

CASEWORK PRACTICE and CONTINUUM of SERVICES

1

Program Mandates: Case Review System

Permanency hearings every 12 months while child is in foster care to determine the child's permanency plan that includes whether, and if applicable, when the child will be:

- 1) returned to the parent,
- 2) placed for adoption,
- 3) referred for legal guardianship, or
- 4) placed in another planned permanent living arrangement.
- 5) in the case of a youth who has attained age 16, determine the services needed to assist the child to make the transition from foster care to independent living.

3

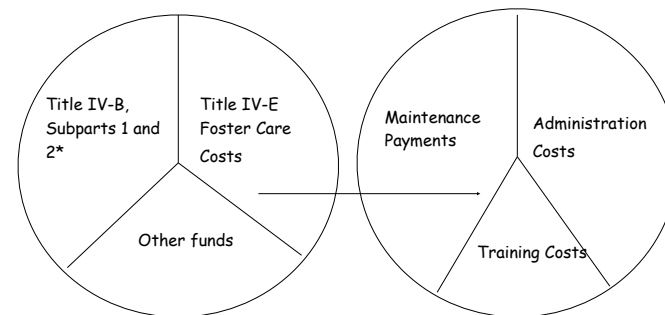
Program Mandates: Case Review System

▶ Periodic case reviews:

- Are held every 6 months while child is in foster care to determine:
 - ✓ the safety of the child,
 - ✓ the continuing necessity for and appropriateness of the placement,
 - ✓ the extent of compliance with the case plan, and
 - ✓ the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care.
- Project a likely date by which the child may be returned to and safely maintained in the home or placed for adoption or

2

Child Welfare System



Child Welfare Services

Title IV-E Foster Care Costs

IV-E provides funding for a portion of a Child Welfare Program. Other funding sources are needed.

* CWS, Family Preservation, Family Support; Prevention activities, Family Reunification Services, and Adoption Promotion and Support

4

Title IV-B Plan

Title IV-B “compliments” Title IV-E.
PI with application instructions released annually.
Title IV-B applications are due June 30 of each year.
Last 5-Year plan was due 2011
Title IV-B “Toolkit” online: http://www.acf.hhs.gov/programs/cb/programs_fund/toolkit/

5

Notifying Relatives (con’t)

If the title IV-E agency has elected to operate a title IV-E guardianship assistance program, the notice also must describe how a relative guardian may receive such assistance on the child's behalf..

7

Notifying Relatives

A title IV-E agency must have a mechanism in place to exercise due diligence to identify and notify all adult relatives of a child's removal from his parents within 30 days of that removal (subject to exceptions due to family or domestic violence) (section 471(a)(29) of the Act).

The notice must specify that the child has been or is being removed from the custody of the parent, the relative's options to participate in the care and placement of the child (pursuant to Federal, State and local law), any options that may be lost by not responding to the notice, the agency's requirements for becoming a foster family home and the additional services and supports for children in foster family homes.

6

Notifying Relatives (con’t)

We encourage the agency to develop protocols for caseworkers that describe the steps that should be taken to identify and notify relatives when a child is removed from his or her home.

Further, we encourage the agency to go beyond this requirement to specify ways to identify and work with relatives when the agency first becomes involved with a child at risk of removal.

8

Sibling Placement

Under section 471(a)(31) of the Act, a title IV-E agency must make reasonable efforts to place siblings removed from their home in the same foster care, adoption or guardianship placement, or to facilitate frequent visitation or ongoing interactions (for example, letters, phone calls, text, email and other electronic communication) for those that cannot be placed together, unless it is contrary to the safety or well-being of any of the siblings to do so.

If the agency determines that the siblings cannot be placed together and/or cannot have frequent visitation, the agency must document the reasons that it is contrary to the safety or well-being of the siblings to be placed together or to have frequent visitation. We encourage the agency to develop standard protocols for caseworkers to use in making decisions about when it would be contrary to a child's well-being or safety to place siblings together or provide for frequent visitation.

9

Enrolling Children in School

- ▶ Title IV-E plan requirement to:
- ▶ Assure that each child receiving a title IV-E payment that has reached the age for compulsory school attendance is:
- ▶ a full-time elementary or secondary student; or in an authorized independent study program; or being home schooled consistent with the law of the State or jurisdiction.
- ▶ Alternatively, the title IV-E agency must assure that the child:
- ▶ has completed secondary school;
- ▶ or is incapable of attending school due to a documented medical condition.
- ▶ For a child in **foster care**, the title IV-E agency must regularly document and update the child's incapability to attend school in the child's case plan. The agency should update the status of the child's

11

Sibling Placement (con't)

A standard decision making tool could assist workers with guidelines in making this important decision, and address difficult situations, such as a sibling's refusal for visitation. We also encourage the agency to periodically reassess sibling visitation and placement decisions in cases where siblings are separated or not visiting to determine if a change is warranted.

10

Enrolling Children in School (con't)

- Title IV-E plan requirement to:
- Assure that each child receiving a title IV-E payment that has reached the age for compulsory school attendance is:
- ▶ a full-time elementary or secondary student; or in an authorized independent study program; or being home schooled consistent with the law of the State or jurisdiction.
- Alternatively, the title IV-E agency must assure that the child:
- ▶ has completed secondary school;
- ▶ or is incapable of attending school due to a documented medical condition.
- For a child in **foster care**, the title IV-E agency must regularly document and update the child's incapability to attend school in the child's case plan. The agency should update the status of the child's

12

Enrolling Children in School, Educational Stability and

A title IV-E agency must assure in the title IV-E plan that each child receiving a title IV-E payment who has attained the age for compulsory school attendance is a full-time elementary or secondary student in a school, in an authorized independent study program, or is being home schooled consistent with the law of the State or other jurisdiction in which the school, program or home is located. Alternatively, the title IV-E agency must assure that such a child has completed secondary school or is incapable of attending school full time due to a medical condition as established in section 471(a)(30) of the Act.

13

Termination of Parental

Termination of Parental Rights (TPR). Section 475 (5)(E) of the Act requires that a title IV-E agency file a petition for termination of parental rights for any child who has been in foster care for at least 15 of the previous 22 months, subject to certain exceptions. While we recognize that termination of parental rights and adoption may not be a part of an Indian Tribe's traditional belief system or legal code, there is no statutory authority to provide a general exemption for Indian tribal children from the requirement to file a petition for TPR

15

Permanency Hearings

Each child in foster care is to have a permanency hearing at least every 12 months which address a number of issues relative to the child's planned care and permanency, per section 475(5) of the Act. As described above with respect to supporting procedures for judicial activities, Indian Tribes should consider judicial resources and tracking systems that will be needed to assure permanency hearings are held in a timely fashion and that judges have the information they need to make informed permanency decisions with respect to each child.

14

Termination of Parental Rights (con't)

Federal law provides some examples of exceptions to filing TPR that can be used on a case by case basis, including such as the child is being care for by a relative, the agency hasn't provided reasonable efforts to reunify the family consistent with the case plan, adoption is not appropriate for the child, or no legal grounds for TPR exist. What constitutes the legal grounds for TPR are at the Indian Tribe's discretion. See also the section on Customary Adoption, below.

16

Assessing Readiness

- ▶ What is in place now?
- ▶ What is needed in order to establish a Title IV-E program?
- ▶ Develop a plan to establish the program that is best for your Tribe.



17 17

CONSIDERATIONS

- Does the Tribe have, or can the Tribe develop and implement, policies and procedures consistent with federal practice requirements?
- Does the Tribe have access to a court system that has or can develop and implement court procedures and rules consistent with federal requirements?

19 19

CONSIDERATIONS

- Does the Tribe have the capacity and structure necessary ?
- Does the Tribe have other funding sources to cover costs not reimbursed by Title IV-E?
- What can your State bring to the table to support your program and/or the development of your program?

18 18