

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/Senate Bill No. 801, Page 1, Section A, Line 3,

by inserting after all of said line the following:

"210.660. As used in sections 210.660 to 210.680, the following terms shall mean:

(1) "Age- or developmentally-appropriate activities":

(a) Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and

(b) In the case of a specific child, activities, or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child;

(2) "Caregiver", a foster parent, relative, or kinship provider with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed;

(3) "Division", the Missouri children's division within the department of social services;

1           (4) "Reasonable and prudent parent standard", the standard  
2 characterized by careful and sensible parental decisions that  
3 maintain the health, safety, and best interests of a child while  
4 at the same time encouraging the emotional and developmental  
5 growth of the child, that a caregiver shall use when determining  
6 whether to allow a child in foster care under the responsibility  
7 of the state to participate in extracurricular, enrichment,  
8 cultural, and social activities.

9           210.665. 1. Except as otherwise provided in subsection 8  
10 of this section, the court and all parties to a case under  
11 chapter 211 involving a child in care shall defer to the  
12 reasonable decisions of the child's designated caregiver  
13 involving the child's participation in extracurricular,  
14 enrichment, cultural, and social activities.

15           2. A caregiver shall use the reasonable and prudent parent  
16 standard when making decisions relating to the activity of the  
17 child.

18           3. The division or a contracted agency thereof shall  
19 designate at least one onsite caregiver who has authority to  
20 apply the reasonable and prudent parent standard for each child  
21 placed in its custody.

22           4. The caregiver shall consider:

23           (1) The child's age, maturity, and developmental level;

24           (2) The overall health and safety of the child;

25           (3) Potential risk factors and appropriateness of the  
26 activity;

27           (4) The best interests of the child;

28           (5) Promoting, where safe and as appropriate, normal  
29 childhood experiences; and

1       (6) Any other relevant factors based on the caregiver's  
2 knowledge of the child.

3       5. Caregivers shall receive training with regard to the  
4 reasonable and prudent parent standard as required by the  
5 division. The training shall include:

6       (1) Knowledge and skills relating to the developmental  
7 stages of the cognitive, emotional, physical, and behavioral  
8 capacities of a child;

9       (2) Knowledge and skills relating to applying the standard  
10 to decisions, including but not limited to whether to allow the  
11 child to engage in social, extracurricular, enrichment, cultural,  
12 and social activities, such as sports, field trips, and overnight  
13 activities lasting one or more days; and

14       (3) Knowledge and skills relating to decisions, including  
15 but not limited to the signing of permission slips and arranging  
16 of transportation for the child to and from extracurricular,  
17 enrichment, and social activities.

18       6. A caregiver shall not be liable for harm caused to a  
19 child while participating in an activity chosen by the caregiver,  
20 provided the caregiver acted in accordance with the reasonable  
21 and prudent parent standard.

22       7. No court shall order the division or a contracted agency  
23 thereof to provide funding for activities chosen by the  
24 caregiver.

25       8. A caregiver's decisions with regard to the child may be  
26 overturned by the court only if, upon notice and a hearing, the  
27 court finds by clear and convincing evidence the reasonable and  
28 prudent parent standard has been violated. The caregiver shall  
29 have the right to receive notice, to attend the hearing, and to

1 present evidence at the hearing.

2 210.670. 1. Children in foster care under the  
3 responsibility of the state who have attained the age of fourteen  
4 shall be consulted in the development of, revision of, or  
5 addition to their case plan.

6 2. The children may choose individuals to participate as  
7 members of the family support team. The division may reject  
8 members chosen by the child if the division has good cause to  
9 believe the individual would not act in the best interests of the  
10 child. The child may designate one member to be his or her  
11 advisor and, as necessary, advocate, with respect to the  
12 application of the reasonable and prudent parent standard to the  
13 child.

14 3. The child shall receive:

15 (1) A document which describes the rights of the child with  
16 respect to education, health, visitation, court participation,  
17 the child's right to documents pursuant to subsection 4 of this  
18 section, and the child's right to stay safe and avoid  
19 exploitation; and

20 (2) A signed acknowledgment by the child indicating he or  
21 she has been provided with a copy of the document, and the  
22 child's rights contained in the document have been explained to  
23 the child in an age- and developmentally-appropriate manner.

24 4. If a child is leaving foster care by reason of having  
25 attained eighteen years of age or such greater age as the state  
26 has elected, the division shall provide the child with an  
27 official or certified copy of his or her United States birth  
28 certificate, a social security card issued by the Commissioner of  
29 Social Security, health insurance information, a copy of the

1 child's medical records, and a driver's license or identification  
2 card issued by the state, unless the child has been in foster  
3 care for less than six months and unless the child is ineligible  
4 to receive such documents.

5 210.675. 1. No child in foster care under the  
6 responsibility of the state under the age of sixteen shall have a  
7 permanency plan of another planned permanent living arrangement.

8 2. For children with a permanency plan of another planned  
9 permanent living arrangement, the court shall make the following  
10 findings of fact and conclusions of law at each permanency  
11 hearing:

12 (1) The division's intensive, ongoing, and unsuccessful  
13 efforts to return the child home or to secure a placement for the  
14 child with a fit and willing relative, such as adult siblings, a  
15 legal guardian, or an adoptive parent, including efforts to  
16 utilize search technology, like social media, to find biological  
17 family members of the child;

18 (2) The child's desired permanency outcome;

19 (3) A judicial determination explaining why, as of the date  
20 of the hearing, another planned permanent living arrangement is  
21 the best permanency plan for the child, including compelling  
22 reasons why it continues not to be in the best interests of the  
23 child to:

24 (a) Return home;

25 (b) Be placed for adoption;

26 (c) Be placed with a legal guardian; or

27 (d) Be placed with a fit and willing relative; and

28 (4) The division's efforts to ensure:

29 (a) The child's foster family home child care institution

1 is following the reasonable and prudent parent standard; and

2 (b) The child has regular, ongoing opportunities to engage  
3 in age- or developmentally-appropriate activities, including  
4 consulting with the child in an age-appropriate manner about the  
5 opportunities of the child to participate in the activities.

6 210.680. The division shall adopt regulations to implement  
7 the requirements of sections 210.660 to 210.675. Any rule or  
8 portion of a rule, as that term is defined in section 536.010  
9 that is created under the authority delegated in this section  
10 shall become effective only if it complies with and is subject to  
11 all of the provisions of chapter 536, and, if applicable, section  
12 536.028. This section and chapter 536 are nonseverable and if  
13 any of the powers vested with the general assembly pursuant to  
14 chapter 536, to review, to delay the effective date, or to  
15 disapprove and annul a rule are subsequently held  
16 unconstitutional, then the grant of rulemaking authority and any  
17 rule proposed or adopted after August 28, 2016, shall be invalid  
18 and void."; and

19 Further amend the title and enacting clause accordingly.