

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 260**  
**99TH GENERAL ASSEMBLY**

0573H.02C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal section 210.565, RSMo, and to enact in lieu thereof one new section relating to kinship placements for foster children.

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

Section A. Section 210.565, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.565, to read as follows:

210.565. 1. Whenever a child is placed in a foster home and the court has determined pursuant to subsection 4 of this section that foster home placement with relatives is not contrary to the best interest of the child, the children's division shall give foster home placement to relatives of the child. Notwithstanding any rule of the division to the contrary, the children's division shall make diligent efforts to locate the grandparents of the child and determine whether they wish to be considered for placement of the child. Grandparents who request consideration shall be given preference and first consideration for foster home placement of the child. If more than one grandparent requests consideration, the family support team shall make recommendations to the juvenile or family court about which grandparent should be considered for placement.

2. As used in this section, the term "relative" means a grandparent or any other person related to another by blood or affinity ~~[within the third degree]~~ **or a person who is not so related to the child but has a close relationship with the child or the child's family.** The status of a grandparent shall not be affected by the death or the dissolution of the marriage of a son or daughter.

3. The following shall be the order or preference for placement of a child under this section:

(1) Grandparents ~~[and]~~ ;

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.

19           **(2) Relatives related by blood or affinity within the third degree;**

20           ~~[(2) A trusted adult that has a preexisting relationship with the child, such as a godparent,~~  
21 ~~teacher, neighbor, or fellow parishioner who voluntarily agrees to care for the child; and]~~

22           **(3) Other relatives; and**

23           **(4) Any foster parent who is currently licensed and capable of accepting placement of**  
24 **the child.**

25           4. The preference for placement and first consideration for grandparents or preference  
26 for placement with other relatives created by this section shall only apply where the court finds  
27 that placement with such grandparents or other relatives is not contrary to the best interest of the  
28 child considering all circumstances. If the court finds that it is contrary to the best interest of a  
29 child to be placed with grandparents or other relatives, the court shall make specific findings on  
30 the record detailing the reasons why the best interests of the child necessitate placement of the  
31 child with persons other than grandparents or other relatives.

32           5. Recognizing the critical nature of sibling bonds for children, the children's division  
33 shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or  
34 adoptive placement, unless doing so would be contrary to the safety or well-being of any of the  
35 siblings. If siblings are not placed together, the children's division shall make reasonable efforts  
36 to provide frequent visitation or other ongoing interaction between the siblings, unless this  
37 interaction would be contrary to a sibling's safety or well-being.

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

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

43           8. A grandparent or other relative may, on a case-by-case basis, have standards for  
44 licensure not related to safety waived for specific children in care that would otherwise impede  
45 licensing of the grandparent's or relative's home. In addition, any person receiving a preference  
46 may be licensed in an expedited manner if a child is placed under such person's care.

47           9. The guardian ad litem shall ascertain the child's wishes and feelings about his or her  
48 placement by conducting an interview or interviews with the child, if appropriate based on the  
49 child's age and maturity level, which shall be considered as a factor in placement decisions and  
50 recommendations, but shall not supersede the preference for relative placement created by this  
51 section or be contrary to the child's best interests.

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