

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 229

102ND GENERAL ASSEMBLY

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1190S.03C

KRISTINA MARTIN, Secretary

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## 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  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 210.109 and 210.112, to read as follows:

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

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

11 3. In addition to any duties specified in section  
12 210.145, in implementing the child protection system, the  
13 division shall:

- 14 (1) Maintain a central registry;
- 15 (2) Receive reports and establish and maintain an  
16 information system operating at all times, capable of  
17 receiving and maintaining reports;

18           (3) Attempt to obtain the name and address of any  
19 person making a report in all cases, after obtaining  
20 relevant information regarding the alleged abuse or neglect,  
21 although reports may be made anonymously; except that,  
22 reports by mandatory reporters under section 210.115,  
23 including employees of the children's division, juvenile  
24 officers, and school personnel shall not be made  
25 anonymously, provided that the reporter shall be informed,  
26 at the time of the report, that the reporter's name and any  
27 other personally identifiable information shall be held as  
28 confidential and shall not be made public as provided under  
29 this section and section 211.319;

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

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

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

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

49           (8) Whenever available and appropriate, contract for  
50 the provision of children's services through children's  
51 services providers and agencies in the community; except  
52 that the state shall be the sole provider of child abuse and  
53 neglect hotline services, the initial child abuse and  
54 neglect investigation, and the initial family assessment.  
55 **To assist in its child abuse and neglect investigation, the**  
56 **division may contract for services designed to ascertain**  
57 **child safety and provide preventative services; provided**  
58 **that a contractor providing child safety services for a**  
59 **child shall not also be a placement provider for that**  
60 **child.** The division shall attempt to seek input from child  
61 welfare service providers in completing the initial family  
62 assessment. In all legal proceedings involving children in  
63 the custody of the division, the division shall be  
64 represented in court by either division personnel or persons  
65 with whom the division contracts with for such legal  
66 representation. All children's services providers and  
67 agencies shall be subject to criminal background checks  
68 pursuant to chapter 43 and shall submit names of all  
69 employees to the family care safety registry; and

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

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

210.112. 1. It is the policy of this state and its  
2 agencies to implement a foster care and child protection and

3 welfare system focused on providing the highest quality of  
4 services and outcomes for children and their families. The  
5 department of social services shall implement such system  
6 subject to the following principles:

7 (1) The safety and welfare of children is paramount;

8 (2) All providers of direct services to children and  
9 their families will be evaluated in a uniform, transparent,  
10 objective, and consistent basis based on an evaluation tool  
11 established in this section;

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

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

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

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

34           2. (1) In conjunction with the response and  
35 evaluation team established under subsection 3 of this  
36 section, as well as other individuals the division deems  
37 appropriate, the division shall establish an evaluation tool  
38 that complies with state and federal guidelines.

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

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

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

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

63           3. The division shall create a response and evaluation  
64 team. Membership of the team shall be composed of five  
65 staff members from the division with experience in foster

66 care appointed by the director of the division; five  
67 representatives, one from each contract region for foster  
68 care case management contracts under this section, who shall  
69 be annually rotated among contractors in each region, which  
70 shall appoint the agency; two experts working in either  
71 research or higher education on issues relating to child  
72 welfare and foster care appointed by the director of the  
73 division and who shall be actively working for either an  
74 academic institution or policy foundation; one juvenile  
75 officer or a Missouri juvenile justice director to be  
76 appointed by the Missouri Juvenile Justice Association; and  
77 one juvenile or family court judge appointed by the supreme  
78 court. The division shall provide the necessary staffing  
79 for the team's operations. All members shall be appointed  
80 and the team shall meet for the first time before January 1,  
81 2021. The team shall:

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

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

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

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

96 (2) Develop and execute periodic provider evaluations  
97 of cases managed by the division and children service

98 providers contracted with the state to provide foster care  
99 case management services, in the field under the evaluation  
100 tool created under subsection 2 of this section to ensure  
101 basic requirements of the program are met, which shall  
102 include, but are not limited to, random file review to  
103 ensure documentation shows required visits and case  
104 management plan notes; and

105 (3) Develop a system for reviewing and working with  
106 providers identified under subdivision (2) of this  
107 subsection or providers who request such assistance from the  
108 division who show signs of performance weakness to ensure  
109 technical assistance and other services are offered to  
110 assist the providers in achieving successful outcomes for  
111 their cases.

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

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

128 (2) The ability to provide a range of child welfare  
129 services including, but not limited to, case management

130 services, family-centered services, foster and adoptive  
131 parent recruitment and retention, residential care, in-home  
132 services, foster care services, adoption services, relative  
133 care case management, planned permanent living services, and  
134 family reunification services.

135 No contracts under this section shall be issued for services  
136 related to the child abuse and neglect hotline,  
137 investigations of alleged abuse and neglect, and initial  
138 family assessments, **except for services designed to assist**  
139 **the division in ascertaining child safety and providing**  
140 **preventative services.** Any contracts entered into by the  
141 division shall be in accordance with all federal laws and  
142 regulations, and shall seek to maximize federal funding.  
143 Children's services providers and agencies under contract  
144 with the division shall be subject to all federal, state,  
145 and local laws and regulations relating to the provision of  
146 such services, and shall be subject to oversight and  
147 inspection by appropriate state agencies to assure  
148 compliance with standards which shall be consistent with the  
149 federal standards.

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

158 6. Payment to the children's services providers and  
159 agencies shall be made based on the reasonable costs of  
160 services, including responsibilities necessary to execute



161 the contract. Any reimbursement increases made through  
162 enhanced appropriations for services shall be allocated to  
163 providers regardless of whether the provider is public or  
164 private. Such increases shall be considered additive to the  
165 existing contracts. In addition to payments reflecting the  
166 cost of services, contracts shall include incentives  
167 provided in recognition of performance based on the  
168 evaluation tool created under subsection 2 of this section  
169 and the corresponding savings for the state. The response  
170 and evaluation team under subsection 3 of this section shall  
171 review a formula to distribute such payments, as recommended  
172 by the division.

173 7. The division shall consider immediate actions that  
174 are in the best interests of the children served including,  
175 but not limited to, placing the agency on a corrective plan,  
176 halting new referrals, transferring cases to other  
177 performing providers, or terminating the provider's  
178 contract. The division shall take steps necessary to  
179 evaluate the nature of the issue and act accordingly in the  
180 most timely fashion possible.

181 8. By July 1, 2021, the children's division shall  
182 promulgate and have in effect rules to implement the  
183 provisions of this section and, pursuant to this section,  
184 shall define implementation plans and dates. Any rule or  
185 portion of a rule, as that term is defined in section  
186 536.010, that is created under the authority delegated in  
187 this section shall become effective only if it complies with  
188 and is subject to all of the provisions of chapter 536 and,  
189 if applicable, section 536.028. This section and chapter  
190 536 are nonseverable and if any of the powers vested with  
191 the general assembly pursuant to chapter 536 to review, to  
192 delay the effective date, or to disapprove and annul a rule

193 are subsequently held unconstitutional, then the grant of  
194 rulemaking authority and any rule proposed or adopted after  
195 August 28, 2004, shall be invalid and void.

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