

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 448**  
**96TH GENERAL ASSEMBLY**

4183L.06C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 210.211 and 210.245, RSMo, and to enact in lieu thereof three new sections relating to child care providers, with penalty provisions.

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

Section A. Sections 210.211 and 210.245, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 210.211, 210.245, and 544.456, to read as  
3 follows:

210.211. 1. It shall be unlawful for any person to establish, maintain or operate a  
2 child-care facility for children, or to advertise or hold himself or herself out as being able to  
3 perform any of the services as defined in section 210.201, without having in effect a written  
4 license granted by the department of health and senior services; except that nothing in sections  
5 210.203 to 210.245 shall apply to:

6 (1) Any person who is caring for four or fewer children. For purposes of this  
7 subdivision, children who are related by blood, marriage or adoption to such person within the  
8 third degree shall not be considered in the total number of children being cared for;

9 (2) Any person who has been duly appointed by a court of competent jurisdiction the  
10 guardian of the person of the child or children, or the person who has legal custody of the child  
11 or children;

12 (3) Any person who receives free of charge, and not as a business, for periods not  
13 exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 children of personal friends of such person, and who receives custody of no other unrelated child  
15 or children;

16 (4) Any graded boarding school, summer camp, hospital, sanitarium or home which is  
17 conducted in good faith primarily to provide education, recreation, medical treatment, or nursing  
18 or convalescent care for children;

19 (5) Any child-care facility maintained or operated under the exclusive control of a  
20 religious organization. When a nonreligious organization, having as its principal purpose the  
21 provision of child-care services, enters into an arrangement with a religious organization for the  
22 maintenance or operation of a child-care facility, the facility is not under the exclusive control  
23 of the religious organization;

24 (6) Any residential facility or day program licensed by the department of mental health  
25 pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation  
26 exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental  
27 retardation or developmental disability, as defined in section 630.005; and

28 (7) Any nursery school.

29 2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility  
30 shall be exempt from licensure if such facility receives any state or federal funds for providing  
31 care for children, except for federal funds for those programs which meet the requirements for  
32 participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to  
33 parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds  
34 received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of this section.

35 **3. No child care facility exempt from licensure shall assert to any parent or**  
36 **guardian of a child for which the facility provides care that the facility is licensed when**  
37 **such facility is in fact not licensed.**

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

9 2. If the department of health and senior services proposes to deny, suspend, place on  
10 probation or revoke a license, the department of health and senior services shall serve upon the  
11 applicant or licensee written notice of the proposed action to be taken. The notice shall contain  
12 a statement of the type of action proposed, the basis for it, the date the action will become

13 effective, and a statement that the applicant or licensee shall have thirty days to request in writing  
14 a hearing before the administrative hearing commission and that such request shall be made to  
15 the department of health and senior services. If no written request for a hearing is received by  
16 the department of health and senior services within thirty days of the delivery or mailing by  
17 certified mail of the notice to the applicant or licensee, the proposed discipline shall take effect  
18 on the thirty-first day after such delivery or mailing of the notice to the applicant or licensee. If  
19 the applicant or licensee makes a written request for a hearing, the department of health and  
20 senior services shall file a complaint with the administrative hearing commission within ninety  
21 days of receipt of the request for a hearing.

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

25         4. The department of health and senior services may suspend any license simultaneously  
26 with the notice of the proposed action to be taken in subsection 2 of this section, if the  
27 department of health and senior services finds that there is a threat of imminent bodily harm to  
28 the children in care.

29 The notice of suspension shall include the basis of the suspension and the appeal rights of the  
30 licensee pursuant to this section. The licensee may appeal the decision to suspend the license  
31 to the department of health and senior services. The appeal shall be filed within ten days from  
32 the delivery or mailing by certified mail of the notice of appeal. A hearing shall be conducted  
33 by the department of health and senior services within ten days from the date the appeal is filed.  
34 The suspension shall continue in effect until the conclusion of the proceedings, including review  
35 thereof, unless sooner withdrawn by the department of health and senior services, dissolved by  
36 a court of competent jurisdiction or stayed by the administrative hearing commission. Any  
37 person aggrieved by a final decision of the department made pursuant to this section shall be  
38 entitled to judicial review in accordance with chapter 536.

39         5. In addition to initiating proceedings pursuant to subsection 1 of this section, or in lieu  
40 thereof, the prosecuting attorney of the county where the child-care facility is located may file  
41 suit for a preliminary and permanent order overseeing or preventing the operation of a child-care  
42 facility for violating any provision of sections 210.201 to 210.245. The order shall remain in  
43 force until such a time as the court determines that the child-care facility is in substantial  
44 compliance. If the prosecuting attorney refuses to act or fails to act after receipt of notice from  
45 the department of health and senior services, the department of health and senior services may  
46 request that the attorney general seek an injunction of the operation of such child-care facility.

47         6. In cases of imminent bodily harm to children in the care of a child-care facility, the  
48 department may file suit in the circuit court of the county in which the child-care facility is

49 located for injunctive relief, which may include removing the children from the facility,  
50 overseeing the operation of the facility or closing the facility.

**544.456. 1. This section shall be known and may be cited as "Sam Pratt's Law".**  
2 **2. In any case involving abuse, neglect, or death of a child, any court with**  
3 **competent jurisdiction may impose as a condition of release of a defendant under section**  
4 **544.455 that such defendant be prohibited from providing child care services for**  
5 **compensation pending final disposition of the case. The court shall notify the department**  
6 **of health and senior services and the department of social services when it makes such a**  
7 **determination, as well as the final disposition of the case.**

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