

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2508
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Family Services April 21, 2008 with recommendation that House Committee Substitute for House Bill No. 2508 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

5534L.05C

AN ACT

To repeal section 210.565, RSMo, and to enact in lieu thereof two new sections relating to grandparents as preferential placement for children.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 210.565, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 210.305 and 210.565, to read as follows:

210.305. 1. If emergency placement of a child in a private home is deemed necessary, the children's division shall make diligent efforts to contact and place the child with a grandparent or grandparents of the child, except when the children's division determines that placement with a grandparent or grandparents is not in the best interest of the child. Such an emergency placement with a grandparent or grandparents shall be subject to the provisions of section 210.482 regarding background checks for emergency placements.

2. For purposes of this section, the following terms shall mean:

(1) "Diligent efforts", a good faith attempt by the children's division, which exercises reasonable efforts and care to utilize all available services and resources related to meeting the ongoing health and safety needs of the child, to locate a grandparent or grandparents of the child after all of the child's physical health needs have been attended to by the children's division;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (2) "Emergency placement", those limited instances when the children's division
15 is placing a child in the home of private individuals, including neighbors, friends, or
16 relatives, as a result of a sudden unavailability of the child's primary caretaker.

17 3. Diligent efforts shall be made, if possible, within three hours from the time the
18 emergency placement is deemed necessary for the children. If a grandparent or
19 grandparents of the child cannot be located within the three-hour period, the child may be
20 placed in a foster home; except that, during the initial twenty-four-hour period after the
21 emergency placement is deemed necessary, the children's division shall continue to make
22 diligent efforts to locate and place the child with a grandparent or grandparents.

210.565. 1. Whenever a child is placed in a foster home and the court has determined
2 pursuant to subsection 3 of this section that foster home placement with relatives is not contrary
3 to the best interest of the child, the children's division shall give foster home placement to
4 relatives of the child. Notwithstanding any rule of the division to the contrary, **the children's**
5 **division shall make diligent efforts to locate the grandparents of the child and determine**
6 **whether they wish to be considered for placement of the child.** Grandparents who request
7 consideration shall be given preference and first consideration for foster home placement **of the**
8 **child.**

9 2. As used in this section, the term "relative" means a **grandparent or any other** person
10 related to another by blood or affinity within the third degree. The status of a grandparent shall
11 not be affected by the death or the dissolution of the marriage of a son or daughter.

12 3. The preference for placement with **grandparents or other** relatives created by this
13 section shall only apply where the court finds that placement with such **grandparents or other**
14 relatives is not contrary to the best interest of the child considering all circumstances. If the court
15 finds that it is contrary to the best interest of a child to be placed with **grandparents or other**
16 relatives, the court shall make specific findings on the record detailing the reasons why the best
17 interests of the child necessitate placement of the child with persons other than **grandparents**
18 **or other** relatives.

19 4. The age of the child's **grandparent or other** relative shall not be the only factor that
20 the children's division takes into consideration when it makes placement decisions and
21 recommendations to the court about placing the child with such **grandparent or other** relative.

22 5. For any Native American child placed in protective custody, the children's division
23 shall comply with the placement requirements set forth in 25 U.S.C. Section 1915.

✓