

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

February 11, 2010

MEMORANDUM

**What's Inside:**  
Protocol for  
RSMo 210.305  
(HB 154) and HR  
6893

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

FROM: PAULA NEESE, DIRECTOR

SUBJECT: PROTOCOL FOR RSMo 210.305 (HB 154) AND HR 6893 FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT

DISCUSSION:

The purpose of this memorandum is to introduce the protocol for RSMo 210.305, HB 154, which became effective on August 28, 2009, and the Fostering Connections to Success and Increasing Adoptions Act, HR 6893, which became law on October 7, 2008. Memorandum [CD09-82](#) outlined the provisions of the 2009 legislation.

**RSMo 210.305, House Bill 154**

*Requirements*

This bill gives grandparents first consideration for placement before other relative options and requires an immediate diligent search to locate, contact, and place with a grandparent once a decision has been made to take protective custody of a child during the first (3) three hours after custody. Notification can occur prior to custody, but notification **and** placement must occur no later than three (3) hours after custody.

The statute also requires that staff place with grandparents unless that decision is contrary to the welfare of the child. If a grandparent or grandparents, or other relatives of the child cannot be located within the three (3) hour period, the child may be placed in an emergency placement. However, the bill requires staff to continue to make diligent efforts, while the child is in care, to contact, locate, and place the child with a grandparent or another relative, with first consideration given to a grandparent for placement.

*Prior to Placement Change*

Staff are still required to conduct a Family Support Team (FST) meeting prior to a change in placement unless the change occurs during an emergency. When making the

decision to move a child from an emergency placement to a placement with grandparents, staff should consider the situation (traumatic event, injuries), time of day, and the age of the child. Prior to placement, the appropriate background screenings must be completed. Staff should conduct the necessary background screenings after the grandparents are contacted and are interested in being a resource provider for the child. These efforts must be documented in the case narrative in FACES, on the child's Child Assessment and Service Plan, CS-1, and in the affidavit or protective custody request.

### *Locating the Grandparents*

Staff should utilize all available resources to meet the ongoing health and safety needs of the child, and to locate a grandparent or grandparents of the child after all of the child's physical needs have been attended to. A good faith attempt to locate grandparents should be documented in writing. At minimum staff must:

- Ask the parents, children, and other relatives for names, addresses, and/or other contact information for all of the grandparents, if unknown;
- Utilize diligent search efforts to locate the grandparents, if their whereabouts are unknown;
- Attempt to notify grandparents, and leave a message asking them to return the call;
- Ask grandparents if they are interested in placement of the child;
- If more than one grandparent requests placement, the family support team will make a recommendation to the court regarding placement.

**If the child is not placed with grandparents, staff must document in writing the facts about why the placement is not in the best interest of the child.**

### **Fostering Connections to Success and Increasing Adoptions Act**

The Fostering Connections to Success and Increasing Adoption Act requires the Children's Division to identify and notify **all** adult grandparents and **other** adult relatives within 30 days when a child is removed from the custody of their parent(s) unless there is domestic violence. According to section 210.565, a relative is defined as a grandparent or any other person related to another by blood or affinity (marriage or adoption) within the third degree. Some of these relatives may include: parents, spouses, adult siblings, grandparents, grandchildren, aunts, uncles, nephews, nieces, great-grandparents, great-grandchildren, great aunts, great uncles, half-brother, half-sister, and first cousins. Relatives by affinity may include: stepparent, stepbrother, and stepsister.

If relatives cannot be identified or found initially, the search for relatives should continue while the child is in care. When a suitable grandparent or relative has been located, consideration should be given to placement with the grandparent or relative as part of the primary or concurrent permanency plan for the child. Prior to placement, the appropriate background screening must be completed. Staff should conduct the necessary background screenings after the relatives are contacted and are interested in being a resource provider for the child. Efforts to locate relatives must be documented in

the case narrative in FACES and on the child's Child Assessment and Service Plan, CS-1.

When notifying relatives, staff should disclose the following:

- The child has been or is being removed from the parent(s). Staff do not need to go into detail about the reason for removal as any removal related to the parents' health and mental health information is protected;
- The options the relative has according to the law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;
- The requirements to become a resource family home and the additional services and support that are available for children; and
- How guardianship could be a possible outcome for the child.

### **Diligent Search Efforts**

Complete diligent search efforts to locate relatives are outlined in [Section 4 Chapter 4 Attachment A](#) of the Child Welfare Manual. At a minimum, staff should complete the following activities to help identify and locate relatives:

- Ask the biological family for information regarding their relatives;
- Ask known relatives, friends, and neighbors for information regarding other relatives;
- Utilize resources such as: FACES, FAMIS, Child Support, IMES, IBTH, IDTH, etc.;
- Search previous case records including genograms;
- Utilize the telephone directory;
- Search court records and the court database;
- Make in-person and/or telephone contacts with family, friends, and neighbors at the parent/relative's previous addresses;
- Send "certified, return receipt requested" letters to the previous addresses of individuals not contacted in person; and
- Thoroughly document all diligent search efforts, face to face contacts, and telephone contacts including who was contacted, their relation to the child, and details of the discussion in the case narrative in FACES and on the child's CS-1.

It is important to note that these two legislative changes allow for staff to contact grandparents and other relatives without a signed release of information form or permission from the parents. The law does not require CD to obtain the permission of the parent, custodian, or guardian to place a child with a grandparent or relative after the child is in protective custody and lawfully placed with the Children's Division. A parent, custodian, or guardian who objects to the placement with the grandparent is not sufficient to rule out the placement. If it is advised that a parent or other individual objects to the placement, the worker should obtain the specific, factual basis for the objection and then take that into consideration in assessing whether placement with the grandparent or relative is not in the best interests of the child. Each child's situation must be assessed on the unique facts of his or her situation on a case by case basis. Staff should explain to parents who disagree with the relative notification that the law requires relative notification and placement.

There are several laws relating to the placement of children in alternative care. As a result, a [hierarchy](#) has been developed to help staff determine the criteria to follow when placing children. Ultimately, the placement decision should be based on the specific facts of the case and best interest for the child. This hierarchy will help guide staff to ensure placement decisions are made in accordance with the law. The hierarchy lists the potential placement options in the order in which they should be considered. For example:

- There are three children who come into care;
- All three children have the same mother;
- All three children have different fathers;
- The father to one of the children is considered to be a fit parent and would like to be a placement resource for all three children. The other two fathers are not appropriate for placement;
- The maternal grandparents would also like to be a placement resource for all three children.

Based on the law, all three children should be placed together with the father who has been considered to be a fit parent because placement with a fit parent and placement with siblings supersedes the grandparents' right to placement.

The [University of Missouri](#) has developed a website specifically for grandparents containing resources which can be shared with grandparents.

The Child Welfare Manual has been revised to reflect the changes outlined in this memorandum. The Child/Family Health and Developmental Assessment, CW-103, has been modified to include a relative section for parents to list known relatives and their contact information. The new protocol for RSMo 210.305, House Bill 154, and the Fostering Connections to Success and Increasing Adoptions Act will be effective as of today's date.

<b>NECESSARY ACTION:</b>	
<ol style="list-style-type: none"> <li>1. Review this memorandum with all Children's Division staff.</li> <li>2. Review revised Child Welfare Manual chapters as indicated below.</li> <li>3. All questions should be cleared through normal supervisory channels and directed to:</li> </ol>	
<b>PDS CONTACT:</b> Christy Collins (573) 751-9603 <a href="mailto:Christy.Collins@dss.mo.gov">Christy.Collins@dss.mo.gov</a>	<b>PROGRAM MANAGER:</b> Dena Driver (573) 751-3171 <a href="mailto:Dena.Driver@dss.mo.gov">Dena.Driver@dss.mo.gov</a>
<b>CHILD WELFARE MANUAL REVISIONS:</b>	
Section 4 Chapter 4 Subsection 2 <a href="#">Guidelines for Initial Placement Resource Selection</a> Section 4 Chapter 4 Subsection 5 <a href="#">Selecting the Placement Resource</a> Section 4 Chapter 4 Attachment A <a href="#">Locating the Non-custodial Parent</a> Section 4 Chapter 4 Attachment B <a href="#">Guidelines to Placement Options, Criteria and Selection</a> Section 4 Chapter 7 Subsection 1 <a href="#">Begin Work with the Family/Child(ren)</a>	

<p><b>FORMS AND INSTRUCTIONS</b>  <a href="#">Child/Family Health and Developmental Assessment</a>, CW-103</p>
<p><b>REFERENCE DOCUMENTS AND RESOURCES</b>  <a href="#">Welcome! - College of Education   University of Missouri</a>  <a href="#">Placement Hierarchy</a></p>
<p><b>RELATED STATUTE</b>  <a href="#">HB 154</a>  <a href="#">HR 6893 Fostering Connections to Success and Increasing Adoptions Act</a>  <a href="#">RSMo 210.565</a></p>
<p><b>ADMINISTRATIVE RULE</b>  N/A</p>
<p><b>COUNCIL ON ACCREDITATION (COA) STANDARDS</b>  <a href="#">Council on Accreditation Standard for Child Placement</a>  <a href="#">Council on Accreditation Standard for Relative Placement</a></p>
<p><b>CHILD AND FAMILY SERVICES REVIEW (CFSR)</b>  <a href="#">CFSR Instrument, Item 8, Reunification, Guardianship, or Placement with Relatives</a>  <a href="#">CFSR Instrument, Item 14, Preserving Connections</a>  <a href="#">CFSR Instrument, Item 15, Relative Placement</a></p>
<p><b>PROTECTIVE FACTORS</b>  Parental Resilience-N/A  <a href="#">Social Connections</a>  Knowledge of Parenting and Child Development-N/A  <a href="#">Concrete Support in Times of Need</a>  Social and Emotional Competence of Children-N/A</p>
<p><b>FACES REQUIREMENTS</b>  N/A</p>