

HCS SS SCS SB 683 -- CHILD CARE

SPONSOR: O'Laughlin (Evans)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 10 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 13 to 0.

The following is a summary of the House Committee Substitute for SB 683.

This bill modifies current law relating to child care subsidies and child care facility licensing by transferring supervision and implementation authority from the Department of Social Services and the Department of Health and Senior Services to the Department of Elementary and Secondary Education pursuant to the Governor's Executive Order creating the Office of Childhood within the Department of Elementary and Secondary Education. The bill modifies child care facility licensure statutes by adding "day camps", as defined in the bill, to the list of facilities exempt from licensure. As specified in this bill, every child care facility shall disclose the licensure status of the facility and parents or guardians utilizing an unlicensed child care facility shall sign a written notice acknowledging the unlicensed status of the facility.

Additionally, this bill excludes from the number of children counted toward the maximum number of children for which a family child care home is licensed up to two children who are five years or older and who are related within the third degree of consanguinity or affinity to, adopted by, or under court appointed guardianship or legal custody of a child care provider who is responsible for the daily operation of a licensed family child care home organized as a legal entity in Missouri. If more than one member of the legal entity is responsible for the daily operation of the family child care home, then the related children of only one such member shall be excluded. A family child care home caring for such children shall provide notice to parents or guardians as specified in the bill. Additionally, nothing in the bill shall prohibit the Department of Elementary and Secondary Education from enforcing existing licensing regulations, including supervision requirements and capacity limitations based on the amount of child care space available.

The bill allows Children's Division within the Department of Social Services to enter into contracts for services to assist in its child abuse and neglect investigations in order to ascertain child safety.

This bill repeals the requirement that a background check include a search of the National Sex-Offender Registry, and it adds definitions to explain who is required to undergo a background check.

Currently, neighborhood youth development programs that provide activities to children ages six to 17 are exempt from child care licensure. This bill changes the age range to five to 18.

This bill establishes the "Correctional Center Nursery Program", which requires the Department of Corrections to establish a correctional center nursery in one or more of the correctional centers for women operated by the Department by July 1, 2025. The program allows eligible inmates and children born to them while in the custody of the Department to reside together in the institution for up to 18 months post-delivery. Nothing in this bill shall affect, modify, or interfere with the inmate's custodial rights to the child nor establish legal custody of the child with the Department. This bill also establishes the "Correctional Center Nursery Program Fund" which shall be used to maintain the Program. This bill provides that neither the Department of Corrections, nor the Program, shall be subject to regulation, licensing, or oversight by the Department of Health and Senior Services, Department of Social Services, Children's Division, juvenile officer of any jurisdiction, or Office of Childhood unless the Department of Corrections agrees to voluntary regulation, licensing, or oversight.

Finally, the operation of a correctional center nursery program under this bill and the presence of inmates' children in the program shall not be considered a dangerous condition that would result in the waiver of sovereign immunity.

Currently, the Children's Division shall conduct a diligent search for the biological parent or parents of a child in the custody of the Division if the location or identity of such parent or parents is unknown. This bill requires such search to be active, thorough, and timely and if a child is removed from a home and placed in the custody of the Division, the search shall be conducted immediately following the removal of a child.

Additionally, current law requires the Division to immediately begin diligent efforts to locate and place a child with a suitable grandparent when an initial emergency placement of a child is deemed necessary. This bill changes "diligent efforts" to "diligent search" and expands the search to include relatives other than grandparents. A diligent search for relatives shall occur within thirty days from the time the emergency placement is deemed necessary for the child. The Division shall continue to search for

suitable relatives for the child's placement until a suitable relative is identified and located or the court excuses further search.

Whenever a court determines that a foster home placement with a child's relative is appropriate, the Division shall complete a diligent search to locate and notify the child's grandparents, adult siblings, parents of siblings, and all other relatives of the child's possible placement.

The bill modifies provisions related to actions in dissolution of marriage and specifies that certain sections apply to actions pending as of August 28, 2021, and that any changes to such certain sections will apply to actions filed on or after August 28, 2021.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the perfected Senate bill.

This bill modifies language related to exemptions for individuals seeking appointment as a guardian or conservator from a background screening. The bill adds a ward's grandparents to the current list of relatives exempt from the screening, unless a background report is requested by a party to the proceeding or ordered by the court.

PROPOSERS: Supporters say that this bill excludes children from the max a daycare person can have at home if you have your blood or marriage related children. It's for licensed facilities only. There were several complaints around the state after Nathan's Law went into effect because they watched their kids or grandkids. The daycare person would inform the parents that there are family kids being cared for there. HB 1653 is also included and DFS has to do diligent searches of related relatives for a child to be placed rather than in a foster facility. Some responsibilities are being returned to DESE from DHSS. Office of Childhood Services is a very important thing and so it's great to move things to DESE smoothly. It's good to put a definition for day camp.

Testifying for the bill were Senator O'Laughlin; Missouri Parks & Recreation Association; Kids Win Missouri; Missouri Coalition for Children; and the Missouri State Alliance of YMCAs.

OPPOSERS: Those who oppose the bill submitted their testimony in writing, which can be found online.

Testifying against the bill was Arnie C. Dienoff.

OTHERS: Others testifying on the bill submitted their testimony in writing, which can be found online.

Testifying on the bill was Susan Gibson.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.