

# HOUSE BILL NO. 260

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BROWN (94).

0573H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 210.565, RSMo, and to enact in lieu thereof one new section relating to kinship placements for foster children.

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

Section A. Section 210.565, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.565, to read as follows:

210.565. 1. Whenever a child is placed in a foster home and the court has determined pursuant to subsection 4 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]~~ following terms shall mean:

(1) **“Kin” or “kinship”, a person who is related to the child by blood or affinity beyond the third degree, or a person who is not so related to the child but has a close relationship with the child or the child’s family including, but not limited to, godparents, neighbors, teachers, or close family friends;**

(2) "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.

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.

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

21           (1) Grandparents and relatives;

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

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

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

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

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

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

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

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

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