

Childcare Facilities and License Exemptions



Executive Summary

Childcare facilities are a necessity; such facilities provide a safe and healthy environment for children of working parents, in addition to having an important role in child development; however, different types of facilities statewide are subject to varying levels of rules and regulations. Childcare facilities are to be licensed through the Missouri Department of Health and Senior Services (DHSS) and regulated through the Department of Social Services (DSS). All faith-based facilities and childcare facilities of no more than 6 children are exempt from licensure (RSMo 210.211).¹ DSS has very little oversight on licensed-exempt childcare facilities until a report of child abuse or neglect is made.

Highlights

- Licensed childcare options are limited; licensed-exempt facilities may provide accessible and affordable childcare options to families of low socio-economic status and underserved communities.
- State licensing focuses on health and safety concerns in childcare programs; it is not meant to influence a facility's secular or faith-based missions and teaching practices.

Limitations

- Of the substantiated child abuse and neglect claims, there are no data to reflect which percentage come from licensed and licensed-exempt facilities.
- There is little information on the demographics of children attending licensed and licensed-exempt facilities.
- There are no data to illustrate the landscape of licensed-exempt facility types (short vs. long-term care) in Missouri.

Research Background

Missouri Childcare

A childcare facility is either licensed or licensed-exempt; an unlicensed facility is a facility that is illegally operated. Childcare facilities in Missouri are to be licensed through DHSS and regulated by DSS. As part of their licensure, facilities are required to undergo health and safety inspections, employee criminal background checks, and are held to specific child-to-staff ratios. Prior to the COVID-19 pandemic, 63 out of 114 Missouri counties were considered childcare deserts (a county that has more than three times as many children as licensed childcare slots²⁻⁴). During the pandemic, 94 Missouri counties are classified as a childcare desert.² Childcare facilities that are faith-based or care for no more than 6 unrelated children are exempted from licensure. Licensed-

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exempt facilities are not required to complete the same health and safety inspections as licensed facilities. Licensed-exempt childcare facilities have lower operating costs, and in turn, may provide childcare costs at a lower rate than those of licensed facilities. In Missouri, approximately 55% of low-income families do not have access to licensed childcare facilities⁴; licensed-exempt facilities may provide accessible childcare to families of low socioeconomic status and of underserved communities.

Child Abuse and Neglect in Missouri

Missouri defines child abuse as “any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child’s care, custody and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse.”⁵

Child neglect is “the failure to provide, by those responsible for the care, custody and control of the child, the proper or necessary support,

education as required by law, nutrition, medical, surgical or any other care necessary for the child’s well-beings.”⁵ In 2019, 89,738 cases of child abuse and neglect were reported in Missouri with 5.8% of reported cases substantiated in at least one of six different categories (**Figure 1**).⁶ While the majority of substantiated perpetrators are a parent or parent’s partner, 15.2% of substantiated perpetrators were daycare providers or institution staff members.⁶ There is no information about the substantiated perpetrators such as the type of facility the perpetrator was employed at and whether it was licensed or licensed-exempt.

Child abuse and neglect are strongly associated with adverse physical, mental, and psychosocial effects. These include, but are not limited to depression, anxiety, post-traumatic stress disorder, drug and alcohol abuse, chronic long-term illness, educational problems, poverty, homelessness, and suicide.⁷ The negative physical, mental, and psychosocial effects associated with child abuse and neglect suggest that child protection policies and practices can improve health and safety outcomes for all children in childcare facilities.^{7,8}

License-Exemption Laws in Missouri

Child abuse and neglect occurs in a wide range of childcare settings, including foster care, child care centers, orphanages, reformatories, young offender institutions, boarding schools, long stay health-care facilities, and group homes.^{7,8} Based on research conducted on survivors, child abuse

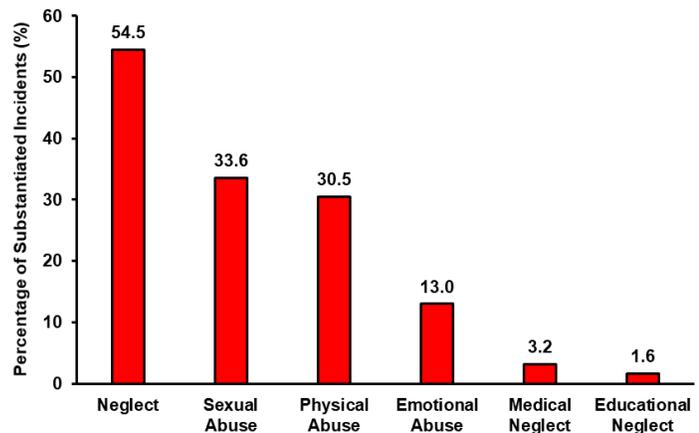


Figure 1. Percentage of substantiated incidents in 2019. Percent is the percentage of 5,225 total substantiated children. Percent total is greater than 100 because a child may be substantiated for up to six categories of abuse/neglect. Figure Adapted from the Missouri Child Abuse and Neglect 2019 Annual Report.⁶

and neglect occur in these settings globally regardless if the facility is secular or faith-based.⁷ Missouri is considered one of six states with the least restrictive childcare facility laws. Prior to the pandemic, there were 3,300 licensed childcare facilities and an estimated 534 childcare facilities that are licensed-exempt in Missouri.^{2,9} This means that DHSS and DSS do not interfere with quality assurance, regulations, or inspections as they would with a licensed facility. These facilities are not required to provide evidence to validate religious affiliation. Types of facilities exempted include residential religious schools, homes for troubled youth, and day care centers. DSS has little to no information on these licensed-exempt childcare facilities within the state until a claim of abuse or neglect is filed. Due to the lack of oversight of license-exempt childcare facilities, the number of child abuse and neglect cases is potentially underreported. Quality assurance, inspections, and regulations that optimize child protection are essential to the health and well-being of children.

Childcare Facility Licensure Laws in Other States

Thirty-four states require that faith-based facilities adhere to the same licensure and operation rules as secular childcare centers. Sixteen states allow religious exemptions for faith-based childcare centers; ten states require that faith-based childcare centers be licensed, however, exemptions may be provided to faith-based childcare centers run in conjunction with religious schools or not receiving federal funds.

Six states, including Missouri, have little to no regulation for faith-based childcare facilities. After a series of faith-based boarding schools were raided for child abuse and neglect, Alabama passed the “Youth Residential Abuse Prevention Act” which required facility registration, criminal background checks on all employees, licensed therapists, and prohibits abusive means of punishment.¹⁰ Additionally, faith-based schools need to be licensed, regulated, and are subjected to inspections four times per year. In 2017, the number of

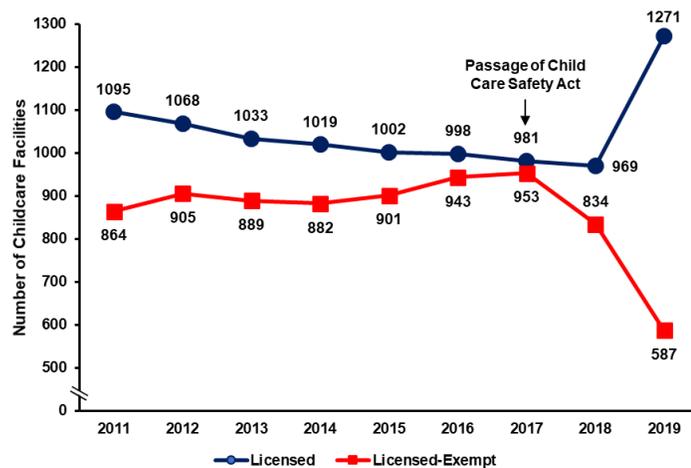


Figure 2. The number of licensed and licensed-except childcare facilities in Alabama. With the passage of the Child Care Safety Act, the number of exempted facilities has decreased. Figure adopted from the Alabama Department of Human Resources Annual Reports.

licensed and licensed-exempt facilities was nearly identical (**Figure 2**).¹¹ The Child Care Safety Act was passed requiring centers to be licensed or to lose their government subsidies, resulting in a large proportion of licensed-exempt facilities to become licensed. Those that were faith-based and not receiving government subsidies could remain licensed-exempt but still have to adhere to the background check requirement. The exemptions of licensure allow a large number of facilities to operate unregulated and potentially noncompliant with the States’ minimum standard for childcare centers.

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