

FIRST REGULAR SESSION

# SENATE BILL NO. 440

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time February 25, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2173S.011

## AN ACT

To repeal section 210.565, RSMo, and to enact in lieu thereof one new section relating to foster home placement.

*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Section A. Section 210.565, RSMo, is repealed and one new section  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, **adult siblings,**  
7 **and parents of siblings** of the child and determine whether they wish to be  
8 considered for placement of the child. Grandparents who request consideration  
9 shall be given preference and first consideration for foster home placement of the  
10 child. If more than one grandparent requests consideration, the family support  
11 team shall make recommendations to the juvenile or family court about which  
12 grandparent should be considered for placement.

13 2. As used in this section, the [term] **following terms shall mean:**

14 (1) "Adult sibling", any brother or sister of whole or half-blood  
15 who is at least eighteen years of age;

16 (2) "Relative" [means], a grandparent or any other person related to  
17 another by blood or affinity or a person who is not so related to the child but has  
18 a close relationship with the child or the child's family. The status of a  
19 grandparent shall not be affected by the death or the dissolution of the marriage

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

20 of a son or daughter;

21 **(3) "Sibling", one of two or more individuals who have one or**  
22 **both parents in common through blood, marriage, or adoption,**  
23 **including siblings as defined by the child's tribal code or custom.**

24 3. The following shall be the order or preference for placement of a child  
25 under this section:

26 (1) Grandparents;

27 (2) **Adult siblings or parents of siblings;**

28 **(3) Relatives related by blood or affinity within the third degree;**

29 ~~[(3)]~~ **(4) Other relatives; and**

30 ~~[(4)]~~ **(5) Any foster parent who is currently licensed and capable of**  
31 **accepting placement of the child.**

32 4. The preference for placement and first consideration for grandparents  
33 or preference for placement with other relatives created by this section shall only  
34 apply where the court finds that placement with such grandparents or other  
35 relatives is not contrary to the best interest of the child considering all  
36 circumstances. If the court finds that it is contrary to the best interest of a child  
37 to be placed with grandparents or other relatives, the court shall make specific  
38 findings on the record detailing the reasons why the best interests of the child  
39 necessitate placement of the child with persons other than grandparents or other  
40 relatives.

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

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

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

55 8. A grandparent or other relative may, on a case-by-case basis, have

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

60 9. The guardian ad litem shall ascertain the child's wishes and feelings  
61 about his or her placement by conducting an interview or interviews with the  
62 child, if appropriate based on the child's age and maturity level, which shall be  
63 considered as a factor in placement decisions and recommendations, but shall not  
64 supersede the preference for relative placement created by this section or be  
65 contrary to the child's best interests.

✓

Bill

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