



Rules of
Department of Social Services
Division 35—Children’s Division
Chapter 36—Alternative Care Review Board

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**Title 13—DEPARTMENT OF
SOCIAL SERVICES**

**Division 35—Children's Division
Chapter 36—Alternative Care Review
Board**

**13 CSR 35-36.010 Alternative Care Review
Board**

PURPOSE: This rule defines the Alternative Care Review Board (ACRB), discusses the purpose of the board, and explains the process for requesting an alternative care review hearing.

(1) Definitions.

(A) Alternative Care Review Board (ACRB)—The board before whom the alternative care resource provider may appeal any decision made by the Children's Division (CD), or its contractors regarding a case management decision involving a child who is, or has been, placed in foster care with the claimant.

(B) Case Management Decision—The activity of a children's service worker in assessing family problem(s), case planning, coordinating and linking services for children and families, monitoring service provisions and progress, advocacy, tracking and evaluating services provided, and provision of aftercare service as defined in 25 CFR section 20.100. A case management decision shall not include a decision made by the family support team, adoption staffing team, a court of appropriate jurisdiction, or any matter which is the subject of litigation before a court of competent jurisdiction.

(C) Resource Provider—A licensed foster parent as defined in 13 CSR 35-60.

(2) This section establishes the process for providing a fair and impartial grievance process for review of case management decisions as required by section 210.566, RSMo.

(3) Alternative Care Review Board Composition. Each administrative region of the Children's Division will establish an Alternative Care Review Board composed of seven (7) members and two (2) alternates. Members and alternates for these boards are selected as follows:

(A) Two (2) alternative care resource providers, of which one (1) shall be a licensed resource provider;

(B) Two (2) Children's Division employees;

(C) Three (3) members and two (2) alternates from the following fields or professions:

1. Community representative who has knowledge of the provision of alternative care services;

2. Professional school employee;

3. Juvenile officer or professional employee of the Juvenile Office;

4. Licensed child or family psychologist;

5. Physician, nurse, or other qualified medical professional; or

6. Children's service worker with a private agency that provides services to families and/or children; and

(D) The regional director will appoint the members of the board. The regional director shall nominate the chairperson of the board and forward the nomination to the division director or designee for approval.

(4) ACRB Terms of Office.

(A) Members and alternates shall be appointed for two (2) year terms.

(B) No member or alternate shall serve more than two (2) consecutive terms.

(C) The members of the ACRB shall meet at a location within each region at least one (1) time per month depending on the number of requests being filed. Meetings are not required if there are no pending reviews.

(D) The members of the ACRB will receive payment for reasonable expenses associated with ACRB business, but will not receive compensation for the performance of their duties. If a member cannot attend, an alternate shall be notified and asked to attend.

(E) A quorum at any ACRB meeting will be three (3) members, of whom one (1) will be an alternative care resource provider and one (1) a CD employee.

(F) The CD Regional Director may remove and/or replace a member of the ACRB for the following reasons:

1. Death;

2. Resignation;

3. Mental or physical incapacitation which limits the member from actively serving; or

4. For good cause as determined by the division director.

(G) The information and deliberations of the ACRB shall be confidential and protected from disclosure as required by law.

(5) The process for requesting an ACRB review shall be as follows:

(A) The alternative care resource provider shall file a written request for an ACRB review with the county CD office within ten (10) days of notification of the disputed decision and request a meeting to review the matter. The written request for review shall specify the decision being grieved, and the reason for the grievance;

(B) Except as otherwise provided in this regulation, upon receipt of the grievance, staff

shall take no action to implement the decision being grieved until the matter is resolved through the grievance process. The following actions shall not be stayed pending resolution of the grievance:

1. Immediate action is required by the division to protect the health, safety, or well-being of the child in care as determined by the Children's Division; or

2. The action was ordered by a court of competent authority;

(C) Upon receipt of the grievance, the county office shall schedule an informal meeting to attempt to resolve the matter. The informal meeting will include a regional representative, circuit representative, and the alternative care resource provider. The division shall notify the resource provider of the decision in writing. If the division upholds the case management action, the division shall advise the resource provider of his/her right to proceed with a request for an ACRB hearing;

(D) If the alternative care resource provider chooses to proceed with the ACRB hearing, he/she shall submit the Alternative Care Grievance Review Request form or other written request, including all pertinent information and records, within five (5) working days of the region's written decision. The division may extend the time frame for submitting information for good cause shown. The division will notify the resource provider of the date scheduled for the ACRB hearing;

(E) The division shall submit a summary of all pertinent information and a copy of the child's case record(s) to the Regional ACRB Liaison within five (5) working days of the request for the review. The division may extend the time frame for submitting information for good cause shown;

(F) The review should be scheduled to occur at the next scheduled ACRB meeting. The review may be continued if there is insufficient time for board members to prepare for the review;

(G) The review proceedings described in this subsection are informal and administrative in nature and therefore not subject to the Rules of Civil Procedure, to include the rules of discovery, employed by the civil courts of the state of Missouri. The Rules of Evidence, aside from those regarding relevancy, shall not apply to the review proceedings described in this subsection. The review proceedings set forth in this proceeding shall not be governed by those procedures set forth in Chapter 536, RSMo, but shall be governed by the following procedures:

1. The division shall first present the case management decision and the rationale thereof. CD staff may participate in the review proceeding in person or through a telephone



conference with or without legal counsel;

2. Second, the alternative care resource provider/representative and/or legal counsel shall present a summary of the grievance. The resource provider's presence is not mandatory for a review to be held. He/she may submit a written statement and/or participate in the review through a telephone or video conference if equipment is available;

3. The resource provider and the division may have witnesses provide information at the review. Information will not be taken under oath and the witnesses shall not be sworn, however, the division and/or the alternative care resource provider may submit information by affidavit. However, no party to the review proceeding, to include the review panel itself, shall have the power to compel the appearance of any witness through the use of a subpoena or other means;

4. The review proceedings may, at the election of either party, be recorded through the use of an audio recording device or a court reporter. However, the review process shall not be a hearing on the record. All expenses associated with the recording of the review proceedings shall be the sole responsibility of the party desiring them; and

5. The information and deliberations of the ACRB shall be confidential and protected from disclosure to the extent required and authorized by law. The ACRB shall review and discuss all relevant materials and information and vote individually on whether to uphold, modify, or reverse the division's finding and/or decision. The ACRB shall prepare a written summary of its findings and recommended decision and present it to the CD Deputy Director upon completion. The deputy director shall discuss the recommendation with the division director. The division director shall provide the final written decision to all parties within thirty (30) days of receipt of the ACRB recommendation. The decision of the division director shall be the final decision of the division.

(6) If at any time the matter pending before the ACRB becomes the subject of a motion or other proceeding before a court of competent authority, the ACRB proceedings shall be stayed pending the resolution of the issue before the court. In the event that the matter is decided by the court, the ACRB proceedings shall be dismissed.

AUTHORITY: section 207.020, RSMo 2000, and section 210.566.6, RSMo Supp. 2013. Original rule filed Oct. 29, 2013, effective April 30, 2014.*

**Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993 and 210.566, RSMo 2002, amended 2007.*