

SECOND REGULAR SESSION

SENATE BILL NO. 828

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOUGHERTY.

Pre-filed December 13, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

2830L.021

AN ACT

To amend chapter 453, RSMo, by adding thereto two new sections relating to foster parents responsibilities and rights.

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

Section A. Chapter 453, RSMo, is amended by adding thereto two new sections, to be known as sections 453.330 and 453.333, to read as follows:

453.330. 1. Notwithstanding any other law to the contrary, the division of family services in the department of social services and foster parents have the following rights and responsibilities:

(1) The division and its contractors shall treat foster parents with dignity, respect, trust, and consideration as a primary provider of foster care and a member of the professional team caring for foster children;

(2) Foster parents shall treat children in their care, the children's birth families, and members of the child welfare team with courtesy, respect, and consideration;

(3) The division shall provide foster parents with a clear written explanation of the role and responsibilities of the division and the child's birth family in the child's foster care;

(4) Foster parents shall be provided training and support to improve their skills in providing daily care and meeting the special needs of the child in their care;

(5) Prior to the placement of a child in foster care, the division shall arrange preplacement visits and permit foster parents to review

written information regarding the foster child except in an emergency, including the case plan, the child's family and health history, and any information relative to the child that may jeopardize the health and safety of the foster family or alter the manner in which foster care should be administered;

(6) The division shall permit prospective foster parents to assist in determining if the child would be a compatible placement for the prospective foster family;

(7) Foster parents shall seek all necessary information and participate in preplacement visits before deciding whether to accept a child for placement. For emergency placements where time does not allow prior review of such information, the division shall provide information as it becomes available;

(8) The division shall update foster parents throughout the child's placement regarding any relevant information obtained by the division subsequent to the disclosures in subdivision (5) of this subsection, including information concerning the child's family and health history, child welfare agency and court decisions concerning the child, and timely written notification of changes in the case plan;

(9) The division shall inform foster parents of all scheduled meetings and division personnel assigned to the foster child. Foster parents shall be permitted to actively participate in the case planning and decision-making process regarding the child in foster care, including individual service planning meetings, foster care reviews, and individual educational planning meetings;

(10) The division shall, in a timely manner, notify foster parents of all pertinent court hearings. Such notification may include, but is not limited to, notice of the date, time, and location of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case. Foster parents shall be permitted to attend and participate in such hearings pursuant to 45 CFR 1355.20(2);

(11) Foster parents shall share all relevant information learned by them about the child and the child's family with their caseworker and other members of the child's welfare team;

(12) The division shall, through written consent, permit foster parents to communicate with professionals who work with the foster

child, including any therapists, physicians, and teachers that work directly with the child;

(13) Foster parents shall make decisions about the daily living concerns of the child and shall be permitted to continue their own family values and routines;

(14) Foster parents shall provide care that is respectful of the child's cultural identity, values, and needs. Foster parents shall be instructed that the purpose of discipline is to teach and shall ensure that any such discipline is administered in a humane and sensitive manner;

(15) The division shall permit foster parents to refuse placement within their home or to request, upon reasonable notice to the division, the removal of a child from their home for good reason without threat of reprisal unless otherwise stipulated by contract or policy;

(16) The division shall consider the former foster family as a placement option if a foster child who was formerly placed with such foster parents reenters foster care;

(17) The division shall consider foster parents to be the possible first choice as permanent parents for the child who, after being in the foster parents' home for six months, becomes free for adoption or permanent foster care;

(18) When terminating a placement, the division shall, at the request of the foster parents, provide foster parents with reasonable advance notice and a written statement regarding the reasons for termination, unless the safety of the child is at risk by such disclosure;

(19) When requesting removal of a child from the home, foster parents shall provide reasonable advance notice to the child's caseworker, except in emergency situations;

(20) The division shall, upon request by the child's foster parents, provide information regarding the child's progress after the child leaves foster care. Information provided pursuant to this subdivision shall only be provided from information already in possession of the division at the time of the request;

(21) For children who leave the foster care system, foster parents may inform the child's case worker of their interest in once again being the child's foster parents if the child reenters the system. If the foster child becomes free for adoption and the foster parents desire to adopt

their foster child, the foster parents shall inform the caseworker in a timely manner. If they do not choose to pursue adoption of the child, foster parents shall make every effort to support and encourage the child's placement in a permanent home;

(22) The division shall provide a means by which foster parents can contact the division twenty-four hours a day, seven days a week to receive assistance from the division;

(23) The division shall provide foster parents with timely adequate financial reimbursement for the quality and knowledgeable care of a child in foster care, as specified in the plan; provided that the amount of such financial reimbursement shall, on an annual basis, be subject to and restricted by the level of funding specifically allocated for such purpose through appropriations;

(24) The division shall permit foster parents a period of respite, free from placement of foster children in the family's home. Foster parents shall provide reasonable notice, to be determined by rule of the division, to the division for respite;

(25) Upon request, the division shall provide foster parents copies of all information relative to their family contained in their personal foster home record; and

(26) Foster parents shall treat all information received from the state of Missouri about the child and the child's family as confidential. Foster parents shall share any information learned by them about the child and the child's family with their case worker and other members of the child welfare team;

(27) The division shall advise foster parents in writing of grievance procedures during preservice training, at licensure, and licensure renewal. Foster parents may file for grievance procedures in response to any violations of subdivisions (1) to (26) of this subsection.

2. The division may promulgate rules to implement the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

453.333. 1. Foster parents have the right to be free from reprisal in serving foster children, including the right to voice grievances about treatment furnished or not furnished to the foster child.

2. No division of social services employee shall retaliate against

a foster parent or in any other manner discriminate against any foster parent because:

(1) The foster parent made a complaint with the attorney general, law enforcement agencies, or the division, provided information, or otherwise cooperated with the investigation of such a complaint;

(2) The foster parent causes an administrative or court proceeding to be instituted;

(3) The foster parent testifies or is about to testify in any such proceedings;

(4) The foster parent advocates on behalf of the foster child;

(5) The foster parent seeks to adopt a foster child in the foster parent's care, encourages placement of a child in his or her home, refuses placement, or requests the removal of a child from his or her home; or

(6) The foster parent discusses or consults with anyone concerning the foster parent's rights pursuant to this section or section 453.330.

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