

HCS SB 693 -- FOSTER CARE AND ADOPTION

SPONSOR: Wilson (Davis)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Children and Families by a vote of 7 to 3.

This substitute changes the laws regarding the Office of the Child Advocate, foster care placement, sibling placement, and educational choices of foster parents; creates the Foster Care and Adoptive Parents Recruitment and Retention Fund; and establishes the Missouri State Foster Care and Adoption Board.

OFFICE OF THE CHILD ADVOCATE (Sections 37.710 and 37.715, RSMo)

The substitute gives the Office of the Child Advocate within the Office of Administration the authority to:

- (1) Communicate privately with child care providers, health care providers, and educational institutions providing treatment and services to a child under protective services;
- (2) Join as a party to all court proceedings after making an appearance in a court on the case of a child in protective custody of the state and prepare independent recommendations to the court after consulting with the juvenile office and guardian ad litem and the court-appointed special advocate if one has been appointed;
- (3) File any pleadings necessary in order to intervene on behalf of a child at the appropriate judicial level using the resources of the Office of the Attorney General; and
- (4) Convene meetings with the departments of Social Services and Mental Health, the juvenile court, and juvenile officers and make recommendations to them for necessary action.

The office is subject to the same disclosure restrictions and confidentiality requirements that apply to the Children's Division within the Department of Social Services regarding information obtained during a child abuse and neglect investigation except that any findings and recommendations resulting from the investigation may be released upon request with the names and other identifying information redacted.

The substitute requires the office to establish and implement procedures for the resolution of complaints. Currently, the office is required to do this whenever it is possible. The office, at its discretion, must seek to be joined as a party to the case of a child or children in the state's custody when it

feels that the action is necessary to ensure the health, safety, welfare, or civil rights of the child. A request for joining as a party must be honored by the court with jurisdiction in the case.

The annual detailed report on the work of the office that is to be submitted to the Governor, General Assembly, and Missouri Supreme Court must also include the number of complaints in which the office needed to take legal action to protect children.

#### FOSTER CARE AND ADOPTIVE PARENTS RECRUITMENT AND RETENTION FUND (Sections 143.1015 and 453.600)

In each taxable year beginning on or after January 1, 2010, an individual or corporation that is entitled to a tax refund is authorized to make a designation of \$1 or more on a single return or \$2 or more on a combined return to the newly created Foster Care and Adoptive Parents Recruitment and Retention Fund. An individual or corporation that is not entitled to a tax refund can make a contribution to the fund by a separate check, draft, or other negotiable instrument.

The fund will consist of all gifts, donations, transfers, bequests, and moneys appropriated by the General Assembly to be used for the Department of Social Services, either in-house or through private partnerships, to promote foster care and adoption promotion recruitment programs.

#### FOSTER CARE PLACEMENT (Section 210.565)

The substitute establishes the following order of the preference for placement of a child in foster care: grandparents and relatives, a trusted adult who has a pre-existing relationship with the child, foster parents who share the same religious background as the child, and any foster parent who is currently licensed and capable of accepting placement of the child. Any person receiving a preference must be licensed in an expedited manner if a child is placed under the person's care.

#### SIBLING PLACEMENT (Section 210.566)

The Children's Division within the Department of Social Services is required to make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the division must make reasonable efforts to provide frequent visitation or other ongoing interaction between siblings, unless this interaction would be contrary to a sibling's safety or well-being.

## MISSOURI STATE FOSTER CARE AND ADOPTION BOARD (Section 210.617)

The Missouri State Foster Care and Adoption Board is established to provide consultation and assistance to the Department of Social Services. The board must draft and provide an independent review of the policies and procedures of the Children's Division related to the provision of foster care and adoption in Missouri. The board must determine the nature and content of in-service training which must be provided to foster and adoptive parents in order to improve these services to children statewide. The additional duties of the board are specified.

The board must be comprised of foster and adoptive parents from each of the seven children's division areas. Area members must be appointed by the Governor, with the advice and consent of the Senate, from recommendations by regional foster care and adoption boards or other similar entities. Statewide foster care and adoption association representatives must be voting members of the board as approved by the board. The board must provide the Director of the Department of Social Services; Governor; Office of the Child Advocate; and upon request, members of the General Assembly a written report of its activities.

## EDUCATIONAL CHOICES OF FOSTER PARENTS (Section 1)

The substitute specifies that the child advocate, the Children's Division or Department of Social Services, juvenile authorities, and family courts cannot discriminate against the educational choices of a foster parent as long as the foster child's education complies with Section 167.031.

The provisions regarding the Foster Care and Adoptive Parents Recruitment and Retention Fund will expire six years from the effective date.

FISCAL NOTE: Estimated Effect on General Revenue Fund of an income of \$0 to a cost of Unknown in FY 2011, FY 2012, and FY 2013. No impact on Other State Funds in FY 2011, FY 2012, and FY 2013.

PROPOSERS: Supporters say that the bill creates a fund for foster care recruitment efforts and allows an individual to voluntarily donate to the fund through a checkoff on his or her income tax return. Case workers should have flexibility when determining foster care placement.

Testifying for the bill were Representative Davis for Senator Wilson; Ronald Finley; Department of Social Services; Jeremy Lafaver, Partnership for Children; and Brian Colby.

OPPONENTS: There was no opposition voiced to the committee.