

HOUSE AMENDMENT NO. _____
TO
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Offered By

AMEND House Amendment No. _____ to House Committee Substitute for Senate Substitute for Senate Bill No. 82, Page 1, Line 15, by deleting all of said line and inserting in lieu thereof the following:

"lines and inserting in lieu thereof the following:

"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 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;

(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;

(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 the perpetrator, and relevant dispositional information regarding such previous reports;

Action Taken _____ Date _____

1 (5) Provide protective or preventive services to the family and child and to others in the
2 home to prevent abuse or neglect, to safeguard their health and welfare, and to help preserve and
3 stabilize the family whenever possible. The juvenile court shall cooperate with the division in
4 providing such services;

5 (6) Collaborate with the community to identify comprehensive local services and assure
6 access to those services for children and families where there is risk of abuse or neglect;

7 (7) Maintain a record which contains the facts ascertained which support the determination
8 as well as the facts that do not support the determination;

9 (8) Whenever available and appropriate, contract for the provision of children's services
10 through children's services providers and agencies in the community; except that the state shall be
11 the sole provider of child abuse and neglect hotline services, the initial child abuse and neglect
12 investigation, and the initial family assessment. To assist in its child abuse and neglect
13 investigation, the division may contract for services designed to ascertain child safety and provide
14 preventative services; provided that a contractor providing child safety services for a child shall not
15 also be a placement provider for that child. The division shall attempt to seek input from child
16 welfare service providers in completing the initial family assessment. In all legal proceedings
17 involving children in the custody of the division, the division shall be represented in court by either
18 division personnel or persons with whom the division contracts with for such legal representation.
19 All children's services providers and agencies shall be subject to criminal background checks
20 pursuant to chapter 43 and shall submit names of all employees to the family care safety registry;
21 and

22 (9) Upon receipt of a report, attempt to ascertain whether the suspected perpetrator or any
23 person responsible for the care, custody, and control of the subject child is a member of any branch
24 of the military, as defined under section 40.005, or is a member of the Armed Forces, as defined in
25 section 41.030.

26
27 As used in this subsection, "report" includes any telephone call made pursuant to section 210.145.

28 210.112. 1. It is the policy of this state and its agencies to implement a foster care and child
29 protection and welfare system focused on providing the highest quality of services and outcomes for
30 children and their families. The department of social services shall implement such system subject
31 to the following principles:

32 (1) The safety and welfare of children is paramount;

33 (2) All providers of direct services to children and their families will be evaluated in a
34 uniform, transparent, objective, and consistent basis based on an evaluation tool established in this
35 section;

36 (3) Services to children and their families shall be provided in a timely manner to maximize
37 the opportunity for successful outcomes, and such services shall be tracked and routinely evaluated
38 through a quality assurance program;

1 (4) Any provider of direct services to children and families shall have the appropriate and
2 relevant training, education, and expertise to provide the highest quality of services possible which
3 shall be consistent with federal and state standards;

4 (5) Resources and efforts shall be committed to pursue the best possible opportunity for a
5 successful outcome for each child. Successful outcomes may include preparing youth for a
6 productive and successful life as an adult outside the foster care system, such as independent living.
7 For those providers that work with children requiring intensive twenty-four-hour treatment services,
8 successful outcomes shall be based on the least restrictive alternative possible based on the child's
9 needs as well as the quality of care received; and

10 (6) All service providers shall prioritize methods of reducing or eliminating a child's need
11 for residential treatment through community-based services and supports.

12 2. (1) In conjunction with the response and evaluation team established under subsection 3
13 of this section, as well as other individuals the division deems appropriate, the division shall
14 establish an evaluation tool that complies with state and federal guidelines.

15 (2) The evaluation tool shall include metrics supporting best practices for case management
16 and service provision including, but not limited to, the frequency of face-to-face visits with the
17 child.

18 (3) There shall be a mechanism whereby providers may propose different evaluation metrics
19 on a case-by-case basis if such case may have circumstances far beyond those that would be
20 expected. Such cases shall be evaluated by the response and evaluation team under subsection 3 of
21 this section.

22 (4) Data regarding all evaluation metrics shall be collected by the division on a monthly
23 basis, and the division shall issue a quarterly report regarding the evaluation data for each provider,
24 both public and private, by county. The response and evaluation team shall determine how to
25 aggregate cases for the division and large contractors so that performance and outcomes may be
26 compared effectively while also protecting confidentiality. Such reports shall be made public and
27 shall include information by county.

28 (5) The standards and metrics developed through this evaluation tool shall be used to
29 evaluate competitive bids for future contracts established under subsection 4 of this section.

30 3. The division shall create a response and evaluation team. Membership of the team shall
31 be composed of five staff members from the division with experience in foster care appointed by the
32 director of the division; five representatives, one from each contract region for foster care case
33 management contracts under this section, who shall be annually rotated among contractors in each
34 region, which shall appoint the agency; two experts working in either research or higher education
35 on issues relating to child welfare and foster care appointed by the director of the division and who
36 shall be actively working for either an academic institution or policy foundation; one juvenile
37 officer or a Missouri juvenile justice director to be appointed by the Missouri Juvenile Justice
38 Association; and one juvenile or family court judge appointed by the supreme court. The division

1 shall provide the necessary staffing for the team's operations. All members shall be appointed and
2 the team shall meet for the first time before January 1, 2021. The team shall:

3 (1) Review the evaluation tool and metrics set forth in subsection 2 of this section on a
4 semiannual basis to determine any adjustments needed or issues that could affect the quality of such
5 tools and approve or deny on a case-by-case basis:

6 (a) Cases that a provider feels are anomalous and should not be part of developing the case
7 management tool under subsection 2 of this section;

8 (b) Alternative evaluation metrics recommended by providers based on the best interests of
9 the child under subsections 2 and 5 of this section; or

10 (c) Review and recommend any structure for incentives or other reimbursement strategies
11 under subsection 6 of this section;

12 (2) Develop and execute periodic provider evaluations of cases managed by the division and
13 children service providers contracted with the state to provide foster care case management services,
14 in the field under the evaluation tool created under subsection 2 of this section to ensure basic
15 requirements of the program are met, which shall include, but are not limited to, random file review
16 to ensure documentation shows required visits and case management plan notes; and

17 (3) Develop a system for reviewing and working with providers identified under subdivision
18 (2) of this subsection or providers who request such assistance from the division who show signs of
19 performance weakness to ensure technical assistance and other services are offered to assist the
20 providers in achieving successful outcomes for their cases.

21 4. The children's division and any other state agency deemed necessary by the division shall,
22 in consultation with service providers and other relevant parties, enter into and implement contracts
23 with qualified children's services providers and agencies to provide a comprehensive and deliberate
24 system of service delivery for children and their families. Contracts shall be awarded through a
25 competitive process and provided by qualified public and private not-for-profit or limited liability
26 corporations owned exclusively by not-for-profit corporations children's services providers and
27 agencies which have:

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

31 (2) The ability to provide a range of child welfare services including, but not limited to, case
32 management services, family-centered services, foster and adoptive parent recruitment and
33 retention, residential care, in-home services, foster care services, adoption services, relative care
34 case management, planned permanent living services, and family reunification services.

35
36 No contracts under this section shall be issued for services related to the child abuse and neglect
37 hotline, investigations of alleged abuse and neglect, and initial family assessments, except for
38 services designed to assist the division in ascertaining child safety and providing preventative
39 services. Any contracts entered into by the division shall be in accordance with all federal laws and

1 regulations, and shall seek to maximize federal funding. Children's services providers and agencies
2 under contract with the division shall be subject to all federal, state, and local laws and regulations
3 relating to the provision of such services, and shall be subject to oversight and inspection by
4 appropriate state agencies to assure compliance with standards which shall be consistent with the
5 federal standards.

6 5. The division shall accept as prima facie evidence of completion of the requirements for
7 licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the
8 following nationally recognized bodies: the Council on Accreditation of Services, Children and
9 Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on
10 Accreditation of Rehabilitation Facilities.

11 6. Payment to the children's services providers and agencies shall be made based on the
12 reasonable costs of services, including responsibilities necessary to execute the contract. Any
13 reimbursement increases made through enhanced appropriations for services shall be allocated to
14 providers regardless of whether the provider is public or private. Such increases shall be considered
15 additive to the existing contracts. In addition to payments reflecting the cost of services, contracts
16 shall include incentives provided in recognition of performance based on the evaluation tool created
17 under subsection 2 of this section and the corresponding savings for the state. The response and
18 evaluation team under subsection 3 of this section shall review a formula to distribute such
19 payments, as recommended by the division.

20 7. The division shall consider immediate actions that are in the best interests of the children
21 served including, but not limited to, placing the agency on a corrective plan, halting new referrals,
22 transferring cases to other performing providers, or terminating the provider's contract. The division
23 shall take steps necessary to evaluate the nature of the issue and act accordingly in the most timely
24 fashion possible.

25 8. By July 1, 2021, the children's division shall promulgate and have in effect rules to
26 implement the provisions of this section and, pursuant to this section, shall define implementation
27 plans and dates. Any rule or portion of a rule, as that term is defined in section 536.010, that is
28 created under the authority delegated in this section shall become effective only if it complies with
29 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
30 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
31 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
32 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
33 adopted after August 28, 2004, shall be invalid and void."; and"; and

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35 Further amend said bill by amending the title, enacting clause, and intersectional references
36 accordingly.
37

38 THIS AMENDS 1141H04.05H