

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 154

95TH GENERAL ASSEMBLY

0778L.04P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 210.565, RSMo, and to enact in lieu thereof two new sections relating to grandparents as preferential placement for children.

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

Section A. Section 210.565, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 210.305 and 210.565, to read as follows:

210.305. 1. When an emergency placement of a child is deemed necessary, the children's division shall immediately begin diligent efforts to locate, contact, and place the child with a grandparent or grandparents of the child, except when the children's division determines that placement with a grandparent or grandparents is not in the best interest of the child and subject to the provisions of section 210.482 regarding background checks for emergency placements. If emergency placement of a child with a grandparent is deemed not to be in the best interest of the child, the children's division shall document in writing the reason the grandparent has been denied emergency placement and shall have just cause to deny the emergency placement. Prior to placement of the child in any emergency placement, the division shall assure that the child's physical needs are met.

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

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

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

17 (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.

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