Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 35—Children’s Support Division  
Chapter 60—Licensing of Foster Family Homes  

EMERGENCY RULE  

13 CSR 35-60.120 Criminal Background Check Screening due to Coronavirus-Related Closures

PURPOSE: This emergency rule will allow for an alternate criminal history background check process and timeframe for foster parent applicants due to coronavirus-related closures of fingerprinting locations.

EMERGENCY STATEMENT: This emergency rule allows the Department of Social Services to continue the foster parent licensure process with an alternative fingerprinting method as allowed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §5121 et seq.) due to the Secretary of Health and Human Services’ declaration of a public health emergency on January 31, 2020, under §319 of the Public Health Service Act (42 U.S.C. §247d), in response to the coronavirus pandemic. Due to the public health emergency, as allowed under the Stafford Act, the Department of Health and Human Services, Administration on Children and Families has issued notice of flexibility in meeting the federal requirements of Section 471(a)(20)(A) and (C) of the Social Security Act related to fingerprint-based criminal records checks. This emergency rule is necessary to protect a compelling governmental interest by licensing foster parent applicants for future placement of children during and immediately following the public health emergency effective April 17, 2020, and ensures compliance with the Social Security Act’s title IV-E, which will allow Missouri to utilize federal funds. As a result, the Department of Social Services finds a compelling governmental interest requiring this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Social Services believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 6, 2020, becomes effective May 21, 2020, and expires February 25, 2021.

(1) Notwithstanding any other regulations to the contrary, beginning April 17, 2020, any applicant, any household member age seventeen (17) and older, and any child less than seventeen (17) who has been certified as an adult for the commission of a crime, or has been convicted or pled guilty or nolo contendere to any crime, shall register with the Family Care Safety Registry (FCSR) and submit signed release forms and fingerprints for the purpose of obtaining background screening for child abuse or neglect, criminal, and circuit court records.

(A) Fingerprints shall be sent to the Missouri State Highway Patrol for criminal background checks. Subject to geographic availability, as determined by the Children’s Division, fingerprinting shall be completed prior to issuance of a license.

(B) In the event fingerprinting is not available due to closures of fingerprinting locations in the applicant’s geographic region, a name-based criminal background check utilizing the individual’s name, date of birth, social security number, sex, and race is satisfactory for licensure provided that fingerprints are submitted to the Missouri State Highway Patrol for positive identification as soon as possible, but no later than one hundred eighty (180) calendar days from the date of the preliminary name-based background check, or ninety (90) calendar days from the expiration of the state’s emergency declaration, whichever occurs sooner.

(2) The failure to follow all requirements and timeframes for criminal background checks, including fingerprints, shall be grounds for license revocation in accordance with 13 CSR 35-60.090.

AUTHORITY: sections 207.020, 210.486, and 660.017, RSMo 2016, and section 210.487, RSMo Supp. 2019. This emergency rule was filed May 6, 2020, becomes effective May 21, 2020, and expires February 25, 2021. An emergency rule containing this same material will be published in the June 15, 2020 issue of the Missouri Register.

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