

FIRST REGULAR SESSION

# SENATE BILL NO. 665

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR GANNON.

2570S.02I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 210.305 and 210.565, RSMo, and to enact in lieu thereof two new sections relating to child placement.

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

Section A. Sections 210.305 and 210.565, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 210.305 and 210.565, to read as follows:

210.305. 1. When an initial emergency placement of a  
2 child is deemed necessary, the children's division shall  
3 immediately begin a diligent search to locate, contact, and  
4 place the child with a grandparent or grandparents or a  
5 relative or relatives of the child, subject to subsection 3  
6 of section 210.565 regarding preference of placement, except  
7 when the children's division determines that placement with  
8 a grandparent or grandparents or a relative or relatives is  
9 not in the best interest of the child and subject to the  
10 provisions of section 210.482 regarding background checks  
11 for emergency placements. If emergency placement of a child  
12 with grandparents or relatives is deemed not to be in the  
13 best interest of the child, the children's division shall  
14 document in writing the reason for denial and shall have  
15 just cause to deny the emergency placement. The children's  
16 division shall continue the search for other relatives until  
17 the division locates the relatives of the child for  
18 placement or the court excuses further search, **subject to**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 **the provisions of subsection 8 of this section.** Prior to  
20 placement of the child in any emergency placement, the  
21 division shall assure that the child's physical needs are  
22 met.

23 2. For purposes of this section, the following terms  
24 shall mean:

25 (1) "Diligent search", an exhaustive effort to  
26 identify and locate the grandparents or relatives whose  
27 identity or location is unknown;

28 (2) "Emergency placement", those limited instances  
29 when the children's division is placing for an initial  
30 placement a child in the home of private individuals,  
31 including neighbors, friends, or relatives, as a result of a  
32 sudden unavailability of the child's primary caretaker.

33 3. A diligent search shall be made to locate, contact,  
34 and notify the grandparent or grandparents of the child  
35 within three hours from the time the emergency placement is  
36 deemed necessary for the child. During such three-hour time  
37 period, the child may be placed in an emergency placement.  
38 If a grandparent or grandparents of the child cannot be  
39 located within the three-hour period, the child may be  
40 temporarily placed in emergency placement; except that,  
41 after the emergency placement is deemed necessary, the  
42 children's division shall continue a diligent search to  
43 contact, locate, and place the child with a grandparent or  
44 grandparents, or other relatives, with first consideration  
45 given to a grandparent for placement, subject to subsection  
46 3 of section 210.565 regarding preference of placement.

47 4. A diligent search shall be made to locate, contact,  
48 and notify the relative or relatives of the child within  
49 thirty days from the time the emergency placement is deemed  
50 necessary for the child. The children's division shall

51 continue the search for the relative or relatives until the  
52 division locates the relative or relatives of the child for  
53 placement or the court excuses further search, **subject to**  
54 **the provisions of subsection 8 of this section.**

55       5. The children's division, or an entity under  
56 contract with the division, shall use all sources of  
57 information, including any known parent or relative, to  
58 attempt to locate an appropriate relative as placement. **A**  
59 **diligent search shall include, at a minimum and to the**  
60 **extent possible, the following:**

61       (1) Interviews with the child's parent or parents  
62 during the course of investigation, while the child is in an  
63 emergency placement, and while the child is in the custody  
64 of the division;

65       (2) Interviews with the child;

66       (3) Interviews with identified relatives;

67       (4) Interviews with any other person who is likely to  
68 have information about the identity or location of the  
69 grandparent or relative being sought;

70       (5) Comprehensive searches of databases available to  
71 the division, including, but not limited to, searches of  
72 employment, residence, utilities, vehicle registration,  
73 child support enforcement, law enforcement, corrections  
74 records, and any other records likely to result in  
75 identifying and locating the grandparent or relative being  
76 sought; and

77       (6) Any other reasonable means that are likely to  
78 identify grandparents or relatives who have demonstrated an  
79 ongoing commitment to the child.

80       [5.] 6. Search progress under subsection 3 or 4 of  
81 this section shall be reported, **with evidence provided**, at  
82 each court hearing until the grandparents or relatives are

83 either located or the court excuses further search. As used  
84 in this subsection, "evidence" shall include the following:

85 (1) A detailed explanation of the division's efforts  
86 to locate and consider each placement and the specific  
87 outcome, including:

88 (a) Dates of each attempted or completed contact;

89 (b) Responses received from each grandparent or  
90 relative contacted; and

91 (c) Reasons why a grandparent or relative was not  
92 considered for emergency or permanent placement; and

93 (2) All efforts for placement of the child pursuant to  
94 section 210.620. If an out-of-state placement option exists  
95 and the division fails to file a request with the receiving  
96 state pursuant to section 210.620, then the court shall  
97 enter a finding that the division has not made a diligent  
98 search and shall order the division to file a request with  
99 the receiving state pursuant to section 210.620.

100 7. Any grandparent or relative identified in a  
101 diligent search under this section shall be provided with  
102 notice of the following:

103 (1) That an alleged dependent child has been or is  
104 being removed from the custody of the child's parents;

105 (2) The options that the grandparent or relative has  
106 in order to participate in the care and placement of the  
107 child and any options that may be lost by failing to respond  
108 to the notice;

109 (3) The process for becoming a foster parent in this  
110 state and the additional supports and services available for  
111 children placed with a foster parent;

112 (4) Any financial assistance for which the grandparent  
113 or relative may be eligible; and

114           (5) The need to respond to the notice within thirty  
115 days.

116 If a grandparent or relative does not respond within thirty  
117 days of this notice, such grandparent or relative shall be  
118 required to offer proof to the division as to why the child  
119 should be placed with them and shall have no preferential  
120 placement under section 210.565.

121           8. All diligent search efforts and placements shall be  
122 completed within six months of the child entering the  
123 custody of the state, unless a court determines, by clear  
124 and convincing evidence, that it is in the best interests of  
125 the child to change placements.

126           [6.] 9. Nothing in this section shall be construed or  
127 interpreted to interfere with or supersede laws related to  
128 parental rights or judicial authority.

210.565. 1. Whenever a child is placed in a foster  
2 home and the court has determined pursuant to subsection 4  
3 of this section that foster home placement with relatives is  
4 not contrary to the best interest of the child, the  
5 children's division shall give foster home placement to  
6 relatives of the child. Notwithstanding any rule of the  
7 division to the contrary, the children's division shall  
8 complete a diligent search to locate and notify the  
9 grandparents, adult siblings, parents of siblings of the  
10 child, and all other relatives and determine whether they  
11 wish to be considered for placement of the child.  
12 Grandparents who request consideration shall be given  
13 preference and first consideration for foster home placement  
14 of the child. If more than one grandparent requests  
15 consideration, the family support team shall make

16 recommendations to the juvenile or family court about which  
17 grandparent should be considered for placement.

18 2. As used in this section, the following terms shall  
19 mean:

20 (1) "Adult sibling", any brother or sister of whole or  
21 half-blood who is at least eighteen years of age;

22 (2) "Relative", a grandparent or any other person  
23 related to another by blood or affinity or a person who is  
24 not so related to the child but has a close relationship  
25 with the child or the child's family. **A foster parent or**  
26 **kinship caregiver with whom a child has resided for nine**  
27 **months or more is a person who has a close relationship with**  
28 **the child.** The status of a grandparent shall not be affected  
29 by the death or the dissolution of the marriage of a son or  
30 daughter;

31 (3) "Sibling", one of two or more individuals who have  
32 one or both parents in common through blood, marriage, or  
33 adoption, including siblings as defined by the child's  
34 tribal code or custom.

35 3. The following shall be the order or preference for  
36 placement of a child under this section:

37 (1) Grandparents;

38 (2) Adult siblings or parents of siblings;

39 (3) Relatives [related by blood or affinity within the  
40 third degree;

41 (4) Other relatives]; and

42 [(5)] (4) Any foster parent who is currently licensed  
43 and capable of accepting placement of the child.

44 4. The preference for placement and first  
45 consideration for grandparents or preference for placement  
46 with other relatives created by this section shall only  
47 apply where the court finds that placement with such

48 grandparents or other relatives is not contrary to the best  
49 interest of the child considering all circumstances. If the  
50 court finds that it is contrary to the best interest of a  
51 child to be placed with grandparents or other relatives, the  
52 court shall make specific findings on the record detailing  
53 the reasons why the best interests of the child necessitate  
54 placement of the child with persons other than grandparents  
55 or other relatives.

56         5. Recognizing the critical nature of sibling bonds  
57 for children, the children's division shall make reasonable  
58 efforts to place siblings in the same foster care, kinship,  
59 guardianship, or adoptive placement, unless doing so would  
60 be contrary to the safety or well-being of any of the  
61 siblings. If siblings are not placed together, the  
62 children's division shall make reasonable efforts to provide  
63 frequent visitation or other ongoing interaction between the  
64 siblings, unless this interaction would be contrary to a  
65 sibling's safety or well-being.

66         6. The age of the child's grandparent or other  
67 relative shall not be the only factor that the children's  
68 division takes into consideration when it makes placement  
69 decisions and recommendations to the court about placing the  
70 child with such grandparent or other relative.

71         7. For any Native American child placed in protective  
72 custody, the children's division shall comply with the  
73 placement requirements set forth in 25 U.S.C. Section 1915.

74         8. A grandparent or other relative may, on a case-by-  
75 case basis, have standards for licensure not related to  
76 safety waived for specific children in care that would  
77 otherwise impede licensing of the grandparent's or  
78 relative's home. In addition, any person receiving a

79 preference may be licensed in an expedited manner if a child  
80 is placed under such person's care.

81         9. The guardian ad litem shall ascertain the child's  
82 wishes and feelings about his or her placement by conducting  
83 an interview or interviews with the child, if appropriate  
84 based on the child's age and maturity level, which shall be  
85 considered as a factor in placement decisions and  
86 recommendations, but shall not supersede the preference for  
87 relative placement created by this section or be contrary to  
88 the child's best interests.

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