

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 96
95TH GENERAL ASSEMBLY

0225L.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 210.135, 210.145, 210.565, and 210.566, RSMo, and to enact in lieu thereof fourteen new sections relating to the needs and rights of children.

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

Section A. Sections 210.135, 210.145, 210.565, and 210.566, RSMo, are repealed and
2 fourteen new sections enacted in lieu thereof, to be known as sections 167.018, 167.019,
3 167.021, 210.005, 210.131, 210.135, 210.145, 210.305, 210.565, 210.566, 210.1050, 453.330,
4 491.725, and 1, to read as follows:

167.018. 1. Sections 167.018 and 167.019 shall be known and may be cited as the
2 **"Foster Pupil Rights to Education".**

3 **2. Each school district shall:**

4 **(1) Ensure and facilitate the proper educational placement, enrollment in school,**
5 **and checkout from school of foster children;**

6 **(2) Assist foster care pupils when transferring from one school to another or from**
7 **one school district to another, by ensuring proper transfer of credits, records, and grades;**

8 **(3) Request school records, as provided in section 167.022, within two business days**
9 **of placement of a foster care pupil in a school; and**

10 **(4) Submit school records of foster care pupils within three business days of**
11 **receiving a request for school records, under subdivision (3) of this subsection.**

167.019. 1. A child placing agency, as defined under section 210.481, RSMo, shall
2 **promote educational stability for foster care children by considering the child's school**
3 **attendance area when making placement decisions. The foster care pupil shall have the**

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.

4 right to remain enrolled in and attend his or her school of origin pending resolution of
5 school placement disputes.

6 2. Each school district shall accept for credit full or partial course work
7 satisfactorily completed by a pupil while attending a public school, nonpublic school, or
8 nonsectarian school in accordance with district policies or regulations.

9 3. If a pupil completes the graduation requirements of his or her school district of
10 residence while under the jurisdiction of the juvenile court as described in chapter 211,
11 RSMo, the school district of residence shall issue a diploma to the pupil.

12 4. School districts shall ensure that if a pupil in foster care is absent from school
13 due to a decision to change the placement of a pupil made by a court or child placing
14 agency, or due to a verified court appearance or related court-ordered activity, the grades
15 and credits of the pupil shall be calculated as of the date the pupil left school, and no
16 lowering of his or her grades shall occur as a result of the absence of the pupil under these
17 circumstances.

18 5. School districts, subject to federal law, shall be authorized to permit access of
19 pupil school records to any child placing agency for the purpose of fulfilling educational
20 case management responsibilities required by the juvenile officer or by law and to assist
21 with the school transfer or placement of a pupil.

22 6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
23 that is created under the authority delegated in this section shall become effective only if
24 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
25 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
26 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
27 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
28 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
29 adopted after August 28, 2009, shall be invalid and void.

167.021. Any foster child under the authority of the state shall, to the degree
2 possible, be placed in the same educational setting as their siblings. Any foster parent
3 licensed by the department of social services shall be deemed qualified to make the
4 educational choices for any foster children in their care as long as the elementary and
5 secondary education program that the child is enrolled in is permitted under section
6 167.031, compliments the educational experience of any sibling groups, and is not unduly
7 disruptive of the prior enrollment of such child during the current school semester. No
8 otherwise licensed foster parent shall be prohibited from exercising their parenting
9 discretion in determining the educational needs of any child placed in their home unless
10 so ordered by a court of competent jurisdiction.

210.005. All children not otherwise declared to be wards of the state are recognized as under the authority, control, and responsibility of their parents or legal guardians. Such parents and legal guardians have a natural and fundamental right to direct the care, education, and upbringing of their children, and no government action shall burden, abridge, or hinder such natural fundamental right unless it is in furtherance of a compelling governmental interest and is the least restrictive means of furthering such compelling governmental interest.

210.131. Beginning January 1, 2010, any advertisement or other promotion created, distributed, or otherwise used to educate or encourage the public to report possible cases of child abuse or neglect shall contain the following: "Any false or misleading report that is not provided to the department in good faith may be punishable as a violation of law." No materials produced by the department prior to June 1, 2009, shall be subject to the provisions of this section and may be used until such time as such materials are depleted from the department's preprinted stock.

210.135. 1. Any person, official, or institution complying with the provisions of sections 210.110 to 210.165 in the making of a report, the taking of color photographs, or the making of radiologic examinations pursuant to sections 210.110 to 210.165, or both such taking of color photographs and making of radiologic examinations, or the removal or retaining a child pursuant to sections 210.110 to 210.165, or in cooperating with the division, or any other law enforcement agency, juvenile office, court, or child-protective service agency of this or any other state, in any of the activities pursuant to sections 210.110 to 210.165, or any other allegation of child abuse, neglect or assault, pursuant to sections 568.045 to 568.060, RSMo, shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions. Provided, however, any person, official or institution intentionally filing a false report, acting in bad faith, or with ill intent, shall not have immunity from any liability, civil or criminal. Any such person, official, or institution shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

2. In a case in which a foster child dies or is seriously injured after a report is made under sections 210.109 to 210.165, the hotline worker or workers taking any reports related to such case and division case worker or workers assigned to the investigation of such report shall receive a preliminary evaluation by the division to determine if an assessment to establish whether the worker is able to competently perform his or her duties of each worker is required. If required, the assessment shall be completed within three days of the child's death.

210.145. 1. The division shall develop protocols which give priority to:

2 (1) Ensuring the well-being and safety of the child in instances where child abuse or
3 neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families consistent with
5 state and federal law;

6 (3) Providing due process for those accused of child abuse or neglect; and

7 (4) Maintaining an information system operating at all times, capable of receiving and
8 maintaining reports. This information system shall have the ability to receive reports over a
9 single, statewide toll-free number. Such information system shall maintain the results of all
10 investigations, family assessments and services, and other relevant information.

11 2. The division shall utilize structured decision-making protocols for classification
12 purposes of all child abuse and neglect reports. The protocols developed by the division shall
13 give priority to ensuring the well-being and safety of the child. All child abuse and neglect
14 reports shall be initiated within twenty-four hours and shall be classified based upon the reported
15 risk and injury to the child. The division shall promulgate rules regarding the structured
16 decision-making protocols to be utilized for all child abuse and neglect reports.

17 3. Upon receipt of a report, the division shall determine if the report merits investigation,
18 including reports which if true would constitute a suspected violation of any of the following:
19 section 565.020, 565.021, 565.023, 565.024, or 565.050, RSMo, if the victim is a child less than
20 eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than
21 eighteen years of age, or other crimes under chapter 566, RSMo, if the victim is a child less than
22 eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050,
23 RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045,
24 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025, 573.035, 573.037, or 573.040,
25 RSMo, or an attempt to commit any such crimes. The division shall immediately communicate
26 all reports that merit investigation to its appropriate local office and any relevant information as
27 may be contained in the information system. The local division staff shall determine, through
28 the use of protocols developed by the division, whether an investigation or the family assessment
29 and services approach should be used to respond to the allegation. The protocols developed by
30 the division shall give priority to ensuring the well-being and safety of the child.

31 4. The local office shall contact the appropriate law enforcement agency immediately
32 upon receipt of a report which division personnel determine merits an investigation and provide
33 such agency with a detailed description of the report received. In such cases the local division
34 office shall request the assistance of the local law enforcement agency in all aspects of the
35 investigation of the complaint. The appropriate law enforcement agency shall either assist the
36 division in the investigation or provide the division, within twenty-four hours, an explanation
37 in writing detailing the reasons why it is unable to assist.

38 5. The local office of the division shall cause an investigation or family assessment and
39 services approach to be initiated in accordance with the protocols established in subsection 2 of
40 this section, except in cases where the sole basis for the report is educational neglect. If the
41 report indicates that educational neglect is the only complaint and there is no suspicion of other
42 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the
43 report. If the report indicates the child is in danger of serious physical harm or threat to life, an
44 investigation shall include direct observation of the subject child within twenty-four hours of the
45 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct
46 observation. **Callers to the child abuse and neglect hotline shall be instructed by the**
47 **division's hotline to call 911 in instances where the child may be in immediate danger.** If
48 the parents of the child are not the alleged abusers, a parent of the child must be notified prior
49 to the child being interviewed by the division. If the abuse is alleged to have occurred in a
50 school or child-care facility the division shall not meet with the child in any school building or
51 child-care facility building where abuse of such child is alleged to have occurred. When the
52 child is reported absent from the residence, the location and the well-being of the child shall be
53 verified. For purposes of this subsection, child-care facility shall have the same meaning as such
54 term is defined in section 210.201.

55 6. The director of the division shall name at least one chief investigator for each local
56 division office, who shall direct the division response on any case involving a second or
57 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
58 investigator shall include verification of direct observation of the subject child by the division
59 and shall ensure information regarding the status of an investigation is provided to the public
60 school district liaison. The public school district liaison shall develop protocol in conjunction
61 with the chief investigator to ensure information regarding an investigation is shared with
62 appropriate school personnel. The superintendent of each school district shall designate a
63 specific person or persons to act as the public school district liaison. Should the subject child
64 attend a nonpublic school the chief investigator shall notify the school principal of the
65 investigation. Upon notification of an investigation, all information received by the public
66 school district liaison or the school shall be subject to the provisions of the federal Family
67 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34
68 C.F.R., Part 99.

69 7. The investigation shall include but not be limited to the nature, extent, and cause of
70 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the
71 names and conditions of other children in the home, if any; the home environment and the
72 relationship of the subject child to the parents or other persons responsible for the child's care;

73 any indication of incidents of physical violence against any other household or family member;
74 and other pertinent data.

75 8. When a report has been made by a person required to report under section 210.115,
76 the division shall contact the person who made such report within forty-eight hours of the receipt
77 of the report in order to ensure that full information has been received and to obtain any
78 additional information or medical records, or both, that may be pertinent.

79 9. Upon completion of the investigation, if the division suspects that the report was made
80 maliciously or for the purpose of harassment, the division shall refer the report and any evidence
81 of malice or harassment to the local prosecuting or circuit attorney.

82 10. Multidisciplinary teams shall be used whenever conducting the investigation as
83 determined by the division in conjunction with local law enforcement. Multidisciplinary teams
84 shall be used in providing protective or preventive social services, including the services of law
85 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and
86 other agencies, both public and private.

87 11. For all family support team meetings involving an alleged victim of child abuse or
88 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian
89 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
90 provided notice and be permitted to attend all such meetings. Family members, other than
91 alleged perpetrators, or other community informal or formal service providers that provide
92 significant support to the child and other individuals may also be invited at the discretion of the
93 parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian
94 or custodian and the foster parents may request that other individuals, other than alleged
95 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
96 attends such team meetings, the division or the convenor of the meeting shall provide such
97 persons with notice of all such subsequent meetings involving the child. Families may determine
98 whether individuals invited at their discretion shall continue to be invited.

99 12. If the appropriate local division personnel determine after an investigation has begun
100 that completing an investigation is not appropriate, the division shall conduct a family
101 assessment and services approach. The division shall provide written notification to local law
102 enforcement prior to terminating any investigative process. The reason for the termination of
103 the investigative process shall be documented in the record of the division and the written
104 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
105 any investigation by law enforcement.

106 13. If the appropriate local division personnel determines to use a family assessment and
107 services approach, the division shall:

108 (1) Assess any service needs of the family. The assessment of risk and service needs
109 shall be based on information gathered from the family and other sources;

110 (2) Provide services which are voluntary and time-limited unless it is determined by the
111 division based on the assessment of risk that there will be a high risk of abuse or neglect if the
112 family refuses to accept the services. The division shall identify services for families where it
113 is determined that the child is at high risk of future abuse or neglect. The division shall
114 thoroughly document in the record its attempt to provide voluntary services and the reasons these
115 services are important to reduce the risk of future abuse or neglect to the child. If the family
116 continues to refuse voluntary services or the child needs to be protected, the division may
117 commence an investigation;

118 (3) Commence an immediate investigation if at any time during the family assessment
119 and services approach the division determines that an investigation, as delineated in sections
120 210.109 to 210.183, is required. The division staff who have conducted the assessment may
121 remain involved in the provision of services to the child and family;

122 (4) Document at the time the case is closed, the outcome of the family assessment and
123 services approach, any service provided and the removal of risk to the child, if it existed.

124 14. Within thirty days of an oral report of abuse or neglect, the local office shall update
125 the information in the information system. The information system shall contain, at a minimum,
126 the determination made by the division as a result of the investigation, identifying information
127 on the subjects of the report, those responsible for the care of the subject child and other relevant
128 dispositional information. The division shall complete all investigations within thirty days,
129 unless good cause for the failure to complete the investigation is documented in the information
130 system. If a child involved in a pending investigation dies, the investigation shall remain open
131 until the division's investigation surrounding the death is completed. If the investigation is not
132 completed within thirty days, the information system shall be updated at regular intervals and
133 upon the completion of the investigation. The information in the information system shall be
134 updated to reflect any subsequent findings, including any changes to the findings based on an
135 administrative or judicial hearing on the matter.

136 15. A person required to report under section 210.115 to the division and any person
137 making a report of child abuse or neglect made to the division which is not made anonymously
138 shall be informed by the division of his or her right to obtain information concerning the
139 disposition of his or her report. Such person shall receive, from the local office, if requested,
140 information on the general disposition of his or her report. Such person may receive, if
141 requested, findings and information concerning the case. Such release of information shall be
142 at the discretion of the director based upon a review of the reporter's ability to assist in protecting
143 the child or the potential harm to the child or other children within the family. The local office

144 shall respond to the request within forty-five days. The findings shall be made available to the
145 reporter within five days of the outcome of the investigation. If the report is determined to be
146 unsubstantiated, the reporter may request that the report be referred by the division to the office
147 of child advocate for children's protection and services established in sections 37.700 to 37.730,
148 RSMo. Upon request by a reporter under this subsection, the division shall refer an
149 unsubstantiated report of child abuse or neglect to the office of child advocate for children's
150 protection and services.

151 16. In any judicial proceeding involving the custody of a child the fact that a report may
152 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

153 (1) Nothing in this subsection shall prohibit the introduction of evidence from
154 independent sources to support the allegations that may have caused a report to have been made;
155 and

156 (2) The court may on its own motion, or shall if requested by a party to the proceeding,
157 make an inquiry not on the record with the children's division to determine if such a report has
158 been made. If a report has been made, the court may stay the custody proceeding until the
159 children's division completes its investigation.

160 17. In any judicial proceeding involving the custody of a child where the court
161 determines that the child is in need of services [pursuant to subdivision (d)] **under paragraph**
162 **(d) of subdivision (1)** of subsection 1 of section 211.031, RSMo, and has taken jurisdiction, the
163 child's parent, guardian or custodian shall not be entered into the registry.

164 18. The children's division is hereby granted the authority to promulgate rules and
165 regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo, to
166 carry out the provisions of sections 210.109 to 210.183.

167 19. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
168 is created under the authority delegated in this section shall become effective only if it complies
169 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
170 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
171 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
172 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
173 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
174 invalid and void.

210.305. 1. When an emergency placement of a child is deemed necessary, the
2 **children's division shall immediately begin diligent efforts to locate, contact, and place the**
3 **child with a grandparent or grandparents of the child, except when the children's division**
4 **determines that placement with a grandparent or grandparents is not in the best interest**
5 **of the child and subject to the provisions of section 210.482 regarding background checks**

6 for emergency placements. If emergency placement of a child with a grandparent is
7 deemed not to be in the best interest of the child, the children's division shall document in
8 writing the reason the grandparent has been denied emergency placement and shall have
9 just cause to deny the emergency placement. Prior to placement of the child in any
10 emergency placement, the division shall assure that the child's physical needs are met.

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

12 (1) "Diligent efforts", a good faith attempt documented in writing by the children's
13 division, which exercises reasonable efforts and care to utilize all available services and
14 resources related to meeting the ongoing health and safety needs of the child, to locate a
15 grandparent or grandparents of the child after all of the child's physical needs have been
16 attended to by the children's division;

17 (2) "Emergency placement", those limited instances when the children's division
18 is placing a child in the home of private individuals, including neighbors, friends, or
19 relatives, as a result of a sudden unavailability of the child's primary caretaker.

20 3. Diligent efforts shall be made to contact the grandparent or grandparents of the
21 child within three hours from the time the emergency placement is deemed necessary for
22 the child. During such three-hour time period, the child may be placed in an emergency
23 placement. If a grandparent or grandparents of the child cannot be located within the
24 three-hour period, the child may be temporarily placed in emergency placement; except
25 that, after the emergency placement is deemed necessary, the children's division shall
26 continue to make diligent efforts to contact, locate, and place the child with a grandparent
27 or grandparents, or another relative, with first consideration given to a grandparent for
28 placement.

29 4. Nothing in this section shall be construed or interpreted to interfere with or
30 supercede laws related to parental rights or judicial authority.

210.565. 1. Whenever a child is placed in a foster home and the court has determined
2 pursuant to subsection 3 of this section that foster home placement with relatives is not contrary
3 to the best interest of the child, the children's division shall give foster home placement to
4 relatives of the child. Notwithstanding any rule of the division to the contrary, **the children's**
5 **division shall make diligent efforts to locate the grandparents of the child and determine**
6 **whether they wish to be considered for placement of the child.** Grandparents who request
7 consideration shall be given preference and first consideration for foster home placement **of the**
8 **child.**

9 2. As used in this section, the term "relative" means a **grandparent or any other** person
10 related to another by blood or affinity within the third degree. The status of a grandparent shall
11 not be affected by the death or the dissolution of the marriage of a son or daughter.

12 3. The **preference for placement and first consideration for grandparents or**
13 preference for placement with **other** relatives created by this section shall only apply where the
14 court finds that placement with such **grandparents or other** relatives is not contrary to the best
15 interest of the child considering all circumstances. If the court finds that it is contrary to the best
16 interest of a child to be placed with **grandparents or other** relatives, the court shall make
17 specific findings on the record detailing the reasons why the best interests of the child necessitate
18 placement of the child with persons other than **grandparents or other** relatives.

19 4. The age of the child's **grandparent or other** relative shall not be the only factor that
20 the children's division takes into consideration when it makes placement decisions and
21 recommendations to the court about placing the child with such **grandparent or other** relative.

22 5. For any Native American child placed in protective custody, the children's division
23 shall comply with the placement requirements set forth in 25 U.S.C. Section 1915.

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

11 2. (1) The children's division and its contractors shall provide foster parents with
12 regularly scheduled opportunities for preservice training, and regularly scheduled opportunities
13 for pertinent inservice training, as determined by the Missouri State Foster Care and Adoption
14 [Advisory] Board.

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

25 protect the foster or adoptive family. Knowingly providing false or misleading information to
26 foster parents in order to secure placement **or failing to make such information available to**
27 **the foster parent when it becomes known to the division** shall be denoted as a violation of
28 **this section** in the caseworker's personnel file and shall be kept on record by the division. **A**
29 **copy of such notification shall be forwarded to the director of the children's division and**
30 **the office of the child advocate.**

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

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

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

41 (6) The children's division and its contractors shall establish [reasonably accessible] ,
42 **within current appropriation levels, respite care funding** for children in foster care for short
43 periods of time, jointly determined by foster parents and the child's caseworker pursuant to
44 section 210.545. Foster parents shall follow all procedures established by the children's division
45 and its contractors for requesting and using respite care.

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

56 3. (1) Foster parents shall make decisions about the daily living concerns of the child,
57 and shall be permitted to continue the practice of their own family values and routines while
58 respecting the child's cultural heritage. All discipline shall be consistent with state laws and
59 regulations. The children's division shall allow foster parents to help plan visitation between the
60 child and the child's siblings or biological family. Visitations should be scheduled at a time that

61 meets the needs of the child, the biological family members, and the foster family whenever
62 possible. Recognizing that visitation with family members is an important right of children in
63 foster care, foster parents shall be flexible and cooperative with regard to family visits.

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

70 (3) Foster parents shall recognize that the purpose of discipline is to teach and direct the
71 behavior of the child, and ensure that it is administered in a humane and sensitive manner.
72 Foster parents shall use discipline methods **for children in foster care** which are consistent with
73 children's division policy.

74 4. (1) Consistent with state laws and regulations, the children's division and its
75 contractors shall provide, upon request by the foster parents, information about a child's progress
76 after the child leaves foster care.

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

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

84 (4) **Recognizing the critical nature of sibling bonds for children, if a sibling of a**
85 **child currently in foster care or previously adopted from foster care enters the foster care**
86 **system, the foster or adoptive parents of the child's sibling nearest in age shall be**
87 **immediately contacted to determine their interest in placement, and shall be provided with**
88 **assistance by the division in obtaining placement of the child if interested. The foster or**
89 **adoptive parents of older siblings shall be contacted in ascending order of age until all**
90 **sibling placement possibilities are exhausted.**

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

93 [(5)] (6) If a foster child becomes free for adoption and the foster parents desire to adopt
94 the child, they shall inform the caseworker within sixty days of the caseworker's initial **written**
95 query. If they do not choose to pursue adoption, foster parents shall make every effort to support

96 and encourage the child's placement in a permanent home, including but not limited to providing
97 information on the history and care needs of the child and accommodating transitional visitation.

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

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

105 7. **As professional team members, foster parents shall participate in the**
106 **development and review of policies governing the licensure of foster homes and the care**
107 **of foster children in accordance with the Missouri state foster care and adoption board.**

108 The children's division and their contractors shall provide training to foster parents on the
109 policies and procedures governing the licensure of foster homes, the provision of foster care, and
110 the adoption process. Foster parents shall, upon request, be provided with written documentation
111 of the policies of the children's division and their contractors. Per licensure requirements, foster
112 parents shall comply with the policies of the child placement agency.

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

210.1050. 1. For purposes of this section, for pupils in foster care or children
2 **placed for treatment in a licensed residential care facility by the department of social**
3 **services, "full school day" shall mean six hours in which the child is under the guidance**
4 **and direction of teachers in the educational process.**

5 **2. Each pupil in foster care or child placed for treatment in a licensed residential**
6 **care facility by the department of social services shall be entitled to a full school day of**
7 **education unless the school district determines that fewer hours are warranted.**

8 **3. The commissioner of education, or his or her designee, shall be an ombudsman**
9 **to assist the family support team and the school district as they work together to meet the**
10 **needs of children placed for treatment in a licensed residential care facility by the**
11 **department of social services. The ombudsman shall have the final decision over**
12 **discrepancies regarding school day length. A full school day of education shall be provided**
13 **pending the ombudsman's final decision.**

14 **4. Nothing in this section shall be construed to infringe upon the rights or due**
15 **process provisions of the federal Individuals with Disabilities Education Act. The**
16 **provisions of the Individuals with Disabilities Education Act shall apply and control in**

17 decisions regarding school day. Nothing in this section shall be construed to deny any child
18 domiciled in Missouri appropriate and necessary free public education services.

2 **453.330. Any child less than eighteen years of age in foster care who seeks an**
3 **abortion shall be afforded any services or treatments otherwise provided to a victim of a**
4 **sexual offense. Any abortion obtained by a child less than eighteen years of age in foster**
5 **care shall have a tissue sample preserved for DNA testing purposes to determine paternity**
6 **if such pregnancy was the result of a criminal offense. Any tissue samples collected under**
7 **the provisions of this section shall be collected by the department of health and senior**
8 **services and the department shall perform appropriate DNA testing. The results of any**
9 **DNA testing of an aborted child's tissue sample shall be provided to the prosecuting**
10 **attorney of the county in which the child resides or the county in which the child resided**
11 **at the time calculated to be the beginning of the pregnancy in order for the prosecuting**
attorney to determine if a criminal offense has occurred.

2 **491.725. 1. This section shall be known and may be cited as the "Child Witness**
3 **Protection Act".**

3 **2. As used in this section, the following terms shall mean:**

4 **(1) "Child", a person fourteen years of age or under, or at the discretion of the**
5 **court, a person fifteen to seventeen years of age, who is a witness in any judicial proceeding**
6 **under chapter 452 or 453, RSMo, or the alleged victim or witness in any judicial**
7 **proceeding under chapter 455, 565, 566, or 568, RSMo. The court shall make written**
8 **findings on the record when a child fifteen to seventeen years of age is included under this**
9 **subdivision. "Victim" or "witness" shall not include any child accused of committing a**
10 **felony; however, these terms may, in the court's discretion, include:**

11 **(a) A child where such child's participation in a felony appears to have been**
12 **induced, coerced, or unwilling; or**

13 **(b) A child who has participated in the felony, but who has subsequently and**
14 **voluntarily agreed to testify on behalf of the state;**

15 **(2) "Support person", an adult, designated by the court to serve as a support**
16 **person, who is known to the child victim or witness and who has no direct legal or**
17 **pecuniary interest in the outcome of the judicial proceeding.**

18 **3. In order to facilitate testimony that is fair and accurate, for the benefit of all**
19 **parties, and in order to protect all parties from the risks of a child becoming confused**
20 **while testifying in a judicial proceeding, the following child witness protection act shall**
21 **apply to all children testifying in court:**

22 (1) Whether at a competency hearing or trial itself, the judge shall ensure that any
23 oath that is required of a child shall be administered in such a manner that the child may
24 fully understand his or her duty to tell the truth;

25 (2) The court shall take care to ensure that questions are stated in a form which is
26 appropriate to the age of the child. The court shall explain to the child that if he or she
27 does not understand a question, the child has the right to say that he or she does not
28 understand the question and to have the question restated in a form that the child does
29 understand;

30 (3) In the court's discretion, the taking of testimony from a child victim or witness
31 may be limited in duration or limited to normal school hours. The court may order a
32 recess when the energy, comfort, or attention span of the child warrants;

33 (4) Upon motion made by the child, his or her representative, or any party to the
34 judicial proceeding, at least thirty days in advance of the judicial proceeding, the court
35 may allow the child to have a toy, blanket, or similar item in his or her possession while
36 testifying, but such item shall only be allowed if:

37 (a) All parties agree; or

38 (b) If the movant shows the court by a preponderance of evidence that:

39 a. The child in question cannot reliably testify without the item in his or her
40 possession; and

41 b. Allowing the item is not likely to prejudice the trier of fact in hearing and
42 evaluating the child's testimony;

43 (5) Upon motion made by the child, his or her representative, or any party to the
44 judicial proceeding, at least thirty days in advance of the judicial proceeding, the court
45 may designate a support person, who shall be present in the courtroom, in view of the child
46 witness. The court may allow the support person to remain in close proximity to the child
47 during the child's testimony, but such action shall only be allowed if:

48 (a) All parties agree; or

49 (b) If the movant shows the court by a preponderance of the evidence that:

50 a. The child in question cannot reliably testify without the support person in close
51 proximity during the testimony; and

52 b. Allowing the support person to be in close proximity to the child during
53 testimony is not likely to prejudice the trier of fact in hearing and evaluating the child's
54 testimony.

55

56 The support person shall not obscure the child from the view of the defendant or the trier
57 of fact. A support person shall not provide the child with an answer to any question

58 directed to the child during the course of the child's testimony or otherwise prompt the
59 child or otherwise influence the testimony of the child. If the support person attempts to
60 influence or affect in any manner the testimony of the child victim or witness during the
61 giving of testimony or at any other time, the court shall exclude that support person, refer
62 the matter of misconduct of the support person to the prosecuting attorney, and designate
63 an alternative support person;

64 (6) The court shall prevent intimidation or harassment of the child witness by the
65 parties or their attorneys. Insofar as it is consistent with the constitutional rights of the
66 parties to confront and cross-examine adverse witnesses, the judge may rephrase any
67 questions in order to prevent any such intimidation or harassment; and

68 (7) Upon its own motion or the motion of any party to the judicial proceeding, at
69 least thirty days in advance of the judicial proceeding, the court may order such
70 accommodations as are appropriate under the circumstances to ensure the comfort of the
71 child victim or witness, including the following measures:

72 (a) Adjusting the layout of the courtroom;

73 (b) Conducting the proceedings outside the normal courtroom; or

74 (c) Relaxing the formalities of the proceedings; provided that, such measures are
75 consistent with the rights of all parties under the constitution and laws of the United States
76 and the State of Missouri.

Section 1. 1. There is hereby created within the office of administration the
2 "Missouri State Foster Care and Adoption Board", which shall draft and provide
3 independent review of policies and procedures of the children's division related to the
4 provision of foster care and adoption in Missouri. The board shall determine the nature
5 and content of in-service training which shall be provided to foster and adoptive parents
6 in order to improve the provision of foster care and adoption services to children statewide.
7 The board shall be comprised of the following members:

8 (1) Fourteen foster care and adoptive parent members, with two members
9 appointed by regional foster care and adoption boards to represent each of the following
10 seven areas of the state:

11 (a) The northwest region;

12 (b) The northeast region;

13 (c) The southeast region;

14 (d) The southwest region;

15 (e) The Kansas City region;

16 (f) The St. Louis area region;

17 (g) The St. Louis city region; and

18 **(2) Two representatives of the statewide foster care and adoption association, who**
19 **shall be voting members of the board as approved by the board.**

20 **2. All members of the board shall serve for a term of at least two years. Members**
21 **may be reappointed to the board for consecutive terms. All vacancies on the board shall**
22 **be filled for the balance of the unexpired term in the same manner in which the original**
23 **board membership is filled.**

24 **3. Each member of the board may be reimbursed for actual and necessary expenses**
25 **incurred by the member in performance of his or her official duties. All reimbursements**
26 **made under this subsection shall be made from funds appropriated to the children's**
27 **division for such purpose.**

28 **4. All business transactions of the board shall be conducted in public meetings in**
29 **accordance with sections 610.010 to 610.030, RSMo.**

30 **5. The board shall elect officers from the membership consisting of a chair, vice**
31 **chair, and secretary. Officers shall serve a minimum of two years. The board may elect**
32 **such other officers and establish such committees as it deems appropriate.**

33 **6. The board shall establish such procedures necessary to:**

34 **(1) Provide draft policy to the children's division for improvements in foster care**
35 **or adoption practices;**

36 **(2) Respond to requests from the children's division for assistance; and**

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

40 **7. The board shall provide to the director of the department of social services, the**
41 **governor, the office of the child advocate, and upon request, members of the general**
42 **assembly a written report of the annual activities of the board.**

43 **8. The board shall exercise its powers and duties independently of the children's**
44 **division in order to ensure adequate checks and balances in the provision of services to**
45 **Missouri children affected by abuse and neglect. All budgetary, procurement, and**
46 **accounting functions relating to the provision of foster care and adoption services shall**
47 **continue to be performed by the children's division.**

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