

SECOND REGULAR SESSION

HOUSE BILL NO. 1054

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

4147H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 105.271, RSMo, and to enact in lieu thereof one new section relating to foster care and adoption.

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

Section A. Section 105.271, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.271, to read as follows:

- 105.271. 1. [An] **A foster or** adoptive parent who is employed by the state of Missouri, its departments, agencies, or political subdivisions, may use his or her accrued sick leave, annual leave, or the same leave without pay granted to biological parents to take time off for purposes of arranging for the **foster or** adopted child's placement or caring for the child after placement. The employer shall not penalize an employee for requesting or obtaining time off according to this section.
2. **The state of Missouri, its departments, agencies, or political subdivisions shall provide for a leave sharing program to permit its employees to donate annual leave, overtime, or compensatory time to an employee who is arranging for a foster or adopted child's placement or caring for the child after placement, which has caused or is likely to cause such employee to take leave without pay or to terminate employment. Such donated annual leave, overtime, or compensatory time shall be transferable between employees in different departments, agencies, or political subdivisions of the state, with the agreement of the chief administrative officers of such departments, agencies, or political subdivisions.**
3. **Any donated annual leave, overtime, or compensatory time authorized under this section shall only be used by the recipient employee for purposes of arranging for the foster**

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.

17 or adopted child's placement or caring for the child after placement. Nothing in this
18 section shall be construed as prohibiting a leave sharing program for other purposes.

19 4. All forms of paid leave available for use by the recipient employee must be used
20 prior to using donated annual leave, overtime, or compensatory time.

21 5. All donated annual leave, overtime, or compensatory time must be given
22 voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced
23 into donating annual leave, overtime, or compensatory time for purposes of the leave
24 sharing program.

25 6. For purposes of this section, the phrase "foster or adoptive parent" refers to both
26 those pursuing to foster or adopt a child and those who have a foster or adopted child
27 placed in the home. The phrase "for purposes of arranging for the foster or adopted
28 child's placement or caring for the child after placement" includes, but is not limited to:

29 (1) Appointments with state officials, child placement agencies, social workers,
30 health professionals, or attorneys;

31 (2) Court proceedings;

32 (3) Required travel;

33 (4) Training and licensure as a foster parent;

34 (5) Any periods of time during which foster or adoptive parents are ordered or
35 required by the state, a child placement agency, or by a court to take time off from work
36 to care for the foster or adopted child; or

37 (6) Any other activities necessary to allow the foster care or adoption to proceed.

38 7. A stepparent, as defined in section 453.015, who is employed by the state of Missouri,
39 its departments, agencies, or political subdivisions, may use his or her accrued sick leave, annual
40 leave or the same leave without pay granted to biological parents to take time off to care for his
41 or her stepchild. The employer shall not penalize an employee for requesting or obtaining time
42 off according to this section.

43 [3.] 8. The leave authorized by this section may be requested by the employee only if the
44 employee is the person who is primarily responsible for furnishing the care and nurture of the
45 child.

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