

SECOND REGULAR SESSION

HOUSE BILL NO. 1637

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEELY.

5407H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 210.112, RSMo, and to enact in lieu thereof one new section relating to case management plans for foster children.

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

Section A. Section 210.112, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.112, to read as follows:

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

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.

18 service delivery for children and their families. Contracts shall be awarded through a
19 competitive process and provided by children's services providers and agencies currently
20 contracting with the state to provide such services and by public and private not-for-profit or
21 limited liability corporations owned exclusively by not-for-profit corporations children's services
22 providers and agencies which have:

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

26 (2) The ability to provide a range of child welfare services, which may include case
27 management services, family-centered services, foster and adoptive parent recruitment and
28 retention, residential care, in-home services, foster care services, adoption services, relative care
29 case management, planned permanent living services, and family reunification services.

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31 No contracts shall be issued for services related to the child abuse and neglect hotline,
32 investigations of alleged abuse and neglect, and initial family assessments. Any contracts
33 entered into by the division shall be in accordance with all federal laws and regulations, and shall
34 not result in the loss of federal funding. Such children's services providers and agencies under
35 contract with the division shall be subject to all federal, state, and local laws and regulations
36 relating to the provision of such services, and shall be subject to oversight and inspection by
37 appropriate state agencies to assure compliance with standards which shall be consistent with
38 the federal standards, but not less than the standards and policies used by the children's division
39 as of January 1, 2004.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 94 (1) An outcome target based on the child and family situation achieving permanency or
95 independent living, where appropriate;
- 96 (2) Services authorized and necessary to facilitate the outcome target;
- 97 (3) Time frames in which services will be delivered; and
- 98 (4) Necessary evaluations and reporting.

99

100 In addition to any visits and assessments required under case management, services to be
101 provided by a public or private children's services provider under the specific case management
102 plan may include family-centered services, foster and adoptive parent recruitment and retention,
103 residential care, in-home services, foster care services, adoption services, relative care case
104 services, planned permanent living services, and family reunification services. In all cases, an
105 appropriate level of services shall be provided to the child and family after permanency is
106 achieved to assure a continued successful outcome.

107 6. The division shall convene a task force to review the recruitment, licensing and
108 retention of foster and adoptive parents statewide. In addition to representatives of the division
109 and department, the task force shall include representatives of the private sector and faith-based
110 community which provide recruitment and licensure services. The purpose of the task force shall
111 and will be to study the extent to which changes in the system of recruiting, licensing, and
112 retaining foster and adoptive parents would enhance the effectiveness of the system statewide.
113 The task force shall develop a report of its findings with recommendations by December 1, 2011,
114 and provide copies of the report to the general assembly and to the governor.

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

- 117 (1) Details about the specifics of the contracts, including the number of children and
118 families served, the cost to the state for contracting such services, the current status of the
119 children and families served, an assessment of the quality of services provided and outcomes
120 achieved, and an overall evaluation of the project; and

- 121 (2) Any recommendations regarding the continuation or possible statewide
122 implementation of such project; and

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

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

132 9. By February 1, 2005, the children's division shall promulgate and have in effect rules
133 to implement the provisions of this section and, pursuant to this section, shall define
134 implementation plans and dates. Any rule or portion of a rule, as that term is defined in section
135 536.010, that is created under the authority delegated in this section shall become effective only
136 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
137 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
138 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
139 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
140 and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

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