

**Title 19--DEPARTMENT OF  
HEALTH AND SENIOR SERVICES  
Division 30--Division of Regulation and Licensure  
Chapter 61--Licensing Rules for Family  
[Day]Child Care Homes**

**PROPOSED AMENDMENT**

**19 CSR 30-61.045 [Initial Licensing Information]/Licensing Process.** The department is amending the chapter name and rule title, removing sections (1) and (2), adding new sections (1) through (21), and removing the old license application form and replacing it with a new one incorporated by reference.

*PURPOSE: This amendment removes exemptions for related children, revises procedures for the child care licensing process, and updates the license application form. The initial licensing process will no longer require an initial inquiry to the department; background screening requirements have been updated to comply with changes to section 210.1080, RSMo; a requirement for posting contact information of key individuals has been added; and references to license renewal and change of owner processes have been removed. This amendment also replaces the term “day care” with “child care” throughout the rule and the chapter title.*

*[(1) Persons Subject to Licensure.*

*(A) Any person(s) planning to offer day care for more than four (4) unrelated children at any one (1) time, except those coming under the exceptions of the law, shall apply for licensure and meet the requirements of the licensing rules before accepting more than four (4) unrelated children for care.*

*(B) Licensing rules shall not apply to children related to the provider as defined in section 210.211, RSMo. In order to document the exemption for related children, identifying information shall be on file at the home on related children as required by 19 CSR 30-61.135 Admission Policies and Procedures.*

*(C) In a family day care home owned by a legal entity the exemption for related children shall apply. If more than one (1) member of the legal entity is responsible for the daily operation of the family day care home, the exemption for related children shall only be granted for children who are related to one (1) of the members.*

*(2) Licensing Process.*

*(A) Upon receipt of an inquiry regarding day care licensing, an applicant shall complete the inquiry orientation available on the department’s website to learn about the licensing process and rules. An application for licensure shall be provided by the department upon documentation of completion of the inquiry orientation.*

*(B) Upon receipt of a completed Application For License To Operate Child Care Home form, a licensing inspection shall be made. See Application For License To Operate Child Care Home form, promulgated as of 2017, incorporated by reference in this rule, as published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at <https://health.mo.gov/safety/childcare/forms.php>. This rule does not incorporate any subsequent amendment or additions. If licensing rules are not met within six (6) months, the application shall be void and another application shall be filed.*

*(C) The licensing process shall include an inspection of the entire premises of the day care home by the licensing representative.*

*(D) Prior to the granting of a license, the following shall be submitted by the applicant:*

- 1. A sketch or diagram of the home showing the arrangement of the rooms, including the location of toilet and handwashing facilities, the kitchen and the doors. The licensing representative and the applicant shall measure the home jointly;*
- 2. A sketch or diagram of the outdoor play area and placement of equipment, indicating if the area is fenced. The licensing representative and the applicant shall measure the area jointly;*
- 3. Written policies pertaining to the program goals, admission, care, and discharge of children;*
- 4. A schedule of daily activities for children;*
- 5. A sample weekly menu;*
- 6. An itemized list of available materials and equipment to be used by children;*
- 7. A written narrative description of child care practices and concepts, including discipline and guidance policies;*
- 8. Written policies and procedures which clearly establish job responsibilities and lines of administrative authority;*
- 9. Listing of all household members;*
- 10. Sample forms used, other than those supplied by the department;*
- 11. Evidence of compliance with local or state, or both, sanitation requirements;*
- 12. Documentation as required by the Missouri Secretary of State and state law to verify the legal entity is in good standing if a family day care home is owned by a legal entity;*
- 13. Required information for assistants;*
- 14. A written disaster emergency plan;*
- 15. A written safe sleep policy, if licensed to care for children under twelve (12) months of age;*
- 16. A completed Safety Plan form, if a sex offender resides within one thousand (1,000) feet of the family day care home. See Safety Plan form, promulgated as of 2018 and incorporated by reference in this rule, as published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at <https://health.mo.gov/safety/childcare/forms.php>. This rule does not incorporate any subsequent amendments or additions; and*
- 17. Other information required by the department to make a determination regarding licensure of the family day care home.*

*(E) Prior to the granting of a license, the provider shall meet the requirements of 19 CSR 30-61.086 Fire Safety.*

*(F) The facility owner(s), board president, or chairperson, and all members of an LLC, shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to initial issuance of the license.*

*(G) Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to initial issuance of the license. Background screening information received by the provider shall be retained in the individual's file in a confidential manner and available for review.*

*(H) Medical examination reports for the provider and child care assistants as required by 19 CSR 30-61.125 Medical Examination Reports, shall be on file at the home and available for review.*

*(I) Medical examination reports shall be on file at the home within thirty (30) days following the admission of each infant, toddler, or preschool child as required by 19 CSR 30-61.125 Medical Examination Reports. A health report for school-age children shall be on file as required by 19 CSR 30-61.125.*

*(J) Enrollment information for each child shall be on file at the home as required by 19 CSR 30-61.135 Admission Policies and Procedures.*

*(K) Identifying information shall be on file at the home for each child to be cared for who is related to the provider and not living in the home as required by 19 CSR 30-61.135 Admission Policies and Procedures.*

*(L) The child care provider shall not provide care for more than four (4) unrelated children until the home is in compliance with state statutes and licensing rules for family day care homes.*

*(M) The official license shall be granted for up to two (2) years and may be renewed upon reapplication and inspection. The official license shall be posted near the entrance of the home where it may be seen easily by parents or others who visit.*

*(N) The license shall not be transferable and shall apply only to the person(s) and address shown on the license.*

*(O) A change of ownership occurs when the facility is sold to a new owner, the owner changes legal entity status, or the ownership is transferred to another legal entity. The licensee shall notify the department prior to the date the ownership changes.*

*(P) The department may grant a short-term license to the new owner, if required documentation for licensure has been submitted to the department. The new owner shall submit the following in advance of the change of ownership:*

- 1. An application for licensure;*
- 2. Statement of intent signed by the previous owner(s) and new owner(s) that documents the date the change of ownership is expected to occur;*
- 3. Listing of all household members;*
- 4. A document indicating the organizational structure of the facility's operation; and*
- 5. Qualifying background screening results for facility owner(s), board president, or chairperson, all members of an LLC, and child care staff members, on file as required by 19 CSR 30-63.020 General Requirements.*

*(Q) If there is a change of ownership of a family day care home, the new owner(s) shall meet the requirements of the current licensing rules. A licensing inspection shall be made as required by 19 CSR 30-61.045 Initial Licensing Information.*

*(R) The license shall be the property of the department and shall be subject to revocation by the director upon failure of the provider to comply with state statutes and licensing rules for family day care homes. The license shall be returned to the department if revoked not renewed, or if the owner closes the facility.*

*(S) If a facility's license is revoked or denied due to failure to comply with state statutes and licensing rules, the department shall not accept a subsequent application from the provider for that facility within twelve (12) months after the effective date of revocation or denial or within twelve (12) months after all appeal rights have been exhausted, whichever is later.*

*(T) The number and ages of children a family day care home is authorized to have in care at any one time shall be specified on the license and shall not be exceeded except as permitted within these rules.*

*(U) All day care provided on the premises of a licensed family day care home shall be in compliance with the licensing rules and the conditions specified on the license.*

*(V) The provider shall permit the department access to the facility, premises, and records during all inspections.*

*(W) A licensed child care provider shall not deny a child admission to, or the benefits of, any program provided by the family day care home on the basis of race, sex, religion, or national origin.]*

**(1) An applicant shall complete the licensing orientation available on the department's website to learn about the licensing process and rules.**

**(2) Upon receipt of a completed *Application For License To Operate a Child Care Facility* form, a licensing inspection shall be made. See *Application For License To Operate a Child Care Facility* form, promulgated as of 2020, incorporated by reference in this rule, as published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at <https://health.mo.gov/safety/childcare/forms.php>. This rule does not incorporate any subsequent amendment or additions. If licensing rules are not met within six (6) months, the application shall be void and another application shall be filed.**

**(3) The licensing process shall include an inspection of the entire premises of the child care home by the licensing representative.**

**(4) Prior to the granting of a license, the following shall be submitted by the applicant:**

**(A) A sketch or diagram of the home showing the arrangement of the rooms, including the location of toilet and handwashing facilities, the kitchen and the doors. The licensing representative and the applicant shall measure the home jointly;**

**(B) A sketch or diagram of the outdoor play area and placement of equipment, indicating if the area is fenced. The licensing representative and the applicant shall measure the area jointly;**

**(C) Written policies provided to parents shall include:**

**1. Program goals;**

**2. Admission, care, and discharge of children;**

**3. Narrative description of child care practices and concepts; and**

**4. Discipline and guidance policies.**

**(D) A schedule of daily activities for children;**

**(E) A sample weekly menu;**

**(F) An itemized list of available materials and equipment to be used by children;**

- (G) Written policies and procedures which clearly establish job responsibilities and lines of administrative authority;**
  - (H) Listing of all household members and assistant(s);**
  - (I) Sample forms used, other than those supplied by the department;**
  - (J) Evidence of compliance with local or state, or both, sanitation requirements;**
  - (K) Documentation as required by the Missouri Secretary of State and state law to verify the legal entity is in good standing if a family child care home is owned by a legal entity;**
  - (L) Required information for assistants;**
  - (M) A written disaster and emergency plan;**
  - (N) A written safe sleep policy, if licensed to care for children under twelve (12) months of age;**
  - (O) A completed safety plan, if a sex offender resides within one thousand (1,000) feet of the family child care home; and**
  - (P) Other information required by the department to make a determination regarding licensure of the family child care home.**
- (5) Prior to the granting of a license, the provider shall meet the requirements of 19 CSR 30-61.086 Fire Safety.**
- (6) The child care provider and child care staff members, as defined by 19 CSR 30-63.010 Definitions, shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to initial issuance of the license.**
- (7) Background screening information received by the provider shall be retained in the individual's file in a confidential manner and available for review.**
- (8) Medical examination reports for the provider and child care assistant(s) as required by 19 CSR 30-61.125 Medical Examination Reports, shall be on file at the home and available for review.**
- (9) Medical examination reports shall be on file at the home within thirty (30) days following the admission of each infant, toddler, or preschool child as required by 19 CSR 30-61.125 Medical Examination Reports. A health report for school-age children shall be on file as required by 19 CSR 30-61.125.**
- (10) Enrollment information for each child shall be on file at the home as required by 19 CSR 30-61.135 Admission Policies and Procedures.**
- (11) Prior to the granting of a license, the child care provider shall be in compliance with state statutes and licensing rules for family child care homes.**
- (12) Once granted, the license shall be posted near the entrance of the home where it may be seen easily by parents or others who visit.**
- (13) The name(s), address(es), and telephone number(s) shall be posted prominently near the license for all of the following, as applicable:**
- (A) The child care provider(s);**
  - (B) Facility owner(s);**
  - (C) Board president or chairperson; or**
  - (D) All manager(s) and/or member(s).**
- (14) The license shall not be transferable and shall apply only to the person(s) and address shown on the license.**

**(15) The license shall be the property of the department and shall be subject to discipline by the director upon failure of the provider to comply with state statutes and/or licensing rules for family child care homes.**

**(16) If a facility's license is revoked or denied due to failure to comply with state statutes and/or licensing rules, the department shall not accept a subsequent application from the provider for that facility within twelve (12) months after the effective date of revocation or denial or within twelve (12) months after all appeal rights have been exhausted, whichever is later.**

**(17) The license shall become null and void if:**

**(A) Revoked;**

**(B) The owner closes the facility;**

**(C) The facility changes ownership; or**

**(D) In the case of licenses not held by legal entities, the death of the licensee(s).**

**(18) The number and ages of children a family child care home is authorized to have in care at any one time shall be specified on the license and shall not be exceeded except as permitted within these rules.**

**(19) All child care provided on the premises of a licensed family child care home shall be in compliance with the licensing rules, the conditions specified on the license, and the conditions of any variances granted to the licensee.**

**(20) The provider shall permit the department access to the facility, premises, and records during all inspections.**

**(21) The provider shall not deny a child admission to, or the benefits of, any program provided by the family child care home on the basis of race, sex, religion, or national origin.**

*AUTHORITY: section 210.221.1(3), RSMo [2016]Supp. 2020, and section 210.1080, RSMo Supp. [2018]2020. \* This rule previously filed as 13 CSR 40-61.020, 13 CSR 40-61.045, and 19 CSR 40-61.045. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.045, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Amended: Filed Sept. 12, 1995, effective March 30, 1996. Changed to 19 CSR 30-61.045 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Amended: Filed Feb. 15, 2019, effective Aug. 30, 2019. Amended: Filed Aug. 31, 2020.*

*\*Original authority: 210.221.1(3), RSMo, 1949, amended 1955, 1987, 1993, 1995, 1999, 2015, 2019, 2020 and 210.1080, RSMo 2018, 2020.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500.00) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500.00) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this amended rule with Nancy Scherer, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at [Nancy.Scherer@health.mo.gov](mailto:Nancy.Scherer@health.mo.gov) . To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*