

SECOND REGULAR SESSION

HOUSE BILL NO. 2605

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LAUER.

6576H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 210, RSMo, by adding thereto four new sections relating to children in foster care.

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

Section A. Chapter 210, RSMo, is amended by adding thereto four new sections, to be known as sections 210.552, 210.553, 210.554, and 210.556, to read as follows:

210.552. 1. As used in sections 210.552 to 210.556, the following terms shall mean:

(1) "Age or developmentally appropriate activities":

(a) Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and

(b) In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child;

(2) "Caregiver", a foster parent, relative, or kinship provider with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed;

(3) "Reasonable and prudent parent standard", the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child that a caregiver shall use when determining whether to allow a child in foster care

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 under the responsibility of the state to participate in extracurricular, enrichment, cultural,
18 and social activities.

19 2. The children's division shall adopt regulations to implement the requirements
20 of sections 210.552 to 210.556. Any rule or portion of a rule, as that term is defined in
21 section 536.010, that is created under the authority delegated in this section shall become
22 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
23 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
24 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay
25 the effective date, or to disapprove and annul a rule are subsequently held
26 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
27 after August 28, 2016, shall be invalid and void.

210.553. 1. Except as otherwise provided in subsection 8 of this section, the court
2 and all parties to a case under chapter 211 involving a child in care shall defer to the
3 reasonable decisions of the child's designated caregiver involving decisions about the
4 child's participation in extracurricular, enrichment, cultural, and social activities.

5 2. A caregiver shall use the reasonable and prudent parent standard when making
6 decisions relating to the activities of the child.

7 3. The children's division or a contracted agency thereof shall designate at least one
8 on-site caregiver who has authority to apply the reasonable and prudent parent standard
9 for each child placed in its custody.

10 4. The caregiver shall consider:

- 11 (1) The child's age, maturity, and developmental level;
- 12 (2) The overall health and safety of the child;
- 13 (3) Potential risk factors and appropriateness of the activity;
- 14 (4) The best interests of the child;
- 15 (5) Promoting, where safe and as appropriate, normal childhood experiences; and
- 16 (6) Any other relevant factors based on the caregiver's knowledge of the child.

17 5. Caregivers shall attend training with regard to the reasonable and prudent
18 parent standard as required by the children's division. The training shall include:

- 19 (1) Knowledge and skills relating to the developmental stages of the cognitive,
20 emotional, physical, and behavioral capacities of a child;
- 21 (2) Knowledge and skills relating to applying the standard to decisions including,
22 but not limited to, whether to allow a child to engage in social, extracurricular, enrichment,
23 cultural, and social activities, including sports, field trips, and overnight activities lasting
24 one or more days; and

25 (3) Knowledge and skills relating to decisions including, but not limited to, the
26 signing of permission slips and arranging of transportation for the child to and from
27 extracurricular, enrichment, and social activities.

28 6. A caregiver shall not be liable for harm caused to a child while participating in
29 an activity chosen by the caregiver, provided the caregiver acted in accordance with the
30 reasonable and prudent parent standard.

31 7. No court may order the children's division to provide funding for activities
32 chosen by the caregiver.

33 8. A caregiver's decisions with regard to the child may be overturned by the court
34 only if, upon notice and a hearing, the court finds by clear, cogent, and convincing evidence
35 the reasonable and prudent parenting standard has been violated. The caregiver shall
36 have the right to receive notice, to attend the hearing, and to present evidence at the
37 hearing.

 210.554. 1. Children who have attained the age of fourteen shall be consulted in
2 the development of, revision of, or addition to their case plan.

3 2. The children may choose individuals to participate as members of the family
4 support team. The children's division may reject members chosen by the child if the
5 children's division has good cause to believe the individual would not act in the best
6 interests of the child. The child may designate one member to be his or her advisor and,
7 as necessary, advocate, with respect to the application of the reasonable and prudent
8 parent standard to the child.

9 3. The child shall receive:

10 (1) A document which describes the rights of the child with respect to education,
11 health, visitation, court participation, the child's right to documents under subsection 4 of
12 this section, and the child's right to stay safe and avoid exploitation; and

13 (2) A signed acknowledgment by the child indicating he or she has been provided
14 with a copy of the document, and the child's rights contained in the document have been
15 explained to the child in an age and developmentally appropriate manner.

16 4. If a child is leaving foster care by reason of having attained eighteen years of age
17 or such greater age as the state has elected, unless the child has been in foster care for less
18 than six months and unless the child is ineligible to receive such documents, the children's
19 division shall provide the child with an official or certified copy of his or her United States
20 birth certificate, a Social Security card issued by the Commissioner of Social Security,
21 health insurance information, a copy of the child's medical records, and a driver's license
22 or identification card issued by the state.

210.556. 1. No child under the age of sixteen shall have a permanency plan of another planned permanent living arrangement.

2. For children with a permanency plan of another planned permanent living arrangement, the court shall make the following findings of fact and conclusions of law at each permanency hearing:

(1) The children's division's intensive, ongoing, and unsuccessful efforts to return the child home or to secure a placement for the child with a fit and willing relative including adult siblings, a legal guardian, or an adoptive parent, including efforts to utilize search technology including social media to find biological family members of the child;

(2) The child's desired permanency outcome;

(3) A judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child, including compelling reasons why it continues not to be in the best interests of the child to:

(a) Return home;

(b) Be placed for adoption;

(c) Be placed with a legal guardian; or

(d) Be placed with a fit and willing relative; and

(4) The children's division's efforts to ensure:

(a) The child's foster family home or child care institution is following the reasonable and prudent parent standard; and

(b) The child has regular, ongoing opportunities to engage in age or developmentally appropriate activities including consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities.

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