

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 693

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WILSON.

Pre-filed December 1, 2009, and ordered printed.

Read 2nd time January 19, 2010, and referred to the Committee on Health, Mental Health, Seniors and Families.

Reported from the Committee February 11, 2010, with recommendation that the bill do pass.

Taken up for Perfection February 16, 2010. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

3098S.01P

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## AN ACT

To repeal sections 37.710, 37.715, and 210.566, 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Section A. Sections 37.710, 37.715, and 210.566, RSMo, are repealed and  
2 six new sections enacted in lieu thereof, to be known as sections 37.710, 37.715,  
3 143.1015, 210.566, 210.617, and 453.600 to read as follows:

37.710. 1. The office **of the child advocate** shall have access to the  
2 following information:

3 (1) The names and physical location of all children in protective services,  
4 treatment, or other programs under the jurisdiction of the children's division, the  
5 department of mental health, and the juvenile court;

6 (2) All written reports of child abuse and neglect; and

7 (3) All current records required to be maintained pursuant to chapters 210  
8 and 211, RSMo.

9 2. The office shall have the authority:

10 (1) To communicate privately by any means possible with any child under  
11 protective services and anyone working with the child, including the family,  
12 relatives, courts, employees of the department of social services and the  
13 department of mental health, **child care providers, health care providers,**  
14 **educational institutions,** and other persons or entities providing treatment  
15 and services;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 (2) To have access, including the right to inspect, copy and subpoena  
17 records held by the clerk of the juvenile or family court, juvenile officers, law  
18 enforcement agencies, institutions, public or private, and other agencies, or  
19 persons with whom a particular child has been either voluntarily or otherwise  
20 placed for care, or has received treatment within this state or in another state;

21 (3) To work in conjunction with juvenile officers and guardians ad  
22 litem. **Upon making an appearance in any court on the case of a child**  
23 **in the protective custody of the state, the office of the child advocate**  
24 **shall be joined by the court as a party to all proceedings and shall**  
25 **prepare independent recommendations to the court after consultation**  
26 **with the juvenile office and guardians ad litem and the court appointed**  
27 **special advocate if one has been appointed;**

28 (4) To file amicus curiae briefs on behalf of the interests of the parent or  
29 child, **or to file such pleadings necessary to intervene on behalf of the**  
30 **child at the appropriate judicial level utilizing the resources of the**  
31 **office of the attorney general;**

32 (5) To [initiate] **convene** meetings with the department of social services,  
33 the department of mental health, the juvenile court, and juvenile officers **and**  
34 **make recommendations to them for necessary action;**

35 (6) To take whatever steps are appropriate to see that persons are made  
36 aware of the services of the child advocate's office, its purpose, and how it can be  
37 contacted;

38 (7) To apply for and accept grants, gifts, and bequests of funds from other  
39 states, federal, and interstate agencies, and independent authorities, private  
40 firms, individuals, and foundations to carry out his or her duties and  
41 responsibilities. The funds shall be deposited in a dedicated account established  
42 within the office to permit moneys to be expended in accordance with the  
43 provisions of the grant or bequest; and

44 (8) Subject to appropriation, to establish as needed local panels on a  
45 regional or county basis to adequately and efficiently carry out the functions and  
46 duties of the office, and address complaints in a timely manner.

47 3. For any information obtained from a state agency or entity under  
48 sections 37.700 to 37.730, the office of child advocate shall be subject to the same  
49 disclosure restrictions and confidentiality requirements that apply to the state  
50 agency or entity providing such information to the office of child advocate. For  
51 information obtained directly by the office of child advocate under sections 37.700

52 to 37.730, the office of child advocate shall be subject to the same disclosure  
53 restrictions and confidentiality requirements that apply to the children's division  
54 regarding information obtained during a child abuse and neglect investigation  
55 resulting in an unsubstantiated report **with the exception that any findings**  
56 **and recommendations resulting from such investigation may be**  
57 **released upon request with names and other such identifying**  
58 **information redacted.**

37.715. 1. The office shall establish and implement procedures for  
2 receiving, processing, responding to, and resolving complaints made by or on  
3 behalf of children who are recipients of the services of the departments of social  
4 services and mental health, and the juvenile court. Such procedures shall  
5 address complaints relating to the actions, inactions, or decisions of providers or  
6 their representatives, public or private child welfare agencies, social service  
7 agencies, or the courts which may adversely affect the health, safety, welfare, or  
8 rights of such recipient.

9 2. The office shall establish and implement procedures for the handling  
10 and[, whenever possible,] the resolution of complaints.

11 3. The office shall have the authority to make the necessary inquiries and  
12 review relevant information and records as the office deems necessary.

13 4. The office may recommend to any state or local agency changes in the  
14 rules adopted or proposed by such state or local agency which adversely affect or  
15 may adversely affect the health, safety, welfare, or civil or human rights of any  
16 recipient. The office shall make recommendations on changes to any current  
17 policies and procedures. The office shall analyze and monitor the development  
18 and implementation of federal, state and local laws, regulations and policies with  
19 respect to services in the state and shall recommend to the department, courts,  
20 general assembly, and governor changes in such laws, regulations and policies  
21 deemed by the office to be appropriate.

22 5. **The office shall, at its discretion, seek to be joined as a party**  
23 **to the case of a child or children in the state's custody, when the office**  
24 **feels that such action is necessary to ensure the health, safety, welfare,**  
25 **or civil or human rights of the child. Such requests shall be honored**  
26 **by the court with the jurisdiction in the case.**

27 6. The office shall inform recipients, their guardians or their families of  
28 their rights and entitlements under state and federal laws and regulations  
29 through the distribution of educational materials.

30 [6.] 7. The office shall annually submit to the governor, the general  
31 assembly, and the Missouri supreme court a detailed report on the work of the  
32 office of the child advocate for children's protection and services. Such report  
33 shall include, but not be limited to, the number of complaints received by the  
34 office, the disposition of such complaints **including the number of complaints**  
35 **in which the office needed to take legal action to protect children**, the  
36 number of recipients involved in complaints, the state entities named in  
37 complaints and whether such complaints were found to be substantiated, and any  
38 recommendations for improving the delivery of services to reduce complaints or  
39 improving the function of the office of the child advocate for children's protection  
40 and services.

143.1015. 1. In each taxable year beginning on or after January  
2 1, 2010, each individual or corporation entitled to a tax refund in an  
3 amount sufficient to make a designation under this section may  
4 designate that one dollar or any amount in excess of one dollar on a  
5 single return, and two dollars or any amount in excess of two dollars  
6 on a combined return, of the refund due be credited to the foster care  
7 and adoptive parents recruitment and retention fund as established  
8 under section 453.600, hereinafter referred to as the fund. If any  
9 individual or corporation that is not entitled to a tax refund in an  
10 amount sufficient to make a designation under this section wishes to  
11 make a contribution to the fund, such individual or corporation may,  
12 by separate check, draft, or other negotiable instrument, send in with  
13 the payment of taxes, or may send in separately, that amount, clearly  
14 designated for the foster care and adoptive parents recruitment and  
15 retention fund, the individual or corporation wishes to contribute. The  
16 department of revenue shall deposit such amount to the fund as  
17 provided in subsections 2 and 3 of this section. All moneys credited to  
18 the fund shall be considered nonstate funds under the provisions of  
19 article IV, section 15 of the Missouri Constitution.

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

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

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

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

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

34           **(1) The provisions of the new program authorized under this**  
35 **section shall automatically sunset six years after August 28, 2010,**  
36 **unless reauthorized by an act of the general assembly; and**

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

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

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

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

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

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

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

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

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

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

43 (6) The children's division and its contractors shall establish reasonably  
44 accessible respite care for children in foster care for short periods of time, jointly  
45 determined by foster parents and the child's caseworker pursuant to section  
46 210.545. Foster parents shall follow all procedures established by the children's  
47 division and its contractors for requesting and using respite care.

48 (7) Foster parents shall treat all information received from the children's  
49 division and its contractors about the child and the child's family as  
50 confidential. Information necessary for the medical or psychiatric care of the  
51 child may be provided to the appropriate practitioners. Foster parents may share  
52 information necessary with school personnel in order to secure a safe and  
53 appropriate education for the child. Additionally, foster parents shall share  
54 information they may learn about the child and the child's family, and concerns  
55 that arise in the care of the child, with the caseworker and other members of the  
56 child welfare team. Recognizing that placement changes are difficult for children,

57 foster parents shall seek all necessary information, and participate in  
58 preplacement visits whenever possible, before deciding whether to accept a child  
59 for placement.

60           3. (1) Foster parents shall make decisions about the daily living concerns  
61 of the child, and shall be permitted to continue the practice of their own family  
62 values and routines while respecting the child's cultural heritage. All discipline  
63 shall be consistent with state laws and regulations. The children's division shall  
64 allow foster parents to help plan visitation between the child and the child's  
65 siblings or biological family. Visitations should be scheduled at a time that meets  
66 the needs of the child, the biological family members, and the foster family  
67 whenever possible. Recognizing that visitation with family members is an  
68 important right of children in foster care, foster parents shall be flexible and  
69 cooperative with regard to family visits.

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

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

81           4. (1) Consistent with state laws and regulations, the children's division  
82 and its contractors shall provide, upon request by the foster parents, information  
83 about a child's progress after the child leaves foster care.

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

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

92           (4) **Recognizing the critical nature of sibling bonds for children,**

93 **the children's division shall make reasonable efforts to place siblings**  
94 **in the same foster care, kinship, guardianship, or adoptive placement,**  
95 **unless doing so would be contrary to the safety or well-being of any of**  
96 **the siblings. If siblings are not placed together, the children's division**  
97 **shall make reasonable efforts to provide frequent visitation or other**  
98 **ongoing interaction between the siblings, unless this interaction would**  
99 **be contrary to a sibling's safety or well-being.**

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

103 [(5)] (6) If a foster child becomes free for adoption and the foster parents  
104 desire to adopt the child, they shall inform the caseworker within sixty days of  
105 the caseworker's initial query. If they do not choose to pursue adoption, foster  
106 parents shall make every effort to support and encourage the child's placement  
107 in a permanent home, including but not limited to providing information on the  
108 history and care needs of the child and accommodating transitional visitation.

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

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

117 7. The children's division and their contractors shall provide training to  
118 foster parents on the policies and procedures governing the licensure of foster  
119 homes, the provision of foster care, and the adoption process. Foster parents  
120 shall, upon request, be provided with written documentation of the policies of the  
121 children's division and their contractors. Per licensure requirements, foster  
122 parents shall comply with the policies of the child placement agency.

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

**210.617. 1. There is hereby created within the department of**  
2 **social services the "Missouri State Foster Care and Adoption Board",**  
3 **which shall provide consultation and assistance to the department and**  
4 **shall draft and provide an independent review of the children's division**



5 policies and procedures related to the provision of foster care and  
6 adoption in Missouri. Additionally, the board shall determine the  
7 nature and content of in-service training which shall be provided to  
8 foster and adoptive parents in order to improve the provision of foster  
9 care and adoption services to children statewide consistent with  
10 section 210.566. The board shall be comprised of foster and adoptive  
11 parents as follows:

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

14 (a) The northwest region;

15 (b) The northeast region;

16 (c) The southeast region;

17 (d) The southwest region;

18 (e) The Kansas City region;

19 (f) The St. Louis area region;

20 (g) The St. Louis City region;

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

24 2. Statewide foster care and adoption association representatives  
25 shall be voting members of the board as approved by the board.

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

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

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

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

42           7. The board shall establish such procedures necessary to:

43           (1) Review children's division proposed policy and provide  
44 written responses to the children's division indicating approval or  
45 notifying the children's division of the board's disapproval and provide  
46 recommendations for change within thirty days of receipt of the  
47 proposed policy;

48           (2) Provide draft policy suggestions, at the request of the  
49 children's division or in response to issues by the board, to the  
50 children's division for improvements in foster care or adoption  
51 practice; and

52           (3) Fulfill its statutory requirement in accordance with section  
53 210.566 to determine the content of in-service training to be provided  
54 by the children's division to foster and adoptive parents.

55           8. The board shall provide to the director of the department of  
56 social services, the governor, the office of the child advocate, and upon  
57 request, members of the general assembly, a written report of annual  
58 activities conducted and made.

59           9. The board shall exercise its powers and duties independently  
60 of the children's division within the department of social services in  
61 order to ensure partnership and accountability in the provision of  
62 services to the state's children affected by abuse and  
63 neglect. Budgetary, procurement, and accounting functions shall  
64 continue to be performed by the children's division.

453.600. 1. There is hereby created in the state treasury the  
2 "Foster Care and Adoptive Parents Recruitment and Retention Fund"  
3 which shall consist of all gifts, donations, transfers, and moneys  
4 appropriated by the general assembly, and bequests to the fund. The  
5 fund shall be administered by the department of social services.

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

14           3. Upon appropriation, moneys in the fund shall be used for the

15 department, either in-house or through private partnerships, to  
16 promote foster care and adoption recruitment programs. Such  
17 programs shall include, but not be limited to, the following:

18 (1) Promotional printings, advertisements, flyers, posters,  
19 billboards, and radio spots;

20 (2) Community and church presentations;

21 (3) Exhibits at community events;

22 (4) Public service announcements;

23 (5) Informational meetings open to the public;

24 (6) Child specific recruitment;

25 (7) A toll-free informational phone number;

26 (8) Foster parent newsletters; and

27 (9) Photo displays of children awaiting permanency from foster  
28 care.

29 4. Under section 23.253 of the Missouri sunset act:

30 (1) The provisions of the new fund authorized under this section  
31 shall automatically sunset six years after August 28, 2010, unless  
32 reauthorized by an act of the general assembly; and

33 (2) If such fund is reauthorized, the fund authorized under this  
34 section shall automatically sunset twelve years after the effective date  
35 of the reauthorization of this section; and

36 (3) This section shall terminate on December thirty-first of the  
37 calendar year immediately following the calendar year in which the  
38 fund authorized under this section is sunset.

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