

Section 6 Overview

This section is developed to guide resource development workers in decision making, the provision and documentation of services to children and their families, development of community resources, and their subsequent assessment and utilization. These resources are designed to enhance and augment services to children and their families in need of preventive, protective, and out-of-home care services.

Procedures contained in this chapter incorporate assessment standards (largely based on licensing rules) which reflect the concern of the agency for those children who must live apart from their families during some part of their minority. The purpose of these standards is to protect those children from abuse, neglect, injury, and exploitation, and to assist in treatment and improved social functioning.

It is recognized that such direction cannot be all inclusive; therefore, staff will still need to exercise judgment in individual case situations. In those situations in which staff do not follow the procedures, they will be expected to document the justification for their actions in the individual case record.

With each procedure, and each step within a procedure, it may be necessary for the worker to secure supervisory assistance in order to make a decision. The procedures do not contain a reference to worker-supervisor conferences, but this joint decision-making activity is understood to be an integral part of service delivery to community resource providers.

Chapter 7 Overview

This chapter will describe the Children's Division's Appeal Processes.

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Attachments:

Memoranda History:

CD14-64, CD07-52, CD07-55, CD07-73, CD16-12

7.1 Children's Division's Fair Hearing Process:

The Children's Division shall provide access to a fair and impartial grievance process to address licensure, case management decisions, and delivery of service issues, RSMo 210.566. The Fair Hearing process is to be used for the following:

- foster/relative/kinship home license status denial, issuance or revocation;
- adoptive home approval or denial;
- foster/adoptive care (FA) license approval, denial or revocation;
- adoption or legal guardianship subsidy.

The Regional Director or Designee will promulgate the formal review of the resource home as outlined in, [Guide for Conducting a Review of a Resource Home, Section 6 Chapter 3 Attachment L](#), before implementing the Fair Hearing process.

Level A, Level B, Medical, Large Family Resource Home, Respite, and Level B Respite, are vendor types not licenses. The decisions to deny or revoke are not open for appeal as these are contractual services decisions and not licensure decisions.

The foster home shall be placed on Administrative Hold until the complete grievance process has reached its conclusion with the final decision of the Division Director, and the 90 day time frame the applicant/provider has to file an appeal in their circuit court has expired [RSMo 208.100](#).

Administrative Hold is considered a non-punitive action and is not open for appeal in the fair hearing process.

No close reason of revocation or denial shall be entered in FACES until after:

- The 30 day time frame for the provider to request a Fair Hearing has passed.
- The final Director decision after the Fair Hearing is received.
- The 90 day time frame following the final Director decision that the applicant/provider has to file an appeal in their circuit court.

To deny a license renewal is to act upon a license already in existence, and is considered a revocation.

The Fair Hearing Process involves the following steps:

1. The worker will complete the Resource Home Adverse Action Report, CS-20. This form provides a standardized format for transmitting recommendations regarding negative licensing action for administrative approval.
2. After obtaining all the required administrative approval on the CS-20, the worker will send the foster/relative/kinship/adoptive or foster/adoptive care

- applicant/resource provider the Notification of Resource Adverse Action, CS-20a, using certified mail through the United States Postal Services. The instructions for the CS20-a are located on CD desk top forms. The Application for Fair Hearing, CD-53, and Withdrawal of Request for Fair Hearing, CD-54, will be included in the same mailing as the CS-20a.
3. A written request for a Fair Hearing, CD-53, must be received by the Children's Service Worker, within thirty (30) calendar days of the date the provider/applicant received or refused the written Notification of Resource Home Adverse Action, CS-20a.
 4. Obtain immediate supervisor's signature on Application for Fair Hearing, CD-53, indicating agreement with agency position.
 5. Once the Children's Service Worker has received a written request from the applicant/resource provider requesting a Fair Hearing, the Children's Service Worker shall complete the following:
 - Advise the Regional Director/Designee of this request;
 - Forward the CD-53 to the Division of Legal Services, DLS, Hearings Unit within one (1) working day after the date of the hearing request was received; and
 - If legal representation is required by the Division, a Case Referral Form for legal representation shall be sent to the DLS, Litigation Unit.
 - Schedule the informal meeting within ten (10) working days of receiving the CD-53.
 6. The worker must submit a Hearing Packet that includes a copy of the DLS Case Referral Form, the Notification of Resource Home Adverse Action, CS-20a, advising applicant/resource provider of adverse action, and three copies of the Application for Fair Hearing, CD-53, to the DLS Hearings Unit, within one (1) working day after the date of the hearing request.
 7. Allow the applicant/resource provider (or his/her legal counsel or designee) access to foster/adoptive/relative/kinship home or foster/adoptive care case record, with the Children's Service Worker/Supervisor present.
 8. The Children's Service Worker shall provide one copy of case record materials that directly relate to licensing/approval status upon request to the applicant/resource provider (or his/her legal counsel or designee).
 9. Upon receiving a request for a hearing, the worker will attempt to resolve the issues informally with the applicant/resource provider while concurrently preparing for the Fair Hearing. This Informal meeting is scheduled to take place within ten (10) working days of the worker receiving the CD-53 from the applicant/resource provider.

10. Participants in the meeting should include the applicant/resource provider, the worker, the worker's supervisor, Circuit Manager/Designee, and appropriate Regional Director/Designee. The purpose of this meeting is to review information provided by the applicant/resource provider and Division staff to see if the issue can be resolved prior to the Fair Hearing.
11. If the issue is resolved as a result of this informal meeting a written request using the Withdrawal of Request for Fair Hearing, CD-54 must be submitted for the Fair Hearing process to cease.
12. The CD-54, will be completed when the applicant/resource provider or Children's Division requests a Fair Hearing withdrawal. This would include when the applicant/resource provider is requesting withdrawal from a previously requested hearing and/or when the Children's Division determines that information is inadequate to substantiate the agency's proposed action and the agency wishes to rescind the decision.
13. The Children's Service Worker shall immediately send the completed and signed Withdrawal of Request for Hearing, CD-54, to the DLS Hearings Unit within one (1) working day.
14. If the required written request is not received within the required 30 day time frame, proceed with closing the vendor with close reason of revocation.

If this was an initial application denial and the written request is not received within the required time frame, select "deny" on the Application screen in FACES.
15. If the issue was not resolved at the informal meeting and the applicant/resource parent did not withdrawal their request for a hearing, the worker will confer with the Division's DLS legal counsel, as necessary, and provide him/her with any information necessary for hearing presentation.
16. The worker will appear as a witness at the state hearing and present the basis for recommendation, citing licensing rules and assessment guidelines.
17. The hearing officer will submit to the Division Director the proposed decision and order containing all the facts presented at the hearing.
18. The DLS Hearings Unit at the Division of Legal Services will issue a copy of the final decision to the applicant/resource provider and Children's Service Worker. Upon receipt of a notice of a desire to appeal the final decision, the DLS Hearings Unit will furnish the applicant/resource provider or his/her attorney, with the proper form of affidavit for filing the appeal to the circuit court of the county in which he/she resides. (Sec. 208.100, RSMo) The applicant/resource provider has 90 days to file an appeal.

19. The worker will wait for 90 days after the notice of the final decision is sent before entering a close reason for the home if the close reason is revocation or denial. The home shall remain on administrative hold during this time period. If no appeal is filed, the worker will proceed to enter the close reason.
20. If an appeal is filed timely with the circuit court, no close reason is to be entered until the final decision of the circuit court. The home will remain on Administrative Hold until the final decision is made by the circuit court. If the court upholds the closing of the home, the worker will enter the revocation or denial in the system. If the court reverses the Division's decision to close the home the home will remain open.
21. Record the information regarding the case adverse action in the case record. Complete the Vendor Appeal Screen in FACES.

7.1.1 Homes Developed and or Maintained by Contractors

The Children's Division is the licensing entity for Missouri resource provider homes. The Children's Division contracts with private agencies to develop resource homes. The private agency developing and or maintaining a resource home makes one of the following recommendations to the Children's Division:

1. License or approve a home;
2. Deny issuance of a license or approval of a home they are developing;
3. Revoke a current open license or approval of a resource home they are maintaining.

The Children's Division makes the determination of the recommendation.

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Memoranda History:

[CD07-15](#), [CD07-52](#), [CD07-55](#), [CD07-73](#), [CD08-98](#), [CD10-110](#), [CD11-69](#), [CD11-107](#), [CD12-36](#), CD15-33

7.2 Alternative Care Review Board (ACRB)

The Children's Division shall provide access to a fair and impartial grievance process to address licensure, case management decisions, and delivery of service issues, RSMo 210.566. The process described in this subsection deals with issues regarding case management decisions. Licensing issues are addressed in Section 6, Chapter 7.1 Children's Division's Fair Hearing Process.

The Alternative Care Review Board (ACRB) is to be used when the alternative care (foster/relative/kinship/adoptive or foster/adoptive care) parent disagrees with any decision made by Children's Division (CD) regarding a case management issue involving an individual alternative care child who is, or has been, in the claimant's physical custody.

The Children's Division (CD) recognizes alternative care parents as colleagues and professional members of the Family Support Team (FST) for children placed in their care. As such, they shall be invited and encouraged to actively participate in case plan development and implementation, FST Meetings, and any other staffings/meetings held to evaluate future placement needs/plans for the child(ren) in their care.

Despite these efforts, alternative care parents (foster, relative, kinship, adoptive, or foster/adoptive) may disagree with case management decisions. The process described in this procedure is to be used for resolution of grievances by alternative care parents relating to case management decisions.

To initiate this process, the alternative care parent must notify the County Office, in writing, or verbally, within ten (10) days of the disputed decision and request a meeting to review the matter:

1. Receive verbal or written request from alternative care parent for an informal meeting within ten (10) days of the grievable decision. The informal meeting will include the Regional Director/Designee, Circuit Manager/Designee, and the alternative care parent.

NOTE: With the following exceptions, staff shall take no adverse actions that are specifically related to the issues until the matter is resolved through the grievance process:

- a. Immediate action is required by the Division to protect the child in care from abuse or neglect, or from a dangerous environmental condition; or
- b. A court order requires a specific action be taken.

In the first instance above, the alternative care parent may grieve such an issue even after the Division has moved the child for the purpose of protection. In the second instance, specific actions taken in response to a court order, such as the

court-ordered movement of the child(ren) from the alternative care home, are not subject to the grievance process.

By recognizing alternative care parents as team members and as colleagues for children placed in their care, and including them in case plan development and implementation, this process should be necessary in only a few cases.

2. Advise Regional Director/Designee of alternative care parent's request within two (2) working days.
3. Hold a meeting with the alternative care parent, appropriate Circuit Manager/designee, and appropriate Regional Office Director/Designee (a supervisor III or above) within ten (10) working days from the date of the request, unless the parent needs more time:
 - a. Review information/material provided by the alternative care parent and Division staff.
 - b. Determine if the child's case management decision should be upheld or reversed.

Related Subject: Section 6, Chapter 7, Subsection 3: Children's Services Grievance Process Guidelines

NOTE: The purpose of the informal meeting with the alternative care parent, county, and circuit staff is to review the grievable child management issue and attempt to settle the issue at this level.
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4. Notify the alternative care parent of the decision, in writing, within five (5) working days after the meeting.

If the case management action is upheld, advise the parent of his/her right to proceed with a request for an Alternative Care Review Board (ACRB) hearing and that the request must be received by the ACRB Liaison within five (5) working days after receipt of the Regional Director's letter. Provide the Alternative Care Grievance Review Request, CS-70.

5. Receive, from alternative care parent, the CS-70 or other written request including all pertinent information and records, within five (5) working days of the Regional Director/Designee's written decision (allowing three days for mailing).
6. Schedule the ACRB within three (3) working days of the receipt of the request.
7. 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. Alternative Care Board Summary Outline located in subsection 6 of this manual section.

Alternative Care Review Board Summary Outline.

8. At least fifteen (15) working days prior to the review, provide to members and alternates of the review board copies of the CS-70, all pertinent material, notice of the review date, and location.
9. Coordinate all other activities regarding the scheduling of the review. The review should be scheduled to occur at the next scheduled AACRB meeting, if board members could be notified within fifteen (15) working days prior to the review.
10. Conduct review and allow presentations as follows:

NOTE: The review may be recorded by an audio recording device or a court reporter by request of the Alternative Care Parent. He/She must make arrangements for the court reporter and/or audio recording and pay all costs for this service.

- a. Summary and reasons for the child management decision (citing policy and procedure) from appropriate CD County and Circuit staff and/or legal counsel. CD staff may participate through a telephone conference:
 - Presentation by witnesses for the Division.
- b. Summary of the grievance by the alternative care parent/representative and/or legal counsel:

NOTE: The alternative care parent's presence is not required for a review to be conducted. He/She may submit a written statement.

- Presentation by witnesses for the alternative care parent.
- c. The Regional ACRB may ask questions and request further clarifying information from all parties.
 11. Advise both parties that the ACRB will review the information and present a written recommendation to the CD Deputy Director/Children's Services within seven (7) days.
 12. Review and discuss all relevant materials and testimony.
 13. Vote individually on ACRB recommendation.

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14. Submit written recommendation per Form CS-70 and relevant materials to the Deputy Director for Children's Services within seven (7) days.
15. Review Regional Alternative Care Review Board (ACRB) recommendation and discuss with the Division Director.
16. Uphold or reverse child management decisions and provide a written decision per Form CS-70 to all parties within thirty (30) days of receipt of the ACRB recommendation.
17. If the decision is to reverse the Division's child management decision, revise the child management plan to reflect the reversal.

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CD07-52

7.3 Alternative Care Board Grievance Process Guidelines

The Circuit Manager/designee, Regional Director/Designee and the Alternative Care Review Board (ACRB) will use the following guidelines to determine whether or not the Division's child management decision should be upheld or reversed:

1. The child management decision and rationale for making same is documented clearly and concisely in the child's Alternative Care or the Foster/Relative/Kinship/Adoptive Parent case record and includes a reference, where appropriate, to the statute, regulations, policy and/or procedure(s) which prompted the decision;
2. The health and well-being of the child with regard to the decision is clearly and concisely documented;
3. When appropriate, verbal and physical evidence supporting the Division's child management decision is clearly and concisely documented;
4. The Alternative Care parents evidence and statements are clearly documented and reviewed;
5. The decision is in the best interest of the child.

These guidelines are not all-inclusive. The reviewer(s) should also consider Division policy and procedures, the Child Abuse Law (Chapter 210 RSMo.) if applicable, and use his/her best professional judgment in reviewing the child management issue.

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7.4 Guidelines for Regional Director/Designee Children's Division's Grievance Letter to the Alternative Care Parent

If the grievance concerns a child case management decision, the County Director / Designee and Regional Director/Designee will hold an informal meeting with the alternative care parent. After the informal meeting is held, the Regional Director must notify the alternative care parent of the decision to uphold or reverse. The following information must be included in the letter to the alternative care parent:

1. The name of the child(ren) who is the subject of the decision;
2. The name of the alternative care parent(s) who requested the meeting;
3. The date the meeting was conducted;
4. A description of the material reviewed and persons interviewed;
5. The decision to uphold or reverse the decision citing policy and/or procedures;
6. If the child management decision is upheld, the letter should include an explanation of how to request a review by the Regional Alternative Care Review Board (ACRB) as well as the name and address of the ACRB Liaison. A copy of the Alternative Care Grievance Review Request (CS-70) should be included. The letter should also include information that the alternative care parent should be told concerning the hearing itself:
 - The alternative care parent must send the written request to the ACRB Liaison (usually via the CS-70) within five (5) working days;
 - The parent may be represented by legal counsel, a representative of the parent's own choosing, or herself / himself;
 - The parent may be present at the hearing or may submit a written statement; and
 - The parent may have witnesses present to provide statements about pertinent events.
7. If the child management decision is reversed, an explanation of what Division staff will do to reflect the reversal.

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7.5 Alternative Care Review Board (ACRB) Members

Each administrative region will establish an Alternative Care Review Board (ACRB) that is composed of seven (7) members and two (2) alternates. Members and alternates are selected as follows:

1. Two (2) alternative care (foster/relative/adoptive) parents, of which one shall be a licensed foster parent;
2. Two (2) CD employees;
3. Three (3) members and two (2) alternates from the following fields or professions:
 - Community representative who has knowledge of the provision of alternative care services,
 - School employee,
 - Juvenile Officer or professional employee of the Juvenile Office,
 - Licensed child or family psychologist,
 - Physician, nurse, or other qualified medical professional,
 - Children's Service Worker with a private agency that provides services to families and/or children;
4. The Regional Director of Children's Division (CD) will nominate the chairperson and forward the nomination to the Deputy Director for Children's Division. The Division Director will approve the nominations

ACRB Terms Of Office Are As Follows:

1. Initially, four (4) members shall be appointed for a three (3) year term and three (3) members for a two (2) year term. The alternates shall be appointed for a two (2) year term;
2. Subsequent members and alternates shall be appointed for two (2) year terms;
3. No member or alternate shall serve more than two (2) consecutive terms.

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. The monthly meeting is not required if there are no reviews pending. However, board members should try to

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keep available the same day each month. They will require notification of fifteen (15) working days prior to the meeting.

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

The Regional Director of CD May Remove and/or Replace a Member of the ACRB for the Following Reasons:

- Death;
- Resignation;
- Mental or physical incapacitation which limits the member from effectively serving;
- For good cause as determined by the Division Director.

The members of the ACRB shall hold all information obtained in the course of review in the strictest confidence.

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CD07-52

7.6 Regional Alternative Care Review Board Summary Outline

When the Circuit Manager/Designee receives notification that the alternative care parent has made a request to the Regional Alternative Care Review Board (ACRB) for a review of a child management decision, this outline should be used to provide a summary of the pertinent information. The summary, as well as a copy of the child's case record(s) and any other supporting documentation, must be sent to the Regional ACRB Liaison within five (5) working days of notification that the alternative care parent has requested a formal review.

1. **Identifying Child Data:** The child's name, race, and date of birth.
2. **Identifying Alternative Care Parent Data:** The alternative care parent's name, family members also involved in grievance decision, etc.
3. **Summary of The Child's Placement In Alternative Care:** Include a summary of the case, i.e., the reason for placement, a summary of all previous placement, the length of time in this placement, and describe the care provided in this home.
4. **Reason for The Alternative Care Review Board Hearing:** Summarize the reason the alternative care parent requested a review.
5. **Basis for Case Management Decision:** Summarize the basis for the case management decision and cite the policy or rule on which the decision is based.
6. **Relationship of the Case Management Decision to the Child's Treatment Plan:** Describe how the case management decision in this case relates to the child's treatment plan.
7. **Steps Taken at Circuit Level To Remedy The Case Management Disagreement:** Include the reason a solution was not reached at the county or circuit level.
8. **Family Support Team (FST) Recommendation(s):** Summarize the FST recommendations(s) for the child, especially if the team's recommendation(s) impacts on the case management decision.

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7.7 Guide for Conducting a Review of a Resource Home

The Regional Director/Designee will be responsible for causing a formal review of a resource home when there is a substantiated determination of child abuse/neglect involving the resource home and/or there are serious infractions of licensing regulations. The purpose of the review is to determine the continued use or licensure of the resource home. The provider may be placed on Administrative Hold status with a corrective action/support plan implemented and no other children placed in the home until the issue is resolved. In keeping with Child Welfare Practice, the reviews need to be strength-based and focused on the best interest of the child. The outcome of the review may result in moving forward with adverse action of the home which will begin the Fair Hearing process as outlined in [Chapter 7](#) of this section.

Timeframe

The review of the resource home should occur within 30 calendar days following receipt of CA/N records or notice of licensing violation.

Participants:

1. Resource Parents and support individual of their choice.
2. The Review Teams should include:
 - a. Non-CD members-One designated as the "Team Leader" or Moderator;
 - b. Licensing Supervisor and/or Supervisor III;
 - c. A third party such as:
 - Staff (including supervisors) from other program areas and/or counties;
 - Teaching resource parent; or
 - Currently licensed veteran resource parent.
3. Presenters may include:
 - a. CA/N investigator;
 - b. Worker of the child(ren) in the resource home;
 - c. Resource Home Licensing Worker; and
 - d. Other individuals as needed.

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A written review summary and recommendations will be submitted to the Regional Director for review and approval. One of the following two conclusions will result:

1. Issue resolved and the Regional Director or designee approved review summary placed in the administrative section of the resource license file; or
2. Issue not resolved; therefore, proceed with the Fair Hearing Process as outlined in Section 3 Chapter 7.

Written Review Summary Outline

The following outline should be followed when creating the written review summary:

Concern(s) prompting formal review: Include date(s) of reported concern(s), specific information about the concern(s), and reference any OHI reports.

Contact(s) with the resource provider(s) regarding the concern(s): Include dates, type of contact and individual contacted.

Status of foster placements: Include information regarding if the foster placements are removed. If not removed, identify the safety plan.

Begin date for Administrative Hold: The date entered in FACES.

Date of formal review:

Participants: Name of participants and their role or position.

Conclusion/Recommendations:

Resource licensing worker signature:

Supervisor signature:

Regional Director/Designee signature:

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[CD07-73](#), [CD12-36](#), CD14-64

7.8 Family Support Team Decision Review

Policy regarding Family Support Team (FST) Meetings is located in [Section 4 Chapter 7 Subsection 2, and Section 4 Chapter 9 Subsection 6](#). Policy regarding reaching consensus for FST decisions is located [Section 4 Chapter 7 Subsection 2 Sub-subsection 4](#). The policy guidelines in policy 4.7.2.2 must be followed before proceeding to a review of the decision as outlined in this section.

The procedure to provide oversight for decisions made by Family Support Teams is to ensure that all team members have a voice and that a consensus decision is made.

Consensus decision making is a creative and dynamic way of reaching agreement between all members of the FST for the best interest of the foster youth. Instead of simply voting for an item and having the majority of the group getting their way, a group using consensus is committed to finding solutions for the best interest of the foster youth that everyone actively supports, or can agree to. This ensures that all opinions, ideas and concerns are taken into account. Through listening closely to each other, the FST aims to come up with proposals that work for the best interest of the foster youth. Consensus is neither compromise nor unanimity - it aims to go further by weaving together everyone's best ideas and key concerns - a process that often results in surprising and creative solutions, inspiring both the individual and the FST as a whole.

7.8.1 Request for Review

A Family Support Team member who attended the team meeting may request a review of the team's decision using the Request for Review of FST Decision, CD-190, if the member believes the following regarding the meeting:

- a. There was a procedure error per [FST meeting policy](#)
- b. The requestor provides specific examples of perceived bias which precluded consensus from being reached.

The Family Support Team member who attended the meeting and requested the review of the team's decision must submit the request for review;

- a. Within five (5) business days of the Family Support Team Meeting;
- b. In writing using the CD-190; and
- c. To the Circuit Manager of the case manager for the foster youth(s) for which the FST was convened.
- d. If the case is managed by a Foster Care Case Management, (FCCM), contractor, to the FCCM Director.

If a required FST member was not included in the invitation for the meeting, they may follow the [Service Delivery Grievance](#) process.

7.8.2 Independent FST Reviewer Qualifications

The Independent reviewer is appointed by the Regional Director. The reviewer must meet the following qualifications:

1. Current Children's Division Staff
2. No connection to the case
3. No personal or perceived interest in the outcome of the case
4. Successful completion of Mediation Training
5. Demonstrates skills with handling emotionally charged situations
6. Demonstrates skills in problem solving
7. Demonstrates skills in active listening
8. Demonstrates skills in effective questioning
9. Demonstrates an excellent understanding and practice of the *best interest of the child* per [Missouri Revised Statutes Chapter 210](#), 210.001, 210.112 4(3), 210.565, 210.720, 210.762 and policy [Section 4 Chapter 9](#)

7.8.3 Time Frames

7.8.3.1 Request for Review

A family support team member who attended the FST must submit a written request for an FST review using the CD-190 to the Circuit Manager within five (5) business days of the meeting. Requests after five days will not be considered.

If there are no safety concerns regarding the foster youth(s) remaining in the home, they should not be moved from the home until the decision is finalized.

7.8.3.2 Review Process

1. The Circuit Manager will assign the request for a review to the Reviewer within one (1) business day of receiving the written request, CD-190. The Circuit Manager will provide a copy of the CD-190 to the Reviewer when assigned.
2. If the request is received beyond five (5) business days of the meeting, the Circuit Manager will contact the requester to report that the deadline was not met and the FST decision will not be reviewed.
 - a. If the requestor is the resource parent where the foster youth is placed, encourage them to exercise their right to be heard at the case's court hearing as referenced in the Missouri Resource Parent Handbook

- b. Refer to policy regarding roles, responsibilities, and rights of resource providers, [Section 1 Chapter 3](#)
 - c. Refer to Missouri Revised Statute, [211.464](#)
3. The Reviewer will be provided with the following documents and information within one (1) business day of being assigned the request for a FST decision review:
 - a. A copy of the FST-3
 - b. If the FST-3 was not used, copy of documented information from the meeting and a copy of the FST-1
 - c. A copy of the foster youth(s)' CS-1
 - d. The contact information for all FST members
4. The Reviewer will examine and review the documents regarding the FST meeting and the team's Decision.
5. The Reviewer will interview the following individuals who attended the FST meeting within two (2) business days of the Reviewer receiving the CD-190 from the Circuit Manager/private contractor Director:
 - a. Review requester
 - b. Parent(s) and support individual of their choice,
 - c. Placement provider(s) and support individual of their choice,
 - d. Foster youth(s), if age appropriate
 - e. Guardian Ad Litem for the foster youth(s)

The Reviewer may interview additional FST attendees, if the Reviewer deems it necessary to make the final conclusion.

6. The Reviewer will submit to the Circuit Manager a written report of his/her response following the review of the FST decision within five (5) business days of assignment of the review request.

7.8.4 Review Response Report

There are three (3) possible responses from the Reviewer following the review of the FST decision using the Family Support Team Meeting/Adoption Staffing Committee Decision Review Report, CD-190 A:

1. If the Reviewer concludes the FST procedure was followed and consensus was reached, the team's decision stands
2. If the Reviewer concludes the FST procedure was in error per policy, the Reviewer will:

- a) Reconvene the team members
 - b) Facilitate a new meeting
 - c) Achieve appropriate consensus decision for best interest of the foster youth(s)
3. If the Reviewer concludes there was no consensus of the FST in the decision making and one or more members evidenced extreme bias, the Reviewer will:
- a) Reconvene the team members
 - b) Facilitate a new meeting
 - c) Achieve appropriate consensus decision for best interest of the foster youth(s)

The Reviewer submits to the Circuit Manager a completed CD-190 A of his/her conclusion after review of the FST decision. The report must include:

1. Specific examples of procedure error (if applicable)
2. Specific examples of no consensus (if applicable)
3. Specific examples of bias (if applicable)
4. The names and dates of who and when team members were interviewed
5. Date(s) of reconvened FST meeting and outcome (if applicable)
6. Details to support that FST procedure was followed and consensus was reached with no bias
7. Evidence based support the best interest of the child was met

The Reviewer's conclusion will be reasonable, fair, expeditious and the Children's Division's final decision.

If the requester is the resource parent where the foster youth is placed and continues to not agree with the final decision by the Reviewer refer the requester to [RSMo 211.464](#) and [RSMo 210.761](#) regarding testifying at foster care hearings.

Chapter Memoranda History (prior to 01/31/07):

Memoranda History (After 01/31/07):

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7.9 Adoption Staffing Team Decision Review For Family Not Selected

Policy regarding the Adoption Staffing process is located in [Section 4 Chapter 28](#), and [Section 4 Chapter 27 Subsection 4](#). Policy regarding reaching consensus decisions is located [Section 4 Chapter 7 Subsection 2 Sub-subsection 4](#).

The procedure to provide oversight for the family not selected made by an Adoption Staffing Team is to provide the family not selected a voice.

7.9.1 Request for Review

A family not selected as the adoptive resource may request a review of the decision made by the Adoption Staffing Team, if the family believes the following regarding the staffing:

- a. There was a procedure error per Adoption Staffing Team process
- b. The requestor provides specific examples of perceived bias which precluded consensus from being reached.

The family must submit a request for review:

- a. Within one (1) business day of the Adoption Staffing Team Meeting Decision
- b. In writing using the CD-190
- c. Submitted to the Circuit Manager of the case manager for the foster youth(s) for which the Adoption Staffing Team was convened.
- d. If the case is managed by a Foster Care Case Management, (FCCM), contractor, submitted to the FCCM Director.

If there are no safety concerns regarding the foster youth(s) remaining in the home, they should not be moved from the home until the decision is finalized.

7.9.2 Independent Reviewer Qualifications

The Independent reviewer is appointed by the Regional Director. The reviewer must meet the following qualifications:

1. Current Children's Division Staff
2. No connection to the case
3. No personal or perceived interest in the outcome of the case
4. Successful completion of Mediation Training
5. Demonstrates skills with handling emotionally charged situations
6. Demonstrates skills in problem solving
7. Demonstrates skills in active listening
8. Demonstrates skills in effective questioning

9. Demonstrates an excellent understanding and practice of the *best interest of the child* per [Missouri Revised Statutes Chapter 210](#), 210.001, 210.112 4(3), 210.565, 210.720, 210.762 and policy [Section 4 Chapter 9](#)

7.9.3 Time Frames

7.9.3.1 Request for Review

All families reviewed will be notified of the decision within one business day of the decision.

An Adoption Staffing Team member who attended the staffing must submit a written request for an Adoption Staffing Team decision review using the CD-190 to the Circuit Manager within one (1) business day of the decision. Requests after one (1) day will not be considered.

7.9.3.2 Review Process

1. The Circuit Manager will assign the request for a review to the Reviewer within one (1) business day of receiving the written request, CD-190. The Circuit Manager will provide a copy of the CD-190 to the Reviewer when assigned.
2. If the request is received beyond one (1) business day of the meeting, the Circuit Manager will contact the requester to report that the deadline was not met and the Adoption Staffing Team decision will not be reviewed.
3. The Reviewer will be provided with the following documents and information within one (1) business day of being assigned the request for an Adoption Staffing Team decision review:
 - a. Adoption Profile(s);
 - b. Adoption staffing information packet including Home Assessments for all candidates;
 - c. A copy of the foster youth(s)' CS-1; and
 - d. The contact information for all the Adoption Staffing Team members who attended the staffing
4. The Reviewer will examine and review the documents regarding the adoption staffing and the Team's decision.
5. The Reviewer will interview the following individuals who attended the Adoption Staffing Team meeting within two (2) business days of the

Reviewer receiving the CD-190 from the Circuit Manager/private contractor Director:

- a. Review requestor
- b. Perspective adoptive parent(s) and support individual of their choice,
- c. Placement provider(s) and support individual of their choice,
- d. Foster youth, if age appropriate
- e. Guardian Ad Litem for the foster youth(s)

The Reviewer may interview additional Adoption Staffing Team attendees, if the Reviewer deems it necessary to make the final conclusion.

6. The Reviewer will submit to the Circuit Manager a written report of his/her response following the review of the Adoption Staffing Team decision within five (5) business days of assignment of the review request.

7.9.4 Review Response

There are three (3) possible responses from the Reviewer following the review of the Adoption Staffing Team's decision:

1. If the Reviewer concludes the Adoption Staffing procedure was followed and consensus was reached, the Team's decision stands
2. If the Reviewer concludes the Adoption Staffing Team procedure was in error per policy, the Reviewer will:
 - a) Reconvene the Team members
 - b) Facilitate a new staffing
 - c) Achieve an appropriate consensus decision for best interest of the foster youth(s)
3. If the Reviewer concludes there was no consensus of the Adoption Staffing Team in the decision making and evidence of extreme bias by one or more members, the Reviewer will:
 - a) Reconvene the Team members
 - b) Facilitate a new staffing
 - c) Achieve an appropriate consensus decision for best interest of the foster youth(s)

The Reviewer submits to the Circuit Manager a written report of his/her conclusion after review of the Adoption Staffing Team decision using the CD-190 A. The report must include:

1. Specific examples of procedure error (if applicable)
2. Specific examples of no consensus (if applicable)
3. Specific examples of bias (if applicable)
4. The names and dates of who and when Team members were interviewed
5. Date(s) of reconvened Adoption Staffing and outcome (if applicable)
6. Details to support that Adoption Staffing Team procedure was followed and consensus was reached with no bias
7. Evidence based support the best interest of the child was met

The Reviewer's conclusion will be reasonable, fair, expeditious and the Children's Division's final decision.

If the family continues to not agree with the final decision by the Reviewer refer the family to their attorney for consultation regarding their right to file a petition for adoption.

Chapter Memoranda History (prior to 01/31/07):

Memoranda History (After 01/31/07):

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Attachment A: The Alternative Care Review Board (ACRB)

Each administrative area will establish an Alternative Care Review Board (ACRB) that is composed of seven (7) members and two (2) alternates. Members and alternates are selected as follows:

1. Two (2) alternative care (foster/relative/adoptive) parents, of which one shall be a licensed foster parent;
2. Two (2) CD employees;
3. Three (3) members and two (2) alternates from the following fields or professions:
 - Community representative who has knowledge of the provision of alternative care services,
 - School employee,
 - Juvenile Officer or professional employee of the Juvenile Office,
 - Licensed child or family psychologist,
 - Physician, nurse, or other qualified medical professional,
 - Children's Service Worker with a private agency that provides services to families and/or children;
4. The Area Director of Children's Division (CD) will nominate the chairperson and forward the nomination to the Deputy Director for Children's Division. The Division Director will approve the nominations

ACRB Terms Of Office Are As Follows:

1. Initially, four (4) members shall be appointed for a three (3) year term and three (3) members for a two (2) year term. The alternates shall be appointed for a two (2) year term;
2. Subsequent members and alternates shall be appointed for two (2) year terms;
3. No member or alternate shall serve more than two (2) consecutive terms.

The members of the ACRB shall meet at a location within each area, at least one (1) time per month, depending on the number of requests being filed.

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NOTE: Meetings are not required if there are no pending reviews.

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

The Area Director Of CD May Remove And/Or Replace A Member Of The ACRB For The Following Reasons:

- Death;
- Resignation;
- Mental or physical incapacitation which limits the member from effectively serving;
- For good cause as determined by the Division Director.

The members of the ACRB shall hold all information obtained in the course of review in the strictest confidence.

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Attachment B: Children's Division's Grievance Process Guidelines

Alternative Care Board Process Guidelines

The County Director/designee, Area Director/Designee and the Alternative Care Review Board (ACRB) will use the following guidelines to determine whether or not the Division's child management decision should be upheld or reversed:

1. The child management decision and rationale for making same is documented clearly and concisely in the child's Alternative Care or the Foster/Relative/Adoptive Parent case record and includes a reference, where appropriate, to the policy and/or procedure(s) which prompted the decision;
2. The health and well-being of the child with regard to the decision is clearly and concisely documented;
3. When appropriate, verbal and physical evidence supporting the Division's child management decision is clearly and concisely documented;
4. The Alternative Care parents evidence and statements are clearly documented and reviewed;
5. The decision is in the best interest of the child.

These guidelines are not all-inclusive. The reviewer(s) should also consider Division policy and procedures, the Child Abuse Law (Chapter 210 RSMo.) if applicable, and use his/her best professional judgement in reviewing the child management issue.

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**Attachment C: Guidelines For Area Director/Designee Children's Division's
Grievance Letter To The Alternative Care Parent**

If the grievance concerns a child case management decision, the County Director / Designee and Area Director/Designee will hold an informal meeting with the alternative care parent. After the informal meeting is held, the Area Director must notify the alternative care parent of the decision to uphold or reverse. The following information must be included in the letter to the alternative care parent:

1. The name of the child(ren) who is the subject of the decision;
2. The name of the alternative care parent(s) who requested the meeting;
3. The date the meeting was conducted;
4. A description of the material reviewed and persons interviewed;
5. The decision to uphold or reverse the decision citing policy and/or procedures;
6. If the child management decision is upheld, the letter should include an explanation of how to request a review by the Area Alternative Care Review Board (AACRB) as well as the name and address of the AACRB Liaison. A copy of the Alternative Care Grievance Review Request (CS-70) should be included. The letter should also include information that the alternative care parent should be told concerning the hearing itself:
 - The alternative care parent must send the written request to the AACRB Liaison (usually via the CS-70) within five (5) working days;
 - The parent may be represented by legal counsel, a representative of the parent's own choosing, or herself / himself;
 - The parent may be present at the hearing or may submit a written statement; and
 - The parent may have witnesses present to provide statements about pertinent events.
7. If the child management decision is reversed, an explanation of what Division staff will do to reflect the reversal.

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Attachment D: County Director/Designee Alternative Care Review Board Summary Outline

Area Alternative Care Review Board Summary Outline

When the County Director/Designee receives notification that the alternative care parent has made a request to the Area Alternative Care Review Board (AACRB) for a review of a child management decision, this outline should be used to provide a summary of the pertinent information. The summary, as well as a copy of the child's case record(s) and any other supporting documentation, must be sent to the Area ACRB Liaison within five (5) working days of notification that the alternative care parent has requested a formal review.

1. **Identifying Child Data:** The child's name, race, and date of birth.
2. **Identifying Alternative Care Parent Data:** The alternative care parent's name, family members also involved in grievance decision, etc.
3. **Summary Of The Child's Placement In Alternative Care:** Include a summary of the case, i.e., the reason for placement, a summary of all previous placement, the length of time in this placement, and describe the care provided in this home.
4. **Reason For The Alternative Care Review Board Hearing:** Summarize the reason the alternative care parent requested a review.
5. **Basis For Case Management Decision:** Summarize the basis for the case management decision and cite the policy or rule on which the decision is based.
6. **Relationship Of The Case Management Decision To The Child's Treatment Plan:** Describe how the case management decision in this case relates to the child's treatment plan.
7. **Steps Taken At County Level To Remedy The Case Management Disagreement:** Include the reason a solution was not reached at the county or area level.
8. **Family Support Team (FST) Recommendation(s):** Summarize the FST recommendations(s) for the child, especially if the team's recommendation(s) impacts on the case management decision.

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