

SECOND REGULAR SESSION

# HOUSE BILL NO. 2482

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GRAGG.

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JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 210.564 and 210.566, RSMo, and to enact in lieu thereof two new sections relating to the protection of children.

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

Section A. Sections 210.564 and 210.566, RSMo, are repealed and two new sections 2 enacted in lieu thereof, to be known as sections 210.564 and 210.566, to read as follows:

210.564. 1. This section shall be known and may be cited as the "Foster [~~Care~~] 2 **Youth Bill of Rights**".

2. The children's division shall provide every school-aged foster child and his or her 4 foster parent with an age-appropriate orientation and explanation of the foster [~~Care~~] 5 youth bill of rights. Any children's division office, residential care facility, child placing agency, or 6 other agency involved in the care and placement of foster children shall post the foster [~~Care~~] 7 youth bill of rights in the office, facility, or agency. The children's division shall also make 8 the foster [~~Care~~] youth bill of rights **and the procedures regarding how to file a grievance** 9 **and pursue equitable relief in court** readily available and easily accessible online.

3. ~~[The foster care bill of rights shall be as follows:~~

11 ~~(1) In all circumstances, the best interests of the child shall be the first priority of the~~  
12 ~~children's division;~~

13 ~~(2) Recognizing the importance of familial stability in foster care and adoption~~  
14 ~~placement, it shall be the practice of the children's division, when appropriate, to support a~~  
15 ~~child's return to the custody and care of the parents or guardians with whom the child resided~~  
16 ~~immediately prior to state custody;~~

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       (3) When restoration of care and custody is not appropriate or possible, the children's  
18 division shall attempt to place the child with suitable relatives in accordance with section  
19 210.565;

20       (4) The children's division shall further support familial stability by ensuring  
21 continuity of foster placement, except in instances where cause for a change in a child's  
22 placement is reasonably found;

23       (5) The children's division shall work with each child in state custody to develop both  
24 a permanency plan and a case plan. These plans shall be developed within twelve months of a  
25 child's entrance into state custody. The permanency plan shall include the child's immediate  
26 and long-term placement goals, while the case plan shall address a child's specific medical  
27 and emotional needs;

28       (6) Recognizing the value of familial relationships in foster care and adoption  
29 settings, it shall be the practice of the children's division to place siblings in the same foster  
30 care, kinship, guardianship, or adoptive placement, unless doing so would be contrary to the  
31 safety or well-being of any of the siblings. If siblings are not placed together, it shall be the  
32 practice of the children's division to support regular visitation and communication between  
33 siblings in state custody, and between children in state custody and their parents and relatives,  
34 where not otherwise prohibited or against a child's best interests; and

35       (7) The children's division shall support all children twelve years of age or older in  
36 state custody to attend any hearings pertaining to the child's placement, custody, or care,  
37 provided that the child is willing and able to attend such hearings, and that attending such  
38 hearings is in the best interests of the child.] In order to ensure proper care and protection  
39 of a child in the child welfare system, the following rights shall be afforded to the child:

40       (1) The right to live in a safe, comfortable place:

41           (a) With the least restrictive environment;

42           (b) Where the child is treated with respect, has a place to store the child's  
43 belongings, and receives healthy food, adequate clothing, and appropriate personal  
44 hygiene products; and

45           (c) With siblings, if practicable;

46       (2) The right to communicate and visit with family, including siblings who are  
47 not placed with the child or are in state custody;

48           (3) The right to as few disruptions and placements as practicable;

49           (4) The right to have and maintain belongings by:

50           (a) Making a list of the child's belongings when placed out of the home;

51           (b) Providing such list of belongings to the child's case manager;

52           (c) Bringing such belongings when placed out of the home; and

- 53           (d) If going on a visit or to a new placement, having the belongings packed and  
54 transported for the visit or move;
- 55           (5) The right to educational stability, which includes:
- 56           (a) Remaining in the child's school of origin unless it is in the child's best  
57 interests to transfer to a different school;
- 58           (b) Access to records, supplies, services, and tutoring and transportation to all  
59 appropriate school activities, including extracurricular and personal enrichment  
60 activities;
- 61           (c) Daily school attendance;
- 62           (d) Receipt of a high school diploma if such child has earned the standard  
63 credits, including partial credits, or a certificate of high school equivalence (GED); and
- 64           (e) Knowing the identity of and the ability to communicate with the school's  
65 educational liaison designated under section 167.018;
- 66           (6) The right to be notified of all hearings held, if age or developmentally  
67 appropriate;
- 68           (7) The right to attend all court hearings, either in-person or virtually, if age or  
69 developmentally appropriate;
- 70           (8) The right to address the court regarding any proposed placement or  
71 placement change, if age or developmentally appropriate;
- 72           (9) The right to have a client-directed attorney who contacts the child regularly  
73 and, if a conflict of interest exists, the right to have a new attorney who will represent  
74 the position of the child;
- 75           (10) The right to privacy, including the ability to send and receive unopened mail  
76 and make and receive phone calls;
- 77           (11) The right to regular and private contact with and access to case managers,  
78 attorneys, and advocates;
- 79           (12) The right to access information that is accurate and necessary for the child's  
80 wellbeing from case managers, guardians, and any persons who are by law liable to  
81 maintain, care for, or support the child;
- 82           (13) The right to have as few case managers as practicable, to be notified if a case  
83 manager changes, to have the current case manager's contact information, and to  
84 contact the case manager as necessary;
- 85           (14) The right to contact a case manager's supervisor if there is a conflict that  
86 cannot be resolved between the child and the child's case manager;
- 87           (15) The right to report a violation of this section without fear of punishment,  
88 interference, coercion, or retaliation; and

89                   **(16) The right to a timely permanency plan, case plan, and transition plan, when**  
90 **applicable, as provided by this section.**

91                  4. (1) The children's division shall work with each child in state custody to  
92 develop both a permanency plan and a case plan. These plans shall be developed within  
93 twelve months of a child's entrance into state custody. The permanency plan shall  
94 include the child's immediate and long-term placement goals. The case plan shall  
95 address the child's specific medical and emotional needs.

96                  (2) When a child is transitioning out of the child welfare system, the child shall:  
97                   (a) Be an active participant in developing the transition plan;  
98                   (b) Have services and benefits explained;  
99                   (c) Have a checking or savings account;  
100                  (d) Learn to manage money, when age or developmentally appropriate;  
101                  (e) Learn job skills that are age or developmentally appropriate;  
102                  (f) Be involved in life skills training and activities; and  
103                  (g) Be provided assistance with applying for college or vocational programs,  
104 federal financial assistance, including the Free Application for Federal Student Aid, and  
105 tuition waivers.

106                5. The rights under this section and section 167.018 and the provisions of section  
107 167.019 may be enforced through equitable relief as part of the corresponding case  
108 under this chapter. Failure to file a grievance with the children's division, their  
109 contractors, or the school district shall not preempt or prevent the child from  
110 contemporaneously pursuing equitable relief as part of the corresponding case under  
111 this chapter.

210.566. 1. (1) The children's division and its contractors, recognizing that foster  
2 parents **or kinship foster parents** are not clients but rather are colleagues in the child welfare  
3 team, shall treat foster parents **or kinship foster parents** in a manner consistent with the  
4 National Association of Social Workers' ethical standards of conduct as described in its Social  
5 Workers' Ethical Responsibilities to Colleagues. Foster parents **or kinship foster parents**  
6 shall treat the children in their care, the child's birth family and members of the child welfare  
7 team in a manner consistent with their ethical responsibilities as professional team members.

8                  (2) The children's division and its contractors shall provide written notification of the  
9 rights enumerated in this section at the time a child is placed with the prospective foster  
10 parent **or prospective kinship foster parent**, at initial licensure, and at the time of each  
11 licensure renewal following the initial licensure period.

12                (3) The children's division and its contractors shall not discriminate against  
13 foster parents or kinship foster parents and shall be in accordance with the laws under  
14 chapter 213 and federal law.

15        2. (1) The children's division and its contractors shall provide foster parents **or**  
16 **kinship foster parents** with regularly scheduled opportunities for preservice training, and  
17 regularly scheduled opportunities for pertinent inservice training, as determined by the  
18 Missouri State Foster Care and Adoption Advisory Board.

19        (2) The children's division and its contractors shall provide to foster parents, **kinship**  
20 **foster parents**, and potential adoptive parents, prior to placement, all pertinent information,  
21 including but not limited to full disclosure of all medical, psychological, and psychiatric  
22 conditions of the child, as well as information from previous placements that would indicate  
23 that the child or children may have a propensity to cause violence to any member of the foster  
24 family home **or kinship foster family home**. The foster parents **or kinship foster parents**  
25 shall be provided with any information regarding the child or the child's family, including but  
26 not limited to the case plan, any family history of mental or physical illness, sexual abuse of  
27 the child or sexual abuse perpetrated by the child, criminal background of the child or the  
28 child's family, fire-setting or other destructive behavior by the child, substance abuse by the  
29 child or child's family, or any other information which is pertinent to the care and needs of the  
30 child and to protect the foster or adoptive family. The children's division and its contractors  
31 shall provide full access to the child's medical, psychological, and psychiatric records in its  
32 possession at the time of placement, including records prior to the child coming into care, at  
33 the time the child is placed with a foster parent **or kinship foster parent**. After initial  
34 placement, the children's division and its contractors shall have a continuing duty and  
35 obligation to provide access to such records that come into its possession or of which the  
36 division or its contractors become aware. Access shall include providing information and  
37 authorization for foster parents **or kinship foster parents** to review or to obtain the records  
38 directly from the medical, psychological, or psychiatric services provider. A foster parent **or**  
39 **kinship foster parent** may decline access to any or all of the child's records. Knowingly  
40 providing false or misleading information to foster parents **or kinship foster parents** in order  
41 to secure placement shall be denoted in the caseworker's personnel file and shall be kept on  
42 record by the division.

43        (3) The children's division and its contractors shall arrange preplacement visits,  
44 except in emergencies.

45        (4) The foster parents **or kinship foster parents** may ask questions about the child's  
46 case plan, encourage a placement or refuse a placement without reprisal from the caseworker  
47 or agency. After a placement, the children's division and its contractors shall update the foster  
48 parents **or kinship foster parents** as new information about the child is gathered.

49        (5) Foster parents **or kinship foster parents** shall be informed in a timely manner by  
50 the children's division and its contractors of all team meetings and staffings concerning their

51 licensure status or children placed in their homes, and shall be allowed to participate,  
52 consistent with section 210.761.

53 (6) The children's division and its contractors shall establish reasonably accessible  
54 respite care for children in foster care for short periods of time, jointly determined by foster  
55 parents **or kinship foster parents** and the child's caseworker pursuant to section 210.545.  
56 Foster parents **or kinship foster parents** shall follow all procedures established by the  
57 children's division and its contractors for requesting and using respite care.

58 (7) Foster parents **or kinship foster parents** shall treat all information received from  
59 the children's division and its contractors about the child and the child's family as  
60 confidential. Information necessary for the medical or psychiatric care of the child may be  
61 provided to the appropriate practitioners. Foster parents **or kinship foster parents** may share  
62 information necessary with school personnel in order to secure a safe and appropriate  
63 education for the child. Additionally, foster parents **or kinship foster parents** shall share  
64 information they may learn about the child and the child's family, and concerns that arise in  
65 the care of the child, with the caseworker and other members of the child welfare team.  
66 Recognizing that placement changes are difficult for children, foster parents **or kinship**  
67 **foster parents** shall seek all necessary information, and participate in preplacement visits  
68 whenever possible, before deciding whether to accept a child for placement.

69 3. (1) Foster parents **or kinship foster parents** shall make decisions about the daily  
70 living concerns of the child, and shall be permitted to continue the practice of their own  
71 family values and routines while respecting the child's cultural heritage. All discipline shall  
72 be consistent with state laws and regulations. The children's division shall allow foster  
73 parents **or kinship foster parents** to help plan visitation between the child and the child's  
74 siblings or biological family. Visitations should be scheduled at a time that meets the needs of  
75 the child, the biological family members, and the foster family **or kinship foster family**  
76 whenever possible. Recognizing that visitation with family members is an important right of  
77 children in foster care, foster parents **or kinship foster parents** shall be flexible and  
78 cooperative with regard to family visits. The children's division shall not require foster  
79 parents **or kinship foster parents** to conduct supervised visits or be present during any  
80 supervised visits between the child and the child's siblings or biological family.

81 (2) Foster parents **or kinship foster parents** shall provide care that is respectful of  
82 the child's cultural identity and needs. Recognizing that cultural competence can be learned,  
83 the children's division and their contractors shall provide foster parents **or kinship foster**  
84 **parents** with training that specifically addresses cultural needs of children, including but not  
85 limited to, information on skin and hair care, information on any specific religious or cultural  
86 practices of the child's biological family, and referrals to community resources for ongoing  
87 education and support.

88       (3) Foster parents **or kinship foster parents** shall recognize that the purpose of  
89 discipline is to teach and direct the behavior of the child, and ensure that it is administered in  
90 a humane and sensitive manner. Foster parents **or kinship foster parents** shall use discipline  
91 methods which are consistent with children's division policy.

92       4. (1) Consistent with state laws and regulations, the children's division and its  
93 contractors shall provide, upon request by the foster parents **or kinship foster parents**,  
94 information about a child's progress after the child leaves foster care.

95       (2) Except in emergencies, foster parents **or kinship foster parents** shall be given  
96 two weeks advance notice and a written statement of the reasons before a child is removed  
97 from their care. When requesting removal of a child from their home, foster parents **or**  
98 **kinship foster parents** shall give two weeks advance notice, consistent with division policy,  
99 to the child's caseworker, except in emergency situations.

100       (3) Recognizing the critical nature of attachment for children, if a child reenters the  
101 foster care system and is not placed in a relative home **or with kinship foster parents**, the  
102 child's former foster parents shall be given first consideration for placement of the child.

103       (4) If a child becomes **[free] available** for adoption while in foster care, the child's  
104 foster family **or kinship foster family** shall be given preferential consideration as adoptive  
105 parents consistent with section 453.070.

106       (5) If a foster child becomes **[free] available** for adoption and the foster parents **or**  
107 **kinship foster parents** desire to adopt the child, they shall inform the caseworker within  
108 sixty days of the caseworker's initial query. If they do not choose to pursue adoption, foster  
109 parents **or kinship foster parents** shall make every effort to support and encourage the  
110 child's placement in a permanent home, including but not limited to providing information on  
111 the history and care needs of the child and accommodating transitional visitation.

112       5. Foster parents **or kinship foster parents** shall be informed by the court no later  
113 than two weeks prior to all court hearings pertaining to a child in their care, and informed of  
114 their right to attend and participate, consistent with section 211.464.

115       6. (1) **The rights under this section may be enforced through equitable relief as**  
116 **part of the corresponding case under this chapter.**

117       (2) The children's division and their contractors shall provide **notification of and**  
118 **access to a fair [and], impartial, and timely** grievance process **[to address licensure, case**  
119 **management decisions, and delivery of service issues].** Foster parents **or kinship foster**  
120 **parents** shall have timely access to the**[child placement agency's appeals]** grievance process,  
121 and shall be free from acts of **fear of punishment, interference, coercion, or** retaliation  
122 when exercising the right to **[appeal]** file a grievance.

123       (3) **Failure to file a grievance with the children's division or their contractors**  
124 **under section 210.526 shall not preempt or prevent foster parents or kinship foster**

125 **parents from contemporaneously pursuing equitable relief as part of the corresponding**  
126 **case under this chapter.**

127       7. The children's division and their contractors shall provide training to foster parents  
128 **or kinship foster parents** on the policies and procedures governing the licensure of foster  
129 homes **or kinship foster homes**, the provision of foster care **or kinship foster care**, and the  
130 adoption process. Foster parents **or kinship foster parents** shall, upon request, be provided  
131 with written documentation of the policies of the children's division and their contractors. Per  
132 licensure requirements, foster parents **or kinship foster parents** shall comply with the  
133 policies of the child placement agency.

134       8. **(1)** For purposes of this section, "foster parent" means a resource family providing  
135 care of children in state custody.

136       **(2) For purposes of this section, "kinship foster parent" or "kinship foster**  
137 **parents" mean grandparents or other persons related to the child by blood or affinity or**  
138 **persons who are not related to the child but have a close relationship with the child or**  
139 **the child's family.**

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