FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 431

96TH GENERAL ASSEMBLY

Reported from the Committee on Health, Mental Health, Seniors and Families, May 5, 2011, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

0542S.07C

AN ACT

To repeal sections 210.112, 210.498, 210.565, 210.566, and 660.023, RSMo, and to enact in lieu thereof eight new sections relating to vulnerable persons.

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

Section A. Sections 210.112, 210.498, 210.565, 210.566, and 660.023, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 143.1015, 210.112, 210.498, 210.565, 210.566, 210.617, 453.600, and 660.023, to read as follows:

143.1015. 1. In each taxable year beginning on or after January 1, 2011, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the foster care and adoptive parents recruitment and retention fund as established under section 453.600, hereinafter referred to as the fund. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the foster care and adoptive parents recruitment and retention fund, the individual or corporation wishes to contribute. The

EXPLANATION–Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

department of revenue shall deposit such amount to the fund as provided in subsections 2 and 3 of this section. All moneys credited to the fund shall be considered nonstate funds under the provisions of article IV, section 15 of the Missouri Constitution.

2. The director of revenue shall deposit at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the fund.

3. The director of revenue shall deposit at least monthly all contributions designated by corporations under this section, less an amount sufficient to cover the costs of collection and handling by the department of revenue, to the state treasury for deposit to the fund.

4. A contribution designated under this section shall only be deposited in the fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. Moneys deposited in the fund shall be distributed by the department of social services in accordance with the provisions of this section and section 453.600.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2011, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

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

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

(2) Providers of direct services to children and their families will be evaluated in a uniform and consistent basis;

(3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes; and

11 (4) Any provider of direct services to children and families shall have the
12 appropriate and relevant training, education, and expertise to provide the highest
13 quality of services possible which shall be consistent with the federal standards,
14 but not less than the standards and policies used by the children's division as of
15 January 1, 2004.

16 2. On or before July 1, 2005, and subject to appropriations, the children's
17 division and any other state agency deemed necessary by the division shall, in
18 consultation with the community and providers of services, enter into and
19 implement contracts with qualified children's services providers and agencies to
20 provide a comprehensive and deliberate system of service delivery for children
21 and their families. Contracts shall be awarded through a competitive process and
22 provided by children's services providers and agencies currently contracting with
23 the state to provide such services and by public and private not-for-profit or
24 limited liability corporations owned exclusively by not-for-profit corporations
25 children's services providers and agencies which have:

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

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

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

45 3. In entering into and implementing contracts under subsection 2 of this
46 section, the division shall consider and direct their efforts towards geographic

47 areas of the state, including Greene County, where eligible direct children's
48 services providers and agencies are currently available and capable of providing
49 a broad range of services, including case management services, family-centered
50 services, foster and adoptive parent recruitment and retention, residential care,
51 family preservation services, foster care services, adoption services, relative care
52 case management, other planned living arrangements, and family reunification
53 services consistent with federal guidelines. Nothing in this subsection shall
54 prohibit the division from contracting on an as-needed basis for any individual
55 child welfare service listed above.

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

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

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

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

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

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

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

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

80 (e) For any child under ten years old, treatment services may be available
81 as defined in section 210.110. Assessments, as defined in section 210.110, may
82 occur to determine which treatment services best meet the child's psychological

83 and social needs. When the assessment indicates that a child's needs can be best
84 resolved by intensive twenty-four-hour treatment services, the division will locate,
85 contract, and place the child with the appropriate organizations. This placement
86 will be viewed as the least restrictive for the child based on the assessment;
87 (4) The delivery system shall have sufficient flexibility to take into
88 account children and families on a case-by-case basis;
89 (5) The delivery system shall provide a mechanism for the assessment of
90 strategies to work with children and families immediately upon entry into the
91 system to maximize permanency and successful outcome in the shortest time
92 possible and shall include concurrent planning. Outcome measures for private
93 and public agencies shall be equal for each program; and
94 (6) Payment to the children's services providers and agencies shall be
95 made based on the reasonable costs of services, including responsibilities
96 necessary to execute the contract. Contracts shall provide incentives in addition
97 to the costs of services provided in recognition of accomplishment of the case goals
98 and the corresponding cost savings to the state. The division shall promulgate
99 rules to implement the provisions of this subdivision.
100 5. Contracts entered into under this section shall require that a case
101 management plan consistent with all relevant federal guidelines shall be
102 developed for each child at the earliest time after the initial investigation, but in
103 no event longer than fourteen days after the initial investigation or referral to the
104 contractor by the division. Such case management plan shall be presented to the
105 court and be the foundation of service delivery to the child and family. The case
106 management plan shall, at a minimum, include:
107 (1) An outcome target based on the child and family situation achieving
108 permanency or independent living, where appropriate;
109 (2) Services authorized and necessary to facilitate the outcome target;
110 (3) Time frames in which services will be delivered; and
111 (4) Necessary evaluations and reporting.
112 In addition to any visits and assessments required under case management,
113 services to be provided by a public or private children's services provider under
114 the specific case management plan may include family-centered services, foster
115 and adoptive parent recruitment and retention, residential care, in-home services,
116 foster care services, adoption services, relative care case services, planned
117 permanent living services, and family reunification services. In all cases, an
118 appropriate level of services shall be provided to the child and family after

119 permanency is achieved to assure a continued successful outcome.

120 6. **The division shall convene a task force to review the**
121 **recruitment, licensing and retention of foster and adoptive parents**
122 **statewide. In addition to representatives of the division and**
123 **department, the task force shall include representatives of the private**
124 **sector and faith-based community which provide recruitment and**
125 **licensure services. The purpose of the task force will be to study the**
126 **extent to which changes in the system of recruiting, licensing, and**
127 **retaining foster and adoptive parents would enhance the effectiveness**
128 **of the system statewide. The task force shall develop a report of its**
129 **findings with recommendations by December 1, 2011, and provide**
130 **copies of the report to the general assembly and to the governor.**

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

134 (1) Details about the specifics of the contracts, including the number of
135 children and families served, the cost to the state for contracting such services,
136 the current status of the children and families served, an assessment of the
137 quality of services provided and outcomes achieved, and an overall evaluation of
138 the project; and

139 (2) Any recommendations regarding the continuation or possible statewide
140 implementation of such project; and

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

144 **[**7.**]** **8.** The division shall accept as prima facie evidence of completion of
145 the requirements for licensure under sections 210.481 to 210.511 proof that an
146 agency is accredited by any of the following nationally recognized bodies: the
147 Council on Accreditation of Services, Children and Families, Inc.; the Joint
148 Commission on Accreditation of Hospitals; or the Commission on Accreditation
149 of Rehabilitation Facilities. The division shall not require any further evidence
150 of qualification for licensure if such proof of voluntary accreditation is submitted.

151 **[**8.**]** **9.** By February 1, 2005, the children's division shall promulgate and
152 have in effect rules to implement the provisions of this section and, pursuant to
153 this section, shall define implementation plans and dates. Any rule or portion of
154 a rule, as that term is defined in section 536.010, that is created under the

155 authority delegated in this section shall become effective only if it complies with
156 and is subject to all of the provisions of chapter 536 and, if applicable, section
157 536.028. This section and chapter 536 are nonseverable and if any of the powers
158 vested with the general assembly pursuant to chapter 536 to review, to delay the
159 effective date, or to disapprove and annul a rule are subsequently held
160 unconstitutional, then the grant of rulemaking authority and any rule proposed
161 or adopted after August 28, 2004, shall be invalid and void.

210.498. Any parent or legal guardian may have access to investigation
2 records kept by the division regarding a decision for the denial of or the
3 suspension or revocation of a license to a specific person to operate or maintain
4 a foster home if such specific person does or may provide services or care to a
5 child of the person requesting the information. The request for the release of
6 such information shall be made to the division director or the director's designee,
7 in writing, by the parent or legal guardian of the child and shall be accompanied
8 with a signed and notarized release form from the person who does or may
9 provide care or services to the child. The notarized release form shall include the
10 full name, date of birth and Social Security number of the person who does or
11 may provide care or services to a child. The response shall include **only**
12 information pertaining to the nature and disposition of any denial, suspension or
13 revocation of a license to operate a foster home. This response shall not include
14 any identifying information regarding any person other than the person to whom
15 a foster home license was denied, suspended or revoked. The response shall be
16 given within ten working days of the time it was received by the division.

210.565. 1. Whenever a child is placed in a foster home and the court has
2 determined pursuant to subsection 3 of this section that foster home placement
3 with relatives is not contrary to the best interest of the child, the children's
4 division shall give foster home placement to relatives of the
5 child. Notwithstanding any rule of the division to the contrary, the children's
6 division shall make diligent efforts to locate the grandparents of the child and
7 determine whether they wish to be considered for placement of the
8 child. Grandparents who request consideration shall be given preference and
9 first consideration for foster home placement of the child. If more than one
10 grandparent requests consideration, the family support team shall make
11 recommendations to the juvenile or family court about which grandparent should
12 be considered for placement.

13 2. As used in this section, the term "relative" means a grandparent or any

14 other person related to another by blood or affinity within the third degree. The
15 status of a grandparent shall not be affected by the death or the dissolution of the
16 marriage of a son or daughter.

17 3. **The following shall be the order or preference for placement**
18 **of a child under this section:**

19 **(1) Grandparents and relatives;**

20 **(2) A trusted adult that has a preexisting relationship with the**
21 **child, such as a godparent, teacher, neighbor, or fellow parishioner who**
22 **voluntarily agrees to care for the child; and**

23 **(3) Any foster parent who is currently licensed and capable of**
24 **accepting placement of the child.**

25 **4.** The preference for placement and first consideration for grandparents
26 or preference for placement with other relatives created by this section shall only
27 apply where the court finds that placement with such grandparents or other
28 relatives is not contrary to the best interest of the child considering all
29 circumstances. If the court finds that it is contrary to the best interest of a child
30 to be placed with grandparents or other relatives, the court shall make specific
31 findings on the record detailing the reasons why the best interests of the child
32 necessitate placement of the child with persons other than grandparents or other
33 relatives.

34 **5. Recognizing the critical nature of sibling bonds for children,**
35 **the children's division shall make reasonable efforts to place siblings**
36 **in the same foster care, kinship, guardianship, or adoptive placement,**
37 **unless doing so would be contrary to the safety or well-being of any of**
38 **the siblings. If siblings are not placed together, the children's division**
39 **shall make reasonable efforts to provide frequent visitation or other**
40 **ongoing interaction between the siblings, unless this interaction would**
41 **be contrary to a sibling's safety or well-being.**

42 **[**4.**]** **6.** The age of the child's grandparent or other relative shall not be
43 the only factor that the children's division takes into consideration when it makes
44 placement decisions and recommendations to the court about placing the child
45 with such grandparent or other relative.

46 **[**5.**]** **7.** For any Native American child placed in protective custody, the
47 children's division shall comply with the placement requirements set forth in 25
48 U.S.C. Section 1915.

49 **[**6.**]** **8.** A grandparent or other relative may, on a case-by-case basis, have

50 standards for licensure not related to safety waived for specific children in care
51 that would otherwise impede licensing of the grandparent's or relative's home. **In**
52 **addition, any person receiving a preference may be licensed in an**
53 **expedited manner if a child is placed under such person's care.**

54 **[**7.**]** **9.** The guardian ad litem shall ascertain the child's wishes and
55 feelings about his or her placement by conducting an interview or interviews with
56 the child, if appropriate based on the child's age and maturity level, which shall
57 be considered as a factor in placement decisions and recommendations, but shall
58 not supersede the preference for relative placement created by this section or be
59 contrary to the child's best interests.

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

9 (2) The children's division and its contractors shall provide written
10 notification of the rights enumerated in this section at the time of initial
11 licensure and at the time of each licensure renewal following the initial licensure
12 period.

13 2. (1) The children's division and its contractors shall provide foster
14 parents with regularly scheduled opportunities for preservice training, and
15 regularly scheduled opportunities for pertinent inservice training, as determined
16 by the Missouri State Foster Care and Adoption Advisory Board.

17 (2) The children's division and its contractors shall provide to foster
18 parents and potential adoptive parents, prior to placement, all pertinent
19 information, including but not limited to full disclosure of all medical,
20 psychological, and psychiatric conditions of the child, as well as information from
21 previous placements that would indicate that the child or children may have a
22 propensity to cause violence to any member of the foster family home. The foster
23 parents shall be provided with any information regarding the child or the child's
24 family, including but not limited to the case plan, any family history of mental
25 or physical illness, sexual abuse of the child or sexual abuse perpetrated by the
26 child, criminal background of the child or the child's family, fire-setting or other

27 destructive behavior by the child, substance abuse by the child or child's family,
28 or any other information which is pertinent to the care and needs of the child and
29 to protect the foster or adoptive family. Knowingly providing false or misleading
30 information to foster parents in order to secure placement shall be denoted in the
31 caseworker's personnel file and shall be kept on record by the division.

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

34 (4) The foster parents may ask questions about the child's case plan,
35 encourage a placement or refuse a placement without reprisal from the
36 caseworker or agency. After a placement, the children's division and its
37 contractors shall update the foster parents as new information about the child is
38 gathered.

39 (5) Foster parents shall be informed in a timely manner by the children's
40 division and its contractors of all team meetings and staffings concerning their
41 licensure status or children placed in their homes, and shall be allowed to
42 participate, consistent with section 210.761.

43 (6) The children's division and its contractors shall establish reasonably
44 accessible respite care for children in foster care for short periods of time, jointly
45 determined by foster parents and the child's caseworker pursuant to section
46 210.545. Foster parents shall follow all procedures established by the children's
47 division and its contractors for requesting and using respite care.

48 (7) Foster parents shall treat all information received from the children's
49 division and its contractors about the child and the child's family as
50 confidential. Information necessary for the medical or psychiatric care of the
51 child may be provided to the appropriate practitioners. Foster parents may share
52 information necessary with school personnel in order to secure a safe and
53 appropriate education for the child. Additionally, foster parents shall share
54 information they may learn about the child and the child's family, and concerns
55 that arise in the care of the child, with the caseworker and other members of the
56 child welfare team. Recognizing that placement changes are difficult for children,
57 foster parents shall seek all necessary information, and participate in
58 preplacement visits whenever possible, before deciding whether to accept a child
59 for placement.

60 3. (1) Foster parents shall make decisions about the daily living concerns
61 of the child, and shall be permitted to continue the practice of their own family
62 values and routines while respecting the child's cultural heritage. All discipline

63 shall be consistent with state laws and regulations. The children's division shall
64 allow foster parents to help plan visitation between the child and the child's
65 siblings or biological family. Visitations should be scheduled at a time that meets
66 the needs of the child, the biological family members, and the foster family
67 whenever possible. Recognizing that visitation with family members is an
68 important right of children in foster care, foster parents shall be flexible and
69 cooperative with regard to family visits.

70 (2) Foster parents shall provide care that is respectful of the child's
71 cultural identity and needs. Recognizing that cultural competence can be
72 learned, the children's division and their contractors shall provide foster parents
73 with training that specifically addresses cultural needs of children, including but
74 not limited to, information on skin and hair care, information on any specific
75 religious or cultural practices of the child's biological family, and referrals to
76 community resources for ongoing education and support.

77 (3) Foster parents shall recognize that the purpose of discipline is to teach
78 and direct the behavior of the child, and ensure that it is administered in a
79 humane and sensitive manner. Foster parents shall use discipline methods which
80 are consistent with children's division policy.

81 4. (1) Consistent with state laws and regulations, the children's division
82 and its contractors shall provide, upon request by the foster parents, information
83 about a child's progress after the child leaves foster care.

84 (2) Except in emergencies, foster parents shall be given two weeks
85 advance notice and a written statement of the reasons before a child is removed
86 from their care. When requesting removal of a child from their home, foster
87 parents shall give two weeks advance notice, consistent with division policy, to
88 the child's caseworker, except in emergency situations.

89 (3) Recognizing the critical nature of attachment for children, if a child
90 reenters the foster care system and is not placed in a relative home, the child's
91 former foster parents shall be given first consideration for placement of the child.

92 (4) **Recognizing the critical nature of sibling bonds for children,**
93 **the children's division shall make reasonable efforts to place siblings**
94 **in the same foster care, kinship, guardianship, or adoptive placement,**
95 **unless doing so would be contrary to the safety or well-being of any of**
96 **the siblings. If siblings are not placed together, the children's division**
97 **shall make reasonable efforts to provide frequent visitation or other**
98 **ongoing interaction between the siblings, unless this interaction would**

99 **be contrary to a sibling's safety or well-being.**

100 **(5)** If a child becomes free for adoption while in foster care, the child's
101 foster family shall be given preferential consideration as adoptive parents
102 consistent with section 453.070, RSMo.

103 **[**(5)**]** **(6)** If a foster child becomes free for adoption and the foster parents
104 desire to adopt the child, they shall inform the caseworker within sixty days of
105 the caseworker's initial query. If they do not choose to pursue adoption, foster
106 parents shall make every effort to support and encourage the child's placement
107 in a permanent home, including but not limited to providing information on the
108 history and care needs of the child and accommodating transitional visitation.

109 5. Foster parents shall be informed by the court no later than two weeks
110 prior to all court hearings pertaining to a child in their care, and informed of
111 their right to attend and participate, consistent with section 211.464, RSMo.

112 6. The children's division and their contractors shall provide access to a
113 fair and impartial grievance process to address licensure, case management
114 decisions, and delivery of service issues. Foster parents shall have timely access
115 to the child placement agency's appeals process, and shall be free from acts of
116 retaliation when exercising the right to appeal.

117 7. The children's division and their contractors shall provide training to
118 foster parents on the policies and procedures governing the licensure of foster
119 homes, the provision of foster care, and the adoption process. Foster parents
120 shall, upon request, be provided with written documentation of the policies of the
121 children's division and their contractors. Per licensure requirements, foster
122 parents shall comply with the policies of the child placement agency.

123 8. For purposes of this section, "foster parent" means a resource family
124 providing care of children in state custody.

210.617. 1. There is hereby created within the department of
2 **social services the "Missouri State Foster Care and Adoption Board",**
3 **which shall provide consultation and assistance to the department and**
4 **shall draft and provide an independent review of the children's division**
5 **policies and procedures related to the provision of foster care and**
6 **adoption in Missouri. Additionally, the board shall determine the**
7 **nature and content of in-service training which shall be provided to**
8 **foster and adoptive parents in order to improve the provision of foster**
9 **care and adoption services to children statewide consistent with**
10 **section 210.566. The board shall be comprised of foster and adoptive**

11 **parents as follows:**
12 **(1) Two members from each of the seven children's division areas**
13 **within the department of social services delineated as follows:**
14 **(a) The northwest region;**
15 **(b) The northeast region;**
16 **(c) The southeast region;**
17 **(d) The southwest region;**
18 **(e) The Kansas City region;**
19 **(f) The St. Louis area region;**
20 **(g) The St. Louis City region;**
21 **(2) Area members shall be appointed by the governor, with the**
22 **advice and consent of the senate, based upon recommendations by**
23 **regional foster care and adoption boards, or other similar entities.**
24 **2. Statewide foster care and adoption association representatives**
25 **shall be voting members of the board as approved by the board.**
26 **3. All members of the board shall serve for a term of at least two**
27 **years. Members may be reappointed to the board by their entities for**
28 **consecutive terms. All vacancies on the board shall be filled for the**
29 **balance of the unexpired term in the same manner in which the board**
30 **membership which is vacant was originally filled.**
31 **4. Each member of the board may be reimbursed for actual and**
32 **necessary expenses incurred by the member in performance of his or**
33 **her official duties. All reimbursements made under this subsection**
34 **shall be made from funds within the department of social services'**
35 **children's division budget.**
36 **5. All business transactions of the board shall be conducted in**
37 **public meetings in accordance with sections 610.010 to 610.030.**
38 **6. The board shall elect officers from the membership consisting**
39 **of a chairperson, co-chairperson, and secretary. Officers shall serve for**
40 **a term of two years. The board may elect such other officers and**
41 **establish such committees as it deems appropriate.**
42 **7. The board shall establish such procedures necessary to:**
43 **(1) Review children's division proposed policy and provide**
44 **written opinions and recommendations for change to the children's**
45 **division within thirty days of receipt of the proposed policy;**
46 **(2) Provide draft policy suggestions, at the request of the**
47 **children's division or in response to issues by the board, to the**

children's division for improvements in foster care or adoption practice; and

(3) Fulfill its statutory requirement in accordance with section 210.566 to determine the content of in-service training to be provided by the children's division to foster and adoptive parents.

8. The board shall provide to the director of the department of social services, the governor, the office of the child advocate, and upon request, members of the general assembly, a written report of annual activities conducted and made.

9. The board shall exercise its powers and duties independently of the children's division within the department of social services in order to ensure partnership and accountability in the provision of services to the state's children affected by abuse and neglect. Budgetary, procurement, and accounting functions shall continue to be performed by the children's division.

453.600. 1. There is hereby created in the state treasury the "Foster Care and Adoptive Parents Recruitment and Retention Fund" which shall consist of all gifts, donations, transfers, and moneys appropriated by the general assembly, and bequests to the fund. The fund shall maintain no more than the total of the last two years of funding or a minimum of three hundred thousand dollars, whichever is greater. The fund shall be administered by the foster care and adoptive parents recruitment and retention fund board created in subsection 3 of this section.

2. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. There is hereby created the "Foster Care and Adoptive Parents Recruitment and Retention Fund Board" within the department of social services. The board shall consist of the following members or their designees:

(1) The director of the department of social services;

23 **(2) The director of the department of mental health;**
24 **(3) The director of the department of health and senior services;**
25 **(4) The following six members to be appointed by the director of**
26 **the department of social services:**
27 **(a) Two representatives of a recognized foster parent association;**
28 **(b) Two representatives of a licensed child-placing agency; and**
29 **(c) Two representatives of a licensed residential treatment**
30 **center.**
31 **Members appointed under subdivision (4) of this subsection shall serve**
32 **three-year terms, subject to reappointment. Of the members initially**
33 **appointed, three shall be appointed for a two-year term and three shall**
34 **be appointed three-year terms. All members of the board shall serve**
35 **without compensation but shall, subject to appropriation, be**
36 **reimbursed for reasonable and necessary expenses actually incurred in**
37 **the performance of their official duties as members of the board. The**
38 **department of social services shall, with existing resources, provide**
39 **administrative support and current staff as necessary for the effective**
40 **operation of the board.**
41 **4. Upon appropriation, moneys in the fund shall be used to grant**
42 **awards to licensed community-based foster care and adoption**
43 **recruitment programs. The board shall establish guidelines for**
44 **disbursement of the fund to certain programs. Such programs shall**
45 **include, but not be limited to, recruitment and retention of foster and**
46 **adoptive families for children who:**
47 **(1) Have been in out-of-home placement for fifteen months or**
48 **more;**
49 **(2) Are more than twelve years of age; or**
50 **(3) Are in sibling groups.**
51 **Moneys in the fund shall not be subject to appropriation for purposes**
52 **other than those of evidence-based foster care and adoption programs**
53 **as designated by the board established under this section.**
54 **5. Under section 23.253 of the Missouri sunset act:**
55 **(1) The provisions of the new fund authorized under this section**
56 **shall automatically sunset six years after August 28, 2011, unless**
57 **reauthorized by an act of the general assembly; and**
58 **(2) If such fund is reauthorized, the fund authorized under this**
59 **section shall automatically sunset twelve years after the effective date**

of the reauthorization of this section; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the fund authorized under this section is sunset.

660.023. 1. All in-home services provider agencies shall, by July 1, 2015, have, maintain, and use a telephone tracking system for the purpose of reporting and verifying the delivery of home- and community-based services as authorized by the department of health and senior services or its designee. Use of such system prior to July 1, 2015, shall be voluntary. **The department of health and senior services, in collaboration with other appropriate agencies, including in-home services providers, shall establish a telephone tracking system pilot project, implemented in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants, and a county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants. The department may sub-contract with a statewide vendor as necessary for the purchase of products or services required to administer the telephone tracking system pilot project under this section. The pilot shall be implemented and operational by July 1, 2012.** At a minimum, the telephone tracking system shall:

(1) Record the exact date services are delivered;

(2) Record the exact time the services begin and exact time the services end;

(3) Verify the telephone number from which the services were registered;

(4) Verify that the number from which the call is placed is a telephone number unique to the client;

(5) Require a personal identification number unique to each personal care attendant; and

(6) Be capable of producing reports of services delivered, tasks performed, client identity, beginning and ending times of service and date of service in summary fashion that constitute adequate documentation of service.

2. The telephone tracking system shall be used to **[**process payroll for employees**] track payroll hours** and for submitting claims for reimbursement

33 to the MO HealthNet division.

34 3. The department of health and senior services shall promulgate by rule
35 the minimum necessary criteria of the telephone tracking system. Any rule or
36 portion of a rule, as that term is defined in section 536.010, that is created under
37 the authority delegated in this section shall become effective only if it complies
38 with and is subject to all of the provisions of chapter 536 and, if applicable,
39 section 536.028. This section and chapter 536 are nonseverable and if any of the
40 powers vested with the general assembly pursuant to chapter 536 to review, to
41 delay the effective date, or to disapprove and annul a rule are subsequently held
42 unconstitutional, then the grant of rulemaking authority and any rule proposed
43 or adopted after August 28, 2010, shall be invalid and void.

44 4. As new technology becomes available, the department may allow use
45 of a more advanced tracking system, provided that such system is at least as
46 capable of meeting the requirements listed in subsection 1 of this section.

47 5. **[**The department of health and senior services, in collaboration with
48 other appropriate agencies, including in-home services providers, shall establish
49 telephone tracking system pilot projects, implemented in two regions of the state,
50 with one in an urban area and one in a rural area. Each pilot project shall meet
51 the requirements of this section.**]** The department of health and senior services
52 shall, by December 31, 2013, submit a report to the governor and general
53 assembly detailing the outcomes of **[**these**]** **the** pilot **[**projects**]** **project**. The
54 report shall take into consideration the impact of a telephone tracking system on
55 the quality of the services delivered to the consumer and the principles of
56 self-directed care.

57 6. In the event that a consensus between in-home service providers and
58 representatives from the executive branch cannot be reached, the telephony
59 report issued to the general assembly and governor shall include a minority
60 report which will detail those elements of substantial dissent from the main
61 report.

62 **[**7. No interested party, including in-home service providers, shall be
63 required to contract with any particular vendor or provider of telephony services
64 nor bear the full cost of the pilot program.**]**

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