

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1054

97TH GENERAL ASSEMBLY

4147H.02C

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Section A. Section 105.271, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.271, to read as follows: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, and agencies shall, and political subdivisions may, 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 may 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 or adopted child's placement or caring for the child after placement. Nothing in this section shall be construed as prohibiting a leave sharing program for other purposes.**

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.

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

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

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

30 **(1) Appointments with state officials, child placing agencies, social workers, health**
31 **professionals, or attorneys;**

32 **(2) Court proceedings;**

33 **(3) Required travel;**

34 **(4) Training and licensure as a foster parent;**

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

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

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

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

47 **9. The commissioner of administration may promulgate rules as necessary to**
48 **implement the provisions of this section. Any rule or portion of a rule, as that term is**
49 **defined in section 536.010, that is created under the authority delegated in this section shall**
50 **become effective only if it complies with and is subject to all of the provisions of chapter**
51 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and**
52 **if any of the powers vested with the general assembly under chapter 536 to review, to delay**
53 **the effective date, or to disapprove and annul a rule are subsequently held**
54 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
55 **after August 28, 2014, shall be invalid and void.**

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