

EXECUTIVE ORDER
92-01

JAN 14 1992

Roy D. Blunt

SECRETARY OF STATE

WHEREAS, state systems serving children and their families are in need of fundamental restructuring, and

WHEREAS, the foundation of any new system must be a unified effort by state agencies to meet the needs of children and families, and

WHEREAS, the creation of one state agency for children's services is needed to achieve this goal,

NOW, THEREFORE, I, JOHN ASHCROFT, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and the laws of Missouri, including Sections 26.500 through 26.540, RSMo, do hereby proclaim the following reorganization plan which provides for the establishment of a division of children's services in the department of social services.

1. There hereby is created a division of children's services in the department of social services in charge of a director to be appointed by the director of the department. The compensation of the director of the division shall be established by the director of the department subject to appropriations therefor.

2. All powers, duties and functions of the division of youth services under Section 219.011 RSMo, relating to definitions; Section 219.016 RSMo, relating to responsibilities of the division; Section 219.021 RSMo Supp. 1991, relating to when a child is committed to the division; Section 219.026 RSMo Supp. 1991, relating to the release of children on aftercare supervision and procedures authorized when a child violates conditions of services; Section 219.036 RSMo, relating to employment of division personnel, an annual and master plan and authorizing director to be state agent to deal with federal government; Section 219.041 RSMo, relating to the incentive subsidy program; Section 219.046 RSMo, relating to the state advisory board of youth services; 219.051 RSMo, relating to division duties when a child is committed to the division; Section 219.061 RSMo, relating to confidentiality and penalties and authorizing division to sue for damages; Section 219.066 RSMo, relating to authorization of medical and dental treatment; Section 219.071 RSMo, relating to segregation of children from criminals; Section 219.076 RSMo, relating to transporting of children; Section 219.081 RSMo, relating to when the division is relieved of custody; and Section 219.086 RSMo, relating to transfer of a child to another state are transferred to the division of children's services by a type 1 transfer as defined in the Omnibus Reorganization Act of 1974. The division of youth services hereby is abolished.

3. All powers, duties and functions of the division of family services under Section 208.047 RSMo and elsewhere relating to payments for foster care are transferred to the division of children's services by a type 1 transfer as defined in the Omnibus Reorganization Act of 1974.

4. All powers, duties and functions of the division of family services under Section 210.010 RSMo and Section 210.001 RSMo Supp. 1991, relating to the general provisions of child protection and reformation; Sections 210.110, 210.115, 210.120, 210.125.3, 210.130, 210.135, 210.140, 210.155, 210.165, 210.166, 210.167, 210.180, 210.183 RSMo, Sections 210.145, 210.160.2, 210.150, 210.152, 210.192 RSMo Supp. 1991, relating to child abuse and neglect; Section 210.231 RSMo and Sections 210.201, 210.211, 210.221 RSMo Supp. 1991, relating to licensing of certain child care homes; Section 210.292.2 RSMo, relating to family foster care in first class counties and St. Louis City; Sections 210.481(3), 210.486, 210.491, 210.496, 210.501, 210.506, 210.511, 210.516, 210.521, 210.526,

210.536.1 RSMo and Sections 210.537, 210.543, 210.545, 210.551, 210.560, 210.565 RSMo Supp. 1991, relating to homes for children, foster homes, child placing agencies and licensing; Sections 210.570 through 210.610 RSMo, the Interstate Compact on Juveniles; Sections 210.620 through 210.640 RSMo, the Interstate Compact on Child Placement; and Sections 210.700, 210.710, 210.730, 210.760 RSMo and 210.720 RSMo Supp. 1991 relating to court review of children placed with the agency or foster care are transferred to the division of children's services by a type 1 transfer as defined in the Omnibus Reorganization Act of 1974.

5. All powers, duties and functions of the division of family services under Section 211.036 RSMo Supp. 1991 relating to custody of children; Section 211.081 RSMo Supp. 1991 relating to placement of juveniles; Section 211.183 RSMo Supp. 1991, relating to efforts made by the division of family services; Sections 211.455.3, 211.477.1, 211.477.4 RSMo and Section 211.447.2(3), 211.447.3(3) RSMo Supp. 1991, relating to termination of parental rights; and Sections 211.459.1 and 211.459.3 RSMo, relating to dispositional hearings, are transferred to the division of children's services by a type 1 transfer as defined in the Omnibus Reorganization Act of 1974.

6. All powers, duties and functions of the division of family services under Section 452.390 RSMo are transferred to the division of children's services by a type 1 transfer as defined in the Omnibus Reorganization Act of 1974.

7. All powers, duties and functions of the division of family services under Sections 453.015, 453.065, 453.073, 453.074, 453.102 RSMo and Sections 453.014, 453.070.2, 453.070.4, 453.110 RSMo Supp. 1991 relating to adoption are transferred to the division of children's services by a type transfer as defined in the Omnibus Reorganization Act of 1974.

8. All powers, duties and functions of the division of family services under Section 207.010 RSMo relating to child welfare services, and social services to families and adults are transferred to the division of children's services by a type 1 transfer as defined in the Omnibus Reorganization Act of 1974.

9. All powers, duties and functions of the division of family services under Section 207.020.1 RSMo paragraphs (1), (2), (3), (4), (5), (6), (7), (11), (12), (13), (14), (15), (18) and (19) and Section 207.020.2 RSMo shall be retained by the division of family services but the same powers, duties and functions and any other powers, duties and functions in Section 207.020 RSMo are also transferred to the division of children's services in connection with the powers, duties and functions transferred by paragraphs (3) through (8) of this Reorganization Plan.

10. Effective July 1, 1993, all powers, duties and functions of the division of comprehensive psychiatric services under Sections 630.205 through 630.225, 630.405 through 630.460, 630.605 through 630.660, 632.055 and 632.110 RSMo relating to purchase of service and community placement of children under the age of eighteen, are transferred to the division of children's services by a type 1 transfer as defined in the Omnibus Reorganization Act of 1974, but the same powers, duties and functions are retained by the division of comprehensive psychiatric services with regard to clients of the division of comprehensive psychiatric services; age 18 and over. The two agencies shall agree upon the appropriate number of inpatient psychiatric beds to be available for use of clients of the division of children's services.

11. Effective July 1, 1993, all powers, duties and functions of the division of mental retardation/developmental disabilities under Sections 630.005(8), 633.120, 633.110, 633.025 and 633.115 RSMo relating to purchase of service and community placement of children under the age of eighteen, eligible for services on the basis of developmental disabilities shall be transferred to the division of children's services by a type 1 transfer as defined in the Omnibus Reorganization Act of 1974 and such powers, duties and functions under these sections shall be retained by the

division of mental retardation/developmental disabilities with regard to clients of the division of mental retardation/developmental disabilities age eighteen and older. All powers, duties and functions of the division of mental retardation/developmental disabilities relating to the operation of state operated habilitation centers shall be retained by the division of mental retardation/developmental disabilities. The two agencies shall agree upon the appropriate state operated habilitation services to be available for clients of the division of children's services.

12. The division of children's services and the divisions of comprehensive psychiatric services and mental retardation/developmental disabilities shall have the authority to enter into interagency agreement to provide for continuing service delivery by the division of comprehensive psychiatric services and the division of mental retardation/developmental disabilities for children between the ages of fourteen and eighteen who are already actively receiving services from the divisions of comprehensive psychiatric services and mental retardation/developmental disabilities on the date of transfer of functions to the division of children's services. The divisions of comprehensive psychiatric services and mental retardation/developmental disabilities shall not, as a part of this authority, retain the power or authority to admit any new client or former client, now inactive, to services if that client is under the age of eighteen.

13. Effective July 1, 1993, all powers, duties and functions of the department of mental health to take custody of children under the age of eighteen, pursuant to Chapter 211 and Sections 632.115, 632.300 through 632.450 and 552.040 RSMo shall be transferred to the division of children's services by a type 1 transfer as defined in the Omnibus Reorganization Act of 1974.

14. All powers, duties and functions of the department of mental health under Sections 632.040, 632.045, 633.040 and 633.045 RSMo shall be transferred to the division of children's services with regard to children under the age of eighteen, by a type 1 transfer as defined in the Omnibus Reorganization Act of 1974 and those same powers, duties and functions shall be retained by the department of mental health with regard to clients eighteen and older.

15. All powers, duties and functions of the department of health relating to state administrative responsibilities and coordination of the Early and Periodic Screening, Diagnosis, and Treatment program are transferred to the division of children's services by a type 1 transfer as defined in the Omnibus Reorganization Act of 1974.

16. Staff positions and accompanying resources shall be transferred from the division of alcohol and drug abuse of the department of mental health to the division of children's services to provide assessment, referral and staff training to allow high risk children and their families access to alcohol and drug treatment services.

17. No provision of this order shall be construed to remove any agency or position of employment from under any of the provisions of the State Personnel Law under Chapter 36 RSMo as amended.

18. The director of the department of social services shall establish the internal organization of the division of children's services and such organization shall be published as part of the department of social service's departmental plan.

19. No later than January 15, 1996, the division of children's services, through the department of social services, shall provide a report to the governor and to each house of the general assembly detailing activities of the division and reporting on the enhancement in delivery and effectiveness of services to clients of the division as a result of this reorganization. The governor shall make any needed administrative adjustments, submit to the general assembly appropriate organizational or programmatic changes for legislative action, and cooperate with any joint

committee of the general assembly appointed for the purpose in public hearings concerning the division.

Except where specific dates are provided herein, this Reorganization Plan shall be effective August 28, 1992.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 15th day of January, 1992.



John Ashcroft

John Ashcroft
Governor

Roy D. Blunt