

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 229

AN ACT

To repeal sections 210.109 and 210.112, RSMo, and to enact in lieu thereof two new sections relating to children's division contracts.

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

Section A. Sections 210.109 and 210.112, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.109 and 210.112, to read as follows:

210.109. 1. The children's division shall establish a child protection system for the entire state.

2. The child protection system shall promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments and providing services in response to reports of child abuse or neglect. The system shall coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

3. In addition to any duties specified in section 210.145, in implementing the child protection system, the division shall:

(1) Maintain a central registry;

(2) Receive reports and establish and maintain an information system operating at all times, capable of receiving and maintaining reports;

(3) Attempt to obtain the name and address of any person making a report in all cases, after obtaining relevant information regarding the alleged abuse or neglect, although reports may be made anonymously; except that,

reports by mandatory reporters under section 210.115, including employees of the children's division, juvenile officers, and school personnel shall not be made anonymously, provided that the reporter shall be informed, at the time of the report, that the reporter's name and any other personally identifiable information shall be held as confidential and shall not be made public as provided under this section and section 211.319;

(4) Upon receipt of a report, check with the information system to determine whether previous reports have been made regarding actual or suspected abuse or neglect of the subject child, of any siblings, and the perpetrator, and relevant dispositional information regarding such previous reports;

(5) Provide protective or preventive services to the family and child and to others in the home to prevent abuse or neglect, to safeguard their health and welfare, and to help preserve and stabilize the family whenever possible. The juvenile court shall cooperate with the division in providing such services;

(6) Collaborate with the community to identify comprehensive local services and assure access to those services for children and families where there is risk of abuse or neglect;

(7) Maintain a record which contains the facts ascertained which support the determination as well as the facts that do not support the determination;

(8) Whenever available and appropriate, contract for the provision of children's services through children's services providers and agencies in the community; except that the state shall be the sole provider of child abuse and neglect hotline services, the initial child abuse and neglect investigation, and the initial family assessment.

To assist in its child abuse and neglect investigation, the division may contract for services designed to ascertain child safety and provide preventative services; provided that a contractor providing child safety services for a child shall not also be a placement provider for that child. The division shall attempt to seek input from child welfare service providers in completing the initial family assessment. In all legal proceedings involving children in the custody of the division, the division shall be represented in court by either division personnel or persons with whom the division contracts with for such legal representation. All children's services providers and agencies shall be subject to criminal background checks pursuant to chapter 43 and shall submit names of all employees to the family care safety registry; and

(9) Upon receipt of a report, attempt to ascertain whether the suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of any branch of the military, as defined under section 40.005, or is a member of the Armed Forces, as defined in section 41.030.

As used in this subsection, "report" includes any telephone call made pursuant to section 210.145.

210.112. 1. It is the policy of this state and its agencies to implement a foster care and child protection and welfare system focused on providing the highest quality of services and outcomes for children and their families. The department of social services shall implement such system subject to the following principles:

- (1) The safety and welfare of children is paramount;
- (2) All providers of direct services to children and their families will be evaluated in a uniform, transparent,

objective, and consistent basis based on an evaluation tool established in this section;

(3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes, and such services shall be tracked and routinely evaluated through a quality assurance program;

(4) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with federal and state standards;

(5) Resources and efforts shall be committed to pursue the best possible opportunity for a successful outcome for each child. Successful outcomes may include preparing youth for a productive and successful life as an adult outside the foster care system, such as independent living. For those providers that work with children requiring intensive twenty-four-hour treatment services, successful outcomes shall be based on the least restrictive alternative possible based on the child's needs as well as the quality of care received; and

(6) All service providers shall prioritize methods of reducing or eliminating a child's need for residential treatment through community-based services and supports.

2. (1) In conjunction with the response and evaluation team established under subsection 3 of this section, as well as other individuals the division deems appropriate, the division shall establish an evaluation tool that complies with state and federal guidelines.

(2) The evaluation tool shall include metrics supporting best practices for case management and service provision including, but not limited to, the frequency of face-to-face visits with the child.

(3) There shall be a mechanism whereby providers may propose different evaluation metrics on a case-by-case basis if such case may have circumstances far beyond those that would be expected. Such cases shall be evaluated by the response and evaluation team under subsection 3 of this section.

(4) Data regarding all evaluation metrics shall be collected by the division on a monthly basis, and the division shall issue a quarterly report regarding the evaluation data for each provider, both public and private, by county. The response and evaluation team shall determine how to aggregate cases for the division and large contractors so that performance and outcomes may be compared effectively while also protecting confidentiality. Such reports shall be made public and shall include information by county.

(5) The standards and metrics developed through this evaluation tool shall be used to evaluate competitive bids for future contracts established under subsection 4 of this section.

3. The division shall create a response and evaluation team. Membership of the team shall be composed of five staff members from the division with experience in foster care appointed by the director of the division; five representatives, one from each contract region for foster care case management contracts under this section, who shall be annually rotated among contractors in each region, which shall appoint the agency; two experts working in either research or higher education on issues relating to child welfare and foster care appointed by the director of the division and who shall be actively working for either an academic institution or policy foundation; one juvenile officer or a Missouri juvenile justice director to be

appointed by the Missouri Juvenile Justice Association; and one juvenile or family court judge appointed by the supreme court. The division shall provide the necessary staffing for the team's operations. All members shall be appointed and the team shall meet for the first time before January 1, 2021. The team shall:

(1) Review the evaluation tool and metrics set forth in subsection 2 of this section on a semiannual basis to determine any adjustments needed or issues that could affect the quality of such tools and approve or deny on a case-by-case basis:

(a) Cases that a provider feels are anomalous and should not be part of developing the case management tool under subsection 2 of this section;

(b) Alternative evaluation metrics recommended by providers based on the best interests of the child under subsections 2 and 5 of this section; or

(c) Review and recommend any structure for incentives or other reimbursement strategies under subsection 6 of this section;

(2) Develop and execute periodic provider evaluations of cases managed by the division and children service providers contracted with the state to provide foster care case management services, in the field under the evaluation tool created under subsection 2 of this section to ensure basic requirements of the program are met, which shall include, but are not limited to, random file review to ensure documentation shows required visits and case management plan notes; and

(3) Develop a system for reviewing and working with providers identified under subdivision (2) of this subsection or providers who request such assistance from the division who show signs of performance weakness to ensure

technical assistance and other services are offered to assist the providers in achieving successful outcomes for their cases.

4. The children's division and any other state agency deemed necessary by the division shall, in consultation with service providers and other relevant parties, enter into and implement contracts with qualified children's services providers and agencies to provide a comprehensive and deliberate system of service delivery for children and their families. Contracts shall be awarded through a competitive process and provided by qualified public and private not-for-profit or limited liability corporations owned exclusively by not-for-profit corporations children's services providers and agencies which have:

(1) A proven record of providing child welfare services within the state of Missouri which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004; and

(2) The ability to provide a range of child welfare services including, but not limited to, case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case management, planned permanent living services, and family reunification services.

No contracts under this section shall be issued for services related to the child abuse and neglect hotline, investigations of alleged abuse and neglect, and initial family assessments, except for services designed to assist the division in ascertaining child safety and providing preventative services. Any contracts entered into by the division shall be in accordance with all federal laws and

regulations, and shall seek to maximize federal funding. Children's services providers and agencies under contract with the division shall be subject to all federal, state, and local laws and regulations relating to the provision of such services, and shall be subject to oversight and inspection by appropriate state agencies to assure compliance with standards which shall be consistent with the federal standards.

5. The division shall accept as *prima facie* evidence of completion of the requirements for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the following nationally recognized bodies: the Council on Accreditation of Services, Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities.

6. Payment to the children's services providers and agencies shall be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Any reimbursement increases made through enhanced appropriations for services shall be allocated to providers regardless of whether the provider is public or private. Such increases shall be considered additive to the existing contracts. In addition to payments reflecting the cost of services, contracts shall include incentives provided in recognition of performance based on the evaluation tool created under subsection 2 of this section and the corresponding savings for the state. The response and evaluation team under subsection 3 of this section shall review a formula to distribute such payments, as recommended by the division.

7. The division shall consider immediate actions that are in the best interests of the children served including,

but not limited to, placing the agency on a corrective plan, halting new referrals, transferring cases to other performing providers, or terminating the provider's contract. The division shall take steps necessary to evaluate the nature of the issue and act accordingly in the most timely fashion possible.

8. By July 1, 2021, the children's division shall promulgate and have in effect rules to implement the provisions of this section and, pursuant to this section, shall define implementation plans and dates. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.