House	Amendment NO
Offered By	
AMEND House Bill No. 1613, Page 1, following:	Section A, Line 2, by inserting after said section and line the
	ate a safety reporting system in which employees of the
	ion regarding the safety of those served by the children's
division and the safety of such division's	
· · · · · · · · · · · · · · · · · · ·	l who reports to or participates in the reporting system under
subsection 1 of this section shall:	
	y the public or any other entity or individual who is
	ment of social services's confidential records;
	or introduction into evidence in any civil proceeding; and
subsection 1 of this section.	ary to carry out the purpose of the reporting system under
	o the reporting system under subsection 1 of this section
	advocate to the appropriate law enforcement agency or
prosecuting or city attorney.	advocate to the appropriate law emoreement agency of
	as a result of a report made under this section shall be
conducted by an unbiased and disinteres	
	icates and reports required by sections 193.005 to 193.325 or
	include as a minimum the items recommended by the federa
agency responsible for national vital sta	
	other document required by sections 193.005 to 193.325 shall
be on a form or in a format prescribed b	y the state registrar.
3. All vital records shall contain	the date received for registration.
4. Information required in certif	ficates or reports authorized by sections 193.005 to 193.325
may be filed and registered by photogra	phic, electronic, or other means as prescribed by the state
registrar.	
	data required by the registrar to be entered on a birth
	he registrar the Social Security account number, or numbers
	the registrar finds good cause for not requiring the
	Good cause shall be determined in accordance with
	of the United States Department of Health and Human
	bers furnished under this section available to the family
	<u>ion</u> of the department of social services. Such numbers shal The family support division shall not use any Social
	ction for any purpose other than for the establishment and
Security number furnished under the sec	and for any purpose other than for the establishment and

Action Taken____

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enforcement of child support obligations, and the confidentiality provisions and penalties contained in section 454.440 shall apply. The children's division shall not use any Social Security number furnished under this section for any purpose other than providing access to social services or verifying the identity of a parent of a child whose birth record information is provided under section 210.156 and the confidentiality provisions of section 210.156 shall apply. Nothing in this section shall be construed to prohibit the department of health and senior services from using Social Security numbers for statistical purposes.

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193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, a parent or guardian of a homeless child or homeless youth as defined in subsection 1 of section 167.020, an unaccompanied youth as defined in 42 U.S.C. Section 11434a(6), or a juvenile officer on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court under section 211.031. All fees shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public services health fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33,080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees required by law when a certification or copy of any marriage license or birth certificate is provided, with such donations collected to be forwarded monthly by the local

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registrar to the county treasurer of such county and the donations so forwarded to be deposited by the county treasurer into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in such county. The local registrar shall include a check-off box on the application form for such copies. All fees, other than the donations collected in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official city or county health agency. A certified copy of a death record by the local registrar can only be issued within twenty-four hours of receipt of the record by the local registrar. Computer-generated certifications of death records may be issued by the local registrar after twenty-four hours of receipt of the records. The fees paid to the official county health agency shall be retained by the local agency for local public health purposes.

- 3. An unaccompanied youth as defined in 42 U.S.C. Section 11434a(6) shall be eligible to receive a certification or copy of his or her own birth record without the consent or signature of his or her parent or guardian.
- 208.151. 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:
 - (1) All participants receiving state supplemental payments for the aged, blind and disabled;
- (2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in treatment court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services:
 - (3) All participants receiving blind pension benefits;

- (4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;
- (5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as amended;
- (6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
 - (7) All persons eligible to receive nursing care benefits;
- (8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;
- (9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

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(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

- (11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;
- (13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;
- (14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. Section 1396a;
- (15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;
- (16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;
- (17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;
- (18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information

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indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

- (19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;
- (20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for substance abuse treatment and mental health services for the treatment of substance abuse for no more than twelve additional months, as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waivers or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;
- (21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure

that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

- (22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;
- (23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;
- (24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;
- (b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;
- (c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;
- (25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;
- (26) Persons who [are] were in foster care under the responsibility of [the] any state [of Missouri on the date such persons attained the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, or persons who received foster care] for at least six months [in another state] at any time when such persons were thirteen years of age or older, are residing in Missouri, and are at least eighteen years of age, without regard to income or assets, if such persons:
 - (a) Are under twenty-six years of age;

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- (b) Are not eligible for coverage under another mandatory coverage group <u>and do not have</u> access to any other private insurance; and
 - (c) Were covered by Medicaid while they were in foster care;
- (27) Any homeless child or homeless youth as those terms are defined in section 167.020 in accordance with eligibility requirements provided under section 208.158.
- 2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently

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held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

- 3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.
- 4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.
- 5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.
- 6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(I).
- 7. For purposes of subdivision (26) of subsection 1 of this section, the division shall pursue all necessary waivers from the federal government to implement such subdivision.
- 210.001. 1. The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the children's division and to their families-in-conflict in accordance with federal law by [:
- (1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;
 - (2) Insuring that appropriate social services are provided to the family unit both prior to the

removal of the child from the home and after family reunification;

- (3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic] developing and monitoring processes to identify and serve homeless children and families at risk of child abuse or neglect and delivering services to help preserve families, facilitate reunification, and avoid a family disruption or removal of a child if such effort is practical and in the best interests of the child.
- 2. The department of social services shall fund only regional child assessment centers known as:
 - (1) The St. Louis City child assessment center;
 - (2) The St. Louis County child assessment center;
 - (3) The Jackson County child assessment center;
 - (4) The Buchanan County child assessment center;
 - (5) The Greene County child assessment center;
 - (6) The Boone County child assessment center;
 - (7) The Joplin child assessment center;
 - (8) The St. Charles County child assessment center;
 - (9) The Jefferson County child assessment center;
 - (10) The Pettis County child assessment center;
 - (11) The southeast Missouri child assessment center;
 - (12) The Camden County child assessment center;
 - (13) The Clay-Platte County child assessment center;
 - (14) The Lakes Area child assessment center;
 - (15) The Ozark Foothills child assessment center; and
 - (16) The North Central Missouri child assessment center;

provided the other approved assessment centers included in subdivisions (1) to [(14)] (16) of this subsection submit to the department of social services a modified funding formula for all approved child assessment centers, which would require no additional state funding.

- 3. The department shall, when prioritizing positive outcomes for children, monitor and measure its success by preventing harm to children and limiting out of community placements, preserving and restoring families of origin, using foster care when appropriate, and helping children be adopted into new families when appropriate. At all times, the safety of the child shall be the priority.
- 210.109. 1. The [children's] division shall establish a child protection system for the entire state.
- 2. The child protection system shall promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments and providing services [in response] to be built on the priorities set forth under section 210.001 and, as appropriate, federal goals and guidelines. The system shall respond promptly and appropriately to all reports of child abuse or neglect. The system shall coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.
- 3. [In addition to any duties specified in section 210.145, in implementing the child protection system,] The division shall:
 - (1) Maintain a central registry;
- (2) Receive reports and establish and maintain an information system operating at all times, capable of receiving and maintaining reports, and track all data and information regarding the activities taken in response to such reports;

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(3) Attempt to obtain the name and address of any person making a report in all cases, after obtaining relevant information regarding the alleged abuse or neglect, although reports may be made anonymously; except that, reports by mandatory reporters under section 210.115, including employees of the children's division, juvenile officers, and school personnel shall not be made anonymously, provided that the reporter shall be informed, at the time of the report, that the reporter's name and any other personally identifiable information shall be held as confidential and shall not be made public as provided under this section and section 211.319;

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- (4) Upon receipt of a report, check with the information system to determine whether previous reports have been made regarding actual or suspected abuse or neglect of the subject child, of any siblings, [and] or the perpetrator, and relevant dispositional information regarding such previous reports;
- (5) Provide protective or preventive services to the family and child and to others in the home to prevent abuse or neglect, to safeguard their health and welfare, and to help preserve and stabilize the family whenever possible. The juvenile court shall cooperate with the division in providing such services;
- (6) Collaborate with the community to identify comprehensive local services and assure access to those services for children and families where there is risk of abuse or neglect;
- (7) Maintain a record which contains the facts ascertained which support the determination as well as the facts that do not support the determination;
- (8) Whenever available and appropriate, contract for the provision of children's services through children's services providers and agencies in the community; except that the state shall be the sole provider of child abuse and neglect hotline services, the initial child abuse and neglect investigation, and the initial family assessment. The division shall attempt to seek input from child welfare service providers in completing the initial family assessment. In all legal proceedings involving children in the custody of the division, the division shall be represented in court by either division personnel or persons with whom the division contracts with for such legal representation. All children's services providers and agencies shall be subject to criminal background checks pursuant to chapter 43 and shall submit names of all employees to the family care safety registry; and
- (9) Annually monitor and measure the efficiency and effectiveness of the division in performing all of its required functions including, but not limited to, case reviews conducted by the response and evaluation team as outlined in section 210.112 and providing the report required under section 210.188. The division may also engage in other reviews and studies, as appropriate.

[As used in this subsection, "report" includes any telephone call made pursuant to section 210.145.]

- 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) <u>All</u> providers of direct services to children and their families will be evaluated in a uniform, transparent, objective, and consistent basis <u>based on an evaluation tool established in subsection 3 of this section;</u>
- (3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes, and such services shall be tracked and routinely evaluated through a quality assurance program; [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 and state standards[, but not less than the standards and policies

used by the children's division as of January 1, 2004];

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- (5) Resources and efforts shall be committed to pursue the best possible opportunity for a successful outcome for each child. Successful outcomes may include preparing youth for a productive and successful life as an adult outside the foster care system, such as independent living. For those providers that work with children requiring intensive twenty-four-hour treatment services, successful outcomes shall be based on the least restrictive alternative possible based on the child's needs as well as the quality of care received; and
- (6) All service providers shall prioritize methods of reducing or eliminating a child's need for residential treatment through community-based services and supports.
- 2. (1) In conjunction with the response and evaluation team established under subsection 4 of this section, as well as other individuals the division deems appropriate, the division shall establish an evaluation tool that complies with state and federal guidelines.
- (2) The evaluation tool shall include metrics supporting best practices for case management and service provision including, but not limited to, the frequency of face-to-face visits with the child.
- (3) There shall be a mechanism whereby providers may propose different evaluation metrics on a case-by-case basis if such case may have circumstances far beyond those that would be expected. Such cases shall be evaluated by the response and evaluation team under subsection 4 of this section.
- (4) Data regarding all evaluation metrics shall be collected by the division on a monthly basis, and the division shall issue a quarterly report regarding the evaluation data for each provider, both public and private, by county. The response and evaluation team shall determine how to aggregate cases for the division and large contractors so that performance and outcomes may be compared effectively while also protecting confidentiality. Such reports shall be made public and shall include identification of each agency and the counties of the division.
- (5) The standards and metrics developed through this evaluation tool shall be used to evaluate competitive bids for future contracts established under subsection 5 of this section.
- 4. The division shall create a response and evaluation team. Membership of the team shall be composed of five staff members from the division with experience in foster care appointed by the director of the division; five representatives, one from each contract region for foster care case management contracts under subsection 5 of this section, who shall be annually rotated among contractors in each region, which shall appoint the agency; two experts working in either research or higher education on issues relating to child welfare and foster care appointed by the director of the division and who shall be actively working for either an academic institution or policy foundation; one juvenile officer or a Missouri juvenile justice director to be appointed by the Missouri juvenile justice association; and one juvenile or family court judge appointed by the supreme court. The division shall provide the necessary staffing for the team's operations. All members shall be appointed, and the team shall meet for the first time before January 1, 2021. The team shall:
- (1) Review the evaluation tool and metrics set forth in subsection 3 of this section on a semiannual basis to determine any adjustments needed or issues that could affect the quality of such tools and approve or deny on a case-by-case basis:
- (a) Cases that a provider feels are anomalous and should not be part of developing the case management tool under subsection 3 of this section;
- (b) Alternative evaluation metrics recommended by providers based on the best interests of the child under subsections 3 and 6 of this section; or
- (c) Review and recommend any structure for incentives or other reimbursement strategies under subsection 7 of this section;
- (2) Develop and execute periodic provider evaluations of cases managed by the division and children service providers contracted with the state to provide foster care case management services,

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in the field under the evaluation tool created under subsection 3 of this section to ensure basic requirements of the program are met, which shall include, but are not limited to, random file review to ensure documentation shows required visits and case management plan notes; and

- (3) Develop a system for reviewing and working with providers identified under subdivision (2) of this subsection or providers who request such assistance from the division, who show signs of performance weakness to ensure technical assistance and other services are offered to assist the providers in achieving successful outcomes for their cases.
- 5. [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] service providers [of services] and other relevant parties, enter into and implement contracts with qualified children's services providers and agencies to provide a comprehensive and deliberate system of service delivery for children and their families. Contracts shall be awarded through a competitive process and provided by [children's services providers and agencies currently contracting with the state to provide such services and by] qualified public and private not-for-profit or limited liability corporations owned exclusively by not-for-profit corporations children's services providers and agencies which have:
- (1) A proven record of providing child welfare services within the state of Missouri 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; and
- (2) The ability to provide a range of child welfare services[, which may include] including, but not limited to, case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case management, planned permanent living services, and family reunification services.

No contracts <u>under this section</u> shall be issued for services related to the child abuse and neglect hotline, investigations of alleged abuse and neglect, and initial family assessments. Any contracts entered into by the division shall be in accordance with all federal laws and regulations, and shall [not result in the loss of] <u>seek to maximize</u> federal funding. [Such] Children's services providers and agencies under contract with the division shall be subject to all federal, state, and local laws and regulations relating to the provision of such services, and shall be subject to oversight and inspection by appropriate state agencies to assure compliance with standards 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.

- 3. In entering into and implementing contracts under subsection 2 of this section, the division shall consider and direct their efforts towards geographic areas of the state, including Greene County, where eligible direct children's services providers and agencies are currently available and capable of providing a broad range of services, including case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, family preservation services, foster care services, adoption services, relative care case management, other planned living arrangements, and family reunification services consistent with federal guidelines. Nothing in this subsection shall prohibit the division from contracting on an as-needed basis for any individual child welfare service listed above.
- 4. The contracts entered into under this section shall assure that:
- (1) Child welfare services shall be delivered to a child and the child's family by professionals who have substantial and relevant training, education, or competencies otherwise demonstrated in the area of children and family services;
- (2) Children's services providers and agencies shall be evaluated by the division based on objective, consistent, and performance-based criteria;

- 1 (3) Any case management services provided shall be subject to a case management plan 2 established under subsection 5 of this section which is consistent with all relevant federal guidelines. 3 The case management plan shall focus on attaining permanency in children's living conditions to the 4 greatest extent possible and shall include concurrent planning and independent living where 5 appropriate in accordance with the best interests of each child served and considering relevant 6 factors applicable to each individual case as provided by law, including: 7 (a) The interaction and interrelationship of a child with the child's foster parents, biological 8 or adoptive parents, siblings, and any other person who may significantly affect the child's best 9 interests: 10 (b) A child's adjustment to his or her foster home, school, and community; 11 (c) The mental and physical health of all individuals involved, including any history of 12 abuse of or by any individuals involved; 13 (d) The needs of the child for a continuing relationship with the child's biological or 14 adoptive parents and the ability and willingness of the child's biological or adoptive parents to 15 actively perform their functions as parents with regard to the needs of the child; and 16 (e) For any child, treatment services may be available as defined in section 210.110. 17 Assessments, as defined in section 210.110, may occur to determine which treatment services best 18 meet the child's psychological and social needs. When the assessment indicates that a child's needs 19 can be best resolved by intensive twenty-four-hour treatment services, the division will locate, 20 contract, and place the child with the appropriate organizations. This placement will be viewed as 21 the least restrictive for the child based on the assessment; 22 (4) The delivery system shall have sufficient flexibility to take into account children and 23 families on a case-by-case basis; 24 (5) The delivery system shall provide a mechanism for the assessment of strategies to work 25 with children and families immediately upon entry into the system to maximize permanency and 26 successful outcome in the shortest time possible and shall include concurrent planning. Outcome 27 measures for private and public agencies shall be equal for each program; and 28 (6) Payment to the children's services providers and agencies shall be made based on the 29 reasonable costs of services, including responsibilities necessary to execute the contract. Contracts 30 shall provide incentives in addition to the costs of services provided in recognition of 31 accomplishment of the case goals and the corresponding cost savings to the state. The division shall 32 promulgate rules to implement the provisions of this subdivision. 33 5. Contracts entered into under this section shall require that a case management plan 34 consistent with all relevant federal guidelines shall be developed for each child at the earliest time 35 after the initial investigation, but in no event longer than thirty days after the initial investigation or 36 referral to the contractor by the division. Such case management plan shall be presented to the court 37 and be the foundation of service delivery to the child and family. The case management plan shall, 38 at a minimum, include: 39 (1) An outcome target based on the child and family situation achieving permanency or 40 independent living, where appropriate; 41 (2) Services authorized and necessary to facilitate the outcome target; 42 (3) Time frames in which services will be delivered; and
 - In addition to any visits and assessments required under case management, services to be provided by a public or private children's services provider under the specific case management plan may include family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case services, planned permanent living services, and family reunification services. In all cases, an appropriate level of

(4) Necessary evaluations and reporting.

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services shall be provided to the child and family after permanency is achieved to assure a continued successful outcome.

- 6. By December 1, 2018, the division shall convene a task force to review the recruitment, licensing and retention of foster and adoptive parents statewide. In addition to representatives of the division and department, the task force shall include representatives of the private sector and faith-based community which provide recruitment and licensure services. The purpose of the task force shall and will be to study the extent to which changes in the system of recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness of the system statewide. The task force shall develop a report of its findings with recommendations by December 1, 2019, and provide copies of the report to the general assembly, to the joint committee on child abuse and neglect under section 21.771, and to the governor.
- 7. On or before July 15, 2006, and each July fifteenth thereafter that the project is in operation, the division shall submit a report to the general assembly which shall include:
- (1) Details about the specifics of the contracts, including the number of children and families served, the cost to the state for contracting such services, the current status of the children and families served, an assessment of the quality of services provided and outcomes achieved, and an overall evaluation of the project; and
- (2) Any recommendations regarding the continuation or possible statewide implementation of such project; and
- (3) Any information or recommendations directly related to the provision of direct services for children and their families that any of the contracting children's services providers "and agencies request to have included in the report].
- [8-] <u>6.</u> The division shall accept as prima facie evidence of completion of the requirements for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the following nationally recognized bodies: the Council on Accreditation of Services, Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities. [The division shall not require any further evidence of qualification for licensure if such proof of voluntary accreditation is submitted.]
- 7. Payment to the children's services providers and agencies shall be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Any reimbursement increases made through enhanced appropriations for services shall be allocated to providers regardless of whether the provider is public or private. Such increases shall be considered additive to the existing contracts. In addition to payments reflecting the cost of services, contracts shall include incentives provided in recognition of performance based on the evaluation tool created under subsection 3 of this section and the corresponding savings for the state. The response and evaluation team under subsection 4 of this section shall review a formula to distribute such payments, as recommended by the division.
- 8. The division shall consider immediate actions that are in the best interests of the children served including, but not limited to, placing the agency on a corrective plan, halting new referrals, transferring cases to other performing providers, or terminating the provider's contract. The division shall take steps necessary to evaluate the nature of the issue and act accordingly in the most timely fashion possible.
- 9. By [February 1, 2005] July 1, 2021, the children's division shall promulgate and have in effect rules to implement the provisions of this section and, pursuant to this section, shall define implementation plans and dates. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and

annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

210.113. It is the intent and goal of the general assembly to have the department [attain] maintain accreditation by the Council for Accreditation for Families and Children's Services [within five years of August 28, 2004].

210.116. The division may share any records, information, and findings with federal, state, or local child welfare agency personnel and law enforcement agencies, including those from outside the state, or any agent of such agencies, in the performance of the division's duties, upon a reasonable belief that such information is needed to protect a child from abuse or neglect or to assist such agency in providing child welfare services. Such information may include, but is not limited to, substantiated or unsubstantiated reports of abuse or neglect, family assessments, and any other documents or information the division deems necessary for another agency to have access to in order to protect a child. Identifying information may be shared only if the children's division reasonably believes the receiving entity will prevent the unauthorized dissemination of the information contained therein.

210.118. 1. Except for actions under the uniform parentage act, sections 210.817 to 210.852, in any action under chapter 210 or 211 in which the court finds by a preponderance of the evidence that a party is responsible for child abuse or neglect, as those terms are defined in section 210.110, the clerk shall send a certified copy of the judgment or order to the children's division and to the appropriate prosecuting attorney. Upon receipt of the order, the children's division shall list the individual as a perpetrator of child abuse or neglect in the central registry.

- 2. In every case in which the person has pled guilty to or been found guilty of:
- (1) [A crime] An offense under section 565.020, 565.021, 565.023, [565.024,] 565.050, [566.030, 566.060, or 567.050 and the victim is a child under eighteen years of age;
- (2) Any other crime in chapter 566 if the victim is a child under eighteen years of age and the perpetrator is twenty-one years of age or older;
- (3) A crime under section] 568.020, 568.030, 568.045, 568.050, 568.060, $\underline{568.065}$, 568.080, 568.090, [573.023, 573.025, 573.035, 573.037,] 573.040, [573.200, or 573.205] or 568.175 in which a child was a victim or any offense under chapter 566 or 573 in which a child was a victim; or
 - [(4)] (2) An attempt to commit any such [crimes] offenses;

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the court shall enter an order directing the children's division to list the individual as a perpetrator of child abuse or neglect in the central registry. The clerk shall send a certified copy of the order to the children's division. Upon receipt of the order, the children's division shall list the individual as a perpetrator of child abuse or neglect in the central registry.

210.119. The department shall create and maintain a comprehensive child welfare information system (CCWIS) that shall serve as the statewide information system for documenting and reporting child welfare information. The CCWIS shall maintain data between counties, business partners, and state departments and allow real-time information sharing and measurable data retrieval at the county and agency level that is critical to administering the child welfare program of Missouri. Public and private foster care case management organizations shall have real-time access to child and family specific information, financial data, and aggregate program information to efficiently and effectively track outcomes, monitor county and agency performance and compliance, and make business decisions based on accurate and timely information.

- 210.188. <u>1.</u> Beginning February 1, 2006, and each February first thereafter, the department of social services shall submit a report to the governor and the general assembly that includes the following information for the previous calendar year <u>and</u>, if applicable, such information shall be broken down by county and by agency or agencies managing cases on behalf of the department:
 - (1) The number of children who were reported to the state of Missouri during the year as

abused or neglected;

- (2) Of the number of children described in subdivision (1) of this section, the number with respect to whom such reports were substantiated or unsubstantiated;
 - (3) Of the number of children described in subdivision (2) of this section:
- (a) The number that did not receive or refused services during the year under a children's division program;
 - (b) The number that did receive services during the year under a state program; and
- (c) The number that were removed from their families during the year by disposition of the case;
- (4) The number of families that received preventive services from the state or a private service provider during the year;
 - (5) The number of deaths in the state during the year resulting from child abuse or neglect;
- (6) Of the number of children described in subdivision (5) of this section, the number of children who were in foster care or received services from a private service provider;
- (7) The number of child protective services workers responsible for the intake and screening of reports filed during the year;
- (8) The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect;
- (9) The response time with respect to the provision of services to families and children where an allegation of abuse or neglect has been made;
- (10) The number of child protective services workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated during the year;
- (11) The number of children reunited with their families or receiving family preservation services that, within five years, result in subsequent substantiated reports of child abuse and neglect, including the death of the child; and
 - (12) The number of children in foster care who have been adopted.
- 2. (1) The division shall compile individual-level anonymized data for the prior calendar year that allows researchers to track children through the child protection system and allows analysis of outcomes and comparisons. For every child, such data shall include:
- (a) General demographics, including county of residence, age, special needs, and reason or reasons for entry;
- (b) Parental demographics, including age, previous involvement, other children and living arrangements for each child, special needs, services to be provided, and the date each condition is met;
- (c) Information regarding all services provided, including the case management contractor and court assignment; and
- (d) Information regarding all placements, including the type of placement, date of changes, and reasons for the changes.
- Beginning March 1, 2021, and each March first thereafter, the department shall provide the data required under this subdivision to any Missouri research institution that agrees to provide the division access to any research conducted by such institution utilizing such data.
- (2) Before September first of each year, the division shall provide a report to the general assembly detailing by county and case management provider, regardless of whether the case management provider is an agency or contracted entity, the:
 - (a) Number of referrals to the child welfare system;
 - (b) Number of children entering care;
 - (c) Total number of children in care;

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1	(d) Number of children under one year of age entering care during that year;	
2	(e) Number of children under one year of age in care;	
3	(f) Number of children receiving psychotropic or other medication;	
4	(g) Average time to permanency;	
5	(h) Average time to terminate a parent's parental rights;	
6	(i) Average time between the termination of parental rights and adoption;	
7	(j) Number of voluntary and involuntary termination of parental rights cases;	
8	(k) Number of specific consents to adoption;	
9	(1) Number of postadoption contract agreements;	
10	(m) Number of children reentering care; and	
11	(n) Number of children aging out of the foster care system."; and	
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13	Further amend said bill by amending the title, enacting clause, and intersectional references	
14	accordingly.	

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