

---

# EMERGENCY RULE

---

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

**EMERGENCY AMENDMENT**

**13 CSR 35-60.050 Care of Children.** The division is amending subsections (1)(D).

*PURPOSE:* This emergency amendment conforms Rule 13 CSR 35-60.050 with sections 43.401 and 210.795, RSMo, as amended and enacted by Senate Bill 186, taking effect on August 28, 2023. Amended section 43.401 provides that any agency or placement provider with the care and custody of a child who is missing shall file a missing child complaint with the appropriate law enforcement agency within two hours of determining the child to be missing. Section 210.795 provides that a child in the care and custody of the Division whose physical whereabouts are unknown to the division, the child's physical custodian, or contracted service providers shall be considered missing and the case manager or placement provider shall immediately inform a law enforcement agency having jurisdiction and the National Center for Missing and Exploited Children within two hours of discovery that the child is missing.

*EMERGENCY STATEMENT:* This emergency amendment is necessary to fulfill the compelling governmental interest of having the Division’s regulations conform to the Missouri statutes. Amended sections 43.401 and 210.795, RSMo, taking effect on August 28, 2023, provide that any agency or placement provider with the care and custody of a child who is missing shall file a missing child complaint with the appropriate law enforcement agency and inform the National Center for Missing and Exploited Children (“NCMEC”) within two hours of determining the child to be missing. Although Rule 13 CSR 35-60.050 presently provides that foster parents shall notify the Division immediately of emergencies involving a foster child, including the child’s unauthorized absence from the home, the rule does not require the foster parent to file a missing child complaint and inform NCMEC within two hours of determining a child to be missing. Rule 13 CSR 35-60.010(2)(E) provides that the division’s director shall authorize the issuance of a license for a term not to exceed two (2) years, subject to renewal “[u]pon compliance with licensing law and regulations.” Putting the new statutory requirements of 43.401 and 210.795 into regulation will ensure that licensed foster parents will comply with the new statutory notification requirements. 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.

(11) Responsibility of Foster Parent(s) to Child’s Legal Custodian.

(D) The foster parent(s) shall notify the legal custodian immediately of emergencies involving the foster child. This requirement in no way relieves the foster parent(s) from first taking action, such as obtaining emergency medical treatment for the child before notifying his/her legal custodian. This includes serious illness or injury requiring medical treatment, unauthorized absence from the home, or other situations in which sound judgment dictates that the legal custodian be notified.

**1. If the foster parent(s) discover that the child is**

missing, the foster parent(s) shall notify the child’s legal custodian immediately. Within two hours of discovering that the child is missing, the foster parent shall also file a missing child complaint with the law enforcement agency having jurisdiction and inform the National Center for Missing and Exploited Children that the child is missing.

*AUTHORITY:* sections 207.020, [RSMo Supp. 2014, and section] 210.506, RSMo [2000] **2016**. Original rule filed July 18, 2006, effective Jan. 30, 2007. Amended: Filed Sept. 15, 2015, effective March 30, 2016. 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.