
Rules of
Department of Social Services
Division 40—Division of Family Services
Chapter 36—Alternative Care Grievance Process

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Title 13—DEPARTMENT OF SOCIAL SERVICES

Division 40—Division of Family Services Chapter 36—Alternative Care Review Process

13 CSR 40-36.001 Foster/Relative/ Adoptive Parent Grievance Procedure

PURPOSE: This rule describes the grievance procedure for a foster/relative/adoptive parent when s/he disagrees with any decision made by the Division of Family Services involving the management of a particular foster/adoptive child.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

- (1) The term parent shall refer to a Division of Family Services' licensed foster parent, certified relative parent or an approved adoptive parent.
- (2) The parent must notify the county office, in writing or verbally, within ten (10) days of the disputed decision and request an informal meeting with the appropriate county director and/or appropriate staff of the local Division of Family Services office and appropriate staff of the Area Division of Family Services Office.
- (3) The Division of Family Services area office shall issue a written decision within five (5) working days of the review and provide information on how to request a further review by the Alternative Care Review Board, if s/he disagrees with the decision.
- (4) The Division of Family Services shall establish an Alternative Care Review Board to provide for a further review over child management decisions which cannot be resolved at the Division of Family Services County Office level.
- (5) The Alternative Care Review Board shall be composed of seven (7) members and two (2) alternates. Members and alternates shall be selected as follows:
 - (A) Two (2) parents, one (1) of whom will be a licensed foster parent;
 - (B) Two (2) Division of Family Services 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. School employee;
 3. Juvenile officer or professional employee of the juvenile office;
 4. Licensed child or family psychologist or counselor;
 5. Physician, nurse or other qualified medical professional; and
 6. Social worker with a private agency which provides services to families and/or children;
- (D) The Director of the Division of Family Services shall appoint a chairperson.
- (6) Alternative Care Review Board Terms of Office.
 - (A) Initially, four (4) members shall be appointed for a three (3)-year term and three (3) members shall be appointed for a two (2)-year term. The alternates shall be appointed for a two (2)-year term;
 - (B) Subsequent members and alternates shall be appointed for two (2)-year terms;
 - (C) No member or alternate shall serve more than two (2) consecutive terms.
- (7) The members of the Alternative Care Review Board shall meet at a location within Missouri, at least one (1) time per month, depending on the number of requests for review being filed. The members of the review board will receive payment for reasonable expenses associated with board business, but will not receive compensation for the performance of their duties.
 - (A) If a member cannot attend, an alternate shall be notified and asked to attend.
 - (B) A quorum at any Alternative Care Review Board meeting will be three (3) members.
- (8) The division director may remove and/or replace a member of the board for the following reasons:
 - (A) Death;
 - (B) Resignation;
 - (C) Mental or physical incapacitation which limits the member from effectively serving; and/or
 - (D) For good cause as determined by the division director.
- (9) The members shall hold all information obtained in the course of a review in the strictest confidence.
- (10) Alternative Care Review Board Process.
 - (A) The parent shall have five (5) working days from the receipt of notification of the decision from the Division of Family Services area director to send a request, in writing, to the central office of the Division of Family

Services for a review by the Alternative Care Review Board.

(B) The Division of Family Services area office shall forward a copy of all pertinent information and records to the Division of Family Services central office.

(C) Copies of the request and all relevant material will be provided to all members and alternates of the Alternative Care Review Board.

(D) The Division of Family Services shall provide to the Alternative Care Review Board, prior to date of the scheduled review, a summary and reasons for the case action, citing applicable policy and procedure.

(E) Written notice of the review date shall be sent to all participants at least ten (10) days prior to the review date.

(F) The parent may be present at the hearing or may submit a written statement.

1. The parent may be represented by him/herself, legal counsel or a representative of the parent's own choosing.

2. The parent and the Division of Family Services may have witnesses present to provide statements about pertinent events, actions, etc.

(G) Presentation to the Alternative Care Review Board shall be as follows:

1. The Division of Family Services shall be represented by appropriate county and area staff and/or legal counsel who shall present a summary and reasons for the case action, citing policy and procedure;

2. The Division of Family Services may have witnesses present to provide statements about pertinent events, actions, etc.;

3. The parent or representative shall present a summary of the basis for the grievance;

4. The Alternative Care Review Board may ask questions and request further clarifying information from both parties;

5. After both parties have presented the requested information to the satisfaction of the Alternative Care Review Board, the board shall review the information and present a written recommendation to the director of the Division of Family Services within seven (7) days;

6. The Alternative Care Review Board, after a review and discussion of all relevant materials and testimony, shall vote individually to arrive at the board's recommendation; and

7. The votes will be tabulated and the recommendation of the board will be provided to the director of the Division of Family Services who shall review the recommendation and make a final decision to uphold or reverse the Alternative Care Review Board recommendation. The director shall provide a written



copy of the decision to all parties within thirty (30) days.

(11) Case Action During the Alternative Care Review Process. During the review the division will not remove a child from the home of alternative care parents who have filed the request for review except in the following situations:

(A) When immediate action is required to protect the child in care from child abuse or neglect or a dangerous environmental condition; and

(B) When a court issues a verbal directive or a written order which requires removal.

(12) The division will evaluate this rule and its operation with representative parents six (6) and twelve (12) months, after implementation, and periodically thereafter and make any appropriate revisions.

*Auth: section 210.526, RSMo (1986).**
Original rule filed July 6, 1988, effective Sept. 29, 1988. Amended: Filed June 15, 1994, effective Jan. 29, 1995.

**Original authority 1982.*

13 CSR 40-36.010 Eligibility Criteria
(Rescinded November 11, 1983)