

SECOND REGULAR SESSION

# SENATE BILL NO. 819

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CUNNINGHAM.

Pre-filed December 21, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

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## AN ACT

To repeal sections 210.112 and 210.487, RSMo, and to enact in lieu thereof two 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Section A. Sections 210.112 and 210.487, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 210.112 and 210.487, to  
3 read as follows:

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

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

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]~~ **thirty** days after the initial investigation or  
104 referral to the contractor by the division. Such case management plan shall be  
105 presented to the court and be the foundation of service delivery to the child and  
106 family. The case 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 recruitment,  
121 licensing and retention of foster and adoptive parents statewide. In addition to  
122 representatives of the division and department, the task force shall include  
123 representatives of the private sector and faith-based community which provide  
124 recruitment and licensure services. The purpose of the task force shall and will  
125 be to study the extent to which changes in the system of recruiting, licensing, and  
126 retaining foster and adoptive parents would enhance the effectiveness of the

127 system statewide. The task force shall develop a report of its findings with  
128 recommendations by December 1, 2011, and provide copies of the report to the  
129 general assembly and to the governor.

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

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

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

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

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

150 9. By February 1, 2005, the children's division shall promulgate and have  
151 in effect rules to implement the provisions of this section and, pursuant to this  
152 section, shall define implementation plans and dates. Any rule or portion of a  
153 rule, as that term is defined in section 536.010, that is created under the  
154 authority delegated in this section shall become effective only if it complies with  
155 and is subject to all of the provisions of chapter 536 and, if applicable, section  
156 536.028. This section and chapter 536 are nonseverable and if any of the powers  
157 vested with the general assembly pursuant to chapter 536 to review, to delay the  
158 effective date, or to disapprove and annul a rule are subsequently held  
159 unconstitutional, then the grant of rulemaking authority and any rule proposed  
160 or adopted after August 28, 2004, shall be invalid and void.

210.487. 1. When conducting investigations of persons for the purpose of  
2 foster parent licensing, the division shall:

3           (1) Conduct a search for all persons over the age of seventeen in the  
4 applicant's household and for any child less than seventeen years of age residing  
5 in the applicant's home who the division has determined has been certified as an  
6 adult for the commission of a crime for evidence of full orders of protection. The  
7 office of state courts administrator shall allow access to the automated court  
8 information system by the division. The clerk of each court contacted by the  
9 division shall provide the division information within ten days of a request; and

10           (2) Obtain [three sets of] fingerprints for any person over the age of  
11 seventeen in the applicant's household and for any child less than seventeen  
12 years of age residing in the applicant's home who the division has determined has  
13 been certified as an adult for the commission of a crime in the same manner set  
14 forth in subsection 2 of section 210.482. [One set of fingerprints shall be used by  
15 the highway patrol to search the criminal history repository, one set shall be  
16 forwarded to the Federal Bureau of Investigation for searching the federal  
17 criminal history files, and one set shall be forwarded to and retained by the  
18 division.] The highway patrol shall assist the division and provide the criminal  
19 fingerprint background information, upon request, **in accordance with the**  
20 **provisions of section 43.540**; and

21           (3) Determine whether any person over the age of seventeen residing in  
22 the home and any child less than seventeen years of age residing in the  
23 applicant's home who the division has determined has been certified as an adult  
24 for the commission of a crime is listed on the child abuse and neglect  
25 registry. For any children less than seventeen years of age residing in the  
26 applicant's home, the children's division shall inquire of the applicant whether  
27 any children less than seventeen years of age residing in the home have ever been  
28 certified as an adult and been convicted of or pled guilty or nolo contendere to  
29 any crime.

30           2. After the initial investigation is completed under subsection 1 of this  
31 section:

32           (1) No person who submits fingerprints under subsection 1 of this section  
33 or section 210.482 shall be required to submit additional fingerprints under this  
34 section or section 210.482 unless the original fingerprints retained by the division  
35 are lost or destroyed; [and]

36           (2) **The highway patrol shall provide ongoing electronic updates**  
37 **to criminal history background checks of those persons previously**  
38 **submitted as part of the licensing or approval process under subsection**

39 **1 of this section. Ongoing electronic updates for such persons and for**  
40 **those in their households shall terminate when such persons cease to**  
41 **be applicant or licensed foster parents; and**

42 **(3)** The children's division and the department of health and senior  
43 services may waive the requirement for a fingerprint background check for any  
44 subsequent recertification.

45 3. Subject to appropriation, the total cost of fingerprinting required by  
46 this section may be paid by the state, including reimbursement of persons  
47 incurring fingerprinting costs under this section.

48 4. The division may make arrangements with other executive branch  
49 agencies to obtain any investigative background information.

50 5. The division may promulgate rules that are necessary to implement the  
51 provisions of this section. Any rule or portion of a rule, as that term is defined  
52 in section 536.010, that is created under the authority delegated in this section  
53 shall become effective only if it complies with and is subject to all of the  
54 provisions of chapter 536 and, if applicable, section 536.028. This section and  
55 chapter 536 are nonseverable and if any of the powers vested with the general  
56 assembly pursuant to chapter 536 to review, to delay the effective date, or to  
57 disapprove and annul a rule are subsequently held unconstitutional, then the  
58 grant of rulemaking authority and any rule proposed or adopted after August 28,  
59 2004, shall be invalid and void.

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