

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 323
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Family Services May 3, 2007 with recommendation that House Committee Substitute for Senate Bill No. 323 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1245L.02C

AN ACT

To repeal sections 210.566 and 210.861, RSMo, and to enact in lieu thereof two new sections relating to the community children's services fund and the foster parents' bill of rights.

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

Section A. Sections 210.566 and 210.861, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.566 and 210.861, to read as follows:

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

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

2. (1) The **children's** division [of family services] and its contractors shall provide foster parents with **regularly scheduled opportunities for preservice training**, [preservice] and

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 **regularly scheduled opportunities for pertinent inservice[, and support] training, as**
15 **determined by the Missouri State Youth Advisory Board.**

16 (2) The **children's** division [of family services] and its contractors shall [share] **provide**
17 **to foster parents and potential adoptive parents, prior to placement,** all pertinent
18 information [about the child and the child's family], including but not limited to[, the case plan
19 with the foster parents to assist in determining if a child would be a proper placement. The
20 division of family services and its contractors shall inform the foster parents of issues relative
21 to the child that may jeopardize the health or safety of the foster family] **full disclosure of all**
22 **medical, psychological, and psychiatric conditions of the child, as well as information from**
23 **previous placements that would indicate that the child or children may have a propensity**
24 **to cause violence to any member of the foster family home. The foster parents must be**
25 **provided with any information regarding the child or the child's family, inclusive of the**
26 **case plan, family history of mental or physical illness, sexual abuse or perpetration,**
27 **criminal background, fire-setting or other destructive behavior, substance abuse, or any**
28 **other information which is pertinent to the care and needs of the child and to protect the**
29 **foster or adoptive family. Knowingly providing false or misleading information to foster**
30 **parents in order to secure placement shall be denoted in the caseworker's personnel file**
31 **and shall be kept on record by the division.**

32 (3) The **children's** division [of family services] and its contractors shall arrange
33 preplacement visits, except in emergencies.

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

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

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

47 [(2)] (7) Foster parents shall treat all information received from the **children's** division
48 [of family services] **and its contractors** about the child and the child's family as confidential.
49 **Information necessary for the medical or psychiatric care of the child may be provided to**

50 **the appropriate practitioners. Foster parents may share information necessary with school**
51 **personnel in order to secure a safe and appropriate education for the child. Additionally,**
52 foster parents [may] **shall** share information they may learn about the child and the child's family,
53 **and concerns that arise in the care of the child,** with the caseworker and other members of the
54 child welfare team. Recognizing that placement changes are difficult for children, foster parents
55 shall seek all necessary information, and participate in preplacement visits **whenever possible,**
56 before deciding whether to accept a child for placement. [Foster parents shall follow all
57 procedures defined by the division of family services for requesting and using respite care.]

58 3. (1) Foster parents shall make decisions about the daily living concerns of the child,
59 and shall be permitted to continue the practice of their own family values and routines while
60 respecting the child's cultural heritage. All discipline shall be consistent with state laws and
61 regulations. The **children's** division [of family services] shall allow foster parents to help plan
62 visitation between the child and the child's **siblings or** biological family. **Visitations should be**
63 **scheduled at a time that meets the needs of the child, the biological family members, and**
64 **the foster family whenever possible. Recognizing that visitation with family members is**
65 **an important right of children in foster care, foster parents shall be flexible and**
66 **cooperative with regard to family visits.**

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

73 (3) Foster parents shall recognize that the purpose of discipline is to teach and direct the
74 behavior of the child, and ensure that it is administered in a humane and sensitive manner.
75 [Recognizing that visitation with family members is an important right, foster parents shall be
76 flexible and cooperative in regard to family visits.] **Foster parents shall use discipline methods**
77 **which are consistent with children's division policy.**

78 4. (1) Consistent with state laws and regulations, the [state may] **children's division**
79 **and its contractors shall** provide, upon request by the foster parents, information about a child's
80 progress after the child leaves foster care.

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

86 **(3) Recognizing the critical nature of attachment for children**, if a child reenters the
87 foster care system **and is not placed in a relative home**, the child's **former** foster parents shall
88 be [considered as a placement option] **given first consideration for placement of the child**.

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

91 [(2)] **(5)** [Confidentiality rights of the child and the child's parents shall be respected and
92 maintained. Foster parents shall inform the child's caseworker of their interest if a child reenters
93 the system.] If a foster child becomes free for adoption and the foster parents desire to adopt the
94 child, they shall inform the caseworker [in a timely manner] **within sixty days of the**
95 **caseworker's initial query**. If they do not choose to pursue adoption, foster parents shall make
96 every effort to support and encourage the child's placement in a permanent home, **including but**
97 **not limited to providing information on the history and care needs of the child and**
98 **accommodating transitional visitation**. [When requesting removal of a child from their home,
99 foster parents shall give reasonable advance notice, consistent with division policy, to the child's
100 caseworker, except in emergency situations.]

101 5. (1) Foster parents shall be informed by the court [in a timely manner] **no later than**
102 **two weeks prior** of all court hearings pertaining to a child in their care, and informed of their
103 right to attend and participate, consistent with section 211.464, RSMo.

104 [(2)] Foster parents shall share any concerns regarding the case plan for a child in their
105 care with the child's caseworker, as well as other members of the child welfare team, in a timely
106 manner.]

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

111 7. **The children's division and their contractors shall provide training to foster**
112 **parents on the policies and procedures governing the licensure of foster homes, the**
113 **provision of foster care, and the adoption process**. Foster parents shall, **upon request, be**
114 **provided with written documentation of the policies of the children's division and their**
115 **contractors** [know and follow the policies of the division of family services, including the
116 appeals procedure]. **Per licensure requirements, foster parents shall comply with the**
117 **policies of the child placement agency**.

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

 210.861. 1. **Prior to establishment of a tax prescribed by section 210.860 or section**
2 **67.1775, RSMo, the governing body of the city or county or city not within a county may**

3 **appoint a board of directors consisting of nine members, who shall be residents of the city**
4 **or county or city not within a county.** When the tax prescribed by section 210.860 or section
5 67.1775, RSMo, is established, the governing body of the city or county or city not within a
6 county shall appoint a board of directors consisting of nine members, who shall be residents of
7 the city or county or city not within a county, **if one has not previously been appointed.** All
8 board members shall be appointed to serve for a term of three years, except that of the first board
9 appointed, three members shall be appointed for one-year terms, three members for two-year
10 terms and three members for three-year terms. Board members may be reappointed. In a city
11 not within a county, or any county of the first classification with a charter form of government
12 with a population not less than nine hundred thousand inhabitants, or any county of the first
13 classification with a charter form of government with a population not less than two hundred
14 thousand inhabitants and not more than six hundred thousand inhabitants, or any noncharter
15 county of the first classification with a population not less than one hundred seventy thousand
16 and not more than two hundred thousand inhabitants, or any noncharter county of the first
17 classification with a population not less than eighty thousand and not more than eighty-three
18 thousand inhabitants, or any third classification county with a population not less than
19 twenty-eight thousand and not more than thirty thousand inhabitants, or any county of the third
20 classification with a population not less than nineteen thousand five hundred and not more than
21 twenty thousand inhabitants the members of the community mental health board of trustees
22 appointed pursuant to the provisions of sections 205.975 to 205.990, RSMo, shall be the board
23 members for the community children's services fund. The directors shall not receive
24 compensation for their services, but may be reimbursed for their actual and necessary expenses.

25 2. The board shall elect a chairman, vice chairman, treasurer, and such other officers as
26 it deems necessary for its membership. Before taking office, the treasurer shall furnish a surety
27 bond, in an amount to be determined and in a form to be approved by the board, for the faithful
28 performance of his or her duties and faithful accounting of all moneys that may come into his
29 or her hands. The treasurer shall enter into the surety bond with a surety company authorized
30 to do business in Missouri, and the cost of such bond shall be paid by the board of directors. The
31 board shall administer and expend all funds generated pursuant to section 210.860 or section
32 67.1775, RSMo, in a manner consistent with this section.

33 3. **Once established, the board may, in its own name, engage in and contract for any**
34 **and all types of services, actions, or endeavors, not contrary to the law, necessary to the**
35 **successful and efficient prosecution and continuation of the business and purposes for**
36 **which it is created, including conducting needs assessments, engaging in planning for the**
37 **delivery of services, applying for grants from federal, state, or local governments or other**
38 **public or private entities, accepting donations, and expending funds.**

39 **4.** The board may contract with public or not-for-profit agencies licensed or certified
40 where appropriate to provide qualified services and may place conditions on the use of such
41 funds. The board shall reserve the right to audit the expenditure of any and all funds. The board
42 and any agency with which the board contracts may establish eligibility standards for the use of
43 such funds and the receipt of services. No member of the board shall serve on the governing
44 body, have any financial interest in, or be employed by any agency which is a recipient of funds
45 generated pursuant to **this section and** section 210.860 or section 67.1775, RSMo.

46 [4.] **5.** Revenues collected and deposited in the community children's services fund may
47 be expended for the purchase of the following services:

48 (1) Up to thirty days of temporary shelter for abused, neglected, runaway, homeless or
49 emotionally disturbed youth; respite care services; and services to unwed mothers;

50 (2) Outpatient chemical dependency and psychiatric treatment programs; counseling and
51 related services as a part of transitional living programs; home-based and community-based
52 family intervention programs; unmarried parent services; crisis intervention services, inclusive
53 of telephone hotlines; and prevention programs which promote healthy lifestyles among children
54 and youth and strengthen families;

55 (3) Individual, group, or family professional counseling and therapy services;
56 psychological evaluations; and mental health screenings.

57 [5.] **6.** Revenues collected and deposited in the community children's services fund may
58 not be expended for inpatient medical, psychiatric, and chemical dependency services, or for
59 transportation services.

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