

FIRST REGULAR SESSION

SENATE BILL NO. 697

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS RIDGEWAY, MAYER, JUSTUS, CALLAHAN,
WILSON, PURGASON, GIBBONS, ENGLER AND SMITH.

Read 1st time March 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2533S.011

AN ACT

To repeal section 210.566, RSMo, and to enact in lieu thereof one new section relating to the foster parents' bill of rights.

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

Section A. Section 210.566, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 210.566, to read as follows:

210.566. 1. (1) The **children's** division [of family services] and its
2 contractors, **recognizing that foster parents are not clients but rather are**
3 **colleagues in the child welfare team**, shall treat foster parents [with
4 courtesy, respect and consideration] **in a manner consistent with the**
5 **National Association of Social Workers' ethical standards of conduct as**
6 **described in its Social Workers' Ethical Responsibilities to**
7 **Colleagues**. Foster parents shall treat the children in their care, the child's
8 birth family and members of the child welfare team [with courtesy, respect and
9 consideration] **in a manner consistent with their ethical responsibilities**
10 **as professional team members**.

11 (2) The **children's** division and its contractors shall provide
12 **written notification of the rights enumerated in this section at the time**
13 **of initial licensure and at the time of each licensure renewal following**
14 **the initial licensure period**.

15 2. (1) The **children's** division [of family services] and its contractors
16 shall provide foster parents with **regularly scheduled opportunities for**
17 **preservice** training, [preservice] and **regularly scheduled opportunities for**
18 **pertinent** inservice training, **as determined by the Missouri State Youth**

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

19 **Advisory Board**[, and support].

20 **(2)** The **children's** division [of family services] and its contractors shall
21 [share] **provide to foster parents and potential adoptive parents, prior**
22 **to placement**, all pertinent information [about the child and the child's family],
23 including but not limited to[, the case plan with the foster parents to assist in
24 determining if a child would be a proper placement. The division of family
25 services and its contractors shall inform the foster parents of issues relative to
26 the child that may jeopardize the health or safety of the foster family] **full**
27 **disclosure of all medical, psychological, and psychiatric conditions of**
28 **the child, as well as information from previous placements that would**
29 **indicate that the child or children may have a propensity to cause**
30 **violence to any member of the foster family home. The foster parents**
31 **must be provided with any information regarding the child or the**
32 **child's family, inclusive of the case plan, family history of mental or**
33 **physical illness, sexual abuse or perpetration, criminal background,**
34 **fire-setting or other destructive behavior, substance abuse, or any other**
35 **information which is pertinent to the care and needs of the child and**
36 **to protect the foster or adoptive family. Knowingly providing false or**
37 **misleading information to foster parents in order to secure placement**
38 **shall be denoted in the caseworker's personnel file and shall be kept on**
39 **record by the division.**

40 **(3)** The **children's** division [of family services] and its contractors shall
41 arrange preplacement visits, except in emergencies.

42 **(4)** The foster parents may ask questions about the child's case plan,
43 encourage a placement or refuse a placement without reprisal from the
44 caseworker or agency. After a placement, the **children's** division [of family
45 services] **and its contractors** shall update the foster parents as new
46 information about the child is gathered.

47 **(5)** Foster parents shall be informed **in a timely manner by the**
48 **children's division and its contractors** of [upcoming] **all team** meetings and
49 **staffings concerning their licensure status or children placed in their**
50 **homes**, and shall be allowed to participate, consistent with section 210.761.

51 **(6)** The **children's** division [of family services] **and its contractors**
52 shall establish reasonably accessible respite care for children in foster care for
53 short periods of time, jointly determined by foster parents and the child's
54 caseworker pursuant to section 210.545. **Foster parents shall follow all**

55 **procedures defined by the children's division and its contractors for**
56 **requesting and using respite care.**

57 **[(2)] (7)** Foster parents shall treat all information received from the
58 **children's division [of family services] and its contractors** about the child and
59 the child's family as confidential. **Information necessary for the medical or**
60 **psychiatric care of the child may be provided to the appropriate**
61 **practitioners. Foster parents may share information necessary with**
62 **school personnel in order to secure a safe and appropriate education**
63 **for the child. Additionally, foster parents [may] shall share information they**
64 may learn about the child and the child's family, **and concerns that arise in**
65 **the care of the child,** with the caseworker and other members of the child
66 welfare team. Recognizing that placement changes are difficult for children,
67 foster parents shall seek all necessary information, and participate in
68 preplacement visits **whenever possible,** before deciding whether to accept a
69 child for placement. [Foster parents shall follow all procedures defined by the
70 division of family services for requesting and using respite care.]

71 3. (1) Foster parents shall make decisions about the daily living concerns
72 of the child, and shall be permitted to continue the practice of their own family
73 values and routines while respecting the child's cultural heritage. All discipline
74 shall be consistent with state laws and regulations. The **children's division [of**
75 **family services]** shall allow foster parents to help plan visitation between the
76 child and the child's **siblings or biological family. Visitations should be**
77 **scheduled at a time that meets the needs of the child, the biological**
78 **family members, and the foster family whenever possible. Recognizing**
79 **that visitation with family members is an important right of children**
80 **in foster care, foster parents shall be flexible and cooperative with**
81 **regard to family visits.**

82 (2) Foster parents shall provide care that is respectful of the child's
83 cultural identity and needs. **Recognizing that cultural competence can be**
84 **learned, the children's division and their contractors shall provide**
85 **foster parents with training that specifically addresses cultural needs**
86 **of children, including but not limited to, information on skin and hair**
87 **care, information on any specific religious or cultural practices of the**
88 **child's biological family, and referrals to community resources for**
89 **ongoing education and support.**

90 (3) Foster parents shall recognize that the purpose of discipline is to

91 teach and direct the behavior of the child, and ensure that it is administered in
92 a humane and sensitive manner. [Recognizing that visitation with family
93 members is an important right, foster parents shall be flexible and cooperative
94 in regard to family visits.] **Foster parents shall use discipline methods**
95 **which are consistent with children's division policy.**

96 4. (1) Consistent with state laws and regulations, the [state may]
97 **children's division and its contractors shall** provide, upon request by the
98 foster parents, information about a child's progress after the child leaves foster
99 care.

100 (2) Except in emergencies, foster parents shall be given **two weeks**
101 advance notice [consistent with division policy,] and a written statement of the
102 reasons before a child is removed from their care. **When requesting removal**
103 **of a child from their home, foster parents shall give two weeks advance**
104 **notice, consistent with division policy, to the child's caseworker, except**
105 **in emergency situations.**

106 (3) **Recognizing the critical nature of attachment for children, if**
107 a child reenters the foster care system **and cannot be placed in a relative**
108 **home**, the child's **former** foster parents shall be [considered as a placement
109 option] **given first consideration for placement of the child.**

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

113 [(2)] (5) [Confidentiality rights of the child and the child's parents shall
114 be respected and maintained. Foster parents shall inform the child's caseworker
115 of their interest if a child reenters the system.] If a foster child becomes free for
116 adoption and the foster parents desire to adopt the child, they shall inform the
117 caseworker [in a timely manner] **within sixty days of the caseworker's**
118 **initial query.** If they do not choose to pursue adoption, foster parents shall
119 make every effort to support and encourage the child's placement in a permanent
120 home, **including but not limited to providing information on the history**
121 **and care needs of the child and accommodating transitional**
122 **visitation.** [When requesting removal of a child from their home, foster parents
123 shall give reasonable advance notice, consistent with division policy, to the child's
124 caseworker, except in emergency situations.]

125 5. (1) Foster parents shall be informed by the court [in a timely manner]
126 **no later than two weeks prior** of all court hearings pertaining to a child in

127 their care, and informed of their right to attend and participate, consistent with
128 section 211.464, RSMo.

129 [(2) Foster parents shall share any concerns regarding the case plan for
130 a child in their care with the child's caseworker, as well as other members of the
131 child welfare team, in a timely manner.]

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

137 **7. The children's division and their contractors shall provide**
138 **training to foster parents on the policies and procedures governing the**
139 **licensure of foster homes, the provision of foster care, and the adoption**
140 **process.** Foster parents shall, upon request, be provided with written
141 **documentation of the policies of the children's division and their**
142 **contractors** [know and follow the policies of the division of family services,
143 including the appeals procedure]. **Per licensure requirements, foster**
144 **parents shall comply with the policies of the child placement agency.**

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

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