

SECOND REGULAR SESSION

HOUSE BILL NO. 2508

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RUESTMAN (Sponsor), YATES, NANCE, BRUNS, WALLACE,
EMERY, YAEGER, HARRIS (110), WILSON (119) AND MOORE (Co-sponsors).

Read 1st time March 31, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5534L.03I

AN ACT

To repeal section 210.565, RSMo, and to enact in lieu thereof two new sections relating to grandparents as preferential placement for children.

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

Section A. Section 210.565, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 210.305 and 210.565, to read as follows:

210.305. 1. If emergency placement of a child in a private home is deemed necessary, the juvenile court or the children's division shall make reasonable efforts to contact and place the child with a grandparent or grandparents of the child. Such an emergency placement with a grandparent or grandparents shall remain in effect until a hearing is held on the matter and the provisions of section 210.482 regarding background checks for emergency placements shall apply.

2. For purposes of this section, the following terms shall mean:

(1) "Emergency placement", those limited instances when the juvenile court or children's division is placing a child in the home of private individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary caretaker;

(2) "Reasonable efforts", a good faith attempt by the juvenile court or the children's division to locate a grandparent or grandparents of the child for a time period not to exceed three hours from the time the emergency placement is deemed necessary for

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.

15 **the children. If a grandparent or grandparents of the child cannot be located within the**
16 **three-hour period, the child may be placed in a foster home; except that, during the initial**
17 **twenty-four-hour period after the emergency placement is deemed necessary, the children's**
18 **division shall continue to make reasonable efforts to locate and place the child with a**
19 **grandparent or grandparents.**

210.565. 1. Whenever a child is placed in a foster home and the court has determined
2 pursuant to subsection 3 of this section that foster home placement with relatives is not contrary
3 to the best interest of the child, the children's division shall give foster home placement to
4 relatives of the child. Notwithstanding any rule of the division to the contrary, **the children's**
5 **division shall make reasonable efforts to locate the grandparents of the child and**
6 **determine whether they wish to be considered for placement of the child.** Grandparents who
7 request consideration shall be given preference and first consideration for foster home placement
8 **of the child.**

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

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

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

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

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