

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 431**  
96TH GENERAL ASSEMBLY

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Reported from the Committee on Health, Mental Health, Seniors and Families, May 5, 2011, with recommendation that the Senate Committee Substitute do pass.

0542S.07C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 210.112, 210.498, 210.565, 210.566, and 660.023, RSMo, and to enact in lieu thereof eight new sections relating to vulnerable persons.

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

Section A. Sections 210.112, 210.498, 210.565, 210.566, and 660.023, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 143.1015, 210.112, 210.498, 210.565, 210.566, 210.617, 453.600, and 660.023, to read as follows:

**143.1015. 1. In each taxable year beginning on or after January 1, 2011, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the foster care and adoptive parents recruitment and retention fund as established under section 453.600, hereinafter referred to as the fund. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the foster care and adoptive parents recruitment and retention fund, the individual or corporation wishes to contribute. The**

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

16 department of revenue shall deposit such amount to the fund as  
17 provided in subsections 2 and 3 of this section. All moneys credited to  
18 the fund shall be considered nonstate funds under the provisions of  
19 article IV, section 15 of the Missouri Constitution.

20 2. The director of revenue shall deposit at least monthly all  
21 contributions designated by individuals under this section to the state  
22 treasurer for deposit to the fund.

23 3. The director of revenue shall deposit at least monthly all  
24 contributions designated by corporations under this section, less an  
25 amount sufficient to cover the costs of collection and handling by the  
26 department of revenue, to the state treasury for deposit to the fund.

27 4. A contribution designated under this section shall only be  
28 deposited in the fund after all other claims against the refund from  
29 which such contribution is to be made have been satisfied.

30 5. Moneys deposited in the fund shall be distributed by the  
31 department of social services in accordance with the provisions of this  
32 section and section 453.600.

33 6. Under section 23.253 of the Missouri sunset act:

34 (1) The provisions of the new program authorized under this  
35 section shall automatically sunset six years after August 28, 2011,  
36 unless reauthorized by an act of the general assembly; and

37 (2) If such program is reauthorized, the program authorized  
38 under this section shall automatically sunset twelve years after the  
39 effective date of the reauthorization of this section; and

40 (3) This section shall terminate on December thirty-first of the  
41 calendar year immediately following the calendar year in which the  
42 program authorized under this section is sunset.

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

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

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

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

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

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

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

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

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

45 3. In entering into and implementing contracts under subsection 2 of this  
46 section, the division shall consider and direct their efforts towards geographic

47 areas of the state, including Greene County, where eligible direct children's  
48 services providers and agencies are currently available and capable of providing  
49 a broad range of services, including case management services, family-centered  
50 services, foster and adoptive parent recruitment and retention, residential care,  
51 family preservation services, foster care services, adoption services, relative care  
52 case management, other planned living arrangements, and family reunification  
53 services consistent with federal guidelines. Nothing in this subsection shall  
54 prohibit the division from contracting on an as-needed basis for any individual  
55 child welfare service listed above.

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

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

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

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

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

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

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

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

80 (e) For any child under ten years old, treatment services may be available  
81 as defined in section 210.110. Assessments, as defined in section 210.110, may  
82 occur to determine which treatment services best meet the child's psychological

83 and social needs. When the assessment indicates that a child's needs can be best  
84 resolved by intensive twenty-four-hour treatment services, the division will locate,  
85 contract, and place the child with the appropriate organizations. This placement  
86 will be viewed as the least restrictive for the child based on the assessment;

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

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

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

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

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

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

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

111 (4) Necessary evaluations and reporting.

112 In addition to any visits and assessments required under case management,  
113 services to be provided by a public or private children's services provider under  
114 the specific case management plan may include family-centered services, foster  
115 and adoptive parent recruitment and retention, residential care, in-home services,  
116 foster care services, adoption services, relative care case services, planned  
117 permanent living services, and family reunification services. In all cases, an  
118 appropriate level of services shall be provided to the child and family after

119 permanency is achieved to assure a continued successful outcome.

120           **6. The division shall convene a task force to review the**  
121 **recruitment, licensing and retention of foster and adoptive parents**  
122 **statewide. In addition to representatives of the division and**  
123 **department, the task force shall include representatives of the private**  
124 **sector and faith-based community which provide recruitment and**  
125 **licensure services. The purpose of the task force will be to study the**  
126 **extent to which changes in the system of recruiting, licensing, and**  
127 **retaining foster and adoptive parents would enhance the effectiveness**  
128 **of the system statewide. The task force shall develop a report of its**  
129 **findings with recommendations by December 1, 2011, and provide**  
130 **copies of the report to the general assembly and to the governor.**

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

134           (1) Details about the specifics of the contracts, including the number of  
135 children and families served, the cost to the state for contracting such services,  
136 the current status of the children and families served, an assessment of the  
137 quality of services provided and outcomes achieved, and an overall evaluation of  
138 the project; and

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

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

144           **[7.] 8.** The division shall accept as prima facie evidence of completion of  
145 the requirements for licensure under sections 210.481 to 210.511 proof that an  
146 agency is accredited by any of the following nationally recognized bodies: the  
147 Council on Accreditation of Services, Children and Families, Inc.; the Joint  
148 Commission on Accreditation of Hospitals; or the Commission on Accreditation  
149 of Rehabilitation Facilities. The division shall not require any further evidence  
150 of qualification for licensure if such proof of voluntary accreditation is submitted.

151           **[8.] 9.** By February 1, 2005, the children's division shall promulgate and  
152 have in effect rules to implement the provisions of this section and, pursuant to  
153 this section, shall define implementation plans and dates. Any rule or portion of  
154 a rule, as that term is defined in section 536.010, that is created under the

155 authority delegated in this section shall become effective only if it complies with  
156 and is subject to all of the provisions of chapter 536 and, if applicable, section  
157 536.028. This section and chapter 536 are nonseverable and if any of the powers  
158 vested with the general assembly pursuant to chapter 536 to review, to delay the  
159 effective date, or to disapprove and annul a rule are subsequently held  
160 unconstitutional, then the grant of rulemaking authority and any rule proposed  
161 or adopted after August 28, 2004, shall be invalid and void.

210.498. Any parent or legal guardian may have access to investigation  
2 records kept by the division regarding a decision for the denial of or the  
3 suspension or revocation of a license to a specific person to operate or maintain  
4 a foster home if such specific person does or may provide services or care to a  
5 child of the person requesting the information. The request for the release of  
6 such information shall be made to the division director or the director's designee,  
7 in writing, by the parent or legal guardian of the child and shall be accompanied  
8 with a signed and notarized release form from the person who does or may  
9 provide care or services to the child. The notarized release form shall include the  
10 full name, date of birth and Social Security number of the person who does or  
11 may provide care or services to a child. The response shall include **only**  
12 information pertaining to the nature and disposition of any denial, suspension or  
13 revocation of a license to operate a foster home. This response shall not include  
14 any identifying information regarding any person other than the person to whom  
15 a foster home license was denied, suspended or revoked. The response shall be  
16 given within ten working days of the time it was received by the division.

210.565. 1. Whenever a child is placed in a foster home and the court has  
2 determined pursuant to subsection 3 of this section that foster home placement  
3 with relatives is not contrary to the best interest of the child, the children's  
4 division shall give foster home placement to relatives of the  
5 child. Notwithstanding any rule of the division to the contrary, the children's  
6 division shall make diligent efforts to locate the grandparents of the child and  
7 determine whether they wish to be considered for placement of the  
8 child. Grandparents who request consideration shall be given preference and  
9 first consideration for foster home placement of the child. If more than one  
10 grandparent requests consideration, the family support team shall make  
11 recommendations to the juvenile or family court about which grandparent should  
12 be considered for placement.

13 2. As used in this section, the term "relative" means a grandparent or any

14 other person related to another by blood or affinity within the third degree. The  
15 status of a grandparent shall not be affected by the death or the dissolution of the  
16 marriage of a son or daughter.

17 **3. The following shall be the order or preference for placement**  
18 **of a child under this section:**

19 **(1) Grandparents and relatives;**

20 **(2) A trusted adult that has a preexisting relationship with the**  
21 **child, such as a godparent, teacher, neighbor, or fellow parishioner who**  
22 **voluntarily agrees to care for the child; and**

23 **(3) Any foster parent who is currently licensed and capable of**  
24 **accepting placement of the child.**

25 **4.** The preference for placement and first consideration for grandparents  
26 or preference for placement with other relatives created by this section shall only  
27 apply where the court finds that placement with such grandparents or other  
28 relatives is not contrary to the best interest of the child considering all  
29 circumstances. If the court finds that it is contrary to the best interest of a child  
30 to be placed with grandparents or other relatives, the court shall make specific  
31 findings on the record detailing the reasons why the best interests of the child  
32 necessitate placement of the child with persons other than grandparents or other  
33 relatives.

34 **5. Recognizing the critical nature of sibling bonds for children,**  
35 **the children's division shall make reasonable efforts to place siblings**  
36 **in the same foster care, kinship, guardianship, or adoptive placement,**  
37 **unless doing so would be contrary to the safety or well-being of any of**  
38 **the siblings. If siblings are not placed together, the children's division**  
39 **shall make reasonable efforts to provide frequent visitation or other**  
40 **ongoing interaction between the siblings, unless this interaction would**  
41 **be contrary to a sibling's safety or well-being.**

42 [4.] **6.** The age of the child's grandparent or other relative shall not be  
43 the only factor that the children's division takes into consideration when it makes  
44 placement decisions and recommendations to the court about placing the child  
45 with such grandparent or other relative.

46 [5.] **7.** For any Native American child placed in protective custody, the  
47 children's division shall comply with the placement requirements set forth in 25  
48 U.S.C. Section 1915.

49 [6.] **8.** A grandparent or other relative may, on a case-by-case basis, have



50 standards for licensure not related to safety waived for specific children in care  
51 that would otherwise impede licensing of the grandparent's or relative's home. **In**  
52 **addition, any person receiving a preference may be licensed in an**  
53 **expedited manner if a child is placed under such person's care.**

54 [7.] 9. The guardian ad litem shall ascertain the child's wishes and  
55 feelings about his or her placement by conducting an interview or interviews with  
56 the child, if appropriate based on the child's age and maturity level, which shall  
57 be considered as a factor in placement decisions and recommendations, but shall  
58 not supersede the preference for relative placement created by this section or be  
59 contrary to the child's best interests.

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

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

13 2. (1) The children's division and its contractors shall provide foster  
14 parents with regularly scheduled opportunities for preservice training, and  
15 regularly scheduled opportunities for pertinent inservice training, as determined  
16 by the Missouri State Foster Care and Adoption Advisory Board.

17 (2) The children's division and its contractors shall provide to foster  
18 parents and potential adoptive parents, prior to placement, all pertinent  
19 information, including but not limited to full disclosure of all medical,  
20 psychological, and psychiatric conditions of the child, as well as information from  
21 previous placements that would indicate that the child or children may have a  
22 propensity to cause violence to any member of the foster family home. The foster  
23 parents shall be provided with any information regarding the child or the child's  
24 family, including but not limited to the case plan, any family history of mental  
25 or physical illness, sexual abuse of the child or sexual abuse perpetrated by the  
26 child, criminal background of the child or the child's family, fire-setting or other

27 destructive behavior by the child, substance abuse by the child or child's family,  
28 or any other information which is pertinent to the care and needs of the child and  
29 to protect the foster or adoptive family. Knowingly providing false or misleading  
30 information to foster parents in order to secure placement shall be denoted in the  
31 caseworker's personnel file and shall be kept on record by the division.

32 (3) The children's division and its contractors shall arrange preplacement  
33 visits, except in emergencies.

34 (4) The foster parents may ask questions about the child's case plan,  
35 encourage a placement or refuse a placement without reprisal from the  
36 caseworker or agency. After a placement, the children's division and its  
37 contractors shall update the foster parents as new information about the child is  
38 gathered.

39 (5) Foster parents shall be informed in a timely manner by the children's  
40 division and its contractors of all team meetings and staffings concerning their  
41 licensure status or children placed in their homes, and shall be allowed to  
42 participate, consistent with section 210.761.

43 (6) The children's division and its contractors shall establish reasonably  
44 accessible respite care for children in foster care for short periods of time, jointly  
45 determined by foster parents and the child's caseworker pursuant to section  
46 210.545. Foster parents shall follow all procedures established by the children's  
47 division and its contractors for requesting and using respite care.

48 (7) Foster parents shall treat all information received from the children's  
49 division and its contractors about the child and the child's family as  
50 confidential. Information necessary for the medical or psychiatric care of the  
51 child may be provided to the appropriate practitioners. Foster parents may share  
52 information necessary with school personnel in order to secure a safe and  
53 appropriate education for the child. Additionally, foster parents shall share  
54 information they may learn about the child and the child's family, and concerns  
55 that arise in the care of the child, with the caseworker and other members of the  
56 child welfare team. Recognizing that placement changes are difficult for children,  
57 foster parents shall seek all necessary information, and participate in  
58 preplacement visits whenever possible, before deciding whether to accept a child  
59 for placement.

60 3. (1) Foster parents shall make decisions about the daily living concerns  
61 of the child, and shall be permitted to continue the practice of their own family  
62 values and routines while respecting the child's cultural heritage. All discipline

63 shall be consistent with state laws and regulations. The children's division shall  
64 allow foster parents to help plan visitation between the child and the child's  
65 siblings or biological family. Visitations should be scheduled at a time that meets  
66 the needs of the child, the biological family members, and the foster family  
67 whenever possible. Recognizing that visitation with family members is an  
68 important right of children in foster care, foster parents shall be flexible and  
69 cooperative with regard to family visits.

70 (2) Foster parents shall provide care that is respectful of the child's  
71 cultural identity and needs. Recognizing that cultural competence can be  
72 learned, the children's division and their contractors shall provide foster parents  
73 with training that specifically addresses cultural needs of children, including but  
74 not limited to, information on skin and hair care, information on any specific  
75 religious or cultural practices of the child's biological family, and referrals to  
76 community resources for ongoing education and support.

77 (3) Foster parents shall recognize that the purpose of discipline is to teach  
78 and direct the behavior of the child, and ensure that it is administered in a  
79 humane and sensitive manner. Foster parents shall use discipline methods which  
80 are consistent with children's division policy.

81 4. (1) Consistent with state laws and regulations, the children's division  
82 and its contractors shall provide, upon request by the foster parents, information  
83 about a child's progress after the child leaves foster care.

84 (2) Except in emergencies, foster parents shall be given two weeks  
85 advance notice and a written statement of the reasons before a child is removed  
86 from their care. When requesting removal of a child from their home, foster  
87 parents shall give two weeks advance notice, consistent with division policy, to  
88 the child's caseworker, except in emergency situations.

89 (3) Recognizing the critical nature of attachment for children, if a child  
90 reenters the foster care system and is not placed in a relative home, the child's  
91 former foster parents shall be given first consideration for placement of the child.

92 (4) **Recognizing the critical nature of sibling bonds for children,**  
93 **the children's division shall make reasonable efforts to place siblings**  
94 **in the same foster care, kinship, guardianship, or adoptive placement,**  
95 **unless doing so would be contrary to the safety or well-being of any of**  
96 **the siblings. If siblings are not placed together, the children's division**  
97 **shall make reasonable efforts to provide frequent visitation or other**  
98 **ongoing interaction between the siblings, unless this interaction would**

99 **be contrary to a sibling's safety or well-being.**

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

103 [(5)] (6) If a foster child becomes free for adoption and the foster parents  
104 desire to adopt the child, they shall inform the caseworker within sixty days of  
105 the caseworker's initial query. If they do not choose to pursue adoption, foster  
106 parents shall make every effort to support and encourage the child's placement  
107 in a permanent home, including but not limited to providing information on the  
108 history and care needs of the child and accommodating transitional visitation.

109 5. Foster parents shall be informed by the court no later than two weeks  
110 prior to all court hearings pertaining to a child in their care, and informed of  
111 their right to attend and participate, consistent with section 211.464, RSMo.

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

117 7. The children's division and their contractors shall provide training to  
118 foster parents on the policies and procedures governing the licensure of foster  
119 homes, the provision of foster care, and the adoption process. Foster parents  
120 shall, upon request, be provided with written documentation of the policies of the  
121 children's division and their contractors. Per licensure requirements, foster  
122 parents shall comply with the policies of the child placement agency.

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

**210.617. 1. There is hereby created within the department of  
2 social services the "Missouri State Foster Care and Adoption Board",  
3 which shall provide consultation and assistance to the department and  
4 shall draft and provide an independent review of the children's division  
5 policies and procedures related to the provision of foster care and  
6 adoption in Missouri. Additionally, the board shall determine the  
7 nature and content of in-service training which shall be provided to  
8 foster and adoptive parents in order to improve the provision of foster  
9 care and adoption services to children statewide consistent with  
10 section 210.566. The board shall be comprised of foster and adoptive**

11 **parents as follows:**

12 **(1) Two members from each of the seven children's division areas**  
13 **within the department of social services delineated as follows:**

14 **(a) The northwest region;**

15 **(b) The northeast region;**

16 **(c) The southeast region;**

17 **(d) The southwest region;**

18 **(e) The Kansas City region;**

19 **(f) The St. Louis area region;**

20 **(g) The St. Louis City region;**

21 **(2) Area members shall be appointed by the governor, with the**  
22 **advice and consent of the senate, based upon recommendations by**  
23 **regional foster care and adoption boards, or other similar entities.**

24 **2. Statewide foster care and adoption association representatives**  
25 **shall be voting members of the board as approved by the board.**

26 **3. All members of the board shall serve for a term of at least two**  
27 **years. Members may be reappointed to the board by their entities for**  
28 **consecutive terms. All vacancies on the board shall be filled for the**  
29 **balance of the unexpired term in the same manner in which the board**  
30 **membership which is vacant was originally filled.**

31 **4. Each member of the board may be reimbursed for actual and**  
32 **necessary expenses incurred by the member in performance of his or**  
33 **her official duties. All reimbursements made under this subsection**  
34 **shall be made from funds within the department of social services'**  
35 **children's division budget.**

36 **5. All business transactions of the board shall be conducted in**  
37 **public meetings in accordance with sections 610.010 to 610.030.**

38 **6. The board shall elect officers from the membership consisting**  
39 **of a chairperson, co-chairperson, and secretary. Officers shall serve for**  
40 **a term of two years. The board may elect such other officers and**  
41 **establish such committees as it deems appropriate.**

42 **7. The board shall establish such procedures necessary to:**

43 **(1) Review children's division proposed policy and provide**  
44 **written opinions and recommendations for change to the children's**  
45 **division within thirty days of receipt of the proposed policy;**

46 **(2) Provide draft policy suggestions, at the request of the**  
47 **children's division or in response to issues by the board, to the**

48 children's division for improvements in foster care or adoption  
49 practice; and

50 (3) Fulfill its statutory requirement in accordance with section  
51 210.566 to determine the content of in-service training to be provided  
52 by the children's division to foster and adoptive parents.

53 8. The board shall provide to the director of the department of  
54 social services, the governor, the office of the child advocate, and upon  
55 request, members of the general assembly, a written report of annual  
56 activities conducted and made.

57 9. The board shall exercise its powers and duties independently  
58 of the children's division within the department of social services in  
59 order to ensure partnership and accountability in the provision of  
60 services to the state's children affected by abuse and  
61 neglect. Budgetary, procurement, and accounting functions shall  
62 continue to be performed by the children's division.

453.600. 1. There is hereby created in the state treasury the  
2 "Foster Care and Adoptive Parents Recruitment and Retention Fund"  
3 which shall consist of all gifts, donations, transfers, and moneys  
4 appropriated by the general assembly, and bequests to the fund. The  
5 fund shall maintain no more than the total of the last two years of  
6 funding or a minimum of three hundred thousand dollars, whichever  
7 is greater. The fund shall be administered by the foster care and  
8 adoptive parents recruitment and retention fund board created in  
9 subsection 3 of this section.

10 2. The state treasurer shall be custodian of the fund and may  
11 approve disbursements from the fund in accordance with sections  
12 30.170 and 30.180. Notwithstanding the provisions of section 33.080 to  
13 the contrary, any moneys remaining in the fund at the end of the  
14 biennium shall not revert to the credit of the general revenue  
15 fund. The state treasurer shall invest moneys in the fund in the same  
16 manner as other funds are invested. Any interest and moneys earned  
17 on such investments shall be credited to the fund.

18 3. There is hereby created the "Foster Care and Adoptive Parents  
19 Recruitment and Retention Fund Board" within the department of  
20 social services. The board shall consist of the following members or  
21 their designees:

22 (1) The director of the department of social services;

- 23           **(2) The director of the department of mental health;**  
24           **(3) The director of the department of health and senior services;**  
25           **(4) The following six members to be appointed by the director of**  
26 **the department of social services:**  
27           **(a) Two representatives of a recognized foster parent association;**  
28           **(b) Two representatives of a licensed child-placing agency; and**  
29           **(c) Two representatives of a licensed residential treatment**  
30 **center.**

31 **Members appointed under subdivision (4) of this subsection shall serve**  
32 **three-year terms, subject to reappointment. Of the members initially**  
33 **appointed, three shall be appointed for a two-year term and three shall**  
34 **be appointed three-year terms. All members of the board shall serve**  
35 **without compensation but shall, subject to appropriation, be**  
36 **reimbursed for reasonable and necessary expenses actually incurred in**  
37 **the performance of their official duties as members of the board. The**  
38 **department of social services shall, with existing resources, provide**  
39 **administrative support and current staff as necessary for the effective**  
40 **operation of the board.**

41           **4. Upon appropriation, moneys in the fund shall be used to grant**  
42 **awards to licensed community-based foster care and adoption**  
43 **recruitment programs. The board shall establish guidelines for**  
44 **disbursement of the fund to certain programs. Such programs shall**  
45 **include, but not be limited to, recruitment and retention of foster and**  
46 **adoptive families for children who:**

- 47           **(1) Have been in out-of-home placement for fifteen months or**  
48 **more;**  
49           **(2) Are more than twelve years of age; or**  
50           **(3) Are in sibling groups.**

51 **Moneys in the fund shall not be subject to appropriation for purposes**  
52 **other than those of evidence-based foster care and adoption programs**  
53 **as designated by the board established under this section.**

54           **5. Under section 23.253 of the Missouri sunset act:**

55           **(1) The provisions of the new fund authorized under this section**  
56 **shall automatically sunset six years after August 28, 2011, unless**  
57 **reauthorized by an act of the general assembly; and**

58           **(2) If such fund is reauthorized, the fund authorized under this**  
59 **section shall automatically sunset twelve years after the effective date**

60 **of the reauthorization of this section; and**

61 **(3) This section shall terminate on December thirty-first of the**  
62 **calendar year immediately following the calendar year in which the**  
63 **fund authorized under this section is sunset.**

660.023. 1. All in-home services provider agencies shall, by July 1, 2015,  
2 have, maintain, and use a telephone tracking system for the purpose of reporting  
3 and verifying the delivery of home- and community-based services as authorized  
4 by the department of health and senior services or its designee. Use of such  
5 system prior to July 1, 2015, shall be voluntary. **The department of health**  
6 **and senior services, in collaboration with other appropriate agencies,**  
7 **including in-home services providers, shall establish a telephone**  
8 **tracking system pilot project, implemented in a county with a charter**  
9 **form of government and with more than six hundred thousand but**  
10 **fewer than seven hundred thousand inhabitants, a county of the first**  
11 **classification with more than eighty-two thousand but fewer than**  
12 **eighty-two thousand one hundred inhabitants, and a county of the first**  
13 **classification with more than one hundred eighty-four thousand but**  
14 **fewer than one hundred eighty-eight thousand inhabitants. The**  
15 **department may sub-contract with a statewide vendor as necessary for**  
16 **the purchase of products or services required to administer the**  
17 **telephone tracking system pilot project under this section. The pilot**  
18 **shall be implemented and operational by July 1, 2012.** At a minimum, the  
19 telephone tracking system shall:

- 20 (1) Record the exact date services are delivered;  
21 (2) Record the exact time the services begin and exact time the services  
22 end;  
23 (3) Verify the telephone number from which the services were registered;  
24 (4) Verify that the number from which the call is placed is a telephone  
25 number unique to the client;  
26 (5) Require a personal identification number unique to each personal care  
27 attendant; and  
28 (6) Be capable of producing reports of services delivered, tasks performed,  
29 client identity, beginning and ending times of service and date of service in  
30 summary fashion that constitute adequate documentation of service.

31 2. The telephone tracking system shall be used to [process payroll for  
32 employees] **track payroll hours** and for submitting claims for reimbursement



33 to the MO HealthNet division.

34           3. The department of health and senior services shall promulgate by rule  
35 the minimum necessary criteria of the telephone tracking system. Any rule or  
36 portion of a rule, as that term is defined in section 536.010, that is created under  
37 the authority delegated in this section shall become effective only if it complies  
38 with and is subject to all of the provisions of chapter 536 and, if applicable,  
39 section 536.028. This section and chapter 536 are nonseverable and if any of the  
40 powers vested with the general assembly pursuant to chapter 536 to review, to  
41 delay the effective date, or to disapprove and annul a rule are subsequently held  
42 unconstitutional, then the grant of rulemaking authority and any rule proposed  
43 or adopted after August 28, 2010, shall be invalid and void.

44           4. As new technology becomes available, the department may allow use  
45 of a more advanced tracking system, provided that such system is at least as  
46 capable of meeting the requirements listed in subsection 1 of this section.

47           5. [The department of health and senior services, in collaboration with  
48 other appropriate agencies, including in-home services providers, shall establish  
49 telephone tracking system pilot projects, implemented in two regions of the state,  
50 with one in an urban area and one in a rural area. Each pilot project shall meet  
51 the requirements of this section.] The department of health and senior services  
52 shall, by December 31, 2013, submit a report to the governor and general  
53 assembly detailing the outcomes of [these] **the pilot [projects] project**. The  
54 report shall take into consideration the impact of a telephone tracking system on  
55 the quality of the services delivered to the consumer and the principles of  
56 self-directed care.

57           6. In the event that a consensus between in-home service providers and  
58 representatives from the executive branch cannot be reached, the telephony  
59 report issued to the general assembly and governor shall include a minority  
60 report which will detail those elements of substantial dissent from the main  
61 report.

62           [7. No interested party, including in-home service providers, shall be  
63 required to contract with any particular vendor or provider of telephony services  
64 nor bear the full cost of the pilot program.]

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