

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

August 23, 2023

M E M O R A N D U M

TO: CHILDREN'S DIVISION AND CONTRACTED STAFF
FROM: DARRELL MISSEY, DIRECTOR
SUBJECT: 2023 LEGISLATION AFFECTING CHILDREN'S DIVISION

DISCUSSION:

There were some bills enacted this session which impact the work of Children's Division and the families we serve. This memorandum is an overview of the new or amended statutes but is not all-inclusive as some portions of the bills may not be directly relevant to the work of Children's Division. All of the relevant changes to statute, policy and practice will take effect on August 28, 2023.

This memorandum will briefly discuss these new statutes. Additional information will be provided through trainings and appropriate policy changes. Provisions of the following Senate Bill (SB) summaries are included for discussion:

[SB 24](#)

ADOPTION TAX CREDIT (SECTIONS 135.327 to 135.333)

Current law authorizes a nonrefundable tax credit for nonrecurring adoption expenses, not to exceed \$10,000 per child, with an annual limit of \$6 million dollars in tax credits. This act indexes the maximum per-child credit for inflation, makes the tax credit refundable, removes the \$6 million limit, and provides that, for tax years ending on or before December 31, 2023, priority for authorizing tax credits shall be given to applications for children with special needs who are residents or wards of residents of this state.

[SB 40](#)

BACKGROUND CHECKS (Section 43.539 & 43.540)

The act modifies provisions of law relating to background checks of individuals in connection with licensed residential care facilities and licensed child placing agencies. The prior law required officers, managers, and support staff to undergo background checks and this act repeals that provision. This act requires the background check to include a state background check.

SB 186

OFFICE OF CHILD ADVOCATE (Section 37.725)

This act allows the Office of the Child Advocate to disclose the identity of any complainant if the disclosure is at the request of law enforcement as part of an investigation.

MISSING CHILDREN (Sections 43.400, 43.401, & 210.795)

This act defines “missing child” or “missing juvenile” in the context of law enforcement searches to include a person who is under eighteen (18) years or who is in foster care regardless of the person's age or who is an emancipated minor as defined in Section 302.178, a homeless youth as defined in Section 167.020, or an unaccompanied minor as defined in Section 210.121.

Any agency, placement provider, including the Children's Division, parent, or guardian, with the care and custody of a child who is missing shall file a missing child complaint with the appropriate law enforcement agency within two (2) hours of determining the child to be missing. This act further requires the case manager to document the report number and any relevant information in the child's record. The law enforcement agency shall immediately submit information on the missing child to the National Center for Missing and Exploited Children (NCMEC). The law enforcement agency shall institute a proper investigation and search for the missing child and maintain contact with the agency or placement provider making the complaint. The missing child's entry shall not be removed from any database or system until the child is found or the case is closed.

The act further requires the Division to inform and obtain information about the child's disappearance from the child's parents, known relatives, out-of-home caregivers, attorney, guardian or guardian ad litem, court appointed special advocate, juvenile officer, or Indian tribe, as applicable, or from any other person known to the Division who may have relevant information regarding the child's disappearance within twenty-four (24) hours of a report being made.

The act requires the child's case manager to do the following:

- (1) Within one (1) week and monthly thereafter, maintain contact with the child's family members, friends, school faculty, and service providers and with any other person or agency involved in the child's case;
- (2) Document ongoing efforts to locate the child; and
- (3) Make quarterly reports to the court about the status of the child and efforts to locate the child.

The act requires the Division to contact law enforcement every seven (7) days and document the information provided and any information received.

The act prohibits the Division from filing a petition with the court for a release of jurisdiction for the child or to stop searching for the child while the child is missing until the child reaches the age of twenty-one (21).

The act requires the Division to maintain protocols, including appropriate trainings, for conducting ongoing searches for children missing from care. The protocols must include preventative measures to identify and mitigate risk to children who are at increased risk for running away or disappearing or of being victims of trafficking as defined under section 566.200.

The act requires the Division to ensure that each child in the care and custody of the Division has an updated photograph in the child's record.

When a child is located, this act requires the Division to:

- (1) Inform all law enforcement agencies and organizations involved in the child's case; and
- (2) Have in-person contact with the child within twenty-four (24) hours after the child is located to assess the child's health, experiences while absent, the appropriateness of the child returning to the child's current placement, and the factors that contributed to the child's absence.

This act requires any employee or contractor with the Children's Division, service providers contracted with the Division, child welfare agencies, other state agencies, or schools to, upon becoming aware that an emancipated minor or homeless youth, as such term is defined in Section 302.178, a homeless youth as defined in section 167.020, or an unaccompanied minor as defined in section 210.121 is missing, inform the appropriate law enforcement agency and NCMEC within 24 hours.

This act requires the Division to assess whether the child was a victim of trafficking and determine any factors that caused the child to go missing within 24 hours of a missing child being found.

This act allows the General Assembly to require an annual independent audit of the Division's compliance with this section.

MISSOURI RAP BACK PROGRAM (Sections 43.539 & 43.540)

Under the prior law, an entity participating in the Missouri Rap Back Program may request a person's updated criminal history record if the person has previously had a Missouri and national criminal record review within the previous six years. This legislation repeals the six year requirement.

CHILD PLACEMENT (Sections 210.305 & 210.565)

This legislation modifies law regarding diligent searches for grandparents or relatives when a child is removed from a home and in need of placement.

Pursuant to this act, the definition of "diligent search" shall include, but is not limited to:

- (1) Interviews with the child's parent during the course of an investigation, while child protective services are provided, and while such child is in care;
- (2) Interviews with the child;
- (3) Interviews with identified grandparents or relatives throughout the case;
- (4) Interviews with any other person who is likely to have information about the identity or location of the person being sought;
- (5) Comprehensive searches of databases available to the children's division;
- (6) Appropriate inquiry during the course of hearings in the case; and
- (7) Any other reasonable means that are likely to identify grandparents, relatives, or other persons who have demonstrated an ongoing commitment to the child.

The act requires the Division to continue the search for the relative or relatives until the Division locates the relative or relatives of the child for placement, searches for six (6) months following the child's entry into out-of-home placement, or until the court excuses further search, whichever occurs first. It further requires the Division to resume the search efforts if ordered by the court, a change in the child's placement occurs, or a party shows that continuing the search is in the best interests of the child.

The act requires the Division to file information with the court regarding attempts made under this section within thirty (30) days from the date the child was removed from his or her home, or as otherwise required by the court, and at each periodic review hearing. The act specifically requires such information to include:

- (1) A detailed narrative explaining the division's efforts to find and consider each potential placement and the specific outcome;
- (2) The names of and relevant information about grandparents and relatives of the child;
- (3) Steps taken by the division to locate and contact grandparents and relatives of the child;
- (4) Responses received from grandparents and relatives of the child;
- (5) Dates of each attempted or completed contact with a grandparent or relative of the child;

(6) Reasons why a grandparent or relative of the child was not considered for emergency or permanent placement of the child; and

(7) All efforts for placement of the child through an interstate compact agreement under section 210.620, including:

- (a) The names of grandparents or relatives of the child who were considered for an interstate placement;
- (b) Any pending placement of the child through an interstate compact agreement; and
- (c) All potential out-of-state placements outside of an interstate compact agreement and the reasons such placements have not been initiated.

If an out-of-state placement option exists and the Division has failed to file a request with the receiving state under the requirements of an interstate compact agreement under section 210.620, this act requires the court to enter a finding that the Division has not made a due diligence search and to order the Division to file a request with the receiving state under the terms of the interstate compact.

The act requires all grandparents or relatives to the child identified in a diligent search required by this section, subject to exceptions due to family or domestic violence or other safety concerns, to be provided with notice, via certified mail as appropriate that includes, but is not limited to:

- (1) A specification that an alleged dependent child has been or is being removed from his or her parental custody;
- (2) An explanation of the options a grandparent or relative has to participate in the care and placement of the alleged dependent child and any options that may be lost by failing to respond to the notice;
- (3) A description of the process for becoming a licensed foster family home and the additional services and supports available for children placed in approved foster homes;
- (4) A description of any financial assistance for which a grandparent or relative may be eligible; and
- (5) An explanation that any response received after thirty days or willful failure to respond upon receiving a notice may result in the grandparent or relative of the child not being considered for placement.

If a grandparent or relative entitled to notice under this section fails to respond to the Division, responds and declines to be considered as placement for the child, or is otherwise presently prevented from being considered as placement for the child and later petitions the court for a change in placement, the act requires such person to provide evidence that such change is in the child's best interests.

The act requires the Division to complete a diligent search to locate and notify the grandparents, adult siblings, parents of siblings of the child, and all other relatives and determine whether they wish to be considered for placement of the child. It revises the definition of "Relative", to include a foster parent or kinship caregiver with whom a child

has resided for 9 months or more is a person who has a close relationship with the child, and deletes the previous standard of a person being “related by blood or affinity within the third degree”.

The act provides, absent evidence to the contrary, the court may presume that continuation of a child’s placement with his or her current caregivers is in the child’s best interests.

[HB 447](#)

FOSTER CHILD ENROLLMENT (Section 167.019)

In the event a best interest determination is not completed within ten (10) days of a child being placed in a foster care placement located in a school district different than the child’s school district prior to the placement, it shall be deemed that enrollment in the district where the child resides as a result of the foster care placement shall be in the best interests of the child. This determination only applies to cases where the distance between the child’s residential address as a result of placement and the school building that was the child’s previous school is more than ten (10) miles, or fifteen (15) miles if the child is receiving service from a special school district.

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| 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: | |
| SAP CONTACT | MANAGER CONTACT |
| Scott B. Montgomery, MSW Scott.B.Montgomery@dss.mo.gov | Arlene Damron Arlene.Damron@dss.mo.gov |
| CHILD WELFARE MANUAL REVISIONS | |
| Section 4, Chapter 4 (Working with Children), Subsection 8 – Missing Person Report Procedure Section 4 Chapter 9.6.13 Missouri Special Needs Adoption Tax Credit Section 4, Chapter 10 (Case Management Activities), Subsection 2 – Diligent Search and Placement Guidance Section 6 Chapter 20.3 Responsibilities of the Resource Parent Section 6 Chapter 16.1 Relative Resource Home – Definition and Purpose | |
| FORMS AND INSTRUCTIONS | |
| CD 203 Relative Notification Letter CD 308 Missing Youth Status Report | |
| REFERENCE DOCUMENTS AND RESOURCES | |
| N/A | |

RELATED STATUTE

Sections 37.725, 43.400, 43.401, 43.539, 43.540, 135.327 to 135.333, 167.019, 210.305, 210.565, and 210.795.