

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND Senate Committee Substitute for Senate Bill No. 758, Page 1, Section A, Line 3, by inserting after all of said section and line, the following:

“210.112. 1. It is the policy of this state and its agencies to implement a foster care and child protection and welfare system focused on providing the highest quality of services and outcomes for children and their families. The department of social services shall implement such system subject to the following principles:

(1) The safety and welfare of children is paramount;

(2) Providers of direct services to children and their families will be evaluated in a uniform and consistent basis;

(3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes; and

(4) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004.

2. On or before July 1, 2005, and subject to appropriations, the children's division and any other state agency deemed necessary by the division shall, in consultation with the community and providers of services, enter into and implement contracts with qualified children's services providers and agencies to provide a comprehensive and deliberate system of service delivery for children and their families. Contracts shall be awarded through a competitive process and provided by children's services providers and agencies currently contracting with the state to provide such services and by public and private not-for-profit or limited liability corporations owned exclusively by not-for-profit corporations children's services providers and agencies which have:

(1) A proven record of providing child welfare services within the state of Missouri which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004; and

1 (2) The ability to provide a range of child welfare services, which may include case
2 management services, family-centered services, foster and adoptive parent recruitment and
3 retention, residential care, in-home services, foster care services, adoption services, relative care
4 case management, planned permanent living services, and family reunification services. No
5 contracts shall be issued for services related to the child abuse and neglect hotline, investigations
6 of alleged abuse and neglect, and initial family assessments. Any contracts entered into by the
7 division shall be in accordance with all federal laws and regulations, and shall not result in the
8 loss of federal funding. Such children's services providers and agencies under contract with the
9 division shall be subject to all federal, state, and local laws and regulations relating to the
10 provision of such services, and shall be subject to oversight and inspection by appropriate state
11 agencies to assure compliance with standards which shall be consistent with the federal standards,
12 but not less than the standards and policies used by the children's division as of January 1, 2004.

13 3. In entering into and implementing contracts under subsection 2 of this section, the
14 division shall consider and direct their efforts towards geographic areas of the state, including
15 Greene County, where eligible direct children's services providers and agencies are currently
16 available and capable of providing a broad range of services, including case management services,
17 family-centered services, foster and adoptive parent recruitment and retention, residential care,
18 family preservation services, foster care services, adoption services, relative care case
19 management, other planned living arrangements, and family reunification services consistent with
20 federal guidelines. Nothing in this subsection shall prohibit the division from contracting on an
21 as-needed basis for any individual child welfare service listed above.

22 4. The contracts entered into under this section shall assure that:

23 (1) Child welfare services shall be delivered to a child and the child's family by
24 professionals who have substantial and relevant training, education, or competencies otherwise
25 demonstrated in the area of children and family services;

26 (2) Children's services providers and agencies shall be evaluated by the division based on
27 objective, consistent, and performance-based criteria;

28 (3) Any case management services provided shall be subject to a case management plan
29 established under subsection 5 of this section which is consistent with all relevant federal
30 guidelines. The case management plan shall focus on attaining permanency in children's living
31 conditions to the greatest extent possible and shall include concurrent planning and independent
32 living where appropriate in accordance with the best interests of each child served and considering
33 relevant factors applicable to each individual case as provided by law, including:

34 (a) The interaction and interrelationship of a child with the child's foster parents,
35 biological or adoptive parents, siblings, and any other person who may significantly affect the
36 child's best interests;

(b) A child's adjustment to his or her foster home, school, and community;

(c) The mental and physical health of all individuals involved, including any history of abuse of or by any individuals involved;

(d) The needs of the child for a continuing relationship with the child's biological or adoptive parents and the ability and willingness of the child's biological or adoptive parents to actively perform their functions as parents with regard to the needs of the child; and

(e) For any child under ten years old, treatment services may be available as defined in section 210.110. Assessments, as defined in section 210.110, may occur to determine which treatment services best meet the child's psychological and social needs. When the assessment indicates that a child's needs can be best resolved by intensive twenty-four-hour treatment services, the division will locate, contract, and place the child with the appropriate organizations. This placement will be viewed as the least restrictive for the child based on the assessment;

(4) The delivery system shall have sufficient flexibility to take into account children and families on a case-by-case basis;

(5) The delivery system shall provide a mechanism for the assessment of strategies to work with children and families immediately upon entry into the system to maximize permanency and successful outcome in the shortest time possible and shall include concurrent planning. Outcome measures for private and public agencies shall be equal for each program; and

(6) Payment to the children's services providers and agencies shall be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Contracts shall provide incentives in addition to the costs of services provided in recognition of accomplishment of the case goals and the corresponding cost savings to the state. The division shall promulgate rules to implement the provisions of this subdivision.

5. Contracts entered into under this section shall require that a case management plan consistent with all relevant federal guidelines shall be developed for each child at the earliest time after the initial investigation, but in no event longer than fourteen days after the initial investigation or referral to the contractor by the division. Such case management plan shall be presented to the court and be the foundation of service delivery to the child and family. The case management plan shall, at a minimum, include:

(1) An outcome target based on the child and family situation achieving permanency or independent living, where appropriate;

(2) Services authorized and necessary to facilitate the outcome target;

(3) Time frames in which services will be delivered; and

(4) Necessary evaluations and reporting. In addition to any visits and assessments required under case management, services to be provided by a public or private children's services provider under the specific case management plan may include family-centered services, foster and

1 adoptive parent recruitment and retention, residential care, in-home services, foster care services,
2 adoption services, relative care case services, planned permanent living services, and family
3 reunification services. In all cases, an appropriate level of services shall be provided to the child
4 and family after permanency is achieved to assure a continued successful outcome.

5 6. The division shall convene a task force to review the recruitment, licensing and
6 retention of foster and adoptive parents statewide. In addition to representatives of the division
7 and department, the task force shall include representatives of the private sector and faith-based
8 community which provide recruitment and licensure services. The purpose of the task force shall
9 and will be to study the extent to which changes in the system of recruiting, licensing, and
10 retaining foster and adoptive parents would enhance the effectiveness of the system statewide.
11 The task force shall develop a report of its findings with recommendations by December 1, 2011,
12 and provide copies of the report to the general assembly and to the governor. Any
13 recommendations from the task force that include increasing the utilization of private agencies for
14 contracts that provide recruitment and licensure services shall only be awarded through a
15 competitive process to nonprofit agencies currently contracting with the state to provide children's
16 services. Such agencies shall provide to the division information as to their fiscal solvency and
17 shall have a proven record of providing child welfare services within the state that are consistent
18 with the federal standards, but not less than the standards and policies used by the children's
19 division as of August 28, 2011.

20 7. On or before July 15, 2006, and each July fifteenth thereafter that the project is in
21 operation, the division shall submit a report to the general assembly which shall include:

22 (1) Details about the specifics of the contracts, including the number of children and
23 families served, the cost to the state for contracting such services, the current status of the children
24 and families served, an assessment of the quality of services provided and outcomes achieved, and
25 an overall evaluation of the project; and

26 (2) Any recommendations regarding the continuation or possible statewide
27 implementation of such project; and

28 (3) Any information or recommendations directly related to the provision of direct
29 services for children and their families that any of the contracting children's services providers and
30 agencies request to have included in the report.

31 8. The division shall accept as prima facie evidence of completion of the requirements for
32 licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the
33 following nationally recognized bodies: the Council on Accreditation of Services, Children and
34 Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on
35 Accreditation of Rehabilitation Facilities. The division shall not require any further evidence of
36 qualification for licensure if such proof of voluntary accreditation is submitted.

1 9. By February 1, 2005, the children's division shall promulgate and have in effect rules to
2 implement the provisions of this section and, pursuant to this section, shall define implementation
3 plans and dates. Any rule or portion of a rule, as that term is defined in section 536.010, that is
4 created under the authority delegated in this section shall become effective only if it complies with
5 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
6 section and chapter 536 are nonseverable and if any of the powers vested with the general
7 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
8 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
9 proposed or adopted after August 28, 2004, shall be invalid and void.”; and

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11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.