

FIRST REGULAR SESSION

# HOUSE BILL NO. 1005

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BUCHHEIT-COURTWAY.

2275H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 210.305, RSMo, and to enact in lieu thereof one new section relating to the placement of a child.

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

Section A. Section 210.305, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.305, to read as follows:

210.305. 1. When an initial emergency placement of a child is deemed necessary, the children's division shall immediately begin a diligent search to locate, contact, and place the child with a grandparent or grandparents or a relative or relatives of the child, subject to subsection 3 of section 210.565 regarding preference of placement, except when the children's division determines that placement with a grandparent or grandparents or a relative or relatives is not in the best interest of the child and subject to the provisions of section 210.482 regarding background checks for emergency placements. If emergency placement of a child with grandparents or relatives is deemed not to be in the best interest of the child, the children's division shall document in writing the reason for denial and shall have just cause to deny the emergency placement. The children's division shall continue the search for other relatives until the division locates the relatives of the child for placement or the court excuses further search. Prior to placement of the child in any emergency placement, the division shall assure that the child's physical needs are met.

2. For purposes of this section, the following terms shall mean:

(1) "Diligent search", an exhaustive effort to identify and locate the grandparents or relatives whose identity or location is unknown. **"Diligent search" shall include:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           **(a) Interviews with the child's parent during the course of an investigation, while**  
18 **child protective services are provided, and while such child is in care;**

19           **(b) Interviews with the child;**

20           **(c) Interviews with identified grandparents or relatives throughout the case;**

21           **(d) Interviews with any other person who is likely to have information about the**  
22 **identity or location of the person being sought;**

23           **(e) Comprehensive searches of databases available to the children's division**  
24 **including, but not limited to, searches of employment, residence, utilities, vehicle**  
25 **registration, child support enforcement, law enforcement, corrections records, and any**  
26 **other record likely to result in identifying and locating the person being sought;**

27           **(f) Appropriate inquiry during the course of hearings in the case; and**

28           **(g) Any other reasonable means that are likely to identify grandparents,**  
29 **relatives, or other persons who have demonstrated an ongoing commitment to the child;**

30           (2) "Emergency placement", those limited instances when the children's division is  
31 placing for an initial placement a child in the home of private individuals, including  
32 neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary  
33 caretaker.

34           3. A diligent search shall be made to locate, contact, and notify the grandparent or  
35 grandparents of the child within three hours from the time the emergency placement is  
36 deemed necessary for the child. During such three-hour time period, the child may be placed  
37 in an emergency placement. If a grandparent or grandparents of the child cannot be located  
38 within the three-hour period, the child may be temporarily placed in emergency placement;  
39 except that, after the emergency placement is deemed necessary, the children's division shall  
40 continue a diligent search to contact, locate, and place the child with a grandparent or  
41 grandparents, or other relatives, with first consideration given to a grandparent for placement,  
42 subject to subsection 3 of section 210.565 regarding preference of placement.

43           4. A diligent search shall be made to locate, contact, and notify the relative or  
44 relatives of the child within thirty days from the time the emergency placement is deemed  
45 necessary for the child. The children's division shall continue the search for the relative or  
46 relatives until the division locates the relative or relatives of the child for placement or the  
47 court excuses further search. The children's division, or an entity under contract with the  
48 division, shall use all sources of information, including any known parent or relative, to  
49 attempt to locate an appropriate relative as placement.

50           5. **(1)** Search progress under subsection 3 or 4 of this section shall be reported at each  
51 court hearing until the grandparents or relatives are either located or the court excuses further  
52 search.

53           **(2) The children's division shall file with the court information regarding**  
54 **attempts made under this section within thirty days from the date the child was**  
55 **removed from his or her home, or as otherwise required by the court, and at each**  
56 **periodic review hearing.**

57           **6. All grandparents or relatives to the child identified in a diligent search**  
58 **required by this section, subject to exceptions due to family or domestic violence or**  
59 **other safety concerns, shall be provided with notice:**

60           **(1) Specifying that an alleged dependent child has been or is being removed from**  
61 **his or her parental custody;**

62           **(2) Explaining the options a grandparent or relative has to participate in the**  
63 **care and placement of the alleged dependent child and any options that may be lost by**  
64 **failing to respond to the notice;**

65           **(3) Describing the process for becoming a licensed foster family home and the**  
66 **additional services and supports available for children placed in approved foster homes;**  
67 **and**

68           **(4) Describing any financial assistance for which a grandparent or relative may**  
69 **be eligible.**

70           **7. If a grandparent or relative entitled to notice under this section fails, within**  
71 **six months from the date he or she receives the required notice, to demonstrate an**  
72 **interest in and willingness to provide a permanent home for a child, the court may**  
73 **excuse the children's division from considering the grandparent or relative as a**  
74 **placement.**

75           **8. Nothing in this section shall be construed or interpreted to interfere with or**  
76 **supersede laws related to parental rights or judicial authority.**

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