

**Title 19—DEPARTMENT OF  
HEALTH AND SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 63—Child Care Comprehensive  
Background Screening**

**PROPOSED AMENDMENT**

**19 CSR 30-63.040 Background Screening Findings.** The department is amending sections (1) and (2).

*PURPOSE: This amendment adds criteria that would cause a child care staff member to be ineligible for employment or presence at a family child care home, group child care home, child care center, or license-exempt facility to comply with section 210.1080.4 RSMo, 2020.*

(1) Any child care staff member or prospective child care staff member shall be ineligible for employment or presence at a family child care home, group child care home, child care center, or license-exempt facility not exempted by section 210.1080.~~[9(1)]~~**13**, RSMo if such person—

(A) Refuses to consent to the criminal background check as required by section 210.1080, RSMo;

(B) Knowingly makes a materially false statement in connection with the criminal background check as required by section 210.1080, RSMo;

(C) Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry;

(D) *[Has a finding of child abuse or neglect under section 210.145 or 210.152, RSMo or any other finding of child abuse or neglect based on any other state's registry or database;]***Is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183, RSMo or has any other finding of child abuse or neglect based on any other state's registry or database;**

*[(E) Has been convicted of a felony consisting of—*

- 1. Murder, as described in 18 U.S.C. Section 1111;*
- 2. Child abuse or neglect;*
- 3. A crime against children, including child pornography;*
- 4. Spousal abuse;*
- 5. A crime involving rape or sexual assault;*
- 6. Kidnapping;*
- 7. Arson;*
- 8. Physical assault or battery; or*
- 9. A drug-related offense committed during the preceding five (5) years;*

*(F) Has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, or sexual assault, or of a misdemeanor involving child pornography; or*

*(G) Has been convicted of any similar crime in any federal, state, municipal, or other court.]*

**(E) Has pled guilty or nolo contendere to or been found guilty of:**

- 1. Any felony for an offense against the person as defined in chapter 565;**
- 2. Any other offense against the person involving the endangerment of a child as prescribed by law;**
- 3. Any misdemeanor or felony for a sexual offense as defined in chapter 566;**

4. Any misdemeanor or felony for an offense against the family as defined in chapter 568;
5. Burglary in the first degree as defined in 569.160;
6. Any misdemeanor or felony for robbery as defined in chapter 570;
7. Any misdemeanor or felony for pornography or related offense as defined in chapter 573;
8. Any felony for arson as defined in chapter 569;
9. Any felony for armed criminal action as defined in section 571.015, unlawful use of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in section 571.070, or the unlawful possession of an explosive as defined in section 571.072;
10. Any felony for making a terrorist threat as defined in section 574.115, 574.120, or 574.125;
11. A felony drug-related offense committed during the preceding five years, or
12. Any similar offense in any federal, state, municipal, or other court of similar jurisdiction of which the director of the designated department has knowledge.

(2) Adult household members [*seventeen (17)*]**eighteen (18)** years of age and older in a family child care home shall be ineligible to maintain a presence at a family child care home if any one (1) or more of the provisions of section (1) of this rule applies to them.

*AUTHORITY: section 210.1080, RSMo Supp. [2018]2020. \* Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019. Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expires March 13, 2021. Amended: filed Aug. 31, 2020.*

*\*Original authority: 210.1080, RSMo 2018, amended 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.*