
EMERGENCY RULE

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 35 – Children’s Division
Chapter 60 – Licensing of Foster Family Homes

EMERGENCY AMENDMENT

13 CSR 35-60.010 Family Homes Offering Foster Care. The division is amending subsections (1)(B) and (C).

PURPOSE: This emergency amendment conforms Rule 13 CSR 35-60.010 with section 210.565, RSMo, as amended by Senate Bill 186, signed into law on July 6, 2023. Amended section 210.565 has expanded the definition of the term “relative” include certain foster parents and kinship caregivers.

EMERGENCY STATEMENT: This emergency amendment is necessary to fulfill the compelling governmental interest of having the Division’s regulations conform to the Missouri statutes. The Division’s regulations are made available to the public on the Division’s website. Rule 13 CSR 35-60.010 presently limits the definition of the term “relative” to a person related to another by blood, adoption, or affinity within the third degree. Amended section 210.565, taking effect on August 28, 2023, has broadened the definition of the term “relative” to include certain foster parents and kinship caregivers not related by blood, adoption or affinity within the third degree. Pursuant to section 536.014, RSMo, “No department, agency, commission or board rule shall be valid in the event that . . . [t]he rule is in conflict with state law.” The Division has a compelling governmental interest in making sure that the public is not confused by a definition of the term “relative” in regulation that conflicts with a broader definition of the term “relative” used in statute. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed on August 14, 2023, becomes effective August 28, 2023, and expires February 23, 2024.

(1) For the purpose of this regulation, the following terms shall be defined as follows:

(B) Relative. A relative is a [person related to another by blood, adoption, or affinity within the third degree;] **grandparent or any other person related to another by blood or affinity or a person who is not so related to the child but has a close relationship with the child or the child’s family. A foster parent or kinship caregiver with whom a child has resided for nine months or more is a person who has a close relationship with the child. The status of a grandparent shall not be affected by the death or the dissolution of the marriage of a son or daughter;**

(C) Relative Care. Care provided by [persons related to the foster youth in any of the following ways by blood, marriage, or adoption: grandparent, brother, sister, half-brother, half-sister, stepparent, stepbrother, stepsister, uncle, aunt, or first cousin;] **a relative;**

AUTHORITY: sections 207.020, 210.506, and 660.017, RSMo 2016. Original rule filed July 18, 2006, effective Jan. 30, 2007. Amended: Filed Sept. 15, 2015, effective March 30, 2016. Amended: Filed July 1, 2020, effective Jan. 30, 2021. Emergency amendment filed Aug. 14, 2023, effective Aug. 28, 2023, expires Feb. 23, 2024. An emergency amendment covering the same material will be published in the Sept. 15, 2023, 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 effective.

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