

Emergency Rule

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 35—Children’s Division Chapter 73—Child Placing Agencies

EMERGENCY AMENDMENT

13 CSR 35-73.030 Personnel Practices and Personnel. The division is amending sections (1), (2), (6), and (7).

PURPOSE: This emergency amendment implements House Bill 557 (2021) by adding requirements for any individual associated with a child placing agency to successfully complete a background check and an annual Family Care Safety Registry check before the division considers that person eligible for employment at the agency.

EMERGENCY STATEMENT: Section 210.493, RSMo, of HB 557 (2021) authorizes the Department of Social Services to promulgate regulations, including emergency regulations, to implement new requirements for background checks of officers, managers, contractors, volunteers with access to children, employees, other support staff and owners of Licensed Residential Care Facilities (LRCF), License-Exempt Residential Care Facilities (LERCFs) and Licensed Child Placing Agencies (CPAs). The background checks are being conducted to help ensure that certain individuals who are associated with these facilities do not have a record of criminal conduct or substantiated incidents of child abuse or neglect which may pose a risk to the children served at these facilities. The background checks will include a finger-print based check of the individual’s criminal record, the sexual offender registry, the Family Care Safety Registry, the Central Registry and registries of other states where the individual resided. HB 557 included an emergency clause which declared HB 557 to be an emergency act within the meaning of the **Missouri Constitution** because immediate action is necessary to protect children, and it was necessary for the immediate preservation of the public health, welfare, peace and safety. The implementation of the background checks and the ability of DSS to deny or revoke a license to operate a child placing agency on that basis as required in this regulation will immediately enable the Department to conduct background checks and to determine whether individuals are eligible for employment or presence at these institutions. This regulation is part of a series of regulations which establish the general principles governing the implantation of all of the regulations governing licensed Child Placing Agencies and Residential Care Facilities in Missouri. This includes the requirements for conducting the required background checks required in section 210.493, RSMo. The Department of Social Services has determined that promulgation of this regulation on an emergency basis is necessary to address the danger to public health, safety and/or welfare of children in Missouri identified by the Missouri General Assembly. The Department of Social Services therefore has a compelling governmental interest to promulgate this section on an emergency basis. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri and United States Constitutions**. The Department of Social Services believes that this emergency amendment is fair to all interested persons and parties under the circumstances. The Department of Social Services published a draft of this emergency amendment on its website and solicited feedback from the public and stakeholders through e-mail and at public meeting held on August 5, 2021. This emergency amendment was filed September 17, 2021, becomes effective October 1, 2021, and expires March 29, 2022.

(1) Personnel Practices.

(D) The agency shall require that each [employee secure and provide to the agency an annual criminal records check from a state law enforcement agency] **individual associated with the**

agency who is required to submit to a background check pursuant to section 210.493, RSMo, 13 CSR 35-71.015, and 13 CSR 35-73.035 successfully complete the background check and be found eligible by the division for employment or presence at the licensed child placing agency.

(2) Child Abuse and Neglect Central Registry Unit (CA/N CRU) Checks.

(A) **After the background checks have been completed,** [T]the agency shall request from the division an annual check of the **Family Care Safety Registry and the** Child Abuse and Neglect Central Registry Unit to determine whether a child abuse and/or neglect report has been received on staff members, **employees,** contracted personnel, and volunteers working directly with children. [The CRU checks shall be submitted either at the time of employment or within ten (10) days following employment, and annually thereafter.] Results of the checks shall be on file at the agency.

(6) Staff Orientation. Immediately before or following appointment, a staff member shall be oriented to the agency’s programs, practices, and the duties and expectations of his/her position. The orientation program shall include, but not be limited to—

(G) **The laws and procedures governing the [C]confidentiality of information and records;**

(7) Staff Development.

(E) The training plan shall include, but not be limited to:

1. Developmental needs of children;
2. The direct care and professional staff roles in the facility;
3. Specific requirements of the applicable laws relating to adoption that effect the performance of their duties, as well as local court rules;
4. Trans-racial and cross-cultural placement;
5. Cultural diversity;
6. Separation and attachment issues;
7. Conducting a family assessment; [and]
8. Adoption-related training, if agency provides such service;
- [A.]9. Interstate Compact for the Placement of Children (ICPC) and Interstate Compact on Adoption and Medical Assistance (ICAMA);
- [B.]10. Adoption subsidy;
- [C.]11. International adoptions;
- [D.]12. Adoption search issues;
- [E.]13. Adoption risk issues;
- [F.]14. Post-placement services; and
- [G.]15. Post-legal adoption services.

AUTHORITY sections 207.020, **210.506,** and 660.017, RSMo 2016, and sections **210.493 and 210.1286, RSMo Supp. 2021.** This rule originally filed as 13 CSR 40-73.030. Original rule filed Sept. 18, 1956, effective Sept. 28, 1956. Refiled: March 12, 1976. Amended: Filed Nov. 6, 1981, effective Feb. 11, 1982. Rescinded: Filed Jan. 14, 1997, effective July 30, 1997. Readopted: Filed Feb. 6, 1997, effective July 30, 1997. Moved to 13 CSR 35-73.030 and amended: Filed Aug. 20, 2018, effective April 30, 2019. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. An emergency amendment and a proposed amendment covering this same material will be published in the Nov. 1, 2021, issue of the **Missouri Register.**

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is in effect.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the

Emergency Rule

emergency is in effect.