

SECOND REGULAR SESSION

# SENATE BILL NO. 653

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3423S.011

## AN ACT

To repeal section 210.566, 210.790, and 211.171, RSMo, and to enact in lieu thereof two new sections relating to foster parents.

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

Section A. Section 210.566, 210.790, and 211.171, RSMo, are repealed and  
2 two new sections enacted in lieu thereof, to be known as section 210.566 and  
3 211.171, to read as follows:

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] **a child is**  
11 **placed with the prospective foster parent, at** initial licensure, and at the  
12 time of each licensure renewal following the initial licensure 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

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

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] A  
23 foster [parents] **parent** shall be provided with any information regarding the  
24 child or the child's family, including but not limited to the case plan, any family  
25 history of mental or physical illness, sexual abuse of the child or sexual abuse  
26 perpetrated by the child, criminal background of the child or the child's family,  
27 fire-setting or other destructive behavior by the child, substance abuse by the  
28 child or child's family, or any other information which is pertinent to the care and  
29 needs of the child and to protect the foster or adoptive family. **The children's**  
30 **division and its contractors shall provide full access to the child's**  
31 **medical, psychological, and psychiatric records, including records prior**  
32 **to the child coming into care, at the time the child is placed with a**  
33 **foster parent.** Knowingly providing false or misleading information to foster  
34 parents in order to secure placement shall be denoted in the caseworker's  
35 personnel file and shall be kept on record by the division.

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

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

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

47 (6) The children's division and its contractors shall establish reasonably  
48 accessible respite care for children in foster care for short periods of time, jointly  
49 determined by foster parents and the child's caseworker pursuant to section  
50 210.545. Foster parents shall follow all procedures established by the children's  
51 division and its contractors for requesting and using respite care.

52 (7) Foster parents shall treat all information received from the children's  
53 division and its contractors about the child and the child's family as  
54 confidential. Information necessary for the medical or psychiatric care of the

55 child may be provided to the appropriate practitioners. Foster parents may share  
56 information necessary with school personnel in order to secure a safe and  
57 appropriate education for the child. Additionally, foster parents shall share  
58 information they may learn about the child and the child's family, and concerns  
59 that arise in the care of the child, with the caseworker and other members of the  
60 child welfare team. Recognizing that placement changes are difficult for children,  
61 foster parents shall seek all necessary information, and participate in  
62 preplacement visits whenever possible, before deciding whether to accept a child  
63 for placement.

64           3. (1) Foster parents shall make decisions about the daily living concerns  
65 of the child, and shall be permitted to continue the practice of their own family  
66 values and routines while respecting the child's cultural heritage. All discipline  
67 shall be consistent with state laws and regulations. The children's division shall  
68 allow foster parents to help plan visitation between the child and the child's  
69 siblings or biological family. Visitations should be scheduled at a time that meets  
70 the needs of the child, the biological family members, and the foster family  
71 whenever possible. Recognizing that visitation with family members is an  
72 important right of children in foster care, foster parents shall be flexible and  
73 cooperative with regard to family visits.

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

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

85           4. (1) Consistent with state laws and regulations, the children's division  
86 and its contractors shall provide, upon request by the foster parents, information  
87 about a child's progress after the child leaves foster care.

88           (2) Except in emergencies, foster parents shall be given two weeks  
89 advance notice and a written statement of the reasons before a child is removed  
90 from their care. When requesting removal of a child from their home, foster

91 parents shall give two weeks advance notice, consistent with division policy, to  
92 the child's caseworker, except in emergency situations.

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

96 (4) If a child becomes free for adoption while in foster care, the child's  
97 foster family shall be given preferential consideration as adoptive parents  
98 consistent with section 453.070.

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

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

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

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

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

211.171. 1. The procedure to be followed at the hearing shall be  
2 determined by the juvenile court judge and may be as formal or informal as he  
3 or she considers desirable, consistent with constitutional and statutory  
4 requirements. The judge may take testimony and inquire into the habits,  
5 surroundings, conditions and tendencies of the child and the family to enable the  
6 court to render such order or judgment as will best promote the welfare of the

7 child and carry out the objectives of this chapter.

8           2. The hearing may, in the discretion of the court, proceed in the absence  
9 of the child and may be adjourned from time to time.

10           3. **[The] A current foster [parents] parent** of a child, or any preadoptive  
11 parent or relative currently providing care for the child, shall be provided with  
12 notice of, and an opportunity to be heard in, any hearing to be held with respect  
13 to **[the] a child in his or her care**, and a foster parent shall have standing to  
14 participate in all court hearings pertaining to a child in their care. **If a foster**  
15 **parent alleges the court failed to allow the foster parent to be heard**  
16 **orally or by submission of correspondence, the foster parent may seek**  
17 **remedial writ relief in a higher court pursuant to Missouri supreme**  
18 **court rules 84.24 and 94. No docket fee shall be required to be paid by**  
19 **the foster parent. The children's division shall not remove a child from**  
20 **placement with the foster parent based solely upon the foster parent's**  
21 **filing of a petition for a remedial writ.**

22           4. **The court shall ensure a child's foster parent has received full**  
23 **access to the child's medical, psychological, and psychiatric records,**  
24 **including prior records, from the children's division and its contractors**  
25 **under section 210.566.**

26           5. All cases of children shall be heard separately from the trial of cases  
27 against adults.

28           **[5.] 6.** Stenographic notes or an authorized recording of the hearing shall  
29 be required if the court so orders or, if requested by any party interested in the  
30 proceeding.

31           **[6.] 7.** The general public shall be excluded and only such persons  
32 admitted as have a direct interest in the case or in the work of the court except  
33 in cases where the child is accused of conduct which, if committed by an adult,  
34 would be considered a class A or B felony; or for conduct which would be  
35 considered a class C felony, if the child has previously been formally adjudicated  
36 for the commission of two or more unrelated acts which would have been class A,  
37 B or C felonies, if committed by an adult.

38           **[7.] 8.** The practice and procedure customary in proceedings in equity  
39 shall govern all proceedings in the juvenile court; except that, the court shall not  
40 grant a continuance in such proceedings absent compelling extenuating  
41 circumstances, and in such cases, the court shall make written findings on the  
42 record detailing the specific reasons for granting a continuance.

43            [8.] 9. The court shall allow the victim of any offense to submit a written  
44 statement to the court. The court shall allow the victim to appear before the  
45 court personally or by counsel for the purpose of making a statement, unless the  
46 court finds that the presence of the victim would not serve justice. The statement  
47 shall relate solely to the facts of the case and any personal injuries or financial  
48 loss incurred by the victim. A member of the immediate family of the victim may  
49 appear personally or by counsel to make a statement if the victim has died or is  
50 otherwise unable to appear as a result of the offense committed by the child.

                 [210.790. A foster parent shall have standing to participate  
2            in all court hearings pertaining to a child in their care.]

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Bill

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