coverage under this subdivision, the department of
15 social services may revise the state MO HealthNet plan to extend
16 coverage under 42 U.S.C. Section 1396a (a)(10)(A)(i)(III) to
17 children who have attained six years of age but have not attained
18 nineteen years of age as permitted by paragraph (2) of subsection
19 (n) of 42 U.S.C. Section 1396d using a more liberal income
20 assessment methodology as authorized by paragraph (2) of
21 subsection (r) of 42 U.S.C. Section 1396a;

22 (15) The family support division shall not establish a
23 resource eligibility standard in assessing eligibility for
24 persons under subdivision (12), (13) or (14) of this subsection.
25 The MO HealthNet division shall define the amount and scope of
26 benefits which are available to individuals eligible under each
27 of the subdivisions (12), (13), and (14) of this subsection, in
28 accordance with the requirements of federal law and regulations

1 promulgated thereunder;

2 (16) Notwithstanding any other provisions of law to the
3 contrary, ambulatory prenatal care shall be made available to
4 pregnant women during a period of presumptive eligibility
5 pursuant to 42 U.S.C. Section 1396r-1, as amended;

6 (17) A child born to a woman eligible for and receiving MO
7 HealthNet benefits under this section on the date of the child's
8 birth shall be deemed to have applied for MO HealthNet benefits
9 and to have been found eligible for such assistance under such
10 plan on the date of such birth and to remain eligible for such
11 assistance for a period of time determined in accordance with
12 applicable federal and state law and regulations so long as the
13 child is a member of the woman's household and either the woman
14 remains eligible for such assistance or for children born on or
15 after January 1, 1991, the woman would remain eligible for such
16 assistance if she were still pregnant. Upon notification of such
17 child's birth, the family support division shall assign a MO
18 HealthNet eligibility identification number to the child so that
19 claims may be submitted and paid under such child's
20 identification number;

21 (18) Pregnant women and children eligible for MO HealthNet
22 benefits pursuant to subdivision (12), (13) or (14) of this
23 subsection shall not as a condition of eligibility for MO
24 HealthNet benefits be required to apply for aid to families with
25 dependent children. The family support division shall utilize an
26 application for eligibility for such persons which eliminates
27 information requirements other than those necessary to apply for
28 MO HealthNet benefits. The division shall provide such

1 application forms to applicants whose preliminary income
2 information indicates that they are ineligible for aid to
3 families with dependent children. Applicants for MO HealthNet
4 benefits under subdivision (12), (13) or (14) of this subsection
5 shall be informed of the aid to families with dependent children
6 program and that they are entitled to apply for such benefits.
7 Any forms utilized by the family support division for assessing
8 eligibility under this chapter shall be as simple as practicable;

9 (19) Subject to appropriations necessary to recruit and
10 train such staff, the family support division shall provide one
11 or more full-time, permanent eligibility specialists to process
12 applications for MO HealthNet benefits at the site of a health
13 care provider, if the health care provider requests the placement
14 of such eligibility specialists and reimburses the division for
15 the expenses including but not limited to salaries, benefits,
16 travel, training, telephone, supplies, and equipment of such
17 eligibility specialists. The division may provide a health care
18 provider with a part-time or temporary eligibility specialist at
19 the site of a health care provider if the health care provider
20 requests the placement of such an eligibility specialist and
21 reimburses the division for the expenses, including but not
22 limited to the salary, benefits, travel, training, telephone,
23 supplies, and equipment, of such an eligibility specialist. The
24 division may seek to employ such eligibility specialists who are
25 otherwise qualified for such positions and who are current or
26 former welfare participants. The division may consider training
27 such current or former welfare participants as eligibility
28 specialists for this program;

1 (20) Pregnant women who are eligible for, have applied for
2 and have received MO HealthNet benefits under subdivision (2),
3 (10), (11) or (12) of this subsection shall continue to be
4 considered eligible for all pregnancy-related and postpartum MO
5 HealthNet benefits provided under section 208.152 until the end
6 of the sixty-day period beginning on the last day of their
7 pregnancy. Pregnant women receiving substance abuse treatment
8 within sixty days of giving birth shall, subject to
9 appropriations and any necessary federal approval, be eligible
10 for MO HealthNet benefits for substance abuse treatment and
11 mental health services for the treatment of substance abuse for
12 no more than twelve additional months, as long as the woman
13 remains adherent with treatment. The department of mental health
14 and the department of social services shall seek any necessary
15 waivers or state plan amendments from the Centers for Medicare
16 and Medicaid Services and shall develop rules relating to
17 treatment plan adherence. No later than fifteen months after
18 receiving any necessary waiver, the department of mental health
19 and the department of social services shall report to the house
20 of representatives budget committee and the senate appropriations
21 committee on the compliance with federal cost neutrality
22 requirements;

23 (21) Case management services for pregnant women and young
24 children at risk shall be a covered service. To the greatest
25 extent possible, and in compliance with federal law and
26 regulations, the department of health and senior services shall
27 provide case management services to pregnant women by contract or
28 agreement with the department of social services through local

1 health departments organized under the provisions of chapter 192
2 or chapter 205 or a city health department operated under a city
3 charter or a combined city-county health department or other
4 department of health and senior services designees. To the
5 greatest extent possible the department of social services and
6 the department of health and senior services shall mutually
7 coordinate all services for pregnant women and children with the
8 crippled children's program, the prevention of intellectual
9 disability and developmental disability program and the prenatal
10 care program administered by the department of health and senior
11 services. The department of social services shall by regulation
12 establish the methodology for reimbursement for case management
13 services provided by the department of health and senior
14 services. For purposes of this section, the term "case
15 management" shall mean those activities of local public health
16 personnel to identify prospective MO HealthNet-eligible high-risk
17 mothers and enroll them in the state's MO HealthNet program,
18 refer them to local physicians or local health departments who
19 provide prenatal care under physician protocol and who
20 participate in the MO HealthNet program for prenatal care and to
21 ensure that said high-risk mothers receive support from all
22 private and public programs for which they are eligible and shall
23 not include involvement in any MO HealthNet prepaid, case-managed
24 programs;

25 (22) By January 1, 1988, the department of social services
26 and the department of health and senior services shall study all
27 significant aspects of presumptive eligibility for pregnant women
28 and submit a joint report on the subject, including projected

1 costs and the time needed for implementation, to the general
2 assembly. The department of social services, at the direction of
3 the general assembly, may implement presumptive eligibility by
4 regulation promulgated pursuant to chapter 207;

5 (23) All participants who would be eligible for aid to
6 families with dependent children benefits except for the
7 requirements of paragraph (d) of subdivision (1) of section
8 208.150;

9 (24) (a) All persons who would be determined to be
10 eligible for old age assistance benefits under the eligibility
11 standards in effect December 31, 1973, as authorized by 42 U.S.C.
12 Section 1396a(f), or less restrictive methodologies as contained
13 in the MO HealthNet state plan as of January 1, 2005; except
14 that, on or after July 1, 2005, less restrictive income
15 methodologies, as authorized in 42 U.S.C. Section 1396a(r) (2),
16 may be used to change the income limit if authorized by annual
17 appropriation;

18 (b) All persons who would be determined to be eligible for
19 aid to the blind benefits under the eligibility standards in
20 effect December 31, 1973, as authorized by 42 U.S.C. Section
21 1396a(f), or less restrictive methodologies as contained in the
22 MO HealthNet state plan as of January 1, 2005, except that less
23 restrictive income methodologies, as authorized in 42 U.S.C.
24 Section 1396a(r) (2), shall be used to raise the income limit to
25 one hundred percent of the federal poverty level;

26 (c) All persons who would be determined to be eligible for
27 permanent and total disability benefits under the eligibility
28 standards in effect December 31, 1973, as authorized by 42 U.S.C.

1 Section 1396a(f); or less restrictive methodologies as contained
2 in the MO HealthNet state plan as of January 1, 2005; except
3 that, on or after July 1, 2005, less restrictive income
4 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2),
5 may be used to change the income limit if authorized by annual
6 appropriations. Eligibility standards for permanent and total
7 disability benefits shall not be limited by age;

8 (25) Persons who have been diagnosed with breast or
9 cervical cancer and who are eligible for coverage pursuant to 42
10 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be
11 eligible during a period of presumptive eligibility in accordance
12 with 42 U.S.C. Section 1396r-1;

13 (26) [Effective August 28, 2013,] Persons who are in foster
14 care under the responsibility of the state of Missouri on the
15 date such persons attained the age of eighteen years, or at any
16 time during the thirty-day period preceding their eighteenth
17 birthday, or persons who received foster care for at least six
18 months in another state, are residing in Missouri, and are at
19 least eighteen years of age, without regard to income or assets,
20 if such persons:

21 (a) Are under twenty-six years of age;

22 (b) Are not eligible for coverage under another mandatory
23 coverage group; and

24 (c) Were covered by Medicaid while they were in foster
25 care.

26 2. Rules and regulations to implement this section shall be
27 promulgated in accordance with chapter 536. Any rule or portion
28 of a rule, as that term is defined in section 536.010, that is

1 created under the authority delegated in this section shall
2 become effective only if it complies with and is subject to all
3 of the provisions of chapter 536 and, if applicable, section
4 536.028. This section and chapter 536 are nonseverable and if
5 any of the powers vested with the general assembly pursuant to
6 chapter 536 to review, to delay the effective date or to
7 disapprove and annul a rule are subsequently held
8 unconstitutional, then the grant of rulemaking authority and any
9 rule proposed or adopted after August 28, 2002, shall be invalid
10 and void.

11 3. After December 31, 1973, and before April 1, 1990, any
12 family eligible for assistance pursuant to 42 U.S.C. Section 601,
13 et seq., as amended, in at least three of the last six months
14 immediately preceding the month in which such family became
15 ineligible for such assistance because of increased income from
16 employment shall, while a member of such family is employed,
17 remain eligible for MO HealthNet benefits for four calendar
18 months following the month in which such family would otherwise
19 be determined to be ineligible for such assistance because of
20 income and resource limitation. After April 1, 1990, any family
21 receiving aid pursuant to 42 U.S.C. Section 601, et seq., as
22 amended, in at least three of the six months immediately
23 preceding the month in which such family becomes ineligible for
24 such aid, because of hours of employment or income from
25 employment of the caretaker relative, shall remain eligible for
26 MO HealthNet benefits for six calendar months following the month
27 of such ineligibility as long as such family includes a child as
28 provided in 42 U.S.C. Section 1396r-6. Each family which has

1 received such medical assistance during the entire six-month
2 period described in this section and which meets reporting
3 requirements and income tests established by the division and
4 continues to include a child as provided in 42 U.S.C. Section
5 1396r-6 shall receive MO HealthNet benefits without fee for an
6 additional six months. The MO HealthNet division may provide by
7 rule and as authorized by annual appropriation the scope of MO
8 HealthNet coverage to be granted to such families.

9 4. When any individual has been determined to be eligible
10 for MO HealthNet benefits, such medical assistance will be made
11 available to him or her for care and services furnished in or
12 after the third month before the month in which he made
13 application for such assistance if such individual was, or upon
14 application would have been, eligible for such assistance at the
15 time such care and services were furnished; provided, further,
16 that such medical expenses remain unpaid.

17 5. The department of social services may apply to the
18 federal Department of Health and Human Services for a MO
19 HealthNet waiver amendment to the Section 1115 demonstration
20 waiver or for any additional MO HealthNet waivers necessary not
21 to exceed one million dollars in additional costs to the state,
22 unless subject to appropriation or directed by statute, but in no
23 event shall such waiver applications or amendments seek to waive
24 the services of a rural health clinic or a federally qualified
25 health center as defined in 42 U.S.C. Section 1396d(1)(1) and (2)
26 or the payment requirements for such clinics and centers as
27 provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless
28 such waiver application is approved by the oversight committee

1 created in section 208.955. A request for such a waiver so
2 submitted shall only become effective by executive order not
3 sooner than ninety days after the final adjournment of the
4 session of the general assembly to which it is submitted, unless
5 it is disapproved within sixty days of its submission to a
6 regular session by a senate or house resolution adopted by a
7 majority vote of the respective elected members thereof, unless
8 the request for such a waiver is made subject to appropriation or
9 directed by statute.

10 6. Notwithstanding any other provision of law to the
11 contrary, in any given fiscal year, any persons made eligible for
12 MO HealthNet benefits under subdivisions (1) to (22) of
13 subsection 1 of this section shall only be eligible if annual
14 appropriations are made for such eligibility. This subsection
15 shall not apply to classes of individuals listed in 42 U.S.C.
16 Section 1396a(a)(10)(A)(I).

17 210.025. 1. An applicant child care provider; persons
18 employed by the applicant child care provider for compensation,
19 including contract employees or self-employed individuals;
20 individuals or volunteers whose activities involve the care or
21 supervision of children for the applicant child care provider or
22 unsupervised access to children who are cared for or supervised
23 by the applicant child care provider; or individuals residing in
24 the applicant's family child care home who are seventeen years of
25 age or older shall be required to submit to a criminal background
26 check under section 43.540 prior to an applicant being granted a
27 registration and every five years thereafter and an annual check
28 of the central registry for child abuse established in section

1 210.109 in order for the applicant to qualify for receipt of
2 state or federal funds for providing child-care services either
3 by direct payment or through reimbursement to a child-care
4 beneficiary. Any costs associated with such checks shall be paid
5 by the applicant.

6 2. Upon receipt of an application for state or federal
7 funds for providing child-care services in the home, the
8 children's division shall:

9 (1) Determine if a finding of child abuse or neglect by
10 probable cause prior to August 28, 2004, or by a preponderance of
11 the evidence after August 28, 2004, involving the applicant or
12 any person over the age of seventeen who is living in the
13 applicant's home has been recorded pursuant to section 210.145 or
14 210.221;

15 (2) Determine if the applicant or any person over the age
16 of seventeen who is living in the applicant's home has been
17 refused licensure or has experienced licensure suspension or
18 revocation pursuant to section 210.221 or 210.496; and

19 (3) Upon initial application, require the applicant to
20 submit to fingerprinting and request a criminal background check
21 of the applicant and any person over the age of seventeen who is
22 living in the applicant's home pursuant to section 43.540 and
23 section 210.487, and inquire of the applicant whether any
24 children less than seventeen years of age residing in the
25 applicant's home have ever been certified as an adult and
26 convicted of, or pled guilty or nolo contendere to any crime.

27 3. Except as otherwise provided in subsection 4 of this
28 section, upon completion of the background checks in subsection 2

1 of this section, an applicant shall be denied state or federal
2 funds for providing child care if such applicant, any person over
3 the age of seventeen who is living in the applicant's home, and
4 any child less than seventeen years of age who is living in the
5 applicant's home and who the division has determined has been
6 certified as an adult for the commission of a crime:

7 (1) Has had a finding of child abuse or neglect by probable
8 cause prior to August 28, 2004, or by a preponderance of the
9 evidence after August 28, 2004, pursuant to section 210.145 or
10 section 210.152;

11 (2) Has been refused licensure or has experienced licensure
12 suspension or revocation pursuant to section 210.496;

13 (3) Has pled guilty or nolo contendere to or been found
14 guilty of any felony for an offense against the person as defined
15 by chapter 565, or any other offense against the person involving
16 the endangerment of a child as prescribed by law; of any
17 misdemeanor or felony for a sexual offense as defined by chapter
18 566; of any misdemeanor or felony for an offense against the
19 family as defined in chapter 568, with the exception of the sale
20 of fireworks, as defined in section 320.110, to a child under the
21 age of eighteen; of any misdemeanor or felony for pornography or
22 related offense as defined by chapter 573; or of any similar
23 crime in any federal, state, municipal or other court of similar
24 jurisdiction of which the director has knowledge or any offenses
25 or reports which will disqualify an applicant from receiving
26 state or federal funds.

27 4. An applicant shall be given an opportunity by the
28 division to offer any extenuating or mitigating circumstances

1 regarding the findings, refusals or violations against such
2 applicant or any person over the age of seventeen or less than
3 seventeen who is living in the applicant's home listed in
4 subsection 2 of this section. Such extenuating and mitigating
5 circumstances may be considered by the division in its
6 determination of whether to permit such applicant to receive
7 state or federal funds for providing child care in the home.

8 5. An applicant who has been denied state or federal funds
9 for providing child care in the home may appeal such denial
10 decision in accordance with the provisions of section 208.080.

11 6. If an applicant is denied state or federal funds for
12 providing child care in the home based on the background check
13 results for any person over the age of seventeen who is living in
14 the applicant's home, the applicant shall not apply for such
15 funds until such person is no longer living in the applicant's
16 home.

17 7. Any rule or portion of a rule, as that term is defined
18 in section 536.010, that is created under the authority delegated
19 in this section shall become effective only if it complies with
20 and is subject to all of the provisions of chapter 536 and, if
21 applicable, section 536.028. All rulemaking authority delegated
22 prior to August 28, 1999, is of no force and effect and repealed.
23 Nothing in this section shall be interpreted to repeal or affect
24 the validity of any rule filed or adopted prior to August 28,
25 1999, if it fully complied with all applicable provisions of law.
26 This section and chapter 536 are nonseverable and if any of the
27 powers vested with the general assembly pursuant to chapter 536
28 to review, to delay the effective date or to disapprove and annul

1 a rule are subsequently held unconstitutional, then the grant of
2 rulemaking authority and any rule proposed or adopted after
3 August 28, 1999, shall be invalid and void.

4 8. (1) The provisions of subsection 1 of this section
5 shall not apply to any child care facility, as defined in section
6 210.201, maintained or operated under the exclusive control of a
7 religious organization, as described in subdivision [(5)] (4) of
8 subsection 1 of section 210.211, unless such facility is a
9 recipient of federal funds for providing care for children,
10 except for federal funds for those programs that meet the
11 requirements for participation in the Child and Adult Care Food
12 Program under 42 U.S.C. Section 1766.

13 (2) The provisions of subsection 1 of this section, as
14 enacted by the ninety-ninth general assembly, second regular
15 session, and any rules or regulations promulgated under such
16 section, shall expire if 42 U.S.C. Section 9858f, as enacted by
17 the Child Care and Development Block Grant (CCDBG) Act of 2014,
18 and 45 CFR 98.43 are repealed or if Missouri no longer receives
19 federal funds from the CCDBG.

20 210.192. 1. The prosecuting attorney or the circuit
21 attorney shall impanel a child fatality review panel for the
22 county or city not within a county in which he or she serves to
23 investigate the deaths of children under the age of eighteen
24 years, who are eligible to receive a certificate of live birth.
25 The panel shall be formed and shall operate according to the
26 rules, guidelines and protocols provided by the department of
27 social services.

28 2. The panel shall include, but shall not be limited to,

1 the following:

2 (1) The prosecuting or circuit attorney;

3 (2) The coroner or medical examiner for the county or city
4 not within a county;

5 (3) Law enforcement personnel in the county or city not
6 within a county;

7 (4) A representative from the children's division;

8 (5) A provider of public health care services;

9 (6) A representative of the juvenile court;

10 (7) A provider of emergency medical services.

11 3. The prosecuting or circuit attorney shall organize the
12 panel and shall call the first organizational meeting of the
13 panel. The panel shall elect a chairman who shall convene the
14 panel to meet to review all deaths of children under the age of
15 eighteen years, who are eligible to receive a certificate of live
16 birth, which meet guidelines for review as set forth by the
17 department of social services. In addition, the panel may review
18 at its own discretion any child death reported to it by the
19 medical examiner or coroner, even if it does not meet criteria
20 for review as set forth by the department. The panel shall issue
21 a final report, which shall be a public record, of each
22 investigation to the department of social services, state
23 technical assistance team and to the director of the department
24 of health and senior services. The final report shall include a
25 completed summary report form. The form shall be developed by
26 the director of the department of social services in consultation
27 with the director of the department of health and senior
28 services. [The department of health and senior services shall

1 analyze the child fatality review panel reports and periodically
2 prepare epidemiological reports which describe the incidence,
3 causes, location and other factors pertaining to childhood
4 deaths.] The department of health and senior services and
5 department of social services shall make recommendations and
6 develop programs to prevent childhood injuries and deaths.

7 4. The child fatality review panel shall enjoy such
8 official immunity as exists at common law.

9 210.194. 1. The director of the department of social
10 services, in consultation with the director of the department of
11 health and senior services, shall promulgate rules, guidelines
12 and protocols for child fatality review panels established
13 pursuant to section 210.192 and for state child fatality review
14 panels.

15 2. The director shall promulgate guidelines and protocols
16 for coroner and medical examiners to use to help them to identify
17 suspicious deaths of children under the age of eighteen years,
18 who are eligible to receive a certificate of live birth.

19 3. No rule or portion of a rule promulgated under the
20 authority of sections 210.192 to 210.196 shall become effective
21 unless it has been promulgated pursuant to the provisions of
22 section 536.024.

23 4. All meetings conducted[, all reports and records] and
24 work product, including internal memoranda, summaries or minutes
25 of meetings, and written, audio, or electronic records and
26 communications, made and maintained pursuant to sections 210.192
27 to 210.196 by the department of social services and department of
28 health and senior services and its divisions, including the state

1 technical assistance team, or other appropriate persons,
2 officials, or state child fatality review panel and local child
3 fatality review panel shall be confidential [and shall not be
4 open to the general public except for the annual report pursuant
5 to section 210.195], unless otherwise provided in this
6 subsection, section 210.150, section 210.195, or section 660.520.

7 The state technical assistance team shall make nonidentifiable,
8 aggregate data on child fatalities publicly available.

9 Identifiable data shall be released at the discretion of the
10 director of the department of social services, except for any
11 data that was obtained only from birth or death certificate
12 records provided by the department of health and senior services.

13 In those cases, the release of identifiable data shall be at the
14 discretion of the state registrar.

15 210.195. 1. The director of the department of social
16 services shall establish a special team which shall:

17 (1) Develop and implement protocols for the evaluation and
18 review of child fatalities;

19 (2) Provide training, expertise and assistance to county
20 child fatality review panels for the review of child fatalities;

21 (3) When required and unanimously requested by the county
22 fatality review panel, assist in the review and prosecution of
23 specific child fatalities; and

24 (4) The special team may be known as the department of
25 social services, state technical assistance team.

26 2. The director of the department of social services shall
27 appoint regional coordinators to serve as resources to child
28 fatality review panels established pursuant to section 210.192.

1 3. The director of the department of social services shall
2 appoint a state child fatality review panel which shall meet at
3 least biannually to provide oversight and make recommendations to
4 the department of social services, state technical assistance
5 team. The department of social services, state technical
6 assistance team shall gather data from local child fatality
7 review panels to identify systemic problems and shall submit
8 findings and recommendations to the director of the department of
9 social services, the governor, the speaker of the house of
10 representatives, the president pro tempore of the senate, the
11 children's services commission, juvenile officers, and the
12 chairman of the local child fatality review panel, at least once
13 a year, on ways to prevent further child abuse and injury deaths.
14 The report shall include a summary of compliance with the
15 provisions of sections 210.192 to 210.196 for each county or city
16 not within a county.

17 210.201. As used in sections 210.201 to 210.257, the
18 following terms mean:

19 (1) "Child", an individual who is under the age of
20 seventeen;

21 (2) "Child-care facility", a house or other place conducted
22 or maintained by any person who advertises or holds himself or
23 herself out as providing care for more than ~~four~~ six children
24 during the daytime, for compensation or otherwise, except those
25 operated by a school system or in connection with a business
26 establishment which provides child care as a convenience for its
27 customers or its employees for no more than four hours per day,
28 but a child-care facility shall not include any private or

1 religious organization elementary or secondary school, a
2 religious organization academic preschool or kindergarten for
3 four- and five-year-old children, a home school, as defined in
4 section 167.031, a weekly Sunday or Sabbath school, a vacation
5 Bible school or child care made available while the parents or
6 guardians are attending worship services or other meetings and
7 activities conducted or sponsored by a religious organization.
8 If a facility or program is exempt from licensure based on the
9 school exception established in this subdivision, such facility
10 or program shall submit documentation annually to the department
11 to verify its licensure-exempt status; except that, under no
12 circumstances shall any public or religious organization
13 elementary or secondary school, a religious organization academic
14 preschool or kindergarten for four- and five-year-old children, a
15 home school, as defined in section 167.031, a weekly Sunday or
16 Sabbath school, a vacation Bible school or child care made
17 available while the parents or guardians are attending worship
18 services or other meetings and activities conducted or sponsored
19 by a religious organization be required to submit documentation
20 annually to the department to verify its licensure-exempt status;

21 (3) "Person", any person, firm, corporation, association,
22 institution or other incorporated or unincorporated organization;

23 (4) "Religious organization", a church, synagogue or
24 mosque; an entity that has or would qualify for federal
25 tax-exempt status as a nonprofit religious organization under
26 Section 501(c) of the Internal Revenue Code; or an entity whose
27 real estate on which the child-care facility is located is exempt
28 from taxation because it is used for religious purposes.

1 210.211. 1. It shall be unlawful for any person to
2 establish, maintain or operate a child-care facility for
3 children, or to advertise or hold himself or herself out as being
4 able to perform any of the services as defined in section
5 210.201, without having in effect a written license granted by
6 the department of health and senior services; except that nothing
7 in sections 210.203 to 210.245 shall apply to:

8 (1) Any person who is caring for ~~four~~ six or fewer
9 children, including a maximum of three children under the age of
10 two, at the same physical address. For purposes of this
11 subdivision, children who ~~are related by blood, marriage or~~
12 ~~adoption to such person within the third degree shall not be~~
13 ~~considered in the total number of children being cared for~~ live
14 in the caregiver's home and who are eligible for enrollment in a
15 public kindergarten, elementary, or high school shall not be
16 considered in the total number of children being cared for;

17 (2) ~~Any person who has been duly appointed by a court of~~
18 ~~competent jurisdiction the guardian of the person of the child or~~
19 ~~children, or the person who has legal custody of the child or~~
20 ~~children;~~

21 (3) Any person who receives free of charge, and not as a
22 business, for periods not exceeding ninety consecutive days, as
23 bona fide, occasional and personal guests the child or children
24 of personal friends of such person, and who receives custody of
25 no other unrelated child or children;

26 ~~(4)~~ (3) Any graded boarding school, summer camp,
27 hospital, sanitarium or home which is conducted in good faith
28 primarily to provide education, recreation, medical treatment, or

1 nursing or convalescent care for children;

2 ~~[(5)]~~ (4) Any child-care facility maintained or operated
3 under the exclusive control of a religious organization. When a
4 nonreligious organization, having as its principal purpose the
5 provision of child-care services, enters into an arrangement with
6 a religious organization for the maintenance or operation of a
7 child-care facility, the facility is not under the exclusive
8 control of the religious organization;

9 ~~[(6)]~~ (5) Any residential facility or day program licensed
10 by the department of mental health pursuant to sections 630.705
11 to 630.760 which provides care, treatment and habilitation
12 exclusively to children who have a primary diagnosis of mental
13 disorder, mental illness, intellectual disability or
14 developmental disability, as defined in section 630.005; and

15 ~~[(7)]~~ (6) Any nursery school.

16 2. Notwithstanding the provisions of subsection 1 of this
17 section, no child-care facility shall be exempt from licensure if
18 such facility receives any state or federal funds for providing
19 care for children, except for federal funds for those programs
20 which meet the requirements for participation in the Child and
21 Adult Care Food Program pursuant to 42 U.S.C. Section 1766.
22 Grants to parents for child care pursuant to sections 210.201 to
23 210.257 shall not be construed to be funds received by a person
24 or facility listed in subdivisions (1) and ~~[(5)]~~ (4) of
25 subsection 1 of this section.

26 3. Any child care facility not exempt from licensure shall
27 disclose the licensure status of the facility to the parents or
28 guardians of children for which the facility provides care. No

1 child care facility exempt from licensure shall represent to any
2 parent or guardian of children for which the facility provides
3 care that the facility is licensed when such facility is in fact
4 not licensed[.

5 4. Any in-home licensed child care facility that is
6 organized as a corporation, association, firm, partnership,
7 proprietorship, limited liability company, or any other type of
8 business entity in this state shall qualify for the exemption for
9 related children for children who are related to the member of
10 the corporation, association, firm, partnership, proprietorship,
11 limited liability company, or other type of business entity who
12 is responsible for the daily operation of the child care facility
13 and who meets the requirements of the child care provider. If
14 more than one member of the corporation, association, firm,
15 partnership, proprietorship, limited liability company, or other
16 type of business entity is responsible for the daily operation of
17 the child care facility, the exemption for related children shall
18 only be granted for children who are related to one of the
19 members. All child care facilities under this subsection shall
20 disclose the licensure status of the facility to the parents or
21 guardians of children for which the facility provides care]. A
22 parent or guardian shall sign a written notice indicating he or
23 she is aware of the licensure status of the facility. The
24 facility shall keep a copy of this signed written notice on file.
25 All child care facilities shall provide the parent or guardian
26 enrolling a child in the facility with a written explanation of
27 the disciplinary philosophy and policies of the child care
28 facility.

1 210.221. 1. The department of health and senior services
2 shall have the following powers and duties:

3 (1) After inspection, to grant licenses to persons to
4 operate child-care facilities if satisfied as to the good
5 character and intent of the applicant and that such applicant is
6 qualified and equipped to render care or service conducive to the
7 welfare of children, and to renew the same when expired. No
8 license shall be granted for a term exceeding two years. Each
9 license shall specify the kind of child-care services the
10 licensee is authorized to perform, the number of children that
11 can be received or maintained, and their ages and sex;

12 (2) To inspect the conditions of the homes and other places
13 in which the applicant operates a child-care facility, inspect
14 their books and records, premises and children being served,
15 examine their officers and agents, deny, suspend, place on
16 probation or revoke the license of such persons as fail to obey
17 the provisions of sections 210.201 to 210.245 or the rules and
18 regulations made by the department of health and senior services.
19 The director also may revoke or suspend a license when the
20 licensee fails to renew or surrenders the license;

21 (3) To promulgate and issue rules and regulations the
22 department deems necessary or proper in order to establish
23 standards of service and care to be rendered by such licensees to
24 children. No rule or regulation promulgated by the division
25 shall in any manner restrict or interfere with any religious
26 instruction, philosophies or ministries provided by the facility
27 and shall not apply to facilities operated by religious
28 organizations which are not required to be licensed;

1 (4) To approve training concerning the safe sleep
2 recommendations of the American Academy of Pediatrics in
3 accordance with section 210.223; and

4 (5) To determine what records shall be kept by such persons
5 and the form thereof, and the methods to be used in keeping such
6 records, and to require reports to be made to the department at
7 regular intervals.

8 2. Any child-care facility may request a variance from a
9 rule or regulation promulgated pursuant to this section. The
10 request for a variance shall be made in writing to the department
11 of health and senior services and shall include the reasons the
12 facility is requesting the variance. The department shall
13 approve any variance request that does not endanger the health or
14 safety of the children served by the facility. The burden of
15 proof at any appeal of a disapproval of a variance application
16 shall be with the department of health and senior services.
17 Local inspectors may grant a variance, subject to approval by the
18 department of health and senior services.

19 3. The department shall deny, suspend, place on probation
20 or revoke a license if it receives official written notice that
21 the local governing body has found that license is prohibited by
22 any local law related to the health and safety of children. The
23 department may deny an application for a license if the
24 department determines that a home or other place in which an
25 applicant would operate a child-care facility is located within
26 one thousand feet of any location where a person required to
27 register under sections 589.400 to 589.425 either resides, as
28 that term is defined in subsection 3 of section 566.147, or

1 regularly receives treatment or services, excluding any treatment
2 or services delivered in a hospital, as that term is defined in
3 197.020, or in facilities owned or operated by a hospital system.

4 The department may, after inspection, find the licensure, denial
5 of licensure, suspension or revocation to be in the best interest
6 of the state.

7 4. Any rule or portion of a rule, as that term is defined
8 in section 536.010, that is created under the authority delegated
9 in sections 210.201 to 210.245 shall become effective only if it
10 complies with and is subject to all of the provisions of chapter
11 536 and, if applicable, section 536.028. All rulemaking
12 authority delegated prior to August 28, 1999, is of no force and
13 effect and repealed. Nothing in this section shall be
14 interpreted to repeal or affect the validity of any rule filed or
15 adopted prior to August 28, 1999, if it fully complied with all
16 applicable provisions of law. This section and chapter 536 are
17 nonseverable and if any of the powers vested with the general
18 assembly pursuant to chapter 536 to review, to delay the
19 effective date, or to disapprove and annul a rule are
20 subsequently held unconstitutional, then the grant of rulemaking
21 authority and any rule proposed or adopted after August 28, 1999,
22 shall be invalid and void.

23 210.245. 1. Any person who violates any provision of
24 sections 210.201 to 210.245, or who for such person or for any
25 other person makes materially false statements in order to obtain
26 a license or the renewal thereof pursuant to sections 210.201 to
27 210.245, shall be guilty of ~~[an infraction]~~ a class C misdemeanor
28 for the first offense and shall be assessed a fine not to exceed

1 [two] seven hundred fifty dollars and shall be guilty of a class
2 A misdemeanor and shall be assessed a fine of up to two [hundred]
3 thousand dollars per day, not to exceed a total of ten thousand
4 dollars for subsequent offenses. In case such guilty person is a
5 corporation, association, institution or society, the officers
6 thereof who participate in such misdemeanor shall be subject to
7 the penalties provided by law.

8 2. If the department of health and senior services proposes
9 to deny, suspend, place on probation or revoke a license, the
10 department of health and senior services shall serve upon the
11 applicant or licensee written notice of the proposed action to be
12 taken. The notice shall contain a statement of the type of
13 action proposed, the basis for it, the date the action will
14 become effective, and a statement that the applicant or licensee
15 shall have thirty days to request in writing a hearing before the
16 administrative hearing commission and that such request shall be
17 made to the department of health and senior services. If no
18 written request for a hearing is received by the department of
19 health and senior services within thirty days of the delivery or
20 mailing by certified mail of the notice to the applicant or
21 licensee, the proposed discipline shall take effect on the
22 thirty-first day after such delivery or mailing of the notice to
23 the applicant or licensee. If the applicant or licensee makes a
24 written request for a hearing, the department of health and
25 senior services shall file a complaint with the administrative
26 hearing commission within ninety days of receipt of the request
27 for a hearing.

28 3. The department of health and senior services may issue

1 letters of censure or warning without formal notice or hearing.
2 Additionally, the department of health and senior services may
3 place a licensee on probation pursuant to chapter 621.

4 4. The department of health and senior services may suspend
5 any license simultaneously with the notice of the proposed action
6 to be taken in subsection 2 of this section, if the department of
7 health and senior services finds that there is a threat of
8 imminent bodily harm to the children in care. The notice of
9 suspension shall include the basis of the suspension and the
10 appeal rights of the licensee pursuant to this section. The
11 licensee may appeal the decision to suspend the license to the
12 department of health and senior services. The appeal shall be
13 filed within ten days from the delivery or mailing by certified
14 mail of the notice of appeal. A hearing shall be conducted by
15 the department of health and senior services within ten days from
16 the date the appeal is filed. The suspension shall continue in
17 effect until the conclusion of the proceedings, including review
18 thereof, unless sooner withdrawn by the department of health and
19 senior services, dissolved by a court of competent jurisdiction
20 or stayed by the administrative hearing commission. Any person
21 aggrieved by a final decision of the department made pursuant to
22 this section shall be entitled to judicial review in accordance
23 with chapter 536.

24 5. In addition to initiating proceedings pursuant to
25 subsection 1 of this section, or in lieu thereof, the prosecuting
26 attorney of the county where the child-care facility is located
27 may file suit for a preliminary and permanent order overseeing or
28 preventing the operation of a child-care facility for violating

1 any provision of sections 210.201 to 210.245. The order shall
2 remain in force until such a time as the court determines that
3 the child-care facility is in substantial compliance. If the
4 prosecuting attorney refuses to act or fails to act after receipt
5 of notice from the department of health and senior services, the
6 department of health and senior services may request that the
7 attorney general seek an injunction of the operation of such
8 child-care facility.

9 6. In cases of imminent bodily harm to children in the care
10 of a child-care facility, including an unlicensed, nonexempt
11 facility, the department may file suit in the circuit court of
12 the county in which the child-care facility is located for
13 injunctive relief, which may include removing the children from
14 the facility, overseeing the operation of the facility or closing
15 the facility. Failure by the department to file suit under the
16 provisions of this subsection shall not be construed as creating
17 any liability in tort or incurring other obligations or duties
18 except as otherwise specified.

19 7. Any person who operates an unlicensed, nonexempt child-
20 care facility in violation of the provisions of sections 210.201
21 to 210.245 shall be liable for a civil penalty of not less than
22 seven hundred fifty dollars and not more than two thousand
23 dollars. The department shall serve upon such person written
24 notice of the department's findings as to the child-care
25 facility's unlicensed, nonexempt status, along with educational
26 materials about Missouri's child-care facility laws and
27 regulations, how a facility may become exempt or licensed, and
28 penalties for operating an unlicensed, nonexempt child-care

1 facility. The notice shall contain a statement that the person
2 shall have thirty days to become compliant with sections 210.201
3 to 210.245, including attaining exempt status or becoming
4 licensed. The person's failure to do so shall result in a civil
5 action in the circuit court of Cole County or criminal charges
6 under this section. If, following the receipt of the written
7 notice, the person operating the child-care facility fails to
8 become compliant with sections 210.201 to 210.245, the department
9 may bring a civil action in the circuit court of Cole County
10 against such person. The department may, but shall not be
11 required to, request that the attorney general bring the action
12 in place of the department. No civil action provided by this
13 subsection shall be brought if the criminal penalties under
14 subsection 1 of this section have been previously ordered against
15 the person for the same violation. Failure by the department to
16 file suit under the provisions of this subsection shall not be
17 construed as creating any liability in tort or incurring other
18 obligations or duties except as otherwise specified.

19 8. There shall be established the "Family Child Care
20 Provider Fund" in the state treasury, which shall consist of such
21 funds as appropriated by the general assembly. The state
22 treasurer shall be custodian of the fund. In accordance with
23 sections 30.170 and 30.180, the state treasurer may approve
24 disbursements. The fund shall be a dedicated fund and moneys in
25 the fund shall by used solely by the department for the
26 dissemination of information concerning compliance with child-
27 care facility laws and regulations, including licensed or exempt
28 status; educational initiatives relating to, inter alia, child

1 care, safe sleep practices, and child nutrition; and the
2 provision of financial assistance on the basis of need for family
3 child care homes to become licensed, as determined by the
4 department and subject to available moneys in the fund.
5 Notwithstanding the provisions of section 33.080 to the contrary,
6 any moneys remaining in the fund at the end of the biennium shall
7 not revert to the credit of the general revenue fund. The state
8 treasurer shall invest moneys in the fund in the same manner as
9 other funds are invested. Any interest and moneys earned on such
10 investments shall be credited to the fund.

11 210.252. 1. All buildings and premises used by a
12 child-care facility to care for more than ~~four~~ six children
13 except those exempted from the licensing provisions of the
14 department of health and senior services pursuant to subdivisions
15 (1), (2), (3), ~~[(4) and (6)]~~ and (5) of section 210.211, shall be
16 inspected annually for fire and safety by the state fire marshal,
17 the marshal's designee or officials of a local fire district and
18 for health and sanitation by the department of health and senior
19 services or officials of the local health department. Evidence
20 of compliance with the inspections required by this section shall
21 be kept on file and available to parents of children enrolling in
22 the child-care facility.

23 2. Local inspection of child-care facilities may be
24 accomplished if the standards employed by local personnel are
25 substantially equivalent to state standards and local personnel
26 are available for enforcement of such standards.

27 3. Any child-care facility may request a variance from a
28 rule or regulation promulgated pursuant to this section. The

1 request for a variance shall be made in writing to the department
2 of health and senior services and shall include the reasons the
3 facility is requesting the variance. The department shall
4 approve any variance request that does not endanger the health or
5 safety of the children served by the facility. The burden of
6 proof at any appeal of a disapproval of a variance application
7 shall be with the department of health and senior services.
8 Local inspectors may grant a variance, subject to approval by the
9 department.

10 4. The department of health and senior services shall
11 administer the provisions of sections 210.252 to 210.256, with
12 the cooperation of the state fire marshal, local fire departments
13 and local health agencies.

14 5. The department of health and senior services shall
15 promulgate rules and regulations to implement and administer the
16 provisions of sections 210.252 to 210.256. Such rules and
17 regulations shall provide for the protection of children in all
18 child-care facilities whether or not such facility is subject to
19 the licensing provisions of sections 210.201 to 210.245.

20 6. Any rule or portion of a rule, as that term is defined
21 in section 536.010, that is created under the authority delegated
22 in sections 210.252 to 210.256 shall become effective only if it
23 complies with and is subject to all of the provisions of chapter
24 536 and, if applicable, section 536.028. All rulemaking
25 authority delegated prior to August 28, 1999, is of no force and
26 effect and repealed. Nothing in this section shall be
27 interpreted to repeal or affect the validity of any rule filed or
28 adopted prior to August 28, 1999, if it fully complied with all

1 applicable provisions of law. This section and chapter 536 are
2 nonseverable and if any of the powers vested with the general
3 assembly pursuant to chapter 536 to review, to delay the
4 effective date or to disapprove and annul a rule are subsequently
5 held unconstitutional, then the grant of rulemaking authority and
6 any rule proposed or adopted after August 28, 1999, shall be
7 invalid and void.

8 210.254. 1. Child-care facilities operated by religious
9 organizations pursuant to the exempt status recognized in
10 subdivision ~~[(5)]~~ (4) of subsection 1 of section 210.211 shall
11 upon enrollment of any child provide the parent or guardian
12 enrolling the child two copies of a notice of parental
13 responsibility, one copy of which shall be retained in the files
14 of the facility after the enrolling parent acknowledges, by
15 signature, having read and accepted the information contained
16 therein.

17 2. The notice of parental responsibility shall include the
18 following:

19 (1) Notification that the child-care facility is exempt as
20 a religious organization from state licensing and therefore not
21 inspected or supervised by the department of health and senior
22 services other than as provided herein and that the facility has
23 been inspected by those designated in section 210.252 and is
24 complying with the fire, health and sanitation requirements of
25 sections 210.252 to 210.257;

26 (2) The names, addresses and telephone numbers of agencies
27 and authorities which inspect the facility for fire, health and
28 safety and the date of the most recent inspection by each;

1 (3) The staff/child ratios for enrolled children under two
2 years of age, for children ages two to four and for those five
3 years of age and older as required by the department of health
4 and senior services regulations in licensed facilities, the
5 standard ratio of staff to number of children for each age level
6 maintained in the exempt facility, and the total number of
7 children to be enrolled by the facility;

8 (4) Notification that background checks have been conducted
9 under the provisions of section 210.1080;

10 (5) The disciplinary philosophy and policies of the
11 child-care facility; and

12 (6) The educational philosophy and policies of the
13 child-care facility.

14 3. A copy of notice of parental responsibility, signed by
15 the principal operating officer of the exempt child-care facility
16 and the individual primarily responsible for the religious
17 organization conducting the child-care facility and copies of the
18 annual fire and safety inspections shall be filed annually during
19 the month of August with the department of health and senior
20 services.

21 210.565. 1. Whenever a child is placed in a foster home
22 and the court has determined pursuant to subsection 4 of this
23 section that foster home placement with relatives is not contrary
24 to the best interest of the child, the children's division shall
25 give foster home placement to relatives of the child.
26 Notwithstanding any rule of the division to the contrary, the
27 children's division shall make diligent efforts to locate the
28 grandparents, adult siblings, and parents of siblings of the

1 child and determine whether they wish to be considered for
2 placement of the child. Grandparents who request consideration
3 shall be given preference and first consideration for foster home
4 placement of the child. If more than one grandparent requests
5 consideration, the family support team shall make recommendations
6 to the juvenile or family court about which grandparent should be
7 considered for placement.

8 2. As used in this section, the [term] following terms
9 shall mean:

10 (1) "Adult sibling", any brother or sister of whole or
11 half-blood who is at least eighteen years of age;

12 (2) "Relative" [means], a grandparent or any other person
13 related to another by blood or affinity or a person who is not so
14 related to the child but has a close relationship with the child
15 or the child's family. The status of a grandparent shall not be
16 affected by the death or the dissolution of the marriage of a son
17 or daughter;

18 (3) "Sibling", one of two or more individuals who have one
19 or both parents in common through blood, marriage, or adoption,
20 including siblings as defined by the child's tribal code or
21 custom.

22 3. The following shall be the order or preference for
23 placement of a child under this section:

24 (1) Grandparents;

25 (2) Adult siblings or parents of siblings;

26 (3) Relatives related by blood or affinity within the third
27 degree;

28 [(3)] (4) Other relatives; and

1 [(4)] (5) Any foster parent who is currently licensed and
2 capable of accepting placement of the child.

3 4. The preference for placement and first consideration for
4 grandparents or preference for placement with other relatives
5 created by this section shall only apply where the court finds
6 that placement with such grandparents or other relatives is not
7 contrary to the best interest of the child considering all
8 circumstances. If the court finds that it is contrary to the
9 best interest of a child to be placed with grandparents or other
10 relatives, the court shall make specific findings on the record
11 detailing the reasons why the best interests of the child
12 necessitate placement of the child with persons other than
13 grandparents or other relatives.

14 5. Recognizing the critical nature of sibling bonds for
15 children, the children's division shall make reasonable efforts
16 to place siblings in the same foster care, kinship, guardianship,
17 or adoptive placement, unless doing so would be contrary to the
18 safety or well-being of any of the siblings. If siblings are not
19 placed together, the children's division shall make reasonable
20 efforts to provide frequent visitation or other ongoing
21 interaction between the siblings, unless this interaction would
22 be contrary to a sibling's safety or well-being.

23 6. The age of the child's grandparent or other relative
24 shall not be the only factor that the children's division takes
25 into consideration when it makes placement decisions and
26 recommendations to the court about placing the child with such
27 grandparent or other relative.

28 7. For any Native American child placed in protective

1 custody, the children's division shall comply with the placement
2 requirements set forth in 25 U.S.C. Section 1915.

3 8. A grandparent or other relative may, on a case-by-case
4 basis, have standards for licensure not related to safety waived
5 for specific children in care that would otherwise impede
6 licensing of the grandparent's or relative's home. In addition,
7 any person receiving a preference may be licensed in an expedited
8 manner if a child is placed under such person's care.

9 9. The guardian ad litem shall ascertain the child's wishes
10 and feelings about his or her placement by conducting an
11 interview or interviews with the child, if appropriate based on
12 the child's age and maturity level, which shall be considered as
13 a factor in placement decisions and recommendations, but shall
14 not supersede the preference for relative placement created by
15 this section or be contrary to the child's best interests.

16 210.1014. 1. There is hereby created the "Amber Alert
17 System Oversight Committee", whose primary duty shall be to
18 develop criteria and procedures for the Amber alert system and
19 shall be housed within the department of public safety. The
20 committee shall regularly review the function of the Amber alert
21 system and revise its criteria and procedures in cooperation with
22 the department of public safety to provide for efficient and
23 effective public notification and meet at least annually to
24 discuss potential improvements to the Amber alert system. As
25 soon as practicable, the committee shall adopt criteria and
26 procedures to expand the Amber alert system to provide urgent
27 public alerts related to homeland security, criminal acts, health
28 emergencies, and other imminent dangers to the public health and

1 welfare.

2 2. The Amber alert system oversight committee shall consist
3 of ten members of which seven members shall be appointed by the
4 governor with the advice and consent of the senate. Such members
5 shall represent the following entities: two representatives of
6 the Missouri Sheriffs' Association; two representatives of the
7 Missouri Police Chiefs Association; one representative of small
8 market radio broadcasters; one representative of large market
9 radio broadcasters; one representative of television
10 broadcasters. The director of the department of public safety
11 shall also be a member of the committee and shall serve as chair
12 of the committee. Additional members shall include one
13 representative of the highway patrol and one representative of
14 the department of health and senior services. Notwithstanding
15 the provisions of this subsection, any Amber alert system
16 oversight committee member, other than the director of the
17 department of public safety and law enforcement committee
18 members, may alternatively be a representative of the outdoor
19 advertising industry, a representative of the Missouri
20 broadcasters association, or a representative of the public at
21 large; except that no more than one committee member shall be a
22 representative of the outdoor advertising industry, no more than
23 one committee member shall be a representative of the Missouri
24 broadcasters association, and no more than one committee member
25 shall be a representative of the public at large.

26 3. Members of the oversight committee shall serve a term of
27 four years, except that members first appointed to the committee
28 shall have staggered terms of two, three, and four years and

1 shall serve until their successor is duly appointed and
2 qualified.

3 4. Members of the oversight committee shall serve without
4 compensation, except that members shall be reimbursed for their
5 actual and necessary expenses required for the discharge of their
6 duties.

7 5. The Amber alert system oversight committee shall
8 promulgate rules for the implementation of the Amber alert
9 system. Any rule or portion of a rule, as that term is defined
10 in section 536.010, that is created under the authority delegated
11 in this section shall become effective only if it complies with
12 and is subject to all of the provisions of chapter 536 and, if
13 applicable, section 536.028. This section and chapter 536 are
14 nonseverable and if any of the powers vested with the general
15 assembly pursuant to chapter 536 to review, to delay the
16 effective date or to disapprove and annul a rule are subsequently
17 held unconstitutional, then the grant of rulemaking authority and
18 any rule proposed or adopted after August 28, 2003, shall be
19 invalid and void.

20 6. Amber alerts issued in this state may include an
21 embedded Uniform Resource Locator (URL) that references a
22 resource on the internet that provides additional information or
23 technological capabilities.

24 7. (1) The provisions of this subsection shall be known
25 and may be cited as the "Honing Alerts Issued by Law Enforcement
26 for Youth Safety Act," or "HAILEY'S Law".

27 (2) The Amber alert system shall be integrated into the
28 Missouri uniform law enforcement system (MULES) and the Regional

1 Justice Information Service (REJIS) to expedite the reporting of
2 child abductions.

3 8. The Amber alert system oversight committee shall submit
4 a report to the general assembly on or before January 1, 2020,
5 and annually thereafter, regarding the activities and rules
6 promulgated throughout the preceding year. The report shall
7 include the following:

8 (1) The changes in criteria and procedures for the Amber
9 alert system;

10 (2) The Amber alert system oversight committee's review of
11 the function of the Amber alert system;

12 (3) The meeting notices and minutes;

13 (4) A list of members;

14 (5) Reimbursements; and

15 (6) Any new rules promulgated.

16 210.1080. 1. As used in this section, the following terms
17 mean:

18 (1) "Child care staff member", a child care provider;
19 persons employed by the child care provider for compensation,
20 including contract employees or self-employed individuals;
21 individuals or volunteers whose activities involve the care or
22 supervision of children for a child care provider or unsupervised
23 access to children who are cared for or supervised by a child
24 care provider; or individuals residing in a family child care
25 home who are seventeen years of age and older;

26 (2) "Criminal background check":

27 (a) A Federal Bureau of Investigation fingerprint check;

28 (b) A search of the National Crime Information Center's

1 National Sex Offender Registry; and

2 (c) A search of the following registries, repositories, or
3 databases in Missouri, the state where the child care staff
4 member resides, and each state where such staff member resided
5 during the preceding five years:

6 a. The state criminal registry or repository, with the use
7 of fingerprints being required in the state where the staff
8 member resides and optional in other states;

9 b. The state sex offender registry or repository; and

10 c. The state-based child abuse and neglect registry and
11 database.

12 2. (1) Prior to the employment or presence of a child care
13 staff member in a family child care home, group child care home,
14 child care center, or license-exempt child care facility, the
15 child care provider shall request the results of a criminal
16 background check for such child care staff member from the
17 department of health and senior services.

18 (2) A prospective child care staff member may begin work
19 for a child care provider after the criminal background check has
20 been requested from the department; however, pending completion
21 of the criminal background check, the prospective child care
22 staff member shall be supervised at all times by another child
23 care staff member who received a qualifying result on the
24 criminal background check within the past five years.

25 (3) A family child care home, group child care home, child
26 care center, or license-exempt child care facility that has child
27 care staff members at the time this section becomes effective
28 shall request the results of a criminal background check for all

1 child care staff members by January 31, 2019, unless the
2 requirements of subsection 5 of this section are met by the child
3 care provider and proof is submitted to the department of health
4 and senior services by January 31, 2019.

5 3. The costs of the criminal background check shall be the
6 responsibility of the child care staff member but may be paid or
7 reimbursed by the child care provider at the provider's
8 discretion. The fees charged for the criminal background check
9 shall not exceed the actual cost of processing and
10 administration.

11 4. Except as otherwise provided in subsection 2 of this
12 section, upon completion of the criminal background check, any
13 child care staff member or prospective child care staff member
14 shall be ineligible for employment or presence at a family child
15 care home, a group child care home, a licensed child care center,
16 or a license-exempt child care facility if such person:

17 (1) Refuses to consent to the criminal background check as
18 required by this section;

19 (2) Knowingly makes a materially false statement in
20 connection with the criminal background check as required by this
21 section;

22 (3) Is registered, or is required to be registered, on a
23 state sex offender registry or repository or the National Sex
24 Offender Registry;

25 (4) Has a finding of child abuse or neglect under section
26 210.145 or 210.152 or any other finding of child abuse or neglect
27 based on any other state's registry or database;

28 (5) Has been convicted of a felony consisting of:

1 (a) Murder, as described in 18 U.S.C. Section 1111;
2 (b) Child abuse or neglect;
3 (c) A crime against children, including child pornography;
4 (d) Spousal abuse;
5 (e) A crime involving rape or sexual assault;
6 (f) Kidnapping;
7 (g) Arson;
8 (h) Physical assault or battery; or
9 (i) Subject to subsection 5 of this section, a drug-related
10 offense committed during the preceding five years;

11 (6) Has been convicted of a violent misdemeanor committed
12 as an adult against a child, including the following crimes:
13 child abuse, child endangerment, or sexual assault, or of a
14 misdemeanor involving child pornography; or

15 (7) Has been convicted of any similar crime in any federal,
16 state, municipal, or other court.

17
18 Adult household members seventeen years of age and older in a
19 family child care home shall be ineligible to maintain a presence
20 at a family child care home if any one or more of the provisions
21 of this subsection applies to them.

22 5. A child care provider shall not be required to submit a
23 request for a criminal background check under this section for a
24 child care staff member if:

25 (1) The staff member received a criminal background check
26 within five years before the latest date on which such a
27 submission may be made and while employed by or seeking
28 employment by another child care provider within Missouri;

1 (2) The department of health and senior services provided
2 to the first provider a qualifying criminal background check
3 result, consistent with this section, for the staff member; and

4 (3) The staff member is employed by a child care provider
5 within Missouri or has been separated from employment from a
6 child care provider within Missouri for a period of not more than
7 one hundred eighty consecutive days.

8 6. (1) The department of health and senior services shall
9 process the request for a criminal background check for any
10 prospective child care staff member or child care staff member as
11 expeditiously as possible, but not to exceed forty-five days
12 after the date on which the provider submitted the request.

13 (2) The department shall provide the results of the
14 criminal background check to the child care provider in a
15 statement that indicates whether the prospective child care staff
16 member or child care staff member is eligible or ineligible for
17 employment or presence at the child care facility. The
18 department shall not reveal to the child care provider any
19 disqualifying crime or other related information regarding the
20 prospective child care staff member or child care staff member.

21 (3) If such prospective child care staff member or child
22 care staff member is ineligible for employment or presence at the
23 child care facility, the department shall, when providing the
24 results of criminal background check, include information related
25 to each disqualifying crime or other related information, in a
26 report to such prospective child care staff member or child care
27 staff member, along with information regarding the opportunity to
28 appeal under subsection 7 of this section.

1 7. The prospective child care staff member or child care
2 staff member may appeal in writing to the department to challenge
3 the accuracy or completeness of the information contained in his
4 or her criminal background check, or to offer information
5 mitigating the results and explaining why an eligibility
6 exception should be granted. The department of health and senior
7 services shall attempt to verify the accuracy of the information
8 challenged by the individual, including making an effort to
9 locate any missing disposition information related to the
10 disqualifying crime. The appeal shall be filed within ten days
11 from the delivery or mailing of the notice of ineligibility. The
12 department shall make a decision on the appeal in a timely
13 manner.

14 8. The department may adopt emergency rules to implement
15 the requirements of this section. Any rule or portion of a rule,
16 as that term is defined in section 536.010, that is created under
17 the authority delegated in this section shall become effective
18 only if it complies with and is subject to all of the provisions
19 of chapter 536 and, if applicable, section 536.028. This section
20 and chapter 536 are nonseverable, and if any of the powers vested
21 with the general assembly pursuant to chapter 536 to review, to
22 delay the effective date, or to disapprove and annul a rule are
23 subsequently held unconstitutional, then the grant of rulemaking
24 authority and any rule proposed or adopted after August 28, 2018,
25 shall be invalid and void.

26 9. (1) The provisions of this section shall not apply to
27 any child care facility, as defined in section 210.201,
28 maintained or operated under the exclusive control of a religious

1 organization, as described in subdivision [(5)] (4) of subsection
2 1 of section 210.211, unless such facility is a recipient of
3 federal funds for providing care for children, except for federal
4 funds for those programs that meet the requirements for
5 participation in the Child and Adult Care Food Program under 42
6 U.S.C. Section 1766.

7 (2) The provisions of this section, and any rules or
8 regulations promulgated under this section, shall expire if 42
9 U.S.C. Section 9858f, as enacted by the Child Care and
10 Development Block Grant (CCDBG) Act of 2014, and 45 CFR 98.43 are
11 repealed or if Missouri no longer receives federal funds from the
12 CCDBG.

13 452.377. 1. For purposes of this section and section
14 452.375, "relocate" or "relocation" means a change in the
15 principal residence of a child for a period of ninety days or
16 more, but does not include a temporary absence from the principal
17 residence.

18 2. Notice of a proposed relocation of the residence of the
19 child, or any party entitled to custody or visitation of the
20 child, shall be given in writing by certified mail, return
21 receipt requested, to any party with custody or visitation
22 rights. Absent exigent circumstances as determined by a court
23 with jurisdiction, written notice shall be provided at least
24 sixty days in advance of the proposed relocation. The notice of
25 the proposed relocation shall include the following information:

26 (1) The intended new residence, including the specific
27 address and mailing address, if known, and if not known, the
28 city;

1 (2) The home telephone number of the new residence, if
2 known;

3 (3) The date of the intended move or proposed relocation;

4 (4) A brief statement of the specific reasons for the
5 proposed relocation of a child, if applicable; [and]

6 (5) A proposal for a revised schedule of custody or
7 visitation with the child, if applicable; and

8 (6) The other party's right, if that party is a parent, to
9 file a motion, pursuant to this section, seeking an order to
10 prevent the relocation and an accompanying affidavit setting
11 forth the specific good faith factual basis for opposing the
12 relocation within thirty days of receipt of the notice.

13 3. If a party seeking to relocate a child is a participant
14 in the address confidentiality program under section 589.663,
15 such party shall not be required to provide the information in
16 subdivision (1) of subsection 2 of this section, but may be
17 required to submit such information under seal to the court for
18 in camera review. Prior to disclosure of this information, a
19 court shall comply with the provisions of section 589.664.

20 4. A party required to give notice of a proposed relocation
21 pursuant to subsection 2 of this section has a continuing duty to
22 provide a change in or addition to the information required by
23 this section as soon as such information becomes known.

24 5. In exceptional circumstances where the court makes a
25 finding that the health or safety of any adult or child would be
26 unreasonably placed at risk by the disclosure of the required
27 identifying information concerning a proposed relocation of the
28 child, the court may order that:

1 (1) The specific residence address and telephone number of
2 the child, parent or person, and other identifying information
3 shall not be disclosed in the pleadings, notice, other documents
4 filed in the proceeding or the final order except for an in
5 camera disclosure;

6 (2) The notice requirements provided by this section shall
7 be waived to the extent necessary to protect the health or safety
8 of a child or any adult; or

9 (3) Any other remedial action the court considers necessary
10 to facilitate the legitimate needs of the parties and the best
11 interest of the child.

12 6. The court shall consider a failure to provide notice of
13 a proposed relocation of a child as:

14 (1) A factor in determining whether custody and visitation
15 should be modified;

16 (2) A basis for ordering the return of the child if the
17 relocation occurs without notice; and

18 (3) Sufficient cause to order the party seeking to relocate
19 the child to pay reasonable expenses and attorneys fees incurred
20 by the party objecting to the relocation.

21 7. If the parties agree to a revised schedule of custody
22 and visitation for the child, which includes a parenting plan,
23 they may submit the terms of such agreement to the court with a
24 written affidavit signed by all parties with custody or
25 visitation assenting to the terms of the agreement, and the court
26 may order the revised parenting plan and applicable visitation
27 schedule without a hearing.

28 8. The residence of the child may be relocated sixty days

1 after providing notice, as required by this section, unless a
2 parent files a motion seeking an order to prevent the relocation
3 within thirty days after receipt of such notice. Such motion
4 shall be accompanied by an affidavit setting forth the specific
5 good faith factual basis supporting a prohibition of the
6 relocation. The person seeking relocation shall file a response
7 to the motion within fourteen days, unless extended by the court
8 for good cause, and include a counter-affidavit setting forth the
9 facts in support of the relocation as well as a proposed revised
10 parenting plan for the child.

11 9. If relocation of the child is proposed, a third party
12 entitled by court order to legal custody of or visitation with a
13 child and who is not a parent may file a cause of action to
14 obtain a revised schedule of legal custody or visitation, but
15 shall not prevent a relocation.

16 10. The party seeking to relocate shall have the burden of
17 proving that the proposed relocation is made in good faith and is
18 in the best interest of the child.

19 11. If relocation is permitted:

20 (1) The court shall order contact with the nonrelocating
21 party including custody or visitation and telephone access
22 sufficient to assure that the child has frequent, continuing and
23 meaningful contact with the nonrelocating party unless the
24 child's best interest warrants otherwise; and

25 (2) The court shall specify how the transportation costs
26 will be allocated between the parties and adjust the child
27 support, as appropriate, considering the costs of transportation.

28 12. After August 28, 1998, every court order establishing

1 or modifying custody or visitation shall include the following
2 language:

3 "Absent exigent circumstances as determined by a court with
4 jurisdiction, you, as a party to this action, are ordered to
5 notify, in writing by certified mail, return receipt requested,
6 and at least sixty days prior to the proposed relocation, each
7 party to this action of any proposed relocation of the principal
8 residence of the child, including the following information:

9 (1) The intended new residence, including the specific
10 address and mailing address, if known, and if not known, the
11 city;

12 (2) The home telephone number of the new residence, if
13 known;

14 (3) The date of the intended move or proposed relocation;

15 (4) A brief statement of the specific reasons for the
16 proposed relocation of the child; [and]

17 (5) A proposal for a revised schedule of custody or
18 visitation with the child; and

19 (6) The other party's right, if that party is a parent, to
20 file a motion, pursuant to Section 452.377, RSMo, seeking an
21 order to prevent the relocation and an accompanying affidavit
22 setting forth the specific good faith factual basis for opposing
23 the relocation within thirty days of receipt of the notice.

24 Your obligation to provide this information to each party
25 continues as long as you or any other party by virtue of this
26 order is entitled to custody of a child covered by this order.
27 Your failure to obey the order of this court regarding the
28 proposed relocation may result in further litigation to enforce

1 such order, including contempt of court. In addition, your
2 failure to notify a party of a relocation of the child may be
3 considered in a proceeding to modify custody or visitation with
4 the child. Reasonable costs and attorney fees may be assessed
5 against you if you fail to give the required notice.".

6 13. A participant in the address confidentiality program
7 under section 589.663 shall not be required to provide a
8 requesting party with the specific physical or mailing address of
9 the child's proposed relocation destination, but in the event of
10 an objection by a requesting party, a participant may be required
11 to submit such information under seal to the court for in camera
12 review. Prior to disclosure of this information, a court shall
13 comply with the provisions of section 589.664.

14 14. Violation of the provisions of this section or a court
15 order under this section may be deemed a change of circumstance
16 under section 452.410, allowing the court to modify the prior
17 custody decree. In addition, the court may utilize any and all
18 powers relating to contempt conferred on it by law or rule of the
19 Missouri supreme court.

20 15. Any party who objects in good faith to the relocation
21 of a child's principal residence shall not be ordered to pay the
22 costs and attorney's fees of the party seeking to relocate.

23 454.507. 1. In addition to the authority of the division
24 to request information pursuant to section 454.440, the division
25 may request information from financial institutions pursuant to
26 this section.

27 2. As used in this section:

28 (1) "Account" includes a demand deposit, checking or

1 negotiable withdrawal order account, savings account, time
2 deposit account or money market mutual fund account, or
3 individual retirement account qualified pursuant to Section 408
4 or 408A of the Internal Revenue Code;

5 (2) "Encumbered assets", the noncustodial parent's interest
6 in an account which is encumbered by a lien arising by operation
7 of law or otherwise;

8 (3) "Financial institution" includes:

9 (a) A depository institution as defined in Section 3(c) of
10 the Federal Deposit Insurance Act (12 U.S.C. Section 1813(c));

11 (b) An institution affiliated party as defined in Section
12 3(u) of the Federal Deposit Insurance Act (12 U.S.C. Section
13 1813(u));

14 (c) Any federal credit union or state credit union, as
15 defined in Section 101 of the Federal Credit Union Act (12 U.S.C.
16 Section 1752), including an institution affiliated party of such
17 a credit union as defined in Section 206(r) of the Federal Credit
18 Union Act (12 U.S.C. Section 1786(r)); or

19 (d) Any benefit association, insurance company, safe
20 deposit company, money market fund or similar entity authorized
21 to do business in the state.

22 3. The division and each financial institution doing
23 business in this state shall enter into [agreements with
24 financial institutions] an agreement to develop and operate a
25 data match system which uses automated exchanges to the maximum
26 extent feasible, unless the financial institution does business
27 in two or more states and enters into an agreement with the
28 federal Office of Child Support Enforcement to effectuate a data

1 match. Such agreements shall require the financial institution
2 to provide to the division, for each calendar quarter, the name,
3 record address, Social Security number or other taxpayer
4 identification number, and other identifying information of each
5 noncustodial parent who maintains an account at such institution
6 and who owes past due support, as identified by the division by
7 name and Social Security number or other taxpayer identification
8 number. The financial institution shall only provide such
9 information stated in this subsection that is readily available
10 through existing data systems, and as such data systems are
11 enhanced, solely at the financial institution's discretion and
12 for its business purposes, the financial institution shall
13 provide any original and additional information which becomes
14 readily available for any new data match request.

15 4. The division shall pay a reasonable fee to the financial
16 institution for conducting the data match pursuant to this
17 section, but such amount shall not exceed the costs incurred by
18 the financial institution.

19 5. The division or a IV-D agency may issue liens against
20 any account in a financial institution and may release such
21 liens.

22 6. (1) If a notice of lien is received from the division
23 or a IV-D agency, the financial institution shall immediately
24 encumber the assets held by such institution on behalf of any
25 noncustodial parent who is subject to such lien. However, if the
26 account is in the name of a noncustodial parent and such parent's
27 spouse or parent, the financial institution at its discretion may
28 not encumber the assets and when it elects not to encumber such

1 assets, shall so notify the division or IV-D agency. The amount
2 of assets to be encumbered shall be stated in the notice and
3 shall not exceed the amount of unpaid support due at the time of
4 issuance. The financial institution shall, within ten business
5 days of receipt of a notice of lien, notify the division or IV-D
6 agency of the financial institution's response to the notice of
7 lien.

8 (2) Within ten business days of notification by the
9 financial institution that assets have been encumbered, the
10 division or IV-D agency shall notify by mail the noncustodial
11 parent of the issuance of the lien and the reasons for such
12 issuance. The notice shall advise the noncustodial parent of the
13 procedures to contest such lien pursuant to section 454.475 by
14 requesting a hearing within thirty days from the date the notice
15 was mailed by the division to the noncustodial parent.

16 7. (1) Except as provided in subsection 6 of this section,
17 the interest of the noncustodial parent shall be presumed equal
18 to all other joint owners, unless at least one of the joint
19 owners provides the division or IV-D agency with a true copy of a
20 written agreement entered prior to the date of issuance of notice
21 of lien, or other clear and convincing evidence regarding the
22 various ownership interests of the joint owners within [twenty]
23 thirty days of the [financial institution's] division's or IV-D
24 agency's mailing of the notice [of lien] to the noncustodial
25 parent. The financial institution shall only encumber the amount
26 presumed to belong to the noncustodial parent. The division or
27 IV-D agency may proceed to issue an order for the amount in the
28 account presumed to belong to the noncustodial parent if no prior

1 written agreement or other evidence is provided.

2 (2) If a prior written agreement or other clear and
3 convincing evidence is furnished to the division, and based on
4 such agreement or evidence the division or IV-D agency determines
5 that the interest of the noncustodial parent is less than the
6 presumed amount, the division or IV-D agency shall amend the lien
7 to reflect the amount in the account belonging to the
8 noncustodial parent or shall release the lien if the noncustodial
9 parent has no interest in the account. In no event shall the
10 division or IV-D agency obtain more than the presumed amount of
11 the account without a judicial determination that a greater
12 amount of the account belongs to the noncustodial parent. The
13 division or IV-D agency may by levy and execution on a judgment
14 in a court of competent jurisdiction seek to obtain an amount
15 greater than the amount presumed to belong to the noncustodial
16 parent upon proof that the noncustodial parent's interest is
17 greater than the amount presumed pursuant to this subsection.

18 (3) For purposes of this subsection, accounts are not joint
19 accounts when the noncustodial parent has no legal right to the
20 funds, but is either a contingent owner or agent. Such nonjoint
21 accounts shall include, but are not limited to, a pay-on-death
22 account or any other account in which the noncustodial parent
23 owner may act as agent by a power of attorney or otherwise.
24 Furthermore, when any account naming the noncustodial parent has
25 not been disclosed to the noncustodial parent which is evidenced
26 by a signature card or other deposit agreement not containing the
27 signature of such noncustodial parent, then for the purposes of
28 this subsection, such account shall not be treated as a joint

1 account.

2 (4) Notwithstanding any other provision of this section, a
3 financial institution shall not encumber any account of less than
4 one hundred dollars.

5 8. Upon service of an order to surrender issued pursuant to
6 this section, any financial institution in possession of a
7 jointly owned account may interplead such property as otherwise
8 provided by law.

9 9. Any other joint owner may petition a court of competent
10 jurisdiction for a determination that the interests of the joint
11 owners are disproportionate. The party filing the petition shall
12 have the burden of proof on such a claim. If subject to the
13 jurisdiction of the court, all persons owning affected accounts
14 with a noncustodial parent shall be made parties to any
15 proceeding to determine the respective interests of the joint
16 owners. The court shall enter an appropriate order determining
17 the various interests of each of the joint owners and authorizing
18 payment against the obligor's share for satisfaction of the child
19 support or maintenance obligation.

20 10. The court may assess costs and reasonable attorney's
21 fees against the noncustodial parent if the court determines that
22 the noncustodial parent has an interest in the affected joint
23 account.

24 11. The division may order the financial institution to
25 surrender all or part of the encumbered assets. The order shall
26 not issue until sixty days after the notice of lien is sent to
27 the financial institution. The financial institution shall,
28 within seven days of receipt of the order, pay the encumbered

1 amount as directed in the order to surrender.

2 12. A financial institution shall not be liable pursuant to
3 any state or federal law, including 42 U.S.C. Section 669A, to
4 any person for:

5 (1) Any disclosure of information to the division pursuant
6 to this section;

7 (2) Encumbering or surrendering any assets held by the
8 financial institution in response to a lien or order pursuant to
9 this section and notwithstanding any other provisions in this
10 section to the contrary, encumbering or surrendering assets from
11 any account in the financial institution connected in any way to
12 the noncustodial parent; or

13 (3) Any other action taken in good faith to comply with the
14 requirements of this section.

15 13. A financial institution that fails without due cause to
16 comply with a notice of lien or order to surrender issued
17 pursuant to this section shall be liable for the amount of the
18 encumbered assets and the division may bring an action against
19 the financial institution in circuit court for such amount. For
20 purposes of this subsection, "due cause" shall include, but not
21 be limited to, when a financial institution demonstrates to a
22 court of competent jurisdiction that the institution established
23 in good faith a routine to comply with the requirements of this
24 section and that one or more transactions to enforce the lien or
25 order to surrender were not completed due to an accidental error,
26 a misplaced computer entry, or other accidental human or
27 mechanical problems.

28 454.600. As used in sections 454.600 to 454.645, the

1 following terms mean:

2 (1) "Court", any circuit court establishing a support
3 obligation pursuant to an action under this chapter, chapter 210,
4 chapter 211 or chapter 452;

5 (2) "Director", the director of the family support division
6 of the department of social services;

7 (3) "Division", the family support division of the
8 department of social services;

9 (4) "Employer", any individual, organization, agency,
10 business or corporation hiring an obligor for pay;

11 (5) "Health benefit plan", any benefit plan or combination
12 of plans[, other than public assistance programs,] providing
13 medical or dental care or benefits through insurance or
14 otherwise, including but not limited to, health service
15 corporations, as defined in section 354.010; prepaid dental
16 plans, as defined in section 354.700; health maintenance
17 organization plans, as defined in section 354.400; and
18 self-insurance plans, to the extent allowed by federal law;

19 (6) "Minor child", a child for whom a support obligation
20 exists under law;

21 (7) "Obligee", a person to whom a duty of support is owed
22 or a person, including any division of the department of social
23 services, who has commenced a proceeding for enforcement of an
24 alleged duty of support or for registration of a support order,
25 regardless of whether the person to whom a duty of support is
26 owed is a recipient of public assistance;

27 (8) "Obligor", a person owing a duty of support or against
28 whom a proceeding for the enforcement of a duty of support or

1 registration of a support order is commenced;

2 (9) "IV-D case", a case in which support rights have been
3 assigned to the state of Missouri pursuant to section 208.040, or
4 in which the family support division is providing support
5 enforcement services pursuant to section 454.425.

6 454.603. 1. At any state of a proceeding in which the
7 circuit court or the division has jurisdiction to establish or
8 modify an order for child support, including but not limited to
9 actions brought pursuant to this chapter, chapters 210, 211, and
10 452, the court or the division shall determine whether to require
11 a parent to provide medical care for the child through a health
12 benefit plan.

13 2. [With or without the agreement of the parents,] The
14 court or the division may require that a child be covered under a
15 health benefit plan that is accessible to the child. Such a
16 requirement shall be imposed in any IV-D case. The court or
17 division shall require that a child be covered under a private
18 health benefit plan whenever such a health benefit plan is
19 available at reasonable cost through a parent's employer or union
20 [or in any IV-D case]. If [such] a private health benefit plan
21 is not available at reasonable cost through an employer or union
22 [and the case is not a IV-D case], the court, in determining
23 whether to require a parent to provide such coverage, shall
24 consider:

25 (1) The best interests of the child;

26 (2) The child's present and anticipated needs for medical
27 care;

28 (3) The financial ability of the parents to afford the cost

1 of a health benefit plan; and

2 (4) The extent to which the cost of the health benefit plan
3 is subsidized or reduced by participation on a group basis or
4 otherwise.

5 3. To the extent that such options are available under the
6 terms of the health benefit plan, an order may specify required
7 terms of the health benefit plan, including:

8 (1) Minimum required policy limits;

9 (2) Minimum required coverage;

10 (3) Maximum terms for deductibles or required co-payments;

11 or

12 (4) Other significant terms, including, but not limited to,
13 any provision required for a health benefit plan under the
14 federal Employee Retirement Income Security Act of 1974, as
15 amended.

16 4. If the child is not covered by a private health benefit
17 plan but such a plan is available to one of the parents at a
18 reasonable cost, the court or the division shall order that
19 coverage under the health benefit plan be provided for the child,
20 unless there is available to the other parent a private health
21 benefit plan with comparable or better benefits at comparable or
22 reduced cost. If private health benefit plans are available to
23 both parents upon terms which provide comparable benefits and
24 costs, the court or the division shall determine which health
25 benefit plan, if any, shall be required, giving due regard to the
26 possible advantages of each plan.

27 5. The court shall require the obligor to be liable for all
28 or a portion of the medical or dental expenses of the minor child

1 that are not covered by the required health benefit plan coverage
2 if:

3 (1) The court finds that the health benefit plan coverage
4 required to be obtained by the obligor or available to the
5 obligee does not pay all the reasonable and necessary medical or
6 dental expenses of the minor child; and

7 (2) The court finds that the obligor has the financial
8 resources to contribute to the payment of these medical or dental
9 expenses; and

10 (3) The court finds the obligee has substantially complied
11 with the terms of the health benefit coverage.

12 6. The cost of health benefit plan employee contributions
13 or premiums shall not be a direct offset to child support awards
14 established pursuant to this chapter, chapters 210, 211, and 452,
15 but it shall be considered when determining the amount of child
16 support to be paid by the obligor.

17 7. If two or more health benefit plans are available to one
18 or both parents that are complementary to one another or are
19 compatible as primary and secondary coverage for the child, the
20 court or the division may order each parent to maintain one or
21 more health benefit plans for the child.

22 8. Prior to terminating enrollment in a health benefit plan
23 or changing from one health benefit plan to another,
24 consideration by the court or division shall be given to the
25 child's medical condition and best interests and whether there is
26 reason to believe that a new health benefit plan would omit or
27 limit benefits because of a preexisting condition.

28 9. An abatement of a parent's child support obligation

1 shall not automatically abate that parent's duty to provide for
2 the child's health care needs. Unless an order of the court or
3 the division specifically provides for abatement or termination
4 of health care coverage, an order to maintain health benefits or
5 otherwise provide for a child's health care needs shall continue
6 in force until further order of the court or the division, or
7 until the child's right to parental support terminates.

8 513.430. 1. The following property shall be exempt from
9 attachment and execution to the extent of any person's interest
10 therein:

11 (1) Household furnishings, household goods, wearing
12 apparel, appliances, books, animals, crops or musical instruments
13 that are held primarily for personal, family or household use of
14 such person or a dependent of such person, not to exceed three
15 thousand dollars in value in the aggregate;

16 (2) A wedding ring not to exceed one thousand five hundred
17 dollars in value and other jewelry held primarily for the
18 personal, family or household use of such person or a dependent
19 of such person, not to exceed five hundred dollars in value in
20 the aggregate;

21 (3) Any other property of any kind, not to exceed in value
22 six hundred dollars in the aggregate;

23 (4) Any implements or professional books or tools of the
24 trade of such person or the trade of a dependent of such person
25 not to exceed three thousand dollars in value in the aggregate;

26 (5) Any motor vehicles, not to exceed three thousand
27 dollars in value in the aggregate;

28 (6) Any mobile home used as the principal residence but not

1 attached to real property in which the debtor has a fee interest,
2 not to exceed five thousand dollars in value;

3 (7) Any one or more unmatured life insurance contracts
4 owned by such person, other than a credit life insurance
5 contract, and up to fifteen thousand dollars of any matured life
6 insurance proceeds for actual funeral, cremation, or burial
7 expenses where the deceased is the spouse, child, or parent of
8 the beneficiary;

9 (8) The amount of any accrued dividend or interest under,
10 or loan value of, any one or more unmatured life insurance
11 contracts owned by such person under which the insured is such
12 person or an individual of whom such person is a dependent;
13 provided, however, that if proceedings under Title 11 of the
14 United States Code are commenced by or against such person, the
15 amount exempt in such proceedings shall not exceed in value one
16 hundred fifty thousand dollars in the aggregate less any amount
17 of property of such person transferred by the life insurance
18 company or fraternal benefit society to itself in good faith if
19 such transfer is to pay a premium or to carry out a nonforfeiture
20 insurance option and is required to be so transferred
21 automatically under a life insurance contract with such company
22 or society that was entered into before commencement of such
23 proceedings. No amount of any accrued dividend or interest
24 under, or loan value of, any such life insurance contracts shall
25 be exempt from any claim for child support. Notwithstanding
26 anything to the contrary, no such amount shall be exempt in such
27 proceedings under any such insurance contract which was purchased
28 by such person within one year prior to the commencement of such

1 proceedings;

2 (9) Professionally prescribed health aids for such person
3 or a dependent of such person;

4 (10) Such person's right to receive:

5 (a) A Social Security benefit, unemployment compensation or
6 a public assistance benefit;

7 (b) A veteran's benefit;

8 (c) A disability, illness or unemployment benefit;

9 (d) Alimony, support or separate maintenance, not to exceed
10 seven hundred fifty dollars a month;

11 (e) Any payment under a stock bonus plan, pension plan,
12 disability or death benefit plan, profit-sharing plan, nonpublic
13 retirement plan or any plan described, defined, or established
14 pursuant to section 456.014, the person's right to a participant
15 account in any deferred compensation program offered by the state
16 of Missouri or any of its political subdivisions, or annuity or
17 similar plan or contract on account of illness, disability,
18 death, age or length of service, to the extent reasonably
19 necessary for the support of such person and any dependent of
20 such person unless:

21 a. Such plan or contract was established by or under the
22 auspices of an insider that employed such person at the time such
23 person's rights under such plan or contract arose;

24 b. Such payment is on account of age or length of service;
25 and

26 c. Such plan or contract does not qualify under Section
27 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue
28 Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a),

1 403(b), 408, 408A or 409);

2
3 except that any such payment to any person shall be subject to
4 attachment or execution pursuant to a qualified domestic
5 relations order, as defined by Section 414(p) of the Internal
6 Revenue Code of 1986, as amended, issued by a court in any
7 proceeding for dissolution of marriage or legal separation or a
8 proceeding for disposition of property following dissolution of
9 marriage by a court which lacked personal jurisdiction over the
10 absent spouse or lacked jurisdiction to dispose of marital
11 property at the time of the original judgment of dissolution;

12 (f) Any money or assets, payable to a participant or
13 beneficiary from, or any interest of any participant or
14 beneficiary in, a retirement plan, profit-sharing plan, health
15 savings plan, or similar plan, including an inherited account or
16 plan, that is qualified under Section 401(a), 403(a), 403(b),
17 408, 408A or 409 of the Internal Revenue Code of 1986, as
18 amended, whether such participant's or beneficiary's interest
19 arises by inheritance, designation, appointment, or otherwise,
20 except as provided in this paragraph. Any plan or arrangement
21 described in this paragraph shall not be exempt from the claim of
22 an alternate payee under a qualified domestic relations order;
23 however, the interest of any and all alternate payees under a
24 qualified domestic relations order shall be exempt from any and
25 all claims of any creditor, other than the state of Missouri
26 through its department of social services. As used in this
27 paragraph, the terms "alternate payee" and "qualified domestic
28 relations order" have the meaning given to them in Section 414(p)

1 of the Internal Revenue Code of 1986, as amended. If proceedings
2 under Title 11 of the United States Code are commenced by or
3 against such person, no amount of funds shall be exempt in such
4 proceedings under any such plan, contract, or trust which is
5 fraudulent as defined in subsection 2 of section 428.024 and for
6 the period such person participated within three years prior to
7 the commencement of such proceedings. For the purposes of this
8 section, when the fraudulently conveyed funds are recovered and
9 after, such funds shall be deducted and then treated as though
10 the funds had never been contributed to the plan, contract, or
11 trust;

12 (11) The debtor's right to receive, or property that is
13 traceable to, a payment on account of the wrongful death of an
14 individual of whom the debtor was a dependent, to the extent
15 reasonably necessary for the support of the debtor and any
16 dependent of the debtor;

17 (12) Firearms, firearm accessories, and ammunition, not to
18 exceed one thousand five hundred dollars in value in the
19 aggregate.

20 2. Nothing in this section shall be interpreted to exempt
21 from attachment or execution for a valid judicial or
22 administrative order for the payment of child support or
23 maintenance any money or assets, payable to a participant or
24 beneficiary from, or any interest of any participant or
25 beneficiary in, a retirement plan which is qualified pursuant to
26 **[Section]** Sections 408 and 408A of the Internal Revenue Code of
27 1986, as amended.

28 566.147. 1. Any person who, since July 1, 1979, has been

1 or hereafter has been found guilty of:

2 (1) Violating any of the provisions of this chapter or the
3 provisions of section 568.020, incest; section 568.045,
4 endangering the welfare of a child in the first degree;
5 subsection 2 of section 568.080 as it existed prior to January 1,
6 2017, or section 573.200, use of a child in a sexual performance;
7 section 568.090 as it existed prior to January 1, 2017, or
8 section 573.205, promoting a sexual performance by a child;
9 section 573.023, sexual exploitation of a minor; section 573.025,
10 promoting child pornography in the first degree; section 573.035,
11 promoting child pornography in the second degree; section
12 573.037, possession of child pornography, or section 573.040,
13 furnishing pornographic material to minors; or

14 (2) Any offense in any other jurisdiction which, if
15 committed in this state, would be a violation listed in this
16 section;

17
18 shall not reside within one thousand feet of any public school as
19 defined in section 160.011, any private school giving instruction
20 in a grade or grades not higher than the twelfth grade, or any
21 child care facility that is licensed under chapter 210, or any
22 child care facility as defined in section 210.201 that is exempt
23 from state licensure but subject to state regulation under
24 section 210.252 and holds itself out to be a child care facility,
25 where the school or facility is in existence at the time the
26 individual begins to reside at the location. Such person shall
27 also not reside within one thousand feet of the property line of
28 the residence of a former victim of such person.

1 2. If such person has already established a residence and a
2 public school, a private school, or child care facility is
3 subsequently built or placed within one thousand feet of such
4 person's residence, or a former victim subsequently resides on
5 property with a property line within one thousand feet of such
6 person's residence, then such person shall, within one week of
7 the opening of such public school, private school, or child care
8 facility, or the former victim residing on the property, notify
9 the county sheriff where such public school, private school,
10 child care facility, or residence of a former victim is located
11 that he or she is now residing within one thousand feet of such
12 public school, private school, child care facility, or property
13 line of the residence of a former victim, and shall provide
14 verifiable proof to the sheriff that he or she resided there
15 prior to the opening of such public school, private school, or
16 child care facility, or the former victim residing on the
17 property.

18 3. For purposes of this section, "resides" means sleeps in
19 a residence, which may include more than one location and may be
20 mobile or transitory, but shall not include transitory or longer-
21 term presence in facilities licensed under chapters 197 and 198
22 for purposes of receiving care, treatment, or services from such
23 licensed facility.

24 4. For the purposes of the section, one thousand feet shall
25 be measured from the edge of the offender's property nearest the
26 public school, private school, child care facility, or former
27 victim to the nearest edge of the public school, private school,
28 child care facility, or former victim's property.

1 5. Violation of the provisions of subsection 1 of this
2 section is a class E felony except that the second or any
3 subsequent violation is a class B felony. Violation of the
4 provisions of subsection 2 of this section is a class A
5 misdemeanor except that the second or subsequent violation is a
6 class E felony.

7 567.020. 1. A person commits the offense of prostitution
8 if he or she engages in or offers or agrees to engage in sexual
9 conduct with another person in return for something of value to
10 be received by any person.

11 2. The offense of prostitution is a class B misdemeanor
12 unless the person knew prior to performing the act of
13 prostitution that he or she was infected with HIV in which case
14 prostitution is a class B felony. The use of condoms is not a
15 defense to this offense.

16 3. As used in this section, "HIV" means the human
17 immunodeficiency virus that causes acquired immunodeficiency
18 syndrome.

19 4. The judge may order a drug and alcohol abuse treatment
20 program for any person found guilty of prostitution, either after
21 trial or upon a plea of guilty, before sentencing. For the class
22 B misdemeanor offense, upon the successful completion of such
23 program by the defendant, the court may at its discretion allow
24 the defendant to withdraw the plea of guilty or reverse the
25 verdict and enter a judgment of not guilty. For the class B
26 felony offense, the court shall not allow the defendant to
27 withdraw the plea of guilty or reverse the verdict and enter a
28 judgment of not guilty. The judge, however, has discretion to

1 take into consideration successful completion of a drug or
2 alcohol treatment program in determining the defendant's
3 sentence.

4 5. In addition to the affirmative defense provided in
5 subsection 2 of section 566.223, it shall be an affirmative
6 defense to prosecution pursuant to this section that the
7 defendant was under the age of eighteen and was acting under the
8 coercion, as defined in section 566.200, of an agent at the time
9 of the offense charged. In such cases where the defendant was
10 under the age of eighteen and found not guilty of any violation
11 under this section, the defendant shall be classified as a victim
12 of abuse, as defined under section 210.110, and such abuse shall
13 be reported, as required under section 210.115.

14 578.421. As used in sections 578.421 to 578.437, the
15 following terms mean:

16 (1) "Criminal street gang", any ongoing organization,
17 association, or group of three or more persons, whether formal or
18 informal, having as one of its primary activities the commission
19 of one or more of the criminal acts enumerated in subdivision (2)
20 of this section, which has a common name or common identifying
21 sign or symbol, whose members individually or collectively engage
22 in or have engaged in a pattern of criminal gang activity;

23 (2) "Pattern of criminal street gang activity", the
24 commission, attempted commission, or solicitation of two or more
25 of the following offenses, provided at least one of those
26 offenses occurred after August 28, 1993, and the last of those
27 offenses occurred within three years after a prior offense, and
28 the offenses are committed on separate occasions, or by two or

1 more persons:

2 (a) Assault with a deadly weapon or by means of force
3 likely to cause serious physical injury, as provided in sections
4 565.050 and 565.052;

5 (b) Robbery, arson and those offenses under chapter 569
6 which are related to robbery and arson;

7 (c) Murder or manslaughter, as provided in sections 565.020
8 to 565.024;

9 (d) Any violation of the provisions of chapter 579 which
10 involves the distribution, delivery or manufacture of a substance
11 prohibited by chapter 579;

12 (e) Unlawful use of a weapon which is a felony pursuant to
13 section 571.030; [or]

14 (f) Tampering with witnesses and victims, as provided in
15 section 575.270;

16 (g) Promoting online sexual solicitation, as provided in
17 section 566.103;

18 (h) Sexual trafficking of a child in the first degree, as
19 provided in section 566.210;

20 (i) Sexual trafficking of a child in the second degree, as
21 provided in section 566.211;

22 (j) Patronizing prostitution, as provided in subsection 4
23 of section 567.030;

24 (k) Promoting prostitution in the first degree, as provided
25 in section 567.050;

26 (l) Promoting prostitution in the second degree, as
27 provided in section 567.060;

28 (m) Abuse or neglect of a child, as provided in subsection

1 6 of section 568.060;

2 (n) Sexual exploitation of a minor, as provided in section
3 573.023;

4 (o) Child used in sexual performance, as provided in
5 section 573.200; or

6 (p) Promoting sexual performance by a child, as provided in
7 section 573.205.

8 578.423. Any person who actively participates in any
9 criminal street gang with knowledge that its members engage in or
10 have engaged in a pattern of criminal street gang activity, and
11 who willfully promotes, furthers, or assists in any felonious
12 criminal conduct by gang members shall be punished by
13 imprisonment in the county jail for a period not to exceed one
14 year, or by imprisonment in a state correctional facility for
15 one, two, or three years. [For any person between the ages of
16 fourteen and seventeen who is alleged to have violated the
17 provisions of sections 578.421 to 578.437 the prosecuting
18 attorney or circuit attorney may move for dismissal of a petition
19 and transfer to a court of general jurisdiction.]

20 610.131. 1. Notwithstanding the provisions of section
21 610.140 to the contrary, [an individual] a person who at the time
22 of the offense was under the age of eighteen, and has pleaded
23 guilty or has been convicted for the offense of prostitution
24 under section 567.020 may apply to the court in which he or she
25 pled guilty or was sentenced for an order to expunge from all
26 official records all recordations of his or her arrest, plea,
27 trial, or conviction. If the court determines[, after a
28 hearing,] that such person was under the age of eighteen and was

1 acting under the coercion, as defined in section 566.200, of an
2 agent when committing the offense that resulted in a plea of
3 guilty or conviction under section 567.020, the court shall enter
4 an order of expungement.

5 2. Upon granting of the order of expungement, the records
6 and files maintained in any administrative or court proceeding in
7 an associate or circuit division of the circuit court under this
8 section shall be confidential and only available to the parties
9 or by order of the court for good cause shown. The effect of
10 such order shall be to restore such person to the status he or
11 she occupied prior to such arrest, plea, or conviction and as if
12 such event had never taken place. No person as to whom such
13 order has been entered shall be held thereafter under any
14 provision of any law to be guilty of perjury or otherwise giving
15 a false statement by reason of his or her failure to recite or
16 acknowledge such arrest, plea, trial, conviction, or expungement
17 in response to any inquiry made of him or her for any purpose
18 whatsoever and no such inquiry shall be made for information
19 relating to an expungement under this section.

20 Section B. Because of the necessity of securing the safety
21 and welfare of children being cared for in certain child care
22 facilities, the repeal and reenactment of sections 210.221 and
23 566.147 of this act is deemed necessary for the immediate
24 preservation of the public health, welfare, peace and safety, and
25 is hereby declared to be an emergency act within the meaning of
26 the constitution, and the repeal and reenactment of sections
27 210.221 and 566.147 of this act shall be in full force and effect
28 upon its passage and approval.