

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

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FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 397

AN ACT

To repeal sections 208.044, 208.151, 210.025, 210.192,
 210.194, 210.195, 210.201, 210.211, 210.221, 210.245,
 210.252, 210.254, 210.565, 210.1014, 210.1080, 452.377,
 454.507, 454.600, 454.603, 513.430, 566.147, 567.020,
 567.050, 578.421, 578.423, and 610.131, RSMo, and to
 enact in lieu thereof twenty-seven new sections
 relating to the protection of children, with penalty
 provisions and an emergency clause for certain
 sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
 AS FOLLOWS:

Section A. Sections 208.044, 208.151, 210.025, 210.192,
 210.194, 210.195, 210.201, 210.211, 210.221, 210.245, 210.252,
 210.254, 210.565, 210.1014, 210.1080, 452.377, 454.507, 454.600,
 454.603, 513.430, 566.147, 567.020, 567.050, 578.421, 578.423,
 and 610.131, RSMo, are repealed and twenty-seven new sections
 enacted in lieu thereof, to be known as sections 191.250,
 208.044, 208.151, 210.025, 210.192, 210.194, 210.195, 210.201,

1 210.211, 210.221, 210.245, 210.252, 210.254, 210.565, 210.1014,
2 210.1080, 452.377, 454.507, 454.600, 454.603, 513.430, 566.147,
3 567.020, 567.050, 578.421, 578.423, and 610.131, to read as
4 follows:

5 191.250. 1. This section shall be known and may be cited
6 as "Simon's Law".

7 2. As used in this section, the following terms shall mean:

8 (1) "End-of-life medical decision order", a decision issued
9 by a juvenile or family court pertaining to life-sustaining
10 treatment, including do-not-resuscitate orders, provided on
11 behalf of and in the best interests of a child under juvenile or
12 family court jurisdiction under section 211.031;

13 (2) "Reasonable medical judgment", a medical judgment that
14 would be made by a reasonably prudent health care provider who is
15 knowledgeable about the case and the treatment possibilities with
16 respect to the medical conditions involved.

17 3. For a child who is not under juvenile or family court
18 jurisdiction under section 211.031, no health care facility,
19 nursing home, physician, nurse, or medical staff shall institute
20 a do-not-resuscitate order or similar physician's order, either
21 orally or in writing, without the written or oral consent of at
22 least one parent or legal guardian of the patient or resident
23 under eighteen years of age who is not emancipated. If consent
24 to implement a do-not-resuscitate order or similar physician's
25 order is granted orally, two witnesses other than the parent,
26 legal guardian, or physician shall be present and willing to
27 attest to the consent given by at least one parent or legal
28 guardian of the patient or resident. The provision of such

1 consent shall be immediately recorded in the patient's or
2 resident's medical record, specifying who provided the
3 information, to whom the information was provided, which parent
4 or legal guardian gave the consent, who the witnesses were, and
5 the date and time the consent was obtained.

6 4. The requirements of subsection 3 of this section shall
7 not apply if a reasonably diligent effort of at least forty-eight
8 hours without success has been made to contact and inform each
9 known parent or legal guardian of the intent to implement a
10 do-not-resuscitate order or similar physician's order.

11 5. Consent previously given under subsection 3 of this
12 section may be revoked orally or in writing by the parent or
13 legal guardian of the patient or resident who granted the
14 original permission. Such revocation of prior consent shall take
15 precedence over any prior consent to implement a
16 do-not-resuscitate order or similar physician's order and shall
17 be immediately recorded in the patient's or resident's medical
18 record, specifying who provided the information, to whom the
19 information was provided, which parent or legal guardian revoked
20 consent, who the witnesses were, and the date and time the
21 revocation was obtained.

22 6. For a child under juvenile court jurisdiction under
23 section 211.031, a juvenile or family court may issue an end-of-
24 life medical decision order, a physician's order, or any other
25 medical decision order, or may appoint a guardian for the child
26 for that purpose. The children's division shall not be appointed
27 as guardian for a child to make an end-of-life medical decision,
28 including a do-not-resuscitate order. In the event a child under

1 the jurisdiction of a juvenile or family court under section
2 211.031 is returned to the custody of the parent or legal
3 guardian, the parent or legal guardian may revoke the consent for
4 the end-of-life medical decision or similar physician's orders
5 ordered by the court, including a do-not-resuscitate order for
6 the child. Revocation may be orally or in writing and shall be
7 immediately recorded in the patient's or resident's medical
8 records, specifying who provided the information, to whom the
9 information was provided, which parent or legal guardian revoked
10 consent, who the witnesses were, and the date and time the
11 revocation was obtained.

12 7. For the purposes of this section, a relative caregiver
13 under the provisions of section 431.058 shall have the same
14 authority given to a parent or legal guardian of a nonemancipated
15 patient or resident under eighteen years of age, provided that
16 such a patient or resident is not under juvenile or family court
17 jurisdiction under section 211.031.

18 8. Nothing in this section shall be construed to require
19 any health care facility, nursing home, physician, nurse, or
20 medical staff to provide or continue any treatment, including
21 resuscitative efforts, food, medication, oxygen, intravenous
22 fluids, or nutrition, that would be:

23 (1) Medically inappropriate because, in their reasonable
24 medical judgment, providing such treatment would create a greater
25 risk of causing or hastening the death of the patient or
26 resident; or

27 (2) Medically inappropriate because, in their reasonable
28 medical judgment, providing such treatment would be potentially

1 harmful or cause unnecessary pain, suffering, or injury to the
2 patient or resident.

3 9. Nothing in this section shall require health care
4 providers to continue cardiopulmonary resuscitation or manual
5 ventilation beyond a time in which, in their reasonable medical
6 judgment, there is no further benefit to the patient or resident
7 or likely recovery of the patient or resident.

8 208.044. 1. The children's division shall provide child
9 day care services to any person who meets the qualifications set
10 forth at sections 301 and 302 of the Family Support Act of 1988
11 (P.L. 100-485).

12 2. The division shall purchase the child day care services
13 required by this section by making payments directly to any
14 providers of day care services licensed pursuant to chapter 210
15 or to providers of day care services who are not required by
16 chapter 210 to be licensed because they are providing care to
17 ~~[relative children or]~~ no more than ~~[four]~~ six children pursuant
18 to section 210.211.

19 3. When a person who has been eligible and receiving day
20 care services under this section becomes ineligible due to the
21 end of the twelve-month period of transitional day care, as
22 defined in section 208.400, such person may receive day care
23 services from the division if otherwise eligible for such
24 services.

25 208.151. 1. Medical assistance on behalf of needy persons
26 shall be known as "MO HealthNet". For the purpose of paying MO
27 HealthNet benefits and to comply with Title XIX, Public Law
28 89-97, 1965 amendments to the federal Social Security Act (42

1 U.S.C. Section 301, et seq.) as amended, the following needy
2 persons shall be eligible to receive MO HealthNet benefits to the
3 extent and in the manner hereinafter provided:

4 (1) All participants receiving state supplemental payments
5 for the aged, blind and disabled;

6 (2) All participants receiving aid to families with
7 dependent children benefits, including all persons under nineteen
8 years of age who would be classified as dependent children except
9 for the requirements of subdivision (1) of subsection 1 of
10 section 208.040. Participants eligible under this subdivision
11 who are participating in treatment court, as defined in section
12 478.001, shall have their eligibility automatically extended
13 sixty days from the time their dependent child is removed from
14 the custody of the participant, subject to approval of the
15 Centers for Medicare and Medicaid Services;

16 (3) All participants receiving blind pension benefits;

17 (4) All persons who would be determined to be eligible for
18 old age assistance benefits, permanent and total disability
19 benefits, or aid to the blind benefits under the eligibility
20 standards in effect December 31, 1973, or less restrictive
21 standards as established by rule of the family support division,
22 who are sixty-five years of age or over and are patients in state
23 institutions for mental diseases or tuberculosis;

24 (5) All persons under the age of twenty-one years who would
25 be eligible for aid to families with dependent children except
26 for the requirements of subdivision (2) of subsection 1 of
27 section 208.040, and who are residing in an intermediate care
28 facility, or receiving active treatment as inpatients in

1 psychiatric facilities or programs, as defined in 42 U.S.C.
2 Section 1396d, as amended;

3 (6) All persons under the age of twenty-one years who would
4 be eligible for aid to families with dependent children benefits
5 except for the requirement of deprivation of parental support as
6 provided for in subdivision (2) of subsection 1 of section
7 208.040;

8 (7) All persons eligible to receive nursing care benefits;

9 (8) All participants receiving family foster home or
10 nonprofit private child-care institution care, subsidized
11 adoption benefits and parental school care wherein state funds
12 are used as partial or full payment for such care;

13 (9) All persons who were participants receiving old age
14 assistance benefits, aid to the permanently and totally disabled,
15 or aid to the blind benefits on December 31, 1973, and who
16 continue to meet the eligibility requirements, except income, for
17 these assistance categories, but who are no longer receiving such
18 benefits because of the implementation of Title XVI of the
19 federal Social Security Act, as amended;

20 (10) Pregnant women who meet the requirements for aid to
21 families with dependent children, except for the existence of a
22 dependent child in the home;

23 (11) Pregnant women who meet the requirements for aid to
24 families with dependent children, except for the existence of a
25 dependent child who is deprived of parental support as provided
26 for in subdivision (2) of subsection 1 of section 208.040;

27 (12) Pregnant women or infants under one year of age, or
28 both, whose family income does not exceed an income eligibility

1 standard equal to one hundred eighty-five percent of the federal
2 poverty level as established and amended by the federal
3 Department of Health and Human Services, or its successor agency;

4 (13) Children who have attained one year of age but have
5 not attained six years of age who are eligible for medical
6 assistance under 6401 of P.L. 101-239 (Omnibus Budget
7 Reconciliation Act of 1989). The family support division shall
8 use an income eligibility standard equal to one hundred
9 thirty-three percent of the federal poverty level established by
10 the Department of Health and Human Services, or its successor
11 agency;

12 (14) Children who have attained six years of age but have
13 not attained nineteen years of age. For children who have
14 attained six years of age but have not attained nineteen years of
15 age, the family support division shall use an income assessment
16 methodology which provides for eligibility when family income is
17 equal to or less than equal to one hundred percent of the federal
18 poverty level established by the Department of Health and Human
19 Services, or its successor agency. As necessary to provide MO
20 HealthNet coverage under this subdivision, the department of
21 social services may revise the state MO HealthNet plan to extend
22 coverage under 42 U.S.C. Section 1396a (a)(10)(A)(i)(III) to
23 children who have attained six years of age but have not attained
24 nineteen years of age as permitted by paragraph (2) of subsection
25 (n) of 42 U.S.C. Section 1396d using a more liberal income
26 assessment methodology as authorized by paragraph (2) of
27 subsection (r) of 42 U.S.C. Section 1396a;

28 (15) The family support division shall not establish a

1 resource eligibility standard in assessing eligibility for
2 persons under subdivision (12), (13) or (14) of this subsection.
3 The MO HealthNet division shall define the amount and scope of
4 benefits which are available to individuals eligible under each
5 of the subdivisions (12), (13), and (14) of this subsection, in
6 accordance with the requirements of federal law and regulations
7 promulgated thereunder;

8 (16) Notwithstanding any other provisions of law to the
9 contrary, ambulatory prenatal care shall be made available to
10 pregnant women during a period of presumptive eligibility
11 pursuant to 42 U.S.C. Section 1396r-1, as amended;

12 (17) A child born to a woman eligible for and receiving MO
13 HealthNet benefits under this section on the date of the child's
14 birth shall be deemed to have applied for MO HealthNet benefits
15 and to have been found eligible for such assistance under such
16 plan on the date of such birth and to remain eligible for such
17 assistance for a period of time determined in accordance with
18 applicable federal and state law and regulations so long as the
19 child is a member of the woman's household and either the woman
20 remains eligible for such assistance or for children born on or
21 after January 1, 1991, the woman would remain eligible for such
22 assistance if she were still pregnant. Upon notification of such
23 child's birth, the family support division shall assign a MO
24 HealthNet eligibility identification number to the child so that
25 claims may be submitted and paid under such child's
26 identification number;

27 (18) Pregnant women and children eligible for MO HealthNet
28 benefits pursuant to subdivision (12), (13) or (14) of this

1 subsection shall not as a condition of eligibility for MO
2 HealthNet benefits be required to apply for aid to families with
3 dependent children. The family support division shall utilize an
4 application for eligibility for such persons which eliminates
5 information requirements other than those necessary to apply for
6 MO HealthNet benefits. The division shall provide such
7 application forms to applicants whose preliminary income
8 information indicates that they are ineligible for aid to
9 families with dependent children. Applicants for MO HealthNet
10 benefits under subdivision (12), (13) or (14) of this subsection
11 shall be informed of the aid to families with dependent children
12 program and that they are entitled to apply for such benefits.
13 Any forms utilized by the family support division for assessing
14 eligibility under this chapter shall be as simple as practicable;

15 (19) Subject to appropriations necessary to recruit and
16 train such staff, the family support division shall provide one
17 or more full-time, permanent eligibility specialists to process
18 applications for MO HealthNet benefits at the site of a health
19 care provider, if the health care provider requests the placement
20 of such eligibility specialists and reimburses the division for
21 the expenses including but not limited to salaries, benefits,
22 travel, training, telephone, supplies, and equipment of such
23 eligibility specialists. The division may provide a health care
24 provider with a part-time or temporary eligibility specialist at
25 the site of a health care provider if the health care provider
26 requests the placement of such an eligibility specialist and
27 reimburses the division for the expenses, including but not
28 limited to the salary, benefits, travel, training, telephone,

1 supplies, and equipment, of such an eligibility specialist. The
2 division may seek to employ such eligibility specialists who are
3 otherwise qualified for such positions and who are current or
4 former welfare participants. The division may consider training
5 such current or former welfare participants as eligibility
6 specialists for this program;

7 (20) Pregnant women who are eligible for, have applied for
8 and have received MO HealthNet benefits under subdivision (2),
9 (10), (11) or (12) of this subsection shall continue to be
10 considered eligible for all pregnancy-related and postpartum MO
11 HealthNet benefits provided under section 208.152 until the end
12 of the sixty-day period beginning on the last day of their
13 pregnancy. Pregnant women receiving substance abuse treatment
14 within sixty days of giving birth shall, subject to
15 appropriations and any necessary federal approval, be eligible
16 for MO HealthNet benefits for substance abuse treatment and
17 mental health services for the treatment of substance abuse for
18 no more than twelve additional months, as long as the woman
19 remains adherent with treatment. The department of mental health
20 and the department of social services shall seek any necessary
21 waivers or state plan amendments from the Centers for Medicare
22 and Medicaid Services and shall develop rules relating to
23 treatment plan adherence. No later than fifteen months after
24 receiving any necessary waiver, the department of mental health
25 and the department of social services shall report to the house
26 of representatives budget committee and the senate appropriations
27 committee on the compliance with federal cost neutrality
28 requirements;

1 (21) Case management services for pregnant women and young
2 children at risk shall be a covered service. To the greatest
3 extent possible, and in compliance with federal law and
4 regulations, the department of health and senior services shall
5 provide case management services to pregnant women by contract or
6 agreement with the department of social services through local
7 health departments organized under the provisions of chapter 192
8 or chapter 205 or a city health department operated under a city
9 charter or a combined city-county health department or other
10 department of health and senior services designees. To the
11 greatest extent possible the department of social services and
12 the department of health and senior services shall mutually
13 coordinate all services for pregnant women and children with the
14 crippled children's program, the prevention of intellectual
15 disability and developmental disability program and the prenatal
16 care program administered by the department of health and senior
17 services. The department of social services shall by regulation
18 establish the methodology for reimbursement for case management
19 services provided by the department of health and senior
20 services. For purposes of this section, the term "case
21 management" shall mean those activities of local public health
22 personnel to identify prospective MO HealthNet-eligible high-risk
23 mothers and enroll them in the state's MO HealthNet program,
24 refer them to local physicians or local health departments who
25 provide prenatal care under physician protocol and who
26 participate in the MO HealthNet program for prenatal care and to
27 ensure that said high-risk mothers receive support from all
28 private and public programs for which they are eligible and shall

1 not include involvement in any MO HealthNet prepaid, case-managed
2 programs;

3 (22) By January 1, 1988, the department of social services
4 and the department of health and senior services shall study all
5 significant aspects of presumptive eligibility for pregnant women
6 and submit a joint report on the subject, including projected
7 costs and the time needed for implementation, to the general
8 assembly. The department of social services, at the direction of
9 the general assembly, may implement presumptive eligibility by
10 regulation promulgated pursuant to chapter 207;

11 (23) All participants who would be eligible for aid to
12 families with dependent children benefits except for the
13 requirements of paragraph (d) of subdivision (1) of section
14 208.150;

15 (24) (a) All persons who would be determined to be
16 eligible for old age assistance benefits under the eligibility
17 standards in effect December 31, 1973, as authorized by 42 U.S.C.
18 Section 1396a(f), or less restrictive methodologies as contained
19 in the MO HealthNet state plan as of January 1, 2005; except
20 that, on or after July 1, 2005, less restrictive income
21 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2),
22 may be used to change the income limit if authorized by annual
23 appropriation;

24 (b) All persons who would be determined to be eligible for
25 aid to the blind benefits under the eligibility standards in
26 effect December 31, 1973, as authorized by 42 U.S.C. Section
27 1396a(f), or less restrictive methodologies as contained in the
28 MO HealthNet state plan as of January 1, 2005, except that less

1 restrictive income methodologies, as authorized in 42 U.S.C.
2 Section 1396a(r)(2), shall be used to raise the income limit to
3 one hundred percent of the federal poverty level;

4 (c) All persons who would be determined to be eligible for
5 permanent and total disability benefits under the eligibility
6 standards in effect December 31, 1973, as authorized by 42 U.S.C.
7 Section 1396a(f); or less restrictive methodologies as contained
8 in the MO HealthNet state plan as of January 1, 2005; except
9 that, on or after July 1, 2005, less restrictive income
10 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2),
11 may be used to change the income limit if authorized by annual
12 appropriations. Eligibility standards for permanent and total
13 disability benefits shall not be limited by age;

14 (25) Persons who have been diagnosed with breast or
15 cervical cancer and who are eligible for coverage pursuant to 42
16 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be
17 eligible during a period of presumptive eligibility in accordance
18 with 42 U.S.C. Section 1396r-1;

19 (26) ~~Effective August 28, 2013,~~ Persons who are in foster
20 care under the responsibility of the state of Missouri on the
21 date such persons attained the age of eighteen years, or at any
22 time during the thirty-day period preceding their eighteenth
23 birthday, or persons who received foster care for at least six
24 months in another state, are residing in Missouri, and are at
25 least eighteen years of age, without regard to income or assets,
26 if such persons:

27 (a) Are under twenty-six years of age;

28 (b) Are not eligible for coverage under another mandatory

1 coverage group; and

2 (c) Were covered by Medicaid while they were in foster
3 care.

4 2. Rules and regulations to implement this section shall be
5 promulgated in accordance with chapter 536. Any rule or portion
6 of a rule, as that term is defined in section 536.010, that is
7 created under the authority delegated in this section shall
8 become effective only if it complies with and is subject to all
9 of the provisions of chapter 536 and, if applicable, section
10 536.028. This section and chapter 536 are nonseverable and if
11 any of the powers vested with the general assembly pursuant to
12 chapter 536 to review, to delay the effective date or to
13 disapprove and annul a rule are subsequently held
14 unconstitutional, then the grant of rulemaking authority and any
15 rule proposed or adopted after August 28, 2002, shall be invalid
16 and void.

17 3. After December 31, 1973, and before April 1, 1990, any
18 family eligible for assistance pursuant to 42 U.S.C. Section 601,
19 et seq., as amended, in at least three of the last six months
20 immediately preceding the month in which such family became
21 ineligible for such assistance because of increased income from
22 employment shall, while a member of such family is employed,
23 remain eligible for MO HealthNet benefits for four calendar
24 months following the month in which such family would otherwise
25 be determined to be ineligible for such assistance because of
26 income and resource limitation. After April 1, 1990, any family
27 receiving aid pursuant to 42 U.S.C. Section 601, et seq., as
28 amended, in at least three of the six months immediately

1 preceding the month in which such family becomes ineligible for
2 such aid, because of hours of employment or income from
3 employment of the caretaker relative, shall remain eligible for
4 MO HealthNet benefits for six calendar months following the month
5 of such ineligibility as long as such family includes a child as
6 provided in 42 U.S.C. Section 1396r-6. Each family which has
7 received such medical assistance during the entire six-month
8 period described in this section and which meets reporting
9 requirements and income tests established by the division and
10 continues to include a child as provided in 42 U.S.C. Section
11 1396r-6 shall receive MO HealthNet benefits without fee for an
12 additional six months. The MO HealthNet division may provide by
13 rule and as authorized by annual appropriation the scope of MO
14 HealthNet coverage to be granted to such families.

15 4. When any individual has been determined to be eligible
16 for MO HealthNet benefits, such medical assistance will be made
17 available to him or her for care and services furnished in or
18 after the third month before the month in which he made
19 application for such assistance if such individual was, or upon
20 application would have been, eligible for such assistance at the
21 time such care and services were furnished; provided, further,
22 that such medical expenses remain unpaid.

23 5. The department of social services may apply to the
24 federal Department of Health and Human Services for a MO
25 HealthNet waiver amendment to the Section 1115 demonstration
26 waiver or for any additional MO HealthNet waivers necessary not
27 to exceed one million dollars in additional costs to the state,
28 unless subject to appropriation or directed by statute, but in no

1 event shall such waiver applications or amendments seek to waive
2 the services of a rural health clinic or a federally qualified
3 health center as defined in 42 U.S.C. Section 1396d(1)(1) and (2)
4 or the payment requirements for such clinics and centers as
5 provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless
6 such waiver application is approved by the oversight committee
7 created in section 208.955. A request for such a waiver so
8 submitted shall only become effective by executive order not
9 sooner than ninety days after the final adjournment of the
10 session of the general assembly to which it is submitted, unless
11 it is disapproved within sixty days of its submission to a
12 regular session by a senate or house resolution adopted by a
13 majority vote of the respective elected members thereof, unless
14 the request for such a waiver is made subject to appropriation or
15 directed by statute.

16 6. Notwithstanding any other provision of law to the
17 contrary, in any given fiscal year, any persons made eligible for
18 MO HealthNet benefits under subdivisions (1) to (22) of
19 subsection 1 of this section shall only be eligible if annual
20 appropriations are made for such eligibility. This subsection
21 shall not apply to classes of individuals listed in 42 U.S.C.
22 Section 1396a(a)(10)(A)(I).

23 210.025. 1. An applicant child care provider; persons
24 employed by the applicant child care provider for compensation,
25 including contract employees or self-employed individuals;
26 individuals or volunteers whose activities involve the care or
27 supervision of children for the applicant child care provider or
28 unsupervised access to children who are cared for or supervised

1 by the applicant child care provider; or individuals residing in
2 the applicant's family child care home who are seventeen years of
3 age or older shall be required to submit to a criminal background
4 check under section 43.540 prior to an applicant being granted a
5 registration and every five years thereafter and an annual check
6 of the central registry for child abuse established in section
7 210.109 in order for the applicant to qualify for receipt of
8 state or federal funds for providing child-care services either
9 by direct payment or through reimbursement to a child-care
10 beneficiary. Any costs associated with such checks shall be paid
11 by the applicant.

12 2. Upon receipt of an application for state or federal
13 funds for providing child-care services in the home, the
14 children's division shall:

15 (1) Determine if a finding of child abuse or neglect by
16 probable cause prior to August 28, 2004, or by a preponderance of
17 the evidence after August 28, 2004, involving the applicant or
18 any person over the age of seventeen who is living in the
19 applicant's home has been recorded pursuant to section 210.145 or
20 210.221;

21 (2) Determine if the applicant or any person over the age
22 of seventeen who is living in the applicant's home has been
23 refused licensure or has experienced licensure suspension or
24 revocation pursuant to section 210.221 or 210.496; and

25 (3) Upon initial application, require the applicant to
26 submit to fingerprinting and request a criminal background check
27 of the applicant and any person over the age of seventeen who is
28 living in the applicant's home pursuant to section 43.540 and

1 section 210.487, and inquire of the applicant whether any
2 children less than seventeen years of age residing in the
3 applicant's home have ever been certified as an adult and
4 convicted of, or pled guilty or nolo contendere to any crime.

5 3. Except as otherwise provided in subsection 4 of this
6 section, upon completion of the background checks in subsection 2
7 of this section, an applicant shall be denied state or federal
8 funds for providing child care if such applicant, any person over
9 the age of seventeen who is living in the applicant's home, and
10 any child less than seventeen years of age who is living in the
11 applicant's home and who the division has determined has been
12 certified as an adult for the commission of a crime:

13 (1) Has had a finding of child abuse or neglect by probable
14 cause prior to August 28, 2004, or by a preponderance of the
15 evidence after August 28, 2004, pursuant to section 210.145 or
16 section 210.152;

17 (2) Has been refused licensure or has experienced licensure
18 suspension or revocation pursuant to section 210.496;

19 (3) Has pled guilty or nolo contendere to or been found
20 guilty of any felony for an offense against the person as defined
21 by chapter 565, or any other offense against the person involving
22 the endangerment of a child as prescribed by law; of any
23 misdemeanor or felony for a sexual offense as defined by chapter
24 566; of any misdemeanor or felony for an offense against the
25 family as defined in chapter 568, with the exception of the sale
26 of fireworks, as defined in section 320.110, to a child under the
27 age of eighteen; of any misdemeanor or felony for pornography or
28 related offense as defined by chapter 573; or of any similar

1 crime in any federal, state, municipal or other court of similar
2 jurisdiction of which the director has knowledge or any offenses
3 or reports which will disqualify an applicant from receiving
4 state or federal funds.

5 4. An applicant shall be given an opportunity by the
6 division to offer any extenuating or mitigating circumstances
7 regarding the findings, refusals or violations against such
8 applicant or any person over the age of seventeen or less than
9 seventeen who is living in the applicant's home listed in
10 subsection 2 of this section. Such extenuating and mitigating
11 circumstances may be considered by the division in its
12 determination of whether to permit such applicant to receive
13 state or federal funds for providing child care in the home.

14 5. An applicant who has been denied state or federal funds
15 for providing child care in the home may appeal such denial
16 decision in accordance with the provisions of section 208.080.

17 6. If an applicant is denied state or federal funds for
18 providing child care in the home based on the background check
19 results for any person over the age of seventeen who is living in
20 the applicant's home, the applicant shall not apply for such
21 funds until such person is no longer living in the applicant's
22 home.

23 7. Any rule or portion of a rule, as that term is defined
24 in section 536.010, that is created under the authority delegated
25 in this section shall become effective only if it complies with
26 and is subject to all of the provisions of chapter 536 and, if
27 applicable, section 536.028. All rulemaking authority delegated
28 prior to August 28, 1999, is of no force and effect and repealed.

1 Nothing in this section shall be interpreted to repeal or affect
2 the validity of any rule filed or adopted prior to August 28,
3 1999, if it fully complied with all applicable provisions of law.
4 This section and chapter 536 are nonseverable and if any of the
5 powers vested with the general assembly pursuant to chapter 536
6 to review, to delay the effective date or to disapprove and annul
7 a rule are subsequently held unconstitutional, then the grant of
8 rulemaking authority and any rule proposed or adopted after
9 August 28, 1999, shall be invalid and void.

10 8. (1) The provisions of subsection 1 of this section
11 shall not apply to any child care facility, as defined in section
12 210.201, maintained or operated under the exclusive control of a
13 religious organization, as described in subdivision ~~[(5)]~~ (4) of
14 subsection 1 of section 210.211, unless such facility is a
15 recipient of federal funds for providing care for children,
16 except for federal funds for those programs that meet the
17 requirements for participation in the Child and Adult Care Food
18 Program under 42 U.S.C. Section 1766.

19 (2) The provisions of subsection 1 of this section, as
20 enacted by the ninety-ninth general assembly, second regular
21 session, and any rules or regulations promulgated under such
22 section, shall expire if 42 U.S.C. Section 9858f, as enacted by
23 the Child Care and Development Block Grant (CCDBG) Act of 2014,
24 and 45 CFR 98.43 are repealed or if Missouri no longer receives
25 federal funds from the CCDBG.

26 210.192. 1. The prosecuting attorney or the circuit
27 attorney shall impanel a child fatality review panel for the
28 county or city not within a county in which he or she serves to

1 investigate the deaths of children under the age of eighteen
2 years, who are eligible to receive a certificate of live birth.
3 The panel shall be formed and shall operate according to the
4 rules, guidelines and protocols provided by the department of
5 social services.

6 2. The panel shall include, but shall not be limited to,
7 the following:

8 (1) The prosecuting or circuit attorney;

9 (2) The coroner or medical examiner for the county or city
10 not within a county;

11 (3) Law enforcement personnel in the county or city not
12 within a county;

13 (4) A representative from the children's division;

14 (5) A provider of public health care services;

15 (6) A representative of the juvenile court;

16 (7) A provider of emergency medical services.

17 3. The prosecuting or circuit attorney shall organize the
18 panel and shall call the first organizational meeting of the
19 panel. The panel shall elect a chairman who shall convene the
20 panel to meet to review all deaths of children under the age of
21 eighteen years, who are eligible to receive a certificate of live
22 birth, which meet guidelines for review as set forth by the
23 department of social services. In addition, the panel may review
24 at its own discretion any child death reported to it by the
25 medical examiner or coroner, even if it does not meet criteria
26 for review as set forth by the department. The panel shall issue
27 a final report, which shall be a public record, of each
28 investigation to the department of social services, state

1 technical assistance team and to the director of the department
2 of health and senior services. The final report shall include a
3 completed summary report form. The form shall be developed by
4 the director of the department of social services in consultation
5 with the director of the department of health and senior
6 services. ~~[The department of health and senior services shall
7 analyze the child fatality review panel reports and periodically
8 prepare epidemiological reports which describe the incidence,
9 causes, location and other factors pertaining to childhood
10 deaths.]~~ The department of health and senior services and
11 department of social services shall make recommendations and
12 develop programs to prevent childhood injuries and deaths.

13 4. The child fatality review panel shall enjoy such
14 official immunity as exists at common law.

15 210.194. 1. The director of the department of social
16 services, in consultation with the director of the department of
17 health and senior services, shall promulgate rules, guidelines
18 and protocols for child fatality review panels established
19 pursuant to section 210.192 and for state child fatality review
20 panels.

21 2. The director shall promulgate guidelines and protocols
22 for coroner and medical examiners to use to help them to identify
23 suspicious deaths of children under the age of eighteen years,
24 who are eligible to receive a certificate of live birth.

25 3. No rule or portion of a rule promulgated under the
26 authority of sections 210.192 to 210.196 shall become effective
27 unless it has been promulgated pursuant to the provisions of
28 section 536.024.

1 4. All meetings conducted~~[, all reports and records]~~ and
2 work product, including internal memoranda, summaries or minutes
3 of meetings, and written, audio, or electronic records and
4 communications, made and maintained pursuant to sections 210.192
5 to 210.196 by the department of social services and department of
6 health and senior services and its divisions, including the state
7 technical assistance team, or other appropriate persons,
8 officials, or state child fatality review panel and local child
9 fatality review panel shall be confidential ~~[and shall not be~~
10 ~~open to the general public except for the annual report pursuant~~
11 ~~to section 210.195]~~, unless otherwise provided in this
12 subsection, section 210.150, section 210.195, or section 660.520.
13 The state technical assistance team shall make nonidentifiable,
14 aggregate data on child fatalities publicly available.
15 Identifiable data shall be released at the discretion of the
16 director of the department of social services, except for any
17 data that was obtained only from birth or death certificate
18 records provided by the department of health and senior services.
19 In those cases, the release of identifiable data shall be at the
20 discretion of the state registrar.

21 210.195. 1. The director of the department of social
22 services shall establish a special team which shall:

23 (1) Develop and implement protocols for the evaluation and
24 review of child fatalities;

25 (2) Provide training, expertise and assistance to county
26 child fatality review panels for the review of child fatalities;

27 (3) When required and unanimously requested by the county
28 fatality review panel, assist in the review and prosecution of

1 specific child fatalities; and

2 (4) The special team may be known as the department of
3 social services, state technical assistance team.

4 2. The director of the department of social services shall
5 appoint regional coordinators to serve as resources to child
6 fatality review panels established pursuant to section 210.192.

7 3. The director of the department of social services shall
8 appoint a state child fatality review panel which shall meet at
9 least biannually to provide oversight and make recommendations to
10 the department of social services, state technical assistance
11 team. The department of social services, state technical
12 assistance team shall gather data from local child fatality
13 review panels to identify systemic problems and shall submit
14 findings and recommendations to the director of the department of
15 social services, the governor, the speaker of the house of
16 representatives, the president pro tempore of the senate, the
17 children's services commission, juvenile officers, and the
18 chairman of the local child fatality review panel, at least once
19 a year, on ways to prevent further child abuse and injury deaths.
20 The report shall include a summary of compliance with the
21 provisions of sections 210.192 to 210.196 for each county or city
22 not within a county.

23 210.201. As used in sections 210.201 to 210.257, the
24 following terms mean:

25 (1) "Child", an individual who is under the age of
26 seventeen;

27 (2) "Child-care facility", a house or other place conducted
28 or maintained by any person who advertises or holds himself or

1 herself out as providing care for more than [~~four~~] six children
2 during the daytime, for compensation or otherwise, except those
3 operated by a school system or in connection with a business
4 establishment which provides child care as a convenience for its
5 customers or its employees for no more than four hours per day,
6 but a child-care facility shall not include any private or
7 religious organization elementary or secondary school, a
8 religious organization academic preschool or kindergarten for
9 four- and five-year-old children, a home school, as defined in
10 section 167.031, a weekly Sunday or Sabbath school, a vacation
11 Bible school or child care made available while the parents or
12 guardians are attending worship services or other meetings and
13 activities conducted or sponsored by a religious organization.
14 If a facility or program is exempt from licensure based on the
15 school exception established in this subdivision, such facility
16 or program shall submit documentation annually to the department
17 to verify its licensure-exempt status; except that, under no
18 circumstances shall any public or religious organization
19 elementary or secondary school, a religious organization academic
20 preschool or kindergarten for four- and five-year-old children, a
21 home school, as defined in section 167.031, a weekly Sunday or
22 Sabbath school, a vacation Bible school or child care made
23 available while the parents or guardians are attending worship
24 services or other meetings and activities conducted or sponsored
25 by a religious organization be required to submit documentation
26 annually to the department to verify its licensure-exempt status;

27 (3) "Person", any person, firm, corporation, association,
28 institution or other incorporated or unincorporated organization;

1 (4) "Religious organization", a church, synagogue or
2 mosque; an entity that has or would qualify for federal
3 tax-exempt status as a nonprofit religious organization under
4 Section 501(c) of the Internal Revenue Code; or an entity whose
5 real estate on which the child-care facility is located is exempt
6 from taxation because it is used for religious purposes.

7 210.211. 1. It shall be unlawful for any person to
8 establish, maintain or operate a child-care facility for
9 children, or to advertise or hold himself or herself out as being
10 able to perform any of the services as defined in section
11 210.201, without having in effect a written license granted by
12 the department of health and senior services; except that nothing
13 in sections 210.203 to 210.245 shall apply to:

14 (1) Any person who is caring for ~~four~~ six or fewer
15 children, including a maximum of three children under the age of
16 two, at the same physical address. For purposes of this
17 subdivision, children who ~~are related by blood, marriage or~~
18 ~~adoption to such person within the third degree shall not be~~
19 ~~considered in the total number of children being cared for]~~ live
20 in the caregiver's home and who are eligible for enrollment in a
21 public kindergarten, elementary, or high school shall not be
22 considered in the total number of children being cared for;

23 (2) ~~Any person who has been duly appointed by a court of~~
24 ~~competent jurisdiction the guardian of the person of the child or~~
25 ~~children, or the person who has legal custody of the child or~~
26 ~~children,~~

27 ~~—(3)]~~ Any person who receives free of charge, and not as a
28 business, for periods not exceeding ninety consecutive days, as

1 bona fide, occasional and personal guests the child or children
2 of personal friends of such person, and who receives custody of
3 no other unrelated child or children;

4 ~~[(4)]~~ (3) Any graded boarding school, summer camp,
5 hospital, sanitarium or home which is conducted in good faith
6 primarily to provide education, recreation, medical treatment, or
7 nursing or convalescent care for children;

8 ~~[(5)]~~ (4) Any child-care facility maintained or operated
9 under the exclusive control of a religious organization. When a
10 nonreligious organization, having as its principal purpose the
11 provision of child-care services, enters into an arrangement with
12 a religious organization for the maintenance or operation of a
13 child-care facility, the facility is not under the exclusive
14 control of the religious organization;

15 ~~[(6)]~~ (5) Any residential facility or day program licensed
16 by the department of mental health pursuant to sections 630.705
17 to 630.760 which provides care, treatment and habilitation
18 exclusively to children who have a primary diagnosis of mental
19 disorder, mental illness, intellectual disability or
20 developmental disability, as defined in section 630.005; and

21 ~~[(7)]~~ (6) Any nursery school.

22 2. Notwithstanding the provisions of subsection 1 of this
23 section, no child-care facility shall be exempt from licensure if
24 such facility receives any state or federal funds for providing
25 care for children, except for federal funds for those programs
26 which meet the requirements for participation in the Child and
27 Adult Care Food Program pursuant to 42 U.S.C. Section 1766.

28 Grants to parents for child care pursuant to sections 210.201 to

1 210.257 shall not be construed to be funds received by a person
2 or facility listed in subdivisions (1) and [~~(5)~~] (4) of
3 subsection 1 of this section.

4 3. Any child care facility not exempt from licensure shall
5 disclose the licensure status of the facility to the parents or
6 guardians of children for which the facility provides care. No
7 child care facility exempt from licensure shall represent to any
8 parent or guardian of children for which the facility provides
9 care that the facility is licensed when such facility is in fact
10 not licensed[~~;~~

11 ~~4. Any in-home licensed child care facility that is~~
12 ~~organized as a corporation, association, firm, partnership,~~
13 ~~proprietorship, limited liability company, or any other type of~~
14 ~~business entity in this state shall qualify for the exemption for~~
15 ~~related children for children who are related to the member of~~
16 ~~the corporation, association, firm, partnership, proprietorship,~~
17 ~~limited liability company, or other type of business entity who~~
18 ~~is responsible for the daily operation of the child care facility~~
19 ~~and who meets the requirements of the child care provider. If~~
20 ~~more than one member of the corporation, association, firm,~~
21 ~~partnership, proprietorship, limited liability company, or other~~
22 ~~type of business entity is responsible for the daily operation of~~
23 ~~the child care facility, the exemption for related children shall~~
24 ~~only be granted for children who are related to one of the~~
25 ~~members. All child care facilities under this subsection shall~~
26 ~~disclose the licensure status of the facility to the parents or~~
27 ~~guardians of children for which the facility provides care]. A~~
28 parent or guardian shall sign a written notice indicating he or

1 she is aware of the licensure status of the facility. The
2 facility shall keep a copy of this signed written notice on file.
3 All child care facilities shall provide the parent or guardian
4 enrolling a child in the facility with a written explanation of
5 the disciplinary philosophy and policies of the child care
6 facility.

7 210.221. 1. The department of health and senior services
8 shall have the following powers and duties:

9 (1) After inspection, to grant licenses to persons to
10 operate child-care facilities if satisfied as to the good
11 character and intent of the applicant and that such applicant is
12 qualified and equipped to render care or service conducive to the
13 welfare of children, and to renew the same when expired. No
14 license shall be granted for a term exceeding two years. Each
15 license shall specify the kind of child-care services the
16 licensee is authorized to perform, the number of children that
17 can be received or maintained, and their ages and sex;

18 (2) To inspect the conditions of the homes and other places
19 in which the applicant operates a child-care facility, inspect
20 their books and records, premises and children being served,
21 examine their officers and agents, deny, suspend, place on
22 probation or revoke the license of such persons as fail to obey
23 the provisions of sections 210.201 to 210.245 or the rules and
24 regulations made by the department of health and senior services.
25 The director also may revoke or suspend a license when the
26 licensee fails to renew or surrenders the license;

27 (3) To promulgate and issue rules and regulations the
28 department deems necessary or proper in order to establish

1 standards of service and care to be rendered by such licensees to
2 children. No rule or regulation promulgated by the division
3 shall in any manner restrict or interfere with any religious
4 instruction, philosophies or ministries provided by the facility
5 and shall not apply to facilities operated by religious
6 organizations which are not required to be licensed;

7 (4) To approve training concerning the safe sleep
8 recommendations of the American Academy of Pediatrics in
9 accordance with section 210.223; and

10 (5) To determine what records shall be kept by such persons
11 and the form thereof, and the methods to be used in keeping such
12 records, and to require reports to be made to the department at
13 regular intervals.

14 2. Any child-care facility may request a variance from a
15 rule or regulation promulgated pursuant to this section. The
16 request for a variance shall be made in writing to the department
17 of health and senior services and shall include the reasons the
18 facility is requesting the variance. The department shall
19 approve any variance request that does not endanger the health or
20 safety of the children served by the facility. The burden of
21 proof at any appeal of a disapproval of a variance application
22 shall be with the department of health and senior services.
23 Local inspectors may grant a variance, subject to approval by the
24 department of health and senior services.

25 3. The department shall deny, suspend, place on probation
26 or revoke a license if it receives official written notice that
27 the local governing body has found that license is prohibited by
28 any local law related to the health and safety of children. The

1 department may deny an application for a license if the
2 department determines that a home or other place in which an
3 applicant would operate a child-care facility is located within
4 one thousand feet of any location where a person required to
5 register under sections 589.400 to 589.425 either resides, as
6 that term is defined in subsection 3 of section 566.147, or
7 regularly receives treatment or services, excluding any treatment
8 or services delivered in a hospital, as that term is defined in
9 197.020, or in facilities owned or operated by a hospital system.

10 The department may, after inspection, find the licensure, denial
11 of licensure, suspension or revocation to be in the best interest
12 of the state.

13 4. Any rule or portion of a rule, as that term is defined
14 in section 536.010, that is created under the authority delegated
15 in sections 210.201 to 210.245 shall become effective only if it
16 complies with and is subject to all of the provisions of chapter
17 536 and, if applicable, section 536.028. All rulemaking
18 authority delegated prior to August 28, 1999, is of no force and
19 effect and repealed. Nothing in this section shall be
20 interpreted to repeal or affect the validity of any rule filed or
21 adopted prior to August 28, 1999, if it fully complied with all
22 applicable provisions of law. This section and chapter 536 are
23 nonseverable and if any of the powers vested with the general
24 assembly pursuant to chapter 536 to review, to delay the
25 effective date, or to disapprove and annul a rule are
26 subsequently held unconstitutional, then the grant of rulemaking
27 authority and any rule proposed or adopted after August 28, 1999,
28 shall be invalid and void.

1 210.245. 1. Any person who violates any provision of
2 sections 210.201 to 210.245, or who for such person or for any
3 other person makes materially false statements in order to obtain
4 a license or the renewal thereof pursuant to sections 210.201 to
5 210.245, shall be guilty of [~~an infraction~~] a class C misdemeanor
6 for the first offense and shall be assessed a fine not to exceed
7 [~~two~~] seven hundred fifty dollars and shall be guilty of a class
8 A misdemeanor and shall be assessed a fine of up to two [~~hundred~~]
9 thousand dollars per day, not to exceed a total of ten thousand
10 dollars for subsequent offenses. In case such guilty person is a
11 corporation, association, institution or society, the officers
12 thereof who participate in such misdemeanor shall be subject to
13 the penalties provided by law.

14 2. If the department of health and senior services proposes
15 to deny, suspend, place on probation or revoke a license, the
16 department of health and senior services shall serve upon the
17 applicant or licensee written notice of the proposed action to be
18 taken. The notice shall contain a statement of the type of
19 action proposed, the basis for it, the date the action will
20 become effective, and a statement that the applicant or licensee
21 shall have thirty days to request in writing a hearing before the
22 administrative hearing commission and that such request shall be
23 made to the department of health and senior services. If no
24 written request for a hearing is received by the department of
25 health and senior services within thirty days of the delivery or
26 mailing by certified mail of the notice to the applicant or
27 licensee, the proposed discipline shall take effect on the
28 thirty-first day after such delivery or mailing of the notice to

1 the applicant or licensee. If the applicant or licensee makes a
2 written request for a hearing, the department of health and
3 senior services shall file a complaint with the administrative
4 hearing commission within ninety days of receipt of the request
5 for a hearing.

6 3. The department of health and senior services may issue
7 letters of censure or warning without formal notice or hearing.
8 Additionally, the department of health and senior services may
9 place a licensee on probation pursuant to chapter 621.

10 4. The department of health and senior services may suspend
11 any license simultaneously with the notice of the proposed action
12 to be taken in subsection 2 of this section, if the department of
13 health and senior services finds that there is a threat of
14 imminent bodily harm to the children in care. The notice of
15 suspension shall include the basis of the suspension and the
16 appeal rights of the licensee pursuant to this section. The
17 licensee may appeal the decision to suspend the license to the
18 department of health and senior services. The appeal shall be
19 filed within ten days from the delivery or mailing by certified
20 mail of the notice of appeal. A hearing shall be conducted by
21 the department of health and senior services within ten days from
22 the date the appeal is filed. The suspension shall continue in
23 effect until the conclusion of the proceedings, including review
24 thereof, unless sooner withdrawn by the department of health and
25 senior services, dissolved by a court of competent jurisdiction
26 or stayed by the administrative hearing commission. Any person
27 aggrieved by a final decision of the department made pursuant to
28 this section shall be entitled to judicial review in accordance

1 with chapter 536.

2 5. In addition to initiating proceedings pursuant to
3 subsection 1 of this section, or in lieu thereof, the prosecuting
4 attorney of the county where the child-care facility is located
5 may file suit for a preliminary and permanent order overseeing or
6 preventing the operation of a child-care facility for violating
7 any provision of sections 210.201 to 210.245. The order shall
8 remain in force until such a time as the court determines that
9 the child-care facility is in substantial compliance. If the
10 prosecuting attorney refuses to act or fails to act after receipt
11 of notice from the department of health and senior services, the
12 department of health and senior services may request that the
13 attorney general seek an injunction of the operation of such
14 child-care facility.

15 6. In cases of imminent bodily harm to children in the care
16 of a child-care facility, including an unlicensed, nonexempt
17 facility, the department may file suit in the circuit court of
18 the county in which the child-care facility is located for
19 injunctive relief, which may include removing the children from
20 the facility, overseeing the operation of the facility or closing
21 the facility. Failure by the department to file suit under the
22 provisions of this subsection shall not be construed as creating
23 any liability in tort or incurring other obligations or duties
24 except as otherwise specified.

25 7. Any person who operates an unlicensed, nonexempt child-
26 care facility in violation of the provisions of sections 210.201
27 to 210.245 shall be liable for a civil penalty of not less than
28 seven hundred fifty dollars and not more than two thousand

1 dollars. The department shall serve upon such person written
2 notice of the department's findings as to the child-care
3 facility's unlicensed, nonexempt status, along with educational
4 materials about Missouri's child-care facility laws and
5 regulations, how a facility may become exempt or licensed, and
6 penalties for operating an unlicensed, nonexempt child-care
7 facility. The notice shall contain a statement that the person
8 shall have thirty days to become compliant with sections 210.201
9 to 210.245, including attaining exempt status or becoming
10 licensed. The person's failure to do so shall result in a civil
11 action in the circuit court of Cole County or criminal charges
12 under this section. If, following the receipt of the written
13 notice, the person operating the child-care facility fails to
14 become compliant with sections 210.201 to 210.245, the department
15 may bring a civil action in the circuit court of Cole County
16 against such person. The department may, but shall not be
17 required to, request that the attorney general bring the action
18 in place of the department. No civil action provided by this
19 subsection shall be brought if the criminal penalties under
20 subsection 1 of this section have been previously ordered against
21 the person for the same violation. Failure by the department to
22 file suit under the provisions of this subsection shall not be
23 construed as creating any liability in tort or incurring other
24 obligations or duties except as otherwise specified.

25 8. There shall be established the "Family Child Care
26 Provider Fund" in the state treasury, which shall consist of such
27 funds as appropriated by the general assembly. The state
28 treasurer shall be custodian of the fund. In accordance with

1 sections 30.170 and 30.180, the state treasurer may approve
2 disbursements. The fund shall be a dedicated fund and moneys in
3 the fund shall be used solely by the department for the
4 dissemination of information concerning compliance with child-
5 care facility laws and regulations, including licensed or exempt
6 status; educational initiatives relating to, inter alia, child
7 care, safe sleep practices, and child nutrition; and the
8 provision of financial assistance on the basis of need for family
9 child care homes to become licensed, as determined by the
10 department and subject to available moneys in the fund.
11 Notwithstanding the provisions of section 33.080 to the contrary,
12 any moneys remaining in the fund at the end of the biennium shall
13 not revert to the credit of the general revenue fund. The state
14 treasurer shall invest moneys in the fund in the same manner as
15 other funds are invested. Any interest and moneys earned on such
16 investments shall be credited to the fund.

17 210.252. 1. All buildings and premises used by a
18 child-care facility to care for more than ~~four~~ six children
19 except those exempted from the licensing provisions of the
20 department of health and senior services pursuant to subdivisions
21 (1), (2), (3), ~~[(4) and (6)]~~ and (5) of section 210.211, shall be
22 inspected annually for fire and safety by the state fire marshal,
23 the marshal's designee or officials of a local fire district and
24 for health and sanitation by the department of health and senior
25 services or officials of the local health department. Evidence
26 of compliance with the inspections required by this section shall
27 be kept on file and available to parents of children enrolling in
28 the child-care facility.

1 2. Local inspection of child-care facilities may be
2 accomplished if the standards employed by local personnel are
3 substantially equivalent to state standards and local personnel
4 are available for enforcement of such standards.

5 3. Any child-care facility may request a variance from a
6 rule or regulation promulgated pursuant to this section. The
7 request for a variance shall be made in writing to the department
8 of health and senior services and shall include the reasons the
9 facility is requesting the variance. The department shall
10 approve any variance request that does not endanger the health or
11 safety of the children served by the facility. The burden of
12 proof at any appeal of a disapproval of a variance application
13 shall be with the department of health and senior services.
14 Local inspectors may grant a variance, subject to approval by the
15 department.

16 4. The department of health and senior services shall
17 administer the provisions of sections 210.252 to 210.256, with
18 the cooperation of the state fire marshal, local fire departments
19 and local health agencies.

20 5. The department of health and senior services shall
21 promulgate rules and regulations to implement and administer the
22 provisions of sections 210.252 to 210.256. Such rules and
23 regulations shall provide for the protection of children in all
24 child-care facilities whether or not such facility is subject to
25 the licensing provisions of sections 210.201 to 210.245.

26 6. Any rule or portion of a rule, as that term is defined
27 in section 536.010, that is created under the authority delegated
28 in sections 210.252 to 210.256 shall become effective only if it

1 complies with and is subject to all of the provisions of chapter
2 536 and, if applicable, section 536.028. All rulemaking
3 authority delegated prior to August 28, 1999, is of no force and
4 effect and repealed. Nothing in this section shall be
5 interpreted to repeal or affect the validity of any rule filed or
6 adopted prior to August 28, 1999, if it fully complied with all
7 applicable provisions of law. This section and chapter 536 are
8 nonseverable and if any of the powers vested with the general
9 assembly pursuant to chapter 536 to review, to delay the
10 effective date or to disapprove and annul a rule are subsequently
11 held unconstitutional, then the grant of rulemaking authority and
12 any rule proposed or adopted after August 28, 1999, shall be
13 invalid and void.

14 210.254. 1. Child-care facilities operated by religious
15 organizations pursuant to the exempt status recognized in
16 subdivision ~~[(5)]~~ (4) of subsection 1 of section 210.211 shall
17 upon enrollment of any child provide the parent or guardian
18 enrolling the child two copies of a notice of parental
19 responsibility, one copy of which shall be retained in the files
20 of the facility after the enrolling parent acknowledges, by
21 signature, having read and accepted the information contained
22 therein.

23 2. The notice of parental responsibility shall include the
24 following:

25 (1) Notification that the child-care facility is exempt as
26 a religious organization from state licensing and therefore not
27 inspected or supervised by the department of health and senior
28 services other than as provided herein and that the facility has

1 been inspected by those designated in section 210.252 and is
2 complying with the fire, health and sanitation requirements of
3 sections 210.252 to 210.257;

4 (2) The names, addresses and telephone numbers of agencies
5 and authorities which inspect the facility for fire, health and
6 safety and the date of the most recent inspection by each;

7 (3) The staff/child ratios for enrolled children under two
8 years of age, for children ages two to four and for those five
9 years of age and older as required by the department of health
10 and senior services regulations in licensed facilities, the
11 standard ratio of staff to number of children for each age level
12 maintained in the exempt facility, and the total number of
13 children to be enrolled by the facility;

14 (4) Notification that background checks have been conducted
15 under the provisions of section 210.1080;

16 (5) The disciplinary philosophy and policies of the
17 child-care facility; and

18 (6) The educational philosophy and policies of the
19 child-care facility.

20 3. A copy of notice of parental responsibility, signed by
21 the principal operating officer of the exempt child-care facility
22 and the individual primarily responsible for the religious
23 organization conducting the child-care facility and copies of the
24 annual fire and safety inspections shall be filed annually during
25 the month of August with the department of health and senior
26 services.

27 210.565. 1. Whenever a child is placed in a foster home
28 and the court has determined pursuant to subsection 4 of this

1 section that foster home placement with relatives is not contrary
2 to the best interest of the child, the children's division shall
3 give foster home placement to relatives of the child.

4 Notwithstanding any rule of the division to the contrary, the
5 children's division shall make diligent efforts to locate the
6 grandparents, adult siblings, and parents of siblings of the
7 child and determine whether they wish to be considered for
8 placement of the child. Grandparents who request consideration
9 shall be given preference and first consideration for foster home
10 placement of the child. If more than one grandparent requests
11 consideration, the family support team shall make recommendations
12 to the juvenile or family court about which grandparent should be
13 considered for placement.

14 2. As used in this section, the ~~[term]~~ following terms
15 shall mean:

16 (1) "Adult sibling", any brother or sister of whole or
17 half-blood who is at least eighteen years of age;

18 (2) "Relative" [means], a grandparent or any other person
19 related to another by blood or affinity or a person who is not so
20 related to the child but has a close relationship with the child
21 or the child's family. The status of a grandparent shall not be
22 affected by the death or the dissolution of the marriage of a son
23 or daughter;

24 (3) "Sibling", one of two or more individuals who have one
25 or both parents in common through blood, marriage, or adoption,
26 including siblings as defined by the child's tribal code or
27 custom.

28 3. The following shall be the order or preference for

1 placement of a child under this section:

2 (1) Grandparents;

3 (2) Adult siblings or parents of siblings;

4 (3) Relatives related by blood or affinity within the third
5 degree;

6 [~~3~~] (4) Other relatives; and

7 [~~4~~] (5) Any foster parent who is currently licensed and
8 capable of accepting placement of the child.

9 4. The preference for placement and first consideration for
10 grandparents or preference for placement with other relatives
11 created by this section shall only apply where the court finds
12 that placement with such grandparents or other relatives is not
13 contrary to the best interest of the child considering all
14 circumstances. If the court finds that it is contrary to the
15 best interest of a child to be placed with grandparents or other
16 relatives, the court shall make specific findings on the record
17 detailing the reasons why the best interests of the child
18 necessitate placement of the child with persons other than
19 grandparents or other relatives.

20 5. Recognizing the critical nature of sibling bonds for
21 children, the children's division shall make reasonable efforts
22 to place siblings in the same foster care, kinship, guardianship,
23 or adoptive placement, unless doing so would be contrary to the
24 safety or well-being of any of the siblings. If siblings are not
25 placed together, the children's division shall make reasonable
26 efforts to provide frequent visitation or other ongoing
27 interaction between the siblings, unless this interaction would
28 be contrary to a sibling's safety or well-being.

1 6. The age of the child's grandparent or other relative
2 shall not be the only factor that the children's division takes
3 into consideration when it makes placement decisions and
4 recommendations to the court about placing the child with such
5 grandparent or other relative.

6 7. For any Native American child placed in protective
7 custody, the children's division shall comply with the placement
8 requirements set forth in 25 U.S.C. Section 1915.

9 8. A grandparent or other relative may, on a case-by-case
10 basis, have standards for licensure not related to safety waived
11 for specific children in care that would otherwise impede
12 licensing of the grandparent's or relative's home. In addition,
13 any person receiving a preference may be licensed in an expedited
14 manner if a child is placed under such person's care.

15 9. The guardian ad litem shall ascertain the child's wishes
16 and feelings about his or her placement by conducting an
17 interview or interviews with the child, if appropriate based on
18 the child's age and maturity level, which shall be considered as
19 a factor in placement decisions and recommendations, but shall
20 not supersede the preference for relative placement created by
21 this section or be contrary to the child's best interests.

22 210.1014. 1. There is hereby created the "Amber Alert
23 System Oversight Committee", whose primary duty shall be to
24 develop criteria and procedures for the Amber alert system and
25 shall be housed within the department of public safety. The
26 committee shall regularly review the function of the Amber alert
27 system and revise its criteria and procedures in cooperation with
28 the department of public safety to provide for efficient and

1 effective public notification and meet at least annually to
2 discuss potential improvements to the Amber alert system. As
3 soon as practicable, the committee shall adopt criteria and
4 procedures to expand the Amber alert system to provide urgent
5 public alerts related to homeland security, criminal acts, health
6 emergencies, and other imminent dangers to the public health and
7 welfare.

8 2. The Amber alert system oversight committee shall consist
9 of ten members of which seven members shall be appointed by the
10 governor with the advice and consent of the senate. Such members
11 shall represent the following entities: two representatives of
12 the Missouri Sheriffs' Association; two representatives of the
13 Missouri Police Chiefs Association; one representative of small
14 market radio broadcasters; one representative of large market
15 radio broadcasters; one representative of television
16 broadcasters. The director of the department of public safety
17 shall also be a member of the committee and shall serve as chair
18 of the committee. Additional members shall include one
19 representative of the highway patrol and one representative of
20 the department of health and senior services. Notwithstanding
21 the provisions of this subsection, any Amber alert system
22 oversight committee member, other than the director of the
23 department of public safety and law enforcement committee
24 members, may alternatively be a representative of the outdoor
25 advertising industry, a representative of the Missouri
26 broadcasters association, or a representative of the public at
27 large; except that no more than one committee member shall be a
28 representative of the outdoor advertising industry, no more than

1 one committee member shall be a representative of the Missouri
2 broadcasters association, and no more than one committee member
3 shall be a representative of the public at large.

4 3. Members of the oversight committee shall serve a term of
5 four years, except that members first appointed to the committee
6 shall have staggered terms of two, three, and four years and
7 shall serve until their successor is duly appointed and
8 qualified.

9 4. Members of the oversight committee shall serve without
10 compensation, except that members shall be reimbursed for their
11 actual and necessary expenses required for the discharge of their
12 duties.

13 5. The Amber alert system oversight committee shall
14 promulgate rules for the implementation of the Amber alert
15 system. Any rule or portion of a rule, as that term is defined
16 in section 536.010, that is created under the authority delegated
17 in this section shall become effective only if it complies with
18 and is subject to all of the provisions of chapter 536 and, if
19 applicable, section 536.028. This section and chapter 536 are
20 nonseverable and if any of the powers vested with the general
21 assembly pursuant to chapter 536 to review, to delay the
22 effective date or to disapprove and annul a rule are subsequently
23 held unconstitutional, then the grant of rulemaking authority and
24 any rule proposed or adopted after August 28, 2003, shall be
25 invalid and void.

26 6. Amber alerts issued in this state may include an
27 embedded Uniform Resource Locator (URL) that references a
28 resource on the internet that provides additional information or

1 technological capabilities.

2 7. (1) The provisions of this subsection shall be known
3 and may be cited as the "Honing Alerts Issued by Law Enforcement
4 for Youth Safety Act," or "HAILEY'S Law".

5 (2) The Amber alert system shall be integrated into the
6 Missouri uniform law enforcement system (MULES) and the Regional
7 Justice Information Service (REJIS) to expedite the reporting of
8 child abductions.

9 8. The Amber alert system oversight committee shall submit
10 a report to the general assembly on or before January 1, 2020,
11 and annually thereafter, regarding the activities and rules
12 promulgated throughout the preceding year. The report shall
13 include the following:

14 (1) The changes in criteria and procedures for the Amber
15 alert system;

16 (2) The Amber alert system oversight committee's review of
17 the function of the Amber alert system;

18 (3) The meeting notices and minutes;

19 (4) A list of members;

20 (5) Reimbursements; and

21 (6) Any new rules promulgated.

22 210.1080. 1. As used in this section, the following terms
23 mean:

24 (1) "Child care staff member", a child care provider;
25 persons employed by the child care provider for compensation,
26 including contract employees or self-employed individuals;
27 individuals or volunteers whose activities involve the care or
28 supervision of children for a child care provider or unsupervised

1 access to children who are cared for or supervised by a child
2 care provider; or individuals residing in a family child care
3 home who are seventeen years of age and older;

4 (2) "Criminal background check":

5 (a) A Federal Bureau of Investigation fingerprint check;

6 (b) A search of the National Crime Information Center's
7 National Sex Offender Registry; and

8 (c) A search of the following registries, repositories, or
9 databases in Missouri, the state where the child care staff
10 member resides, and each state where such staff member resided
11 during the preceding five years:

12 a. The state criminal registry or repository, with the use
13 of fingerprints being required in the state where the staff
14 member resides and optional in other states;

15 b. The state sex offender registry or repository; and

16 c. The state-based child abuse and neglect registry and
17 database.

18 2. (1) Prior to the employment or presence of a child care
19 staff member in a family child care home, group child care home,
20 child care center, or license-exempt child care facility, the
21 child care provider shall request the results of a criminal
22 background check for such child care staff member from the
23 department of health and senior services.

24 (2) A prospective child care staff member may begin work
25 for a child care provider after the criminal background check has
26 been requested from the department; however, pending completion
27 of the criminal background check, the prospective child care
28 staff member shall be supervised at all times by another child

1 care staff member who received a qualifying result on the
2 criminal background check within the past five years.

3 (3) A family child care home, group child care home, child
4 care center, or license-exempt child care facility that has child
5 care staff members at the time this section becomes effective
6 shall request the results of a criminal background check for all
7 child care staff members by January 31, 2019, unless the
8 requirements of subsection 5 of this section are met by the child
9 care provider and proof is submitted to the department of health
10 and senior services by January 31, 2019.

11 3. The costs of the criminal background check shall be the
12 responsibility of the child care staff member but may be paid or
13 reimbursed by the child care provider at the provider's
14 discretion. The fees charged for the criminal background check
15 shall not exceed the actual cost of processing and
16 administration.

17 4. Except as otherwise provided in subsection 2 of this
18 section, upon completion of the criminal background check, any
19 child care staff member or prospective child care staff member
20 shall be ineligible for employment or presence at a family child
21 care home, a group child care home, a licensed child care center,
22 or a license-exempt child care facility if such person:

23 (1) Refuses to consent to the criminal background check as
24 required by this section;

25 (2) Knowingly makes a materially false statement in
26 connection with the criminal background check as required by this
27 section;

28 (3) Is registered, or is required to be registered, on a

1 state sex offender registry or repository or the National Sex
2 Offender Registry;

3 (4) Has a finding of child abuse or neglect under section
4 210.145 or 210.152 or any other finding of child abuse or neglect
5 based on any other state's registry or database;

6 (5) Has been convicted of a felony consisting of:

7 (a) Murder, as described in 18 U.S.C. Section 1111;

8 (b) Child abuse or neglect;

9 (c) A crime against children, including child pornography;

10 (d) Spousal abuse;

11 (e) A crime involving rape or sexual assault;

12 (f) Kidnapping;

13 (g) Arson;

14 (h) Physical assault or battery; or

15 (i) Subject to subsection 5 of this section, a drug-related
16 offense committed during the preceding five years;

17 (6) Has been convicted of a violent misdemeanor committed
18 as an adult against a child, including the following crimes:
19 child abuse, child endangerment, or sexual assault, or of a
20 misdemeanor involving child pornography; or

21 (7) Has been convicted of any similar crime in any federal,
22 state, municipal, or other court.

23
24 Adult household members seventeen years of age and older in a
25 family child care home shall be ineligible to maintain a presence
26 at a family child care home if any one or more of the provisions
27 of this subsection applies to them.

28 5. A child care provider shall not be required to submit a

1 request for a criminal background check under this section for a
2 child care staff member if:

3 (1) The staff member received a criminal background check
4 within five years before the latest date on which such a
5 submission may be made and while employed by or seeking
6 employment by another child care provider within Missouri;

7 (2) The department of health and senior services provided
8 to the first provider a qualifying criminal background check
9 result, consistent with this section, for the staff member; and

10 (3) The staff member is employed by a child care provider
11 within Missouri or has been separated from employment from a
12 child care provider within Missouri for a period of not more than
13 one hundred eighty consecutive days.

14 6. (1) The department of health and senior services shall
15 process the request for a criminal background check for any
16 prospective child care staff member or child care staff member as
17 expeditiously as possible, but not to exceed forty-five days
18 after the date on which the provider submitted the request.

19 (2) The department shall provide the results of the
20 criminal background check to the child care provider in a
21 statement that indicates whether the prospective child care staff
22 member or child care staff member is eligible or ineligible for
23 employment or presence at the child care facility. The
24 department shall not reveal to the child care provider any
25 disqualifying crime or other related information regarding the
26 prospective child care staff member or child care staff member.

27 (3) If such prospective child care staff member or child
28 care staff member is ineligible for employment or presence at the

1 child care facility, the department shall, when providing the
2 results of criminal background check, include information related
3 to each disqualifying crime or other related information, in a
4 report to such prospective child care staff member or child care
5 staff member, along with information regarding the opportunity to
6 appeal under subsection 7 of this section.

7 7. The prospective child care staff member or child care
8 staff member may appeal in writing to the department to challenge
9 the accuracy or completeness of the information contained in his
10 or her criminal background check, or to offer information
11 mitigating the results and explaining why an eligibility
12 exception should be granted. The department of health and senior
13 services shall attempt to verify the accuracy of the information
14 challenged by the individual, including making an effort to
15 locate any missing disposition information related to the
16 disqualifying crime. The appeal shall be filed within ten days
17 from the delivery or mailing of the notice of ineligibility. The
18 department shall make a decision on the appeal in a timely
19 manner.

20 8. The department may adopt emergency rules to implement
21 the requirements of this section. Any rule or portion of a rule,
22 as that term is defined in section 536.010, that is created under
23 the authority delegated in this section shall become effective
24 only if it complies with and is subject to all of the provisions
25 of chapter 536 and, if applicable, section 536.028. This section
26 and chapter 536 are nonseverable, and if any of the powers vested
27 with the general assembly pursuant to chapter 536 to review, to
28 delay the effective date, or to disapprove and annul a rule are

1 subsequently held unconstitutional, then the grant of rulemaking
2 authority and any rule proposed or adopted after August 28, 2018,
3 shall be invalid and void.

4 9. (1) The provisions of this section shall not apply to
5 any child care facility, as defined in section 210.201,
6 maintained or operated under the exclusive control of a religious
7 organization, as described in subdivision ~~[(5)]~~ (4) of subsection
8 1 of section 210.211, unless such facility is a recipient of
9 federal funds for providing care for children, except for federal
10 funds for those programs that meet the requirements for
11 participation in the Child and Adult Care Food Program under 42
12 U.S.C. Section 1766.

13 (2) The provisions of this section, and any rules or
14 regulations promulgated under this section, shall expire if 42
15 U.S.C. Section 9858f, as enacted by the Child Care and
16 Development Block Grant (CCDBG) Act of 2014, and 45 CFR 98.43 are
17 repealed or if Missouri no longer receives federal funds from the
18 CCDBG.

19 452.377. 1. For purposes of this section and section
20 452.375, "relocate" or "relocation" means a change in the
21 principal residence of a child for a period of ninety days or
22 more, but does not include a temporary absence from the principal
23 residence.

24 2. Notice of a proposed relocation of the residence of the
25 child, or any party entitled to custody or visitation of the
26 child, shall be given in writing by certified mail, return
27 receipt requested, to any party with custody or visitation
28 rights. Absent exigent circumstances as determined by a court

1 with jurisdiction, written notice shall be provided at least
2 sixty days in advance of the proposed relocation. The notice of
3 the proposed relocation shall include the following information:

4 (1) The intended new residence, including the specific
5 address and mailing address, if known, and if not known, the
6 city;

7 (2) The home telephone number of the new residence, if
8 known;

9 (3) The date of the intended move or proposed relocation;

10 (4) A brief statement of the specific reasons for the
11 proposed relocation of a child, if applicable; ~~[and]~~

12 (5) A proposal for a revised schedule of custody or
13 visitation with the child, if applicable; and

14 (6) The other party's right, if that party is a parent, to
15 file a motion, pursuant to this section, seeking an order to
16 prevent the relocation and an accompanying affidavit setting
17 forth the specific good faith factual basis for opposing the
18 relocation within thirty days of receipt of the notice.

19 3. If a party seeking to relocate a child is a participant
20 in the address confidentiality program under section 589.663,
21 such party shall not be required to provide the information in
22 subdivision (1) of subsection 2 of this section, but may be
23 required to submit such information under seal to the court for
24 in camera review. Prior to disclosure of this information, a
25 court shall comply with the provisions of section 589.664.

26 4. A party required to give notice of a proposed relocation
27 pursuant to subsection 2 of this section has a continuing duty to
28 provide a change in or addition to the information required by

1 this section as soon as such information becomes known.

2 5. In exceptional circumstances where the court makes a
3 finding that the health or safety of any adult or child would be
4 unreasonably placed at risk by the disclosure of the required
5 identifying information concerning a proposed relocation of the
6 child, the court may order that:

7 (1) The specific residence address and telephone number of
8 the child, parent or person, and other identifying information
9 shall not be disclosed in the pleadings, notice, other documents
10 filed in the proceeding or the final order except for an in
11 camera disclosure;

12 (2) The notice requirements provided by this section shall
13 be waived to the extent necessary to protect the health or safety
14 of a child or any adult; or

15 (3) Any other remedial action the court considers necessary
16 to facilitate the legitimate needs of the parties and the best
17 interest of the child.

18 6. The court shall consider a failure to provide notice of
19 a proposed relocation of a child as:

20 (1) A factor in determining whether custody and visitation
21 should be modified;

22 (2) A basis for ordering the return of the child if the
23 relocation occurs without notice; and

24 (3) Sufficient cause to order the party seeking to relocate
25 the child to pay reasonable expenses and attorneys fees incurred
26 by the party objecting to the relocation.

27 7. If the parties agree to a revised schedule of custody
28 and visitation for the child, which includes a parenting plan,

1 they may submit the terms of such agreement to the court with a
2 written affidavit signed by all parties with custody or
3 visitation assenting to the terms of the agreement, and the court
4 may order the revised parenting plan and applicable visitation
5 schedule without a hearing.

6 8. The residence of the child may be relocated sixty days
7 after providing notice, as required by this section, unless a
8 parent files a motion seeking an order to prevent the relocation
9 within thirty days after receipt of such notice. Such motion
10 shall be accompanied by an affidavit setting forth the specific
11 good-faith factual basis supporting a prohibition of the
12 relocation. The person seeking relocation shall file a response
13 to the motion within fourteen days, unless extended by the court
14 for good cause, and include a counter-affidavit setting forth the
15 facts in support of the relocation as well as a proposed revised
16 parenting plan for the child.

17 9. If relocation of the child is proposed, a third party
18 entitled by court order to legal custody of or visitation with a
19 child and who is not a parent may file a cause of action to
20 obtain a revised schedule of legal custody or visitation, but
21 shall not prevent a relocation.

22 10. The party seeking to relocate shall have the burden of
23 proving that the proposed relocation is made in good faith and is
24 in the best interest of the child.

25 11. If relocation is permitted:

26 (1) The court shall order contact with the nonrelocating
27 party including custody or visitation and telephone access
28 sufficient to assure that the child has frequent, continuing and

1 meaningful contact with the nonrelocating party unless the
2 child's best interest warrants otherwise; and

3 (2) The court shall specify how the transportation costs
4 will be allocated between the parties and adjust the child
5 support, as appropriate, considering the costs of transportation.

6 12. After August 28, 1998, every court order establishing
7 or modifying custody or visitation shall include the following
8 language:

9 "Absent exigent circumstances as determined by a court with
10 jurisdiction, you, as a party to this action, are ordered to
11 notify, in writing by certified mail, return receipt requested,
12 and at least sixty days prior to the proposed relocation, each
13 party to this action of any proposed relocation of the principal
14 residence of the child, including the following information:

15 (1) The intended new residence, including the specific
16 address and mailing address, if known, and if not known, the
17 city;

18 (2) The home telephone number of the new residence, if
19 known;

20 (3) The date of the intended move or proposed relocation;

21 (4) A brief statement of the specific reasons for the
22 proposed relocation of the child; ~~and~~

23 (5) A proposal for a revised schedule of custody or
24 visitation with the child; and

25 (6) The other party's right, if that party is a parent, to
26 file a motion, pursuant to Section 452.377, RSMo, seeking an
27 order to prevent the relocation and an accompanying affidavit
28 setting forth the specific good-faith factual basis for opposing

1 the relocation within thirty days of receipt of the notice.

2 Your obligation to provide this information to each party
3 continues as long as you or any other party by virtue of this
4 order is entitled to custody of a child covered by this order.
5 Your failure to obey the order of this court regarding the
6 proposed relocation may result in further litigation to enforce
7 such order, including contempt of court. In addition, your
8 failure to notify a party of a relocation of the child may be
9 considered in a proceeding to modify custody or visitation with
10 the child. Reasonable costs and attorney fees may be assessed
11 against you if you fail to give the required notice.".

12 13. A participant in the address confidentiality program
13 under section 589.663 shall not be required to provide a
14 requesting party with the specific physical or mailing address of
15 the child's proposed relocation destination, but in the event of
16 an objection by a requesting party, a participant may be required
17 to submit such information under seal to the court for in camera
18 review. Prior to disclosure of this information, a court shall
19 comply with the provisions of section 589.664.

20 14. Violation of the provisions of this section or a court
21 order under this section may be deemed a change of circumstance
22 under section 452.410, allowing the court to modify the prior
23 custody decree. In addition, the court may utilize any and all
24 powers relating to contempt conferred on it by law or rule of the
25 Missouri supreme court.

26 15. Any party who objects in good faith to the relocation
27 of a child's principal residence shall not be ordered to pay the
28 costs and attorney's fees of the party seeking to relocate.

1 454.507. 1. In addition to the authority of the division
2 to request information pursuant to section 454.440, the division
3 may request information from financial institutions pursuant to
4 this section.

5 2. As used in this section:

6 (1) "Account" includes a demand deposit, checking or
7 negotiable withdrawal order account, savings account, time
8 deposit account or money market mutual fund account, or
9 individual retirement account qualified pursuant to Section 408
10 or 408A of the Internal Revenue Code;

11 (2) "Encumbered assets", the noncustodial parent's interest
12 in an account which is encumbered by a lien arising by operation
13 of law or otherwise;

14 (3) "Financial institution" includes:

15 (a) A depository institution as defined in Section 3(c) of
16 the Federal Deposit Insurance Act (12 U.S.C. Section 1813(c));

17 (b) An institution affiliated party as defined in Section
18 3(u) of the Federal Deposit Insurance Act (12 U.S.C. Section
19 1813(u));

20 (c) Any federal credit union or state credit union, as
21 defined in Section 101 of the Federal Credit Union Act (12 U.S.C.
22 Section 1752), including an institution affiliated party of such
23 a credit union as defined in Section 206(r) of the Federal Credit
24 Union Act (12 U.S.C. Section 1786(r)); or

25 (d) Any benefit association, insurance company, safe
26 deposit company, money market fund or similar entity authorized
27 to do business in the state.

28 3. The division and each financial institution doing

1 business in this state shall enter into [~~agreements with~~
2 ~~financial institutions~~] an agreement to develop and operate a
3 data match system which uses automated exchanges to the maximum
4 extent feasible, unless the financial institution does business
5 in two or more states and enters into an agreement with the
6 federal Office of Child Support Enforcement to effectuate a data
7 match. Such agreements shall require the financial institution
8 to provide to the division, for each calendar quarter, the name,
9 record address, Social Security number or other taxpayer
10 identification number, and other identifying information of each
11 noncustodial parent who maintains an account at such institution
12 and who owes past due support, as identified by the division by
13 name and Social Security number or other taxpayer identification
14 number. The financial institution shall only provide such
15 information stated in this subsection that is readily available
16 through existing data systems, and as such data systems are
17 enhanced, solely at the financial institution's discretion and
18 for its business purposes, the financial institution shall
19 provide any original and additional information which becomes
20 readily available for any new data match request.

21 4. The division shall pay a reasonable fee to the financial
22 institution for conducting the data match pursuant to this
23 section, but such amount shall not exceed the costs incurred by
24 the financial institution.

25 5. The division or a IV-D agency may issue liens against
26 any account in a financial institution and may release such
27 liens.

28 6. (1) If a notice of lien is received from the division

1 or a IV-D agency, the financial institution shall immediately
2 encumber the assets held by such institution on behalf of any
3 noncustodial parent who is subject to such lien. However, if the
4 account is in the name of a noncustodial parent and such parent's
5 spouse or parent, the financial institution at its discretion may
6 not encumber the assets and when it elects not to encumber such
7 assets, shall so notify the division or IV-D agency. The amount
8 of assets to be encumbered shall be stated in the notice and
9 shall not exceed the amount of unpaid support due at the time of
10 issuance. The financial institution shall, within ten business
11 days of receipt of a notice of lien, notify the division or IV-D
12 agency of the financial institution's response to the notice of
13 lien.

14 (2) Within ten business days of notification by the
15 financial institution that assets have been encumbered, the
16 division or IV-D agency shall notify by mail the noncustodial
17 parent of the issuance of the lien and the reasons for such
18 issuance. The notice shall advise the noncustodial parent of the
19 procedures to contest such lien pursuant to section 454.475 by
20 requesting a hearing within thirty days from the date the notice
21 was mailed by the division to the noncustodial parent.

22 7. (1) Except as provided in subsection 6 of this section,
23 the interest of the noncustodial parent shall be presumed equal
24 to all other joint owners, unless at least one of the joint
25 owners provides the division or IV-D agency with a true copy of a
26 written agreement entered prior to the date of issuance of notice
27 of lien, or other clear and convincing evidence regarding the
28 various ownership interests of the joint owners within ~~twenty~~

1 thirty days of the [~~financial institution's~~] division's or IV-D
2 agency's mailing of the notice [~~of lien~~] to the noncustodial
3 parent. The financial institution shall only encumber the amount
4 presumed to belong to the noncustodial parent. The division or
5 IV-D agency may proceed to issue an order for the amount in the
6 account presumed to belong to the noncustodial parent if no prior
7 written agreement or other evidence is provided.

8 (2) If a prior written agreement or other clear and
9 convincing evidence is furnished to the division, and based on
10 such agreement or evidence the division or IV-D agency determines
11 that the interest of the noncustodial parent is less than the
12 presumed amount, the division or IV-D agency shall amend the lien
13 to reflect the amount in the account belonging to the
14 noncustodial parent or shall release the lien if the noncustodial
15 parent has no interest in the account. In no event shall the
16 division or IV-D agency obtain more than the presumed amount of
17 the account without a judicial determination that a greater
18 amount of the account belongs to the noncustodial parent. The
19 division or IV-D agency may by levy and execution on a judgment
20 in a court of competent jurisdiction seek to obtain an amount
21 greater than the amount presumed to belong to the noncustodial
22 parent upon proof that the noncustodial parent's interest is
23 greater than the amount presumed pursuant to this subsection.

24 (3) For purposes of this subsection, accounts are not joint
25 accounts when the noncustodial parent has no legal right to the
26 funds, but is either a contingent owner or agent. Such nonjoint
27 accounts shall include, but are not limited to, a pay-on-death
28 account or any other account in which the noncustodial parent

1 owner may act as agent by a power of attorney or otherwise.
2 Furthermore, when any account naming the noncustodial parent has
3 not been disclosed to the noncustodial parent which is evidenced
4 by a signature card or other deposit agreement not containing the
5 signature of such noncustodial parent, then for the purposes of
6 this subsection, such account shall not be treated as a joint
7 account.

8 (4) Notwithstanding any other provision of this section, a
9 financial institution shall not encumber any account of less than
10 one hundred dollars.

11 8. Upon service of an order to surrender issued pursuant to
12 this section, any financial institution in possession of a
13 jointly owned account may interplead such property as otherwise
14 provided by law.

15 9. Any other joint owner may petition a court of competent
16 jurisdiction for a determination that the interests of the joint
17 owners are disproportionate. The party filing the petition shall
18 have the burden of proof on such a claim. If subject to the
19 jurisdiction of the court, all persons owning affected accounts
20 with a noncustodial parent shall be made parties to any
21 proceeding to determine the respective interests of the joint
22 owners. The court shall enter an appropriate order determining
23 the various interests of each of the joint owners and authorizing
24 payment against the obligor's share for satisfaction of the child
25 support or maintenance obligation.

26 10. The court may assess costs and reasonable attorney's
27 fees against the noncustodial parent if the court determines that
28 the noncustodial parent has an interest in the affected joint

1 account.

2 11. The division may order the financial institution to
3 surrender all or part of the encumbered assets. The order shall
4 not issue until sixty days after the notice of lien is sent to
5 the financial institution. The financial institution shall,
6 within seven days of receipt of the order, pay the encumbered
7 amount as directed in the order to surrender.

8 12. A financial institution shall not be liable pursuant to
9 any state or federal law, including 42 U.S.C. Section 669A, to
10 any person for:

11 (1) Any disclosure of information to the division pursuant
12 to this section;

13 (2) Encumbering or surrendering any assets held by the
14 financial institution in response to a lien or order pursuant to
15 this section and notwithstanding any other provisions in this
16 section to the contrary, encumbering or surrendering assets from
17 any account in the financial institution connected in any way to
18 the noncustodial parent; or

19 (3) Any other action taken in good faith to comply with the
20 requirements of this section.

21 13. A financial institution that fails without due cause to
22 comply with a notice of lien or order to surrender issued
23 pursuant to this section shall be liable for the amount of the
24 encumbered assets and the division may bring an action against
25 the financial institution in circuit court for such amount. For
26 purposes of this subsection, "due cause" shall include, but not
27 be limited to, when a financial institution demonstrates to a
28 court of competent jurisdiction that the institution established

1 in good faith a routine to comply with the requirements of this
2 section and that one or more transactions to enforce the lien or
3 order to surrender were not completed due to an accidental error,
4 a misplaced computer entry, or other accidental human or
5 mechanical problems.

6 454.600. As used in sections 454.600 to 454.645, the
7 following terms mean:

8 (1) "Court", any circuit court establishing a support
9 obligation pursuant to an action under this chapter, chapter 210,
10 chapter 211 or chapter 452;

11 (2) "Director", the director of the family support division
12 of the department of social services;

13 (3) "Division", the family support division of the
14 department of social services;

15 (4) "Employer", any individual, organization, agency,
16 business or corporation hiring an obligor for pay;

17 (5) "Health benefit plan", any benefit plan or combination
18 of plans [~~other than public assistance programs,~~] providing
19 medical or dental care or benefits through insurance or
20 otherwise, including but not limited to, health service
21 corporations, as defined in section 354.010; prepaid dental
22 plans, as defined in section 354.700; health maintenance
23 organization plans, as defined in section 354.400; and
24 self-insurance plans, to the extent allowed by federal law;

25 (6) "Minor child", a child for whom a support obligation
26 exists under law;

27 (7) "Obligee", a person to whom a duty of support is owed
28 or a person, including any division of the department of social

1 services, who has commenced a proceeding for enforcement of an
2 alleged duty of support or for registration of a support order,
3 regardless of whether the person to whom a duty of support is
4 owed is a recipient of public assistance;

5 (8) "Obligor", a person owing a duty of support or against
6 whom a proceeding for the enforcement of a duty of support or
7 registration of a support order is commenced;

8 (9) "IV-D case", a case in which support rights have been
9 assigned to the state of Missouri pursuant to section 208.040, or
10 in which the family support division is providing support
11 enforcement services pursuant to section 454.425.

12 454.603. 1. At any state of a proceeding in which the
13 circuit court or the division has jurisdiction to establish or
14 modify an order for child support, including but not limited to
15 actions brought pursuant to this chapter, chapters 210, 211, and
16 452, the court or the division shall determine whether to require
17 a parent to provide medical care for the child through a health
18 benefit plan.

19 2. ~~With or without the agreement of the parents,~~ The
20 court or the division may require that a child be covered under a
21 health benefit plan that is accessible to the child. Such a
22 requirement shall be imposed in any IV-D case. The court or
23 division shall require that a child be covered under a private
24 health benefit plan whenever such a health benefit plan is
25 available at reasonable cost through a parent's employer or union
26 ~~[or in any IV-D case]~~. If ~~[such]~~ a private health benefit plan
27 is not available at reasonable cost through an employer or union
28 ~~[and the case is not a IV-D case]~~, the court, in determining

1 whether to require a parent to provide such coverage, shall
2 consider:

3 (1) The best interests of the child;

4 (2) The child's present and anticipated needs for medical
5 care;

6 (3) The financial ability of the parents to afford the cost
7 of a health benefit plan; and

8 (4) The extent to which the cost of the health benefit plan
9 is subsidized or reduced by participation on a group basis or
10 otherwise.

11 3. To the extent that such options are available under the
12 terms of the health benefit plan, an order may specify required
13 terms of the health benefit plan, including:

14 (1) Minimum required policy limits;

15 (2) Minimum required coverage;

16 (3) Maximum terms for deductibles or required co-payments;

17 or

18 (4) Other significant terms, including, but not limited to,
19 any provision required for a health benefit plan under the
20 federal Employee Retirement Income Security Act of 1974, as
21 amended.

22 4. If the child is not covered by a private health benefit
23 plan but such a plan is available to one of the parents at a
24 reasonable cost, the court or the division shall order that
25 coverage under the health benefit plan be provided for the child,
26 unless there is available to the other parent a private health
27 benefit plan with comparable or better benefits at comparable or
28 reduced cost. If private health benefit plans are available to

1 both parents upon terms which provide comparable benefits and
2 costs, the court or the division shall determine which health
3 benefit plan, if any, shall be required, giving due regard to the
4 possible advantages of each plan.

5 5. The court shall require the obligor to be liable for all
6 or a portion of the medical or dental expenses of the minor child
7 that are not covered by the required health benefit plan coverage
8 if:

9 (1) The court finds that the health benefit plan coverage
10 required to be obtained by the obligor or available to the
11 obligee does not pay all the reasonable and necessary medical or
12 dental expenses of the minor child; and

13 (2) The court finds that the obligor has the financial
14 resources to contribute to the payment of these medical or dental
15 expenses; and

16 (3) The court finds the obligee has substantially complied
17 with the terms of the health benefit coverage.

18 6. The cost of health benefit plan employee contributions
19 or premiums shall not be a direct offset to child support awards
20 established pursuant to this chapter, chapters 210, 211, and 452,
21 but it shall be considered when determining the amount of child
22 support to be paid by the obligor.

23 7. If two or more health benefit plans are available to one
24 or both parents that are complementary to one another or are
25 compatible as primary and secondary coverage for the child, the
26 court or the division may order each parent to maintain one or
27 more health benefit plans for the child.

28 8. Prior to terminating enrollment in a health benefit plan

1 or changing from one health benefit plan to another,
2 consideration by the court or division shall be given to the
3 child's medical condition and best interests and whether there is
4 reason to believe that a new health benefit plan would omit or
5 limit benefits because of a preexisting condition.

6 9. An abatement of a parent's child support obligation
7 shall not automatically abate that parent's duty to provide for
8 the child's health care needs. Unless an order of the court or
9 the division specifically provides for abatement or termination
10 of health care coverage, an order to maintain health benefits or
11 otherwise provide for a child's health care needs shall continue
12 in force until further order of the court or the division, or
13 until the child's right to parental support terminates.

14 513.430. 1. The following property shall be exempt from
15 attachment and execution to the extent of any person's interest
16 therein:

17 (1) Household furnishings, household goods, wearing
18 apparel, appliances, books, animals, crops or musical instruments
19 that are held primarily for personal, family or household use of
20 such person or a dependent of such person, not to exceed three
21 thousand dollars in value in the aggregate;

22 (2) A wedding ring not to exceed one thousand five hundred
23 dollars in value and other jewelry held primarily for the
24 personal, family or household use of such person or a dependent
25 of such person, not to exceed five hundred dollars in value in
26 the aggregate;

27 (3) Any other property of any kind, not to exceed in value
28 six hundred dollars in the aggregate;

1 (4) Any implements or professional books or tools of the
2 trade of such person or the trade of a dependent of such person
3 not to exceed three thousand dollars in value in the aggregate;

4 (5) Any motor vehicles, not to exceed three thousand
5 dollars in value in the aggregate;

6 (6) Any mobile home used as the principal residence but not
7 attached to real property in which the debtor has a fee interest,
8 not to exceed five thousand dollars in value;

9 (7) Any one or more unmatured life insurance contracts
10 owned by such person, other than a credit life insurance
11 contract, and up to fifteen thousand dollars of any matured life
12 insurance proceeds for actual funeral, cremation, or burial
13 expenses where the deceased is the spouse, child, or parent of
14 the beneficiary;

15 (8) The amount of any accrued dividend or interest under,
16 or loan value of, any one or more unmatured life insurance
17 contracts owned by such person under which the insured is such
18 person or an individual of whom such person is a dependent;
19 provided, however, that if proceedings under Title 11 of the
20 United States Code are commenced by or against such person, the
21 amount exempt in such proceedings shall not exceed in value one
22 hundred fifty thousand dollars in the aggregate less any amount
23 of property of such person transferred by the life insurance
24 company or fraternal benefit society to itself in good faith if
25 such transfer is to pay a premium or to carry out a nonforfeiture
26 insurance option and is required to be so transferred
27 automatically under a life insurance contract with such company
28 or society that was entered into before commencement of such

1 proceedings. No amount of any accrued dividend or interest
2 under, or loan value of, any such life insurance contracts shall
3 be exempt from any claim for child support. Notwithstanding
4 anything to the contrary, no such amount shall be exempt in such
5 proceedings under any such insurance contract which was purchased
6 by such person within one year prior to the commencement of such
7 proceedings;

8 (9) Professionally prescribed health aids for such person
9 or a dependent of such person;

10 (10) Such person's right to receive:

11 (a) A Social Security benefit, unemployment compensation or
12 a public assistance benefit;

13 (b) A veteran's benefit;

14 (c) A disability, illness or unemployment benefit;

15 (d) Alimony, support or separate maintenance, not to exceed
16 seven hundred fifty dollars a month;

17 (e) Any payment under a stock bonus plan, pension plan,
18 disability or death benefit plan, profit-sharing plan, nonpublic
19 retirement plan or any plan described, defined, or established
20 pursuant to section 456.014, the person's right to a participant
21 account in any deferred compensation program offered by the state
22 of Missouri or any of its political subdivisions, or annuity or
23 similar plan or contract on account of illness, disability,
24 death, age or length of service, to the extent reasonably
25 necessary for the support of such person and any dependent of
26 such person unless:

27 a. Such plan or contract was established by or under the
28 auspices of an insider that employed such person at the time such

1 person's rights under such plan or contract arose;

2 b. Such payment is on account of age or length of service;
3 and

4 c. Such plan or contract does not qualify under Section
5 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue
6 Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a),
7 403(b), 408, 408A or 409);

8
9 except that any such payment to any person shall be subject to
10 attachment or execution pursuant to a qualified domestic
11 relations order, as defined by Section 414(p) of the Internal
12 Revenue Code of 1986, as amended, issued by a court in any
13 proceeding for dissolution of marriage or legal separation or a
14 proceeding for disposition of property following dissolution of
15 marriage by a court which lacked personal jurisdiction over the
16 absent spouse or lacked jurisdiction to dispose of marital
17 property at the time of the original judgment of dissolution;

18 (f) Any money or assets, payable to a participant or
19 beneficiary from, or any interest of any participant or
20 beneficiary in, a retirement plan, profit-sharing plan, health
21 savings plan, or similar plan, including an inherited account or
22 plan, that is qualified under Section 401(a), 403(a), 403(b),
23 408, 408A or 409 of the Internal Revenue Code of 1986, as
24 amended, whether such participant's or beneficiary's interest
25 arises by inheritance, designation, appointment, or otherwise,
26 except as provided in this paragraph. Any plan or arrangement
27 described in this paragraph shall not be exempt from the claim of
28 an alternate payee under a qualified domestic relations order;

1 however, the interest of any and all alternate payees under a
2 qualified domestic relations order shall be exempt from any and
3 all claims of any creditor, other than the state of Missouri
4 through its department of social services. As used in this
5 paragraph, the terms "alternate payee" and "qualified domestic
6 relations order" have the meaning given to them in Section 414(p)
7 of the Internal Revenue Code of 1986, as amended. If proceedings
8 under Title 11 of the United States Code are commenced by or
9 against such person, no amount of funds shall be exempt in such
10 proceedings under any such plan, contract, or trust which is
11 fraudulent as defined in subsection 2 of section 428.024 and for
12 the period such person participated within three years prior to
13 the commencement of such proceedings. For the purposes of this
14 section, when the fraudulently conveyed funds are recovered and
15 after, such funds shall be deducted and then treated as though
16 the funds had never been contributed to the plan, contract, or
17 trust;

18 (11) The debtor's right to receive, or property that is
19 traceable to, a payment on account of the wrongful death of an
20 individual of whom the debtor was a dependent, to the extent
21 reasonably necessary for the support of the debtor and any
22 dependent of the debtor;

23 (12) Firearms, firearm accessories, and ammunition, not to
24 exceed one thousand five hundred dollars in value in the
25 aggregate.

26 2. Nothing in this section shall be interpreted to exempt
27 from attachment or execution for a valid judicial or
28 administrative order for the payment of child support or

1 maintenance any money or assets, payable to a participant or
2 beneficiary from, or any interest of any participant or
3 beneficiary in, a retirement plan which is qualified pursuant to
4 ~~[Section]~~ Sections 408 and 408A of the Internal Revenue Code of
5 1986, as amended.

6 566.147. 1. Any person who, since July 1, 1979, has been
7 or hereafter has been found guilty of:

8 (1) Violating any of the provisions of this chapter or the
9 provisions of section 568.020, incest; section 568.045,
10 endangering the welfare of a child in the first degree;
11 subsection 2 of section 568.080 as it existed prior to January 1,
12 2017, or section 573.200, use of a child in a sexual performance;
13 section 568.090 as it existed prior to January 1, 2017, or
14 section 573.205, promoting a sexual performance by a child;
15 section 573.023, sexual exploitation of a minor; section 573.025,
16 promoting child pornography in the first degree; section 573.035,
17 promoting child pornography in the second degree; section
18 573.037, possession of child pornography, or section 573.040,
19 furnishing pornographic material to minors; or

20 (2) Any offense in any other jurisdiction which, if
21 committed in this state, would be a violation listed in this
22 section;

23
24 shall not reside within one thousand feet of any public school as
25 defined in section 160.011, any private school giving instruction
26 in a grade or grades not higher than the twelfth grade, or any
27 child care facility that is licensed under chapter 210, or any
28 child care facility as defined in section 210.201 that is exempt

1 from state licensure but subject to state regulation under
2 section 210.252 and holds itself out to be a child care facility,
3 where the school or facility is in existence at the time the
4 individual begins to reside at the location. Such person shall
5 also not reside within one thousand feet of the property line of
6 the residence of a former victim of such person.

7 2. If such person has already established a residence and a
8 public school, a private school, or child care facility is
9 subsequently built or placed within one thousand feet of such
10 person's residence, or a former victim subsequently resides on
11 property with a property line within one thousand feet of such
12 person's residence, then such person shall, within one week of
13 the opening of such public school, private school, or child care
14 facility, or the former victim residing on the property, notify
15 the county sheriff where such public school, private school,
16 child care facility, or residence of a former victim is located
17 that he or she is now residing within one thousand feet of such
18 public school, private school, child care facility, or property
19 line of the residence of a former victim, and shall provide
20 verifiable proof to the sheriff that he or she resided there
21 prior to the opening of such public school, private school, or
22 child care facility, or the former victim residing on the
23 property.

24 3. For purposes of this section, "resides" means sleeps in
25 a residence, which may include more than one location and may be
26 mobile or transitory, but shall not include transitory or longer
27 term presence in facilities licensed under chapters 197 and 198
28 for purposes of receiving care, treatment, or services from such

1 licensed facility.

2 4. For the purposes of the section, one thousand feet shall
3 be measured from the edge of the offender's property nearest the
4 public school, private school, child care facility, or former
5 victim to the nearest edge of the public school, private school,
6 child care facility, or former victim's property.

7 5. Violation of the provisions of subsection 1 of this
8 section is a class E felony except that the second or any
9 subsequent violation is a class B felony. Violation of the
10 provisions of subsection 2 of this section is a class A
11 misdemeanor except that the second or subsequent violation is a
12 class E felony.

13 567.020. 1. A person commits the offense of prostitution
14 if he or she engages in or offers or agrees to engage in sexual
15 conduct with another person in return for something of value to
16 be received by any person.

17 2. The offense of prostitution is a class B misdemeanor
18 unless the person knew prior to performing the act of
19 prostitution that he or she was infected with HIV in which case
20 prostitution is a class B felony. The use of condoms is not a
21 defense to this offense.

22 3. As used in this section, "HIV" means the human
23 immunodeficiency virus that causes acquired immunodeficiency
24 syndrome.

25 4. The judge may order a drug and alcohol abuse treatment
26 program for any person found guilty of prostitution, either after
27 trial or upon a plea of guilty, before sentencing. For the class
28 B misdemeanor offense, upon the successful completion of such

1 program by the defendant, the court may at its discretion allow
2 the defendant to withdraw the plea of guilty or reverse the
3 verdict and enter a judgment of not guilty. For the class B
4 felony offense, the court shall not allow the defendant to
5 withdraw the plea of guilty or reverse the verdict and enter a
6 judgment of not guilty. The judge, however, has discretion to
7 take into consideration successful completion of a drug or
8 alcohol treatment program in determining the defendant's
9 sentence.

10 5. In addition to the affirmative defense provided in
11 subsection 2 of section 566.223, it shall be an affirmative
12 defense to prosecution pursuant to this section that the
13 defendant was under the age of eighteen and was acting under the
14 coercion, as defined in section 566.200, of an agent at the time
15 of the offense charged. In such cases where the defendant was
16 under the age of eighteen, the defendant shall be classified as a
17 victim of abuse, as defined under section 210.110, and such abuse
18 shall be reported, as required under section 210.115.

19 567.050. 1. A person commits the offense of promoting
20 prostitution in the first degree if he or she knowingly:

21 (1) Promotes prostitution by compelling a person to enter
22 into, engage in, or remain in prostitution; ~~[or]~~

23 (2) Promotes prostitution of a person less than sixteen
24 years of age; or

25 (3) Owns, manages, or operates an interactive computer
26 service, or conspires or attempts to do so, with the intent to
27 promote or facilitate the prostitution of another. As used in
28 this subdivision, the term "interactive computer service" shall

1 mean: any information service, system, or access software
2 provider that provides or enables computer access by multiple
3 users to a computer server, including specifically a service or
4 system that provides access to the internet and such systems
5 operated or services offered by libraries or educational
6 institutions.

7 2. The term "compelling" includes:

8 (1) The use of forcible compulsion;

9 (2) The use of a drug or intoxicating substance to render a
10 person incapable of controlling his conduct or appreciating its
11 nature;

12 (3) Withholding or threatening to withhold dangerous drugs
13 or a narcotic from a drug dependent person.

14 3. (1) The offense of promoting prostitution in the first
15 degree under subdivision (1) or (3) of subsection 1 of this
16 section is a class B felony.

17 (2) The offense of promoting prostitution in the first
18 degree under subdivision (3) of subsection 1 of this section is a
19 class A felony if a person acts in reckless disregard of the fact
20 that such conduct contributed to the offense of trafficking for
21 the purposes of sexual exploitation under section 566.209.

22 (3) The offense of promoting prostitution in the first
23 degree under subdivision (2) of subsection 1 of this section is a
24 felony punishable by a term of imprisonment not less than ten
25 years and not to exceed fifteen years.

26 4. A person injured by the acts committed in violation of
27 subdivision (3) of subsection 1 of this section or subdivision
28 (2) of subsection 3 of this section shall have a civil cause of

1 action to recover damages and reasonable attorneys' fees for such
2 injury.

3 5. In addition to the court's authority to order a
4 defendant to make restitution for the damage or loss caused by
5 his or her offense as provided in section 559.105, the court
6 shall enter a judgment of restitution against the defendant
7 convicted of violating subdivision (3) of subsection 1 of this
8 section and subdivision (2) of subsection 3 of this section.

9 578.421. As used in sections 578.421 to 578.437, the
10 following terms mean:

11 (1) "Criminal street gang", any ongoing organization,
12 association, or group of three or more persons, whether formal or
13 informal, having as one of its primary activities the commission
14 of one or more of the criminal acts enumerated in subdivision (2)
15 of this section, which has a common name or common identifying
16 sign or symbol, whose members individually or collectively engage
17 in or have engaged in a pattern of criminal gang activity;

18 (2) "Pattern of criminal street gang activity", the
19 commission, attempted commission, or solicitation of two or more
20 of the following offenses, provided at least one of those
21 offenses occurred after August 28, 1993, and the last of those
22 offenses occurred within three years after a prior offense, and
23 the offenses are committed on separate occasions, or by two or
24 more persons:

25 (a) Assault with a deadly weapon or by means of force
26 likely to cause serious physical injury, as provided in sections
27 565.050 and 565.052;

28 (b) Robbery, arson and those offenses under chapter 569

1 which are related to robbery and arson;

2 (c) Murder or manslaughter, as provided in sections 565.020
3 to 565.024;

4 (d) Any violation of the provisions of chapter 579 which
5 involves the distribution, delivery or manufacture of a substance
6 prohibited by chapter 579;

7 (e) Unlawful use of a weapon which is a felony pursuant to
8 section 571.030; ~~[or]~~

9 (f) Tampering with witnesses and victims, as provided in
10 section 575.270;

11 (g) Promoting online sexual solicitation, as provided in
12 section 566.103;

13 (h) Sexual trafficking of a child in the first degree, as
14 provided in section 566.210;

15 (i) Sexual trafficking of a child in the second degree, as
16 provided in section 566.211;

17 (j) Patronizing prostitution, as provided in subsection 4
18 of section 567.030;

19 (k) Promoting prostitution in the first degree, as provided
20 in section 567.050;

21 (l) Promoting prostitution in the second degree, as
22 provided in section 567.060;

23 (m) Abuse or neglect of a child, as provided in subsection
24 6 of section 568.060;

25 (n) Sexual exploitation of a minor, as provided in section
26 573.023;

27 (o) Child used in sexual performance, as provided in
28 section 573.200; or

1 (p) Promoting sexual performance by a child, as provided in
2 section 573.205.

3 578.423. Any person who actively participates in any
4 criminal street gang with knowledge that its members engage in or
5 have engaged in a pattern of criminal street gang activity, and
6 who willfully promotes, furthers, or assists in any felonious
7 criminal conduct by gang members shall be punished by
8 imprisonment in the county jail for a period not to exceed one
9 year, or by imprisonment in a state correctional facility for
10 one, two, or three years. ~~[For any person between the ages of~~
11 ~~fourteen and seventeen who is alleged to have violated the~~
12 ~~provisions of sections 578.421 to 578.437 the prosecuting~~
13 ~~attorney or circuit attorney may move for dismissal of a petition~~
14 ~~and transfer to a court of general jurisdiction.]~~

15 610.131. 1. Notwithstanding the provisions of section
16 610.140 to the contrary, ~~[an individual]~~ a person who at the time
17 of the offense was under the age of eighteen, and has pleaded
18 guilty or has been convicted for the offense of prostitution
19 under section 567.020 may apply to the court in which he or she
20 pled guilty or was sentenced for an order to expunge from all
21 official records all recordations of his or her arrest, plea,
22 trial, or conviction. If the court determines ~~[, after a~~
23 ~~hearing,]~~ that such person was under the age of eighteen or was
24 acting under the coercion, as defined in section 566.200, of an
25 agent when committing the offense that resulted in a plea of
26 guilty or conviction under section 567.020, the court shall enter
27 an order of expungement.

28 2. Upon granting of the order of expungement, the records

1 and files maintained in any administrative or court proceeding in
2 an associate or circuit division of the circuit court under this
3 section shall be confidential and only available to the parties
4 or by order of the court for good cause shown. The effect of
5 such order shall be to restore such person to the status he or
6 she occupied prior to such arrest, plea, or conviction and as if
7 such event had never taken place. No person as to whom such
8 order has been entered shall be held thereafter under any
9 provision of any law to be guilty of perjury or otherwise giving
10 a false statement by reason of his or her failure to recite or
11 acknowledge such arrest, plea, trial, conviction, or expungement
12 in response to any inquiry made of him or her for any purpose
13 whatsoever and no such inquiry shall be made for information
14 relating to an expungement under this section.

15 Section B. Because of the necessity of securing the safety
16 and welfare of children being cared for in certain child care
17 facilities, the repeal and reenactment of sections 210.221 and
18 566.147 of this act is deemed necessary for the immediate
19 preservation of the public health, welfare, peace and safety, and
20 is hereby declared to be an emergency act within the meaning of
21 the constitution, and the repeal and reenactment of sections
22 210.221 and 566.147 of this act shall be in full force and effect
23 upon its passage and approval.

24 ✓
25 _____
26

27
28 _____
29 Representative Mary Elizabeth Coleman Senator Jeanie Riddle