

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 764**  
**103RD GENERAL ASSEMBLY**

1996H.03C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

To amend chapter 210, RSMo, by adding thereto one new section relating to child protections required for certain children's homes.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 210, RSMo, is amended by adding thereto one new section, to be  
2 known as section 210.497, to read as follows:

**210.497. 1. (1) In lieu of a license required under this chapter, a child care  
2 facility or organization that meets the requirements set forth by a qualified association  
3 may register with a qualified association that:**

4 **(a) Is a well-established child care organization that has been in place for a  
5 minimum of twenty years;**

6 **(b) Publishes and requires compliance with the association's written policies and  
7 standards for the care of children;**

8 **(c) Files copies of the standards with the children's division as required under  
9 this section; and**

10 **(d) Has a board of directors able to conduct oversight of member organizations.**

11 **(2) Registration with a qualified association shall consist of annually filing with  
12 the qualified association, on forms provided by the qualified association, the name and  
13 address of the facility or organization; the capacity of, and the number of children being  
14 cared for in, the facility or organization; the names and addresses of the officers and the  
15 board of directors or other governing body of the facility or organization, if applicable;  
16 the name of the owner, operator, director, or person in charge of the facility or  
17 organization; and proof that the facility or organization is in compliance with the  
18 standards required by applicable state law or local ordinance for fire, safety, health, and**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 sanitary standards and for the screening of paid and unpaid personnel. A separate  
20 registration form shall be filed for each such facility or organization.

21 (3) A registered facility or organization that meets the requirements set forth by  
22 the qualified association may apply to the children's division for eligibility to accept  
23 foster children from the division. Each registered facility or organization that accepts  
24 foster children shall annually provide the division the names, ages, and permanent  
25 addresses of all children who are cared for in or by the facility or organization and all  
26 children who have been cared for in or by the facility or organization during the past  
27 calendar year; the length of each child's stay and the nature of each child's placement;  
28 the names of all personnel; and proof that the facility or organization is in compliance  
29 with all applicable regulations promulgated by the division and published minimum  
30 standards that are filed with the division. Each facility or organization shall have the  
31 responsibility to maintain the relevant information described in this subdivision for  
32 privately placed children and to confirm that such facility or organization has done so  
33 on the registration application, as well as to confirm that state law shall be followed in  
34 the event of an allegation of abuse or neglect.

35 (4) Upon verification that all requirements for registration have been met, the  
36 qualified association shall issue without charge a certificate of registration to the facility  
37 or organization. The certificate of registration shall be valid for two years.

38 2. The standards developed by the qualified association shall ensure child  
39 welfare and include clear guidelines for safety, investigational procedures, complaints,  
40 allegations of abuse or neglect, local health and safety requirements and written policies,  
41 as well as policies on regular background checks for screening employees and volunteers  
42 of participating facilities in addition to any such requirements under state and federal  
43 law.

44 3. Each child served by a facility or organization that registers under this section  
45 shall be covered by a written contract executed at the time of admission into the facility  
46 or organization or prior to admission between the facility or organization and the  
47 parent, legal guardian, or agency having legal custody of the child. The parent, legal  
48 guardian, or agency having legal custody of the child shall be given a copy of the  
49 contract at the time of its execution, and the facility or organization shall retain an  
50 original. Each contract shall:

51 (1) Enumerate the provision of services and accommodations provided by the  
52 facility or organization;

53 (2) State that the facility or organization is registered under the provisions of this  
54 section;

55 (3) Contain the address and telephone number of the qualified association;

56           **(4) Specify the financial charges, if any, to the parent, legal guardian, or agency**  
57 **having legal custody of the child;**

58           **(5) Contain a clear statement regarding disciplinary procedures; and**

59           **(6) Authorize the owner, operator, director, or person in charge, or his or her**  
60 **designee, of the facility or organization to consent to routine and emergency medical**  
61 **care on behalf of the parent, legal guardian, or agency having legal custody of the child,**  
62 **provided the owner, operator, director, or person in charge, or his or her designee, of the**  
63 **facility or organization shall immediately notify the parent, legal guardian, or agency**  
64 **having legal custody of the child of medical care being provided on his or her behalf.**  
65 **The facility or organization shall obtain specific consent for nonemergency medical care**  
66 **from any agency having legal custody of the child when feasible.**

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68 **A copy of the contract signed by the parent or guardian shall be filed with the qualified**  
69 **association within ten days after the child enters the facility or organization. All**  
70 **contracts between the facility or organization and an agency with legal custody shall be**  
71 **individualized contracts based on assessments of the best interests of each child.**

72           **4. (1) There is hereby established the "Child Protection Board" within the**  
73 **department of social services to provide oversight of facilities and organizations**  
74 **registered with qualified associations under this section and to report to the director of**  
75 **the department as needed. The board shall consist of twelve members. The board shall**  
76 **consist of a judge of a juvenile or family court as appointed by the supreme court of**  
77 **Missouri and eleven members appointed by the governor with the advice and consent of**  
78 **the senate, without regard to political affiliation. The members of the board shall serve**  
79 **for a term of four years.**

80           **(2) The board shall be composed of:**

81           **(a) Two foster parents;**

82           **(b) A member in a leadership position of a faith-based child care agency,**  
83 **provided that such agency has been in existence at least twenty years;**

84           **(c) Five members of faith-based child care agencies;**

85           **(d) A member with expertise in nutrition;**

86           **(e) A teacher with a certificate of license to teach issued by the state board of**  
87 **education or any other educator or administrator required to maintain a professional**  
88 **license issued by the state board of education;**

89           **(f) A guardian ad litem; and**

90           **(g) A judge of a juvenile or family court.**

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92 Faith-based child care agencies, foster care agencies and child welfare associations,  
93 mental health organizations, and similar entities may recommend members for  
94 appointment.

95 (3) The board shall hold an annual meeting at which it shall elect from its  
96 membership a chair and secretary. The chair may call for additional meetings as may  
97 be required, provided that notice of every meeting shall be given to each member at least  
98 ten days prior to the date of the meeting.

99 (4) The board shall assist the children's division with establishing procedures  
100 and recommending regulations necessary for the implementation of this section, provide  
101 written opinions and recommendations, and provide policy suggestions for  
102 improvement to the department of social services and to facilities or organizations.

103 (5) For any complaint or allegation of child abuse or neglect at a facility or  
104 organization in which a facility or organization registered under this section could be  
105 aggrieved by a substantiated finding of abuse or neglect by the children's division, the  
106 board shall independently review the decision and make recommendations to the  
107 division regarding whether any action should be taken affecting the registration of the  
108 facility or organization. Nothing in this subdivision shall be construed to deny the state  
109 the authority to investigate any allegations of child abuse or neglect.

110 (6) The board may recommend to the director of the children's division that the  
111 director place a participating facility or organization on a corrective action plan or  
112 deny, suspend, or revoke the registration of a participating facility or organization that  
113 fails to comply with the standards established by the qualified association or regulations  
114 promulgated to implement this section.

115 (7) The director of the children's division may place a participating facility or  
116 organization on a corrective action plan or revoke, suspend, or deny a registration of a  
117 participating or prospective facility or organization upon:

118 (a) A finding that the facility or organization knowingly allowed personnel or  
119 other persons subject to background checks under section 210.493 to work, volunteer, or  
120 engage in any prohibited activity at the facility or organization without eligibility  
121 determinations;

122 (b) Any violation of the regulations promulgated to implement this section; or

123 (c) Any findings of abuse or neglect occurring within the facility or organization.

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125 The director shall retain the decision-making authority to supersede any other  
126 recommendation. The director shall not arbitrarily or capriciously revoke, suspend, or  
127 deny a registration of a participating or prospective facility or organization. The

participating or prospective facility or organization shall retain the right to appeal to the administrative hearing commission for a final determination under chapter 621.

(8) The children's division shall notify the board and the qualified association within ten days of the suspension or revocation of the registration.

(9) The board shall make any other recommendations to participating facilities or organizations and to the department of social services as the board deems appropriate.

5. Any facility or organization that meets the requirements of the qualified association may apply for a license under this chapter. A facility or organization that has applied for and received a license is no longer eligible to operate under the provisions of this section.

6. After a facility or organization obtains a registration under this section, the children's division may enter into a contract to place a child within the facility or organization, provided that the facility or organization complies with all regulations promulgated to implement this section.

7. All personnel, whether paid or unpaid, of any facility or organization registered under this section shall undergo background checks as provided under section 210.493.

8. Nothing in this section shall be construed to negate the necessity of facilities that have registered with the qualified association from following applicable state law and local ordinance pertaining to health, safety, and sanitary standards, and for the screening of both paid and unpaid personnel.

9. (1) The division shall promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2025, shall be invalid and void.

(2) This section shall not be effective until the regulations required under subdivision (1) of this subsection are promulgated.

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