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**Rules of  
Department of Health and  
Senior Services**

**Division 30—Division of Regulation and Licensure  
Chapter 63—Child Care Comprehensive Background  
Screening**

<b>Title</b>	<b>Page</b>
<b>19 CSR 30-63.010</b> Definitions .....	3
<b>19 CSR 30-63.020</b> General Requirements.....	3
<b>19 CSR 30-63.030</b> Criminal Background Screening Cost.....	3
<b>19 CSR 30-63.040</b> Background Screening Findings.....	3
<b>19 CSR 30-63.050</b> Process for Appeal Required in Section 210.1080, RSMo .....	4



**Title 19—DEPARTMENT OF  
HEALTH AND SENIOR SERVICES  
Division 30—Division of Regulation and  
Licensure  
Chapter 63—Child Care Comprehensive  
Background Screening**

**19 CSR 30-63.010 Definitions**

*PURPOSE: This rule provides definitions to be used in the interpretation and enforcement of 19 CSR 30-63.*

(1) Child care provider, group day care home provider, or provider is the person(s) licensed or required to be licensed under section 210.211, RSMo, or person(s) exempted by section 210.1080.9(1), RSMo, in order to establish, conduct, or maintain a child care facility. This person(s) shall have the following rights and responsibilities as determined by the department:

(A) Ultimate responsibility for making and implementing decisions regarding the operation of the facility; and

(B) Ultimate financial control of the operation of the facility.

(2) Child care staff member is—a child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or individuals residing in a family child care home who are seventeen (17) years of age and older.

(3) Criminal background check includes the following:

(A) A Federal Bureau of Investigation fingerprint check;

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

(C) A search of the following registries, repositories, including the Family Care Safety Registry, or databases in Missouri, the state where the child care staff member resides, and each state where such staff member resided during the preceding five (5) years:

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

2. The state sex offender registry or repository; and

3. The state-based child abuse and neglect registry and database.

(4) Director is the director of the Missouri Department of Health and Senior Services.

(5) Department is the Missouri Department of Health and Senior Services.

*AUTHORITY: section 210.1080, RSMo Supp. 2018.\* Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019.*

*\*Original authority: 210.1080, RSMo 2018.*

**19 CSR 30-63.020 General Requirements**

*PURPOSE: This rule requires child care staff members to complete criminal background screening and have a qualifying result pursuant to section 210.1080, RSMo.*

(1) Prior to the employment or presence of a child care staff member in a family child care home, group child care home, child care center, or license-exempt facility not exempted by section 210.1080.9(1), RSMo, the child care provider shall request the results of a criminal background check for such child care staff member from the department.

(2) A prospective child care staff member may begin work for a child care provider after the criminal background check has been requested from the department; however, pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five (5) years.

(3) Child care providers shall request the results of a criminal background check for all child care staff members, unless the requirements of section (4) of this rule are met by the child care provider and proof is submitted to the department.

(4) A child care provider shall not be required to submit a request for a criminal background check for a child care staff member if—

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

(B) The first provider received a qualifying criminal background check result, consistent with this chapter, for the staff member; and

(C) The staff member is employed by a

child care provider within Missouri or has been separated from employment from a child care provider within Missouri for a period of not more than one hundred eighty (180) consecutive days.

(5) Criminal background checks shall be completed for each child care staff member every five (5) years.

*AUTHORITY: section 210.1080, RSMo Supp. 2018.\* Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019.*

*\*Original authority: 210.1080, RSMo 2018.*

**19 CSR 30-63.030 Criminal Background Screening Cost**

*PURPOSE: This rule establishes who is responsible for the cost of the criminal background check.*

(1) The costs of the criminal background check shall be the responsibility of the child care staff member, but may be paid or reimbursed by the child care provider at the provider's discretion.

*AUTHORITY: section 210.1080, RSMo Supp. 2018.\* Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019.*

*\*Original authority: 210.1080, RSMo 2018.*

**19 CSR 30-63.040 Background Screening Findings**

*PURPOSE: This rule establishes who is ineligible for employment and who cannot be present at a family child care home, group child care home, child care center, or license-exempt facility not subject to 210.1080.9, RSMo.*

(1) Any child care staff member or prospective child care staff member shall be ineligible for employment or presence at a family child care home, group child care home, child care center, or license-exempt facility not exempted by section 210.1080.9(1), RSMo if such person—

(A) Refuses to consent to the criminal background check as required by section 210.1080, RSMo;

(B) Knowingly makes a materially false statement in connection with the criminal



background check as required by section 210.1080, RSMo;

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

(D) Has a finding of child abuse or neglect under section 210.145 or 210.152, RSMo or any other finding of child abuse or neglect based on any other state’s registry or database;

(E) Has been convicted of a felony consisting of—

1. Murder, as described in 18 U.S.C. Section 1111;
2. Child abuse or neglect;
3. A crime against children, including child pornography;
4. Spousal abuse;
5. A crime involving rape or sexual assault;
6. Kidnapping;
7. Arson;
8. Physical assault or battery; or
9. A drug-related offense committed during the preceding five (5) years;

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

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

(2) Adult household members seventeen (17) years of age and older in a family child care home shall be ineligible to maintain a presence at a family child care home if any one (1) or more of the provisions of section (1) of this rule applies to them.

*AUTHORITY: section 210.1080, RSMo Supp. 2018.\* Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019.*

*\*Original authority: 210.1080, RSMo 2018.*

**19 CSR 30-63.050 Process for Appeal Required in Section 210.1080, RSMo**

*PURPOSE: This rule sets forth the process for the appeal required in section 210.1080, RSMo.*

(1) The prospective child care staff member or child care staff member may appeal in writing to the department to challenge the

accuracy or completeness of the information contained in his or her criminal background check, or to offer information mitigating the results and explaining why an eligibility exception should be granted.

(2) The appeal shall be filed within ten (10) days from the mailing of the notice of ineligibility.

(3) The written appeal shall include the child care staff member’s full name, Social Security number, date of birth, e-mail address, mailing address and zip code, and telephone number, including the area code, where s/he can be reached Monday through Friday, during the hours from 8:00 a.m. through 5:00 p.m.

*AUTHORITY: section 210.1080, RSMo Supp. 2018.\* Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019.*

*\*Original authority: 210.1080, RSMo 2018.*