

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 431

96TH GENERAL ASSEMBLY

0542L.05P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 210.112, 210.498, 210.565, and 210.566, RSMo, and to enact in lieu thereof seven new sections relating to foster care and adoption promotion.

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

Section A. Sections 210.112, 210.498, 210.565, and 210.566, RSMo, are repealed and
2 seven new sections enacted in lieu thereof, to be known as sections 143.1015, 210.112, 210.498,
3 210.565, 210.566, 210.617, and 453.600, to read as follows:

**143.1015. 1. In each taxable year beginning on or after January 1, 2011, each
2 individual or corporation entitled to a tax refund in an amount sufficient to make a
3 designation under this section may designate that one dollar or any amount in excess of one
4 dollar on a single return, and two dollars or any amount in excess of two dollars on a
5 combined return, of the refund due be credited to the foster care and adoptive parents
6 recruitment and retention fund as established under section 453.600, hereinafter referred
7 to as the fund. If any individual or corporation that is not entitled to a tax refund in an
8 amount sufficient to make a designation under this section wishes to make a contribution
9 to the fund, such individual or corporation may, by separate check, draft, or other
10 negotiable instrument, send in with the payment of taxes, or may send in separately, that
11 amount, clearly designated for the foster care and adoptive parents recruitment and
12 retention fund, the individual or corporation wishes to contribute. The department of
13 revenue shall deposit such amount to the fund as provided in subsections 2 and 3 of this
14 section. All moneys credited to the fund shall be considered nonstate funds under the
15 provisions of article IV, section 15 of the Missouri Constitution.**

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.

16 **2. The director of revenue shall deposit at least monthly all contributions**
17 **designated by individuals under this section to the state treasurer for deposit to the fund.**

18 **3. The director of revenue shall deposit at least monthly all contributions**
19 **designated by corporations under this section, less an amount sufficient to cover the costs**
20 **of collection and handling by the department of revenue, to the state treasury for deposit**
21 **to the fund.**

22 **4. A contribution designated under this section shall only be deposited in the fund**
23 **after all other claims against the refund from which such contribution is to be made have**
24 **been satisfied.**

25 **5. Moneys deposited in the fund shall be distributed by the department of social**
26 **services in accordance with the provisions of this section and section 453.600.**

27 **6. Under section 23.253 of the Missouri sunset act:**

28 **(1) The provisions of the new program authorized under this section shall**
29 **automatically sunset six years after August 28, 2011, unless reauthorized by an act of the**
30 **general assembly; and**

31 **(2) If such program is reauthorized, the program authorized under this section**
32 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
33 **section; and**

34 **(3) This section shall terminate on December thirty-first of the calendar year**
35 **immediately following the calendar year in which the program authorized under this**
36 **section is sunset.**

210.112. 1. It is the policy of this state and its agencies to implement a foster care and
2 child protection and welfare system focused on providing the highest quality of services and
3 outcomes for children and their families.

4 The department of social services shall implement such system subject to the following
5 principles:

6 (1) The safety and welfare of children is paramount;

7 (2) Providers of direct services to children and their families will be evaluated in a
8 uniform and consistent basis;

9 (3) Services to children and their families shall be provided in a timely manner to
10 maximize the opportunity for successful outcomes; and

11 (4) Any provider of direct services to children and families shall have the appropriate
12 and relevant training, education, and expertise to provide the highest quality of services possible
13 which shall be consistent with the federal standards, but not less than the standards and policies
14 used by the children's division as of January 1, 2004.

15 2. On or before July 1, 2005, and subject to appropriations, the children's division and
16 any other state agency deemed necessary by the division shall, in consultation with the
17 community and providers of services, enter into and implement contracts with qualified
18 children's services providers and agencies to provide a comprehensive and deliberate system of
19 service delivery for children and their families. Contracts shall be awarded through a
20 competitive process and provided by children's services providers and agencies currently
21 contracting with the state to provide such services and by public and private not-for-profit or
22 limited liability corporations owned exclusively by not-for-profit corporations children's services
23 providers and agencies which have:

24 (1) A proven record of providing child welfare services within the state of Missouri
25 which shall be consistent with the federal standards, but not less than the standards and policies
26 used by the children's division as of January 1, 2004; and

27 (2) The ability to provide a range of child welfare services, which may include case
28 management services, family- centered services, foster and adoptive parent recruitment and
29 retention, residential care, in-home services, foster care services, adoption services, relative care
30 case management, planned permanent living services, and family reunification services.

31

32 No contracts shall be issued for services related to the child abuse and neglect hotline,
33 investigations of alleged abuse and neglect, and initial family assessments. Any contracts
34 entered into by the division shall be in accordance with all federal laws and regulations, and shall
35 not result in the loss of federal funding. Such children's services providers and agencies under
36 contract with the division shall be subject to all federal, state, and local laws and regulations
37 relating to the provision of such services, and shall be subject to oversight and inspection by
38 appropriate state agencies to assure compliance with standards which shall be consistent with
39 the federal standards, but not less than the standards and policies used by the children's division
40 as of January 1, 2004.

41 3. In entering into and implementing contracts under subsection 2 of this section, the
42 division shall consider and direct their efforts towards geographic areas of the state, including
43 Greene County, where eligible direct children's services providers and agencies are currently
44 available and capable of providing a broad range of services, including case management
45 services, family-centered services, foster and adoptive parent recruitment and retention,
46 residential care, family preservation services, foster care services, adoption services, relative care
47 case management, other planned living arrangements, and family reunification services
48 consistent with federal guidelines. Nothing in this subsection shall prohibit the division from
49 contracting on an as-needed basis for any individual child welfare service listed above.

50 4. The contracts entered into under this section shall assure that:

51 (1) Child welfare services shall be delivered to a child and the child's family by
52 professionals who have substantial and relevant training, education, or competencies otherwise
53 demonstrated in the area of children and family services;

54 (2) Children's services providers and agencies shall be evaluated by the division based
55 on objective, consistent, and performance-based criteria;

56 (3) Any case management services provided shall be subject to a case management plan
57 established under subsection 5 of this section which is consistent with all relevant federal
58 guidelines. The case management plan shall focus on attaining permanency in children's living
59 conditions to the greatest extent possible and shall include concurrent planning and independent
60 living where appropriate in accordance with the best interests of each child served and
61 considering relevant factors applicable to each individual case as provided by law, including:

62 (a) The interaction and interrelationship of a child with the child's foster parents,
63 biological or adoptive parents, siblings, and any other person who may significantly affect the
64 child's best interests;

65 (b) A child's adjustment to his or her foster home, school, and community;

66 (c) The mental and physical health of all individuals involved, including any history of
67 abuse of or by any individuals involved;

68 (d) The needs of the child for a continuing relationship with the child's biological or
69 adoptive parents and the ability and willingness of the child's biological or adoptive parents to
70 actively perform their functions as parents with regard to the needs of the child; and

71 (e) For any child under ten years old, treatment services may be available as defined in
72 section 210.110. Assessments, as defined in section 210.110, may occur to determine which
73 treatment services best meet the child's psychological and social needs. When the assessment
74 indicates that a child's needs can be best resolved by intensive twenty-four-hour treatment
75 services, the division will locate, contract, and place the child with the appropriate organizations.
76 This placement will be viewed as the least restrictive for the child based on the assessment;

77 (4) The delivery system shall have sufficient flexibility to take into account children and
78 families on a case-by-case basis;

79 (5) The delivery system shall provide a mechanism for the assessment of strategies to
80 work with children and families immediately upon entry into the system to maximize
81 permanency and successful outcome in the shortest time possible and shall include concurrent
82 planning. Outcome measures for private and public agencies shall be equal for each program;
83 and

84 (6) Payment to the children's services providers and agencies shall be made based on the
85 reasonable costs of services, including responsibilities necessary to execute the contract.
86 Contracts shall provide incentives in addition to the costs of services provided in recognition of

87 accomplishment of the case goals and the corresponding cost savings to the state. The division
88 shall promulgate rules to implement the provisions of this subdivision.

89 5. Contracts entered into under this section shall require that a case management plan
90 consistent with all relevant federal guidelines shall be developed for each child at the earliest
91 time after the initial investigation, but in no event longer than fourteen days after the initial
92 investigation or referral to the contractor by the division. Such case management plan shall be
93 presented to the court and be the foundation of service delivery to the child and family. The case
94 management plan shall, at a minimum, include:

95 (1) An outcome target based on the child and family situation achieving permanency or
96 independent living, where appropriate;

97 (2) Services authorized and necessary to facilitate the outcome target;

98 (3) Time frames in which services will be delivered; and

99 (4) Necessary evaluations and reporting.

100

101 In addition to any visits and assessments required under case management, services to be
102 provided by a public or private children's services provider under the specific case management
103 plan may include family-centered services, foster and adoptive parent recruitment and retention,
104 residential care, in-home services, foster care services, adoption services, relative care case
105 services, planned permanent living services, and family reunification services. In all cases, an
106 appropriate level of services shall be provided to the child and family after permanency is
107 achieved to assure a continued successful outcome.

108 **6. The division shall include in any foster care case management contract entered**
109 **into under this section that all recruitment, licensing, and retention activities for foster and**
110 **adoptive parents in the areas of the state included in the contract shall be provided by the**
111 **contracted entity. The division may enter into contracts for additional family foster care**
112 **case and adoptive resource in areas of the state not included in a foster care case**
113 **management contract entered into under this section.**

114 7. On or before July 15, 2006, and each July fifteenth thereafter that the project is in
115 operation, the division shall submit a report to the general assembly which shall include:

116 (1) Details about the specifics of the contracts, including the number of children and
117 families served, the cost to the state for contracting such services, the current status of the
118 children and families served, an assessment of the quality of services provided and outcomes
119 achieved, and an overall evaluation of the project; and

120 (2) Any recommendations regarding the continuation or possible statewide
121 implementation of such project; and

122 (3) Any information or recommendations directly related to the provision of direct
123 services for children and their families that any of the contracting children's services providers
124 and agencies request to have included in the report.

125 [7.] 8. The division shall accept as prima facie evidence of completion of the
126 requirements for licensure under sections 210.481 to 210.511 proof that an agency is accredited
127 by any of the following nationally recognized bodies: the Council on Accreditation of Services,
128 Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the
129 Commission on Accreditation of Rehabilitation Facilities. The division shall not require any
130 further evidence of qualification for licensure if such proof of voluntary accreditation is
131 submitted.

132 [8.] 9. By February 1, 2005, the children's division shall promulgate and have in effect
133 rules to implement the provisions of this section and, pursuant to this section, shall define
134 implementation plans and dates. Any rule or portion of a rule, as that term is defined in section
135 536.010, that is created under the authority delegated in this section shall become effective only
136 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
137 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
138 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
139 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
140 and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

210.498. Any parent or legal guardian may have access to investigation records kept by
2 the division regarding a decision for the denial of or the suspension or revocation of a license to
3 a specific person to operate or maintain a foster home if such specific person does or may
4 provide services or care to a child of the person requesting the information. The request for the
5 release of such information shall be made to the division director or the director's designee, in
6 writing, by the parent or legal guardian of the child and shall be accompanied with a signed and
7 notarized release form from the person who does or may provide care or services to the child.
8 The notarized release form shall include the full name, date of birth and Social Security number
9 of the person who does or may provide care or services to a child. The response shall include
10 **only** information pertaining to the nature and disposition of any denial, suspension or revocation
11 of a license to operate a foster home. This response shall not include any identifying information
12 regarding any person other than the person to whom a foster home license was denied, suspended
13 or revoked. The response shall be given within ten working days of the time it was received by
14 the division.

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 whether
6 they wish to be considered for placement of the child. Grandparents who request consideration
7 shall be given preference and first consideration for foster home placement of the child. If more
8 than one grandparent requests consideration, the family support team shall make
9 recommendations to the juvenile or family court about which grandparent should be considered
10 for placement.

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

14 3. **The following shall be the order or preference for placement of a child under this**
15 **section:**

16 **(1) Grandparents and relatives;**

17 **(2) A trusted adult that has a preexisting relationship with the child, such as a**
18 **godparent, teacher, neighbor, or fellow parishioner who voluntarily agrees to care for the**
19 **child; and**

20 **(3) Any foster parent who is currently licensed and capable of accepting placement**
21 **of the child.**

22 4. The preference for placement and first consideration for grandparents or preference
23 for placement with other relatives created by this section shall only apply where the court finds
24 that placement with such grandparents or other relatives is not contrary to the best interest of the
25 child considering all circumstances. If the court finds that it is contrary to the best interest of a
26 child to be placed with grandparents or other relatives, the court shall make specific findings on
27 the record detailing the reasons why the best interests of the child necessitate placement of the
28 child with persons other than grandparents or other relatives.

29 5. **Recognizing the critical nature of sibling bonds for children, the children's**
30 **division shall make reasonable efforts to place siblings in the same foster care, kinship,**
31 **guardianship, or adoptive placement, unless doing so would be contrary to the safety or**
32 **well-being of any of the siblings. If siblings are not placed together, the children's division**
33 **shall make reasonable efforts to provide frequent visitation or other ongoing interaction**
34 **between the siblings, unless this interaction would be contrary to a sibling's safety or well-**
35 **being.**

36 [4.] 6. The age of the child's grandparent or other relative shall not be the only factor that
37 the children's division takes into consideration when it makes placement decisions and
38 recommendations to the court about placing the child with such grandparent or other relative.

39 [5.] 7. For any Native American child placed in protective custody, the children's
40 division shall comply with the placement requirements set forth in 25 U.S.C. Section 1915.

41 [6.] 8. A grandparent or other relative may, on a case-by-case basis, have standards for
42 licensure not related to safety waived for specific children in care that would otherwise impede
43 licensing of the grandparent's or relative's home. **In addition, any person receiving a**
44 **preference may be licensed in an expedited manner if a child is placed under such person's**
45 **care.**

46 [7.] 9. The guardian ad litem shall ascertain the child's wishes and feelings about his or
47 her placement by conducting an interview or interviews with the child, if appropriate based on
48 the child's age and maturity level, which shall be considered as a factor in placement decisions
49 and recommendations, but shall not supersede the preference for relative placement created by
50 this section or be contrary to the child's best interests.

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

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

11 2. (1) The children's division and its contractors shall provide foster parents with
12 regularly scheduled opportunities for preservice training, and regularly scheduled opportunities
13 for pertinent inservice training, as determined by the Missouri State Foster Care and Adoption
14 Advisory Board.

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

453.600. 1. There is hereby created in the state treasury the "Foster Care and
2 Adoptive Parents Recruitment and Retention Fund" which shall consist of all gifts,
3 donations, transfers, and moneys appropriated by the general assembly, and bequests to
4 the fund. The fund shall maintain no more than the total of the last two years of funding
5 or a minimum of three hundred thousand dollars, whichever is greater. The fund shall be

6 administered by the foster care and adoptive parents recruitment and retention fund board
7 created in subsection 3 of this section.

8 2. The state treasurer shall be custodian of the fund and may approve
9 disbursements from the fund in accordance with sections 30.170 and 30.180.
10 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
11 in the fund at the end of the biennium shall not revert to the credit of the general revenue
12 fund. The state treasurer shall invest moneys in the fund in the same manner as other
13 funds are invested. Any interest and moneys earned on such investments shall be credited
14 to the fund.

15 3. There is hereby created the "Foster Care and Adoptive Parents Recruitment and
16 Retention Fund Board" within the department of social services. The board shall consist
17 of the following members or their designees:

- 18 (1) The director of the department of social services;
19 (2) The director of the department of mental health;
20 (3) The director of the department of health and senior services;
21 (4) The following six members to be appointed by the director of the department
22 of social services:
23 (a) Two representatives of a recognized foster parent association;
24 (b) Two representatives of a licensed child-placing agency; and
25 (c) Two representatives of a licensed residential treatment center.

26

27 Members appointed under subdivision (4) of this subsection shall serve three-year terms,
28 subject to reappointment. Of the members initially appointed, three shall be appointed for
29 a two-year term and three shall be appointed three-year terms. All members of the board
30 shall serve without compensation but shall, subject to appropriation, be reimbursed for
31 reasonable and necessary expenses actually incurred in the performance of their official
32 duties as members of the board. The department of social services shall, with existing
33 resources, provide administrative support and current staff as necessary for the effective
34 operation of the board.

35 4. Upon appropriation, moneys in the fund shall be used to grant awards to licensed
36 community-based foster care and adoption recruitment programs. The board shall
37 establish guidelines for disbursement of the fund to certain programs. Such programs
38 shall include, but not be limited to, recruitment and retention of foster and adoptive
39 families for children who:

- 40 (1) Have been in out-of-home placement for fifteen months or more;
41 (2) Are more than twelve years of age; or

42 **(3) Are in sibling groups.**

43

44 **Moneys in the fund shall not be subject to appropriation for purposes other than those of**
45 **evidence-based foster care and adoption programs as designated by the board established**
46 **under this section.**

47 **5. Under section 23.253 of the Missouri sunset act:**

48 **(1) The provisions of the new fund authorized under this section shall automatically**
49 **sunset six years after August 28, 2011, unless reauthorized by an act of the general**
50 **assembly; and**

51 **(2) If such fund is reauthorized, the fund authorized under this section shall**
52 **automatically sunset twelve years after the effective date of the reauthorization of this**
53 **section; and**

54 **(3) This section shall terminate on December thirty-first of the calendar year**
55 **immediately following the calendar year in which the fund authorized under this section**
56 **is sunset.**