

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1944
99TH GENERAL ASSEMBLY

5463H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 210.487, RSMo, and to enact in lieu thereof one new section relating to background checks for foster families.

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

Section A. Section 210.487, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.487, to read as follows:

210.487. 1. When conducting investigations of persons for the purpose of foster parent licensing, the division shall:

(1) Conduct a search for all persons over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime for evidence of full orders of protection. The office of state courts administrator shall allow access to the automated court information system by the division. The clerk of each court contacted by the division shall provide the division information within ten days of a request; and

(2) Obtain ~~[three sets of]~~ fingerprints for any person over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime in the same manner set forth in subsection 2 of section 210.482. ~~[One set of fingerprints shall be used by the highway patrol to search the criminal history repository, one set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, and one set shall be forwarded to and retained by the division.]~~ The highway patrol shall assist the division and provide the criminal fingerprint background information, upon request, **in accordance with the provisions of section 43.540**; 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.

18 (3) Determine whether any person over the age of seventeen residing in the home and
19 any child less than seventeen years of age residing in the applicant's home who the division has
20 determined has been certified as an adult for the commission of a crime is listed on the child
21 abuse and neglect registry. For any children less than seventeen years of age residing in the
22 applicant's home, the children's division shall inquire of the applicant whether any children less
23 than seventeen years of age residing in the home have ever been certified as an adult and been
24 convicted of or pled guilty or nolo contendere to any crime.

25 2. After the initial investigation is completed under subsection 1 of this section:

26 (1) No person who submits fingerprints under subsection 1 of this section or section
27 210.482 shall be required to submit additional fingerprints under this section or section 210.482
28 unless the original fingerprints retained by the division are lost or destroyed; ~~and~~

29 (2) The children's division and the department of health and senior services may waive
30 the requirement for a fingerprint background check for any subsequent recertification; **and**

31 **(3) The highway patrol shall provide ongoing electronic updates of criminal history**
32 **background checks of those persons previously submitted as part of the licensing or**
33 **approval process under subsection 1 of this section. Ongoing electronic updates for such**
34 **persons shall terminate when the applicant ceases to be a licensed foster parent or when**
35 **the provisions of subsection 1 of this section no longer apply to such person.**

36 3. Subject to appropriation, the total cost of fingerprinting required by this section may
37 be paid by the state, including reimbursement of persons incurring fingerprinting costs under this
38 section.

39 4. The division may make arrangements with other executive branch agencies to obtain
40 any investigative background information.

41 5. The division may promulgate rules that are necessary to implement the provisions of
42 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
43 created under the authority delegated in this section shall become effective only if it complies
44 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
45 This section and chapter 536 are nonseverable and if any of the powers vested with the general
46 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
47 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
48 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

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