

SECOND REGULAR SESSION

# SENATE BILL NO. 979

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Read 1st time January 25, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6145S.011

## AN ACT

To amend chapter 210, RSMo, by adding thereto five new sections relating to the children's division.

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

Section A. Chapter 210, RSMo, is amended by adding thereto five new sections, to be known as sections 210.660, 210.665, 210.670, 210.675, and 210.680, to read as follows:

**210.660. As used in sections 210.660 to 210.680, the following terms shall mean:**

**(1) "Age- or developmentally-appropriate activities":**

**(a) Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and**

**(b) In the case of a specific child, activities, or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child;**

**(2) "Caregiver", a foster parent, relative, or kinship provider with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed;**

**(3) "Division", the Missouri children's division within the department of social services;**

**(4) "Reasonable and prudent parent standard", the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time**

21 encouraging the emotional and developmental growth of the child, that  
22 a caregiver shall use when determining whether to allow a child in  
23 foster care under the responsibility of the state to participate in  
24 extracurricular, enrichment, cultural, and social activities.

210.665. 1. Except as otherwise provided in subsection 8 of this  
2 section, the court and all parties to a case under chapter 211 involving  
3 a child in care shall defer to the reasonable decisions of the child's  
4 designated caregiver involving the child's participation in  
5 extracurricular, enrichment, cultural, and social activities.

6 2. A caregiver shall use the reasonable and prudent parent  
7 standard when making decisions relating to the activity of the child.

8 3. The division or a contracted agency thereof shall designate at  
9 least one onsite caregiver who has authority to apply the reasonable  
10 and prudent parent standard for each child placed in its custody.

11 4. The caregiver shall consider:

- 12 (1) The child's age, maturity, and developmental level;
- 13 (2) The overall health and safety of the child;
- 14 (3) Potential risk factors and appropriateness of the activity;
- 15 (4) The best interests of the child;
- 16 (5) Promoting, where safe and as appropriate, normal childhood  
17 experiences; and
- 18 (6) Any other relevant factors based on the caregiver's  
19 knowledge of the child.

20 5. Caregivers shall attend training with regard to the reasonable  
21 and prudent parent standard as required by the division. The training  
22 shall include:

- 23 (1) Knowledge and skills relating to the developmental stages of  
24 the cognitive, emotional, physical, and behavioral capacities of a child;
- 25 (2) Knowledge and skills relating to applying the standard to  
26 decisions, including but not limited to whether to allow the child to  
27 engage in social, extracurricular, enrichment, cultural, and social  
28 activities, such as sports, field trips, and overnight activities lasting  
29 one or more days; and
- 30 (3) Knowledge and skills relating to decisions, including but not  
31 limited to the signing of permission slips and arranging of  
32 transportation for the child to and from extracurricular, enrichment,  
33 and social activities.

34           **6. A caregiver shall not be liable for harm caused to a child while**  
35 **participating in an activity chosen by the caregiver, provided the**  
36 **caregiver acted in accordance with the reasonable and prudent parent**  
37 **standard.**

38           **7. No court shall order the division to provide funding for**  
39 **activities chosen by the caregiver.**

40           **8. A caregiver's decisions with regard to the child may be**  
41 **overturned by the court only if, upon notice and a hearing, the court**  
42 **finds by clear and convincing evidence the reasonable and prudent**  
43 **parent standard has been violated. The caregiver shall have the right**  
44 **to receive notice, to attend the hearing, and to present evidence at the**  
45 **hearing.**

**210.670. 1. Children in foster care under the responsibility of the**  
2 **state who have attained the age of fourteen shall be consulted in the**  
3 **development of, revision of, or addition to their case plan.**

4           **2. The children may choose individuals to participate as**  
5 **members of the family support team. The division may reject members**  
6 **chosen by the child if the division has good cause to believe the**  
7 **individual would not act in the best interests of the child. The child**  
8 **may designate one member to be his or her advisor and, as necessary,**  
9 **advocate, with respect to the application of the reasonable and prudent**  
10 **parent standard to the child.**

11           **3. The child shall receive:**

12           **(1) A document which describes the rights of the child with**  
13 **respect to education, health, visitation, court participation, the child's**  
14 **right to documents pursuant to subsection 4 of this section, and the**  
15 **child's right to stay safe and avoid exploitation; and**

16           **(2) A signed acknowledgment by the child indicating he or she**  
17 **has been provided with a copy of the document, and the child's rights**  
18 **contained in the document have been explained to the child in an age-**  
19 **and developmentally-appropriate manner.**

20           **4. If a child is leaving foster care by reason of having attained**  
21 **eighteen years of age or such greater age as the state has elected, the**  
22 **division shall provide the child with an official or certified copy of his**  
23 **or her United States birth certificate, a social security card issued by**  
24 **the Commissioner of Social Security, health insurance information, a**  
25 **copy of the child's medical records, and a driver's license or**

26 identification card issued by the state, unless the child has been in  
27 foster care for less than six months and unless the child is ineligible to  
28 receive such documents.

210.675. 1. No child in foster care under the responsibility of the  
2 state under the age of sixteen shall have a permanency plan of another  
3 planned permanent living arrangement.

4 2. For children with a permanency plan of another planned  
5 permanent living arrangement, the court shall make the following  
6 findings of fact and conclusions of law at each permanency hearing:

7 (1) The division's intensive, ongoing, and unsuccessful efforts to  
8 return the child home or to secure a placement for the child with a fit  
9 and willing relative, such as adult siblings, a legal guardian, or an  
10 adoptive parent, including efforts to utilize search technology, like  
11 social media, to find biological family members of the child;

12 (2) The child's desired permanency outcome;

13 (3) A judicial determination explaining why, as of the date of the  
14 hearing, another planned permanent living arrangement is the best  
15 permanency plan for the child, including compelling reasons why it  
16 continues not to be in the best interests of the child to:

17 (a) Return home;

18 (b) Be placed for adoption;

19 (c) Be placed with a legal guardian; or

20 (d) Be placed with a fit and willing relative; and

21 (4) The division's efforts to ensure:

22 (a) The child's foster family home child care institution is  
23 following the reasonable and prudent parent standard; and

24 (b) The child has regular, ongoing opportunities to engage in  
25 age- or developmentally-appropriate activities, including consulting  
26 with the child in an age-appropriate manner about the opportunities  
27 of the child to participate in the activities.

210.680. The division shall adopt regulations to implement the  
2 requirements of sections 210.660 to 210.675. Any rule or portion of a  
3 rule, as that term is defined in section 536.010 that is created under the  
4 authority delegated in this section shall become effective only if it  
5 complies with and is subject to all of the provisions of chapter 536, and,  
6 if applicable, section 536.028. This section and chapter 536 are  
7 nonseverable and if any of the powers vested with the general assembly

8 pursuant to chapter 536, to review, to delay the effective date, or to  
9 disapprove and annul a rule are subsequently held unconstitutional,  
10 then the grant of rulemaking authority and any rule proposed or  
11 adopted after August 28, 2016, shall be invalid and void.

✓

Unofficial

Bill

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