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**Rules of**  
**Department of Social Services**  
**Division 40—Division of Family Services**  
**Chapter 59—Criminal Record Reviews**

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## Title 13—DEPARTMENT OF SOCIAL SERVICES

### Division 40—Division of Family Services Chapter 59—Criminal Record Reviews

#### 13 CSR 40-59.010 Screening Procedures for Child Care Providers and Child Care Employees

(Rescinded October 13, 1988)

#### 13 CSR 40-59.020 Definitions

*PURPOSE: This rule defines terms and explains usage for those terms used in completing criminal and child abuse/neglect central registry checks for foster, adoptive and relative care providers.*

(1) As used in 13 CSR 40-59.030, unless the context clearly indicates otherwise, the following terms shall mean:

(A) Criminal and child abuse/neglect criminal records checks means the gathering of facts and records concerning foster, adoptive and relative care providers which may include, but not necessarily be limited to: a review of various automated systems, including the Missouri Child Abuse/Neglect Central Registry System, Missouri Criminal Records System, National Crime Information Center, Missouri Uniform Law Enforcement System and others, as appropriate; and a review of all records, court documents, testimony, child abuse records, as appropriate and all other information relating to any harmful act(s), or alleged harmful act(s) by an applicant for licensure/relicensure, approval/reapproval or certification/recertification;

(B) Division means the Missouri Division of Family Services or employees of other divisions of the Missouri Department of Social Services acting as its representatives in the process of conducting a background screening and investigation;

(C) Foster, adoptive and relative care provider includes licensed foster family homes and foster family group homes, division-approved adoptive homes and certified relative homes which have been licensed, approved/certified by the Missouri Division of Family Services. This shall include foster homes studied and approved by private child placing agencies licensed by the Division of Family Services; and

(D) Harmful act means an act which has been injurious to a child or which demonstrates a likelihood of injury to a child, or a reason to suspect child abuse/neglect finding or conviction of any criminal offense where a child was a victim.

*Auth: sections 207.020 and 210.486, RSMo (1986).\* Original rule filed March 22, 1990, effective June 28, 1990.*

*\*Original authority: 207.020, RSMo (1945), amended 1961, 1965, 1977, 1981, 1982, 1986 and 210.486, RSMo (1986).*

#### 13 CSR 40-59.030 Criminal and Child Abuse/Neglect Central Registry Checks for Foster, Adoptive and Relative Care Providers

*PURPOSE: This rule establishes procedures for the submission, investigation and evaluation of criminal and child abuse/neglect records for persons making application or re-application for licensure, approval or certification as foster, adoptive or relative care providers for the Division of Family Services.*

(1) Criminal and Child Abuse/Neglect Criminal Record Checks.

(A) All foster, adoptive and relative care providers, prior to being granted licensure/relicensure, approval/reapproval or certification/recertification status, shall submit to the division an application for background screening and investigation upon the form required by the division.

(B) Duties of the Division.

1. Upon receipt of an application for a background screening and investigation by the local office of the division, the division shall determine that the application is acceptable for review. An acceptable application is one that contains identifying data and background information that is legible, complete and properly entered on the required form. Applications without required signatures shall not be acceptable.

2. Applications determined to be unacceptable for review shall be returned in their entirety to the applicant within twenty (20) working days. The returned application shall be accompanied by a brief explanation of its deficiency.

3. For acceptable applications, the division shall conduct the background screening and investigation.

4. At any time after an application for background screening and investigation is received, the division may request further information from the applicant or provider and delay its review until the information is received or continue the review while awaiting further information from the applicant or provider. If a request for further information is made, the division may refuse to license/relicense, approve/reapprove or certify/recertify the provider who is the subject of the

review until the information is reported in full by the provider.

5. Information obtained regarding harmful acts to a child is provided to local division staff who are completing the home study. Findings of harmful acts do not automatically preclude licensure/approval/certification. The relevance of the findings to child-caring responsibilities will be determined by division staff.

*Auth: sections 207.020 and 210.486, RSMo (1986).\* Original rule filed March 22, 1990, effective June 28, 1990.*

*\*Original authority: 207.020, RSMo (1945), amended 1961, 1965, 1977, 1981, 1982, 1986 and 210.486, RSMo (1986).*

#### 13 CSR 40-59.040 Definitions in Release of Information

*PURPOSE: This rule defines terms and explains usage for terms used in the release of information pertaining to the nature and disposition of child abuse neglect report(s), reports, or both, for employees and volunteers who are frequently present in child care facilities when children are present.*

(1) Central registry checks means the child abuse/neglect screening, review of investigative reports and preparation of response for information pertaining to the nature and disposition of any report(s) revealed by the examination of the child abuse/neglect central registry, as a result of a request from any facility, agency, school or other entity as specified in Missouri law which is providing care for children.

*Auth: sections 207.020, RSMo (1986) and 210.150, RSMo (Cum. Supp. 1991).\* Original rule filed March 22, 1990, effective June 28, 1990.*

*\*Original authority: 207.020, RSMo (1945), amended 1961, 1965, 1977, 1981, 1982, 1986 and 210.150, RSMo (1975), amended 1980, 1982, 1985, 1986, 1988, 1991.*

#### 13 CSR 40-59.050 Child Abuse/Neglect Central Registry Checks for Child Care Employees and Volunteers

*PURPOSE: This rule establishes procedures for the release of information pertaining to the nature and disposition of child abuse reports, neglect report(s), or both, for employees and volunteers*

who are frequently present in child care facilities when children are present.

*Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly combersome or expensive. The material has been filed with the secretary of state, but to ensure confidentiality the forms will not be published. This material may be found at the Office of the Secretary of State or at the headquarters of the agency. It may be acquired at the headquarters to any interested person.*

(1) As provided in subdivision six (6) of section 210.150, RSMo, any day care home, day care center, child placing agency, residential care facility, including group homes, juvenile courts, public or private elementary schools, public or private secondary schools, or any other public or private agency exercising temporary supervision over a child or providing or having care or custody of a child may request an examination of the child abuse/neglect central registry for all employees and volunteers, who do or will provide services or care to children.

(2) An initial request for examinations of the central registry shall be made in writing to the division director, or his/her designee, by the chief administrative officer of that facility, school, or the like. Subsequent requests for individual screenings shall be submitted on application forms approved by the division.

(3) The Division of Family Services shall charge a nonrefundable processing fee for each background screening request form submitted to the Background Screening and Investigation Unit. Each form submitted requesting an examination of the central registry shall be accompanied by a certified check, warrant, voucher or money order (no personal checks or cash accepted) made payable to the Missouri Division of Family Services, Background Screening and Investigation Unit. Each request for screening and fee should be mailed to Background Screening and Investigation Unit, P.O. Box 88, Jefferson City, MO 65103. Any background screening request not accompanied by the appropriate fee as described in this rule will be rejected and returned to the requestor.

(4) Duties of the Division. Upon receipt of a request for a central registry review, the division shall—

(A) Determine whether the application is acceptable for review. An acceptable application is one that contains identifying data and background information that is legible, complete and properly entered on the required form;

(B) Return an unacceptable application to the submitting provider within twenty (20) working days. A returned application shall be accompanied by a brief explanation of its deficiency;

(C) Conduct the central registry review for an acceptable application;

(D) Take one (1) of the following actions:

1. Provide a response which indicates that a review of the central registry shows there is no reason to suspect finding for the applicant on whom the form was submitted; and

2. Provide a response which indicates that a review of the central registry shows there is one (1) or more reasons to suspect reports. The response will provide information pertaining to the nature and disposition of any report(s) of abuse or neglect revealed by the examination of the central registry; and

(E) Report the results of its review to the provider within ninety (90) calendar days after the application is received.

*Auth: sections 207.020, RSMo (1986), 210.145, RSMo (1990) and 210.150, RSMo (Cum. Supp. 1991).\* Original rule filed March 22, 1990, effective June 28, 1990. Amended: Filed May 13, 1993, effective Dec. 9, 1993.*

*\*Original authority: 210.145, RSMo (1945), amended 1980, 1982, 1986, 1990; and 210.150, RSMo (1975), amended 1980, 1982, 1985, 1986, 1988, 1991.*