

FIRST REGULAR SESSION

SENATE BILL NO. 47

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAMPING.

Pre-filed December 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

0204S.011

AN ACT

To repeal section 210.565, RSMo, and to enact in lieu thereof one new section relating to the placement of children with relatives.

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

Section A. Section 210.565, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 210.565, to read as follows:

210.565. 1. Whenever a child is placed in a foster home and the court has
2 determined pursuant to subsection 4 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 of a child
18 under this section:

19 (1) Grandparents and relatives;

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

20 (2) A trusted adult that has a preexisting relationship with the child, such
21 as a godparent, teacher, neighbor, or fellow parishioner who voluntarily agrees
22 to care for the child; and (3) Any foster parent who is currently licensed and
23 capable of accepting placement of the child.

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

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

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

44 7. For any Native American child placed in protective custody, the
45 children's division shall comply with the placement requirements set forth in 25
46 U.S.C. Section 1915.

47 8. A grandparent or other relative may, on a case-by-case basis, have
48 standards for licensure not related to safety waived for specific children in care
49 that would otherwise impede licensing of the grandparent's or relative's home. In
50 addition, any person receiving a preference may be licensed in an expedited
51 manner if a child is placed under such person's care.

52 9. The guardian ad litem shall ascertain the child's wishes and feelings
53 about his or her placement by conducting an interview or interviews with the
54 child, if appropriate based on the child's age and maturity level, which shall be
55 considered as a factor in placement decisions and recommendations, but shall not

56 supersede the preference for relative placement created by this section or be
57 contrary to the child's best interests.

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