

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NO. 431**

**96TH GENERAL ASSEMBLY**

0542S.08T

2011

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**AN ACT**

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

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

Section A. Sections 210.112, 210.498, and 210.565, RSMo, are repealed and six new  
2 sections enacted in lieu thereof, to be known as sections 143.1015, 210.112, 210.498, 210.565,  
3 210.617, 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**

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 **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.**

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

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

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

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

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

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

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

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

30

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

98           (4) Necessary evaluations and reporting.

99

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

107           **6. The division shall convene a task force to review the recruitment, licensing and**  
108 **retention of foster and adoptive parents statewide. In addition to representatives of the**  
109 **division and department, the task force shall include representatives of the private sector**  
110 **and faith-based community which provide recruitment and licensure services. The**  
111 **purpose of the task force will be to study the extent to which changes in the system of**  
112 **recruiting, licensing, and retaining foster and adoptive parents would enhance the**  
113 **effectiveness of the system statewide. The task force shall develop a report of its findings**  
114 **with recommendations by December 1, 2011, and provide copies of the report to the**  
115 **general assembly and to the governor.**

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

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

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

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

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

134 [8.] **9.** By February 1, 2005, the children's division shall promulgate and have in effect  
135 rules to implement the provisions of this section and, pursuant to this section, shall define  
136 implementation plans and dates. Any rule or portion of a rule, as that term is defined in section  
137 536.010, that is created under the authority delegated in this section shall become effective only  
138 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
139 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
140 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove  
141 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
142 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 pursuant to subsection 3 of this section that foster home placement with relatives is not contrary to the best interest of the child, the children's division shall give foster home placement to relatives of the child. Notwithstanding any rule of the division to the contrary, the children's division shall make diligent efforts to locate the grandparents of the child and determine whether they wish to be considered for placement of the child. Grandparents who request consideration shall be given preference and first consideration for foster home placement of the child. If more than one grandparent requests consideration, the family support team shall make recommendations to the juvenile or family court about which grandparent should be considered for placement.

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

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

(1) **Grandparents and relatives;**

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

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

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

5. **Recognizing the critical nature of sibling bonds for children, the children's division shall 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 children's division shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings, unless this interaction would be contrary to a sibling's safety or well-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.

**210.617. 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 reappointed 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 opinions and**  
39 **recommendations for change to the children's division within thirty days of receipt of the**  
40 **proposed policy;**

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

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

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

50           **9. The board shall exercise its powers and duties independently of the children's**  
51 **division within the department of social services in order to ensure partnership and**  
52 **accountability in the provision of services to the state's children affected by abuse and**  
53 **neglect. Budgetary, procurement, and accounting functions shall continue to be performed**  
54 **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.**

✓