

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill Nos. 557 & 560, Page 3, Section 210.143, Line 56, by
2 inserting after all of said section and line the following:

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4 "210.493. 1. Officers, managers, contractors, volunteers with access to children, employees, and
5 other support staff of licensed residential care facilities and licensed child placing agencies in accordance
6 with sections 210.481 to 210.536; owners of such residential care facilities who will have access to the
7 facilities; and owners of such child placing agencies who will have access to children shall submit
8 fingerprints and any information that the department requires to complete the background checks, as specified
9 in regulations established by the department, to the Missouri state highway patrol for the purpose of
10 conducting state and federal fingerprint-based background checks.

11 2. Officers, managers, contractors, volunteers with access to children, employees, and other support
12 staff of residential care facilities subject to the notification requirements under sections 210.1250 to
13 210.1286; any person eighteen years of age or older who resides at or on the property of such residential care
14 facility; any person who has unsupervised contact with a resident of the residential care facility; and owners
15 of such residential care facilities who will have access to the facilities shall submit fingerprints and any
16 information that the department requires to complete the background checks, as specified in regulations
17 established by the department, to the Missouri state highway patrol for the purpose of conducting state and
18 federal fingerprint-based background checks.

19 3. A background check shall include:

20 (1) A Federal Bureau of Investigation fingerprint check;

21 (2) A search of the National Crime Information Center's National Sex Offender Registry; and

22 (3) A search of the following registries, repositories, or databases in Missouri, the state where the
23 applicant resides, and each state where such applicant resided during the preceding five years:

24 (a) The state criminal registry or repository, with the use of fingerprints being required in the state
25 where the applicant resides and optional in other states;

26 (b) The state sex offender registry or repository;

27 (c) The state family care safety registry; and

28 (d) The state-based child abuse and neglect registry and database.

29 4. For the purposes this section and notwithstanding any other provision of law, "department" means
30 the department of social services.

31 5. The department shall be responsible for background checks as part of a residential care facility or
32 child placing agency application for licensure, renewal of licensure, or for license monitoring.

33 6. The department shall be responsible for background checks for residential care facilities subject to
34 the notification requirements of sections 210.1250 to 210.1286.

35 7. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central
36 repository. The fingerprints shall be used for searching the state criminal records repository and shall also be
37 forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540.
38 The Missouri state highway patrol shall notify the department of any criminal history record information or
39 lack of criminal history record information discovered on the individual. Notwithstanding the provisions of
40 section 610.120, all records related to any criminal history information discovered shall be accessible and

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1 available to the department.

2 8. Fingerprints submitted to the Missouri state highway patrol for the purpose of conducting state
3 and federal fingerprint-based background checks under this section shall be valid for a period of five years.

4 9. The department shall provide the results of the background check to the applicant in a statement
5 that indicates whether the applicant is eligible or ineligible for employment or presence at the licensed
6 residential care facility or licensed child placing agency. The department shall not reveal to the residential
7 care facility or the child placing agency any disqualifying offense or other related information regarding the
8 applicant. The applicant shall have the opportunity to appeal an ineligible finding.

9 10. The department shall provide the results of the background check to the applicant in a statement
10 that indicates whether the applicant is eligible or ineligible for employment or presence at the residential care
11 facility subject to the notification requirements of sections 210.1250 to 210.1286. The department shall not
12 reveal to the residential care facility any disqualifying offense or other related information regarding the
13 applicant. The applicant shall have the opportunity to appeal an ineligible finding.

14 11. An applicant shall be ineligible if the applicant:

15 (1) Refuses to consent to the background check as required by this section;

16 (2) Knowingly makes a materially false statement in connection with the background check as
17 required by this section;

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

20 (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183 or any other
21 finding of child abuse or neglect based on any other state's registry or database; or

22 (5) Has pled guilty or nolo contendere to or been found guilty of:

23 (a) Any felony for an offense against the person as defined in chapter 565;

24 (b) Any other offense against the person involving the endangerment of a child as prescribed by law;

25 (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;

26 (d) Any misdemeanor or felony for an offense against the family as defined in chapter 568;

27 (e) Burglary in the first degree as defined in section 569.160;

28 (f) Any misdemeanor or felony for robbery as defined in chapter 570;

29 (g) Any misdemeanor or felony for pornography or related offense as defined in chapter 573;

30 (h) Any felony for arson as defined in chapter 569;

31 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use of a weapon as
32 defined in section 571.030, unlawful possession of a firearm as defined in section 571.070, or the unlawful
33 possession of an explosive as defined in section 571.072;

34 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or 574.125;

35 (k) A felony drug-related offense committed during the preceding five years; or

36 (l) Any similar offense in any federal, state, or other court of similar jurisdiction of which the
37 department has knowledge.

38 12. Any person aggrieved by a decision of the department shall have the right to seek an
39 administrative review. The review shall be filed with the department within fourteen days from the mailing
40 of the notice of ineligibility. Any decision not timely appealed shall be final.

41 13. Any required fees shall be paid by the individual applicant, facility, or agency.

42 14. The department is authorized to promulgate rules, including emergency rules, to implement the
43 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
44 created under the authority delegated in this section shall become effective only if it complies with and is
45 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
46 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to
47 review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
48 then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this
49 section, shall be invalid and void."; and
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51 Further amend said bill and page, Section 210.1253, Line 4, by deleting the word "services" and inserting in
52 lieu thereof the phrase "services, or the children's division within the department of social services, as
53 determined by the department"; and

Further amend said bill, Pages 4 to 6, Section 210.1263, Lines 1 to 74 by deleting all of said lines and inserting in lieu thereof the following:

"210.1263. Officers, managers, contractors, volunteers with access to children, employees, and other support staff of residential care facilities subject to the notification requirements under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides at or on the property of such residential care facility; any person who has unsupervised contact with a resident of such residential care facility; and owners of such residential care facilities who will have access to the facilities shall undergo background checks under section 210.493."; and

Further amend said bill, Page 6, Section 210.1264, Lines 1 to 4, by deleting all of said lines and inserting in lieu thereof the following:

"210.1264. Upon request by the department or a law enforcement officer acting within the scope of his or her employment, any license-exempt residential care facility subject to the notification requirements of sections 210.1250 to 210.1286 shall provide a full census and demographic information of children at the residential care facility, including parental or other guardian contact information and a full list of officers, managers, contractors, volunteers with access to children, employees, and other support staff of the residential care facility; any person eighteen years of age or older who resides at or on the property of the residential care facility; and any person who has unsupervised contact with a resident of the residential care facility."; and

Further amend said bill, Page 7, Section 210.1271, Lines 5 to 6, by deleting all of the said lines and inserting in lieu thereof the following:

"custody of the parent or legal guardian or any other appropriate individual or entity in the discretion of the court, or refer the matter to the juvenile officer of the appropriate county for appropriate proceedings under chapter 211. Such action shall be brought in the circuit court of the"; and

Further amend said bill, page, and section, Lines 13 to 14, by deleting said lines and inserting in lieu thereof the following:

"210.252;

(3) Failing to comply with background checks as required by section 210.493; or

(4) An immediate health, safety, or welfare concern for the children at the"; and

Further amend said bill, page, and section, Line 19, by inserting after all of said line the following:

"3. If the court refers the matter to a juvenile officer, the court may also enter an order placing a child in the emergency, temporary protective custody of the children's division within the department, as provided under this section, for a period of time not to exceed five days. Such placement shall occur only if the children's division certifies to the court that the children's division has a suitable, temporary placement for the child and the court makes specific, written findings that:

(1) It is contrary to the welfare of the child to remain in the residential care facility;

(2) That the parent or legal guardian is unable or unwilling to take physical custody of the child within that time; and

(3) There is no other temporary, suitable placement for the child.

If the parent or legal guardian of the child does not make suitable arrangements for the custody and disposition of the child within five days of placement within the children's division, the child shall fall under the original and exclusive jurisdiction of the juvenile court under subdivision (1) or (2) of subsection 1 of section 211.031 and the juvenile officer shall file a petition with the juvenile court for further proceedings.

1 Under no circumstances shall the children's division be required to retain care and custody of the child for
2 more than five days without an order from the juvenile court.

3 4. The provisions of sections 452.700 to 452.930 shall apply and the court shall follow the
4 procedures specified under section 452.755 for children who are placed at a residential care facility and who
5 are from another state or country or are under the jurisdiction or authority of a court from another state."; and
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7 Further amend said bill and page, Section 210.1280, Line 5, by inserting after the word "facility" the phrase
8 ", as provided in section 210.150"; and
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10 Further amend said bill and page, Section 210.1283, Lines 1 to 6, by deleting all of said lines and inserting in
11 lieu thereof the following:
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13 "210.1283. A person is guilty of a class B misdemeanor if such person subject to background check
14 requirements knowingly fails to complete a background check, as described under sections 210.493 and
15 210.1263."; and
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17 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.