

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2139, Page 3, Section 210.003, Line 63, by inserting after all of said
2 section and line the following:

3
4 "210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the
5 following terms mean:

6 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other
7 than by accidental means by those responsible for the child's care, custody, and control, except that
8 discipline including spanking, administered in a reasonable manner, shall not be construed to be
9 abuse. Victims of abuse shall also include any victims of sex trafficking or severe forms of
10 trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);

11 (2) "Assessment and treatment services for children [~~under ten years old~~]", an approach to
12 be developed by the children's division which will recognize and treat the specific needs of at-risk
13 and abused or neglected children [~~under the age of ten~~]. The developmental and medical assessment
14 may be a broad physical, developmental, and mental health screening to be completed within thirty
15 days of a child's entry into custody and [~~every six months~~] in accordance with the periodicity
16 schedule set forth by the American Academy of Pediatrics thereafter as long as the child remains in
17 care. Screenings may be offered at a centralized location and include, at a minimum, the following:

18 (a) Complete physical to be performed by a pediatrician familiar with the effects of abuse
19 and neglect on young children;

20 (b) Developmental, behavioral, and emotional screening in addition to early periodic
21 screening, diagnosis, and treatment services, including a core set of standardized and recognized
22 instruments as well as interviews with the child and appropriate caregivers. The screening battery
23 may be performed by a licensed mental health professional familiar with the effects of abuse and
24 neglect on young children, who will then serve as the liaison between all service providers in
25 ensuring that needed services are provided. Such treatment services may include in-home services,
26 out-of-home placement, intensive twenty-four-hour treatment services, family counseling, parenting
27 training and other best practices.

28
29 Children whose screenings indicate an area of concern may complete a comprehensive, in-depth
30 health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

31 (3) "Central registry", a registry of persons where the division has found probable cause to
32 believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, or a
33 court has substantiated through court adjudication that the individual has committed child abuse or
34 neglect or the person has pled guilty or has been found guilty of a crime pursuant to section
35 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if the victim is a child
36 less than eighteen years of age, or any other crime pursuant to chapter 566 if the victim is a child

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1 less than eighteen years of age and the perpetrator is twenty-one years of age or older, a crime under
2 section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023, 573.025,
3 573.035, 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such crimes. Any
4 persons placed on the registry prior to August 28, 2004, shall remain on the registry for the duration
5 of time required by section 210.152;

6 (4) "Child", any person, regardless of physical or mental condition, under eighteen years of
7 age;

8 (5) "Children's services providers and agencies", any public, quasi-public, or private entity
9 with the appropriate and relevant training and expertise in delivering services to children and their
10 families as determined by the children's division, and capable of providing direct services and other
11 family services for children in the custody of the children's division or any such entities or agencies
12 that are receiving state moneys for such services;

13 (6) "Director", the director of the Missouri children's division within the department of
14 social services;

15 (7) "Division", the Missouri children's division within the department of social services;

16 (8) "Family assessment and services", an approach to be developed by the children's
17 division which will provide for a prompt assessment of a child who has been reported to the division
18 as a victim of abuse or neglect by a person responsible for that child's care, custody or control and
19 of that child's family, including risk of abuse and neglect and, if necessary, the provision of
20 community-based services to reduce the risk and support the family;

21 (9) "Family support team meeting" or "team meeting", a meeting convened by the division
22 or children's services provider in behalf of the family and/or child for the purpose of determining
23 service and treatment needs, determining the need for placement and developing a plan for
24 reunification or other permanency options, determining the appropriate placement of the child,
25 evaluating case progress, and establishing and revising the case plan;

26 (10) "Investigation", the collection of physical and verbal evidence to determine if a child
27 has been abused or neglected;

28 (11) "Jail or detention center personnel", employees and volunteers working in any premises
29 or institution where incarceration, evaluation, care, treatment or rehabilitation is provided to persons
30 who are being held under custody of the law;

31 (12) "Neglect", failure to provide, by those responsible for the care, custody, and control of
32 the child, the proper or necessary support, education as required by law, nutrition or medical,
33 surgical, or any other care necessary for the child's well-being. Victims of neglect shall also include
34 any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C.
35 78 Section 7102(9)-(10);

36 (13) "Preponderance of the evidence", that degree of evidence that is of greater weight or
37 more convincing than the evidence which is offered in opposition to it or evidence which as a whole
38 shows the fact to be proved to be more probable than not;

39 (14) "Probable cause", available facts when viewed in the light of surrounding
40 circumstances which would cause a reasonable person to believe a child was abused or neglected;

41 (15) "Report", the communication of an allegation of child abuse or neglect to the division
42 pursuant to section 210.115;

43 (16) "Those responsible for the care, custody, and control of the child", includes, but is not
44 limited to:

45 (a) The parents or legal guardians of a child;

46 (b) Other members of the child's household;

47 (c) Those exercising supervision over a child for any part of a twenty-four-hour day;

48 (d) Any person who has access to the child based on relationship to the parents of the child

1 or members of the child's household or the family; or

2 (e) Any person who takes control of the child by deception, force, or coercion.

3 210.112. 1. It is the policy of this state and its agencies to implement a foster care and child
4 protection and welfare system focused on providing the highest quality of services and outcomes for
5 children and their families. The department of social services shall implement such system subject
6 to the following principles:

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

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

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

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

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

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

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

31
32 No contracts shall be issued for services related to the child abuse and neglect hotline, investigations
33 of alleged abuse and neglect, and initial family assessments. Any contracts entered into by the
34 division shall be in accordance with all federal laws and regulations, and shall not result in the loss
35 of federal funding. Such children's services providers and agencies under contract with the division
36 shall be subject to all federal, state, and local laws and regulations relating to the provision of such
37 services, and shall be subject to oversight and inspection by appropriate state agencies to assure
38 compliance with standards which shall be consistent with the federal standards, but not less than the
39 standards and policies used by the children's division as of January 1, 2004.

40 3. In entering into and implementing contracts under subsection 2 of this section, the
41 division shall consider and direct their efforts towards geographic areas of the state, including
42 Greene County, where eligible direct children's services providers and agencies are currently
43 available and capable of providing a broad range of services, including case management services,
44 family-centered services, foster and adoptive parent recruitment and retention, residential care,
45 family preservation services, foster care services, adoption services, relative care case management,
46 other planned living arrangements, and family reunification services consistent with federal
47 guidelines. Nothing in this subsection shall prohibit the division from contracting on an as-needed
48 basis for any individual child welfare service listed above.

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

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

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

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

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

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

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

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

22 (e) For any child [~~under ten years old~~], treatment services may be available as defined in
23 section 210.110. Assessments, as defined in section 210.110, may occur to determine which
24 treatment services best meet the child's psychological and social needs. When the assessment
25 indicates that a child's needs can be best resolved by intensive twenty-four-hour treatment services,
26 the division will locate, contract, and place the child with the appropriate organizations. This
27 placement will be viewed as the least restrictive for the child based on the assessment;

28 (4) The delivery system shall have sufficient flexibility to take into account children and
29 families on a case-by-case basis;

30 (5) The delivery system shall provide a mechanism for the assessment of strategies to work
31 with children and families immediately upon entry into the system to maximize permanency and
32 successful outcome in the shortest time possible and shall include concurrent planning. Outcome
33 measures for private and public agencies shall be equal for each program; and

34 (6) Payment to the children's services providers and agencies shall be made based on the
35 reasonable costs of services, including responsibilities necessary to execute the contract. Contracts
36 shall provide incentives in addition to the costs of services provided in recognition of
37 accomplishment of the case goals and the corresponding cost savings to the state. The division shall
38 promulgate rules to implement the provisions of this subdivision.

39 5. Contracts entered into under this section shall require that a case management plan
40 consistent with all relevant federal guidelines shall be developed for each child at the earliest time
41 after the initial investigation, but in no event longer than fourteen days after the initial investigation
42 or referral to the contractor by the division. Such case management plan shall be presented to the
43 court and be the foundation of service delivery to the child and family. The case management plan
44 shall, at a minimum, include:

45 (1) An outcome target based on the child and family situation achieving permanency or
46 independent living, where appropriate;

47 (2) Services authorized and necessary to facilitate the outcome target;

48 (3) Time frames in which services will be delivered; and

1 (4) Necessary evaluations and reporting.

2
3 In addition to any visits and assessments required under case management, services to be provided
4 by a public or private children's services provider under the specific case management plan may
5 include family-centered services, foster and adoptive parent recruitment and retention, residential
6 care, in-home services, foster care services, adoption services, relative care case services, planned
7 permanent living services, and family reunification services. In all cases, an appropriate level of
8 services shall be provided to the child and family after permanency is achieved to assure a continued
9 successful outcome.

10 6. The division shall convene a task force to review the recruitment, licensing and retention
11 of foster and adoptive parents statewide. In addition to representatives of the division and
12 department, the task force shall include representatives of the private sector and faith-based
13 community which provide recruitment and licensure services. The purpose of the task force shall
14 and will be to study the extent to which changes in the system of recruiting, licensing, and retaining
15 foster and adoptive parents would enhance the effectiveness of the system statewide. The task force
16 shall develop a report of its findings with recommendations by December 1, 2011, and provide
17 copies of the report to the general assembly and to the governor.

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

20 (1) Details about the specifics of the contracts, including the number of children and
21 families served, the cost to the state for contracting such services, the current status of the children
22 and families served, an assessment of the quality of services provided and outcomes achieved, and
23 an overall evaluation of the project; and

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

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

29 8. The division shall accept as prima facie evidence of completion of the requirements for
30 licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the
31 following nationally recognized bodies: the Council on Accreditation of Services, Children and
32 Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on
33 Accreditation of Rehabilitation Facilities. The division shall not require any further evidence of
34 qualification for licensure if such proof of voluntary accreditation is submitted.

35 9. By February 1, 2005, the children's division shall promulgate and have in effect rules to
36 implement the provisions of this section and, pursuant to this section, shall define implementation
37 plans and dates. Any rule or portion of a rule, as that term is defined in section 536.010, that is
38 created under the authority delegated in this section shall become effective only if it complies with
39 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
40 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
41 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
42 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
43 adopted after August 28, 2004, shall be invalid and void."; and

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45 Further amend said bill by amending the title, enacting clause, and intersectional references
46 accordingly.