

SECOND REGULAR SESSION

HOUSE BILL NO. 2331

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANZ.

5124L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 210.566, RSMo, and to enact in lieu thereof two new sections relating to foster care and adoption.

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

Section A. Section 210.566, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 210.566 and 210.617, to read as follows:

210.566. 1. (1) The children's division and its contractors, recognizing that foster parents are not clients but rather are colleagues in the child welfare team, shall treat foster parents in a manner consistent with the National Association of Social Workers' ethical standards of conduct as described in its Social Workers' Ethical Responsibilities to Colleagues. Foster parents shall treat the children in their care, the child's birth family and members of the child welfare team in a manner consistent with their ethical responsibilities as professional team members.

(2) The children's division and its contractors shall provide written notification of the rights enumerated in this section at the time of initial licensure and at the time of each licensure renewal following the initial licensure period.

2. (1) The children's division and its contractors shall provide foster parents with regularly scheduled opportunities for preservice training, and regularly scheduled opportunities for pertinent inservice training, as determined by the Missouri State Foster Care and Adoption Advisory Board.

(2) The children's division and its contractors shall provide to foster parents and potential adoptive parents, prior to placement, all pertinent information, including but not limited to full disclosure of all medical, psychological, and psychiatric conditions of the child, as well as

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.

18 information from previous placements that would indicate that the child or children may have
19 a propensity to cause violence to any member of the foster family home. The foster parents shall
20 be provided with any information regarding the child or the child's family, including but not
21 limited to the case plan, any family history of mental or physical illness, sexual abuse of the child
22 or sexual abuse perpetrated by the child, criminal background of the child or the child's family,
23 fire-setting or other destructive behavior by the child, substance abuse by the child or child's
24 family, or any other information which is pertinent to the care and needs of the child and to
25 protect the foster or adoptive family. Knowingly providing false or misleading information to
26 foster parents in order to secure placement shall be denoted in the caseworker's personnel file and
27 shall be kept on record by the division.

28 (3) The children's division and its contractors shall arrange preplacement visits, except
29 in emergencies.

30 (4) The foster parents may ask questions about the child's case plan, encourage a
31 placement or refuse a placement without reprisal from the caseworker or agency. After a
32 placement, the children's division and its contractors shall update the foster parents as new
33 information about the child is gathered.

34 (5) Foster parents shall be informed in a timely manner by the children's division and its
35 contractors of all team meetings and staffings concerning their licensure status or children placed
36 in their homes, and shall be allowed to participate, consistent with section 210.761.

37 (6) The children's division and its contractors shall establish reasonably accessible
38 respite care for children in foster care for short periods of time, jointly determined by foster
39 parents and the child's caseworker pursuant to section 210.545. Foster parents shall follow all
40 procedures established by the children's division and its contractors for requesting and using
41 respite care.

42 (7) Foster parents shall treat all information received from the children's division and its
43 contractors about the child and the child's family as confidential. Information necessary for the
44 medical or psychiatric care of the child may be provided to the appropriate practitioners. Foster
45 parents may share information necessary with school personnel in order to secure a safe and
46 appropriate education for the child. Additionally, foster parents shall share information they may
47 learn about the child and the child's family, and concerns that arise in the care of the child, with
48 the caseworker and other members of the child welfare team. Recognizing that placement
49 changes are difficult for children, foster parents shall seek all necessary information, and
50 participate in preplacement visits whenever possible, before deciding whether to accept a child
51 for placement.

52 3. (1) Foster parents shall make decisions about the daily living concerns of the child,
53 and shall be permitted to continue the practice of their own family values and routines while

54 respecting the child's cultural heritage. All discipline shall be consistent with state laws and
55 regulations. The children's division shall allow foster parents to help plan visitation between the
56 child and the child's siblings or biological family. Visitations should be scheduled at a time that
57 meets the needs of the child, the biological family members, and the foster family whenever
58 possible. Recognizing that visitation with family members is an important right of children in
59 foster care, foster parents shall be flexible and cooperative with regard to family visits.

60 (2) Foster parents shall provide care that is respectful of the child's cultural identity and
61 needs. Recognizing that cultural competence can be learned, the children's division and their
62 contractors shall provide foster parents with training that specifically addresses cultural needs
63 of children, including but not limited to, information on skin and hair care, information on any
64 specific religious or cultural practices of the child's biological family, and referrals to community
65 resources for ongoing education and support.

66 (3) Foster parents shall recognize that the purpose of discipline is to teach and direct the
67 behavior of the child, and ensure that it is administered in a humane and sensitive manner.
68 Foster parents shall use discipline methods which are consistent with children's division policy.

69 4. (1) Consistent with state laws and regulations, the children's division and its
70 contractors shall provide, upon request by the foster parents, information about a child's progress
71 after the child leaves foster care.

72 (2) Except in emergencies, foster parents shall be given two weeks advance notice and
73 a written statement of the reasons before a child is removed from their care. When requesting
74 removal of a child from their home, foster parents shall give two weeks advance notice,
75 consistent with division policy, to the child's caseworker, except in emergency situations.

76 (3) Recognizing the critical nature of attachment for children, if a child reenters the
77 foster care system and is not placed in a relative home, the child's former foster parents shall be
78 given first consideration for placement of the child.

79 (4) **Recognizing the critical nature of sibling bonds for children, the children's**
80 **division shall make reasonable efforts to place siblings in the same foster care, kinship,**
81 **guardianship, or adoptive placement, unless doing so would be contrary to the safety or**
82 **well-being of any of the siblings. If siblings are not placed together, the children's division**
83 **shall make reasonable efforts to provide frequent visitation or other ongoing interaction**
84 **between the siblings, unless this interaction would be contrary to a siblings safety or well-**
85 **being.**

86 (5) If a child becomes free for adoption while in foster care, the child's foster family shall
87 be given preferential consideration as adoptive parents consistent with section 453.070, RSMo.

88 [(5)] (6) If a foster child becomes free for adoption and the foster parents desire to adopt
89 the child, they shall inform the caseworker within sixty days of the caseworker's initial query.

90 If they do not choose to pursue adoption, foster parents shall make every effort to support and
91 encourage the child's placement in a permanent home, including but not limited to providing
92 information on the history and care needs of the child and accommodating transitional visitation.

93 5. Foster parents shall be informed by the court no later than two weeks prior to all court
94 hearings pertaining to a child in their care, and informed of their right to attend and participate,
95 consistent with section 211.464, RSMo.

96 6. The children's division and their contractors shall provide access to a fair and impartial
97 grievance process to address licensure, case management decisions, and delivery of service
98 issues. Foster parents shall have timely access to the child placement agency's appeals process,
99 and shall be free from acts of retaliation when exercising the right to appeal.

100 7. The children's division and their contractors shall provide training to foster parents
101 on the policies and procedures governing the licensure of foster homes, the provision of foster
102 care, and the adoption process. Foster parents shall, upon request, be provided with written
103 documentation of the policies of the children's division and their contractors. Per licensure
104 requirements, foster parents shall comply with the policies of the child placement agency.

105 8. For purposes of this section, "foster parent" means a resource family providing care
106 of children in state custody.

**210.617. 1. There is hereby created within the department of social services the
2 "Missouri State Foster Care and Adoption Board", which shall provide consultation and
3 assistance to the department and shall draft and provide an independent review of the
4 children's division policies and procedures related to the provision of foster care and
5 adoption in Missouri. Additionally, the board shall determine the nature and content of
6 in-service training which shall be provided to foster and adoptive parents in order to
7 improve the provision of foster care and adoption services to children statewide consistent
8 with section 210.566. The board shall be comprised of foster and adoptive parents as
9 follows:**

10 **(1) Two members from each of the seven children's division areas within the
11 department of social services delineated as follows:**

- 12 **(a) The northwest region;**
- 13 **(b) The northeast region;**
- 14 **(c) The southeast region;**
- 15 **(d) The southwest region;**
- 16 **(e) The Kansas City region;**
- 17 **(f) The St. Louis area region;**
- 18 **(g) The St. Louis City region;**

19 **(2) Area members shall be appointed by the governor, with the advice and consent**
20 **of the senate, based upon recommendations by regional foster care and adoption boards,**
21 **or other similar entities.**

22 **2. Statewide foster care and adoption association representatives shall be voting**
23 **members of the board as approved by the board.**

24 **3. All members of the board shall serve for a term of at least two years. Members**
25 **may be re-appointed to the board by their entities for consecutive terms. All vacancies on**
26 **the board shall be filled for the balance of the unexpired term in the same manner in which**
27 **the board membership which is vacant was originally filled.**

28 **4. Each member of the board may be reimbursed for actual and necessary expenses**
29 **incurred by the member in performance of his or her official duties. All reimbursements**
30 **made under this subsection shall be made from funds within the department of social**
31 **services' children's division budget.**

32 **5. All business transactions of the board shall be conducted in public meetings in**
33 **accordance with sections 610.010 to 610.030.**

34 **6. The board shall elect officers from the membership consisting of a chairperson,**
35 **co-chairperson, and secretary. Officers shall serve for a term of two years. The board may**
36 **elect such other officers and establish such committees as it deems appropriate.**

37 **7. The board shall establish such procedures necessary to:**

38 **(1) Review children's division proposed policy and provide written responses to the**
39 **children's division indicating approval or notifying the children's division of the board's**
40 **disapproval and provide recommendations for change within thirty days of receipt of the**
41 **proposed policy;**

42 **(2) Provide draft policy suggestions, at the request of the children's division or in**
43 **response to issues by the board, to the children's division for improvements in foster care**
44 **or adoption practice; and**

45 **(3) Fulfill its statutory requirement in accordance with section 210.566 to determine**
46 **the content of in-service training to be provided by the children's division to foster and**
47 **adoptive parents.**

48 **8. The board shall provide to the director of the department of social services, the**
49 **governor, the office of the child advocate, and upon request, members of the general**
50 **assembly, a written report of annual activities conducted and made.**

51 **9. The board shall exercise its powers and duties independently of the children's**
52 **division within the department of social services in order to ensure partnership and**
53 **accountability in the provision of services to the state's children affected by abuse and**

54 **neglect. Budgetary, procurement, and accounting functions shall continue to be performed**
55 **by the children's division.**

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