

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE NO. 2 FOR

# SENATE BILL NO. 762

92ND GENERAL ASSEMBLY

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Reported from the Committee on Aging, Families, Mental and Public Health, March 1, 2004, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

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TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 210.565 and 210.760, RSMo, and to enact in lieu thereof six new sections relating to foster care.

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

Section A. Sections 210.565 and 210.760, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 210.487, 210.542, 210.565, 210.760, 210.762, and 210.764, to read as follows:

**210.487. For the licensing of foster parents, the children's division shall conduct an investigation by searching for evidence of full orders of protection on all adults in the applicant's household. The office of state courts administrator shall allow access to the automated court information system by the division. The clerk of each court contacted by the division shall provide the division information within ten days of a request.**

**210.542. 1. The children's division shall provide certain standards and training that prospective foster care parents shall meet before becoming licensed.**

**2. The children's division shall provide performance-based criteria for the evaluation of licensed foster parents and may establish by rule the frequency of such evaluation.**

210.565. 1. Whenever a child is placed in a foster home the **children's** division [of family services] shall give preference and first consideration for foster home placement to relatives of the child. Notwithstanding any rule of the division to the contrary, grandparents who request consideration shall be given preference and first consideration for foster home placement.

2. As used in this section, the term "relative" means a person related to another by

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

blood or affinity within the third degree. The status of a grandparent shall not be affected by the death or the dissolution of the marriage of a son or daughter.

3. The preference for placement with relatives created by this section shall only apply where the court finds that placement with such relatives is in the best interest of the child considering all circumstances.

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

**5. For any Native American child placed in protective custody, the children's division shall adhere to the placement requirements set forth in 25 U.S.C. 1915.**

210.760. In making placements in foster care the **children's** division [of family services] shall:

(1) Arrange for a preplacement visit of the child, except in emergencies;

(2) Provide full and accurate medical information and medical history to the persons providing foster care at the time of placement;

(3) Give a minimum of five days advance notice to the persons providing foster care before removing a child from their care;

(4) Provide the persons giving foster care with a written statement of the reasons for removing a child at the time of the notification required by this section; [and]

**(5) Notify the child's parent or legal guardian that the child has been placed in foster care; and**

**(6) Work with the [natural] parent or legal guardian of the child, through services available, in an effort to return the child to his natural home, if at all possible, or to place the child in a permanent adoptive setting, in accordance with the division's goals to reduce the number of children in long-term foster care and reestablish and encourage the family unit.**

**210.762. 1. The children's division shall arrange for a team meeting prior to taking any action relating to the placement of a child in its custody except as otherwise provided in this section. Where the welfare of the child requires an immediate or emergency placement or change of placement, the division may make a temporary placement of a child in its custody. The division shall schedule a team meeting within seventy-two hours of the temporary placement of the child.**

**2. The parent or legal guardian of the child, the guardian ad litem, the juvenile officer, the children's division caseworker, the court appointed special advocate, and any designee of the parent that has written authorization shall be notified and invited to participate in all team meetings. The team meeting may include such other persons whose attendance at the meeting may assist the team**

in making appropriate decisions in the best interests of the child.

3. The children's division shall be responsible for developing a form to be signed upon the conclusion of the meeting pursuant to subsection 1 of this section confirming that all involved parties are aware of the team's decision regarding the custody of the child. Any dissenting views must be recorded and attested to on such form.

4. The children's division shall be responsible for including such form with the case records of the child.

210.764. Except as provided in section 210.150, the case records of a child in protective custody compiled by the children's division shall be available for review by the parent or legal guardian of the child.

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