

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 878
93RD GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 15, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

4470S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 210.482, RSMo, and to enact in lieu thereof one new section relating to child protection.

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

Section A. Section 210.482, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 210.482, to read as follows:

210.482. 1. If the emergency placement of a child in a private home is
2 necessary due to the unexpected absence of the child's parents, legal guardian,
3 or custodian, the juvenile court or children's division:

4 (1) May request that a local or state law enforcement agency or juvenile
5 officer, subject to any required federal authorization, immediately conduct a
6 name-based criminal history record check to include full orders of protection and
7 outstanding warrants of each person over the age of seventeen residing in the
8 home by using the Missouri uniform law enforcement system (MULES) and the
9 National Crime Information Center to access the Interstate Identification Index
10 maintained by the Federal Bureau of Investigation; and

11 (2) Shall determine or, in the case of the juvenile court, shall request the
12 division to determine whether any person over the age of seventeen years residing
13 in the home is listed on the child abuse and neglect registry.

14 For any children less than seventeen years of age residing in the home, the
15 children's division shall inquire of the person with whom an emergency placement
16 of a child will be made whether any children less than seventeen years of age
17 residing in the home have ever been certified as an adult and convicted of or pled
18 guilty or nolo contendere to any crime.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 2. If a name-based search has been conducted pursuant to subsection 1
20 of this section, within fifteen **[business] calendar** days after the emergency
21 placement of the child in the private home, and if the private home has not
22 previously been approved as a foster or adoptive home, all persons over the age
23 of seventeen residing in the home and all children less than seventeen residing
24 in the home who the division has determined have been certified as an adult for
25 the commission of a crime, **[other than persons within the second degree of**
26 **consanguinity and affinity to the child,]** shall report to a local law enforcement
27 agency for the purpose of providing two sets of fingerprints each and
28 accompanying fees, pursuant to section 43.530, RSMo. One set of fingerprints
29 shall be used by the highway patrol to search the criminal history repository and
30 the second set shall be forwarded to the Federal Bureau of Investigation for
31 searching the federal criminal history files. Results of the checks will be provided
32 to the juvenile court or children's division office requesting such
33 information. Any child placed in emergency placement in a private home shall
34 be removed immediately if any person residing in the home fails to provide
35 fingerprints after being requested to do so, unless the person refusing to provide
36 fingerprints ceases to reside in the private home.

37 3. If the placement of a child is denied as a result of a name-based
38 criminal history check and the denial is contested, all persons over the age of
39 seventeen residing in the home and all children less than seventeen years of age
40 residing in the home who the division has determined have been certified as an
41 adult for the commission of a crime shall, within fifteen **[business] calendar**
42 days, submit to the juvenile court or the children's division two sets of
43 fingerprints in the same manner described in subsection 2 of this section,
44 accompanying fees, and written permission authorizing the juvenile court or the
45 children's division to forward the fingerprints to the state criminal record
46 repository for submission to the Federal Bureau of Investigation. One set of
47 fingerprints shall be used by the highway patrol to search the criminal history
48 repository and the second set shall be forwarded to the Federal Bureau of
49 Investigation for searching the federal criminal history files.

50 4. Subject to appropriation, the total cost of fingerprinting required by
51 this section may be paid by the state, including reimbursement of persons
52 incurring fingerprinting costs under this section.

53 5. For the purposes of this section, "emergency placement" refers to those
54 limited instances when the juvenile court or children's division is placing a child

55 in the home of private individuals, including neighbors, friends, or relatives, as
56 a result of a sudden unavailability of the child's primary caretaker.

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