



Rules of
Department of Social Services
Division 35—Children’s Division
Chapter 30—Voluntary Placement Agreement

Title	Page
13 CSR 35-30.010 Voluntary Placement Agreement Solely for the Purpose of Accessing Mental Health Services and Treatment for Children Under Age Eighteen (18) ...	3
13 CSR 35-30.020 Immediate Safety Intervention Plan	3
13 CSR 35-30.030 Temporary Alternative Placement Agreements (TAPA)	6



**Title 13—DEPARTMENT OF
SOCIAL SERVICES**

**Division 35—Children's Division
Chapter 30—Voluntary Placement
Agreement**

13 CSR 35-30.010 Voluntary Placement Agreement Solely for the Purpose of Accessing Mental Health Services and Treatment for Children Under Age Eighteen (18)

PURPOSE: This rule sets forth procedures to be followed to divert children from Children's Division (CD) legal custody when a parent is unable to access or afford clinically indicated mental health services for their child and the child otherwise is not the subject of parental abuse, neglect or abandonment.

(1) Parents or legal guardians (parents) who are considering relinquishing custody solely for the purpose of accessing clinically indicated mental health services for their child or who otherwise cannot afford such services shall be referred by the Children's Division (CD) or Juvenile Court to the Department of Mental Health (DMH) or their designee for an assessment of eligibility to enter into a Voluntary Placement Agreement (VPA).

(2) The Department of Social Services-Children's Division (DSS-CD) and the DMH shall develop protocol, policy and procedure to assess the level and extent of services needed for such children and to develop criteria for determining whether a child may be appropriate for a VPA in accordance with Chapter 536, RSMo.

(3) If DMH determines pursuant to the procedures, policies, and protocols as indicated in section (2) above, that the child requires services that cannot be provided in the home and the parent is currently unable to access or financially afford the clinically indicated care the child requires, the parent may enter into a VPA with the DSS-CD.

(A) A VPA means a written agreement between the DSS-CD and a parent, legal guardian, or custodian of a child under age eighteen (18) in need of out-of-home placement, solely because he/she is in need of mental health treatment and services.

(B) A VPA developed following a DMH assessment and certification of appropriateness authorizes the DSS-CD to administer the placement and care of a child while the parent, legal guardian, or custodian of the child retains legal custody.

(4) The DSS-CD will authorize the DMH to place the child, administer the placement, and provide care and treatment for the child while he/she is under the Voluntary Placement Agreement.

(5) The DMH shall ensure that a child's placement, under the VPA, shall be in the most appropriate and least restrictive environment available for the shortest period of time as clinically indicated.

(6) The VPA shall be effective the date the child is placed. Voluntary Placement Agreements may be for as short a period as the parties may agree in the best interests of the child but under no circumstances shall the total period of time that a child shall remain in care under a VPA exceed one hundred eighty (180) days. Subsequent agreements may be entered into, but the total period of placement of the child under a single VPA or a series of VPAs shall not exceed one hundred eighty (180) days without the express authorization of the director of the Children's Division or his/her designee.

(7) The parents, DMH and DSS-CD shall hold a family support team meeting to develop a permanency/treatment plan for the child either prior to or within seventy-two (72) hours of the date of placement of the child pursuant to a VPA. The permanency/treatment plan shall be completed and in place no later than sixty (60) days from the date that the child is placed according to the agreement.

(8) The parents, the DSS-CD and DMH shall hold a family support team meeting no later than one hundred (100) days from the date that the child is placed pursuant to a VPA to determine whether:

(A) The parties have exercised reasonable efforts to finalize the permanency plan; and

(B) Whether it is in the best interests of the child to either terminate the VPA and reunite the child with the child's parents or whether it is in the best interests of the child to continue the child in care beyond the expiration date of the VPA.

(9) The DSS-CD shall maintain responsibility for compliance with all Federal Title IV-E requirements. All Voluntary Placement Agreements shall be consistent with the requirements of sections 210.108 and 210.710, RSMo and Title IV-E of the Social Security Act and its implementing regulations, including, but not limited to 42 U.S.C. section 672.

(10) DMH shall develop and submit to DSS-CD at prescribed intervals a report of services provided to any child served under a VPA. Such report shall include any information identified by DSS-CD as required for federal reporting purposes.

(11) The VPA may be terminated by the DSS-CD upon ten (10) days written notice to the parties.

(12) The parent(s) may terminate the VPA for any reason at any time by providing either oral or written notification to DSS-CD. Upon receipt of such notice the VPA shall immediately terminate and the child shall be returned to the legal and physical custody of the parents.

(13) All VPAs shall be in writing and shall be on a form approved by the DSS-CD in consultation with the DMH.

AUTHORITY: section 210.108, RSMo Supp. 2004. Emergency rule filed Dec. 23, 2004, effective Jan. 2, 2005, expired June 30, 2005. Original rule filed Dec. 23, 2004, effective June 30, 2005.*

**Original authority: 210.108, RSMo 2004.*

13 CSR 35-30.020 Immediate Safety Intervention Plan

PURPOSE: This rule governs the use of Immediate Safety Intervention Plans, which are used as part of Temporary Alternative Placement Agreements (TAPAs) under section 210.123, RSMo. An Immediate Safety Intervention Plan is a form for the relative caretaker of a child under a TAPA to use to notify medical care providers, educational institutions, and others that they have legal authority to make day-to-day decisions for the child in their care.

(1) Purpose and Scope—

(A) An Immediate Safety Intervention Plan is a voluntary, time limited agreement between the Children's Division, a child's parent(s) and/or legal guardian(s), and any other third parties to protect a child from one (1) or more identified, immediate threats to the child's safety, health, and welfare in the short term. The purpose of the Immediate Safety Intervention Plan is to establish and document in writing a plan to keep a child safe with the goal of preventing or eliminating the need for the child to be involuntarily removed from the child's home and/or brought under the authority of a juvenile or family court pursuant to Chapter 211, RSMo.



(B) The paramount consideration for developing, implementing, and monitoring an Immediate Safety Intervention Plan is to protect the safety, best interests, and welfare of the child.

(2) Definitions. For the purposes of this section the following definitions shall apply:

(A) The terms “Safety Plan” and “ISIP” mean Immediate Safety Intervention Plan;

(B) The word “relative” shall mean a grandparent or any other person related to another by blood or affinity or a person who is not so related to the child but has a close relationship with the child or the child’s family. The status of a grandparent shall not be affected by the death or the dissolution of the marriage of a son or daughter; and

(C) The phrases “Temporary Alternative Placement Agreement” and “TAPA” shall mean Temporary Alternative Placement Agreements as defined in section 210.123, RSMo, and 13 CSR 35-30.030.

(3) Each Immediate Safety Intervention Plan will be reduced to writing and signed by the parties to the Immediate Safety Intervention Plan. It will—

(A) Identify the danger or immediate safety threat(s) to the child;

(B) Identify the services that the division may offer to address the identified safety threat(s) to the child;

(C) Identify the specific actions that the child’s parent(s), guardian(s), and relative(s) will take to address the identified safety threat(s) to the child, and specify the time frames during which those actions will be completed;

(D) Identify any other people or agencies that are willing and available to support the child and the parent(s), guardian(s), and/or relative(s) in the implementation of the Immediate Safety Intervention Plan, and identify what actions they may take to implement the Immediate Safety Intervention Plan;

(E) Include a statement that the parent(s), guardian(s), and relative(s) agree to the Immediate Safety Intervention Plan, that they will participate in good faith with the services offered by the division, that they will cooperate with the division, and that they will implement the requirements of the Immediate Safety Intervention Plan;

(F) Specify the date on which the Immediate Safety Intervention Plan will terminate;

(G) Contain any other provisions that the parties may deem appropriate; and

(H) Include a plan for monitoring the effectiveness of the Immediate Safety Intervention Plan.

(4) Placements. An Immediate Safety Intervention Plan may provide for the child to remain in the child’s own home while the plan is being implemented, or to temporarily reside with the non-offending parent. Any change in the residence of a child pursuant to an Immediate Safety Intervention Plan is and shall be accomplished solely pursuant to the legal authority of and voluntary consent of the child’s parent(s), legal custodian(s), or legal guardian(s). A change in the residence of a child pursuant to an Immediate Safety Intervention Plan is not intended to be and shall not be construed to be a custody order, modification of a custody order, or a placement of the child by the division.

(5) An Immediate Safety Intervention Plan is not a custody or visitation order or a parenting plan, as such terms as otherwise defined by law. An Immediate Safety Intervention Plan does not and cannot supersede a court order governing the care, custody, control, or support of a child.

(6) The parent(s), guardian(s), and relative(s) shall cooperate in good faith with the division to implement the Immediate Safety Intervention Plan. This includes, but is not limited to:

(A) Making the child available to meet with the division or its contractors or representatives in the State of Missouri in person, virtually, or by other means of communication upon request to enable the division to ensure the Immediate Safety Intervention Plan is being implemented and the child is safe and well cared for during the pendency of the Immediate Safety Intervention Plan;

(B) Allowing the division or its contractors or representatives to inspect the home at reasonable times (announced and unannounced) to ensure the Immediate Safety Intervention Plan is being implemented;

(C) Executing any consents and/or authorizations to release information to the division and/or to or from third parties the division determines necessary to obtain information to develop and/or monitor the implementation of the Immediate Safety Intervention Plan. This includes, but is not limited to, health care providers, schools, and other professionals providing services to the child and other parties;

(D) Participating in team decision making meetings that the division may convene pertaining to the child;

(E) Keeping the division informed of their current residence address, mailing address, telephone number, e-mail address, work address, and contact information; and any change in the residence of and contact information for the child; and

(F) It shall be the duty of the parent(s), legal guardian(s), and relative(s) to promptly notify the division of any change in circumstances that may impact the care of the child and/or the implementation of the Immediate Safety Intervention Plan.

(7) Background checks.

(A) The division may conduct a background check of the parent, guardian, the relative, and any adult member of the parent, guardian, or relative’s household as part of its process to determine whether the parent, guardian, or relative is a suitable temporary placement provider for the child. The parent, relative, and other adult household members shall execute any consents or other documents necessary to complete any background checks, and submit to a fingerprint-based criminal background check if the division determines this to be necessary. If the parent, relative, or any adult member of the household declines to assist in background check process then the division may decide not to enter into an Immediate Safety Intervention Plan.

(B) Notwithstanding any other provision of this section, the division will not enter into an Immediate Safety Intervention Plan where the parent or guardian of the child places the child under an Immediate Safety Intervention Plan in the home of a non-offending/non-resident parent where the individual or any member of the individual’s household has pled guilty or been found guilty of any the following crimes when a child was the victim:

1. Section 565.020, RSMo (murder, first degree);
2. Section 565.021, RSMo (murder, second degree);
3. Section 565.023, RSMo (voluntary manslaughter);
4. Section 565.024, RSMo (involuntary manslaughter, first degree);
5. Section 565.050, RSMo (assault, first degree);
6. Section 566.030, RSMo (rape, first degree);
7. Section 566.031, RSMo (rape, second degree, or section 566.040, RSMo before Aug. 28, 2013);
8. Section 566.032, RSMo (statutory rape, first degree);
9. Section 566.060, RSMo (sodomy, first degree);
10. Section 566.061, RSMo (sodomy, second degree, or section 566.070, RSMo before Aug. 28, 2013);
11. Section 566.062, RSMo (statutory sodomy, first degree);
12. Section 566.064, RSMo (statutory



sodomy, second degree);

13. Section 566.067, RSMo (child molestation, first degree);

14. Section 566.068, RSMo (child molestation, second degree);

15. Section 566.069, RSMo (child molestation, third degree);

16. Section 566.071, RSMo (child molestation, fourth degree);

17. Section 566.083, RSMo (sexual misconduct involving a child);

18. Section 566.100, RSMo (sexual abuse, first degree);

19. Section 566.101, RSMo (sexual abuse, second degree, or section 566.090, RSMo before Aug. 28, 2013);

20. Section 566.111, RSMo (sex with an animal);

21. Section 566.151, RSMo (enticement of a child, first degree);

22. Section 566.203, RSMo (abusing an individual through forced labor);

23. Section 566.206, RSMo (trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor);

24. Section 566.209, RSMo (trafficking for the purpose of sexual exploitation);

25. Section 566.210, RSMo (sexual trafficking of a child, first degree);

26. Section 566.211, RSMo (sexual trafficking of a child, second degree, or section 566.212, RSMo before Jan. 1, 2017);

27. Section 566.215, RSMo (contributing to human trafficking through the misuse of documentation);

28. Section 567.050, RSMo (promoting prostitution, first degree);

29. Section 568.080, RSMo (child used in sexual performance, if before Jan. 1, 2017);

30. Section 568.090, RSMo (promoting sexual performance by a child, if before Jan. 1, 2017);

31. Section 568.020, RSMo (incest);

32. Section 568.030, RSMo (child abandonment, first degree);

33. Section 568.060, RSMo (abuse or neglect of a child);

34. Section 568.065, RSMo (genital mutilation of a female child);

35. Section 568.175, RSMo (trafficking in children);

36. Section 573.023, RSMo (sexual exploitation of a minor);

37. Section 573.025, RSMo (promoting child pornography, first degree);

38. Section 573.035, RSMo (promoting child pornography, second degree);

39. Section 573.037, RSMo (possession of child pornography);

40. Section 573.200, RSMo (child used in sexual performance or section 568.080,

RSMo before Jan. 1, 2017); or

41. Section 573.205, RSMo (promoting sexual performance by a child or section 568.090, RSMo before Jan. 1, 2017).

(C) Except as otherwise provided in subsection (7)(B), the division may, at its discretion, agree to enter into an Immediate Safety Intervention Plan in which the parent or guardian of the child places the child in the home of a non-offending/non-resident parent where the individual or any adult member of the individual's household has been found guilty of any other crimes against persons, substantiated or significant child abuse/neglect history, or drug and alcohol related offenses if the parent, guardian, and/or the relative satisfy the division that the placement is in the best interests of the child, that the parent or relative is a fit and suitable person to temporarily care for the child, and that the household where the child will temporarily reside is safe and appropriate for the child. In making this decision, the division may consider the following factors:

1. Whether the parent, guardian, and/or relative or household member has successfully completed the conditions of sentencing and/or probation without further incidents;

2. Whether the parent, guardian, and/or relative or household member has successfully completed any prescribed or required treatment;

3. The duration of time between the prior incident and the negotiation of the Immediate Safety Intervention Plan;

4. The written advice and recommendations of professionals with knowledge of the family;

5. Whether the prior incident of criminal conduct, while unlawful at the time of the incident, is no longer unlawful or proscribed at the time that the division is considering Immediate Safety Intervention Plan; and

6. Any other factor or information that may be relevant to making a decision about the best interests, care, and safety of the child.

(8) Enforcement of Immediate Safety Intervention Plans. The division does not have the authority, acting on its own, to enforce the requirements of an Immediate Safety Intervention Plan. The division retains the authority to take any action, any time and without prior notice or consultation, that the division deems in its sole discretion appropriate to protect the safety, best interests, and welfare of any child covered by an Immediate Safety Intervention Plan. This includes, but is not limited to:

(A) Making referrals, with or without recommendations for further action, to the juvenile officer;

nile officer;

(B) Making referrals to law enforcement;

(C) Investigating reports of child abuse or neglect and conducting family assessments;

(D) Sharing a copy of the Immediate Safety Intervention Plan and other relevant information with the juvenile officer, law enforcement, medical care providers, guardians *ad litem* for the child, schools and school personnel, and any other person the division determines has a need to have the information for the care, safety, and best interests of the child; and

(E) Negotiating a new Immediate Safety Intervention Plan or a TAPA.

(9) Relationship between Immediate Safety Intervention Plans and TAPAs. The division may recommend and enter into a Temporary Alternative Placement Agreement (TAPA), pursuant to section 210.123, RSMo, and 13 CSR 35-30.030. If the parent(s), guardian(s), or relative(s) decline to enter into a TAPA, upon recommendation of the division, the division shall refer the matter to the juvenile officer for appropriate action.

(10) An Immediate Safety Intervention Plan will terminate under the following circumstances:

(A) Immediate Safety Intervention Plans will automatically terminate without further notice ten (10) days after the date the last party signs the agreement. Each party is responsible for signing and dating the document.

1. The parties may extend an Immediate Safety Intervention Plan for no more than ten (10) days at a time. Every extension of the Immediate Safety Intervention Plan must be done in writing and signed by all parties. The extension must specify the date on which the plan shall terminate. The division should not terminate its involvement with the family while there is an Immediate Safety Intervention Plan in place;

(B) Immediate Safety Intervention Plans are voluntary. Any party to the Immediate Safety Intervention Plan may terminate his or her participation in the Immediate Safety Intervention Plan at any time with reasonable notice to the other participants. Any party wishing to terminate their participation in the Immediate Safety Intervention Plan shall notify the division, preferably in writing;

(C) An Immediate Safety Intervention Plan shall terminate upon the child being brought under the jurisdiction of a juvenile or family court pursuant to law, or upon the entry of an order of a court of competent jurisdiction; and

(D) The division may not terminate its



involvement with the family if there is an Immediate Safety Intervention Plan in place.

AUTHORITY: sections 207.020.1(2) and 660.017, RSMo 2016, and section 210.123, RSMo Supp. 2021. Emergency rule filed May 20, 2021, effective Aug. 2, 2021, expired Feb. 24, 2022. Original rule filed May 20, 2021, effective Nov. 30, 2021.*

**Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993, 2014; 210.123, RSMo 2020; and 660.017, RSMo 1993, amended 1995.*

13 CSR 35-30.030 Temporary Alternative Placement Agreements (TAPA)

PURPOSE: This regulation implements Temporary Alternative Placement Agreements as provided in section 210.123, RSMo.

(1) Purpose and Scope.

(A) This regulation implements TAPAs as provided in section 210.123, RSMo, for the purposes therein stated.

(B) The paramount consideration for developing, implementing, and monitoring a TAPA is to protect the safety, best interests, and welfare of the child.

(C) The Children’s Division has determined that it is redundant to reproduce the statutory requirements of TAPAs as set forth in section 210.123, RSMo, in this regulation. In addition to the requirements of this regulation, all parties to a TAPA must fully comply with the requirements of section 210.123, RSMo, and other applicable law.

(2) Definitions. For the purposes of this regulation the following words and/or phrases are defined as follows:

(A) The division incorporates the definitions of the terms, words, and phrases set forth in section 210.123, RSMo, as the definition of the same terms, words, and phrases when used in this regulation;

(B) References to the “Children’s Division” or “the division” shall also refer to any contractors or representatives that the Children’s Division may retain or employ in reference to developing and implementing TAPAs;

(C) The word “parent” shall include the child’s legal parents and, when relevant, the child’s legal guardian or custodian;

(D) In cases where the child’s parents do not reside together in the same household the word “relative” and “parent” may also include the child’s adoptive or biological parent that the child is not residing with;

(E) “TAPA” shall mean “Temporary Alternative Placement Agreement” as that phrase

is defined in section 210.123, RSMo; and

(F) The phrases “Team Decision Making Meeting” or “TDM” for purposes of this regulation shall mean a group of individuals invited by the Children’s Division to form a team to meet to assist, support, and advise the division and the parties to the TAPA on making decisions involving the children and family with the goal of successfully implementing the TAPA.

1. Mandatory TDM Members. The members of the team for a TDM shall include representatives of the Children’s Division, the child’s parent, the relative, the child’s guardian *ad litem* if the child has a guardian *ad litem*, any other party to the TAPA, and the attorney for any of the parties to the TAPA, at the request of that party. A TDM meeting may still be held if all of the mandatory team members are not in attendance.

2. Optional TDM Members. The team may also include other relatives of the children and parents as well as school personnel, medical and mental health personnel, the juvenile officer if the juvenile officer requests to be present, service providers to the child and family, and any other individual who the parties to the TAPA agree may provide constructive advice, assistance, and support for the implementation of the TAPA.

3. Children’s Participation in TDM Meetings. Children twelve (12) years of age and older should attend TDM Meetings, if the child is willing and able to attend the meetings, and the division believes their attendance is in the child’s best interests.

(3) Negotiation and execution of a TAPA.

(A) TAPAs are voluntary, written agreements between the parent, the relative, and the Children’s Division. To be valid, the TAPA must be executed by the division, the parent, and the relative. The TAPA may be executed in writing or by electronic signature.

(B) The Children’s Division shall base its decision whether to execute a TAPA on what the division believes to be in the best interests of the child. This will be based upon the information made available to the Children’s Division within the applicable time periods for completing a TAPA, the applicable law, and the unique circumstances of each child and family.

(C) The Children’s Division will give first consideration to entering into a TAPA with the child’s other parent when the child and the child’s parents do not reside in the same household. If the division determines that the other parent is not a suitable relative for placement, the Children’s Division will give second consideration to enter into a TAPA with the child’s grandparent.

(D) In making the decision to enter into a TAPA and deciding what services the Children’s Division may be able to offer to assist the parties in implementing the plan, the Children’s Division may consider and balance—

1. The wishes of the parent and relative;
2. The wishes of the child;
3. The needs of the child for safe, frequent, continuing and meaningful relationship between the child and the child’s parent;
4. The ability and willingness of the parent and the relative to actively perform their functions for the needs of the child;
5. The interaction and interrelationship of the child with the child’s parent, siblings, grandparents, the relative, and any other person who may significantly affect the child’s best interests;
6. The child’s adjustment to their home, school, and community;
7. The mental and physical health of all individuals involved;
8. Any history of any abuse or neglect of any individual involved;
9. Any history of domestic violence;
10. Any special needs of the child, the child’s level of care, and the needs of the child’s parent, and the relative;
11. The financial and personal resources available to the parent and the relative to care for the child and implement the plan set out in the TAPA. This may include whether the child, the child’s parent and the relative may be eligible for benefits and services through other governmental and private organizations;
12. The resources and services available to the Children’s Division, including the availability of appropriated funds for the provision of resources and services;
13. The educational needs of the child;
14. The willingness and ability of the parent, the relative, the child, and the relative’s household members to work with the Children’s Division and each other to cooperatively develop and implement the TAPA;
15. Any history of criminal activity of any individual involved that may pose a safety risk to the child or impact the ability or willingness of any individual to implement the TAPA;
16. Any current or past history of conduct that may indicate substance use disorder by the child, the parent, the relative, other members of the relative’s household, or other persons;
17. The number of children in the home or to be placed in the home; and
18. Any other facts, information, or considerations that the division deems relevant to its decision.



(4) When the division, the parent, and the relative agree to enter into a TAPA, the child's parent and the relative shall cooperate with the Children's Division to develop, implement, and monitor the TAPA. This includes, but is not limited to:

(A) Making the child available to meet with the Children's Division in person, virtually, or by other means of communication at least two (2) times each month to enable the division to monitor the implementation of the TAPA and to ensure that the TAPA is being safely implemented. At least one (1) visit each month shall be in the relative's home at the discretion of the Children's Division, and the other visit may be virtual or in the community;

(B) Allowing the Children's Division to inspect the home of the relative where the child resides, including allowing the Children's Division to meet with the child in-person in the home of the relative at least one (1) time a month and the home of the parent, at reasonable times (announced and unannounced), to monitor the implementation of the TAPA and ensure the child is safe and well cared for during the TAPA;

(C) Executing any consents and/or authorizations to release information to the Children's Division and/or to or from third parties that the Children's Division determines necessary for the Children's Division to obtain information to develop and/or monitor implementation of the TAPA. This includes, but is not limited to, health care providers, schools, and school districts and other professionals providing services to the child and the parties to the TAPA;

(D) Participating in all TDMs that the Children's Division may convene pertaining to the child;

(E) Keeping the division informed of their current residence address, mailing address, telephone number, e-mail address, work address and contact information, and any change in the residence of and contact information for the child;

(F) Promptly notifying the Children's Division of any change in circumstances that may impact the care of the child and/or the implementation of the TAPA;

(G) Providing full, truthful, accurate, and complete information to the division and other members of the TDM;

(H) Ensuring the child resides in the state of Missouri for the duration of the TAPA unless the child requires medical treatment in another state that is not reasonably available within the state of Missouri. The child's parent and the relative shall immediately notify the Children's Division if the child requires medical care out of state; and

(I) Participating in the services the parties identify as necessary to the TAPA.

(5) Team Decision Making Meetings.

(A) In all cases managed through a TAPA, the division shall schedule a TDM within ten (10) days of the execution of a TAPA, and at least once every month thereafter for the duration of the agreement as provided in this regulation.

1. The division may schedule additional TDMs as the division determines may be necessary to support the implementation of the TAPA.

2. Parties to the TAPA may ask the division to schedule additional meetings. Parties to a TAPA are encouraged, but not required, to ask to schedule a TDM meeting before voluntarily terminating a TAPA to see if the team can help resolve any issues that may cause the party to consider withdrawing from the TAPA.

3. The division may schedule a TDM before the TAPA is scheduled to expire to discuss the successes and challenges of implementing the TAPA, whether a new TAPA may be necessary and to discuss whether any next steps may be appropriate.

(B) TDM meetings shall be informal, and shall be held at times and places that are reasonably convenient for as many of the participants as possible, with priority given to the schedules of the mandatory TDM members identified in paragraph (2)(F)1.

(C) TDM meetings may be held in person at the offices of the Children's Division or at other mutually convenient locations. TDM meetings may also be held by conference call or other electronic means.

(D) The Children's Division may exclude from any TDM meeting any person who is, or the division has reasonable cause to believe may become, disruptive to the orderly management of the case and/or meeting. The division may exclude from the TDM any non-mandatory team member who becomes disruptive to the meetings and successful implementation of the TAPA.

(E) The failure of any party to a TAPA to attend and fully participate in TDM meetings in good faith may be grounds for the division to take appropriate action including, but not limited to, notifying the juvenile officer that the parties are not participating in the TAPA and/or terminating the TAPA.

(F) The Children's Division shall maintain documentation of each TDM meeting.

(G) Any agreements reached during the TDM to revise the TAPA shall be reduced to writing and signed by all of the parties to the TAPA. The Children's Division will provide the juvenile officer with a copy of the revised

TAPA.

(H) The Children's Division or the division's designee shall facilitate the TDM meeting unless otherwise agreed between the parties.

(I) During each TDM meeting the agenda shall include:

1. A review of how the health, care, safety, and welfare of the child is being assured;

2. The progress so far in implementing the TAPA;

3. A discussion of any challenges in implementing the TAPA and how challenges may be addressed;

4. A discussion of what next steps are necessary to progress toward termination of the TAPA;

5. Any matters that any member of the TDM may wish to add to the agenda.

(J) Decisions shall be made by consensus of the members of the TDM. No party to the TAPA or the division is legally bound by any decision made at a TDM. All decisions shall be voluntary.

(6) Notice to Provider Form and Procedure.

(A) The division will provide the relative with a notice that the relative may use to notify schools, medical care providers, and others that the relative has the temporary authority to make day-to-day decisions, educational decisions, and medical decisions for the child for the duration of the TAPA on the "Official Notice of Temporary Placement of a Child" (hereinafter "Official Notice"), that is attached hereto and included herein.

(B) The relative shall retain the original of the Official Notice, but may provide a copy of the form to any individual or institution with a need for a copy for their records.

(C) At the requests of the Children's Division, the relative shall provide to the Children's Division a list of the names, addresses, and contact information of any individual or institution to whom the relative has given a copy of the Official Notice.

(D) Upon termination of the TAPA the relative shall notify each individual or institution who has received an Official Notice that the TAPA has terminated.

(7) Background Checks.

(A) The Children's Division may conduct a background check of the relative, and any adult member of the relative's household as part of its process to determine whether the relative is a suitable temporary placement provider for the child. The relative and other adult household members shall execute any consents or other documents necessary to complete any background checks and submit



to a fingerprint based criminal background check if the division determines this to be necessary. If the relative or any adult member of the relative's household declines to assist in the background check process, then the division may decide not to enter into a TAPA.

(B) Notwithstanding any other provision of this section, the division will not enter into a TAPA where the parent or guardian of the child places the child under a TAPA in the home of a relative where the individual or any member of the individual's household has pled guilty or been found guilty of any of the following crimes when a child was the victim:

1. Section 565.020, RSMo (murder, first degree);
2. Section 565.021, RSMo (murder, second degree);
3. Section 565.023, RSMo (voluntary manslaughter);
4. Section 565.024, RSMo (involuntary manslaughter, first degree);
5. Section 565.050, RSMo (assault, first degree);
6. Section 566.030, RSMo (rape, first degree);
7. Section 566.031, RSMo (rape, second degree, or section 566.040, RSMo before Aug. 28, 2013);
8. Section 566.032, RSMo (statutory rape, first degree);
9. Section 566.060, RSMo (sodomy, first degree);
10. Section 566.061, RSMo (sodomy, second degree, or section 566.070, RSMo before Aug. 28, 2013);
11. Section 566.062, RSMo (statutory sodomy, first degree);
12. Section 566.064, RSMo (statutory sodomy, second degree);
13. Section 566.067, RSMo (child molestation, first degree);
14. Section 566.068, RSMo (child molestation, second degree);
15. Section 566.069, RSMo (child molestation, third degree);
16. Section 566.071, RSMo (child molestation, fourth degree);
17. Section 566.083, RSMo (sexual misconduct involving a child);
18. Section 566.100, RSMo (sexual abuse, first degree);
19. Section 566.101, RSMo (sexual abuse, second degree, or section 566.090, RSMo before Aug. 28, 2013);
20. Section 566.111, RSMo (sex with an animal);
21. Section 566.151, RSMo (enticement of a child, first degree);
22. Section 566.203, RSMo (abusing an individual through forced labor);

23. Section 566.206, RSMo (trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor);

24. Section 566.209, RSMo (trafficking for the purpose of sexual exploitation);

25. Section 566.210, RSMo (sexual trafficking of a child, first degree);

26. Section 566.211, RSMo (sexual trafficking of a child, second degree, or section 566.212, RSMo before Jan. 1, 2017);

27. Section 566.215, RSMo (contributing to human trafficking through the misuse of documentation);

28. Section 567.050, RSMo (promoting prostitution, first degree);

29. Section 568.080, RSMo (child used in sexual performance, if before Jan. 1, 2017);

30. Section 568.090, RSMo (promoting sexual performance by a child, if before Jan. 1, 2017);

31. Section 568.020, RSMo (incest);

32. Section 568.030, RSMo (child abandonment, first degree);

33. Section 568.060, RSMo (abuse or neglect of a child);

34. Section 568.065, RSMo (genital mutilation of a female child);

35. Section 568.175, RSMo (trafficking in children);

36. Section 573.023, RSMo (sexual exploitation of a minor);

37. Section 573.025, RSMo (promoting child pornography, first degree);

38. Section 573.035, RSMo (promoting child pornography, second degree);

39. Section 573.037, RSMo (possession of child pornography);

40. Section 573.200, RSMo (child used in sexual performance or section 568.080, RSMo before Jan. 1, 2017); or

41. Section 573.205, RSMo (promoting sexual performance by a child or section 568.090, RSMo before Jan. 1, 2017).

(C) Except as otherwise provided in subsection (7)(B), the division may, at its discretion, agree to enter into a TAPA where the parent or guardian of the child places the child in the home of a relative where the individual or an adult member of the individual's household has been found guilty of any other crimes against persons, drug or alcohol-related offenses, or has a history of substantiated or significant child abuse/neglect if the parent and the relative satisfy the Children's Division that placement on a TAPA is in the best interests of the child, that the relative is a fit and suitable person to temporarily care for the child, and that the household where the child will temporarily reside is safe and appropriate for the child. In making this decision, the division may consider the following

factors:

1. Whether the relative or household member has successfully completed the conditions of sentencing and/or probation without further incidents;

2. Whether the relative or household member has successfully completed any prescribed or required treatment;

3. The duration of time between the prior incident and the negotiation of the TAPA;

4. The written advice and recommendations of professionals, community members, clergy, relatives, and/or others with knowledge of the family;

5. Whether the prior incident of criminal conduct, while unlawful at the time of the incident, is no longer unlawful or proscribed at the time that the division is considering the TAPA; and

6. Any other factor or information that may be relevant to making a decision about the best interests, care, and safety of the child.

(8) TAPA Form. The Children's Division may utilize any format or template for a TAPA, provided that it specifies that the document is a Temporary Alternative Placement Agreement pursuant to this rule and section 210.123, RSMo, and that it complies with the other requirements of this rule and section 210.123, RSMo.

(9) Termination of a TAPA.

(A) Once a TAPA has been executed it shall be effective until terminated as provided in this regulation.

(B) A TAPA shall terminate—

1. Ninety (90) days from the date of the last party to the TAPA to execute the TAPA;

2. Five (5) days after the delivery and receipt of a written notice of intent to terminate the TAPA to the Children's Division and the relative executed by the parent or legal guardian;

3. Except in an emergency which is beyond the control of the relative, five (5) days after the delivery and receipt of a written notice of intent to terminate the TAPA to the Children's Division to the child's parent by the relative;

4. Five (5) days after successful completion of the plan set forth in the TAPA, provided that the Children's Division shall be given sufficient time to complete and submit its report to the juvenile officer; or

5. Entry of an order of a court with statutory authority and jurisdiction over the child that conflicts with the provision of the TAPA.

(C) If the relative is no longer able to care



for the child due to an emergency, the relative will notify the division immediately. The remaining parties to the TAPA will confer to determine whether a new TAPA is appropriate and, if so, then the parties will follow the procedures in section 210.123, RSMo, and this regulation to implement a new TAPA. The division is to schedule an emergency TDM meeting to facilitate the meeting between the remaining parties to the TAPA.

(10) Notwithstanding any other provision of this regulation, the Children’s Division retains the right and authority without prior notice in its sole discretion to take any action authorized by law to protect the safety and welfare of any child served under a TAPA, including, but not limited to, conducting investigations and family assessments, making referrals to law enforcement, and referring the matter to the juvenile officer with a recommendation for further action.



MICHAEL L. PARSON, GOVERNOR • JENNIFER TIDBALL, ACTING DIRECTOR

JOANIE ROGERS, INTERIM DIRECTOR
CHILDREN’S DIVISION

P.O. BOX 88 • JEFFERSON CITY, MO 65103-0088
WWW.DSS.MO.GOV • 573-522-8024 • 573-526-3971 FAX

Child(ren)’s Name: _____
Child(ren)’s Date of Birth: _____
Date: _____

Official Notice of Temporary Placement of a Child

This letter serves as notice that the above child(ren) has been placed on a Temporary Alternative Placement Agreement for up to 90 days beginning _____ and ending on _____ (unless earlier terminated) with the following Temporary Placement Provider:

Name: _____
Address: _____
Relationship to child: _____
E-mail: _____
Phone: _____

This Temporary Placement Provider has the authority under Missouri law to make the day-to-day decisions for the care of the child for the duration of the agreement, including the authority to make educational and medical decisions for the child. Individuals and institutions, including schools and medical care providers, acting upon the authority of this notice shall be immune from liability as set forth in this letter as provided in §210.123.5(3) RSMo.

If the placement is extended beyond its expiration date you will be provided with a new notice. In addition, you may be asked to participate in Team Decision Making meetings to assist the child’s parent(s), legal guardian(s), Temporary Placement Provider(s) and the Children’s Division to make decisions regarding the best interests of the child.

If you have questions or concerns about this Notice or the welfare of the child(ren) you may contact the Children’s Division

Sincerely,

Children’s Division



AUXILIARY AIDS AND SERVICES ARE AVAILABLE UPON REQUEST TO INDIVIDUALS WITH DISABILITIES

TDD / TTY: 800-735-2966

RELAY MISSOURI: 711

Missouri Department of Social Services is an Equal Opportunity Employer Program.

CD-294 (rev1/21)



AUTHORITY: sections 207.020.1(2) and 660.017, RSMo 2016, and section 210.123, RSMo Supp. 2021. Emergency rule filed May 20, 2021, effective Aug. 2, 2021, expired Feb. 24, 2022. Original rule filed May 20, 2021, effective Nov. 30, 2021.*

**Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993, 2014; 210.123, RSMo 2020; and 660.017, RSMo 1993, amended 1995.*