

SECOND REGULAR SESSION

# HOUSE BILL NO. 2241

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRAGG.

4733H.011

JOSEPH ENGLER, Chief Clerk

## AN ACT

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

*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 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 facility or organization that meets the requirements set forth by a qualified association may register with a qualified association that:**

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

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

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

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

**(2) Registration with a qualified association shall consist of annually filing with the qualified association, on forms provided by the qualified association, the name and address of the facility or organization; the capacity of, and the number of children being cared for in, the facility or organization; the names and addresses of the officers and the board of directors or other governing body of the facility or organization, if applicable; the name of the owner, operator, director, or person in charge of the facility or organization; and proof that the facility or organization is in compliance with the**

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.

18 standards required by applicable state law or local ordinance for fire, safety, health, and  
19 sanitary standards and for screening of personnel. A separate registration form shall be  
20 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 to the division the names, ages, and permanent  
25 addresses of foster children who are cared for in or by the facility or organization and  
26 the 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 of  
42 participating facilities in addition to any such requirements under state and federal law.

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

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

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

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

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

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

58           (6) Authorize the owner, operator, director, or person in charge, or his or her  
59 designee, of the facility or organization to consent to routine and emergency medical  
60 care on behalf of the parent, legal guardian, or agency having legal custody of the child,  
61 provided the owner, operator, director, or person in charge, or his or her designee, of the  
62 facility or organization shall immediately notify the parent, legal guardian, or agency  
63 having legal custody of the child of medical care being provided on his or her behalf,  
64 and provided that the facility or organization shall obtain specific consent for  
65 nonemergency medical care from any agency having legal custody of the child when  
66 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 thirteen members. The board  
76 shall consist of eleven members appointed by the governor with the advice and consent  
77 of the senate, without regard to political affiliation. Two members shall be members of  
78 the house of representatives, one from each party appointed by the speaker of the house  
79 of representatives. The members of the board shall serve 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; and

89           (f) A guardian ad litem.

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

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

97 (4) The board shall establish procedures, provide written opinions and  
98 recommendations as to any changes to the standards to the children's division, and  
99 provide policy suggestions for improvement to the department of social services and to  
100 facilities or organizations.

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

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

113 (7) The director of the children's division may place a participating facility or  
114 organization on a corrective action plan or revoke, suspend, or deny a registration of a  
115 participating or prospective facility or organization upon the finding that the facility or  
116 organization knowingly allowed personnel or other persons subject to background  
117 checks under section 210.493 to work, volunteer, or engage in any prohibited activity at  
118 the facility or organization without eligibility determinations; violations of the  
119 regulations promulgated to implement the provisions of this section; or findings of  
120 abuse or neglect occurring within the facility or organization. The director shall retain  
121 the decision-making authority to supersede any other recommendation. The director  
122 shall not arbitrarily or capriciously revoke, suspend, or deny a registration of a  
123 participating or prospective facility or organization. The participating or prospective  
124 facility or organization shall retain the right to appeal to the administrative hearing  
125 commission for a final determination under chapter 621.

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

128           **(9) The board shall make any other recommendations to participating facilities**  
129 **or organizations and to the children's division as the board deems appropriate.**

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

134           **6. After a facility or organization obtains a registration under this section, a**  
135 **child shall be allowed to be placed by the children's division within the facility or**  
136 **organization provided the facility or organization complies with the regulations**  
137 **promulgated to implement the provisions of this section.**

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

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

145           **9. The children's division shall promulgate regulations to implement the**  
146 **provisions of this section. This section shall not be effective until the regulations are**  
147 **promulgated. These rules shall be promulgated on or before August 28, 2027.**

148           **10. Any rule or portion of a rule, as that term is defined in section 536.010, that**  
149 **is created under the authority delegated in this section shall become effective only if it**  
150 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
151 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
152 **vested with the general assembly pursuant to chapter 536 to review, to delay the**  
153 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
154 **then the grant of rulemaking authority and any rule proposed or adopted after August**  
155 **28, 2026, shall be invalid and void.**

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