

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

August 9, 2007

MEMORANDUM**What's Inside:**Senate Bill 577
Senate Bill 25
Senate Bill 84

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND CHILDREN'S DIVISION STAFF

FROM: PAULA NEESE, DIRECTOR

SUBJECT: 2007 Legislative Changes; Senate Bill 577; Senate Bill 25; Senate Bill 84

DISCUSSION:

The purpose of this memorandum is to introduce legislation that was passed in the 2007 legislative session that will impact the Children's Division. The Medicaid coverage provided to former foster care youth by Senate Bill 577 has already gone into effect. Senate Bill 25 and Senate Bill 84 will go into law August 28, 2007. The summaries provided below only include those provisions which impact the Children's Division. For the full bill text, please go to the link on each bill. Any policy changes required by these bills will be forthcoming.

[SENATE BILL 577](#)

This act extends Medicaid coverage for former foster care youth from the ages of 18 to 21 without regard to income or assets, provided they were in foster care on their eighteenth birthday. Please see memoranda [CD07-34](#) and [CD07-38](#) for more information on this.

[SENATE BILL 84](#)

- **CRIMINAL BACKGROUND CHECKS IN EMERGENCY PLACEMENTS**

This act modifies provisions relating to criminal background checks when there has been an emergency placement of a child in a private home. Under current law, the criminal background check must be made within fifteen business days and there is an exception for conducting background checks for family members who are within the second degree of consanguinity (grandparents) of the child.

This act provides that the criminal background check be made within fifteen calendar days and removes the family member exception. These changes are consistent with

Federal Bureau of Investigation regulations on emergency use of its system for background checks for the placement of children in out-of-home care. (Section 210.482)

- **CRIMINAL BACKGROUND CHECKS**

This act allows the Children's Division to waive the fingerprint background check requirement for a foster care applicant when recertifying the foster care home. (Section 210.487) The Children's Division will not change its policy and will continue to require fingerprint checks at relicensure.

- **INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN**

This act revises the Interstate Compact for the Placement of Children. The compact is an existing agreement between the states regarding the placement of children from one state to another. The compact facilitates ongoing supervision of a placement, the delivery of services, and communication between the states and ensures that children are placed in safe and suitable homes in a timely manner. Adoption of the revised compact makes Missouri a member of the Interstate Commission for the Placement of Children and requires the state to establish a central state compact office to be responsible for state compliance with the compact and rules of the commission. The compact establishes the powers and duties of the interstate commission and specifies provisions regarding bylaws, structure, rule-making authority, financing mechanism, a process for dispute resolution, and enforcement. The compact becomes effective August 28, 2007, or upon legislative enactment of the compact into law by no less than 35 states, whichever occurs later. As only a few states have ratified the new compact, the division will continue operating under the existing compact until further notice.

- **TERMINATION OF PARENTAL RIGHTS**

This act requires a juvenile officer and/or the division to file a petition for the termination of parental rights within 60 days of a judicial determination that, due to certain egregious circumstances, reunification is no longer required. Filing a petition after 60 days will not prohibit the court's jurisdiction to adjudicate a petition for the termination of parental rights. (Section 211.447)

- **EDUCATIONAL NEEDS OF CHILDREN IN RESIDENTIAL CARE FACILITIES**

This act requires the Department of Elementary and Secondary Education to, in conjunction with the Department of Social Services, conduct a study to determine the means of ensuring that the educational needs of certain children in residential care facilities are met in terms of setting and amount, and submit a report on the study to the Governor and Missouri General Assembly on or before November 1, 2007.

The report shall include, but not be limited to, the following:

- Recommendations relating to detailed procedures and timetables to determine the appropriate amount of hours in a school day for the specific child;

- Recommendations on determining the appropriateness of the education for such children described under this section who do not have individualized education programs or are without a pending referral for special education services; and

- Recommendations for determining the responsibility, financial or otherwise, among either the local school district and child placing agency or both as to the proper and timely placement of such children in an appropriate educational setting.

SENATE BILL 25

- CHILD ABUSE AND NEGLECT INVESTIGATIONS

This act prohibits the Missouri Children's Division from closing a child abuse or neglect investigation if a child subject to the investigation dies during the course of the investigation, until such time as any separate investigation by the Division regarding the death is completed. (Section 210.145)

- FOSTER PARENTS' BILL OF RIGHTS

This act modifies several provisions regarding the rights of foster parents, and states that the children's division and its contractors shall provide foster parents with written notification of the rights enumerated in this act at the time of initial licensure or renewal of licensure.

The act provides that the division and its contractors shall provide foster parents with regularly scheduled opportunities for preservice training and pertinent inservice training, as determined by the Missouri State Foster Care and Adoption Advisory Board. The division and its contractors shall provide to foster and potential adoptive parents, prior to placement of children, a full disclosure of all medical, psychological, and psychiatric conditions of the child, information from previous placements that would indicate a propensity of the child to engage in violent or destructive behavior, information related to the child or child's family including history of mental or physical illness, sexual abuse or perpetration, criminal background, fire-setting or other destructive behavior, substance abuse, or any other information that is pertinent to the care and needs of the child and protection of the foster or adoptive family. Knowingly providing false or misleading information in order to secure placement for a child shall be denoted in the caseworker's file and shall be kept on record by the division. Foster parents shall be informed in a timely manner of all team meetings related to licensure status or children placed in their home. Foster parents shall follow all division and contractor procedures related to requesting and using respite care.

The act also provides that foster parents may share otherwise confidential information about children in their care with school personnel in order to secure safe and appropriate education for such children, and may share such information as is necessary for medical or psychiatric care of the child. Foster parents also must share any concerns that arise in the care of any child in their home with members of the child welfare team. Foster parents are also required to be flexible and cooperative with regard to family visits.

The act states that the division and its contractors shall provide foster parents with training that specifically addresses cultural needs of foster children, including but not limited to skin and hair care, and religious or cultural practices of the child's biological family, and shall provide referrals to community resources for ongoing education and support. Foster parents shall use discipline methods which are consistent with division policy.

The act also provides that foster parents shall give two weeks notice when requesting removal of a child in their home, except in emergency situations. Also, if a child reenters the foster care system and cannot be placed in a relative home, such child's former foster parents shall be given first consideration for placement of the child. If a foster child becomes free for adoption, foster parents shall inform the caseworker within 60 days of any inquiry as to whether they desire to pursue adoption, and if they choose not to do so, foster parents shall support the child's placement in a permanent home by providing information on the history and care needs of the child, as well as accommodating transitional visitation. The act provides that foster parents shall be informed by the court no later than two weeks prior of all court hearings pertaining to a child in their care.

The act also provides that the division and its contractors shall provide access to an impartial grievance procedure to address issues relating to foster parent licensure, case management decisions, and service issues. (Section 210.566)

NECESSARY ACTION:	
<ol style="list-style-type: none"> 1. Review this memorandum with all Children's Division staff. 2. Review revised Child Welfare Manual chapters as indicated below. 3. All questions should be cleared through normal supervisory channels and directed to: 	
PDS CONTACT: Steve Cramer 573-522-9306 Steve.W.Cramer@dss.mo.gov	DEPUTY DIRECTOR: James C. Harrison 573-751-2502 James.C.Harrison@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS: Forthcoming	