

SECOND REGULAR SESSION

HOUSE BILL NO. 1563

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIFFITH.

3376H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 210.127, 210.305, and 210.565, RSMo, and to enact in lieu thereof three new sections relating to diligent searches for placement of children.

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

Section A. Sections 210.127, 210.305, and 210.565, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 210.127, 210.305, and 210.565,
3 to read as follows:

210.127. 1. **(1)** If the location or identity of the biological parent or parents of a child
2 in the custody of the division is unknown, the children's division shall ~~utilize all reasonable~~
3 ~~and effective means available to~~ conduct **[a] an active, thorough, and timely** diligent search
4 for the biological parent or parents of such child, **including obtaining information from any**
5 **known parent or relative.**

6 **(2) If a child is removed from a home and is placed in the custody of the division,**
7 **the division shall, immediately following the removal from the home, conduct an active,**
8 **thorough, and timely diligent search for the biological parent or parents, including**
9 **obtaining information from any known parent or relative.**

10 2. For purposes of this section, "diligent search" means ~~the efforts of the division, or~~
11 ~~an entity under contract with the division, to~~ **an exhaustive effort to identify and** locate a
12 biological parent whose identity or location is unknown, initiated as soon as the division is
13 made aware of the existence of such parent, with the search progress reported at each court
14 hearing until the parent is either identified and located or the court excuses further search.

210.305. 1. When an initial emergency placement of a child is deemed necessary, the
2 children's division shall immediately begin a diligent ~~efforts~~ **search** to locate, contact, and

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

3 place the child with a grandparent or grandparents **or a relative or relatives** of the child,
4 **subject to subsection 3 of section 210.565 regarding preference of placement**, except
5 when the children's division determines that placement with a grandparent or grandparents **or**
6 **a relative or relatives** is not in the best interest of the child and subject to the provisions of
7 section 210.482 regarding background checks for emergency placements. If emergency
8 placement of a child with ~~[a grandparent]~~ **grandparents or relatives** is deemed not to be in
9 the best interest of the child, the children's division shall document in writing the reason ~~[the~~
10 ~~grandparent has been denied emergency placement]~~ **for denial** and shall have just cause to
11 deny the emergency placement. **The children's division shall continue the search for other**
12 **relatives until the division locates the relatives of the child for placement or the court**
13 **excuses further search.** Prior to placement of the child in any emergency placement, the
14 division shall assure that the child's physical needs are met.

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

16 (1) ~~["Diligent efforts", a good faith attempt documented in writing by the children's~~
17 ~~division, which exercises reasonable efforts and care to utilize all available services and~~
18 ~~resources related to meeting the ongoing health and safety needs of the child, to locate a~~
19 ~~grandparent or grandparents of the child after all of the child's physical needs have been~~
20 ~~attended to by the children's division;]~~ **"Diligent search", an exhaustive effort to identify**
21 **and locate the grandparents or relatives whose identity or location is unknown;**

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

26 3. A diligent ~~[efforts]~~ **search** shall be made to **locate, contact, and notify** the
27 grandparent or grandparents of the child within three hours from the time the emergency
28 placement is deemed necessary for the child. During such three-hour time period, the child
29 may be placed in an emergency placement. If a grandparent or grandparents of the child
30 cannot be located within the three-hour period, the child may be temporarily placed in
31 emergency placement; except that, after the emergency placement is deemed necessary, the
32 children's division shall continue ~~[to make]~~ a diligent ~~[efforts]~~ **search** to contact, locate, and
33 place the child with a grandparent or grandparents, or ~~[another relative]~~ **other relatives**, with
34 first consideration given to a grandparent for placement, **subject to subsection 3 of section**
35 **210.565 regarding preference of placement.**

36 4. A diligent search shall be made to locate, contact, and notify the relative or
37 **relatives of the child within thirty days from the time the emergency placement is**
38 **deemed necessary for the child. The children's division shall continue the search for the**
39 **relative or relatives until the division locates the relative or relatives of the child for**

40 **placement or the court excuses further search. The children's division, or an entity**
41 **under contract with the division, shall use all sources of information, including any**
42 **known parent or relative, to attempt to locate an appropriate relative as placement.**

43 **5. Search progress under subsection 3 or 4 of this section shall be reported at**
44 **each court hearing until the grandparents or relatives are either located or the court**
45 **excuses further search.**

46 **6. Nothing in this section shall be construed or interpreted to interfere with or**
47 **[supersede] supersede laws related to parental rights or judicial authority.**

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

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

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

15 (2) "Relative", a grandparent or any other person related to another by blood or
16 affinity or a person who is not so related to the child but has a close relationship with the child
17 or the child's family. The status of a grandparent shall not be affected by the death or the
18 dissolution of the marriage of a son or daughter;

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

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

24 (1) Grandparents;

25 (2) Adult siblings or parents of siblings;

26 (3) Relatives related by blood or affinity within the third degree;

27 (4) Other relatives; and

28 (5) Any foster parent who is currently licensed and capable of accepting placement of
29 the child.

30 4. The preference for placement and first consideration for grandparents or preference
31 for placement with other relatives created by this section shall only apply where the court
32 finds that placement with such grandparents or other relatives is not contrary to the best
33 interest of the child considering all circumstances. If the court finds that it is contrary to the
34 best interest of a child to be placed with grandparents or other relatives, the court shall make
35 specific findings on the record detailing the reasons why the best interests of the child
36 necessitate placement of the child with persons other than grandparents or other relatives.

37 5. Recognizing the critical nature of sibling bonds for children, the children's division
38 shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship,
39 or adoptive placement, unless doing so would be contrary to the safety or well-being of any of
40 the siblings. If siblings are not placed together, the children's division shall make reasonable
41 efforts to provide frequent visitation or other ongoing interaction between the siblings, unless
42 this interaction would be contrary to a sibling's safety or well-being.

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

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

48 8. A grandparent or other relative may, on a case-by-case basis, have standards for
49 licensure not related to safety waived for specific children in care that would otherwise
50 impede licensing of the grandparent's or relative's home. In addition, any person receiving a
51 preference may be licensed in an expedited manner if a child is placed under such person's
52 care.

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

✓