STATE OF MISSISSIPPI
MISSISSIPPI DEPARTMENT OF CHILD PROTECTION SERVICES

Section D:
Foster Care Policy

Foster Care

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The Mississippi Department of Child Protection Services will hereinafter be known as "MDCPS".

FOSTER CARE SERVICES OVERVIEW

A. Scope of Services

MISS. CODE ANN. § 43-15-5, states MDCPS

"…shall have the authority and it shall be its duty to provide for the care of dependent and neglected children in [Resource Family] homes or in institutions, [and] supervise the care of such children…"

B. Goals

The primary objective and goal of Family Centered Practice is to protect and serve the best interests of the child by strengthening and preserving families so children can live safely at home with their parents or relatives.

The goal of foster care services is to take care of and provide for children who cannot remain with their parents, caretakers, or families in a manner which assures the safety, permanency, and well-being of each child in foster care for as long as it is necessary for such child to remain in foster care.

C. Legal Basis for Authority

State Laws

For more detailed information regarding any specific law from Mississippi Code, please go to http://www.michie.com/mississippi.

MISS. CODE, Ann. § 43-15-5, Administration of Child Welfare Services: (1) The Department of Child Protection Services shall have authority and it shall be its duty to administer or supervise all public child welfare services, including those services, responsibilities, duties and powers with which the local offices of child protection services are charged and empowered in this article; administer and supervise the licensing and inspection of all private child placing agencies; provide for the care of dependent and neglected children in foster family homes or in institutions, supervise the care of such children and those of illegitimate birth; supervise the importation of children; and supervise the operation of all state institutions for children.

Foster Care

MISS. CODE ANN. § 43-15-3, directs MDCPS to

…cooperate fully with the United States Children's Bureau and Secretary of Labor in establishing, extending and strengthening "child welfare services" for the protection and care of homeless, dependent and neglected children and children in danger of becoming delinquent. Those departments are further authorized, empowered and directed to cooperate with the United States Children's Bureau and Secretary of Labor in developing plans for those "child welfare services" and extending any other cooperation necessary under Section 521 of Public Law No. 271-74th Congress of the United States.

MISS. CODE ANN. § 37-13-91, outlines the compulsory school attendance requirements. The MISS. CODE ANN. § 37-23-3 et seq. defines an exceptional child as it relates to the educational system and mandates individualized programs in schools for such children.

The MISS. CODE ANN. § 41-23-27, states the Mississippi State Department of Health's authority to "isolate, quarantine or otherwise confine, intern, and treat such person afflicted with such infectious sexually transmitted disease for such time and under such restrictions as may seem proper."

The MISS. CODE ANN. § 41-37-25, defines who may give consent for autopsies, specifically that "In the event that neither parent has legal custody of the minor, the guardian shall have the right to authorize an autopsy."

The MISS. CODE ANN. § 41-88-3, outlines the Mississippi State Department of Health's roles and responsibilities in ensuring the children receive proper and timely immunizations.

The MISS. CODE ANN. § 43-15-1 et seq., outlines all of the child welfare services and activities mandated by state law.

Article 1 relates to the Administration of Child

Welfare, Article 2 relates to Multidisciplinary Teams,

Article 3 relates to the Licensing of Family Foster Homes, Child Caring Agencies and Child Placing Agencies,

Article 5 relates to the Safe Baby Drop Off Law, and

Article 7 relates to the Restrictions on Employment by or Operation of Child Care Facilities by Registered Sex Offenders.

The MISS. CODE ANN. § 43-21-1 et seq. outlines the laws for the Youth Court's Organization, Administration and Operation, jurisdiction, records, custody and detention, intake, informal proceedings, petitions, summons, adjudication, disposition, and appeals.

The MISS. CODE ANN. § 63-1-25, States that "any negligence or willful misconduct of a minor under the age of seventeen years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor."

The MISS. CODE ANN. § 93-15-101 et seq. relates to the laws and procedures for the Termination of Rights of Unfit Parents.

The MISS. CODE ANN. § 97-5-1 et seq. outlines and defines crimes or offenses affecting children.

Federal Laws

a) Indian Child Welfare Act (ICWA)

All custody issues and placements of children of Native American heritage shall be in compliance with the ICWA, (P.L. 95-608) and the Indian Self-Determination and Educational Assistance Act, (P.L. 93-638). These Acts ensure that the heritage of Indian children will be recognized, protected, and monitored in and out of state.

The ICWA provides for the Indian Tribal Council to have priority jurisdiction in the matter of custody and guardianship in the case of any child of Indian heritage. Workers shall resolve the issue of Indian heritage as soon as possible after contact is made with the family, either through a report of abuse/neglect or a referral for services.

The Worker shall ask the family the following questions to gain knowledge in deciding what is in the best interest of the child and document the discussion in the narrative section of the Mississippi Automated Child Welfare Information System (MACWIS):

Is parent or child of Native American heritage?

Is parent eligible for tribal membership?

Is parent registered with Native American tribe?

Is child eligible for tribal membership?

Has child been registered with Native American tribe?

Does the family live on tribal land?

The Mississippi Band of Choctaw Indians or any other Indian tribe to which the child belongs, has the right to accept or deny jurisdiction of the child and to help with placement resources. A tribal court may assume jurisdiction over any Native American child whether the child is living on or off a reservation at any time.

The tribe must be notified of any court hearings involving an Indian child. Notification will be provided immediately, by telephone and certified letter, to the tribe when a Choctaw child, or other Indian child, is taken into MDCPS custody. If services are being provided by MDCPS and the child holds membership in a tribe or is eligible for tribal membership the tribe may assume jurisdiction at any point in the service provision process, including the investigation process and foster care services.

The tribal lands of the Mississippi Band of Choctaw Indians are found in eight counties in Mississippi: Neshoba, Attala, Jones, Kemper, Leake, Newton, Scott and Winston.

Information about children who are determined to be members of a tribe other than Choctaw shall be provided to the District Worker, Bureau of Indian Affairs, Eastern Area Office, and Washington, D.C. If the tribe is unknown, MDCPS shall contact the Mississippi Band of Choctaw Indians who is willing to help identify the child's tribe and refer appropriately**. (**see http://www.neshoba.org/community/ms-band-choctaw-indians.php**)**

b) The Rehabilitation Act

The Rehabilitation Act of 1973 (P.L. 93-112) is the federal legislation that authorizes the formula grant programs of vocational rehabilitation, supported employment, independent living, and client assistance. It also authorizes a variety of training and service discretionary grants administered by the Rehabilitation Services Administration.

The Act authorizes research activities that are administered by the National Institute on Disability and Rehabilitation Research and the work of the National Council on Disability. The Act also includes a variety of provisions focused on rights, advocacy and protections for individuals with disabilities.

c) The Adoption Assistance & Child Welfare Act of 1980

The Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) was initiated in response to the problem of Foster Care "Drift": the sense of impermanence in foster homes and concerns about children placed in multiple foster placements over an extended period of time. Significant parts of this law established that:

Required states to make adoption assistance payments, which take into account the circumstances of the adopting parents and the child, to parents who adopt a child who is Aid to Families with Dependent Children (AFDC)-eligible and is a child with special needs.

Defined a child with special needs as a child who:

Cannot be returned to the parent's home;

Has a special condition such that the child cannot be placed without providing assistance; and

Has not been able to be placed without assistance.

Required, as a condition of receiving federal foster care matching funds, that States make "reasonable efforts" to prevent removal of the child from the home, and return those who have been removed as soon as possible.

Required participating states to establish reunification and preventive programs for all in foster care.

The state must place a child in the least restrictive setting and, if the child will benefit, one that is close to the parent's home.

Court or MDCPS must review the status of a child in any non-permanent setting every 6 months to determine what is in the best interest of the child. Most emphasis is placed on returning the child home as soon as possible.

Court or administrative body must determine the child's future status, whether it is a return to parents, adoption, or continued foster care, within 18 months after initial placement into foster care.

The Abandoned Infants Assistance (AIA) Act of 1988

Abandoned Infants Assistance (AIA) authorizes the Secretary of Health and Human Services (the Secretary) to make grants to public and nonprofit private entities for demonstration projects to deal with the placement and permanency of infants in care, specifically those diagnosed with Acquired Immune Deficiency Syndrome (AIDS).

e) The Multi-Ethnic Placement Act (MEPA) of 1994

The Improving America's Schools Act (P.L. 103-382) contains the *Multi-Ethnic Placement Act of 1994* (MEPA). An amendment to this Act is part of the *Small Business Job Protection Act of 1996* (P.L. 104-188) and is known as the *Interethnic Adoption Provisions Act of 1996* (IEP). MEPA-IEP prohibits agencies receiving Title IV-E foster care funds from

Deny[ing] any person the opportunity to be an adoptive or foster parent … or delay[ing] or deny[ing] the placement of a child … solely on the basis of race, color or national origin of the adoptive or foster parent or the child …

(P.L. 103-382, § 553 a.1.A-B)

These factors must be applied on an individualized basis, not by general rule "in the best interest of the child."

Neither race, color, nor national origin (RCNO) of a child or prospective caregiver may be considered in the placement selection process for a foster child unless an individualized assessment reveals that such consideration is in the child's best interests. Culture may not be used as a proxy for RCNO. Placements may not be delayed or denied on the basis of RCNO of the child or the provider.

f) Civil Rights Act of 1964 (P.L. 88-352)

Title VI of the Civil Rights Act of 1965 (P.L. 88-352) prohibits discrimination of any child, regarding type of placement resource, placement services, or other services based on race, color, creed, or national origin.

g) Adoption & Safe Families Act of 1997 (ASFA)

Adoption & Safe Families Act (ASFA) of 1997 (P.L. 105-89) focuses on the safety, permanency and well-being of children in foster care and establishes the framework for the current child welfare system. Significant parts of this law:

Adds "safety of the child" to every step of the case plan and review process.

Requires criminal record checks for foster/adoptive parents who receive federal funds on behalf of a child, unless a state opted out.

Requires states to initiate court proceedings to free a child for adoption once that child had been waiting in foster care for at least 15 of the most recent 22 months, unless there is a documented ASFA exception.

Allows children to be freed for adoption more quickly in extreme

cases. Rewards states that increased adoptions with incentive funds.

Requires states to use "reasonable efforts" to move eligible foster care children towards permanent placements.

Promotes adoptions of all special needs children and ensured health coverage for adopted special needs children.

Prohibits states from delaying/denying placements of children based on the geographic location of the prospective adoptive families.

Requires states to document child-specific efforts to move children into adoptive homes.

Requires that permanency hearings to be held no later than 12 months after entering foster care.

Promoting Safe & Stable Families Amendments of 2001

The Promoting Safe and Stable Families Amendments of 2001 (P.L. 107-133) amended title IV- B, subpart 2 of the Social Security Act. Significant parts of the law:

Added findings to illustrate the need for programs addressing families at risk for abuse and neglect and those adopting children from foster care.

Amended the definition of family preservation services to include infant safe haven programs.

Added strengthening parental relationships and promoting healthy marriages to list of allowable activities.

Added new focus to the research, evaluation and technical assistance activities.

Allowed reallocation of unused funds in Title IV-B, subpart 2.

Created a matching grant program to support mentoring networks for children of prisoners.

Reauthorized funds for the Court Improvement Program.

Authorized a voucher program as part of the John H. Chafee Foster Care Independence Program.

Individuals with Disabilities Education Act (IDEA) 2004

Individuals with Disabilities Education Act (IDEA), seeks to ensure services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities.

Infants and toddlers with disabilities (birth-2) and their families receive early intervention services under IDEA Part C. Children and youth (ages 3-21) receive special education and related services under IDEA Part B.

Fostering Connections to Success and Increasing Adoptions Act of 2008

The Fostering Connections Act (P.L. 110-351) focuses on safety, permanency, and well-being by:

Increasing opportunities for adoption and relative guardianship

Improving critical education and health care services for children in foster care

Better preparing older youth for adulthood by extending federal support for transition programs to age 21.

Offering, for the first time ever, important federal protections and support for many American Indian children.

The Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183/H.R. 4980)

Reasonable and Prudent Parent Standard

The Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183/H.R.4980) requires Title IV E state licensing authorities to permit the use of the "reasonable and prudent parenting standard". The purpose of this standard is to promote "normalcy" for a child who comes into the care and custody of MDCPS.

Definitions when used in the context of the "reasonable and prudent parent standard" are as follows:

Reasonable and prudent parent standard is the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interest of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural and social activities.

Caregiver is a licensed Resource Parent(s),with whom a child in foster care has been placed or a designated official of a child-placing agency in which a child in foster care has been placed.

Age or Developmentally-Appropriate is defined as activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group.

> In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

Prospective and current Resource Parents shall be provided the necessary training in applying this standard.

A caregiver shall use a reasonable and prudent parent standard through the use of careful and thoughtful parental decision making. When a caretaker is determining whether to authorize a foster child who resides in their foster home to participate in normal childhood extracurricular, enrichment and social activities the following shall be consider:

> The child's age, maturity, and developmental level to maintain the overall health and safety of the child.
>
> The potential risk factors and the appropriateness of the activity.
>
> The best interest of the child based on the caregiver's knowledge of the child.
>
> The importance of encouraging the child's emotional and developmental growth.
>
> The importance of providing the child with the most family-like living experience possible.
>
> The behavioral history of the child and the child's ability to safely participate in the proposed activity.

MDCPS shall verify that private agencies providing out-of-home placement under contract with the division:

Promote and protect the ability of a child to participate in age-appropriate activities; and

Implement policies consistent with the "reasonable and prudent parent standard" in this section.

Caregivers shall ensure that the child has the safety equipment and any necessary permissions and training necessary to safely engage in each activity the child may participate in.

A caregiver is not liable for harm caused to a child in an out-of- home placement if the child participates in an activity approved by the caregiver, provided that the caregiver has acted in accordance with the reasonable and prudent parent standard.

Definitions

Permanency Planning

Permanency Planning is a systematic process of carrying out a set of plans and goal-directed activities within a time-limited period. These activities are designed to help children live in families that offer continuity of lifetime relationships. MISS. CODE ANN. § 43-15-13(8), states:

At the time of placement, consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide a permanent living arrangement for the child.

2. Concurrent Planning

Concurrent Planning is working toward the permanency plan while at the same time establishing a backup plan, thereby implementing primary and alternate plans simultaneously.

For children with the goal of reunification, MDCPS shall begin, within the first six months of the child's entry into care, to engage in concurrent planning.

According to federal law (45 CFR 1356.21(b)(4)), reasonable efforts to finalize an alternate permanency plan may be made concurrently with reasonable efforts to reunify the child and family. It also states that reasonable efforts to place a child for adoption or with a legal guardian including identifying appropriate in-state and out-of-state placements, may be made concurrently with reasonable efforts to reunify the child and family.

Concurrent planning is an approach designed primarily to facilitate timely permanency by having an alternate permanency plan in place ready for implementation in case the primary plan fails or falls through. Within the "Mississippi Family Centered Practice" approach concurrent planning involves the immediate and ongoing implementation of strategies. These strategies are designed to assure the healthy development of the child through an ongoing sense of continuity and connectedness during periods of legal impermanency.

3. Custody

Custody is the physical possession of a child by any person. It is considered to be the date a child entered into foster care.

Legal custody is the legal status created by a court order which gives the legal custodian the responsibilities of physical possession of the child and the duty to provide him with food, shelter, education, and reasonable medical care, all subject to residual rights and responsibilities of the parent or guardian person.

4. Diligent Search

Diligent Search is defined as "steady, earnest and persistent effort of Worker to locate a parent or perspective parent whose identification or location is unknown." See Section D, Method of Entry.

5. Family Centered Practice

Family Centered Practice is working with families, both formally and informally, across service systems to enhance the families' capacity to care for and protect their children. It focuses on the needs and welfare of children within the context of their families and communities. Family Centered Practice recognizes the strengths of family relationships and builds on these strengths to achieve optimal outcomes. Family is defined broadly to include birth, blended, kinship, and foster and adoptive families.

Family Centered Practice includes a range of strategies, including:

Advocating for improved conditions for

families; Supporting the families;

Stabilizing those in crisis;

Reunifying those who are separated;

Strengthening families; and

Connecting families to the resources that will sustain them in the future.

Family Team Meetings (FTM)

A Family Team Meeting (FTM) is a planned, structured, facilitated decision making process to which members of the family both formal/informal, are invited along with required MDCPS staff and any other support system identified by the family and MDCPS. The key to a successful FTM is the engaging and bringing together of those individuals, both formal and informal, who are a part of the family's support system. FTMs allow for the gathering of information critical to the assessment process, to the development of the case plan, monitoring of the case plan and involvement of the family and other pertinent individuals in key decision making.

a) FTM Philosophy and Practice

At all times a FTM should be a family led, youth guided and agency supported process. The primary focus must always be the safety and well-being of the children and youth. As a philosophy, it reflects the belief that families can solve their own problems most of the time if they are provided the opportunity and support. No one knows a family's strengths, needs and challenges better than the family. The family team decision making approach is also a practice in that it describes the basic method by and through which MDCPS seeks to serve children/youth and families.

A child welfare supervisor's participation in a FTM is an opportunity to assess the Worker's use of Family Centered Practice principles. The Family Centered Practice Principal encompasses the following components:

A clear but open-ended purpose;

An opportunity for the family and child to be involved in decision-making and planning;

Options for the family to consider and decisions for the family to make;

The family's involvement in the development of specific safety or permanency plans and in the development of services and supports;

Engagement;

Relationship building;

Problem solving; and

The outcome of the meeting will be reflected in the development of a case plan with tasks and goals.

7. Fictive Kin

Fictive Kin is a term used to refer to individuals who are unrelated by birth, marriage, or adoption but who have an emotionally significant relationship with another individual that would take on the characteristics of a family relationship.

8. Foster Child

A F*oster Child* is any child receiving Placement Services whose legal custody and responsibility of planning have been placed with MDCPS through court order, voluntary parental consent for placement, or released for adoption. The child is classified as a foster child as long as legal custody of said child remains with MDCPS.

9. Legal Father

Legal Father includes the father named on the child's birth certificate, the man to whom the mother was married at the time of conception and/or the man to whom the mother was married at the time of birth. Also, the man who has legally adopted the child is a legal father.

This presumption can be rebutted by proof beyond a reasonable doubt that the child was fathered by another. Otherwise, the "legal father" is:

A person who has signed a voluntary acknowledgement of paternity;

A person who has been adjudicated to be the father of the child; or

A person who has legally adopted the child.

A child may have a legal father and putative father(s). A child may have more than one named legal father and/or putative father.

All fathers, legal and putative, shall be informed that the child is in foster care. All the fathers, legal and putative, shall be included in all planning for the child, including case plans and placement. They shall be invited to the Foster Care Review (FCR) meetings.

10. Parent

Parent refers to the mother or father to whom the child was born, or the mother or father by whom the child has been legally adopted. The definition of parent can also include putative father(s) or primary caretakers from whom a child was removed. The precepts of Family Centered Practice and of Concurrent Planning dictate that the Worker shall make diligent efforts to ascertain the identity of all parents of a child who enters custody of the MDCPS. If any parent has voluntarily released the child for adoption, or has had his/her parental rights terminated, then he/she is no longer a necessary party to any action taken as to the child.

11. Sibling

A *Sibling* is a child's brother or sister related by blood or marriage including whole or half-blood and step-siblings. Siblings include those who are considered a sibling under state/tribal law, and those who would have been considered a sibling under state/tribal law, except for termination or disruption of parental rights.

12. Placement Service

Placement Services is a child welfare service provided for children placed in the custody of MDCPS as a result of a judicial determination or written request of the legal guardian. The child shall be provided care in a foster home/relative home/group home or facility which gives special consideration to the child's health, safety and well-being, and also gives priority to placement of a child with a relative or in the most suitable and least restrictive setting for a planned period of time, during which targeted case management and other treatment services shall be provided to the child's parents/relatives.

13. Putative Father

A *Putative Father* is an individual who is alleged to be the father of a child, but is not identified on the child's birth certificate.

14. Primary Caretaker

A *Primary Caretaker* is defined as an individual who provided care of a child the majority of the time prior to child's removal from their home.

15. Relative Caretaker

A *Relative Caretaker* is a relative who provides care to a child and who is considered to be in a caretaking role for the child.

A *Relative Caretaker* may be an individual who is not legally or biologically related to a child but who is considered a relative due to a close and ongoing relationship with the child and family.

CONFIDENTIALITY

All information obtained while working with families and children is confidential and should be disclosed by consent from a client or a person legally authorized to consent on behalf of the client or by court order. The exceptions to this law are noted in MISS. CODE ANN. §§ 43-21-257, 43-21-259,and 43-21-261.

A. Case Records

MDCPS workers shall compile, maintain, and keep current complete child welfare case records. All records involving children and the contents thereof are confidential and shall not be released except as authorized by state statute, federal regulations, court direction, and MDCPS policy regarding disclosure of information. An order of Limited Disclosure must be issued by a court of competent jurisdiction prior to the release of any information (MISS. CODE ANN. § 43-21-261).

B. Child – Specific Information

The release of child-specific information should be limited to individuals, agencies, and organizations which demonstrate a "need and right to know" for the purpose of providing on-going services to the child. These individuals, agencies, and organizations include:

Placement Resources

Educational providers

Medical/Dental providers

Mental Health providers

It is important to note that any person or entity provided access to child-specific information under this policy shall be required to maintain the information in accordance with state and federal laws and regulations regarding confidentiality.

C. Photographs and Interviews

MDCPS workers shall maintain, in the appropriate case file, a current photograph of each foster child. Along with current photograph, a photo or written description of all distinguishing marks, tattoos or "any" other body modification shall also be maintained in their case file. Photos shall not be taken of child/youth's private areas by MDCPS staff.

Current photographs of foster children may be released to law enforcement officials, the county or district attorney, the court and the National Center for Missing and Exploited Children (NCMEC) in order to protect the child from abuse, neglect or other harm.

All photographs including videos, media presentations, and publications of foster children are covered under the confidentiality laws (MISS. CODE ANN. §§ 43-21-261 and 43-15-21).

Photographs – Specific Confidentiality Information

A foster child's face may not be shown, unless there has been a termination of the child's parent's rights (TPR).

A general group setting is permissible, if all of the children's parent's rights have been terminated.

A child may not be identified as a foster child, unless the situation involves a recognition or honor of the child, then only with the approval of the MDCPS Worker, the Worker's Area Social Worker Supervisor (ASWS), the natural parents if TPR has not been achieved and the Guardian *AD Litem* (GAL).

A general group setting is permissible, if all of the children's parent's rights have been terminated.

Interviews

A foster child may not be interviewed nor any photographs of him/her published in the MDCPS annual report, or any document or publication which would be used as a marketing tool.

If the Worker agrees that the interview is in the best interest of the child, foster children, 14 years and older, may be interviewed with the written consent of the MDCPS County of Responsibility (COR) Worker and ASWS, the birth parents (if TPR has not been achieved) and the GAL.

The interview must be coordinated with the MDCPS Worker and one of the following people must be present during the interview: the Worker, Resource Parent(s), a representative of the private agency if applicable, and the GAL.

METHODS OF ENTRY INTO PLACEMENT

A child becomes a foster child when the county or MDCPS receives custody of the child. This is accomplished through the following means: Court Orders, Parental Request for Placement (a/k/a "Voluntary Placement"), Voluntary Consent for Adoption; or "Safe Babies" and Child In Need of Supervision (CHINS), which are detailed below.

A. Court Orders

The Youth Court, Family Court, or Chancery Court may grant custody to the county where the child resides. A child becomes a foster child when custody is obtained by a written emergency, temporary or verbal order.

Components of a Court Order

The initial court order placing a child in the custody of shall contain the following components:

a) Custody:

A voluntary placement agreement entered into by the child's parent or legal guardian, who is the relative referred to in paragraph (1) of section 472(a) of the Act; or

A judicial determination to the effect that continuation of residence in the home from which removed would be contrary to the welfare, or that the placement would be in the best interest, of the child and that reasonable efforts of the type described in section 471(a)(15) for a child were made. The contrary to the welfare determination will be made in the first court ruling that sanctions (even temporarily) the removal of a child from home. If the determination regarding contrary to the welfare is not made in the first court ruling pertaining to removal from the home, the child will not be eligible for title IV-E foster care maintenance payments for the duration of that stay in foster care.

When the County is given custody of a child, the court order shall include "in the custody of the county Department of MDCPS".

b) Reasonable Efforts:

Reasonable Efforts as the term relates to the components of a court order is a judicial finding, written into the court order, finding that reasonable efforts were provided to prevent removal of the child from his home *or* due to an emergency reasonable efforts were not possible, and there is no reasonable alternative to custody *or* reasonable efforts are being provided to reunite the child with his family and the projected date of reunification.

c) Welfare of the child:

The court order shall indicate the child's removal from his home was necessary, in that continuation in the home would be contrary to his welfare, health, safety or well-being.
If the custody received is an emergency or temporary order, the Worker shall subsequently follow the appropriate procedure to request a Shelter Hearing.

The "contrary to the welfare" determination must be made in the first court ruling that sanctions (even temporarily) the removal of a child from the home. If the determination regarding "contrary to the welfare" is not made in the first court ruling pertaining to removal from the home, the child will not be eligible for Title IV-E foster care maintenance payments for the duration of the stay in foster care. (472(a) (2) (A); 1356.21(c))

The judicial determinations in which "contrary to welfare," "reasonable efforts to prevent removal," and "reasonable efforts to finalize" are not required shall be explicitly documented and made on a case-by-case basis and also stated in the court order.

Reasonable Efforts

Reasonable efforts shall be defined as "services provided to a family to prevent or eliminate the need for removal of the child from his/her home, unless the removal is of an emergency nature, or services provided to reunify the child safely with his/her family after placement of the child into MDCPS custody."

The efforts to prevent placement or reasons why these efforts could not be made shall be documented in the child's case plan. Title IV-E mandates that a judicial determination be made and documented by a court order in emergency, temporary, adjudicatory and permanency (dispositions)/review hearings stating that reasonable efforts were not possible.

A judicial determination must be made no later than sixty (60) calendar days from the date that the child is removed from the home as to whether reasonable efforts were made or were not required to prevent removal.

When a court determines that reasonable efforts to return the child home are not required, a permanency hearing is held within thirty (30) calendar days of that determination, unless the requirements of the permanency hearing are fulfilled at the hearing in which the court determines that reasonable efforts to unify the child and family are not required.

Title IV-E further mandates that in making such reasonable efforts, *the child's health and safety shall be the paramount concern* and if reasonable efforts to prevent the child's removal, or to reunify the child, are inconsistent with the permanency plan for the child, then (reasonable efforts) shall be made to place the child, in a timely manner, in accordance with the permanency plan including, if appropriate, interstate placements. All steps necessary to finalize the permanent placement of the child must be completed in a timely manner.

Exceptions to Reasonable Efforts

Title IV-E notes that reasonable efforts to prevent the child's removal or to reunify, shall not be required with respect to a parent of a child, if a court of competent jurisdiction has determined that:

The parent has subjected the child to aggravated circumstances which may include but are not limited to, abandonment, torture, chronic abuse, and/or sexual abuse;

Or that the parent has:

Committed murder of another child (of the parent)

Committed voluntary manslaughter of another child (of the parent)

Aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter,

or;

Committed a felony assault that results in serious bodily injury to the child or another child (of the parent)

or

The parental rights of the parent to a sibling have been terminated involuntarily.

Reasonable efforts to place a child for adoption or with a legal guardian, including identifying appropriate in-State and out-of-State placements may be made concurrently with reasonable efforts of reunify the child and family. Social Security Act Sec. 471(a)(15)(f))

B. Parental Request for Placement (Voluntary Placement)

A parent or legal guardian may voluntarily request MDCPS to place the child in foster care. ***The request for placement shall be accepted only when other resources are not available, and only in truly voluntary placements such as may be necessitated, for example, by illness or hospitalization of a parent. It is not to be used in situations where child abuse, neglect or exploitation exists.***

Form MDHS-SS-456, "Contract for Foster Care," is the contractual agreement between MDCPS and the child's parent, guardian, or caretaker who is requesting the placement of the child into foster care. Both parents are required to sign the contract for voluntary placement unless a parent is deceased or parental rights have been terminated. ***The Contract for Foster Care is valid for 180 calendar days.***

MISS. CODE ANN. § 43-15-13, requires that if the parent is unwilling or unable to care for the child, priority should be given to the relatives for placement of the child. MDCPS is given authority in this statute to waive any rule or regulation for a separate bed or bedroom or have a bedroom of a certain size, if placing the child in a relative's home would be in the best interest of the child and those requirements cannot be met in the relative's home.

C. Voluntary Consent for Adoption

One or both parents may surrender parental rights and consent for to make adoptive plans for the child by signing Form "MDCPS – 459 "Surrender of Child and Written Voluntary Release of Parental Rights". Note: ***This option requires consent of the ASWS in the COR and authorization from the State Office Adoption Unit.*** The Worker shall also provide the parent(s) with forms 913, 914, and 915 to be completed at that time. The COR Worker shall explore with the parents any possible relatives and unknown fathers, if applicable. (See Section G for instructions).

If the voluntary surrender is obtained from one or both parents, the Regional Resource Unit will coordinate placement planning with the COR. (Refer to Section G for more information.)

D. Safe Babies

According to MISS. CODE ANN. § 43-15-201 thru 209, a parent may surrender a child who is 72 hours old or younger to a licensed hospital which operates an emergency department or an adoption agency licensed by the Department of Child Protection Services.

The parent may do so free from prosecution if the child is surrendered unharmed.

MDCPS should be notified by the close of the first business day after the date on which the child was surrendered and should assume care, control and custody of the child immediately upon receipt of notice, MDCPS will be responsible for all medical and other costs associated with the child and will reimburse the hospital for costs associated with caring for the child.

When working with a safe baby, the Worker is responsible for:

Making contact with the child in the hospital;

Naming the child before leaving the hospital;

Coordinating with hospital staff to apply for the child's birth certificate and Social Security card;

Contacting the Youth Court judge to request court order for custody;

Contacting the Resource Supervisor to identify a legal risk adoptive placement;

Assisting the Resource Unit with placement if needed;

Submitting required information to Eligibility and obtaining a Medicaid number;

Scheduling and Attending the Adjudicatory Hearing;

Providing Medicaid number to the hospital for the Safe Baby;

Obtaining medical records;

Completing TPR Packet and submitting to the Regional Director (RD); and

Following all relevant MDCPS policy related to the custody and placement of a child.

The Regional Resource Unit will coordinate placement planning with the COR. (Refer to MDCPS Policy, Section G for more information)

E. Child in Need of Supervision (CHINS)

A Child In Need of Supervision (CHINS) is a child who has reached his seventh birthday and is in need of treatment or rehabilitation because the child:

Is habitually disobedient of reasonable and lawful commands of his parent, guardian or custodian and is ungovernable;

or

While being required to attend school, willfully and habitually violates the rules thereof or willfully and habitually absents himself there from;

or

Runs away from home without good cause; or has committed delinquent act or acts.

(MISS. CODE ANN. § 43-21-105(k))

IV. NOTIFICATION OF REMOVAL

An ASWS with an advanced degree in social work or related field must be involved in the decision making process before approval is given to remove a child from their home and placement into foster care.

Authorization from the Youth Court Judge must be obtained for all removals and placements of a child into foster care.

Under no circumstances, even emergencies, shall foster children be taken to the home of a MDCPS employee.

If a determination is made that placement is required, the Worker shall document in the case file and provide information to the judge which supports the following:

The circumstances in the home which presented a substantial risk of harm to the child.

The efforts made by the Worker to prevent placement; specific services and supports provided to the family; and why such efforts failed to prevent the child's removal.

A Parent/Caretaker/ or Legal Guardian will be notified prior to, or as soon as safely possible, that his/her child is being placed in custody. In situations where there is a non-custodial parent, the Worker shall make all efforts to notify said parent prior to the shelter hearing. When this is not possible, workers will adhere to the diligent search policies.

Worker shall make efforts to notify the custodial parent(s) of a sibling(s) of a child being placed in custody as amended in MISS. CODE ANN§ Statue 43-15-13 (3).

A. Diligent Search

MISS. CODE ANN. § 43-15-13(3), states MDCPS "shall make all possible contact with the child's natural parent(s) and any interested relative for the first two (2) months following the child's entry into the foster care system."

Diligent Searches include but are not limited to all forms of verbal or written contact, including:

Sending correspondence to all previous addresses;

Calling all previous telephone numbers posted in the case file and in MACWIS;

Sending letters to "General Delivery" in a town or city where the Worker believes the parent to be residing but has no specific address;

Contacting motor vehicle registration;

Requesting a record check from local law enforcement and/or probation office

Writing the State Department of Labor (local Employment Office), if Worker has a social security number;

Contacting prisons and/or state hospitals;

Contacting all known relatives, including custodial parent(s) of siblings, friends and previous employers;

Checking the telephone directory, county, and city directories;

Contacting utility and telephone companies;

Accessing the state and Federal Parent Locator Service through the Child Support Enforcement Office;

Accessing the Location Services through contact with the local post office;

Making a historical check through MACWIS;

Contact 911 addressing; and

Utilizing Internet services, such as Mississippi Department of Corrections (MDOC), ZABBA Search, Facebook, Twitter and/or Google.

The Worker should document all efforts monthly to identify/locate the birth parent whose identity is unknown or whose identity is known but whose address is unknown. This list above is not inclusive and staff may use other methods and/or measures as appropriate.

B. Putative Fathers

The mother of a child may orally, or in writing, name the putative father of the child to the Worker or someone else. If the mother indicates X is the biological father (and X is not the legal father), then X is a putative father. In such case, the mother shall be assisted by the Child's Worker to complete the Form MDHS-SS-459A, Mother's Statement Naming Father of Child.

Once a putative father has been named, the Worker shall contact him to discuss his role as parent. He shall be referred to the MDHS Division of Child Support and asked to sign a notarized form, "Affidavit Admission of Paternity."

If he denies paternity and wants to surrender or waive all his rights, he shall be assisted by the Worker to execute form MDCPS – 459 "Surrender of Child and Written Voluntary Release of Parental Rights" a specialized form for which the Worker must obtain authorization to accept from the State Office Adoption Unit. Once the putative father signs MDCPS – 459 "Surrender of Child and Written Voluntary Release of Parental Rights" form, MDCPS is no longer obligated to involve him in the planning for the child.

CHOOSING THE MOST SUITABLE PLACEMENT

Multi-Ethnic Placement Act (MEPA) provides that race, color or national origin (NCRO) will not be considered in making adoptive and/or foster care placement decisions.

A. Screening and Assessments

Upon a child entering custody, MDCPS shall engage in a thorough screening of the child and an individualized, strengths-based, family focused, and culturally responsive assessment of the family, with the family's participation. Information gathered during the screening and assessment shall consist of:

Internal, external, and historical factors that may contribute to concerns identified in initial risk and safety assessments and initial screenings:

Child and family strengths, protective factors, and needs;

Impact of maltreatment on the child;

Factors and characteristics pertinent to selecting an appropriate

placement;

Family resources for the child and the parents; and

Any other material pertinent for meeting service objectives.

The screening and assessment is used to determine an appropriate placement, the provision of needed services, and permanency planning. The initial assessment process shall be completed within thirty (30) calendar days of the child's entrance into custody and documented in the child's case record in MACWIS. The assessment of the child and family continues throughout the life of the case.

The following information is needed on all children entering MDCPS custody, and should be obtained from the family, extended family, and formal/informal supports. This information may be obtained through face to face contact, telephone, written reports, or FTM. Examples of information to be gathered include:

Identifying Information: name, date of birth, race, birthplace, physical description of child

Culture: child's religion, cultural background, language(s) the child speaks or understands, cultural traditions, values and beliefs which are important to the child

Daily Routine: describe child's daily routine, child's favorite books, toys, games, food, possessions, hobbies, interests, Special pet child has had.

Family Information: Parents' and siblings' birth dates, ethnicity and current contact information – photographs, if available, extended family members with whom the child has an interest in having ongoing contact or who may be available for placement resources or support of child.

Medical History: All significant medical information of the child including birth history and immunizations record, allergies, any physical conditions requiring ongoing attention, any known family illnesses or history of disease, child's level of eyesight, hearing, all injuries with dates, treatment and long-term impact

Development: Any developmental delays or reactions to stress

Academic Functioning: Child's level of scholastic achievement in each grade. Has special education ever been recommended? If so, has it been provided? What is the reason for special education?

Current School Placement: Name of child's school, grade, teacher. Is a school social worker involved with child? Child's academic interests, child's most recent report card grades.

Relationships: Significant adults in child's life, any adults whom the child considers as a "psychological parent"? How does child relate to authority figures, such as teachers, counselors, therapists, etc.?

Emotional Functioning: What are child's relationships with adults and peers? Child's existing attachments, does child play appropriately with children of the same age? Does the child act out behaviorally? What is the acting out behavior? Is there a history of lying, stealing, fire setting or any destructive behaviors? If so, what has been done to address these behaviors? Has the child been in therapy? If so, when and where? Who is the therapist, and what are the findings and recommendations? What is child's level of emotional functioning?

In instances in which it is impossible to meet with one or both parents, the assessment process will proceed as described above, notwithstanding the parent(s) absence.

When the whereabouts of one or both parent(s) is unknown, a diligent search shall commence immediately. (see Section D, Diligent Search)

B. Consideration for Child during Placement Efforts

While locating the most appropriate placement for a child or sibling group may be difficult, the child/ren must receive full consideration while the Worker attempts to locate placement. When children are taken to a MDCPS office setting or another non-residential facility that provides intake functions, no child shall spend more than 12 hours at a time in such offices.

The child should be placed in the least restrictive setting that meets his/her individual needs, as determined by a review of all intake, screening, assessment and prior placement information available at the time of placement.

Section 475(5)(A) [42 U.S.C.675] …least restrictive (most family-like) and most appropriate setting available and in close proximity to the home of the parent(s), when the case plan goal is reunification and a discussion of how the placement is consistent with the best interests and special needs of the child.

In order of consideration, this means placement with: 1) siblings, 2) relatives or tribal members, Resource Family Home, 4) group home, and 5) institutional care in reasonable proximity to the child's family and home community.

Some children's needs are such that a group home care setting is more appropriate. Children with special needs shall be matched with placement resources that can meet their therapeutic, medical and educational needs. MDCPS shall ensure that each county office has access to placement specialists within its region having the ability to ascertain the placement resources available and their suitability for each particular child needing placement. The Worker must

consider if the program of the licensed child caring agency will be appropriate for the individual child's needs while considering proximity to county of origin and siblings and/or maintaining a teen parent with child.

No child younger than 10 years of age shall be placed in a congregate care setting (including group homes and shelters) unless the child has exceptional needs that cannot be met in a relative or Resource Family Home or the child is a member of a sibling group and the RD has granted express written approval for the congregate care placing.

Approval must be based upon the RD's written determination that the child's needs cannot be met in a less restrictive setting and can be met in that specific facility. The RD must also include a description of the services available through the facility to address the individual child's needs and will be documented in MACWIS. The COR ASWS must also document the receipt of the RD's approval for such placements in the placement approval box located in MACWIS.

Sibling groups having siblings under the age of 10 shall not be placed in congregate care settings for more than forty-five (45) calendar days.

No child shall be placed in more than one emergency placement within one custody episode, unless an immediate placement move is necessary to protect the safety of the child or of others.

If these circumstances are present, the RD must provide detailed documentation of the circumstances in MACWIS. ASWSs shall document receipt of approval from the RD for multiple emergency shelter placements prior to approval in MACWIS.

C. Siblings Placed Together or In Close Proximity

MISS. CODE ANN. § 43-15-13(8)(h), as amended, authorizes MDCPS to determine appropriateness of the placement of siblings.

Siblings who enter placement at or near the same time shall be placed together unless:

Doing so would be harmful to one or more of the siblings;

One of the siblings has exceptional needs that can be met only in a specialized program or facility;

The size of the sibling group makes such placement impractical notwithstanding diligent efforts to place the group together.

If a sibling group is separated at initial placement, the Worker shall make immediate efforts to locate or recruit a family in whose home the siblings can be reunited. These efforts shall be documented and maintained in the case file.
If siblings are placed together, the Worker must select the "Yes" box on the Placement screen in

MACWIS. If "No" is selected that indicates siblings are separated. The Worker must choose the appropriate justification from the list on the drop down box on the same screen. The Worker's ASWS and the RD must approve any "No" selection. Prior approval must be received from the ASWS and RD before siblings are placed separately.

D. Proximity to Parents and the County of Origin

If a child must be placed away from the parents or guardian, Section 475(5)(A) or 42 U.S.C.675, mandates that any child who is removed from their parent's or guardian's home should be placed in close proximity to the parent's home, consistent with the best interest and special needs of the child.

Each child shall be placed within his/her own county or within 50 miles of the home from which he/she was removed. This provision shall not apply if;

The child's needs are so exceptional that they cannot be met by a family or facility within his/her own county or within 50 miles of the home from which he/she was removed;

The child is placed through the ICPC consistent with its terms;

The child is appropriately placed with relatives or another planned permanent resource;

The child is ordered to be placed in a child specific foster care setting by a court; or

The child is placed in an adoptive home.

The Worker will select "Yes" on the appropriate Placement screen in MACWIS if the child is within a fifty-mile radius of original home. If the answer is "No", the Worker will choose the appropriate justification from the list in the drop down box on the same screen. The Worker's ASWS and RD must approve any "No" selections.

Prior approval must be received from the ASWS and RD before placement is made.

When considering out-of-state placements refer to Section H (ICPC) of MDCPS policy manual.

E. Foster Teen Parents

When a teen in custody has a child and does not wish to be separated from her child, the two should be placed together. The child of the teen does not have to be placed in MDCPS custody.

Approval from the ASWS and RD is required prior to the separation of teen parent from her

child.

F. The Multi-Ethnic Placement Act

The MEPA of 1994 (P.L. 103-382) and amended in 1996 (P.L. 104-188) prohibits denying or delaying an individual or couple the opportunity to be an adoptive or Resource Parent or delaying or denying placement of a child on the basis of race, color or national origin (RCNO) of the prospective Resource Parent or child. These factors must be applied on an individualized basis, not by general rule "in the best interest of the child."

Many factors must be considered on the selection of the prospective Resource Home for the child. The Worker and ASWS should use professional judgment in selecting the home which best meets the needs of a child and which could accept the particular child

Child Factors to Consider

Among the child related factors to be considered are:

The child's current functioning and behaviors;

The medical, educational and developmental needs of the

child; The child's history and past experience;

The child's cultural needs;

The child's age and level of care needed;

The child's interests and talents; and

The child's attachments to current caretakers.

Resource Parent Factors to Consider

Among the factors to be considered in assessing a prospective Resource Family's suitability to care for a particular child are the Family's ability to:

Accept and help the child understand his/her permanent plan;

Work with the child's parents or caretakers towards the permanent

plan; Form relationships with the specific child;

Help the child integrate into the family;

Accept the child's background and help the child cope with her or his

past; Accept the behavior and personality of the specific child;

Validate the child's cultural background; and

Meet the child's particular educational, developmental or psychological needs.

G. Types of Placement Resources

Relative Resource Home

A Relative Resource Home is a Resource Home in which the Resource Parents are relative caretakers to the foster child. (see definition of relative caretaker)

a) Admission Criteria

The Relative Resource Parents are related (within the fifth degree of kinship to the child) to the foster child. Relative placements are given priority over unrelated family settings. Support is provided to the child to maintain connections with relatives while in placement through visiting and/or other forms of contact.

Admission Procedure

Child must be in custody of MDCPS

Child must be related to the relative (within the fifth degree of

kinship) Contact the COR ASWS for approval

Contact the COR/County of Supervisor (COS) Resource ASWS regarding expedited licensure options.

Contact the COR Resource Specialist regarding placement and assistance.

Provide identifying Information to the Relative Resource by using the "Foster Child Information Form".

Emergency Placement Safety Standards

The Safety Checklist shall be completed by the Worker when the Worker visits the home prior to any placement to determine the appropriateness of the relative placement.

After completing the background check and Safety Checklist, a face-to-face contact by the children's Worker must be made within 24 hours of placement to assure the child's continued safety within the placement. The narrative shall be documented in MACWIS within 5 working days.

d) Expedited Resource Licensure

In order for a child to be placed with a relative, on an emergency basis, an expedited home study

must be completed within thirty (30) calendar days of the child's placement into the home. After obtaining the approval of the ASWS for the emergency relative placement, the Worker must contact the Youth Court Judge and request a written order for MDCPS' plan for relative placement.

All foster care settings, including relative placements, shall be screened prior to the initial placement of foster children to ensure that children receive safe, sufficient, and appropriate care. Additional screens shall be completed at least once annually thereafter and within two weeks of a reported change in the residents of a resource home. Screens shall include criminal and child welfare background checks of all household members who are at least fourteen (14) years old. No foster child shall be placed in a home prior to MDCPS receipt of the background check results. MDCPS shall maintain an expedited process for licensing screened relative caregivers and court ordered non-relative placements to enable a child to be placed quickly with relatives/court ordered non-relatives upon entering foster care. The licensing process for relatives shall take place in two steps:

an emergency process that enables a child to be placed with relatives as soon as the child enters placement, following an initial screen of the relative's home, and

a full licensing process, to be completed no later than 90 calendar days after the child has entered placement.

MDCPS may waive non-safety licensing requirements for relative foster placements in individual cases, in accordance with federal regulations. All relative placements approved for expedited placement shall undergo the full licensing procedure within 90 calendar days of the child's placement in the home.

Expedited relative and court ordered "non-relative" placements shall be entered as Resource Inquiries and assigned for home study completion.

The home study must be completed in MACWIS within thirty (30) calendar days of being assigned to a Resource Specialist.

Any barriers to licensure and all efforts to get the home licensed must be documented. If the home remains unlicensed after forty-five (45) calendar days of the child's placement in the home and it appears that the home will not become licensed within ninety (90) calendar days of the child's placement, the assigned Resource Specialist shall staff the case with his/her Resource Supervisor, the COR Worker, the COR Supervisor and the COS Worker to discuss barriers, solutions, other placement options, and to agree on a recommendation to the court regarding placement.

The COR Worker shall notify the court of MDCPS ' recommendation. This must be done even if it is a court-ordered placement. The COR Worker shall notify the Resource Specialist or Resource

Supervisor of the court's decision.

All of this shall be documented appropriately in both the child's file and the resource file. (For additional information see Section F, Expedited Resource Licensure)

e) Waivers

Federal guidelines Sec. 471(a)(10) *provides for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, provides that the standards so established shall be applied by the State to any foster family home or child care institution receiving funds under this part or part B of this title, and provides that a waiver of any such standard may be made only on a case-by-case basis for non-safety standards (as determined by the State) in relative foster family homes for specific children in care*.

When considering a waiver, the Resource Supervisor, Resource Specialist, and COR Worker shall discuss and document the following in both the child's file and the Resource Family file:

Reasons why this relative the best placement for this child.

What other placement options are available for the child, and why this one is better than the others?

Indicators that the child will be safe in this home.

Potential effects of how the waiver of this standard may impact the child and relative caregiver.

What options may be available to help the relative meet the standard being considered for a waiver?

How and why the standard requested for waiver is not safety related?

All waivers must be submitted in writing to the Resource Supervisor for first approval and then submitted to Permanency unit for final approval.

Following are MDCPS standards which have been identified as "non-safety related" and which ***may*** be waived in certain circumstances.

These standards are NOT to be waived as a matter of general practice when licensing relative caregivers and require the above documentation in the respective case records:

U.S. Citizenship, only if the potential Resource Parent is a qualified alien

Must be age 21 or older

Employment validation

Transportation

At least one bathroom accessible without going through a bedroom Must have access to schools and churches

Adequate play area

Mississippi resident for 12 months

Married or single/unrelated adult in the home

Proof of income without board payment

Bed space and square footage

Bedrooms must have doors which can be opened and closed

f) Management Protocol of Unlicensed Placements

When the ASWS approves the placement of a child in the home of an unlicensed relative, the ASWS must notify the RD and the Resource ASWS. The ASWS shall ensure that the Worker has entered a Resource Inquiry so the Resource Unit can start the licensing process immediately. The Worker shall indicate in the Resource Inquiry that it is an expedited study since the child is currently placed in the home.

Each month the RD must notify the Director of Field Operations regarding additions/deletions to the regional log of unlicensed placements and any barriers to licensing should be notated on the log.

The Permanency Unit shall maintain a state log of all placements in the unlicensed relative homes, which will include the name of child and the name of the relative, COR, county of placement, court order date if applicable, and date and findings of any previous reports of maltreatment to the relatives.

The Permanency Unit shall monitor the licensing of the relative home and follow up with the Resource ASWS until final disposition. Notification to Workers is required when a foster care provider for a child assigned to the Worker is under investigation, or that provider's foster care license has expired or been revoked.

2. Resource Family Home

A Resource Family Home is the home of a person or family which is licensed for the temporary care of foster children. The Resource Parents receive a board payment at the rate specified by MDCPS. (as shown in Section D, Fiscal Aspects of Foster Care for board payment information).

These homes may provide care for:

Not more than 3 foster children, or for a total of 5 children (including foster, biological, and adoption children at any given time).

With no more than 2 children in the foster home under the age of 2 or have therapeutic needs.

A sibling group may be placed together in the same foster home in excess of these limits, but only upon written approval by MDCPS RD determining that the foster children can be maintained safely in the foster home.

Licensed Resource Parents are also approved volunteers who may be reimbursed for mileage for transporting children to obtain needed medical and mental health services, as well as for authorized visitation with a parent, sibling, relative or prospective adoptive parent. Resource Parents who serve on the MDCPS Statewide Advisory Board may be reimbursed mileage as volunteers when attending designated meetings

A Resource Home that accepts a Foster Teen Parent and their child and/or Special Needs Children, may be eligible for an increased Board Rate. (Refer to Section D, Fiscal Aspects of Foster Care, for Board Payment information.)

Admission Procedure

Child must be in custody of MDCPS.

Contact the COR ASWS for approval.

Contact the COS ASWS for approval to ensure the placement within a specific home is appropriate in that County.

Contact the COR/COS Resource ASWS regarding possible placement options.

Contact the potential Resource Home about possible placement of child/children.

Provide identifying information to Resource Family by using the "Foster Child Information," Form DFCS-515.

A MDCPS worker (COR or COS) shall conduct a walk-through of the resource home before placing the child in that home. *(Refer to Section F Interior Home Environment).*

In addition:

The worker shall inquire of the resource parent(s) whether there have been any significant changes/events since the last re-evaluation of the home (new household members or frequent visitors, financial changes, etc.).

The worker must ensure that there are safe sleeping conditions for the child and that the home is equipped to accommodate the needs of the child. Children under 18 months of age shall sleep in a crib. Children who are 18 months or older shall sleep in a bed that is appropriate for the child's age and needs (considering any developmental delays).

MDCPS worker shall document in a narrative and in the case file all of the information gathered regarding the walk-through of the resource home.

3. Therapeutic Foster Home

A Therapeutic Resource Home is a home licensed and certified to care for children with severe behavioral, emotional and psychological impairments **(*i.e.: attention deficit disorder, bipolar* disorder, dysthymia (depression), intermittent explosive disorder, sexual deviant behavior, mental retardation/behavior disorder, mental illness/on medication, other mental illnesses or physical disabilities.) A Therapeutic Resource Home receives a comprehensive therapeutic rate based on the child's special needs.**

Each foster child requiring therapeutic and rehabilitative foster care services because of a diagnosis of significant medical, developmental, emotional or behavioral problems shall be provided with a treatment plan and shall be provided with these services in accordance with the plan.

The length of stay for a child in a Therapeutic Resource Home shall be reviewed every six months.

A Therapeutic Resource Home shall have no more than two Special Needs children at any given time in accordance with mental health standards.

A Therapeutic Resource Home shall be allowed to provide care for the siblings of a special needs child according to the capacity and terms of the Resource Home license. However, the siblings will not receive the therapeutic board rate unless they have been certified as eligible for that benefit. All therapeutic placements shall have prior approval by the State Office, Permanency Unit.

Therapeutic placements require more frequent Worker supervision and contacts with the foster children and Resource Parents. Weekly contact and a minimum of two (2) visits per month shall be made.

a) Admission Criteria

Children must have documented severe behavioral, emotional, psychological or physical impairments for admission.

b) Admission Procedure

Completion of the Residential Services Application by the COR Worker is required for admission.

All therapeutic placements shall have prior approval by the State Office Permanency Unit, and RD.

c) Discharge Requirements

Upon discharge from therapeutic foster care, children must receive follow-up services in accordance with team recommendations that are documented on the child's After Care Plan.

4. Residential Child Care Facility

A Residential Child Care Facility is a licensed residential child caring facility which is staffed 24-hours a day and where children are in care apart from their parents, relatives, or guardians. It is subject to licensure certification. (MISS. CODE ANN. § 43-15-103(p))

Residential Child Care Facilities are differentiated from the following:

Short Term care facilities, such as emergency shelters or juvenile detention centers, or

Long Term care facilities such as group homes, maternity residences, treatment centers, or

Developmentally Disabled children's centers

or Respite Care.

a) Admission/Procedure Criteria

Upon ASWS approval the Worker shall make a referral directly to the facility using the residential application available on the "P" Drive.

5. Institutions

An Institution is a 24-hour facility for the care and confinement of individuals with disabling conditions such as mental, physical, and emotional handicaps and which provide therapeutic or medical services to enhance the quality of life for the individual in a restricted setting.

a) Admission/Procedure Criteria

If an institution seems to be the appropriate placement resource, the county Worker, upon ASWS approval, shall make a referral, or application, to the institution.

6. Independent Living Placements

An Independent Living Placement is a placement in an apartment or rooming house with supervision from a licensed placement agency.

A youth who has attained age 18, meets the requirements of the "Responsibilities of the Youth" (See "Role of Child Placing Agency"), and is in the custody of MDCPS will be considered for placement through an agency licensed for Independent Living placements.

A youth who has attained age 17, in addition to meeting the above criteria, must also obtain a high school diploma, certificate of attendance or General Education Diploma (GED). The youth's Worker, ASWS, and Independent Living Specialist must recommend this placement to the Strategies for Accessing Independent Living Services (SAILS) Advisory Board before final approval by the Independent Living Coordinator. COR and COS workers shall collaborate services to support placement.

Admission Criteria/Procedure: (See Independent Living Section)

Adoptive Home

An Adoptive Home is a Resource Home that is licensed/approved by MDCPS and meets licensure requirements for placement of a child. An Adoptive Home is intended to be permanent. The permanent relationship of the family and the child is formalized by the finalization of a legal adoption, with the consent of MDCPS. Resource Parents are given first priority in considering permanent placements for children to be adopted.

An Adoptive Home shall be offered only for children who are legally free for adoption or whose primary permanency goal is adoption. The Regional Resource Units will coordinate all adoptive placements.

8. Emergency Shelter

Emergency Shelters for children are short term interim placement resources. The brief time in the shelter (45-day maximum) gives the Worker time to further evaluate the home situation and to work with the family and those designated as part of the family group for the immediate return of the child, to identify and evaluate relative resources, and gather information about the child to ensure a more appropriate foster care placement if this becomes necessary.

The Emergency Shelter staff shall provide the COR bi-weekly written progress report which shall include information regarding the child's behavior, progress, problems, and needs.

For preschool age children, family settings should be explored and utilized prior to placement in an Emergency Shelter.

a) Admission Criteria

An Emergency Shelter is a physically nonrestrictive facility designed to care for children who are in clear danger of abuse, neglect, or exploitation, and for whom the court orders placement or the parent voluntarily places the child in MDCPS custody. The children shall be free of any acute medical or major psychological disorders that would require extensive treatment and pose a danger to Emergency Shelter staff and any children placed in care.

No foster child shall remain in an emergency or temporary facility for more than forty-five (45) calendar days unless, in exceptional circumstances, the MDCPS Division Director has granted express written approval for the extension that documents the need for the extension.

No foster child shall be placed in more than one emergency placement per custody episode unless an immediate move is necessary to protect the safety of the child or of others, as certified in writing by the RD.

No foster child under 10 years of age shall be placed in a congregate care setting (including group homes and shelters) unless:

Child has exceptional needs that cannot be met in a relative or foster family home or

Child is a member of a sibling group; Sibling groups in which one or more of the siblings are under the age 10 shall not be placed in congregate care setting for more than forty-five (45) calendar days.

RD has granted express written approval for the congregate care placement

press written approval for the congregate care placement will be based on the RD's written determination that the child's needs cannot be met in a less restrictive setting and can be met in that specific facility and includes a description of the services available in the facility to address the individual child's needs.

b) Admission Procedure

The COR Worker will be prepared to give basic data about the child. The referring Worker will call the Emergency Shelter to ascertain if there is a vacancy. The admission will be approved or denied by the designated Emergency Shelter staff person. If approved, an appropriate time of arrival will be established and directions to the Shelter will be given.

The Worker will bring any of the following items that are available: Foster Child Information Form, copy of court order, Medicaid card, any school records, child's personal belongings, a Social Summary, and any other materials that may be helpful to Emergency Shelter staff.

The Emergency Shelter will provide a medical examination and psychological testing, if requested by the COR. If Medicaid does not cover those services, the COR is responsible for payment following normal procedures. Refer to Section A, Administration, for a discussion of funding sources.

The COR Worker will be responsible for making permanent plans for the child, working with the child's family, family group members, the court, and **keeping the Emergency Shelter staff informed of all plans for the child**.

It is essential that planning for the child begin immediately after placement due to the 45-day limitation and for the stability and emotional wellbeing of the child. It is equally essential that the Emergency Shelter staff be kept informed of the plans so that the child may be adequately prepared by the staff for his replacement or return home. The COR Worker will have at least weekly contact with either the Shelter Supervisor or COS Worker if the shelter is not located in the COR.

c) Extension of Shelter Time

Time in Emergency Shelters should be limited to forty-five (45) calendar days and only one emergency placement per custody episode unless an immediate move is necessary to protect the safety of the child or of others as certified in writing by the RD.

The forty-five (45) calendar days could be consecutive or cumulative. The forty-five (45) calendar days include stays at the same or different Emergency locations. If it is necessary for the child to remain in the Shelter for a longer period, the Worker shall gain the approval of the ASWS and RD who shall request written permission from the Division Director and who will document the approval in MACWIS.

(Refer to Admission Criteria for sibling groups under age 10)

d) Exit Procedure

When removal of a child from Emergency Shelter care becomes necessary to Emergency Shelter staff, the child's COR Worker shall be notified and given a 10-day notice. Immediate removal shall be requested by Emergency Shelter staff only if a child is a danger to himself or others.

9. Court Ordered Non-Licensed Homes

Court-Ordered, Non-Licensed Homes are homes into which a child has been ordered by the Youth Court Judge. These homes have not [yet] been licensed by MDCPS.

The COR Worker will explain to the family the licensing requirements in order to become a Licensed Resource Home and will document the discussion in MACWIS.
The Management Protocol of Unlicensed Placements, addressed in the Relative Resource Homes section, must be followed for Court Ordered Non-Licensed Homes.

No foster child shall be placed in foster care setting that has not been licensed or approved as meeting MDCPS standards, unless the child is place pursuant to the relative licensing process. (see Section F)

VI. RESOURCE HOMES IN ANOTHER JURISDICTION

A. Moving a Mississippi Resource Home to Another State

There are times when it is necessary for one state to ask another to license a Resource Family Home. This request usually comes about because of one of the following situations:

> The Resource Family is preparing to move to another state and MDCPS's plan is to allow the foster child to accompany them.
>
> Relatives or friends of the foster child live in another state and wish to be licensed to provide care for the child.
>
> A sibling of the foster child is placed in the custody of the receiving state and the Resource Parents of the sibling wish to provide care for the other child, also.

It is always preferable for the state of residence of the proposed Resource Parents to follow that state's standards and forms when the home is being studied and licensed.

When the licensed Resource Parents decide to move out-of-state and wish to continue to care for their foster children, a casework decision regarding the movement of the foster children must be made by the COR and the ASWS.

Factors to be considered include:

Child's permanent plan

Length of present care

Child's adjustment in the Resource

Home Estimated future length of care

Child's relationship with legal/biological parents

Frequency of contact with legal/biological parents

Child's age and his wishes regarding the move

Problems related to special needs children and whether the Resource Family has particular skills to meet those needs

If the decision is made to allow the foster child to move with the Resource Parents, the following procedures shall be used:

1. Permission for all moves out-of-state must be received from the Youth Court Judge holding jurisdiction of the child. It is also recommended that permission from the legal parents be secured.
2. If the foster child(ren) are from different counties, a decision will be made by all appropriate ASWSs and RDs designating one county to handle all correspondence with the other state agencies.
3. In advance of the move, interstate compact procedures should be followed, as outlined in MDCPS, Section H "ICPC Policy".
4. A thorough explanation should be given to the Resource Parents of MDCPS' continuing legal and financial responsibility for the child, as well as for the need for cooperation with the receiving state's Child Protective Services regarding supervision and licensure.
5. The Worker will explain the issues surrounding Medicaid benefits in the other state and the need to ensure the child's eligibility for continuing Medicaid benefits in the other state.
6. Mississippi Resource Board rates will apply.

Board Payments for Mississippi Foster Children in Other States' Resource Homes

Occasionally a Mississippi foster child is removed from his original out-of-state placement and is placed in one of the supervising state's licensed Resource Homes. If that state requires a higher board payment than Mississippi pays, the COR will either use county funds to make up the difference or the state should return the child to Mississippi.

C. International Movement of Resource Homes/Foster Children

Occasionally Resource Parents move outside the United States and request that the foster children placed in their home be allowed to move with them. International movement presents technical and legal concerns:

The court will lose jurisdiction of the child;

Mississippi has no reciprocal agreement with other countries regarding custody or social services;

There could be no use of Medicaid;

Licensing of the home and supervision of the child would have to be provided by another agency.

If the move to another county is permanent, MDCPS will not initiate action toward this end. The Resource Parents may petition the court for custody, and the court will then make a decision. County staff will cooperate with the court in providing any information or services requested by the court.

If the move is temporary, such as business or armed services transfers, and there are definite plans for the family's return to the United States, the decision regarding the foster children's move with the Resource Family shall be made by the ASWS and RD, with approval by the Director of the Permanency Unit or his/her designee. It is also necessary to receive written judicial and parental consent for the move.

Prior to seeking final approval from the Director of the Permanency Unit or his/her designee, the Licensure Specialist or Worker shall formulate and conclude an Agreement with International Social Services, or another recognized social agency, for MDCPS to supervise the child and license the home. The county correspondence with the other social agencies shall be routed according to interstate correspondence procedures.

The Resource Specialist will prepare three copies of a memorandum to the Director of the Permanency Unit or his/her designee requesting approval. The memorandum shall outline circumstances of the international move, the expected date of departure and return, the rationale for the request, and the plan for supervision and licensure.

A copy of the written authorization from legal parents and/or the Youth Court Judge for the move shall be attached. One copy shall be placed in the child's file, and the original with accompanying judicial and parental authorization routed to the Director of the Permanency Unit or his/her designee for final approval.

D. Medicaid Cards for Foster Children from Other States

The Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) allowed Title IV-E Foster Children and children receiving Title IV-E Adoption Assistance to be eligible for Medicaid coverage in the state where they reside. These children are automatically eligible for Medicaid coverage.

Request for Medicaid Cards for Title IV-E Foster Children

To obtain a Mississippi Medicaid card for Title IV-E foster children from other states living in Mississippi, the following procedure is used:

The child's foster care Title IV-E status information will be provided from the state of origin with the request for supervision through the Interstate Compact on the Placement of Children. This information will include the child's social security number and the child's date of birth.

The licensure of the home will be completed by the Regional Resource Unit. The county Worker will complete the eligibility screens in MACWIS.

The IV-E/Child Welfare Services (CWS) Eligibility Determination Unit will enter Title IV-E Eligibility information into MACWIS.

All requests to other states for placement and supervision of foster children through the ICPC should indicate whether the child is Title IV-E eligible. For Title IV-E eligible children the following information is needed:

Child's name, race, sex, date of birth and social security number; and

A statement as to whether the child has any third-party resources such as Champus, etc., which makes medical care available to the child.

VII. PLACEMENT ACTIVITIES

Pre-Placement Activities

Information to be shared with Resource Parents/Child Caring Facility/Child Placing Agency

Prior to placement, the Worker will discuss with the Resource Parents or the child caring agency staff when the child is being considered for placement. The Resource Parents or child caring agency staff will be given enough information about the child to enable them to make a decision as to whether or not they can accept the child.

Foster Care

When a child is placed in a Licensed Resource/Relative/Group Home/Facility, or Court Ordered Placement, the Worker shall provide foster parents or facility staff with the foster child's currently available medical, dental health, educational, and psychological information, including a copy of the child's Medicaid card.

MDCPS shall gather and provide to resource parents or facility staff all additional current medical, dental health, educational, and psychological information available from the child's service providers within fifteen (15) calendar days of placement.

An original and copy of MDCPS, "Foster Child Information Form," will be completed before the child is placed in the home or facility. The original and copy will be given to the Licensed Resource/Relative/Group Home/ Facility personnel or court ordered placement resource to sign. A copy of the signed form will be given to the provider and the original will be filed in the case record.
The information to be shared includes:

Child's name and date of birth;

Current medical, psychological, and dental health including the following: o Physical disabilities,

- o Immunizations,
- o Existing illnesses including but not limited to HIV/AIDS,
- o Medications,
- o Dental status,
- o Date of Early Periodic Screening, Diagnostic and Treatment (EPSDT) screening appointment and/or referral appointments,
- o Special care needs.

Education (grade level, past grades, attendance patterns, tutoring needs, educational expectations, achievements)

- o School-aged child must attend school even while in temporary shelter care;

Relationship with family (parents, siblings, extended family or significant others);

Reason for placement in foster care (neglect, abuse, etc.). Worker needs to be specific when sharing information with Resource Parents. For example, the child does not relate well to men due to sexual abuse; or child may hoard food or search for food in garbage cans due to hunger;

Reasons for changes in placement;

Custody Case Plan (services to be provided to child, permanent

plan); Visitation plan with biological parents;

Any other information regarding the child which may be helpful to the Resource parents or child caring facility staff in determining the appropriateness of the child for the home or facility and/or if the home or facility can meet the child's needs.

Pre-Placement Planning with Licensed Child Caring Facilities and Child Placing Agencies

Because of the various types of licensed residential child caring agencies and services offered by each, it is necessary for the Worker or ASWS to determine, prior to placement, if the services, program, and policies of the child caring agency will serve the best interest and needs of the child.

The Worker will discuss with the facility staff MDCPS' policies, practices and expectations of the facility in meeting the child's needs. If the facility is not willing to comply with policy regarding children in MDCPS custody, placement of a child in that facility is not appropriate and another resource must be considered. Upon the placement of the child the facility becomes the Agency of Service.

The following is a non-conclusive list which the Worker and licensed child caring agency staff must discuss, and have a clear understanding of, prior to placement of child:

Residential Services Application;

Admission criteria (required material and forms, the agency's internal acceptance procedure, and the method of assigning the child to a group or cottage);

Case planning responsibility;

Family Serviced Plan (FSP) which includes the child's permanency plan. It is the responsibility (of the county Worker and Agency of Service staff to communicate information affecting the plan);

Monthly staffing requirement with Agency of Service staff regarding the child's progress/lack of progress, continuing appropriateness of placement, etc.;

MDCPS requirements for quarterly (monthly, if contractual) progress reports from the Agency of Service, unless a specific arrangement has been made with an individual MDCPS Worker. Reports shall include individualized information such as the child's progress, special needs or problems, overall adjustment, services being or to be provided, etc.;

Provisions for Worker to have two face-to-face contacts with the child monthly (weekly contact shall be required the first month of placement. If necessary the COS should be asked to make these contacts and documentation of contacts filed in child's case record;

Agency of Service's provision for face-to-face contact with facility staff (i.e. Worker, counselor, etc.) and child for purpose of ongoing counseling, and supervision;

Agency of Service's willingness to obtain needed services (medical, dental, psychological testing or counseling) or coordinate with MDCPS Worker to ensure such services are obtained within specific time frames;

Child's educational needs and provisions for appropriate education, special needs (i.e., tutor, etc.), and surrogate parents, when applicable;

MDCPS Policy and approval regarding visitation between child and his parents, siblings, relatives or other unrelated persons, including prior approval for out-of-state trips; MDCPS policy prohibiting cancellation of visits as a disciplinary action; Agency of Service practice regarding visitation with related or unrelated persons, and any required visitation away from the facility, as well as documentation of any visitation;

Case review system, notification to child and Agency of Service of date and time of review, child's right to attend case review and importance of MDCPS staff participation;

Financial information such as board payment, Medicaid coverage, and clothing allowance, county's provision for allowance, MDCPS' requirements for special needs, etc.;

MDCPS policy regarding discipline: Corporal punishment is not allowed on any child for any reason;

Reporting incidents of abuse and neglect;

Conditions which may result in discharge or removal from the Agency of Service and the time frame for notice of removal and discharge;

Provisions for meeting the child's needs and rights (i.e., nutrition, physical care, supervision, emotional security, religion, social and recreational activities, etc.).

Psychotropic Medication

If a child in MDCPS custody has been prescribed a psychotropic medication by a qualified mental health professional or licensed medical professional with expertise in children's mental health, the COR Worker shall obtain in writing the following information before approving the use of the medication:

The prescribed psychotropic

medication; The amount of the dosage;

The dosage recommended by the manufacturer or the United States Food and Drug Administration;

The reason for the medication;

The efficacy of the medication;

The side effects of the medication;

Whether this medication has been approved by the FDA for use by children.

Resource parents, child care provider, group home, residential facility or hospital staff may not give a child in foster care any psychotropic medication without the permission of the child's COR Worker, the COR supervisor and consultation with a MDCPS Nurse

Worker's Responsibilities:

The MDCPS COR Worker shall staff with the supervisor any request for psychotropic medication before giving any approval for said medication; and the approval should be documented in the child's case record;

A "Consent Form" must be signed by the COR Worker and approved by the COR supervisor before this medication may be dispensed;

The child's parent(s)/guardian should be notified regarding the recommended medication, unless the parent's parental rights have been terminated.

Resource Parent's Responsibilities:

The resource parent shall not provide consent for psychotropic medication to be administered for any foster child;

The resource parent shall notify the COR Worker or COR supervisor if a foster child in their care has been prescribed a psychotropic medication.

Pre-placement Visits

Following the decision to place the child, at least one pre-placement visit of the child to the Resource Home or child caring facility should be arranged as a means of helping the child, the biological family, and the Resource Parents or MDCPS staff move more comfortably into the placement situation. Ideally, a FTM should be conducted in which the child, the biological

parents, and the Resource Parents are all in attendance in order to facilitate the placement and reduce the trauma of removal and separation from family.

B. Actual Placement

The information on the "Foster Child Information Form" should be provided to the prospective caregiver prior to placement. In case of an emergency placement, when all of the above information may not be available, the Worker shall provide known information verbally and within fifteen (15) calendar days provide the caregiver the completed "Foster Child Information Form," which he/she will sign. A copy of the form will be given to the caregiver and the original should be filed in the paper file and documented in MACWIS.

If this is the initial placement, within five (5) working days of the placement, arrangements must be made for initial clothing for the child.

If placement is in a licensed child caring facility, the Worker shall plan the date of placement with staff and inform the child. The Worker shall take an original and copy of the completed "Foster Child Information Form," for their signature, and any other items which may be necessary or were discussed at the pre-placement visit. The Worker shall be prepared to sign permission for medical treatment, etc. and make arrangements with facility staff for visitation with the child. If the child is in need of clothing, provisions for purchase of clothing shall be arranged.

Placement Documentation/Documents

The following documentation will be completed during the placement process, filed in the child's case record, and entered into MACWIS:

Court Order or Form MDHS-SS-456 "Contract for Foster Care" or Form MDCPS – 459 "Surrender of Child and Written Voluntary Release of Parental Rights";

Form MDHS-SS-410 "Family Resources for Children"; and
Documentation of all known relatives;

"Child's Medical Record" Form MDHS-SS-426 (A summary of the records will be entered in MACWIS);

Health Department's Form 522 - complete only if there is no copy of child's birth certificate in the record;

Signed, when appropriate, FSP completed for each child in custody;

Signed FSP for parents or primary caretaker (unless parental rights have been terminated);

Court Report;

Requests for Expenditure of Funds;

Documentation to complete Determination of Title IV-E/CWS Medicaid/Resource Board payment.

Comprehensive Family Assessment

The Comprehensive Family Assessment (CFA) is essential in the effort to achieve desirable outcomes related to safety, permanency, and well-being. The CFA is founded in and dependent on critical and analytical thinking applied to the issues identified during the investigation and initial assessment, the information revealed from safety and risk assessments, the identification of the individualized needs of the family, and the identification of the strengths and protective capacities of the family.

The identification of causes of issues and analysis of underlying issues are essential in the CFA which is necessary to begin an effective plan of service delivery and continues throughout the life of a case.

The CFA is completed by the Worker in MACWIS and submitted to the ASWS for approval within thirty (30) calendar days of case opening and any time there is a Review, Add/Change, Custody Change, or Final FSP.

3. Placement Disruption

When a placement is at risk of disrupting, every measure must be taken to ensure placement stability, if possible. Upon receiving indication that a placement is at risk of disrupting, the following steps shall be taken:

If a child is placed outside their COR, the COS Worker shall contact the COR Worker to provide information about the issues surrounding the possible disruption. The COR Worker must immediately notify the COR ASWS;

If the child is placed in their county of residence the COR Worker shall notify the COR ASWS;

Placement Disruption Meeting shall be convened.

Placement Disruption Meeting

A FTM for the purpose of preventing the disruption shall be convened upon receipt of any information from the child, resource parent, or any other reliable source indicates that a

placement may disrupt. The meetings may be attended by conference call for any participant having documented barriers that would hinder attendance. The meetings shall be documented in MACWIS as a FTM.

The participants of the meeting shall consist of the child's parent(s), COR Worker, COS Worker (if applicable), the COR Worker's ASWS/designee, Resource Parents, and if appropriate, the child. During the meeting, the following shall be determined:

The cause of the potential disruption;

Whether the placement is appropriate for the child;

Whether additional services are necessary to support the placement;

Whether the child needs another placement;

If another placement is necessary, what the placement should be.

If the placement disrupts on an emergency basis, the meeting shall be held within five (5) calendar days after the disruption to assess whether the child needs additional support services and whether the new placement is appropriate. All participants listed above (if available) shall attend such meetings.

No foster child shall be moved from one placement to another unless the COR Worker specifically documents justification for the move, and the placement is approved in MACWIS by the COR ASWS.

Children who experience multiple placements must receive additional support and services, including identification of new Resource Parents who have suitable skills and characteristics to meet the child's needs or obtaining a referral for a temporary placement in a treatment facility when the child's needs cannot be met in a home setting.

Notice to Resource Families of Departure of Any Child Placed in Their Care

Once a child is placed in a Resource Home, the child may not be moved from an existing placement to another foster placement, except in emergency situations, unless MDCPS specifically documents to the court and in the child's case record the justifications for that move and the move is approved by the assigned supervisor.

The MDCPS shall provide Resource Parents, custodial grandparents or other custodial relatives with at least 72 hours' notice of departure for any child, except in emergency circumstances or where the court orders other placement.

The Resource Parents, custodial grandparents or other custodial relatives of the child shall have the opportunity to contest the specific reasons documented by MDCPS for the removal.

If the child is placed back in the parent's home and later has to be removed again, the former Resource Parents or relatives will have the right of return placement in order to eliminate additional trauma to the child. Return placement is contingent upon the Relatives or Resource Homes current approved/licensed status.

4. Family Engagement and Case Planning

Family engagement is an ongoing process of involving the family from the initial investigation throughout the life of the case. The Worker must engage the family, extended family members, and formal and informal support networks through FTMs to help them make a permanent plan for the child. The family should be considered as the experts of their situation and should identify the problems and solutions to these problems with the assistance of the Worker and their formal and informal support systems. The Worker will work with the family to develop an adult and child Individualized Service Plan, listing tasks and goals needing achievement to facilitate the permanent plan.

Case Review System

Case Plan

To meet the case plan requirements of 42 U.S.C. 675, §§ 471(a)(16), 475(1), 475(5)(A), (D), (H), 475A the following are criteria to help determine the appropriateness of and necessity for placement of a child. The case plan for each child:

Is a written document which is a discrete part of the case record and which is developed jointly with the parent(s)/ guardian(s) of the child;

Is developed within thirty (30) calendar days from the date of removal from the home.

Includes a description of the services offered and provided to prevent removal of the child from the home and to reunify the family;

Includes a description of the type of home or institution in which the child is placed;

Includes a discussion of the safety and appropriateness of the placement and how MDCPS will carry out the judicial determination made with respect to the child, in accordance with § 472(a)(2)(A) [42 U.S.C. 675]

Includes a plan for assuring that the child receives safe and proper care and that services are provided to the parent(s), child and foster parents in order to facilitate the child's return to his/her own safe home or for the permanent placement of the child;

Includes a plan for assuring that services are provided to the child and foster parents in order to address the needs of the child while in foster care;

Includes a discussion of the appropriateness of the services that have been provided to the child under the plan;

Where appropriate for a child 14 or over, includes a written description of the programs and services to help the child prepare for the transition from foster care to successful adulthood. With respect to a child who has attained 14 years of age, any revision or addition to the plan must be developed in consultation with the child and, at the option of the child, with up to 2 members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. A State/Tribal agency may reject an individual selected by a child to be a member of the case planning team at any time if the agency has good cause to believe that the individual would not act in the best interests of the child. One individual selected by a child to be a member of the child's case planning team may be designated to be the child's advisor and as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child.

90-day period immediately prior to the child's 18th birthday, or such greater age as the state may elect under section 475(8)(B)(iii), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under § 477, the caseworker provides the child with assistance and support in developing a transition plan that is personalized and includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as needed; and

Includes information about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child becomes unable to participate in such decisions and the child does not have, or does not want, a relative who would otherwise be authorized under State/Tribal law to make such decisions, and ;

Provides the child with the option to execute a health care power of attorney, health care proxy, or other similar document recognized under State/Tribal law, and is as detailed as the child may elect.

Documents the steps to finalize a placement when the case plan goal is or becomes adoption or placement in another permanent home in accordance with §§ 475(1)(E),(5)(E)and 475A(a)(1).

When the case plan goal is adoption, at a minimum such documentation shall include child-specific recruitment efforts such as the use of tribal, state, regional, and national adoption exchanges including electronic exchange systems to facilitate orderly and timely placements.

(see 45 CFR 1356.21(g)(1)(2) and (4); 42 U.S.C. 675 §§ 475(1)(A)(B)(D) and 475(5)(H)

b) Family Team Meetings

(1) Initial Family Team Meetings

The FTM provides the opportunity to learn about the family's strengths and needs and to engage in the assessment and planning processes. If possible a FTM should be held prior to custody to allow the Worker and family to identify an appropriate placement for a child.

Within thirty (30) calendar days of a child's entrance into foster care, the MDCPS Worker shall convene a FTM with the Worker, the Worker's direct supervisor/designee, the foster parent(s)/facility representative (if applicable), the child's parent(s)/guardian, other family members (if appropriate) and the child unless there is justification for excluding the child from the planning process.

If there is any reason for one of the above mentioned parties' absence from the FTM justification will be documented in MACWIS. Whenever the whereabouts of one or both parents is unknown, a diligent search shall commence immediately (see Diligent Search).

During the FTM, service plans, and visitation plans shall be developed for both the child and the parent(s) with the participation of all team meeting participants. Additionally, the FTM shall include a discussion around the child's daily routine, preferred foods and activities, needed therapeutic or medical care, allergies, cultural practices, and educational information. If possible, during the FTM the Worker/parent/Resource Parent shall explain to the child:

Why he/she is in care;

The Worker's role in the process;

Placements for other siblings (if siblings have separate placements); and

Feelings of separation and loss. The Worker shall inform the child of the visitation plan with the biological family, including siblings.

Additionally, a Worker may determine that an IM is needed to gather more specific information.

(2) Ongoing Family Team Meetings

Each service plan shall be reviewed and updated at a minimum once every ninety (90) calendar days at a FTM with the Worker, the Worker's direct supervisor/designee, the foster parent(s)/ facility representative (if applicable), the child's parent(s)/guardian, other family members (if appropriate) and the child unless there is justification for excluding the child from the planning process.

If the child's placement changes, or there is a significant change affecting the child or his/her family, a FTM shall be convened and the FSP must be updated within thirty (30) calendar days

of the date of change reflecting the decisions made as a result of the meeting. The COR Worker shall make arrangements for the date, time, and location and also facilitate the meeting.

In instances in which it is impossible to meet with one or both parents, the planning process will proceed as described above, notwithstanding the parent's absence.

It is important to note that the FTM must be held in enough time for the FSP review to be approved within ninety (90) calendar days.

(3) Final Family Team Meeting

Prior to case closure, a final FTM will be held to develop an Aftercare plan that identifies all of the services needed or desired and the steps for obtaining these services to help ensure that the conditions that led to the child's placement in foster care have been addressed. (see "Post Placement Services" for more details on Aftercare planning.) For list of participants see Initial Family Team Meeting.

c) Family Service Plan

The FSP should be individualized, strengths-based, family-focused, and culturally responsive. The planning process shall proceed regardless of the Worker's ability to locate one or both parent(s) and this should be documented in MACWIS.

d) Adult Individual Service Plan

The components of an FSP include:

Family Team Meetings;

Reason for services;

Services provided;

Educational;

Medical;

Emotional behavioral issues;

Tasks, plans and goals;

Task evaluation;

Adoption discussion;

Barriers to permanent plan;

Mental health assessment;

Family engagement.

There are five types of FSPs:

Initial,

Review,

Add/Change,

Custody Change,

and Final

Each FSP must be submitted to the supervisor for approval. Every FSP will be filed with the court of jurisdiction and the signed copy filed in the case record. A copy of the signed FSP is given to the child's parents or primary caretaker.

(1) Initial FSP

In a case where the child in custody has a permanent plan of reunification, an FSP between the Worker and the parent(s)/caretaker(s)/child(ren) is required. The FSP should be used as a means of facilitating the child(ren)s' return home to the parent/primary caretaker.

The FSP is developed and submitted to the supervisor within thirty (30) calendar days of the custody date, unless the court determines otherwise. Along with this FSP, the Worker must also complete and submit the CFA.

The parent(s) or caretaker(s) will have a six month period in which to complete the tasks in the FSP. At the end of six months the court may direct MDCPS to: 1) continue to work with the parent(s) or caretaker(s) for return of the child to their home, 2) begin procedures to terminate parental rights, or 3) to pursue another permanency plan.

Each FSP and revision of the plans shall include the following:

Service goals, desired outcomes and timeframes for achieving

them; Service and supports to be provided, and by whom;

The signature of the parent(s), with whom reunification is planned, and when appropriate, the child or youth; and

Addresses, as appropriate;

Unmet services and support needs that impact safety, permanency and

wellbeing;

Maintaining and strengthening relationships;

Educational needs and goals; and the need for culturally responsive services and the support of the family's informal social network.

The goals and tasks, set forth within the FSP shall be a direct reflection of the decisions made within the FTM. The parent(s)/caretaker(s) and the child shall sign this FSP upon agreeing to the listed goals and tasks within it. All efforts to engage parent(s) in developing the FSP must be well documented in MACWIS, whether successful or not.

(2) Review FSP

The Review FSP is an assessment of progress toward permanent plans identified in the Initial FSP. It is submitted and approved every ninety (90) calendar days.

The Worker has eighty-five (85) calendar days to create and submit the Review FSP to the ASWS and the ASWS has five (5) calendar days to approve and sign the Review FSP. The CFA is updated each time the FSP is reviewed.

(3) Add/Change FSP

The Add/Change FSP is used only when there is a change in direct services, such as a change in the COS and should be updated or revised within ten (10) calendar days of the change.

(4) Custody Change

If a Prevention/Protection case is changed to a Placement case, due to children being taken into custody, or a placement case is changed to prevention/protection the Custody Change type will be used.

(5) Final FSP

The Final FSP is selected only when services are terminated for the family and the case is being closed. A final CFA will be completed in conjunction with the Final FSP.

The court must render a judicial determination of any reasons identified by the county for extending the time frame of an FSP beyond 6 months. Reasons can include but are not limited to the following:

Parents make regular visits/contacts with the child, maintaining a relationship which benefits the child.

Parent is unable, due to no fault of his or her own, to enter treatment during the time of the service agreement.

Parents are making diligent efforts and progressing toward completion of the service agreement.

The services needed to reunite the family are not available.

Parent has an illness diagnosed and documented by a physician that temporarily hinders compliance with the service agreement.

Parent is involved in parenting classes, treatment programs, and/or other services which are progressing toward reunification but will not be completed within the six month time frame.

Parental incarceration

(6) Working with Incarcerated Parents

Parents who are incarcerated continue to have rights to be involved in their children's lives, regardless of their crime unless their parental rights have been terminated, aggravating circumstances are present, or the court determines that MDCPS is not required to continue involvement with the parent/s.

Like their parents who are incarcerated, children in foster care also have a right to have a relationship with their parent/s despite the parent's incarceration. There are special challenges and issues in trying to work with incarcerated parent/s but workers should consider the value of the relationship between the parent/s and the child.

When a parent is incarcerated the Worker should:

Obtain the name of the incarcerated parent and the address of the facility. This information is available for public use through the Mississippi Department of Corrections (MDOC) website, at http://www.MDOC.state.ms.us under the quick links section, there is a link entitled "inmate search". The information provided includes a general description such as height, weight, race and sex, inmate identification number as well as assigned location, offenses and sentences. The Worker may also search the federal prison system website at http://www.bop.gov

Use the inmate identification number to contact the correctional facility or

jail and ask for the case manager/social worker assigned to the inmate.

Ask the case manager/social worker for assistance in working with the parent. (It is important to remember that each facility is different and has a specific set of rules. The Worker should ask the case manager/social worker for their policy/rules.) The case manager/social worker is usually the person the Worker will need to go through to find out about services the prison offers, rules about visitation, etc.

Complete the assessment and FSP with parent (with the assistance of the case manager/social worker of the facility, if consented, by the parent) including informing the parents of his/her rights and responsibilities.

The Worker will mail or deliver to the parent a copy of Parents Rights and Responsibilities with documentation in MACWIS.

After completion of the FSP with the parent, the Worker will obtain information from the case worker/social worker at the facility regarding the procedure in place for securing signatures on this document and the process for returning the signed FSP to the assigned Worker.

Make monthly phone, correspondence, or face-to-face contact with the incarcerated parent to assess their progress being made on their FSP and to update them on their child's progress/status.

Make phone or face-to-face contact with the incarcerated parent every ninety (90) calendar days to engage them in a FTM to discuss strengths and needs and to assess progress being made on their FSP.

Review the FSP according to same standards as parents who are not incarcerated.

FSP Custody Case Plan

The FSP is developed between the Worker, parent(s)/caretaker(s) and child(ren) in foster care. The purpose is to ensure that the needs of the child(ren) are being addressed while in foster care. If age and/or developmentally appropriate, each child/youth should be included in developing the FSP, reviewing the finished FSP, and signing the completed FSP.

<u>Components of the FSP for the Child/Youth</u>

The FSP section of a child/youth in custody of MDCPS must include at least the following information:

Discussion of reasons for service;

Services being provided;

Permanent and Concurrent Plans; All permanent plan options must have a concurrent plan.

The compelling reason for the identified permanent plan and why TPR is not in the best interest of the child/youth, if applicable;

Name/type and description of placement;

Appropriateness of placement/least restrictive (AFCARS);

Visitation Plan;

Health record and discussion of known medical problems;

Assessment of potential mental health needs and possible referral for professional mental health services;

Names and addresses health and educational providers;

Current medication, allergies, and record of the child's immunizations;

Grade level performance and assurances that the child's placement takes into account the proximity to the school in which the child is enrolled at the time of placement;

Education record and discussion of educational issues;

If child/youth is fourteen (14) years or older, independent living plan; if sixteen (16) or older, the transitional living plan;

Adoption discussion, if applicable;

Other relevant medical or educational information;

How the permanency goal will be achieved;

What services are necessary to make the accomplishment of the goal likely;

Who is responsible for the provision of those services and;

When the services will be provided; and the date by which the permanency goal is likely to be achieved.

Services to the Child in Care

Child's Rights and Responsibilities

Within five calendar days of being placed into MDCPS custody, all age and developmentally appropriate children shall receive a written summary of their rights and responsibilities which will be fully explained to each child using age-appropriate language. Youth currently in custody that have reached age fourteen (14) shall be given the Notice of Rights and Responsibilities for Youth 14 and Older in Foster Care within 30 calendar days of youth's 14th birthday. The Rights and Responsibility shall be reviewed at each family team meeting thereafter.

These rights and responsibilities for youth ages fourteen (14) and older and children ages thirteen and under include:

A description of the child's rights, including the obligations MDCPS has to the child;

Basic expectations for use of MDCPS

services; Hours that services are available;

A clear explanation of how to lodge complaints, grievances, or appeals,

and A clear explanation of confidentiality and its limits.

The original signed Rights and Responsibilities form shall be filed in the child's case record and a copy given to the child.

b) Contacts with Child

Regardless of whether a child's foster care placement is being directly supervised by MDCPS or by a contract agency, the assigned MDCPS worker (either COR or COS) shall meet with the child in person and, where age-appropriate, alone at least twice monthly to assess the child's safety and well-being, service delivery, and achievement of permanency and other service goals. The COR Worker or COS Worker when applicable shall maintain twice monthly face-to-face contact with all children in foster care placed in the COR county. During a child's first month in foster care and after each placement change the child's Worker shall have a face-to-face meeting within seventy-two (72) hours of said placement.

This assessment of the child's adjustment to the placement should be on-going and the need for more frequent visits by the Worker should be documented. At least one of the monthly visits must be in the placement setting. Twice monthly contacts will be documented in MACWIS within 5 working days of the visit.

If a foster child remains in Mississippi but is placed outside the COR, the COS Worker is responsible for making the monthly face-to-face visits with the child, beginning the calendar month after the child is placed (the COR Worker will see the child in the placement month).

The COR Worker will also visit the child quarterly in the placement setting.

All visits will be documented on the narrative screen in MACWIS within 5 working days after the visit.

In the cases where special circumstances exist, such as child with ICPC placements or a child who is on runaway status, an explanation must be documented in the narratives why contact is not possible.

Children in custody, who are placed out-of-state, in facilities or with relatives, and are not being seen by the Receiving State Staff, should be seen in their placement by a Mississippi MDCPS Worker no less than every six (6) months and the visit documented in MACWIS. (42 U.S.C. 675 § 475(5)(A)(ii)).

If the child in custody is being seen face-to-face once a month in the placement by the receiving state staff, a report on the visit by the Receiving State Staff should be sent to the MDCPS of the state in which the child's parents reside so that MDCPS may share the information with the child's parents. The report must detail the child's circumstances and the extent to which the out-of-state placement meets the child's best interest or special needs.

If the Receiving State has not reported the face-to-face contact for the month, MDCPS staff must contact the Receiving State for the information. This information shall be entered in MACWIS. More frequent contact including telephone calls and emails shall be made by the COR Worker.

Some children may be in foster care in Mississippi but their parents or primary caretakers have moved out-of-state. Even if Mississippi has requested that the state of residence work with the parents, the Mississippi MDCPS Worker must continue to maintain bi-monthly face-to-face contact with the child. A report on such visits will be submitted to the child welfare department of the state where the child's parents are located so the state of residence may be able to share with the parents the child's safety and well-being.

6. Guidelines for Visitation

Unless there is a documented reason why visitation should not occur (e.g., a no contact order is in place, a parent's rights have been terminated.), every child must have a minimum of two monthly visits with the parent(s) or primary caretaker(s).

The assigned Worker will work with the parents, primary caretaker and/or legal guardians to overcome any barriers to contact, visitation and/ or involvement in the child's care, including

services to promote constructive parent-child visitation. All efforts will be documented in the case record. The Worker provides Resource Parents and parents with guidance and support before and after visits in order to learn from issues and assess relationships and parenting skills.

Additionally, within 24 hours of foster care placement unless there are documented reasons why contact should not occur, the Worker will arrange a visit with child and his/her parents/guardian and with any siblings not in the same placement. In documented situations, as approved by the ASWS, where a visit cannot be arranged within 24 hours, a telephone call to parents, siblings, or extended family members must be provided to the child.

Workers will make every effort to arrange visitation with incarcerated and/ or institutionalized parents or primary caretakers in accordance with the above guidelines. The Worker will document facility restrictions in the visitation plan.

MDCPS workers shall take all reasonable steps to ensure the implementation of each child's visitation plan. Under no circumstances shall MDCPS/contracting agencies cancel/deny visits with parents/guardians/siblings as a means of disciplinary action.

Every consideration should be made to place a teen parent in custody with her/his own child. If this placement is not possible, weekly (at a minimum) visitation between the teen parent and her/his child will be arranged, unless there is a documented reason why this should not occur.

a) Visits with Siblings

When siblings are not placed together, it is important that regular contacts be maintained unless the case record justifies this is not in the best interest of the children. Siblings not in the same placement setting must have at minimum, monthly face-to-face visits. The Worker provides the child and siblings with guidance and support before and after visits in order to learn from issues and assess relationships. Additionally, siblings should be encouraged to maintain contact by phone or in writing.

b) Visits with Relatives

Visitation with relatives will be held at the discretion of the COR staff. Relatives include any relative to the 5th degree.

MISS. CODE ANN. § 43-15-13(7) states if the child is going to be placed in a foster home, MDCPS "shall give first priority to placing the child in the home of one (1) of the child's relatives within the third degree, as computed by the civil law rule". Consequently, every effort should be made to provide visitation for the child with the relatives in order for the child to have continuing connections.

If those individuals who are not related in the 5^{th} degree, but show a connection with the child through the community, school, church, etc., and want to visit the child, the Worker must obtain

approval from the ASWS. A deciding factor may be if the child wishes to visit the individual and if the child considers the individual to be a relative.

c) Visits for Maintaining Connections

Visitation with relatives, community members, peers, and or friends should be considered. Every effort should be made to provide visitation with the child and those significant individuals identified by the child to maintain continuing connections.

d) Visits Outside the Placement Setting

MDCPS supports children maintaining past connections, building new attachments, and maximizing a child's sense of normalcy when they must be separated from their parent(s) or primary caretaker(s). Resource Specialists, MDCPS Workers, parents, and resource families must work together in determining what is in the best interest of each individual child in regard to visits outside the placement setting.

e) Outings and Overnight Stays

For the purpose of Policy, outings and overnight stays will be defined as any in-state outing of less than 48 hours and in a location well known to the Resource Parents. The Resource Parents must be able to ensure that adequate and appropriate supervision will be provided at all times. Outings and overnight stays should not be confused with, or take the place of, regularly scheduled visits between a child and his/her parent(s), primary caretaker(s), or other family members.

f) Notice of Outings and Overnight Stays

Resource Parents may authorize short outings and overnight stays, but the child's Worker must be notified prior to the child having an overnight stay outside of the placement setting. The following information must be given to the child's Worker:

The name of the caregiver who will be responsible for the child;

The location of the child's visit;

A telephone number where the child can be reached;

The date and time the child is expected to return.

Out of State Travel for Foster Child

The assigned worker must request permission via a court order from the judge when a foster child will be traveling out of state. This includes visits, trips, placements through ICPC, and any other circumstances that will require a child to travel out of the state of

Mississippi.

Refer to *Notice of Outings and Overnight Stays* for the information that must be requested by the child's worker. This information must be documented in the child's case in MACWIS. A copy of the court order must be given to the worker, resource parent or other adult traveling with the foster child.

h) Exceptions to Visits

There are circumstances when visitation is not advisable or may require consultation:

When the court order forbids visitation.

(If the Worker believes this decision is not in the best interest of the child, he/she will advise the court.)

When a psychiatrist, psychologist, or other mental health professional recommends that visitation would be physically or emotionally damaging to the child. (This shall be documented by a written report and court order.)

i) Visitation Planning and Documentation

At the initial FTM when a child enters foster care, a visitation plan for the child and his/her family shall be developed as part of the child's service plan. This visitation plan shall be developed and regularly updated in collaboration with parents, foster parents, and the child and should be appropriate to the following:

Child's age and developmental

stage; Parents' strengths and needs;

Schedules of foster parents and parents;

Social and cultural context of the family; and

Status of the case and the permanency goal.

If parental visitation is appropriate based on the above factors, this visitation plan shall include a minimum of two visits per month with the parents (unless a court order in the child's case limits such visits). For all children, regardless of permanency goal, this visitation plan shall include at least one visit per month with any siblings not in the same placement (unless a court order in the child's case limits such visits).

A plan shall be developed specifying the time, location, duration, transportation, and supervision of visits between the parent/primary caretaker/child. The Worker, parents/guardian/primary

caretakers, Resource Parents and the child, if age appropriate, shall be involved in the development of this schedule.

7. Medical Services – Initial Medical, Yearly Physical, EPSDT

When a child is placed in the custody of MDCPS, MDCPS assumes the responsibility of securing access for the child to dental, medical and mental health services. The provision of these services must be documented in MACWIS.

The services listed in the following sections are usually available under Medicaid, which should be the primary source of payment. County, regional and state funds can be used, with prior approval, to pay for some of these services which are unavailable through Medicaid.

Within seventy-two (72) hours of custody, the COR Worker shall obtain an initial health screening for the child(ren), from a qualified medical practitioner, in accordance with American Academy of Pediatrics (AAP), in order to determine any immediate health needs. This examination can be obtained through EPSDT through the local Health Department or from any medical provider. The form for this referral is located in MACWIS under the Case navigation bar, EPSDT icon.

Within thirty (30) calendar days of custody, and yearly thereafter**,** each child shall receive a comprehensive health assessment. The comprehensive health assessment should include a drug and alcohol screening, if warranted.

If possible, the initial health screening evaluation and comprehensive health assessment may be conducted in one visit. In such instances, this combined visit shall be conducted within 72 hours of placement. Workers will ensure that all follow-up services recommended are provided and documented.

All children will receive periodic medical examinations and all medically necessary follow-up services/treatments throughout the time they are in MDCPS custody. These shall be conducted in accordance with the time periods recommended by the AAP.

Each foster child, birth through age 3, will be provided with a developmental assessment by a qualified professional within 30 days of foster care placement, and each child older than 3 will be provided with a developmental assessment, if there are documented factors that indicate an assessment is warranted. All foster children shall be provided with needed follow-up developmental services.

The developmental assessment and the comprehensive health assessment may be conducted in one clinical visit.

a) Early Intervention Program

All children in custody, age birth up to 36 months, shall be referred to the First Steps Early Intervention program, through the local Health Department, for assessment and follow-up services as needed.

The *Education for All Handicapped Children Act* (P.L. 94-142), enacted in 1975, provided for free appropriate public education for all handicapped children. This Act was amended in 1986 to include handicapped infants, toddlers and preschool children. It was further amended (including adding "developmentally delayed" 3-5 year olds) and renamed *Individuals with Disabilities Education Act* (IDEA) in 1990. It has since been amended in 1997, 2000 and 2004 and is now known as The *Individuals with Disabilities Education Improvement Act* of 2004 (P.L. 108-446). The early intervention portion of the law is now Part C- "Infants and Toddlers with Disabilities" program.

MISS. CODE ANN. § 41-87-5 defines eligible infants, toddlers and children as "*children from birth through thirty-six (36) months of age who need early intervention services*" based on further defined criteria.

b) Medical Records

The *Social Security Act* (42U.S.C. 675 § 475(1)(c)) requires that the child's most recent available medical and educational records for children in custody be maintained in the child's case record. The MDCPS Worker must provide a copy of the updated medical and educational records of the child to the placement provider at the time of each placement.

c) Immunizations

MISS. CODE ANN. § 41-88-3(1), charges the Mississippi State Department of Health (MSDH) with the responsibility "*for assuring that all children in the state are appropriately immunized against vaccine-preventable diseases…according to the recommendations of the national Advisory Committee on Immunization Practices (ACIP)*".

MISS. CODE ANN. § 41-23-37, makes it unlawful for any child to attend school until they have been vaccinated. In order to adhere to these laws, Workers shall ensure every child in MDCPS custody is immunized prior to enrollment in school.

The following immunizations, given as recommended by the child's physician, shall be used to guide the Worker in meeting the health needs of the foster child. The Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP) has all approved the following vaccinations:
Immunizations:

Diphtheria, Tetanus, Pertussis (DTaP, Dt,

TD); Polio;

Measles, Mumps and Rubella

(MMR); Hepatitis B; and

Varicella (Chickenpox).

Immunizations shall be documented in MACWIS and a copy of the current paper immunization record must be kept in the child's case file as an extension of the child's case plan documentation. A copy of this record will be provided to the child's placement provider at the time of each placement or within fifteen (15) calendar days of said placement.

8. Mental Health Services

Each child 4 years old and older shall receive a mental health assessment by a qualified professional within thirty (30) calendar days of foster care placement. Each foster child who reaches the age of 4 in care shall receive a mental health assessment within thirty (30) calendar days of his/her fourth birthday. Every foster child shall receive recommended mental health services pursuant to his/her assessment, and should be screened for possible Fetal Alcohol Spectrum Disorders (FASD) to identify services to meet individualized needs. If a child is identified as having FASD, the child will be referred to the Child Development Center at University of Mississippi Medical Center (UMMC) for full FASD diagnostic evaluation by Community Mental Health Center (CMIC).

Mental health may be evaluated through EPSDT through the local Health Department or from any approved medical provider that performs this service. The form for this referral is located in MACWIS under the Case Navigation bar, EPSDT icon.

Each foster child shall receive follow up mental health services provided as recommended in the mental health assessment. Mental health services may include, but are not limited to, individual counseling, family counseling, group counseling, and medical treatment.

9. Dental/Orthodontic Services

Every child three years old and older shall receive a dental examination within 90 calendar days of foster care placement and every six months thereafter. Every foster child who reaches the age of three in care shall be provided with a dental examination within 90 calendar days of his/her third birthday and every six months thereafter. Every foster child shall receive all medically necessary dental services.

A referral for this service can be obtained through EPSDT through the local Health Department or from any medical provider. The form for this referral is located in MACWIS under the Case

navigation bar, EPSDT icon.

If a child receives a referral for orthodontic services, the COR Worker will ensure that services are provided to the child. An initial appointment will be scheduled and documented within thirty (30) calendar days with follow up as recommended by the service provider.

Educational Services

MDCPS workers shall review the educational record of each child who enters custody for the purpose of identifying the child's general and, if applicable, special educational needs and shall document the child's educational needs within thirty (30) calendar days of his/her entry into foster care.

MDCPS shall take reasonable steps to ensure that school-age foster children are registered for and attending accredited public or private schools within three business days of initial placement or any placement change, including while placed in shelters or other temporary placements.

MDCPS shall make all reasonable efforts to ensure the continuity of a child's educational experience by keeping the child in a familiar or current school and neighborhood, when this is in the child's best interests and feasible, and by limiting the number of school changes the child experiences.

If change is unavoidable the child shall be enrolled in the most appropriate educational setting available to meet the needs of the child.

Determination of educational stability must be made at the time of *each* placement change in addition to the initial placement determination.

If educational needs are identified, the EPSDT and Early Intervention Programs offered through the Health Department can be utilized in further evaluation for services for children ages birth-3. For children ages 3-5, an assessment can be conducted by the local school system under the early education program. For school age children the Worker will advocate for and facilitate services through the local school system.

When further services are needed the Worker will communicate and collaborate with the parents, Resource Parents and educators to ensure the child's needs are met. These services may include but are not limited to, development of an Individualized Educational Plan (IEP), tutoring, occupational therapy, speech therapy, after school programs.

MISS. CODE ANN. § 37-13-91, states that who is or will attain age six (6) and not attained the age of seventeen (17) years on or before September 1 of the calendar year shall be enrolled and regularly attend a public school or legitimate nonpublic school. Only the following are exempted from compulsory school attendance:

Children who are physically, mentally or emotionally incapable of attending school as determined by the appropriate school official based on sufficient medical documentation.

Children who are enrolled in and pursuing a course of special education, remedial education or education for handicapped or physically or mentally disadvantaged children.

Children who are being educated in a home instruction program. (see MISS. CODE ANN. § 37-13-91(i), for criteria of an approved home-school program.)

Youth having attained the age of 17, who are in MDCPS custody, must attend school, a job-training program, or be actively seeking employment except for the previously identified exclusions.

Educational needs of some children in MDCPS custody may fall under the category of "exceptional child". MISS. CODE ANN. § 37-23-3 (1), states:

An exceptional child shall be defined as any child as herein defined, in the age range of birth through twenty (20) years of age with an intellectual disability, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities and, by reason thereof, needs special education and related services. Such children shall be determined by competent professional persons in such disciplines as medicine, psychology, special education, speech pathology and social work and shall be considered exceptional children for the purposes of Sections 37-23-1 through 3723-159. Such professional persons shall be approved by the State Department of Education. The mandate for the provision of educational programs to exceptional children shall only apply to the children in the age range three (3) through twenty (20). Children who are potentially in need of special educational and related services must be considered for the services on an individual basis.

Schools that service such children with special needs are required to develop, review and revise an IEP for each child according to MISS. CODE ANN. § 37-23-5, which requires "that the program of education for exceptional children be designed to provide individualized appropriate special education and related services that enable a child to reach his or her appropriate and uniquely designed goals for success".

MDCPS Worker in the county in which the child resides, or his/her designee, shall attend all IEP meetings at the child's school as long as the child is in custody and receiving special educational services. The biological parent(s), Resource Parent(s) and child placing agency worker may also

attend these meetings. The Worker will document in MACWIS this educational meeting as well as file a copy of the current IEP in the child's case record.

(see also, 42 U.S. C. 675 § 475(1)(G))

a) Educational Records

42 U.S.C. 675 § 475(1)(c), requires that the child's most recently available medical and educational records for children in custody be maintained in the child's case record. The Workers will maintain in the child's case record copies of all report cards, IEP rulings, and current information on school attended and grade level achievement. The Worker will maintain these records in the child's case record as an extension of the child's case plan and will also document in MACWIS in "Demographics".

The MDCPS Worker must provide a copy the updated medical and educational records of said child to the placement provider at the time of each placement.

b) Surrogate Parents

(1) Legal Base

The *Rehabilitation Act of 1973* (P.L. 93-112) defines a handicapped person as "any person who has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such impairment, or (3) is regarded as having such impairment."

The participation of the parent or surrogate parent is needed at all stages of the planning process for a handicapped child. This process includes the identification, evaluation, referral, individualized education plan, and placement.

(2) Criteria

For foster children placed in foster family home, the Resource Parent shall serve as the surrogate parent, if possible. For foster children who are placed in group homes, institutions, or other residential facilities, MDCPS shall appoint a surrogate parent. The child's worker must assess the surrogate parent to ensure that the following criteria are met:

Be competent to advocate for the child;

Have no interest which might conflict with that

advocacy; Is not employed of the educational or

residential facility; Knows the child personally;

Is familiar with the child's needs;

Is capable of vigorously representing the child at each stage of special education for handicapped children process and;

The surrogate parents shall participate in formal training sessions as scheduled and held by the State Department of Education, which includes several one-half day meetings to inform the surrogate parent of the placement process, rights of the surrogate parent, the hearing process, procedural safeguards, information about the institution and other related matters.

(3) Procedure

Resource Family Homes

When a foster child placed in a licensed foster family home is suspected or diagnosed as handicapped, the following procedures shall be followed:

The COR or COS (if applicable) shall evaluate the Resource Parent as the potential surrogate parent, based on the criteria listed above.

If the Resource Parent is unwilling or unable to serve as the surrogate parent, the Resource Parent and the Worker shall discuss other qualified persons who might serve as the surrogate parent.

If no community person is appropriate, the ASWS may appoint the COR Worker or the COS (if applicable) as the surrogate parent, with approval of the assigned RD.

The COR ASWS shall appoint, in writing a person who is willing to serve as the child's surrogate parent. The roles and responsibilities shall be fully explained. A copy of this letter shall be sent to the COS and the Resource Parent (if Resource Parent is not the surrogate parent). The eligibility of the surrogate parent, according to the criteria listed, shall be documented in the child's case record.

The COR ASWS shall notify the educational facility in writing of the child's surrogate parent. The eligibility of the surrogate parent, according to the criteria listed, shall be documented in the child's case record. The eligibility of the surrogate parent, according to the criteria listed, shall be documented in the child's case record.

Other Residential Facilities

When a handicapped foster child is placed in a residential facility other than a licensed foster home, the following procedures shall be used:

The COR shall write the facility, asking that they identify a surrogate parent for the child. The person shall meet all the criteria listed above and be willing to serve.

The COR shall insure that the identified surrogate parent meets the criteria and this shall be documented in the child's case record.

The COR shall notify in writing the surrogate parent, the educational facility, and the residential facility of the appointment.

(4) Roles and Responsibilities

The roles and responsibilities of the surrogate parents include the following:

Become familiar with the child's educational needs through direct contact with the child, Resource Parent (if surrogate parent is not the Resource Parent), house parents, Worker, and school or residential staff.

Participate in training sessions conducted by the State Department of Education.

Advocate for the child if the educational needs of the child are not being met, through the following methods:

Coordinate with the Worker on the needs of the child;

Confer with school personnel on needs of child and ability of the educational system to serve the child;

Sign relevant educational documents;

Request an appeal through the appropriate educational process;

Request assistance from any individual, association, or organization which has its objective the well-being of children;

Intervene through the judicial system, if necessary.

Religion

Once a child enters foster care the assigned Worker will identify religious beliefs and/or affiliations of the child. Every effort to continue the child's religious traditions will be made. A child's religion should be considered in determining appropriate placement for the child. If a child is not able to be placed with a Resource Family of the same religious beliefs and/or

affiliations then opportunities will be provided by the Resource Family for the child to participate in the religious activities consistent with the child's beliefs. The assigned Worker will assess and document these activities.

Legal Services

According to MISS. CODE ANN. § 43-21-121, a Guardian Ad Litem (GAL) will be appointed by the Youth Court to represent the best interest of the child at the time of custody.

Family Planning Services

Family Planning will be discussed with youth in care along with the parents and Resource Parents, when possible and appropriate, during an FTM facilitated by the COR Worker. Family planning discussions will provide the youth age appropriate support and education regarding:

Pregnancy prevention and responsible parenthood; and

Prevention and treatment of sexually transmitted diseases.

Rehabilitation Services

Rehabilitation Services are available to youth (age 18 or in the second semester of their junior year in school) through the Office of Vocational Rehabilitation in the Department of Rehabilitation Services, Rehabilitation Act of 1973 (P.L. 93-112).

General vocational rehabilitation services include a range of services from diagnosis and evaluation to vocational training and job placement. Additionally, a youth eligible for general vocational rehabilitation services might receive assistance with medical and/or health needs, special equipment counseling or other assistance that would enhance employability. Other specialized vocationally rehabilitation services can also be accessed.

The distinguishing difference between eligibility for these specialized services and general vocational rehabilitation services is the youth's vocational potential. Supported employment is specialized vocational rehabilitation service available to youths in the state. The focus group for this service is youth who demonstrate more severe disabilities and who demonstrate an on-going need for job support to retain employment.

Working with Mexican National Minors

Mexican National Minor is any unmarried person who is under the age of 18 and who was born in Mexico or is a national of two or more countries, one of which is Mexico.

Custodian is the person who has been entrusted with the day-to-day care of a Mexican National Minor.

"DIF" (**National System for Integral Family Development** [Spanish: *Sistema Nacional para el Desarrollo Integral de la Familia;* **SNDIF** or just **DIF**]) is the agency in Mexico responsible for children protection.

MDCPS shall determine whether or not the minor is a Mexican National Minor at the time a decision is made to take protective custody. If a child is a Mexican National Minor, MDCPS shall provide the child, and his/her parents or custodians, with the address and telephone number of the Mexican Consulate located in New Orleans, LA. The Consulate will assist MDCPS in the process of obtaining a birth certificate or any other necessary documentation from Mexico.

Mexican Consulate
901 Convention Center Blvd.
Suite 119
New Orleans, LA 70130
(504) 272-2198

MDCPS is responsible for notifying the Consulate in writing and without delay, when:

MDCPS identifies a Mexican National Minor in its custody,

A parent or custodian of a Mexican National Minor has requested that the Consulate be notified, or

MDCPS learns that either parent of a child in its custody resides in Mexico.

When notifying the Consulate, MDCPS shall provide (when available):

Name of the Mexican National Minor;

Date of birth of the Mexican National Minor;

Names of the parent(s) or custodian(s); and

Name and telephone number of the Worker directly responsible for the case.

MDCPS will cooperate with the Consulate and recognize the Consulate may need specific information regarding the cases of Mexican National Minors. A representative of the Consulate may interview a Mexican National Minor in the custody of MDCPS with the consent of the Worker and ASWS.

In cases where a Mexican National Minor has been placed in the custody of the State of Mississippi and is considered eligible to obtain Special Immigrant Juvenile States (SIJS), pursuant to INA § 101(a)(27)(J)(11), 8 U.S.C.§ 101 (a)(27)(J)(ii), the Consulate shall assist MDCPS in obtaining necessary documentation from Mexico from completion of the SIJS application.

The Consulate may contact DIF in order to obtain the appropriate home studies of potential families in Mexico who may be eligible to obtain custody of the minor. Upon completion of the home study or other investigations by DIF, the Consulate shall immediately forward the information to MDCPS Worker responsible for the case.

When custody of a Mexican National Minor is granted to a Mexican family, the Consulate shall coordinate with DIF in order to carry out the repatriation of the minor to Mexico, to ensure the minor's welfare and to provide whatever services are necessary. Once the Mexican National Minor is in Mexico, DIF shall be responsible for turning the minor over to the family assuming custody and shall adopt the necessary measures to ensure the minor's welfare.

MDCPS and the Consulate shall communicate as needed and mutually agreed upon to discuss, clarify, and coordinate activities in areas of common interest and concern. Joint community meetings and other information exchange efforts are encouraged. MDCPS and the Consulate shall support joint prevention efforts regarding the protection and welfare of Mexican families and minors and make every effort to exchange ideas and concerns of a high profile nature which may result in media attention in a timely manner.

Unaccompanied Refugee Minors

Unaccompanied Refugee Minors (URM) are refugee children who are separated from both parents and are not being cared for by an adult who, by law or custom, is responsible to do so.
In resettlement terms, URMs are children under age 18 who are resettled alone in the United States, without a parent or relative able to care for them.

Unaccompanied youths eligible for the URM program include refugees, Cuban and Haitian entrants, asylees, victims of severe forms of trafficking and certain children granted Special Immigrant Juvenile Status.

In addition, accompanied minors may become eligible for URM program services after arrival in the U.S. through reclassification process (example; following family breakdown or a death in the family).

The State of Mississippi is one of only ten core sites around the United States who resettle unaccompanied refugee minors. Legal custody is maintained by the State of Mississippi until age 20, or 21 when ordered by the Chancery Court, and youths within the URM program receive the same benefits as all other youth in the custody of the State.

Hinds County MDCPS will maintain case files on each URM and will review the appropriateness of placement and services through the Foster Care Review County Conferences.

Minors will be placed in foster care, group homes or independent living arrangements appropriate to the youth's developmental needs. Services are provided through a contract, using 100% federal funds, with two lead voluntary agencies: The Lutheran Immigration and Refugee

Services (LIRS) and the United States Conference of Catholic Bishops (USCCB) who work in conjunction with the Department of State and Office of Refugee Resettlement (ORR) on the URM program.

The URM program assists unaccompanied minors in developing appropriate skills to enter adulthood and to achieve economic and social self-sufficiency. Services provided through the program include: English language training; care planning; health/mental health needs; socialization skills/adjustment support; family reunification; care and placement appropriate to the youth's needs; education/training and ethnic/religious preservation.

Generally, unaccompanied minors are not eligible for adoption.

Services to the Parents

Parents Rights and Responsibilities

Within 5 calendar days of case opening, all parents or primary caretakers shall receive a written summary of their Rights and Responsibilities which shall be fully explained using clear and consistent language.

The original of the signed Rights and Responsibilities form shall be filed in the case record and a copy given to the parent.

b) Worker Contacts with Parents

Following the placement of a child or any subsequent placement move, the MDCPS Worker will meet individually with the child's Parents, primary care taker or legal guardian within the first two weeks of initial placement and will document the visit in MACWIS.

Face-to-face contact or attempt shall be entered in MACWIS within 5 working days of the contact. If monthly face-to-face contact is not possible (unknown whereabouts, incarceration, institutionalization, out-of-state, etc.), the Worker shall document all attempts to make all contact.

c) Notification to Parents of Major Changes

42 U.S.C. 675 § 475(5)(c) requires that certain procedural safeguards for the rights of biological or adoptive parents or legal guardians be maintained. This includes notification to parents or guardians of a change in the child's placement and any decision affecting visitation privileges of parents.

Parents, primary caretakers or legal guardians will be given 2 weeks written notice of MDCPS's plan to change the child's placement or any decision which affects the visiting privileges**.** If two weeks written notice is not possible, notice will be given as soon as possible and justification for the delay shall be documented in the case record. A copy of the written notice shall be placed in the paper folder.

MDCPS will notify parents, primary caretakers, or legal guardians within 72 hours of placement change including, information regarding the circumstances of the change and information regarding the new placement. Notification may be verbal or written and documentation will be entered in MACWIS.

Parents, primary caretakers or legal guardians shall be given a minimum 2 week notice when a visitation plan is being modified with exceptions to include, illness of the child(ren), in the event of natural disasters, and/or emergency situations involving the child (ren), Resource Parent, and/or Worker.

Parents, primary caretaker or legal guardians will be notified within 24 hours once MDCPS has been notified that a child:

Requires scheduled surgery,

Has been hospitalized- non-emergency,

Has been involved in an accident (with or without

injury), Has been named as a victim in an investigation,

Has been diagnosed with a medical condition,

Has been suspended or expelled from school,

Has possible involvement in acts of

delinquency, Has threatened suicide,

Has runaway

Runaway refers to those children/youth in MDCPS custody whose whereabouts are unknown or known but not compliant. Runaways will not receive any funds/benefits.

Protocol for Reporting Runaway/Missing Youth in Care

Staff the incident with your ASWS/Regional Director immediately upon receipt of information regarding the status of the child.

Notify the child's biological parent(s)/guardian.

Protocol for Reporting Runaway/Missing Youth In Care continues on the next page.

Notify the Youth Court immediately in person or by phone of missing/runaway.

Notify Law Enforcement immediately in person or by phone of missing/runaway.

Notify MDCPS State Office***** immediately of the runaway via e-mail to runaway@mdcps.ms.gov so that the child's status may be reported to the National Center for Missing and Exploited Children (NCMEC). E-mail shall include MDCPS worker's agency contact numbers.

Obtain and/or sign a runaway petition (if the child ran away) as soon as possible, within one (1) working day.

Follow-up with Resource Parent/Provider within 24 hours.

Follow-up with law enforcement within one (1) working day. Follow up one (1) time per week until the child has been located.

If there are allegations of maltreatment, worker must enter a report in MACWIS within 24 hours of notification.

*****Notification to MDCPS State Office via e-mail to runaway@mdcps.ms.gov. Include all of the following information available:

Pictures and videos of the child;

Circumstances of the disappearance and description of clothing last worn;

Summary of child's family history including names of parents;

Vital statistics (DOB, health status/concerns, complexion, hair color, eye color, height, weight, identifying characteristics - scars, tattoos, piercings);

Cellular phone number(s);

Child's friends and hangouts;

Child's social media use/accounts;

Name and phone number of local law enforcement agency involved.

If the child is under 18 years old, MDCPS State Office will report the runaway to NCMEC. If the child is 18 years old or older, MDCPS State Office will assist local law enforcement with reporting the runaway to NCMEC.

NCMEC will generate posters and work with local law enforcement to locate the child.

Protocol When Youth is Located or Returns

Notify Youth Court immediately in person or by phone that the child has been located.

Notify Law Enforcement immediately in person or by phone that the child has been located.

Notify MDCPS State Office immediately via e-mail to runaway@mdcps.ms.gov so that the child's status may be reported to NCMEC. E-mail shall include MDCPS worker's agency contact numbers.

Notify the child's biological parent(s)/guardian, and placement providers as soon as possible; attempts to notify shall continue until contact has been made.

Interview/assess the child as to the reasons why they were missing/runway from care.

Take an updated photograph of the child and include any new physical attributes, i.e. hairstyles, tattoos and piercings (follow Photographs and Interviews policy).

Questions that may be asked, as appropriate, include but are not limited to:

What caused you to leave or runaway?

Did anyone encourage you to

leave? Where did you go?

What is the first thing you did after you left?

What types of things have you been doing while you were

gone? Did you leave with someone? Who?

Did anything happen to make you feel uncomfortable or that hurt you?

MDCPS worker shall staff with ASWS to make appropriate referrals for placement and to medical, mental health providers and law enforcement as needed.

MDCPS worker shall document in a narrative and in the case file all information gathered regarding the child during their time missing /runaway from care.

In the event a child requires emergency surgery or hospitalization parents, primary caretaker and/or legal guardians will be notified immediately by a MDCPS representative.

In the event that a child death has occurred while in MDCPS custody and the assigned Worker or a MDCPS representative has been notified, the Worker or designee will make every attempt to contact the parents, primary caretaker and/or legal guardians face-to-face immediately. In

situations where the parents have moved out of the COR, the state, or are otherwise transient, law enforcement may be contacted for assistance in the notification process.

Notification to the parent is not necessary if they have voluntarily released the child for adoption or their rights have been terminated.

d) Visits and Communications

Parents, primary caretaker and/or legal guardians and the assigned Worker for the child will communicate during FTMs, IMs and/or during monthly contacts regarding frequency of visitation, setting and supervision of visitations, visitation activities and quality of visitations.

(1) Frequency

Unless there is a documented reason why visitation should not occur (a no contact order is in place, a parent's rights have been terminated), every parent must have a minimum of two monthly visits with their child. The assigned Worker will work with the parents, primary caretaker and/or legal guardians to overcome any barriers to contact, visitation and/ or involvement in the child's care.

Within 24 hours of foster care placement unless there are documented reasons why contact should not occur, the Worker will arrange a visit with child and his/her parents and with any siblings who are not in the same placement. In documented and ASWS-approved situations where a visit cannot be arranged within 24 hours, a telephone call to parents, siblings, or extended family members must be provided to the child.

Workers shall make every effort to arrange visitation with incarcerated and/ or institutionalized parents or primary caretakers in accordance with the above guidelines. The Worker will document facility restrictions in the visitation plan.

Under no circumstance shall visitation between a child and his/her parents, primary caretaker and/ or legal guardians be cancelled as a disciplinary action.

Visitation should become more frequent and longer in duration as the child is moved toward reunification with parents, primary caretaker and/or legal guardians.

(2) Setting and Supervision

If a safety threat exists it may be necessary to have supervised visitations in an office setting. However, as the safety issues are resolved and the protective capacities are strengthened, visitations for parents, primary caretaker and/or legal guardians will transition to unsupervised, home or other location and/or combination.

(3) Activities

Based on reduced safety threats and increased protective capacities parents, primary caretaker and/or legal guardians will be included by the Worker and Resource Parents to participate in the activities which include but are not limited to:

Medical and dental appointments;

Mental health appointments;

Educational meetings and other school events;

Recreational activities that the child participates

in; Religion, church and/or other spiritual events;

Other significant life events (birthdays, graduation, holidays, etc.).

e) Drug and Alcohol Screenings

MDCPS Workers may request a drug and/or alcohol screen any time there is suspicion of illicit drug use and/ or prescription drug and/or alcohol abuse by a Parent/Guardian. MDCPS Workers shall not administer drug or alcohol tests of any type to clients.

MDCPS Workers shall facilitate drug and/or alcohol testing of clients when ordered by the court by:

Sending client(s) to a certified drug testing facility when client can pay for test and has transportation;

Transporting client to a drug testing facility, if necessary, as well as paying the fee on behalf of MDCPS;

Arranging for drug testing company Worker to come to the court;

or Requesting court personnel perform drug test.

Specific Circumstances that are Considered Child Abuse or Neglect Include:

Manufacturing a controlled substance in the presence of a child or on premises occupied by a child.

Exposing a child to, or allowing a child to be present where, chemicals or equipment for the manufacture of controlled substances are used or stored.

Selling, distributing, or giving drugs or alcohol to a child.

Using a controlled substance that impairs the caregiver's ability to adequately care for the child.

Exposing a child to the criminal sale or distribution of drugs.

See Miss. Code Ann. § 41-29-313 for details of the offenses and penalties related to the purchase, possession, transfer, manufacture or distribution of listed chemicals/drugs or precursor chemicals with intent to unlawfully manufacture prohibited or controlled substances.

g) Breastfed Infants

In situations where MDCPS becomes involved with a mother who is breastfeeding, every effort will be made to provide services in the home or alternative living situation to allow the child to safely remain with the mother. However, when the safety of the child cannot be reduced to allow the child to remain safely with the mother, arrangements will be made to continue breastfeeding, with supervision by MDCPS or another agreement will be made to ensure that the child's needs will be met.

When a mother has issues that are contrary to the well-being of the child, such as medical conditions, drug/alcohol use, other conditions documented by the child's pediatrician and/or the mother's physician, MDCPS will assist the mother and child in transitioning from breast feeding to bottle feeding.

Services to Resource Parents

a. Worker Contacts with Resource Parents

The COR Worker (or COS Worker when applicable), shall maintain monthly face-to-face contact with the Resource Parents and will document the purpose of the visit in MACWIS.

The Worker shall regularly communicate with non-therapeutic resource parents who have one or more foster children residing in their home and visit the home at least monthly to:

Share all relevant and legally disclosable information concerning the foster child;

Evaluate foster child's safety, needs and well-being; and

Monitor service delivery and achievement of service and permanency plan goals.

These visits will also include an environmental check of the home including the child's sleeping arrangements, all of which shall be documented in MACWIS.

Therapeutic Resource Parents

The Worker shall maintain weekly contact with therapeutic resource parents who have one or more foster children residing in their home, and shall make a minimum of two visits per month to:

Share all relevant and legally disclosable information concerning the foster child;

Evaluate the child's safety, needs and well-being; and

Monitor service delivery and achievement of service goals.

All visits and contacts will be documented in MACWIS and in the child's case record.

A Private Agency worker will visit the home of therapeutic resource parents who have at least one foster child residing in the home at least once per month. These visits shall be in addition to the monthly home visit conducted by MDCPS. All therapeutic resource parents who have one or more foster children residing in the home shall be visited in the home at least once per month by their private agency caseworker. The private agencies that provide services to foster children shall (1) share all relevant and legally disclosable information concerning the foster child; (2) evaluate the foster child's safety, needs, and well-being; and (3) monitor service delivery and the achievement of service goals. MDCPS shall require that such visits occur, that they are documented in the child's case record, and that remedial action is taken if such visits are not taking place.

Notification of Resource Parents of Placement Changes

Once a child is placed in a Resource Home the child may not be moved to another foster placement, except in emergency situations, unless MDCPS specifically documents to the court and in the child's case record the justifications for that move and the move is approved by the ASWS.

MDCPS shall provide Resource parents, custodial grandparents or other custodial relatives with at least 72 hours' notice of departure for any child, except in emergency circumstances or where the court orders a change in placement.

The Resource Parents, custodial grandparents or other custodial relatives of the child shall have the opportunity to contest the specific reasons documented by MDCPS for the removal. If the child is placed back in the parent's home and has to be removed again later, the former Resource Parents or relatives will have the right of return placement in order to eliminate additional trauma to the child. Return placement is contingent upon the Relatives or Resource Home's current approved/licensed status.

Visits and Communications

Resource Parents, COR Worker, and COS Worker and the Resource Specialist will communicate during FTMs, IMs, and/or during monthly contacts and any time the need arises for communication between the parties.

Visits should be scheduled with consideration to the Resource Parents' schedule. In some circumstances, it may be appropriate and helpful for the Resource Parent to participate in the visit or supervise the visit between the family and child.

Respite Care

Respite Care is provided through referrals to private agencies. All respite homes must either meet current licensure standards or have been licensed and are now closed only due to the fact that they have adopted the children placed in their home. These providers must have obtained additional training in respite care through the private agency who licensed them for respite care. Respite Care Providers must have extra bed space available for a child to be placed for respite care and can have no more than 3 foster children and a total of 5 children placed in their home regardless of the status of the children's placement (foster, respite, adoptive, biological children.) Respite services are paid for through the grant(s) awarded to the private agencies.

All children in foster care and children who have been adopted from foster care are eligible for respite care. Additional information regarding respite care may be requested through the permanency unit at the MDCPS State Office.

Guidelines for Use of Respite Care

MDCPS will collaborate with the Resource Family and child placing agency, if appropriate, to develop a respite care plan for the child, if it has been identified as a necessary support service for the family.

A child who is in the care/custody of MDCPS shall not be placed in respite care without the approval of the assigned MDCPS Worker and ASWS.

Resource/Adoptive parent(s) should limit respite care to two calendar days per month in order to reduce disruption to the child. Additional respite days may be needed in emergency/crisis situations or when the child is transitioning to a permanent placement.

All respite care must be pre-approved by the child's assigned Worker and ASWS unless an emergency arises. If an emergency arises the Resource Family must contact the Worker or ASWS for assistance in locating emergency respite care.

When a Resource Family is affiliated with a Child Placing Agency, the agency will be responsible for notifying the assigned MDCPS Worker and/or ASWS for approval prior to placement in one of the child placement agencies respite homes. All requests for Respite Care should be directed to the State Office Permanency unit. (See Section F for more specific information).

Multiple County Involvement

It is not unusual for two or more counties to have involvement in a single case where a child or children are receiving placement services. This may occur when the child is placed in a county other than the one of responsibility or because the parent(s)/care giver(s) reside in another county or it may occur under other circumstances. Whenever multiple counties are involved, each county is designated specific responsibilities and roles for the coordinated provision of placement services to the child which includes working with the parent(s) or care giver(s).

a) Role of Counties

A clear understanding of the distinct differences in the roles of the COS, COR, and Agency of Service is necessary. The RD whose area is holding custody of the child plays an important part in interpreting these roles. Occasionally, different opinions are held by the COS and Agency of Service regarding planning for the foster child. The plan set forth by the COR shall be respected by the COS and Agency of Service. If the COS or Agency of Service disagrees with the COR's plan, the COS or Agency of Service may state its opinion in writing to the COR with copies to the appropriate administrative personnel, but it is obligated to carry out the plan set forth by the COR until notified otherwise.

(1) County of Responsibility (COR)

The COR is the county having legal custody of a child in foster care, and assumes the leadership role for: planning for the child in custody, monitoring the implementation of these plans, for initiating the decision making processes, and keeping the county or agency of service informed regarding plans for the child.

The COR is responsible for providing all payment services regarding the child, and is legally and financially responsible for the child.

The COR Worker must maintain ongoing contact with the child if the child is placed in another county and must visit the child face-to-face at least once every three months. The COR Worker must communicate with the COS Worker in regard to the child and the appropriateness of the placement, and must respond to requests for assistance from the COS.

COR is responsible for working with the Youth Court in regard to the child's case and is responsible for working with the child's parents and family in regard to the achievement of permanency for the child.

The COR Worker must maintain a meaningful relationship and connection with the child as this Worker may very well be, and often is, the one stable and dependable connection the child has with parents, family, and home, and may be the only consistent and dependable person in the child's life.

(2) County of Services (COS)

When a child is placed outside of the county of residence, unless the placement is a short-term placement such an admission to a hospital or a visit with relatives or other individuals, a placement COS case is opened on the child and a COS Worker assigned to the child.

The COS is the county which has the responsibility of supervising the placement of a child whose custody is held by another county.

The COS Worker is responsible for:

Working with the COR Worker to facilitate permanency for the child;

Maintaining face-to-face contact with the child to the degree necessary but at least two such visits with the child per month;

Communicating with the COR Worker to assure the child's financial and material needs are being met;

Coordinating visitation of family, relatives, and others with the child;

Assessing on an ongoing basis the appropriateness of the child's placement; and

Working with the COR Worker to assure the child's sense of connectedness, continuity, and stability are addressed.

Ongoing communication and coordination of effort between the COR and COS Workers for is essential, particularly regarding the ongoing safety and well-being and continued placement appropriateness for each child and whether the placement continues to be in the child's best interest. The COS' visits, observations during those visits and reports made to the COR of those visits have a direct bearing on the decisions made by the COR.

b) Communication Between Counties

It is crucial that communication be maintained between the COR and COS and/or Agency of Service. The COR, COS, and the Agency of Service all have the responsibility to share all pertinent information, which includes case recordings, case plans, court documents, medical, social, and psychological documents, correspondence, financial records, MDCPS forms and any other information pertinent to the case.

When a foster child is to be placed in a county other than the COR, the COR shall notify the COS prior to placement of the foster child.

Agency of Service

The Agency of Service is a licensed child caring facility where the child lives, apart from his parents or guardian, on a continuing full-time basis for a planned period of time.

The Agency of Service staff provides services for the child and shall provide the COR/COS with information regarding the child's placement in order to aid the COR in carrying out the child's case plan.

Note: The Agency of Service's contact with child(ren) does not replace the Worker's minimum twice monthly contact requirements with all the child(ren). MDCPS staff is still required to make twice monthly contact with all the child(ren). The Agency of Service does not have decision making authority for the child(ren). The Worker is still responsible for the decisions regarding the care of the child(ren).

Family Centered Permanency Planning
Permanency Planning (Permanent and Concurrent)
Definition of Permanency Planning

Permanency planning is ongoing and begins as soon as MDCPS receives a report of child abuse or neglect, and it continues through every stage of service, even when the child is not removed from the home**.** It is a systematic process of carrying out a set of plans and goal-directed activities within a time-limited period as defined in MISS. CODE ANN. § 43-15-13 and the *Adoption and Safe Families Act* of 1997 (ASFA) (P.L. 105-89). These activities are designed to help children live in families that offer continuity of lifetime relationships.

MISS. CODE ANN. § 43-15-13(8) Advises that "[a]t the time of placement, consideration should also be given so that if reunification fails or is delayed, the placement made is the best available placement to provide a permanent living arrangement for the child."
Such consideration is the major emphasis of, and the foundational premise for, Concurrent Planning.

According to the *ASFA,* reasonable efforts to finalize an alternate permanency plan may be made concurrently with reasonable efforts to reunify the child and family and that reasonable efforts to place a child for adoption or with a legal guardian, including identifying appropriate in-state and out-of-state placements, may be made concurrently with reasonable efforts to reunify the child and family. (42 U.S.C. 671§471(a)(15)(f)).

b) Making a Permanent and Concurrent Plan

Foster care should be viewed as a temporary arrangement and not a place for children to grow up. Permanency planning must begin immediately and within thirty (30) calendar days of a child entering care. Decisions which involve the family and child must be made promptly and services

provided as quickly as possible to enable the family in crisis to address problems and support achievement of the permanency goal.

Careful and thorough evaluation must be made of the family's potential and the availability of relative resources in considering the selection of a permanency plan. Diligent searches shall be made to locate natural parents and relatives of the child. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan and to complete the necessary steps to finalize the permanent placement of the child.

All of these steps are made with approval from the court of jurisdiction involving proceedings that included written notice to ensure participation of the child, parents, and/or caregivers.

MDCPS's first priority shall be to make reasonable efforts to reunify the family when temporary placement of the child occurs or shall request a finding from the court that reasonable efforts are not appropriate or have been unsuccessful.

MISS. CODE ANN. § 43-15-13(2)(f) advises that MDCPS "*shall implement concurrent planning so that permanency for the child may occur at the earliest opportunity*". Clear documentation is required for both Permanent and Concurrent Plans in order to prove to the court the compelling reasons for the plan.

Concurrent planning in a Family Centered Practice environment comprises more than having a plan in place in case the primary plan fails; it involves immediate ongoing action to assure that issues of safety, permanency, and well-being are continually being addressed while the child is in state custody.

MISS. CODE ANN. § 43-15-13(8)(a-h) further states that MDCPS shall consider the following factors when determining appropriateness of concurrent planning:

The likelihood of prompt reunification;

The past history of the family;

The barriers to reunification being addressed by the family;

The level of cooperation of the family;

The Resource Family's willingness to work with the family to reunite;

The willingness and ability of the Resource Family or relative placement to provide an adoptive home or long-term placement;

The age of the child;

Placement of siblings.

The COR Worker will identify permanent and concurrent plans for the child. After opening the case, the permanent and concurrent plans will be identified on the Child's FSP with the primary

plan being listed first.

Every child in MDCPS's custody shall have a permanency plan selected and documented on the FSP within thirty (30) calendar days of entry into custody. Justification for selecting a particular plan is documented along with other pertinent information under the "compelling reasons" radio button in MACWIS.

The Worker must do whatever can be done to minimize the damage being done to the child during these periods of impermanency by addressing the issues of continuity and connectedness central to healthy development that appear to be the crux of the matter of impermanency.

Steps must be taken to provide the child with a sense of continuity and to keep the child connected to family during these periods of impermanency. Placement of the child with extended family is the most obvious strategy for effectively addressing this issue, and relative placement is an appropriate concurrent plan for a child for whom reunification is the primary plan.

A major source, perhaps the major source, of continuity and connectedness for a foster child is the child's Worker. The Worker must remain involved with the child throughout the custody episode no matter where the child is placed. In a Family Centered Practice environment, not all forms of permanency are equal. The commitment is to family, and the goal and outcome of reunification is far more valuable and desirable that any other permanency outcome.

This commitment and practice stance requires the Worker and MDCPS to continue to focus on getting the family back together as long as there is a chance that reunification can occur while at the same time arranging temporary placement and providing ongoing services to the child and the family which minimize any damage which may occur as a result of the impermanency of removal. This constitutes a practice approach and methodology of dedication and perseverance and a full commitment to the family.

c) Permanent Plan Options and Achievement Criteria

Permanency Plan options are as follows:

Reunification with a Parent or Primary Caretaker from whom the child was removed.

Custody with a Relative (Worker must be seeking to identify relatives other than the one from whose home the child was removed.) (See additional information within "Custody with A Relative".)

Durable Legal Custody or Legal Guardianship

Adoption

Another Permanent Plan Living Arrangement (APPLA)

All permanent plan options must have a concurrent plan.

Reunification

When the child's permanency goal is reunification, MDCPS shall identify in the service plan and make available directly or through referral those services MDCPS deems necessary to address the behaviors or conditions resulting in the child's placement in foster care and to help the parents develop strategies to facilitate permanency for the child. Workers will monitor the provision of services through visits and updating of service plans.

For a child with a permanency goal of reunification, the child's assigned MDCPS worker shall meet with the child's parent(s) with whom the child is to be reunified at least monthly to assess service delivery and achievement of service goals, to keep the family informed and involved in decisions about the child, and to remain current about the family's circumstances.

For children with a permanency goal of reunification, the case record shall document opportunities provided to parents in support of reunification.

Reunification with a Parent or Primary Caretaker is the first choice as a permanency plan for a child in care (unless a parent/caretaker has been convicted of any of the following offenses against his natural or adopted child: rape, sexual battery, touching, exploitation, felonious abuse or battery, carnal knowledge or murder).

Reasonable efforts requirements demand that the Worker and MDCPS work diligently and concertedly with the family to provide services and solve problems to get the child back home as soon as safety can be reasonably assured. "Reunification" is selected as the Permanency Plan.

Tasks to be completed when selecting a permanency goal of reunification:

An ongoing Comprehensive Family Assessment (CFA) should be completed prior to reunification.

Identify and assess the problem(s) which led to the need for foster care, the actions needed to correct the problem, and activities to be performed by all parties involved.

Complete with the family, **and** within thirty (30) calendar days of the child's entry into custody, the FSPs for children and parents.

Inform parents that under State Law, MISS. CODE ANN. § 43-15-13(4) reunification should occur within six months of the child's removal from the home and that failure to comply with the FSP could result in a recommendation of another permanency plan for the child, including the possibility of the TPR and adoption.

Worker's Responsibilities in Achieving Reunification

The Worker shall have the following responsibilities in achieving reunification:

Establish permanency and concurrent plans, via an FTM, with the parents, primary caretakers, interested relatives, Resource Parents, and child(ren) within thirty (30) calendar days of the child(ren)'s entry into foster care. Reassess in three months and/or during each case review in conjunction with the CFA and each case review.

Review, evaluate, update and/or revise the FSP for parents and child(ren) every eighty-five (85) calendar days and submit to the ASWS who has 5 days for approval;

Place the child in the same county as the birth parents or primary caretakers, if possible. If not possible, document the reasons why and attempt to find placement as close as possible or within 50 miles of the child(ren)'s home. Placement more than fifty (50) mile must be approved by the COR ASWS and RD.

Siblings who enter placement at or near the same time shall be placed together unless:

Doing so would be harmful to one or more of the siblings;

One of the siblings has exceptional needs that can be met only in a specialized program or facility; or

The size of the sibling group makes such placement impractical notwithstanding diligent efforts to place the group together.

If a sibling group is separated at initial placement, the Worker shall make immediate efforts to locate or recruit a family in whose home the siblings can be reunited. These efforts will be documented and maintained in the case file. Any exceptions shall have the COR ASWS and RD's approval.

Arrange for siblings who are separated to have a minimum of monthly face-to-face visits, specified on a visitation plan, and documented in MACWIS. Any time a face to face visit cannot be arranged, the children should have contact through phone calls or letters.

Develop with the parent, child, resource parents, and other involved parties, a visitation plan. The visitation schedule must be clearly documented in MACWIS.

Coordinate case planning and service provision activities with service providers in order to ensure that services match needs, and to monitor the effectiveness of service provision in facilitating and supporting reunification.

Conduct diligent searches for absent parents, primary caretakers, relatives (maternal and paternal) and other individuals who have significant connections to the child.

Refer for paternity to be established, if questionable.

Maintain monthly face-to-face contact with birth parents to assess service delivery and achievement of service goals, progress in achieving FSP, safety issues in the home, and determine what other services are needed to accomplish reunification.

Inform the parents of any changes in the child's circumstances, major illnesses and/or hospitalizations during placement, changes in placement, school performances, emotional difficulties, health, etc.

Inform the parents of their responsibility to financially support the child while in foster care, if ordered by the court, per MISS. CODE ANN. §43-15-17.

Documentation in the case record in MACWIS shall reflect opportunities provided to the parents in support of reunification including:

Involvement in service planning and access to needed services;

Constructive visitation and on-going contact with the child;

Reduction of barriers to contact, visitation, and involvement in the child's

care; and

Use of resources to prepare the family for reunification.

For each child who has a permanency goal of reunification MDCPS shall provide, subject to approval of the Youth Court such child with a ninety (90) day trial home visit, unless that child had been in custody for less than ninety (90) days. A MDCPS Worker shall meet with the child privately at least 2 times per month.

A FTM shall be held when a recommendation has been made to return a child to his/her home or to place a child in the custody of the relative with the following participants:

MDCPS Worker,

MDCPS Worker's Supervisor,

Worker from private agency, if applicable

Foster parents (unless MDCPS determines their attendance would be

inappropriate) Biological parents or relative assuming custody, and

The child

The Aftercare Plan includes the following:

Services necessary to ensure the conditions leading to the foster child's placement in foster care have been addressed,

Child safety and stability will be addressed,

MDCPS will provide or make appropriate referrals to identify services necessary to support the child during the trial home visit,

Final discharge meeting shall include the child's Worker, Worker's Supervisor, child and

parent/relative/guardian assuming custody. The following will be included in the meeting:

Progress during the home visit will be discussed.

Whether a recommendation will be made to return the child to the parent/relative/guardian.

If final discharge is appropriate a court hearing is requested for MDCPS to be relieved of custody. (refer to Planning Case Closure)

Achievement Criteria - Reunification

Reunification will be considered achieved when legal and physical custody is returned to a parent or primary caretaker from whom the child was removed, and the state no longer has legal custody, care or control of the child.

Custody with a Relative

If it appears that placement is needed and reunification is not feasible within a short period of time, the first choice for placement is with relatives. When a child is placed out of the home, it should be in the most familiar environment possible.

When the child's permanent or concurrent plan is custody with a relative, the Worker shall be seeking to identify relatives for the placement of the child.

"Relative other than the one from whom he/she was removed" includes but not limited to step-parents, biological mother or father and other relatives who were not the principal caregivers at the time of the removal.

Worker's Responsibilities in Achieving Custody with a Relative

Enlist the family's cooperation in identifying all possible relative resources (in and out- of-state) and make contact with them in a timely manner. The Worker must conduct a diligent search for birth parents and all relatives prior to removal, if possible, or immediately after removal of child, and continue the search during the child's time in custody.

Conduct a home evaluation including police and background checks of any and/or all relatives who are being considered. The home evaluation must include an assessment of the safety of the home.

Document in MACWIS all efforts to engage families in the planning and development of child's permanent goals.

Obtain approval of the plan from the court.

Provide support, referrals and/or financial services, when accessible and/or available.

Inform the court of the relatives' interest and ability to assume custody.

a) Achievement Criteria – Custody with a Relative

MDCPS must supervise the placement for six (6) months before the recommendation for Durable Legal Custody is made to the court. The goal is achieved when legal and physical custody of the child has been granted to the relative.

Durable Legal Custody or Legal Guardianship

Durable Legal Custody

No child shall be assigned a permanency goal of durable legal custody unless there are documented efforts in the child's case record to move the child to adoption and documentation of a reasonable basis why it is in the child's best interests not to be considered for adoption.

"Durable Legal Custody" means the legal status created by a court order which gives the durable legal custodian the responsibilities of physical possession of the child and the duty to provide him with care, nurture, welfare, food, shelter, education and reasonable medical care. All these duties, as enumerated, are subject to the residual rights and responsibilities of the natural parent(s) or guardian(s) of the child or children. MISS. CODE ANN. §§ 43-21-105(y).

If the court finds that temporary relative placement, adoption or foster care placement is inappropriate, unavailable or otherwise not in the best interest of the child, durable legal custody may be granted by the court to any person subject to any limitations and conditions the court may prescribe; such durable legal custody will not take effect unless the child or children have been in the physical custody of the proposed durable custodians for at least six (6) months under the supervision of MDCPS. MISS. CODE ANN. §§ 43-21-609(b)

Reviews are not to be conducted unless explicitly ordered by the youth court concerning those cases in which the court has granted durable legal custody. In such cases, the Department of Child Protection Services shall be released from any oversight or monitoring responsibilities, and relieved of physical and legal custody and supervision of the child. MISS. CODE ANN. §§ 43-21- 613(d)

b) Legal Guardianship

SEC. 475. (7) *[42 U.S.C. 675]* defines legal guardianship as "a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced

by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision making. The term 'legal guardian' means the caretaker in such a relationship."

MDCPS will be released from any oversight or monitoring responsibilities in either Durable Legal Custody or Legal Guardianship unless ordered otherwise by the court. The birth parents maintain their parental rights.

Worker's Responsibility in Achieving Durable Legal Custody and/or Legal Guardianship

The Worker will have the following responsibilities in achieving durable legal custody and/or guardianship:

Enlist the family's cooperation in identifying all possible relative resources (in and out-of-state) and make contact with them in a timely manner. The Worker shall conduct a diligent search for the birth parents and all relatives prior to the removal of the child, immediately after removal of child, or at least during the child's first two months in custody and continue the search during the child's time in custody.

Assure that a home evaluation including police and background checks of any and/or all relatives who are being considered, has been completed. The home evaluation must include an assessment of the safety of the home.

Discuss alternate permanency options, including adoption, with all parties involved in terms they understand to ensure that this is the most appropriate option available for this child. (see Section G for further explanation on the role of Adoption Specialist.)

In conjunction with the child, relatives and parents, develop an FSP which identifies activities to be performed by all parties.

Document all efforts to engage families in the planning and development of child's permanent goals.

Inform the court of the identified individuals' interest and ability to assume durable legal custody and/or legal guardianship.

Obtain approval of the goal from the court.

Provide support such as referral, financial services, and/or other follow up services to secure the placement.

Complete the Durable Legal Custody Agreement with the legal guardians designated by the court.

Achievement Criteria - Durable Legal Custody or Legal Guardianship

Durable Legal Custody or Legal Guardianship is achieved after the court grants custody to the placement resource. No further review hearings are necessary. MDCPS is relieved of custody of the child and from any oversight or monitoring responsibilities unless otherwise ordered by the court.

Adoption

Each family's situation shall be evaluated to determine if adoption is the most appropriate plan. If it is determined to be in the child's best interest, a referral for Termination of Parental Rights (TPR) shall be made.

MISS. CODE ANN. § 43-15-13(3) states

…For any child who has been in foster care for fifteen (15) of the last twenty-two (22) months regardless of whether the foster care was continuous for all of those twenty-two months, department shall file a petition to terminate the parental rights of the child's parents. The time period starts to run from the date the court makes a finding of abuse and/or neglect or sixty (60) days from when the child was removed from his or her home, whichever is earlier.

The department can choose not to file a termination of parental rights petition if the following apply:(a) The child is being cared for by a relative; and/or (b) department has documented compelling and extraordinary reasons why termination of parental rights would not be in the best interests of the child. Before granting or denying a request by department for an extension of time for filing a termination of parental rights action, the court shall receive a written report on the progress which a parent of the child has made in treatment, to be made to the court in writing by a mental health/substance abuse therapist or counselor.

Federal Requirement: 42 U.S.C. 675E.)

In the case of a child with respect to whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement (APPLA) and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of State, regional and national adoption exchanges including electronic exchange systems to facilitate orderly in state in-state and interstate placements.

If Reunification, Durable Legal Custody or Legal Guardianship cannot be accomplished, the family situation must be evaluated regarding legal grounds for TPR.

If there are legal grounds for TPR, a referral must be made to the Permanency unit. If a parent wants to relinquish his/her rights to a child or children, permission must be received from the Permanency Unit prior to accepting a Voluntary Surrender of Parental Rights MDCPS – 459. If county staff needs assistance in determining the sufficiency of legal grounds, a referral should be made to the Permanency unit asking that such a determination be made.

a) COR's Responsibilities in Achieving Adoption

The COR Worker shall have the following responsibilities in achieving Adoption:

Recognize, through concurrent planning, when adoption appears to be the most appropriate and feasible goal for the child.

Engage parents in a discussion on optional voluntary surrender of their parental rights. If the parents want to surrender, obtain permission from the Director of Permanency Unit prior to the parents signing any documents.

Prepare and submit to the Worker's ASWS a complete TPR referral within thirty (30) calendar days after adoption becomes the permanent goal.

Discuss the goal of adoption with the child, parents and Resource Parents. Ascertain if the Resource Parents are interested in adopting the child.

Assist in preparation of child and family for adoption.

Notify the Regional Resource Supervisor within 3 calendar days of the child's primary permanent plan becoming adoption.

Update the FSP and request Adoption COS.

Adoption Specialist's Responsibilities in Achieving Adoption

Within 3 calendar days of receipt of notice of a child's primary permanent plan becoming "adoption", the Regional Resource Supervisor will assign an Adoption Specialist to begin the process of locating an appropriate adoptive placement for the child.

Within fifteen (15) calendar days of the permanent plan becoming "adoption", the Adoption Specialist will convene an Adoption Planning Meeting with the COR Worker, the COS Worker, (if different), the Adoption Specialist assigned to the child and the appropriate ASWSs. Other staff may be invited. The purpose of this meeting is to develop separate service plans for the child, the birth family and the adoptive family. Each plan includes:

Goals,

Desired outcomes,

Services to be performed and by whom, and
The time frames in which the tasks will be completed.

Issues which might be addressed in the service plans include, but are not limited to:

A comprehensive child assessment,

The role of birth family in the child's

future, Life book preparation,

Completion of any medical or dental treatments for the child,

Determination that the child has an adequate supply of

clothing, TPR, either voluntarily or through court action,

Compilation of documents needed for legal action, and

Discussion with Resource Family regarding their interest in adopting the child.

Assure the goals of the service plans are met within the specified time frames.

Convene Adoption Status Meetings with the MDCPS Worker, and the worker's supervisor in the following frequencies: weekly for infants from birth to twelve (12) months; monthly for all other children awaiting adoptive placement. The purpose of these meetings is:

Review the progress of the Adoption

Plan, Identify barriers, and

Develop strategies to overcome the barriers in order to achieve the goal of adoption.
The Adoption Status Meeting shall be documented in the child's case record in MACWIS within 5 working days by the Adoption Specialist.

As a part of the adoption plan, the Adoption Specialist will complete an Assessment and Preparation process with the child. During this process, the Adoption Specialist shall discuss with the Resource Family and the child the possibility of adoption by the current Resource Family. The Resource Family shall be informed of the child's potential eligibility for Adoption Assistance and enter documentation of this discussion into the child's and Resource Parents' file in MACWIS.

If the current Resource Family will not or cannot adopt the child, the Resource Unit will proceed to identify an adoptive family for the child and will make every effort to place the child in a

permanent adoptive home within ninety (90) calendar days of the primary plan becoming adoption.

These efforts, include informing all identified potential adoptive families of the child's potential eligibility for Adoption Assistance, shall be entered in to the narrative section of both the child's and Resource Parents' files in MACWIS. If the child is not legally free for adoption, she/he will be placed with an adoptive family who is willing to accept a Legal Risk Placement.

Once a placement has been identified, obtain approval of the proposed placement from COR supervisor prior to beginning pre-placement activities.

Coordinate with COR/COS, the pre-placement visits and activities between the child and the pre-adoptive family.

Coordinate the actual placement with the family, which will begin with the sharing of information about the child with the family and information about the family with the child. If appropriate, the family will be given an opportunity to consult with their own attorney about the risks involved and if the child is not legally free for adoption.

A series of pre-placement visits will be coordinated, and when both the child and family are comfortable with proceeding with the placement, the family will sign either the Adoption Placement Agreement or the Legal Risk Placement Form.

Provide written notification of the placement to the COR and COS, if appropriate.

Supervise the adoptive placement and communicate with the COR via regular supervisory reports of the placement.

c) Documentation of Efforts to Adopt

For every child whose permanency goal is adoption, the Resource Specialist will document in child's narratives monthly, the steps taken to find an adoptive family or permanent home. The documentation must include child specific recruitment efforts such as Adoption Resource Exchange, internet, newspaper, adoption picnic, media and/or other efforts.

Publication of a child's picture in recruitment efforts may not occur until the child is legally free for adoption- not just when the plan is adoption.

d) Achievement Criteria - Adoption

The goal of adoption is considered achieved when the child is placed with an adoptive family and the adoption has been finalized. The COR Worker will document in MACWIS the dates in the legal history detail tab.

e) Another Permanent Plan Living Arrangement (APPLA)

The ASFA created Another Planned Permanent Living Arrangement (APPLA) as the least preferred permanency option for children. APPLA is not intended to be a catch all for whatever plan is needed, but is a "living arrangement that is truly planned and permanent in nature."

"Planned" means the arrangement is intended, designed, considered, premeditated, or deliberate.

"Permanent" means endearing, permanent, or stable.

"Living arrangement" includes not only the physical placement of the child, but also the quality of care, supervision, and nurturing the child will receive. While living arrangements might not be a specific residence or facility it does imply certain stabilizing features.

If MDCPS concludes, after considering reunification, adoption, durable legal custody, and permanent placement with a relative, that these permanency plans are inappropriate or unavailable for a child, MDCPS may assign a permanency goal of Another Permanent Planned Living Arrangement (APPLA) for the child. In such circumstances:

The child must be at least 16 years old and

MDCPS must document to the youth court a compelling reason, as of the date of the hearing, why this permanency goal is in the best interest of the child and more appropriate than reunification, adoption, durable legal custody, or permanent placement with a relative as subject to section 475A(a) of the Social Security Act.

APPLA will either involve a permanent adult caregiver of the child or at least adult parent figures playing permanent and important roles in the child's life. The decision and development of an APPLA should include the following:

Parent(s)

Placement

provider Youth

MDCPS COR/COS

Worker Guardian Ad

Litem

COR ASWS

D. Reviews

1. Supervisory Administrative Review

The MDCPS Supervisory Administrative Review (SAR) is an administrative review that meets the requirements of MISS. CODE ANN. § 43-15-13(3), which require that all open cases have a supervisory review.

The SAR is completed in MACWIS at the following intervals by the COR Supervisor:

Initially, the SAR is required within ninety (90) calendar days after opening a placement case,

A SAR shall be completed at the fifteen out of twenty-two month interval, and

Every 12 months following the 15 month SAR.

The SAR consists of a review of the electronic and paper files as well as an individual conference with the assigned COR Worker. This review shall be printed, signed and filed in the paper case record.

2. Special Permanency Reviews

A special permanency review shall be held for all children who have been in custody for 15 of the most recent 22 months without an ASFA exception or for whom a TPR petition has not been filed.

The special permanency review shall be held by the 15th of each month.

The review should be scheduled by the ASWS with attendees including: the assigned Worker, assigned ASWS, and another licensed social Worker who is not involved in the direct supervision of the case and who has expertise in the area of permanency.

This should be documented in the MACWIS narrative and all participants should be included in the participant box.

The review should produce a written plan of action regarding the steps to be taken by MDCPS, and/or any other provider of services, in order to achieve permanency in a timely manner.

The case plan should be updated paying special attention to permanency barriers.

These special reviews shall be held until all barriers to permanency have been resolved, a TPR petition has been filed, or an available ASFA exception has been documented in the case record.

3. Foster Care Review (FCR)

The COR should discuss the Foster Care Review (FCR) process with all families of children in MDCPS custody, preferably during the FTM held within thirty (30) calendar days of the opening of the case or during a subsequent FTM. If the grandparents and placement providers are not present at the FTM when the FCR process is discussed, the COR Worker shall discuss the process with these parties either by phone or letter.

The FCR process should be discussed verbally with children in MDCPS custody in words which can be easily understood. If a child is placed outside the COR, assistance may be requested from the COS in preparing the child.

The following points should be included in the discussion:

Understanding the child's anxiety about his/her future

The purpose of the County Conference (which is to discuss plans for the child and the parents) The persons who may attend the County Conference

The child's right to decide if he/she wishes to attend and /or participate in the County Conference. (Note: See 3(a) below for criteria related to "County Conference")

In addition, the following are caseworker responsibilities related to the FCR's:

Sending out invitations and preparing the participants for FCR;

Updating the FSPs and all other pertinent case information;

Filing loose case material in the case record;

Documenting the case review in a case narrative in MACWIS;

Submitting the case record to the ASWS for review;

Making diligent efforts to arrange for a translator to be present for any meeting including FCR, that involves a child or parent who does not speak or comprehend English or who is hearing impaired.

The supervisor's case review will also be documented in a case narrative in MACWIS.

The COR will make diligent efforts to arrange for a translator to be present for any County Conference involving a child or parent who does not speak or comprehend English or who is deaf.

a) Periodic Review of Foster Care Monitoring Payments

A review of Foster Care monitoring payments will be conducted at least annually to ensure equitable payments for relative and non-relative.

b) County Conference (a/k/a Foster Care Review Conference)

A County Conference is a key element in Family Centered Practice.

County Conferences give the family a formal opportunity to discuss the child's permanent plan, discuss what the parents have accomplished on their own FSPs and state their ideas and future plans. The Worker has an opportunity to discuss the parent's progress toward achieving permanency goals.

Participation in the County Conference by children and youth in MDCPS custody, ages 6 and above, is encouraged.

The role of a Foster Care Reviewer is that of an objective collector and presenter of information, an objective moderator at County Conferences, and to assist the RD, ASWS, and Worker in identifying strengths and areas needing improvement in foster care cases.

The County Conference is scheduled and facilitated by the Foster Care Reviewer. It is usually held in the COR. The COR will provide a conference room or other appropriate space for the County Conference to be held. The assigned Worker, ASWS, or designee is responsible for seating and introducing any invited participants.

c) During the County Conference:

The Foster Care Reviewer, who serves as the facilitator, will explain the purpose of the conference to the assembled participants and ask everyone to sign a Confidentiality statement.

The assigned Worker, ASWS, or designee, will explain the county's permanent plan for the child and what must be done to achieve that plan.

The parent, the child, and other participants will be encouraged to share their thoughts and plans with the Reviewer and the group. Every participant will be given an opportunity to be heard and to ask questions.

The Foster Care Reviewer will take notes of what is said by each participant so that a summary of what is discussed can be documented in the Youth Court Hearing and Review Summary (YCHRS) and provided to the court.

The Reviewer will use information gathered from the case record (in MACWIS and the paper file) and from information gathered during the County Conference to complete the Periodic

Administrative Determinations (PAD) on Children in MDCPS's Custody. The PAD contains the determinations mandated by law and other determinations related to the child's safety, permanency, and well-being.

The Reviewer will also complete the required review screens in MACWIS within **ten** (**10) calendar** days of the County Conference. The information entered on these screens will be compiled to produce the County Conference (Foster Care Review Conference) Report, also known as the Youth Court Hearing and Review Summary (YCHRS).

d) Legal Basis

- **State**

Pursuant to MISS. CODE ANN. § 43-15-13(3), MDCPS is required to administer a system of individualized plans and biannual review for children in its custody. That system shall be for the purpose of enhancing potential family life for the child by the development of individual plans to return the child to its natural parent or parents, or to refer the child to the appropriate court for TPR and placement in a permanent relative's home, adoptive home or foster/adoptive home.

- **Federal**

The enactment of the *Adoption Assistance and Child Welfare Act* of 1980 (P.L. 96-272) amended the Social Security Act to require that MDCPS conduct an administrative case review at least once every six months for each child in MDCPS custody. The law mandates that the child, his parents, and their representatives be allowed to participate in the review and that procedural safeguards to protect their rights be maintained. *The Social Security Act Amendments* of 1994 (P.L. 103-432) expanded the determinations which must be made by the reviews.

- **Provisions for Both Laws**

The intent of both laws is to promote permanency planning for children by returning the children to their own home, placing them with relatives, or freeing them for adoptive placement.

The federally mandated purpose of the FCR process is to address:

Appropriateness of the permanent

plan; Safety of the child,

Continuing need for placement,

Appropriateness of placement setting,

Level of restrictiveness (including why an out-of-state placement is most appropriate and in the best interest of child);

Extent of compliance with the case plan for the child;

Extent of progress made toward alleviating or mitigating the causes necessitating the placement of the child in foster care; and

Estimated date by which a permanent plan can be achieved and the child may be returned and safely maintained, or placed for adoption or legal guardianship (durable legal custody) and

For youth, 16 and older and the permanency plan is APPLA, determine the steps the agency is taking to ensure the resource parent(s) or child placing agency is following the reasonable and prudent parent standard and ascertain the youth has opportunities to engage in age or developmentally appropriate activities.

MISS. CODE ANN. 43-15-13 (3) additionally mandates that the Foster Care Review will address:

Extent of the care and support provided by the parents or parent while the child is in temporary custody;

Extent of communication with the child by parents, parent or guardian.

Degree of compliance by MDCPS and the parents with the social service plan established;

Methods of achieving the goal and the plan establishing a permanent home for the child;

Social services offered and/ or utilized to facilitate plans for establishing a permanent home for the child; and

Relevant testimony and recommendations from the Resource Parent of the child, the grandparents of the child, the GAL of the child, representatives of any private care MDCPS which has cared for the child, the social Worker assigned to the case, and any other relevant testimony pertaining to the case.

As a result of the FCR, mandated determinations are made based on the administrative review of the case, comments made during the County Conference, assessments and recommendations made by the COR.

e) MDCPS Compliance

• Invitations

The COR must invite the following persons to the child's County Conference:

All of child's Parents (including alleged or putative fathers). If any parent's whereabouts are unknown, diligent efforts to locate him/her must be documented and an invitation mailed to the last known address. These efforts include but are not limited to:

Contacting relatives;

Sending a letter addressed to the parent in care of a relative at the relative's address;

Checking with the Division of Economic Assistance (including

MAVERICS) and the Division of Child Support (including METSS and Parent Locator services);

Searching the telephone directory and the city directory; ○

Contacting all local law enforcement offices; and

Using the internet to check for location of incarcerated parents (www.mdoc.state.ms.us, then select inmate search).

The subject child(ren)(regardless of age), must be allowed to attend if they want to; however, they are not required to attend.

All of the child(ren)'s grandparents shall be invited to participate in the County Conference. MISS. CODE ANN. § 43-15-13(5)(f), provides that grandparents of the child(ren) should be present at the review to give relevant testimony. MDCPS shall take reasonable steps, including written notice, to ensure the participation of the child, parents, caregivers, and relevant professionals in the review.

The child's GAL and/or child's attorney must be invited to participate in the County Conference.

The COS must be invited to participate in the County Conference if the child is placed outside the COR. The Resource Worker/Adoption Worker shall attend the conference and provide information regarding the child.

Any other agency staff providing services for the child.

No attorneys except those representing the child(ren) in MDCPS custody, are invited. The only attorneys permitted to attend the County Conference are the attorney for the child and/or the attorney(s) for the parents.

- **Exceptions to Invitations**

Invitations should not be sent to parents who have voluntarily surrendered their parental rights or whose parental rights have been terminated by court action. MISS. CODE ANN. § 43-15-13 (10) refers to exception to written notice.

When the parent has voluntarily surrendered parental rights, or had parental rights terminated by court action, his/her parents (who would be grandparents to the child) do not have to be invited but the COR may choose to invite these grandparents. However, Grandparents who have the child placed with them must be invited (as placement providers) even if the parents have voluntarily surrendered their parental rights or had their parental rights terminated by court action.

- **"No Contact" Orders**

If there is a standing judicial "no contact", the foster child must still be invited to and allowed to

attend and participate in the County Conference, but not at the same time as the County Conference to which the parents are invited. When there is a no contact order, the COR and the Foster Care Reviewer must coordinate to schedule at a different time a separate County Conference to which the child will be invited.

- **Time Frames for Invitations**

Ten (10) calendar days prior written notice of the upcoming County Conference is required to for all parties. Copies of the invitations should be placed in the paper file. If all parents and grandparents have not been identified on either the Relationships icon in MACWIS or on Form 410 Family Resources for Children, the Worker shall, on the copies of the invitations filed in the paper record, indicate the relationship to the child of each person invited.

f) Documentation of the Review in Case Record

MISS. CODE ANN., 43-15-13(f) law also mandates that each child's case plan shall be filed with the court which awarded custody, and be made available to natural parents or Resource Parents upon approval of the court. It also requires the court to make a finding every 6 months as to the degree of compliance by MDCPS and the parents with the service plan for the child.

The Foster Care Reviewer has ten (10) calendar days to submit to the COR the determinations and comments in Part B of the YCHRS. Part B is the documentation of the comments made during the County Conference.

The COR Worker then has **ten** (10) calendar days to complete Part C of the YCHRS and submit to the Supervisor for approval.

Part C should be completed as if the Worker is completing a court report. Even though the last tab of Part C is identified in MACWIS as "MDCPS Assessment", that tab should be completed as MDCPS's recommendation to the court and that is how that section is identified once the report is printed prior to filing it with the court.

The Supervisor or his/her designee must approve the report within ten (10) calendar days and ensure a copy is filed with the court and a stamped copy is placed in the paper record.

g) Corrective Action

The Foster Care Reviewer will notify the ASWS and the assigned Worker of any serious case issues that may require immediate corrective action. Confirmation of notification will be sent in writing by the Foster Care Reviewer to the ASWS, RD, COR Worker, FCR Program Manager/Administrator and FCR MDCPS Director II.

The assigned Worker and ASWS will submit a report to the RD with a copy to the Field

Operations Director concerning action taken to address the concern.

After receiving the Periodic Administrative Review (Form 4253), the ASWS and the assigned Worker will complete a case staffing which should be documented in MACWIS. The case staffing will detail any corrective action required as a result of Form 4253 notations.

The RD will pull a random list from the names on the Periodic Administrative Reviews and will view the MACWIS case record for documentation of case staffing and to determine if actions were completed.

h) Filing the Review Report with the Court

The following items are to be submitted to the court or jurisdiction no later than forty-five (45) calendar days from the date of the County Conference:

The original plus 1 copy of the YCHRS report (part A, B, and C), plus one

copy; The Child's Individualized Service Plan;

The Adult (parental) Individualized Service Plan (if applicable);

A cover letter, asking the clerk of the court to file the original report, stamp the copy "Filed", and return the copy, along with a copy of the filed Six Month Review Order, or any other order which the judge issues as a result of making the finding which is mandated in MISS. CODE ANN. § 43-15-13 (4).

Court Hearings

a) Shelter Hearing

A Shelter Hearing is held when a child has been taken into temporary custody and must be held within forty-eight (48) hours, excluding Saturday, Sundays, and statutory state holidays. Reasonable oral or written notice of the time, place and purpose of the hearing shall be given to the child; to his/her parent, guardian or custodian; to his/her GAL, if any; and to his/her counsel. At this hearing all parties present shall present evidence and cross-examine witnesses produced by others to ascertain whether custody is necessary.

b) Adjudicatory Hearing

MISS. CODE ANN. § 43-21-551(1), states that "Unless the hearing is continued upon a showing of good cause or the person who is subject to the cause has admitted the allegations of the petition, an adjudicatory hearing shall be held within ninety (90) calendar days after the filing of the petition to determine whether there is legally sufficient evidence to find that the child is a delinquent child, a child in need of supervision, a neglected child or an abused child. If the adjudicatory hearing is not held within the ninety (90) calendar days, the petition shall be

dismissed with prejudice."

c) Disposition Hearing

MISS. CODE ANN. § 43-21-601(1), states that "If the child has been adjudicated a delinquent child, a child in need of supervision, a neglected child or an abused child the youth court shall immediately set a time and place for a disposition hearing which shall be separate, distinct and subsequent to the adjudicatory hearing. The disposition hearing, however, may be held immediately following the adjudicatory hearing unless a continuance is necessary to allow the parties to prepare for their participation in the proceedings." The judge makes a determination at this hearing whether the child will be returned to the parent(s), legal guardian, or relative or remains in the custody of MDCPS.

d) Permanency Plan, Updating and Review

A child's permanency plan shall be reviewed in a court or administrative case review at least every six months. Foster care reviews shall satisfy this administrative case review requirement. MDCPS will take reasonable steps, including written notice, to ensure the participation of the child, parents, caregivers, and relevant professionals in court or administrative reviews.

MDCPS will take reasonable steps to ensure that a court review, which may be called a review, dispositional, or permanency hearing, is held for each child in foster care custody within 12 months of initial placement, and annually thereafter.

MDCPS shall review all documented exceptions under the federal Adoption and Safe Families Act (ASFA) for children who have spent more than 17 of the previous 22 months in foster care during the child's foster care review.

e) Permanency Hearing

A Permanency Hearing is an official meeting, inside a court or administrative body, for the purpose of determining a child's permanency plan and/or reviewing the sufficiency of the one previously decided upon. Specifically U.S.C. 675 §475(5)(c) defines the purpose as *"...{to} determine the permanency plan for the child...". The purpose of permanency hearings, in general, is to compel a resolution of the case so the child does not remain indefinitely "in the system."*

MISS. CODE ANN. § 43-15-13(5), as amended, and 42 D.S.C.675§ 475(5) (C), provide the following with regard to who holds permanency hearings—"*the youth court or its designee(s) and/or the personnel within the Department of Child Protection Services (MS Code) and "in a family or juvenile court or another court(including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court " (§475(5)(c)*

42 U.S.C. 675, § 475(5)(B) states "*the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by an administrative review*." These reviews may be labeled by the reviewing as a "Six Month Review Hearing", a "Dispositional Hearing" or a "Permanency Hearing", but note - there is a difference between a Permanency Hearing and any other review of the case.

42 U.S.C. 671 § 471provides that the court or administrative body must make a findings of whether or not reasonable efforts have been made to finalize a permanent plan, and MISS. CODE ANN. § 43-15-13(8), maintains that MDCPS' "*first priority shall be to make reasonable efforts to reunify the family when temporary placement of the child occurs or shall request a finding from the court that reasonable efforts are not appropriate or have been unsuccessful*."

determination shall also be made as whether such placement continues to be appropriate and in the best interest of the child.

MDCPS shall provide the youth court with jurisdiction over the child, a detailed up-to-date report on the current status of the child's placement, visitation, permanent plan progress, and service needs.

(1) Purpose of Hearing

"Permanency Hearing" is defined in 42 U.S.C. 675, § 475(5)(C) as being a *"…hearing to be held, in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, no later than 12 months after the date the child is considered to have entered foster care (as determined under subparagraph (F)) (and not less frequently than every 12 months thereafter during the continuation of foster care), which hearing shall determine the permanency plan for the child…*"

After the initial permanency hearing, subsequent permanency hearings must be held no less frequently than every 12 months during the child's continuation in foster care.

(2) Timeline

MISS. CODE ANN. § 43-21-603(7) requires that: "*Once the reasonable efforts [to maintain the child in his/her own home] requirement is bypassed, the court shall have a permanency hearing under Section 43-21-613 within thirty (30) days of the finding*."

MISS. CODE ANN. § 43-21-613(3)(a) requires that: "…*For children who have been adjudicated abused or neglected, the youth court shall conduct a permanency hearing within twelve months after the earlier of (i) an adjudication that the child has been abused or neglected; or (ii) the date of the child's removal from the allegedly abusive or neglected custodian/ parent…*"

And MISS. CODE ANN. § 43-21-613(3)(a)(ii) further requires: "…*that the youth court shall continue to conduct permanency hearings for a child who has been adjudicated abused or neglected at least annually thereafter for as long as the child remains in the custody*…"

A written court order shall result from the review hearing. It must show that a determination was made about the future status of the child, including, but not limited to, whether the child shall:

Be returned to the parent(s),

Shall be continued in foster care for a specified period of time, or

Be placed for adoption.

The Worker must request the Permanency Hearing in MACWIS sixty (60) calendar days prior to the hearing due date.

(3) Who Should Be Invited

MDCPS is directed to invite parents and/or legal guardians, foster, adoptive or relative-care parents, and grandparents to the review hearings, and any proceedings held with respect to the child in foster care pursuant MISS. CODE ANN. § 43-21-603(5) (e). However others who may have "relevant testimony" may be invited:

Child

Parent(s)-birth, legal, putative, primary caretaker, adoptive or Resource

Parents Relatives with legal custody or other custodial adults

Extended family members

Assigned Worker and supervisor

County Prosecuting Attorney

Attorney for the child and/or GAL

Court Appointed Special Advocate

(CASA) Law enforcement officers

Service providers

Other witnesses

Worker's Responsibilities for Hearings and Notification of Hearings

(Some courts require this to be handled differently. It is advisable to check with your court for any local rules that are applicable)

Notification Types include the

following: Telephone Call

Letter

Summons and/or Subpoena

Face-to-face notification

Documentation should be provided to the court by the Worker regarding who provided notice and what type of notification was used.

Termination of Parental Rights

Termination of parental rights (TPR) ends the legal parent-child relationship. TPRs may be effectuated via voluntary relinquishment of rights by the parent(s) or by a judicial finding by the court after parental due process.
After their child(ren) have been placed into MDCPS custody, parents have a six-month period of time to work with the COR and complete an adult FSP for the benefit of the child. If the FSP is not satisfactorily completed within six months and if there are no compelling reasons to extend the FSP, MDCPS may initiate a referral for TPR. (see MISS. CODE ANN. § 43-15-13(3-4)).

According to MISS. CODE ANN. § 43-15-13(4), MDCPS may initiate TPR as follows:

If the conditions in the parents' FSP has not been satisfactorily met,

> *For children under the age of three (3) years, termination of parental rights shall be initiated within six (6) months, unless the department has documented compelling and extraordinary circumstances, and placement in a permanent relative's home, adoptive home or foster/adoptive home within two (2) months; and*
>
> *For children who have been abandoned under the provisions of Section 97-5-1, termination of parental rights shall be initiated within thirty (30) calendar days in an adoptive home shall be initiated without necessity for placement in a foster home.*

But, in any case, per MISS. CODE ANN. § 43-15-13(3), MDCPS shall initiate TPR proceedings: *"For any child who has been in foster care for fifteen (15) of the last twenty-two (22) months regardless of whether the foster care was continuous for all of those twenty-two (22) months…*

The time period starts to run from the date the court makes a finding of abuse and/or neglect or sixty (60) calendar days from when the child was removed from his/her home, whichever is earlier".

The Worker shall inform parents of the following facts:

> The rights and relationships of the birth parents (as well as all other biological relatives) will be legally and completely severed from the child. The parents and extended family will no longer have legal right to talk to, visit or have contact with the child(ren) when parental rights are surrendered.
>
> When adopted the child will legally become a part of a new family.
>
> A voluntary release of the child signed by the birth parents is generally irrevocable.

Parents must be informed of the process MDCPS follows to terminate their parental rights. They must also be informed of their rights to an attorney and be offered a referral to supportive counseling.

If parents voluntarily surrender their rights, they must be asked if they understand the consequences of the surrender. MDCPS may accept a voluntary surrender, regardless of the parent's age (MISS. CODE ANN. § 93-15-103 (2)), unless that parent is *non compis mentis* and/or committed to a psychiatric hospital for the mentally ill or mentally retarded.

a) Legal Basis

MISS. CODE ANN. § 93-15-103 through 93-15-111 provides the procedures and grounds for the TPR.

MISS. CODE ANN. §§ 43-15-13(3) and (4) provides additional circumstances under which TPR may be initiated.

MISS. CODE ANN. § 43-21-121 provides for the appointment of a Guardian Ad Litem (GAL) to protect the interest(s) of the child.

MISS. CODE ANN. § 43-21-121(2) states that "the Guardian Ad Litem shall be appointed by the court when custody is ordered or at the first judicial hearing regarding the case, whichever occurs first".

b) Grounds

The grounds for TPR are based on one or more of the following eight factors which may be found at MISS. CODE ANN. § 93-15-103(3). The following grounds may apply singularly or in combination in any given case:

A parent has deserted without means of identification or abandoned a child as defined in MISS. CODE ANN. § 97-5-1;

A parent has made no contact with a child under the age of three (3) for six (6) months or a child three (3) years of age or older for a period of one (1) year;

A parent has been responsible for a series of abusive incidents concerning one or more children;

When the child has been in the care and custody of a licensed child caring agency or the Department of Child ProtectionServices for at least one (1) year, that agency or the department has made diligent efforts to develop and implement a plan for return of the child to its parents, and:

a. The parent has failed to exercise reasonable available visitation with the child; or

b. The parent, having agreed to a plan to effect placement of the child with the parent, fails to implement the plan so that the child caring agency is unable to return the child to said parent;

The parent exhibits ongoing behavior which would make it impossible to return the child to the parent's care and custody:

Because the parent has a diagnosable condition unlikely to change within a reasonable time such as alcohol or drug addiction, severe mental deficiencies or mental illness, or extreme physical incapacitation, which condition makes the parent unable to assume minimally, acceptable care of the child; or

Because the parent fails to eliminate behavior, identified by the child caring agency or the court, which prevents placement of said child with the parent in spite of diligent efforts of the child caring agency to assist the parent;

When there is an extreme and deep-seated antipathy by the child toward the parent or when there is some other substantial erosion of the relationship between the parent and child which was caused at least in part by the parent's failure to visit or communicate, or prolonged imprisonment; or

When a parent has been **convicted** of any of the following offenses against any child:

Rape of a child (per § 97-3-65).

Sexual Battery of a child (per § 97-3-95(c)).

Touching a child for lustful purposes (per § 97-5-23).

Exploitation of a child (per § 97-5-31).

Felonious Abuse or Battery of a child (per § 97-5-39(2)), or

Carnal Knowledge of step or adopted child or a child of a

cohabitating partner (per § 97-5-41).

g. **Murder**, voluntary manslaughter, aided or abetted, attempted, conspired or solicited to commit such murder or voluntary manslaughter, or a felony assault that results in the serious bodily injury of the surviving child or another child of such parent; or

The child has been **adjudicated** to have been abused or neglected and custody has been transferred from the child's parent(s) for placement pursuant to MISS. CODE ANN. § 43-15-13, and a court of competent jurisdiction has determined that reunification shall not be in the child's best interest.

c) When to Initiate

MDCPS is required to file a petition or join an existing petition to terminate parental rights and concurrently identify, recruit, process, and approve a qualified adoptive family:

When a child has been in custody for six (6) months and the parents or primary caretakers are not completing the FSP, and no compelling reasons to extend the six month time frame for completion of the goals and conditions of the FSP are present. (MISS. CODE ANN. § 43-15-13(4))

When a child (of any age) has been in foster care **15 of the most recent 22 months**, regardless of whether the foster care was continuous during those 22 months. A cumulative method of calculation should be used when a child has had multiple exits and entries into foster care during the 22 month period. Trial home visits and runaway episodes should not be used in calculating the 15 months in foster care. (MISS. CODE ANN. § 43-15-13(3)).

When a court has determined a child to be an abandoned infant, TPR shall be initiated within thirty (30) calendar days. (MISS. CODE ANN. § 43-15-201)

When a parent has been convicted of the following offenses against any child, pursuant to: (i) rape, (ii) sexual battery, (iii) touching for lustful purposes, (iv) exploitation, (v) felonious abuse or battery, (vi) carnal knowledge of a step or adopted child or a child of a cohabitating partner, (vii) murder of a child of such parent, voluntary manslaughter of another child of such parent, aided or abetted, attempted, conspired or solicited to commit such murder or voluntary manslaughter, or a felony assault that results in the serious bodily injury of the surviving child or another child of such parent, or (viii) a court of competent jurisdiction has determined that reunification shall not be in the child's best interest. (MISS. CODE ANN. § 93-15-103).

When the court of jurisdiction orders MDCPS to proceed with TPR. (MISS. CODE ANN. § 93-15-103(3)).

d) Exceptions and Compelling Reasons not to File TPR

MDCPS may choose not to file for TPR if any of the following apply and a court order is obtained:

The child is being cared for by a relative.

Pursuant to 93-15-103(4), "legal custody and guardianship by persons other than the parent as well as other permanent alternatives which end the supervision by the Department of Human Services should be considered as alternatives to the termination of parental rights, and these alternatives should be selected when, in the best interest of the child, parental contacts are desirable and it is possible to secure such placement without termination of parental rights."

MDCPS has documented compelling and extraordinary reason(s) why TPR would NOT be in the best interest of the child.

MDCPS has not provided such services as it deems necessary for the safe reunification of the family (provided reasonable efforts are required to be made at all), or services were not available or accessible. (see 42 U.S.C. 671 § 471)

Compelling and extraordinary reasons may include but are not limited to the following:

As a result of a current assessment, MDCPS has determined that a family setting will not meet the child's needs because of the child's severe emotional, behavioral or psychiatric needs. The case plan shall demonstrate that services have been put in place to address the problems that prevent the child from functioning in a family setting.

The child has a permanent disability which can be managed only with intensive assistance in a specialized setting (such as a residential group care setting, therapeutic foster home, or medical foster home) and

The child's birth parent or other family member continues to be meaningfully involved in planning for the child, or

The parent(s) have made substantial progress in eliminating the problems causing the child's continued placement in foster care and there is a strong likelihood that the child will be able to return home safely with the next six (6) months.

All exceptions for compelling reasons must be approved by the assigned ASWS and the RD, and shall be documented clearly in the case record. Children who have been in care 15 of the last 22 months must have an exception noted or a TPR petition filed no later than the 17th month in care.

e) Worker Responsibilities

The COR Worker shall have the following responsibilities in obtaining TPR:

Make diligent searches to locate the parents; (see "f. Diligent Search" below)

Discuss with the Supervisor the documented evidence and circumstances of the case and the grounds for TPR, and obtain the Supervisor's approval to pursue TPR;

Initiate, through face-to-face contact, a discussion with the parents on voluntary surrender of parental rights, explaining thoroughly what TPR means for them and the child;

Inform the parents of MDCPS's decision to pursue TPR, citing the grounds, documented evidence, and circumstances of the case. This includes the informing parent(s) that even if they are visiting with the child(ren) and are in the process of complying with an FSP for the return of the child(ren), MDCPS is pursuing TPR and intends to obtain a TPR judgment;

Discuss the plan of adoption with the child, gaining the child's input/reaction to the decision to file a petition to TPR, and explain what the process means for the child. This discussion shall be held by the COR and if applicable by the COS;

Document the Adoption Discussion with the child in the Child's FSP under the "Initial/Review" tab in MACWIS.

Submit a TPR referral through MACWIS and a TPR packet to the Supervisor who will submit it to the RD.

The RD will send both an electronic and paper request to the Permanency Unit at the State Office.

The RD will approve the TPR request in MACWIS when the TPR packet is sent to the Permanency Unit.

The Permanency Unit will notify the Attorney General's (AG) office that a TPR packet has been sent.

Review the TPR petition for accuracy.

Sign the affidavit on diligent searches and return, within seven (7) calendar days to the AG's office.

Be knowledgeable of the case being referred for TPR and be prepared to testify in the TPR proceeding. In addition the COS may be called to testify on the case.

After the hearing the Worker will document results of the hearing in the child's case in MACWIS.

File a copy of the Judgment in the child's paper case and forward the document to the Permanency Unit.

When a child's primary permanency goal is established as adoption, MDCPS shall submit a TPR packet to the State Office within 30 calendar days. Within 30 calendar days of receipt of the TPR

packet by the State Office, the State Office shall:

review the packet,

remedy any deficiencies, and

submit a TPR referral to the Office of the Attorney General.

Within 30 calendar days of such referral, the Office of the Attorney General shall either file the petition for TPR or document to MDCPS a legal deficiency preventing timely filing. Within 10 working days of receiving documentation of a legal deficiency, the assigned MDCPS Worker shall document to the Office of the Attorney General the steps to be taken to address the deficiency.

The MDCPS Worker and that Worker's direct supervisor shall meet in person every 30 calendar days thereafter to document progress being made to address the legal deficiency until a TPR referral has been accepted as legally sufficient by the Office of the Attorney General, who shall file the petition for TPR within 30 calendar days.

f) Diligent Searches

MISS. CODE ANN. § 43-15-13(3), states MDCPS "shall make all possible contact with the child's natural parent(s) and any interested relative for the first two (2) months following the child's entry into the foster care system."
Possible sources for diligent searches include, but are not limited to:

Sending correspondence to all previous addresses;

Calling all previous telephone numbers posted in the case file;

Sending letters to General Delivery in a town or city where the Worker believes the parent to be residing but has no specific address;

Contacting motor vehicle registration;

Requesting a record check from local law enforcement;

Writing the State Department of Labor (local Employment Office), if Worker has a social security number;

Contacting prisons and/or state hospitals;

Contacting all known relatives, friends and previous employers;

Checking the telephone directory, county, and city directories;

Contacting utility and telephone companies;

Accessing the State and Federal Parent Locator Service through the Child Support Enforcement Office;

Accessing the Location Services through contact with the local post office;

Making a historical check through MACWIS; and

Utilizing Internet services.

The Worker should document all efforts to locate the **biological father** whose identity is unknown or whose identity is known but whose address is unknown.

g) TPR Packet Checklist

When submitting a TPR packet to the Permanency Unit, these items must include:

Birth certificate of child(ren) which includes the parent's names;

Attested copies of all court orders concerning the child(ren);

Any of Form MDCPS – 459 series, if applicable;

Psychological Evaluation of child(ren), if applicable;

All medical or psychological reports on parents, if available, including necessary medical releases;

Any summaries or court reports prepared on child(ren) or his/her family;

Copies of written parental FSPs, if applicable;

A recent color photograph of child(ren);

State Department of Health Form 913 (original), **with birth records attached**;

If a Form 459 is signed, State Department of Health Forms 914 and 915 (originals) must be included;

Additional items (ex. DNA test results, Social Security Cards);

AG's Office memorandum.

A copy of the completed/signed TPR Checklist shall be filed in the case file.

To prevent delays in processing the information, the county should submit a **complete referral** including all of the items listed above. Upon receipt, a Permanency Unit Worker will:

Date stamp and log the information,

Make the appropriate number of copies,

Set up a case record,

Review the information, and

Prepare a "Data Sheet" for the Director's Advisory Committee on Permanency Planning (DACOPP) members, if applicable.

h) Health Department Form 913

The COR Worker will obtain information for the Health Department form MSDH-913 and other case documentation. This information is used to:

Assess the child's physical and personality characteristics, current development, and special needs;

Determine whether the child's basic needs can best be met in an adoptive placement;

Help in the selection of a family for the child;

Provide information to prospective adoptive parents to assist in making a decision about the adoption of the child;

Provide information about the child and birth parents at the appropriate time;

Satisfy the child's need to know about the birth parents at the appropriate time.

Types of Referrals

a) Court Ordered

A referral may be made in cases where a court has mandated the county office to file a petition or take the necessary action needed to terminate parental rights. This request should be acted on within thirty (30) calendar days. These cases are not reviewed by DACOPP because the court order takes precedence over any DACOPP decision. DACOPP is made aware of these referrals, however, by the Permanency unit.

Some judges order the county office to bypass the state office and submit court ordered TPR referrals directly to the AG's Office. This is acceptable because the county office must comply with the court order. At the same time, the COR must submit a complete TPR referral to the Permanency unit at the State Office to prevent delays in processing.

b) Voluntary Surrender of Parental Rights

This type of referral occurs when all legal, biological and putative parents have signed the form

MDCPS – 459 "Surrender of Child and Written Voluntary Release of Parental Rights". Voluntary Surrender of Parental Rights is permanent and irrevocable except for showings of fraud and/or financial gain, duress or undue influence.

With the Voluntary Surrender, the parent(s) must also sign State Department of Health Form 914 or 915(originals), depending on whether or not the parent wants information about them given to the child when the child reaches adulthood.

If only one parent releases his/her parental rights, the TPR referral will be reviewed by DACOPP to determine if sufficient grounds exist to terminate the parental rights of the other parent. If both parents have signed the MDCPS – 459 "Surrender of Child and Written Voluntary Release of Parental Rights" in the presence of a notary public, the referral will not be reviewed by DACOPP but the Permanency Unit will obtain a legal clearance.

If the parents were not married and there is no court order establishing paternity in the man claiming to be the father or in the man the mother claims to be the father, a TPR hearing must be held for an "Unknown Putative Father" before any legal clearances may be obtained.

The Voluntary Surrender should not be offered to parents who are *non compis mentis* and/or committed to a psychiatric or state hospital.

A parent may sign one or more of the following forms:

MDCPS – 459 "Surrender of Child and Written Voluntary Release of Parental Rights"

This form may not be executed by the birth parents until 72 hours after the birth of a child.

Each parent must sign at least six originals of this form in the presence of the Worker and a notary public.

The originals are distributed as follows:

Originals #1-2 each parent,

Original #3 filed in the case record

Original #4-7 four originals are forwarded to the Permanency Unit along with a complete TPR referral.

Note: Original 459's for each child of each parent must be included in the TPR packet.

MDHS-SS-459A Mother's Statement Naming the Father of Child

This form is signed by the unmarried or married mother whose abandoned husband is not the biological father of the child.

There must be **six originals** of this form signed in the presence of the Worker and a notary public. The originals are distributed as follows:

Original #1 mother

Original #2 filed in the case record

Original #3-6 four originals are forwarded to the Permanency Unit along with a complete TPR referral.

If the named father has not established any rights, the Worker shall give him information about how he can file to establish paternity.

MDHS-SS-459B Mother's Statement about Unknown Father of Child

This form is signed when the Mother cannot identify the biological father. **Six originals** must be signed in the presence of the Worker and notary public. The originals are distributed as follows:

Original #1 mother,

Original #2 filed in the case record

Original #3-6 four originals are forwarded to the Permanency Unit along with a complete TPR referral.

The TPR packet must be forwarded to the Permanency Unit even though both parents have signed the MDCPS – 459 "Surrender of Child and Written Voluntary Release of Parental Rights in the presence of a Notary Public, in order for the Permanency Unit to obtain a legal clearance.

c) Regular Referrals

This type of referral is not court ordered nor have the parents surrendered their rights.

The referral is prepared by the COR after all reasonable and diligent efforts to reunite the child with his/her family or place the child with relatives have failed.

The COR will document efforts to locate parents, if appropriate and identified legal grounds on which to terminate parental rights.

If these actions have taken place, the COR will prepare and submit a TPR referral with all

required items to the Permanency unit. The referral will be reviewed by DACOPP to determine if sufficient grounds exist to terminate the parental rights.

d) Special Referrals

These referrals are considered to be "special" because three circumstances apply:

A child is in custody and;

Both parents are deceased and;

Relatives are not available as placement resources.

This is a special kind of rare situation because both parents are deceased and there are no rights to terminate.

Along with regular TPR referral paperwork, the COR must submit the death certificates of the parents.

In addition, if circumstances dictate, a TPR referral may also be made to TPR an Unknown Putative Father.

e) Rights of the Parents in the TPR Process

Prior to the entry of a Judgment Terminating Parental Rights the parent has a right to:

Receive notice of a hearing on a petition for TPR;

Appear and contest the petition;

Sign and execute a written voluntary release to relinquish parental rights to MDCPS, regardless of the parent's age;

Continue visits with child until TPR is finalized or until court has restricted or discontinued visits due to other factors;

Obtain legal counsel prior to the date for which the TPR hearing is set.

f) Evaluation of TPR Referrals

Evaluation of a TPR referral is conducted by the Permanency Unit TPR Coordinator. Referrals that are not court ordered are reviewed by the (DACOPP). If DACOPP requires additional information, a request will be submitted to the COR. When the review is completed, DACOPP will forward the review sheet and letter to the RD and COR.

The Permanency Unit will adhere to the following TPR procedures:

All TPR referrals are submitted from the COR to the Permanency Unit Director at the State Office;

The TPR referral will be given to the TPR Coordinator who will determine the need for a DACOPP referral before proceeding;

The Permanency Unit Director and TPR Coordinator will review the material in the referral packet for current and correct information before submitting it to the AG's office;

A copy of the TPR packet along with a receipt will be hand delivered to the AG's Office by the Permanency Unit;

The AG's Office will sign the receipt stating that the TPR package was received from the Permanency Unit;

Additional information may be requested by the AG from the COR Worker, Placement Director or MDCPS Director;

The Permanency Unit Director will provide the RD with a copy of any information requested by and sent to the AG's Office;

The Permanency Unit Director will log all out-going and in-coming mail concerning the TPR;

When information comes from the AG's Office it will be logged and sent to the RD to be disbursed to the correct supervisor;

Once the AG's Office drafts an affidavit for the COR Worker to review and correct as needed, the Affidavit will be amended and sent to the Permanency unit Director, who will log then mail it to the RD;

The corrected Affidavit will be hand-delivered to the AG's Office by the Permanency unit;

The Permanency unit Director will review the Petition and sign it as Next of Friend and send a copy to the RD and Director of Field Operation for the log and case file;

The AG will schedule a court date in Chancery Court;

The AG's Office will provide a quarterly docket to the Permanency unit;

The AG's Office will provide the Permanency unit Director a copy of the TPR

Judgment which the Permanency unit Director will send to the RD, and TPR Coordinator. This Judgment is also logged.

g) Attorney General's Office

A Special Assistant Attorney General will draft the petition and send it to the COR Worker and supervisor to review and to make any corrections or additions needed. The Worker should carefully review the petition for accuracy, making sure all the appropriate grounds are included, before routing it to the Placement Director for signature.

During the TPR process, the COR must notify the AG's Office of any changes in the case or with the family. Any questions or concerns must be discussed with the Special Assistant Attorney General handling the case or assigned to the region.

If the petition is correct it should be forwarded immediately to the Placement Director for signature. Within fourteen (14) working days of the COR's receipt of the petition, it must be signed by the RD and returned to the AG's office.

The attorney handling the case will notify the county of the date of the hearing and will help prepare staff for the court appearance. The petition may be presented to the court for adjudication at any time after the expiration of thirty (30) calendar days after process has been received by the respondent(s).

VIII. FISCAL ASPECTS OF FOSTER CARE

A. Board Payment

The "board payment" for foster children is determined by MDCPS dependent upon the appropriation of the Mississippi Legislature. The board rate is based on the age, Supplemental Security Income (SSI) status, or non-SSI disability status, or special needs of the child. The total includes amounts for board, replacement clothing, and child's personal allowance as well as personal items. The amount of the payment made is the same for a licensed and approved relative or kinship foster family home and a licensed or approved non-relative foster home.

Refer to the "Resource Board Payment Schedule."

As soon as the foster child is able to understand, the Worker shall explain to him/her the total amount of the board payment, the breakdown for board, replacement clothing, etc., the amount of any monetary contribution by the parent(s) and the amount of any payment from Social Security, V.A., Court Ordered Child Support, etc.

The board rate terminates the last day of the month the child reaches his/her 20^{th} birthday or 21^{st} birthday if custody is through a Chancery Court Order.

The board payment consists of state and federal money based on a matching formula. The federal funds are derived from Titles IV-E and IV-B of the Social Security Act.

Title IV-E Funds

Title IV-E funds are used for children placed by court order and who meet or would have met AFDC (July 1, 1996) criteria as outlined in Section E, Federal Statute 42 U.S.C.472(a)(3)(A) and 472(a)(3)(B)

Title IV-B Funds

Title IV-B funds are used for children who do not meet the criteria for Title IV-E. These are referred to as CWS funds.

B. Resource Board Payment Schedule (Effective January 1, 2026)

Age/Status	Board	Clothing	Allowance	Board Payment	Daily Per Diem
0-8	$669.88	$80.00	$30.00	$780.00	$26.00
9-15	$768.05	$80.00	$50.00	$898.20	$29.94
16-21	$847.21	$80.00	$60.00	$987.30	$32.91
Special Needs I	$953.57	$80.00	**	$1,033.80	$34.46
Special Needs II	$1,024.27	$80.00	**	$1,104.30	$36.81
Foster Teen Parent	$1,597.83	$160.00	$90.00	$1,767.90	$61.59
*Emergency Shelters	$4,774.20	*	**	$4,774.20	$158.14
Regular Group Homes	$1,181.50	$80.00	**	$1,261.50	$42.05
Therapeutic Resource Home	$5,205.70	$80.00	**	$5,285.70	$176.19
Therapeutic Group Home	$5,687.80	$80.00	**	$5,767.80	$192.26
Related (Sibling) Therapeutic Placement	$1,476.40	$80.00	**	$1,556.40	$47.79

**Personal Allowance shall be based on the age of the child and is included in the total board payment.

Clothing and personal allowances are included in the total board payment. Rates are based on a 30-day month and shall be prorated by per diem. A full month board payment for February will be slightly less and 31-day months will be slightly more. When the board payment is prorated, clothing allowances shall be prorated at the rate of $2.67 per day and personal allowances shall be prorated based on the following:

Ages 0-8 shall be prorated at a rate of $1.00 per day

Ages 9-15 shall be prorated at a rate of $1.67 per day

Ages 16-21 shall be prorated at a rate of $2.00 per day

Foster Teen Parents shall be prorated at a rate of $3.00 per day

*****Emergency Shelters will not be required to provide clothing and personal allowances to children placed in those facilities. Clothing and personal needs will be provided by the County of Responsibility on an as needed basis.

Resource homes must be licensed in order to be eligible for board payment, whether child is placed there prior to home becoming licensed or after home became licensed. Payment will be made only for dates home is appropriately licensed with child placed appropriately therein.

However, if a licensed home pending renewal fails to become licensed timely resulting in license lapsing short-term due to MDCPS staff error or inaction, the County of Responsibility shall make payments to the resource home utilizing county funds until the licensing criteria are met and the license is renewed.

If the amount of the board payment is based on age alone, this amount is determined by the age of the foster child on the first day of the month for which payment is being made; if necessary, an adjustment in the board rate will be made the following month, after the child's 9^{th} or 16^{th} birthday.

Resource homes are not eligible to receive the foster teen parent rate until the child is born, brought home from the hospital and placed in the home with the foster teen parent.

Therapeutic resource/group homes will only receive the therapeutic rate for those children with a therapeutic designation; all others will receive a per diem rate of $47.82 per day. Therefore, if a sibling does not have a therapeutic designation and is placed in the therapeutic home with a sister/brother who has a therapeutic designation in order to place the siblings in the same home, the therapeutic resource/group home will receive the therapeutic rate for only one of the children in the sibling group. If a child is placed with a foster teen parent, the therapeutic rate will only be received for the parent, unless the child has a therapeutic designation.

Payments will be made based on the number of nights a child physically spends in the placement; 12:01a.m. will begin a new day. Board payments will not be paid for the placement from which a child is removed, when temporarily moved to another placement such as a trial home placements, incarceration (jails or detention centers), medical and/or behavioral

institutions, attending college and/or placed on runaway status; nor will payments be made in the event that the home's license lapses (Refer to the board payment exceptions following).

Board Payment Exceptions to Overnight Visit(s) and Temporary Move(s)

When a Resource Home or Residential Facility has committed to the child(ren) returning to their home or facility after an overnight visit, receiving respite, medical and/or behavioral treatment, a placement change in MACWIS will not be required if they meet the following criteria:

If child is on an overnight visit or receiving respite, medical and/or behavioral treatment for 0-3 days (72 hours), prior approval from ASWS and RD shall be obtained in writing through e-mail and documented in MACWIS.

If child is on an overnight visit or receiving respite, medical and/or behavioral treatment for more than 72 hours, but not more than 14 days, and will return to the resource placement or facility, prior approval from ASWS, RD and Field Operations Director shall be obtained in writing through e-mail and documented in MACWIS.

In the event of an extraordinary circumstance concerning a youth in custody, it may be brought to Executive management (Deputy Administrator, MDCPS Director and/or Field Operations Director) for consideration. The extraordinary circumstance shall be staffed with ASWS and RD. Upon staffing, when determined that further review is appropriate, only then will the matter be brought to the attention of MDCPS Executive management for consideration. The extraordinary circumstance and decision shall be obtained in writing through e-mail and documented in MACWIS.

Special Board Rate

Special Needs I

A foster child qualifies for the Special Needs I board payment if the child has:

A mental health or medical diagnosis, and
Applied for SSI and the application is pending or been denied.

Documentation must be submitted to the Permanency Unit in State Office and should include one of the following:

Medical records,

Mental health assessment,

Development assessment,

SSI application or denial letter.

Only current documentation, defined as within the previous six months, will be accepted.

Special Needs II

A foster child qualifies for the Special Needs II board payment rate if the child receives SSI. A copy of the SSI letter that states the child is approved must be submitted to the Eligibility Unit in State Office.

If a child receives SSI, then that child's board payment is reimbursed out of SSI.

Special Note: If a child is IV-E eligible and SSI is denied because of foster care board payment/income and ONLY because of foster care board payment/income, then the child will still qualify for the Special Needs II rate.

Therapeutic Rate

A foster child qualifies for a Therapeutic board payment rate if the child has a DSM-IV Axis I diagnosis. A foster child who has therapeutic needs and has a documented DSM-IV Axis I diagnosis and who is placed in a resource certified by the Department of Mental Health as being a therapeutic placement will be eligible for a therapeutic board rate.

A current Psychological Evaluation, defined as within the previous twelve months, must be submitted to the Permanency Unit in State Office along with a recommendation for therapeutic placement from the referring facility, mental health or medical practitioner.

Medically Fragile

The following standards are guidelines for a child to be determined Medically Fragile: The child has a medical condition or multiple medical diagnoses which:

Are life threatening in nature, or

Require specialized medical care in the home, or

Will require corrective major surgery or recurrent surgeries, or

The prognosis for full recovery is negligible and the child is not expected to ever live independently.

A Medically Fragile child may qualify for the Special Needs I, Special Needs II or Therapeutic rate.

Foster Teen Parent Board Rate

Foster Teen Parents who have children of their own and who are placed in the same foster home or group home as their child are eligible for this rate when the Teen's child is not in the custody of MDCPS.

Contractual Rates

A limited number of placements are available for foster children needing highly specialized therapeutic services.

Placements in these programs require written authorization by the MDCPS Director. Referrals must be made through the proper channels to the Permanency unit utilizing the residential services application located on the MDCPS "P" drive.

C. Child's Own Income

Some foster children may have funds available to them such as Social Security, Veterans Administration, SSI, or parental contributions. These funds may be used to reimburse MDCPS for the foster board payment, but the funds must have been received in the county prior to being considered for reimbursement purposes.

If the child receives less than the board payment, the full amount of the child's benefit shall be applied to the reimbursement.

If the child receives more than the board payment, only the amount of the board payment shall be reimbursed.

However, if a child is placed in a facility that provides contractual residential services, all but $50.00 monthly of the child's own money shall be sent to the **Accounts Receivable Unit in the State Office.** The $50.00 is not part of the board payment. It becomes a part of the child's cash reserve. The check shall be made out to **Treasurer, State of Mississippi.** A check coding memorandum shall be attached to the check each month. The child's cash reserve shall be used to purchase those services needed for the child. The child's income and cash reserve shall be used only for that child. The child's own money shall be used prior to requesting regional or state funds.

Lump Sum Payments

When a child in custody receives a lump sum payment of SSI for past months of eligibility for SSI, the county Worker and bookkeeper should follow the instructions from the Social Security Administration regarding the handling of these monies. In some instances the lump sum amount must be put into a special savings account to be used for needs identified by Social Security.

There are also special restrictions on the transfer of these funds once the child is released from MDCPS custody. Consult the local Social Security Office for clarification on the handling of these payments.

Social Security Benefits

If a child entering foster care receives Social Security benefits or is potentially eligible for benefits, application for those benefits shall be made through the local Social Security Administration office. If eligible, the check shall be sent directly to the COR. When the custody of a child is removed from the county, the Social Security Administration shall be notified.

All foster children who receive Social Security benefits shall be informed about this income, why they receive it, and how it is used.

a) Direct Payment of Social Security Benefits to Child

When the foster child reaches the age of 18 and is still in high school, the Social Security check shall be sent directly to the child rather than to county office. It is important that the Worker plan with the child for this change.

When the competent foster child receiving Social Security benefits reaches the age of 17, the Worker shall discuss with the child the fact that after 18, he/she will begin to receive the check in his/her own name. The year between his/her 17^{th} and 18^{th} birthdays should give the Worker, the child, and the Resource Parents' sufficient time to examine and reach an agreeable plan on how these checks should be handled.

The following options are available:

The child may endorse his/her check and give it to the Worker in the COR. The Worker shall present the check for deposit following the usual bookkeeping procedures.

The child may refuse to release his/her check to MDCPS and may work out an independent financial arrangement with the Resource Parents. The Worker shall inform the child of the benefits he/she would lose under this option, i.e., spending allowance, special clothing needs, medical expenses, etc.

If this option is chosen and agreed to by the Resource Parents, the Worker shall request from the court the release of custody. If the child is placed in foster care by voluntary consent of the natural parent (s), they shall be notified of this decision.

The child may refuse to release his/her check to MDCPS and may elect to become independent. His/her plans shall be discussed and evaluated with him/her thoroughly and frequently during the year.

If the county believes that the 18 year old foster child is not competent to use his/her money wisely, the COR shall apply to the local Social Security office to be made payee of the check. The local Social Security Administration office will explain the documentation necessary for this procedure.

3. Use of Trust Funds

Trust funds of a foster child cannot be used to "supplant or replace public assistance benefits of any city, county, state, federal, or other governmental agency that has legal responsibility to serve persons with disabilities that are the same or similar to the impairments of the beneficiary." Trust funds should be used for costly, extraordinary needs that cannot be met from the usual resources, not for those routine things normally provided for children in the custody of MDCPS.

a) Expenditure of Trust Funds

A written request for expenditure of trust funds shall be submitted through the RD to the MDCPS Director.

The request shall describe the purpose for which the funds will be used, relating it to the purposes described in the "Declaration of Trust" and certifying that the expenditure is necessary to maintain the beneficiary's good health, safety, or welfare.

A committee comprised of the Director of Permanency Unit, the Director of the Division of Administration, and the appropriate RD shall meet to review the request and to make a recommendation.

The committee shall submit their written recommendation to the MDCPS Director. The Director shall forward the recommendation to the Director of Budgets and Accounting, for disbursement of the specified amount of Trust Funds.

b) Termination of Trust

Prior to termination of the custody of a child, the ASWS shall contact the Director of Budgets and Accounting, for the handling of the Trust.

The entire sum of funds in the child's Trust Fund shall only be released for the following reasons:

Child turns age 21.

Child is adopted.

Child is deceased. The Trust Account then goes to the estate.

When a child turns 21 the Worker shall request that the AG's office establish a general guardianship and transfer the Trust to that person in order for SSI eligibility to continue. To do otherwise would jeopardize eligibility since dissolving the Zebley Trust increases resource amount.

c) Special Needs

"Special Needs" refers to the requisites for maintaining the beneficiary's good health, safety, and welfare when they are not being provided by any public agency office, or department of any city, county, or state government, or by any other public or private agency.

The Trustee will set up an account by using a Declaration of Trust. The Declaration grants discretion to the Trustee in disbursing funds to meet the "special needs" of the beneficiary.

4. Child Support

42 U.S.C. 654 § 454 (Title IV-D) and 42 U.S.C. 671 § 471 (Title IV-E) requires the provision of child support services for Title IV-E foster children where appropriate. Child support services are also available to CWS foster children. These services include the establishment of paternity and the obtaining of financial support where appropriate.

MISS. CODE ANN § 43-15-17, provides that, upon court order, the parent(s) are responsible for reimbursing the department for foster care payments made on behalf of his/her child, based upon financial ability to pay, until such time as there is a termination of parental rights regarding the child or the child is adopted.

The Child Support Parent Locator Service shall be utilized to conduct diligent searches for absent/noncustodial parents to promote family preservation or facilitate adoptions.

DNA/Genetic Testing

If a judge orders DNA testing, MDCPS will pay for this testing, when a referral has been submitted to DFO, as noted above.

DNA testing may be arranged, at MDCPS county expense, without the referral to DFO by contacting the DNA Diagnostic Center (DDC).

5. Working Child

Income earned by a foster child in part-time work or full-time work is disregarded by MDCPS as far as any reimbursement to MDCPS for board payment. Workers should counsel with the child on the use of the money, understanding the child's needs to be in control of the money earned. Most foster children will want to meet some of their personal needs, such as dating expenses, entertainment, etc. with their wages. This should be encouraged as well as the need to use some of the wages for clothes, college expenses, savings, etc.

When a foster child works more than 30 hours per week, MDCPS shall determine if the child remains in need of supervision and if he/she should remain in foster care. If foster care is required, the Worker shall counsel with the child regarding his/her plans. The child must understand that his/her status will be determined by the court holding jurisdiction.

Some foster children make financial arrangements with the Resource Parents and remain in the foster home. Others need assistance of the Worker in locating alternative living arrangements.

6. Savings Bonds

Savings bonds may be purchased for the child with his/her own funds. However, the savings bond shall still count as a resource in determining SSI and Medicaid eligibility.

D. School Lunches

"The Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) was enacted on 12/13/10. The Act, in Section 102, amends a key provision of the National School Lunch Act (42 USC 1758) to make any foster child categorically eligible, without the necessity of an application, for free school meals if their 'care and placement is the responsibility (of an agency that administers a state IV-B or IV-E plan)' or if a court has placed (the child) with a caretaker household." Resource Parents shall be informed of this resource. Resource Parents shall protect the confidentiality of the child working directly with a designated school official in completing the application for free lunches.

E. Federal-State Monies

There are some needs of foster children which can be purchased with a combination of state and federal money.

Funds are requested through MACWIS. Refer to Section A for a more detailed discussion. These funds require that expenditures be made only when needs of children are involved. The criteria for use of funds are outlined in this section and shall be followed in the development of a financial plan for a child in custody.

Clothing and Child's Personal Allowance

When no board payment or contractual per diem is being received for a foster child (example – foster child is placed with an unlicensed relative pursuant to Court Order or child is in college, etc.), a clothing and personal allowance shall be provided through other funds available to the county (regional, county fund's child, child's own money, court ordered child support, other). Refer to Section A for a discussion of funding sources.

Foster children have a variety of needs for which MDCPS is responsible. (See Section A "Child Clothing").

Special Allowances

Up to $100.00 per month, if needed, can be given to a foster child who has a special need, that is not met with their board payment or monthly allowance. This is not an allowance that is given to a foster child every month regardless if they have their own funds or not. Written justification should be recorded in the comment box in MACWIS when the service is requested and should state thoroughly what the special allowance is needed for and why it is needed. If a foster child is using the special allowance for a trip, a hand receipt is all that is required. If a special allowance is given to purchase any other items, itemized receipts are required to be returned to the bookkeeper within 10 days. The check should be made payable to the vendor from which the items are being purchased. Issuance of special allowances is a casework decision made by the Worker and approved by the ASWS.

Below are the standardized allowances inclusive of age range and amounts. Christmas and Birthday allowances may be issued in check form to the foster child.

Allowance Guidelines for Child's own funds, County Fund's Child or Regional Funds are listed below.

Initial Clothing	*Amount* Up to – As needed
Ages 0 through 2	$ 100.00

Ages 3 through 6	$ 140.00
Ages 7 through 12	$ 200.00
Ages 13 and over	$ 240.00

Initial clothing is a one-time only service when a child enters custody for the first time. If a child leaves custody and returns to custody, an initial clothing allowance cannot be issued again. If there are extenuating circumstances and a child re-enters custody and is in need of the Initial Clothing Allowance, prior written approval must be obtained from the MDCPS Budget and Financial Planning Unit before the service is entered. All other clothing requests should be requested under Child Clothing.

Christmas Allowance

Ages 0 through 2	30.00
Ages 3 through 5	50.00
Ages 6 through 12	70.00
Ages 13 and over	90.00

Birthday Allowance

Ages 0 through 2	10.00
Ages 3 through 5	15.00
Ages 6 through 12	20.00
Ages 13 and over	25.00

Child Care

Funding may be available through the Child Care and Development Block Grant (CCDBG) for foster care children from birth up to twelve (12) years of age or for special needs foster children up to age eighteen (18).

The state has elected to consider a child in Foster Care as a family of one (1) for the purpose of determining income eligibility. The foster board payment is considered in determining eligibility. The co-payment fee of five dollars ($5.00) will be assessed and paid by the Resource Parents who must be working or in an educational or training program.

A “Referral for Child Care Services/Foster Care” form shall be completed by the respective Worker from MDCPS and sent to the Early Childhood Care and Development (ECCD) who authorizes child care services.

Resource Parents shall not be allowed to reenroll a child with a provider prior to the issuing of a certificate. Workers must inform the ECCD when child care services are to be terminated for foster care children.

Title IV-E funding is also available for child care if the following criteria are met:

The child must be Title IV-E eligible.

The child must be placed in a MDCPS licensed foster family home.

If two Resource Parents, each must work a minimum of 30 hours per week, if a single Resource Parent, he/she must work a minimum of 30 hours per week.

The child care provider must be licensed by the State Department of Health.

The county Worker can arrange to pay for the day care costs of a Title IV-E eligible child who meets the above criteria using regular approval expenditure of funds procedure and reimbursement procedure as with other regional funds expenditures.

3. Family Planning Services

Family Planning information and services shall be a part of every adolescent in foster care's case plan.

On August 22, 1996, President Clinton signed into law the welfare reform bill, Personal Responsibility and Work Opportunity Reconciliation Act, P.L. 104-193. Funds were allocated through this legislation to conduct abstinence education. Two of the stated purposes of this Act were to: 1) Prevent and reduce the incident of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidents of these pregnancies and; 2) Encourage the formation and maintenance of two-parent families.

MDHS Division of Economic Assistance established "Just Wait" Abstinence Unit to address the issue of out-of-wedlock births, teen pregnancy, and other "at risk" behavior of Mississippi's young people. Educational material including video tapes are available through this Unit to be utilized with foster children. Documentation shall be made in child's case regarding services provided by the "Just Wait" program.

The Mississippi State Department of Health provides medical, informational, and educational services through a Family Planning program. MDCPS provides funds through Social Services Block Grant for clients less than 21 years old who are not on Medicaid. The Health Department provides this service for Medicaid eligible teens as well. This service allows teens to delay childbearing until they are physically, emotionally, and economically prepared to have children.

Adolescents in foster care should be referred to the local Health Department for these services. Referral and services provided shall be recorded in the child's case record.

4. Rehabilitation Services

Rehabilitation Services are available to youth (age 18 or in the second semester of their junior year in school) through the Office of Vocational Rehabilitation in the Department of Rehabilitation Services, per federal eligibility criteria and guidelines.

General vocational rehabilitation services include a range of services from diagnosis and evaluation to vocational training and job placement. Additionally, youth eligible for general vocational rehabilitation services might receive assistance with medical and/or health needs, special equipment counseling or other assistance that would enhance employability.

Other specialized vocationally rehabilitation services may also be accessed. The distinguishing difference between eligibility for these specialized services and general vocational rehabilitation services is the youth's vocational potential. Supported employment is specialized vocational rehabilitation service available to youths in the state. The focus group for this service is youth who demonstrate more severe disabilities. Additionally, they are youth who demonstrate that they need ongoing job support to retain employment.

5. Medicaid for Foster Children

The *Social Security Act* and the Mississippi Code allow Medicaid coverage for children in foster care. § 43-13-115(23) regards as potentially eligible, "*Children certified by the Mississippi Department of Human Services for whom the state and county departments of human services have custody and financial responsibility who are in foster care on their eighteenth birthday as reported by the Mississippi Department of Human Services shall be certified Medicaid eligible by the Division of Medicaid until their twenty-first birthday*."

a) Eligibility for Medicaid

All children in the custody of MDCPS are entitled to medical expenses being paid. The primary sources of funding are Medicaid and County/State funds.

Foster children are Medicaid eligible when:

The child receives SSI. The Medicaid benefits are authorized by the Social Security Administration.

The child is eligible for and receiving TANF and/or Medicaid in the home of a parent or relative. The eligibility determination and authorization are handled by the Economic Assistance Staff in the county of residence.

The child meets the following eligibility requirements:

Custody – The child must be in the sole custody of MDCPS.

Resources – The child's own resources shall not exceed $10,000. The MACWIS system will automatically terminate Medicaid if the child's resources exceed $10,000 in any given month. The Worker shall make every effort to maintain the child's resources below the $10,000 requirement. Children who receive SSI Medicaid will not be affected by the $10,000 resource limit; however, SSI has a resource limit of $2,000 which will terminate SSI Medicaid and monetary benefits.

Income – Refer to Section E, "Eligibility" for more information.

b) Effective Date of Eligibility

Medicaid eligibility is retroactive to the first day of the month in which Medicaid eligibility was approved.

c) Identification Card

Children who are eligible for Medicaid will be issued a onetime plastic Medicaid card. The card will be mailed directly to the child's foster home or to the home of the child's relative when the child is in relative placement. When the child is in a facility the card will be mailed to the COR. In the event the child is placed outside his own county, the COR Worker shall be responsible for obtaining the card from the placement and moving the card with the child.

In the event a child going into foster family care needs medical attention and does not yet have his unique number or Medicaid identification card, the ASWS should certify to the physician or medical facility that the child is eligible for Medicaid, explain the situation, and agree to make the identification number available immediately upon its receipt.

d) Duplicate Card

If the Medicaid card is lost, the COR Worker shall request a duplicate Medicaid card from EDS at 1-800-884-3222.

<u>Child Removed from Foster Care</u>

When a child leaves custody, the COR worker shall place a copy of the Medicaid Card in the child's case record for future reference and the Original Card shall be given to the child or parent/guardian.

Some children who are removed from foster care will retain their Medicaid eligibility as TANF recipients. For these special provisions, please refer the case to Economic Assistance.

e) Medicaid Services

Medicaid services for children birth to age 20 (or 21 if by Chancery Court order) are provided if medically necessary. Please call the Department of Medicaid/State Office for specific questions.

f) EPSDT

All foster children shall be referred to EPSDT as a part of Medicaid eligibility.

g) Expanded EPSDT

Expanded EPSDT services are **Prior Authorized** services accessed through a Medicaid "Plan of Care" (POC) Form. A wide range of services may be requested if it is determined to be medically necessary for a child.

Some of the services that may be requested through this program include**:** psychological testing; individual therapy; group therapy; extended number of monthly prescriptions; extended number of annual physician visits; extended number of annual hospital days.

The POC form may be completed by anyone but must be signed by a physician. Processing will take approximately 5-10 working days from the day the EPSDT Unit at Medicaid receives a POC form.

A POC form must be submitted and any disapproval documented before a request for State Funds will be considered.

h) Purchase of Insurance for Foster Children

MISS. CODE ANN., § 43-15-5 provides for MDCPS to purchase "*hospital and medical insurance coverage for those children placed in foster care by the state or local offices of child protection services who are not otherwise eligible for medical assistance under the Mississippi Medicaid Law. [MDCPS] shall be further authorized to purchase burial or life insurance not exceeding One Thousand Five Hundred Dollars ($1,500.00) for those children placed in foster care by the state or local offices of child protection services. All insurance coverage authorized herein may be purchased with <u>any funds, other than state fund,</u> available to [MDCPS], including those funds available to the child which are administered by [MDCPS]".*

The insurance policy should be filed in the child’s record.

IX. INDEPENDENT LIVING SERVICES

Mission Statement

To provide youth and young adults in care with an array of services and resources to prepare them for the transition from foster care to successful adulthood.

The Independent Living Program (ILP) assists adolescents in acquiring basic life skills in their progress toward self-sufficiency. Youth are eligible for Independent Living Services based on the following criteria:

Youth in MDCPS custody age fourteen (14) through twenty-one (21) are eligible to receive Independent living services and participate in Independent living activities.

Youth who leave MDCPS custody at age 18 through 21 are eligible for Aftercare services until the age of 21; and

Youth who leave custody after the age of 21, but who are enrolled in post-secondary educational and vocational programs may be eligible based on the criteria detailed in the **Educational and Training Voucher (ETV) Program** (See Section D Education Voucher (ETV) Program)

Some services are provided through a contractual agreement to include: life skills training, Teen Advisory Board training/meeting facilitation, youth conferences, after care services and other services as appropriate.

Mississippi Band of Choctaw Indian youth are eligible for Independent Living Services based on the same criteria for MDCPS youth in care.

MDCPS Independent Living staff and contract staff shall communicate scheduled Independent Living activities and events to the Mississippi Band of Choctaw Indians' Independent Living Program Coordinator. Changes to policy and services shall be communicated to invite the Mississippi Band of Choctaw Indians participation MDCPS' Independent Living Program and Services.

A. Worker's Responsibility in Providing Independent Living Services

The Worker will have the following responsibilities in providing Independent Living Services:

Shall refer youth age fourteen (14) to Independent Living (IL) contract provider to participate in IL services and activities. IL services provided by the contractor shall

be provided in the County of Service (COS) and/or County of Responsibility (COR).

The COR and/or COS worker shall transport, coordinate transportation and or develop a transportation plan for youth to and from scheduled IL module trainings, Teen Advisory Board Meetings (TAB), retreats, conferences and other IL related activities.

The transportation plan must include who will transport the youth to all of the Independent Living activities. (Note: the transporter may be a Family Protection Worker/Specialist, ASWS, Resource Parent, Group Home Staff, Homemaker, Volunteer/Mentor, Case Aide, Independent Living Specialist, or any designated staff.)

Shall provide each youth transitioning to independence with at least 6 months advance notice of the cessation of any health, financial, or other benefits that will occur at the time of transition.

Each foster youth 14-20 years old, regardless of his/her permanency plan, shall be provided with an opportunity to participate in the creation of an Independent Living service plan for Independent Living in preparation. MDCPS shall provide each eligible

Youth with Independent Living services as set forth in his/her service plan

MDCPS shall ensure that each youth transitioning to independence has available the following:

Adequate living arrangements; o A

source of income;

- o Health care;
- o Independent living stipends;
- o Education and training vouchers;

Resource guide necessary to assist youth in locating and enrolling in educational or vocational programs appropriate to their needs, interests, abilities and goals i.e.; high school or GED programs, colleges or universities, vocational training programs and special education services.

Supply the youth with a list of community resources suitable to meet the youth's future needs.

Ensure that services are provided for the youth to make the transition from foster care to living independently.

Let the youth know that he/she can contact the Worker when needed.

Make sure the youth receives start-up stipend, and any other resources

available through MDCPS.

Document the preparation being made with the youth to help the transition from care to living independently.

MDCPS shall assist youth in obtaining or compiling the following documents and such efforts shall be documented in the child's case record:

An identification card;

A social security or social insurance number;

A resume, when work experience can be described;

A driver's license, when the ability to drive is a goal;

An original copy of the youth's birth certificate;

Religious documents and information;

Documentation of immigration, citizenship, or naturalization, when applicable;

Documentation of tribal eligibility or membership; o

Death certificates when parents are deceased;

A life book or a compilation of personal history and photographs, as appropriate;

A list of known relatives, with relationships, addresses, telephone numbers, and permissions for contacting involved parties;

Previous placement information; and

- Educational records, such as high school diploma or general equivalency diploma, and a list of schools attended, when age-appropriate.

Roles and Responsibilities of the Worker

Ninety (90) calendar days prior to the youth's 14th birthday or within thirty (30) calendar days of entering custody, the COR Worker shall complete the Independent Living assessment and review the "Foster Care Handbook for Youth in Care".

At the first FTM after the youth reaches age 14, an Independent Living Plan shall be developed**,** and updated every ninety (90) days thereafter.

The COR ASWS, COR/COS Worker, Independent Living Specialist, Resource Parents, and Birth Parents/Guardians shall meet to review the Independent Living Assessment and develop an Independent Living

Plan.

The Independent Living Plan must include a description of all programs and services that will help the youth prepare for transition from foster care to Independent Living (IL).

Each Independent Living Plan **must** be completed in MACWIS. The IL Contractor must use the same plan used by MDCPS.

When the youth reaches his/her 14th birthday, the child's FSP **must** include a documented Transitional Living Plan (TLP).

The COR and COS Workers must inform the youth of all Independent Living activities and arrange for participation, including transportation. The transportation plan must include who will transport the youth to all of the Independent Living activities. (Note: the transporter may be a Family Protection Worker/Specialist, ASWS, Resource Parent, Group Home Staff, Homemaker, Volunteer/Mentor, Case Aide, Independent Living Specialist, or any designated staff.)

The COR Worker shall provide recommendations to the Youth Court Judge, during Review Hearings, that identify specific services being provided and services needed to help the youth transition from foster care to living independently.

The COR Worker **must** input the data (life skills modules) sent from the Independent Living Specialist into MACWIS. The data may also include the Worker's assessment of the youth's understanding and ability to apply life skills.

The COR Worker is responsible for carrying out the plan that is established in the youth's FSP.

Roles and Responsibilities of the ASWS

The COR ASWS is responsible for the following:

Assuring the demographics tab in MACWIS is updated every ninety (90) days to reflect updates and changes in contact information, physical address, employment / military status, milestones/achievements in education and special education information (IEP updates).

Communicate all Independent Living announcements, scheduled activities and events to supervised workers.

Assuring the appropriate people participate in the development of the

Independent Living Plan

Reviewing the FSP, ILP and TLP for completeness and

appropriateness Approving FSP in MACWIS

Approving the Independent Living Plan and TLP located under the Independent Living plan icon in MACWIS

Approving Stipends in MACWIS

Approving Retreat/Conference applications in MACWIS

B. Credit Check Policy and Procedure

SEC. 475 [42 U.S.C. 675] 475(5)(I)

Each child in foster care under the responsibility of the State/Tribe who has attained 14 years of age receives without cost a copy of any consumer report (as defined in section 603(d) of the Fair Credit Reporting Act) pertaining to the child each year until the child is discharged from care, and receives assistance (including, when feasible, from any court- appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.

Credit/identity theft checks will be done on all youth in MDCPS' custody beginning at age14 to age 20. Credit/identity theft checks will be obtained annually. All youth at age 14 and over will be asked to sign a written acknowledgement form giving MDCPS permission to submit their personal information to the credit bureau's (Equifax, Experian and Transunion).

A copy of the signed acknowledgement form shall be maintained in the youth's County of Responsibility (COR) case file. Upon receiving the acknowledgement form, the Division of Independent Living will proceed with contacting the three (3) major credit reporting bureaus to obtain a credit report. Once a credit report is received the COR worker will review the report with the youth and maintain a copy in the youth's COR case file. If discrepancies are found on a youth's credit report, the COR worker will follow the resolution protocol to resolve findings. All efforts made to resolve discrepancies will be documented in MACWIS under the Independent Living tab as a narrative.

Resolution Protocol

If there are any inaccuracies found on the youth's credit report, the COR worker will be responsible for the following:

Assist the youth with filing a police report with the local law enforcement agency.

Assist the youth with contacting the three major credit bureaus.

Assist the youth with contacting creditors and financial institutions.

Assist the youth with obtaining legal counsel if needed (The Mississippi Attorney General's office will be contacted).

Assist the youth with contacting Social Security Administration.

Assist the your with filing a complaint with Federal Trade Commission.

For technical assistance workers can contact the Independent Living office at (601) 359-4754.

COR will ensure that resolution protocol has been started to resolve inaccuracies or discrepancies found in youth credit report prior to leaving care.

2. Roles and Responsibility of the Workers (State Office, Front Line and ASWS'S)

An acknowledgement form must be signed by all youth at age 14 to acknowledge that they have been informed that their credit/identity check will be performed to ensure that their credit/identity has not been used.

Upon receiving the consent form, the Division of Independent Living will proceed with contacting the three (3) major credit reporting bureaus to obtain a credit report.

After the credit report is received it will be entered into MACWIS for the COR worker to review with the youth in family team meeting.

For each credit report obtained the COR will have the youth sign an acknowledgement form stating their credit report has been reviewed with them. The original acknowledgement form will be filed in the COR file and a copy will be filed at State Office Independent Living file.

As part of the Foster Care Independence Act (FCIA) of 1999, the Administration for Children and Families (ACF) is required to develop and implement a data collection system to (1) track the independent living services states provide to youth, and (2) develop outcome measures that may be used to assess state performance in operating their independent living programs. The data collection system is called the National Youth in Transition Database (NYTD).

Section 477 (f) of Public Law 106-169 (FCIA), which established the John H. Chafee Foster Care Independence Program, requires ACF to develop a data collection system that can:

A. Track the number and characteristics of youth receiving independent living services,

Track the type and quantity of independent living services provided to the youth by States and

Track State performance on certain outcome measures.

The NYTD collects data on the following three reporting populations:

A. The served population includes all youth who receive an independent living service paid for or provided by the state agency during the reporting period.

The baseline population includes all youth who are in foster care as defined in 45 CFR 1355.20 and reach their 17th birthday during Federal fiscal year (FFY) 2011, and such youth who reach a 17th birthday during every third year thereafter (45 CFR 1356.81 (b)).

The follow-up population includes all youth who reach their 19th and 21st birthday in a Federal fiscal year and who have participated in the data collection as part of the baseline population.

The baseline and follow-up populations will participate in a web based survey to be administered by the state NYTD Coordinator and the Transitional Care Coaches **(contract provider)**. Both populations will be contacted by e-mail, U.S. Mail, and telephone for notification of survey participation.

Role of MDCPS Staff:

National Youth In Transition Database (NYTD)

The MDCPS County of Responsibility (COR) Worker will be responsible for maintaining current and accurate demographic data in MACWIS on youth ages 14 and older. The COR worker will also be responsible for updating Independent Living Plans every 90 days on youth starting at age 14 until he/she is released from MDCPS custody. The COR worker will review/update the following information in MACWIS every 90 days and/or as the demographic information changes:

Date of Birth

Sex

Race

Current Placement

Member of a Federally recognized tribe **(if applicable)**
Educational Level **(Current Grade)**

Special Education Ruling **(if applicable)**

Independent Living Assessment

Academic Support **(GED preparation, GED classes, tutoring, etc...)**

Post-Secondary Educational Support **(Tutoring, ACT/SAT Prep. College application assistance, financial Aid etc…)**

Career Preparation **(Vo Tech, Job Corps, job training programs)**

Identified Mentor

C. Programs and Services

The ILP includes the following services:

1. Independent Living Module Training Workshops

Independent Living Module Training Workshops are based on a nationally recognized curriculum approved by MDCPS. Module Training Workshops are based on assessments, personal contact, the Independent Living Plan and the TLP.

The curriculum contains the following components:

Community Resources and Transportation

Communication Skills and Social Development

Employment

Money Management

Decision Making and Study Skills

Housing, Daily Living Skills

Self-Care

Youth Law issues

Six (6) Training Module Workshops will be held in all thirteen (13) regions one (1) time each contract year. Training Module Workshops will be scheduled and facilitated by Transitional Care Coaches (selected contract provider) beginning October 1st and ending September 30th of each Federal fiscal year.

2. Youth Retreats

Youth Retreats are held throughout the state. Some are open to youth ages 14-15, while others are open to youth ages 16-18. The COR Worker will submit an application for approval in MACWIS for the youth to attend the scheduled Retreat. Overnight Youth Retreats are held each year covering all geographical areas of the state. The purpose of these retreats is to enhance the life skills learned in the Module Training Workshops. Additional life skills include:

Team building

Leadership development

Positive self-expression,

Socialization

Self esteem

Positive values

3. Statewide Youth Conference

A Statewide Youth Conference is held annually to benefit youth from ages 16-21. The purpose of the Youth Conference is to reinforce the life skills presented throughout the year through various activities and motivational speakers. The COR Worker will submit an application for approval in MACWIS for the youth to attend the annual youth conference.

4. Stipends

Stipends are paid for youth's accomplishments and participation in Training Module Workshop. Stipends are discussed more fully under "Stipend Requirements and How to Apply in " D" below.

5. Transitional Independent Living Placements

Transitional Independent Living Placements are available to youth ages 18 through age 21 with approval from the State Independent Living Director or a designee. Youth 17 who have obtained a high school diploma, GED, or Certificate of Completion will also be considered for placement.

6. Quarterly Newsletter

A newsletter that contains information about the ILP is distributed quarterly to youth statewide. Submissions from the youth are encouraged for inclusion in the newsletter.

7. Handbook for Youth in Care

"Handbook for Youth in Care" is available to all youth in the custody who are fourteen (14) or older when entering custody. The Handbook highlights programs, services, brochures, and guidelines for the youth while in care. This Handbook is available through the county where the youth resides. The Handbook shall be reviewed with the youth by the Worker at the time of the Independent Living Assessment.

8. Teen Advisory Board

Teen Advisory Board (TAB) is a youth leadership and advocacy training program coordinated through the Independent Living State Office. Each region is allotted a TAB team consisting of approximately five (5) youth, based on participation and eligibility. No fewer than three (3) youth should represent each region. Participants are nominated by Regional MDCPS and IL contractor staff, and are accepted as participants by the existing TAB membership. TAB members will participate in leadership training activities and active advocacy efforts to improve the foster care experience for all youth in care. TAB participation is voluntary, and will not be used as an inducement or punishment for youth behavior, excepting a decision by the TAB regional team in which a youth participates.

D Stipend Requirement and How to Apply

The Chafee Foster Care Independence Act of 1999 (P.L. 106-169) provides funding for the following stipends:

Pre-Assessment Stipend (Initial)

An initial stipend is available to all youth who complete a Life Skills Pre-Assessment form. This stipend is given only upon initial enrollment in the Independent Living Services.

The Independent Living Specialist will document the completion of the pre-assessment and will notify the COR Worker that it has been completed by the youth. The Worker will submit the stipend request to the Independent Living Coordinator through MACWIS under "State Funds".

Post-Assessment Stipend (Final)

The final stipend is available to all youth who participate in the ILP and complete a Post-Assessment. This stipend is given after completion of the Post-Assessment upon the child being released from custody.

The Independent Living Specialist will document the completion of the post-assessment and will notify the COR Worker that it has been completed by the youth. The Worker will submit the stipend request to the Independent Living Coordinator through MACWIS under "State Funds".

Module Training Workshop Stipend

A stipend can be earned for the completion of one (1) Module Training Workshop .

These training workshops are available through the contract provider. Youth will receive a stipend from the contract provider at the successful completion of a module training workshop.

Youth Retreat Stipend

The Youth Retreat Stipend can be earned for attending a Youth Retreat.

The retreats are planned through the Independent Living contract provider. Transitional Care Coaches will document satisfactory participation in the retreat and will notify the COR Worker. The IL contract provider will issue the retreat stipend to all participating youth at the successful completion of retreat activities.

Youth Conference Stipend

A youth will receive a cash stipend for successful completion of participation in the Annual Youth Conference.

The ILP's private contractor will pay this stipend to the youth at the completion of the conference. (Youth are eligible to receive a Youth Conference Allowance prior to attending the Youth Conference. The allowance will be requested in MACWIS by the COR Worker.)

Newsletter Stipend

A stipend is available to youth who submit an article, poem or other creative writing, a letter to the editor, or an editorial to the State Independent Living Coordinator for consideration for publication in any MDCPS publication.

The youth may send the submission directly to the State Independent Living Coordinator, MDCPS Permanency Unit, the COR/COS Worker who will submit the writing for the youth. The COR Worker will request the stipend in MACWIS and, upon approval, will issue the check directly to the youth.

Personal Enhancement Stipend

The Personal Enhancement Stipend is available to youth that need additional financial assistance with secondary (Middle/High School) educational needs/activities and college prep activities. Secondary educational needs/activities can be defined as, but are not limited to fees/dues for sport/extra-curricular activities, tutoring, GED and ACT/SAT prep. College prep activities including but are not limited to housing fees, college/post –secondary application fees and

college/post-secondary registration fees. A justification letter from the COR worker shall be submitted to the State Independent Living Director for approval.

Senior Year Stipend

A stipend is available to help defray senior/final year expenses for youth receiving a high school diploma, GED or a Certificate of Attendance at the close of the school/program year in which the stipend is requested. The youth shall also be a participant in ILP activities.

This stipend should be requested in MACWIS by the COR Worker under "State Funds" during the youth's senior year. The stipend must be issued to the vendor(s). However, a reimbursement payment may be issued to an individual/party, including the youth, in the event a purchase was previously made but proof of payment was rendered. An itemized receipt must be presented to the COR bookkeeper before a check can be issued.

A statement from the youth's school verifying enrollment, as a senior/final year with anticipated graduation/completion being that same academic/program year, must be filed in the child's case record and documented in MACWIS. Typical senior/final year expenses include: pictures, invitations, cap and gown, prom attire, senior trip expenses. All purchases must be receipted and all receipts kept in the COR office.

High School Graduation Stipend

A Graduation Stipend is available to all youth in custody who receive a high school diploma. A copy of the diploma must be filed in the paper case record in the COR office.
This stipend can be accessed from the appropriate MACWIS screen. This one-time stipend should be issued to the youth as a graduation gift to spend as the youth wishes. A signed receipt from the youth must be sent to the bookkeeper in the COR.

General Education Diploma (GED)/Certificate of Attendance Stipend

A General Equivalency Diploma (GED) Stipend is available to all youth in custody who receive a Certificate of Attendance, or pass the GED. A copy of the certificate or diploma must be filed in the paper case record in the COR office.

This stipend can be accessed from the appropriate MACWIS screen. This one time stipend should be issued to the youth as a gift to spend as the youth wishes. A signed receipt from the youth must be sent to the bookkeeper in the COR.

College Bound Stipend

A College Bound Stipend is available to youth in care who plan to attend a post-secondary education program. This stipend is requested through the appropriate MACWIS screens after the

COR Worker receives verification that the youth has been accepted in a post-educational program.

The stipend must be issued to the vendor(s). A reimbursement payment may be issued to an individual/party, including the youth, in the event a purchase was previously made, but proof of payment was rendered. All purchases must be receipted and given to the COR bookkeeper before a check is issued and all receipts kept in the COR office.

Allowable purchases are items needed to furnish a residence (on or off campus) such as: bedspread, curtains, rugs, refrigerator, microwave, trunk, bookcase, small appliances, computer, furniture items, and books/resource materials.

College Graduation Stipend

A College Graduation Stipend is available for youth until their 21st birthday who complete a two-year community college, four-year college/university or full completion of a vocational program. Upon proof of graduation, this one-time stipend should be requested in MACWIS by the COR Worker and must be given to the bookkeeper in the COR.

Start-Up Stipend

A Start-Up Stipend is available to youth who leave care after turning age sixteen (16) and who have participated in the available ILP activities. The youth must have been in care for a minimum of six (6) months.

This stipend may be requested during the six months prior to release from custody and up to the six months following release from custody.

Youth who have been approved for the Independent Living Placement shall have the option to utilize this one-time stipend upon approval. This stipend must be issued directly to the vendor(s). A reimbursement payment may be issued to an individual/party including the youth in the event a previous purchase was made and proof of payment was rendered. All purchases must be receipted and given to the COR bookkeeper before a check is issued and all receipts kept in the COR office.

Acceptable purchases may include any items associated with the establishment of a home such as: dishes, cooking utensils, appliances, linens, furniture, cleaning supplies, curtains, and rugs.

In addition, a youth released from custody at age 17 or older and already has a job may use a portion of this stipend to assist in the purchase or repair of a vehicle, if the vehicle is needed in the youth's job and as long as the youth already has the minimal essential items needed to live independently. The youth must show proof of having a driver's license and state required liability insurance.

The COR Worker should request this one-time stipend through the appropriate MACWIS screens.

Youth Trainer Stipend

The Youth Trainer Stipend is available to youth participating in Teen Advisory Board activities (TAB). This stipend will be given to youth that attend state level TAB meetings and for youth who co-facilitate Independent Living and Teen Advisory Board trainings. The Independent Living Unit will notify the COR worker of a youths participation in IL and/or TAB trainings/meetings.

Youth from the Mississippi Band of Choctaw Indians are eligible for the above listed stipends. The youth generally reside in the following counties in Mississippi: Attala, Jones, Kemper, Leake, Neshoba, Newton, Scott and Winston.

A Worker who receives a stipend request from a Mississippi Band of Choctaw Indians youth must complete a Case Management service in MACWIS, requesting the appropriate support service for the particular stipend. This request can be entered from the county location in which the youth resides.

Driver's License for Youth in Care

A Resource Parent, a group home administrator who has responsibility of the youth in care, a court-appointed guardian, an employer of the youth or, if there is no guardian or employer, any other responsible person who is willing to assume the financial obligation (liability) imposed under MISS. CODE ANN. § 63-1-25, may choose to sign the application for a drivers' license, unless restricted by a court order. Youth shall be at least age 16, to obtain a driver's license.

A youth who is seventeen (17) years of age or older may sign a license application without an adult's signature but may not drive until he/she is covered by liability insurance.

F Motor Vehicles for Youth in Care

Resource Parents or any other responsible adult may purchase a motor vehicle for a youth in custody unless restricted by a court order. The COR ASWS and Worker must approve of the plan prior to the purchase of a vehicle. That plan must be well documented in MACWIS under the TLP; "Transportation" Radio Button.

G Transitional Living Plan

The Transitional Living Plan (TLP) is a plan documenting how a youth will move from MDCPS custody into other programs or to self-sufficiency.

Within ninety days of the youth's 14^{th} birthday, or within thirty (30) days of coming into custody, the TLP shall be incorporated into the FSP. The COR Worker shall complete on the IL

Plan/TL Plan screen in MACWIS the youth's post-custody living arrangement, means of income, educational/vocational training plans, food and clothing, health care, transportation, access to a mentor/Resource Family, and access to positive peer support.

The IL Plan/TL Plan shall be developed jointly by the COR Worker and ASWS, youth, and IL Specialist. The TLP shall be updated and modified as needed each time the youth's FSP is reviewed and updated. Any tasks that need to be completed in order to accomplish the IL Plan/TL Plan shall be added to the tasks and goals under the FSP.

Twelve (12) months prior to the anticipated release of custody date, the COR Worker and Independent Living Specialist (contractor), youth, and Resource Parent(s) shall meet to determine services needed to assist the youth in preparing for his/her independence. During this meeting, youth shall be notified of any health, financial or other benefits that will cease after case closing.

The COR Worker should be discussing with the youth a range of living arrangements and engage him/her in an evaluation of the risks and benefits of each option. The Worker should also be discussing the availability of affordable healthcare options within the community. Child care options should be discussed with teen parents.

The Worker shall inform all youth transitioning out of care that he/she is eligible for Medicaid through age twenty-one (21). It shall be the Workers responsibility to assist the youth with completing the necessary documents to continue Medicaid services and to ensure he/she has received his/her Medicaid card prior to transitioning out of care. As part of the Exit Interview form and for future reference, the COR Worker will secure from the youth information on how he/she may be contacted upon leaving custody.

H Independent Living Placements

An Independent Living Placement is a placement in an apartment house, or rooming house with supervision from a licensed placement agency. A youth who has attained age 18**,** meets the requirements listed in the "Responsibilities of the Youth" in section I.3. below, and is in the custody of MDCPS will be considered for placement. A youth who has attained age 17, in addition to the above requirements, must obtain a high school diploma, certificate of attendance or GED.

The youth's Worker, ASWS and Independent Living Specialist must recommend this placement to the SAILS Advisory Board before final approval by the Independent Living Coordinator. COR/COS Workers shall collaborate services to support placement. The application is completed by the Independent Living Specialist after consulting with the COR Worker.

Placement Requirements:

Be approved by Youth Court prior to application submission (court order must be attached to application);

Permanency plan shall be Another Planned Permanent Living Arrangement (APPLA);

Be located to provide reasonably convenient access to school, place of employment, and other essential services;

Comply with all fire, sanitation, and safety regulations as determined by MDCPS Licensure Standards as set for Child Placing Agencies;

Be affordable based on the youth's established budget;

Have a transportation plan that has been approved by the ASWS.

Have provisions to allow for a roommate if the conditions are followed as found in "Responsibilities of the Youth" at No. 3 below**.**

h. All requests for Independent Living placements shall be presented to SAILS Advisory Board for consideration;

i. The State Independent Living Coordinator, with the recommendations of the SAILS Advisory Board, approves all Independent Living placements; and

Role of the Child Placing Agency:

a. Sign the lease or rental agreement;

b. Provide a contractual agreement of responsibilities for the youth to sign. This agreement shall be updated as circumstances such as changes in the level of income or work schedule changes;

c. Accept the board payment and disseminate the funds to the landlord for rent and any surplus funds to the youth; and

d. Make on-site visits as directed by the child placing agency policy and in accordance with MDCPS licensing standards for child placing agencies.

Responsibilities of the Youth:

a. Be capable of creating a budget based on income and living within the created budget;

b. Be employed and/or attending school with a plan to meet the needs of his/her budget;

c. Be an active participant and maintain involvement in the

ILP; d.Have a plan to cover the initial expenses;

e. Be willing to sign and comply with a contract from the licensed placing agency, delineating specific rules and requirement. If the contract is not satisfactorily met, the youth must leave the Independent Living Placement Program;

f. Teen parents shall provide verification of completing parenting

classes; and

g. Be willing to allow planned and unplanned visits to the residence by the Worker, the Specialist, the Placement Agency, and other MDCPS staff.

h. Provide assistance to MDCPS Worker to secure necessary documentation.

i. If the youth wishes to live with a roommate(s), the roommate(s) shall:

Be a biological sibling who is also in MDCPS custody;

Be of the same sex, if not biological siblings, and have separate bedrooms;

and

Be presented to the SAILS Advisory Board for approval if the roommate is not in the custody of MDCPS. The SAILS Advisory Board will give consideration of the requests on a case-by-case basis.

Responsibilities of the Worker:

a. Present the placement to Youth Court for approval during a Review/Permanency Hearing.

Change/update the placement in MACWIS to Supervised Independent Living.

Ensure that an adequate living arrangement is in place for every person transitioning to independence and to provide supervised household management practice when possible.

Assist youth in conjunction with the Transitional Care Coach in selecting appropriate housing, avoiding conflict of interest regarding rental property.

Document independent living services received during time of placement on the youth's Independent Living plan.

Locate and approve a mentor for the youth.

Be available to meet with the State Office Independent Living Director

or a designee members and the child placing agency staff.

Enter the appropriate placement information by selecting Supervised Independent Living on the appropriate MACWIS screen after placement has been confirmed.

Ensures that basic resources are in place, including a source of income, affordable health care, access to at least one committed, caring adult, access to cultural supports and access to positive peer support.

Initiate development of an aftercare plan in advance of case closing.

Ensure that children receiving independent living services and/or education and training vouchers and those who are aging out of foster care have information and education about the importance of having a health care power of attorney or health care proxy and to provide the youth with the option to execute such a document.

Document this on the youth's Independent Living Plan/ Assessment and Transitional Living Plan.

Assist each youth aging out or being released from care with updating their healthcare information and removing MDCPS as Power of Attorney. This shall be documented on the youth's TLP.

Give the youth 6 mos. advance notice of the cessation of any health, financial, or other benefits that will occur at time of transition.

Responsibilities of the ASWS:

Approve youth's apartment placement recommendation

Review for approval the application and the appropriate placement information in MACWIS; and

Review for approval the release of the appropriate funds for Independent Living Support Services and Independent Living Placement Services.

I Education and Training Voucher Program (ETV)

The ETV Program is a federal program that provides supplemental resources to meet the *cost of attendance* in post-secondary educational and vocational programs, as defined in the Higher Education Act of 1965, for all youth aging out of custody. This program makes vouchers of up to $5,000 per year available to eligible youth attending post-secondary education.

Additionally, the following individuals will be considered for ETVs:

Youth currently in custody of MDCPS;

Youth who have left custody at the age of 16 years or older, and have not yet reached 21 years of age, must have been in custody for at least six (6) consecutive months after the age of 16;

Youth who were adopted at age 16 and have not yet attained 21 years of age;

Youth who graduate high school, receive a GED, or a certificate of attendance;

Youth who have participated in the ETV Program prior to their 21st birthday in order to continue receiving ETV funds until their 23rd birthday;

Youth must first apply for and have received confirmation from the institution through an award letter to include the Pell Grant, MTAG, scholarships, or other grants, if applicable.

There are fall and spring enrollment periods for all ETV applications. Youth enrolling in school during the fall must have their ETV applications submitted prior to the two week fall approval period. Youth who do not enroll in the fall will be allowed to submit ETV applications prior to the two week spring approval period. Once a youth is approved and enrolled in the ETV program his/her enrollment will be in effect for one year. A new ETV application must be submitted annually.

The amount that a youth attending school full-time may receive is limited to $5,000 which must be utilized during the fiscal year. Part-time students may receive $2,500 per fiscal year. The applicant must use the following criteria:

Be enrolled in an institution of higher education, as defined by the higher education which:

Awards a Bachelor's Degree or is not less than a two-year program (Associate's Degree)

Provides not less than one year of training towards gainful

employment, or;

Provides training for gainful employment through a vocational program that has been in existence for at least two years.

Be in good standing with the college, university or vocational training school;

Be maintaining a grade point average of 2.0 on a 4.0 scale. If the grade point average is below 2.0, the youth has one semester to reestablish a 2.0 grade point average;

Be making progress towards completing the programs they are enrolled in;

Priority will be given to the full time students in the event of ETV funding being depleted during the federal fiscal year.

ETV Approval Process

The COR or COS Worker will coordinate a plan to complete financial aid application/packet with youth (FASFA, MTAG, Institution);

> The youth must first apply for, and have received confirmation or disapproval notices from applications made for the Pell Grant, MTAG, scholarships, or other grants the youth may have applied for. The sources and amounts of any other funds that may be available to the youth must also be considered.

The COR Worker shall notify the State Independent Living Coordinator that ETV funds are needed.

The State Independent Living Coordinator will send the ETV notification to MDCPS Administration Unit Director to ensure the COR has ample State Funds in (MACWIS) for the county to select an ETV Support Service;

The State Independent Living Coordinator will notify by phone or e-mail, the COR Worker to expedite entering the ETV support service request in MACWIS by selecting the ETV Support Service;

The COR Worker will enter the ETV request in MACWIS;

An electronic tickler notice is received by the COR ASWS to review/approve the ETV request in MACWIS;

An electronic tickler notice is sent to the State Independent Living Coordinator;

The State Independent Living Coordinator will review/approve the ETV request in MACWIS;

The ETV tickler will go to the COR bookkeeper to be expedited;

The COR bookkeeper will prepare payment for the approved ETV Support Service provider (vendor or youth).

A Worker who receives an ETV request from a youth out of care and eligible for the ETV program shall complete a case management service in MACWIS and will request the appropriate support service for the ETV voucher. This request can be entered from any county location, regardless of the originating COR.

A reimbursement payment may be issued to an individual/party including the youth in the event a purchase was made and proof of payment was rendered. An itemized receipt must be given to the COR bookkeeper before a check is issued.

The following limitations will apply for ETV fund requests (Note: all require enrollment in school):

Youth may receive a monthly allowance of $150.

Youth may receive a maximum of $750 for computer needs.

Youth may receive a maximum of $1,000 for transportation needs (insurance, repairs, maintenance).

Youth may receive $150 a month toward off campus housing.

All other Cost of Attendance may be requested without limit until the allotted funds are depleted for each child**.**

2. Cost of Attendance

For the purpose of this policy, the term "cost of attendance" means:

Tuition and fees normally assessed a student carrying the same academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study;

An allowance for books, supplies, transportation, and miscellaneous personal expenses, including a reasonable allowance for the documented rental and purchase of a personal computer for a student attending the institution on at least a halftime basis as determined by institution;

An allowance (as determined by the institution) for room and board costs incurred by the student;

An allowance determined by the institution for a student without dependents residing at home with parents;

A standard allowance (determined by the institution) for students without dependents residing in institutionally owned or operated housing based on the amount normally assessed most of its residents for room and board; and

An allowance for all other students based on the expenses reasonably incurred by such students for room and board;

Tuition and fees and an allowance for less than half-time students (as determined by the institution) for only books, supplies and transportation (as determined by the institution) and dependent care expense;

Tuition and fees only for students engaged in a program of study by correspondence and if required, books and supplies, travel, and room and board costs incurred

specifically in fulfilling a required period of residential training;

Tuition and fees only for incarcerated students and, if required, books and supplies;

Reasonable costs for a student enrolled in an academic program in a program of study abroad approved for credit by the student's home institution;

An allowance for a student with one or more dependents, based on the estimated actual expenses incurred for such dependent care and based on the number and age of such dependents;

An allowance (as determined by the institution) for student with a disability, including special services, personal assistance, transportation, equipment, and supplies that are reasonably incurred and not provided for by other assisting agencies;

10. A student receiving all or part of the student's instruction by means of telecommunications technology; no distinction shall be made with respect to the mode of instruction in determining costs;

A student engaged in a work experience under a cooperative education program, an allowance for reasonable costs associated with such employment (as determined by the institution);

A student who receives a loan under this or any other Federal law, or at the option of the institution, a conventional student loan incurred by the student to cover a student's cost of attendance at the institution, an allowance for the actual cost of any loan fee, originated fee, or insurance premium charged to such student or such parent on such loan, or the average cost of any such fee or premium charged by the Secretary, lender, or guaranty agency making or insuring such loan, as the case may be;
or

Note: If expenses related to the student's personal vehicle are not a part of the cost of attendance, they are not allowable expenses under the voucher program.

Institution of Higher Education

General Provisions- Title I (20 U.S.C. 1001 et seq.) is amended to read as follows:
Title I- General Provisions, Part A- Definitions
Sec. 101. General Definition of Institution of Higher Education

A. INSTITUTION OF HIGHER EDUCATION - For purposes of the Higher Education Act, other than title IV, the term institution of higher education' means an educational institution in any State that:

Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

Is legally authorized within such State to provide a program of education beyond secondary education;

Provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree;

Is a public or other nonprofit

institution; and

Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation status by such an agency or association that has been recognized by the Secretary for the granting of pre- accreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

http://www2.ed.gov/policy/highered/leg/hea98/sec101.html

PLANNING FOR CASE CLOSING

A. Developing the Plan:

In developing a plan for case closing when the child is being reunited with his/her family, the COR worker should:

Assess with the family their readiness for the return of the child.

Determine with the family a time frame for return. . This might include longer and more frequent visits to the home by the COR/COS Worker.

Involve the Resource Family to achieve a smooth transition.

Plan with the family for an FTM, identifying those persons who should be invited. Facilitate the FTM in the development of the post-placement plan.

Secure court approval for the return home; inform the Court of the plan of services to support reunification.

Make appropriate referrals and ensure all services will be in place at the appropriate time. When a plan to return a child to his/her home or to a relative, the following shall occur:

A FTM shall be held which shall include:

Assigned Worker,

Worker's ASWS,

Private agency representative,

Resource Parents,

Biological parents or the relative, and

Child

The purpose of the meeting is to develop an aftercare plan that identifies the services necessary to ensure that the conditions, which lead to the child's placement, have been addressed and the child's safety and stability will be assured. MDCPS will take the necessary steps to facilitate access to all services to support the child's or reunification.

B. Service Delivery: (for a minimum of three months)

In overseeing the delivery of required services when the child is reunited with his/her family, the COR worker should:

Provide supportive casework services to the family and the child.

Monitor the provision of services and assess the effectiveness with the family.

Assess with the family the need for other services.

Make appropriate referrals as needed.

Engage family's support network as needed.

Assess with the family their strengths in maintaining stability and the time frame for case closure.

Notify all collaborating service providers, including tribal governments if appropriate.

Inform Court, as appropriate, of plan to close case.

Terminate relationship with family and child.

Close case.

XI. CASE CLOSING AND AFTERCARE

A. Introduction

Although it is sometimes not possible for various reasons, it is always preferable for a child to be removed from foster care through prior planning by the Worker and ASWS.

The child (if age appropriate) and family should be engaged in this planning and be kept informed of the progress toward meeting the established goals in order for the child to leave foster care. After receiving proper approval from the court holding jurisdiction the child may be:

Reunified with Parent or Primary Caregiver (from whom the child was removed); Custody with a relative;

Durable legal custody/guardianship with relative or guardian; Adopted; or

Reached the age of 20.

B. Trial Home Visit

For each child who has a permanency goal of reunification and who is, in fact, placed in the home for the purpose of reunification, MDCPS shall provide, subject to the approval of the youth court, such child with a 90-day trial home visit, unless that child had been in custody for less than ninety (90) days.

During any trial home visit period, a Worker shall meet with the child in the home at least two times per month, and each meeting shall occur without the parent or caretaker present.

C. Approval by ASWS

Prior to any child leaving foster care, except through death or if the child is involved in an unauthorized absence, either by their own actions or actions of others, the COR Worker should discuss the plans with the ASWS. After ASWS approval is obtained, careful planning for the departure shall be implemented.

The ASWS shall be kept informed of each step and additional approval obtained, as necessary, in order to assure a smooth transition.

D. Notification to the Courts

Prior to the actual return or trial return to the parents, the Worker must also seek approval of the court.

The Worker shall request a review hearing with the judge and recommend a trial return home with MDCPS maintaining custody and supervision. The resulting court order shall be filed in the case record.

E. Planning for Youth Age 18 to Leave Custody

If a youth leaves custody after attaining the age of eighteen (18), the following criteria shall be met.

a. Youth has a safe place to live, whether with others or alone.

b. Youth has a means of supporting himself or herself after release.

c. Youth has been notified in writing, at least thirty (30) calendar days in advance, that emancipation will be sought.

d. Youth has a mentor and/or a Resource Family. In such cases, the following steps should be taken:

Worker shall staff with the ASWS and discuss the specific discharge plans. A Review Hearing shall be requested in order to present this placement option to the court. The Worker shall submit a written report to the Youth Court with the following information included:

A detailed explanation of services that will be provided to the child, Resource Family (if applicable), relatives or other support systems identified by MDCPS;

A detailed plan for a 90-day trial placement. During any trial visit period, the COR/COS Worker shall meet with the child in the placement at least two times per month, and each meeting shall occur without the parent or caretaker present.

Before the end of any trial home visit, there shall be a final family team meeting, which shall include the child's Worker, the Worker's ASWS, the child, and the parent or relative assuming custody, to determine the appropriateness of a final discharge.

F. Custody Beyond Age 20

Youth Court jurisdiction terminates when a child reaches age twenty (20) or sooner if determined by the youth court (MISS. CODE ANN., § 43-21-151(2)).
If MDCPS determines the need to retain custody of a child beyond age twenty (20), the COR may petition the Chancery Court for continued custody until the child reaches age 21. This petition
must be filed prior to the child's 20th birthday. MACWIS will send the COR Worker a tickler 60 days prior to the youth's 20th birthday alerting the Worker of potential pending legal action.

Orders of the following type shall be transmitted to the AG's office immediately for handling:

Orders where custody of a child 18 years of age or older was placed with MDCPS without prior Youth Court involvement.

Orders specifying that MDCPS is to maintain custody or oversight of a child on/or

after a child's twentieth birthday.

Any custody order entered by the Chancery Court.

Upon termination of the jurisdiction of the Youth Court, the case record may be closed.

G. Closeout Procedures in MACWIS

In order to close a case in MACWIS, the Worker must complete the Final Case Plan and end all services within 10 days of case closure.

The parents' Final FSP will not be submitted until:

All tasks and goals have been ended and closing evaluation completed;

The assessment updated;

A closing summary narrative has been entered;

and

4) An After Care Planning FTM narrative entered

For "placement" cases, the Worker is also responsible for end-dating custody for each child on the "Legal History" tab in MACWIS. Any ICPC outgoing action must be withdrawn or closed before ending custody and the child cannot have any pending support services or any funds left in his or her account.

The last step on the child's record is to complete the Final FSP which includes end-dating the permanency and concurrent plan**s**, if applicable, and updating necessary tabs.

A child's FSP cannot be closed if eligibility and/or a TPR Request are still pending.

After approving the final FSP, the ASWS should end-date the case in MACWIS using the "Case Assign/Transfer" icon.

On the "narrative" screen in MACWIS, the Worker shall list all documents given to the youth upon discharge from custody.

H. Personal Documents to be Given To A Child/Youth or (Parent/Guardian) Upon Discharge from Custody

Whatever the reason for leaving custody, the Worker shall ensure that the child/youth or parent/guardian receives the following documents:

Birth certificate;

Social Security card;

Identification card or driver's license;

Death certificates, if parents are deceased; and

Documentation of immigration, citizenship, or naturalization, if applicable.

Other documents supplied, at no cost, to the youth/parent/guardian upon discharge from custody should include:

Medicaid card;

Educational documents (including high school diploma or general equivalency diploma and a list of all schools attended);

A resume (if work experience can be described);

Medical/immunization records;

Religious documents and information;

List of known relatives, with relationship, and contact information;

Previous placement information;

Passport;

Any life books compiled during youths stay in custody;

Copy of all court orders;

Photographs; and

Resource guide.

I. Aftercare Services

Aftercare services shall be offered to youth starting at age eighteen (18) to twenty-three (23) through the IL contract provider. COR workers shall complete and submit the Aftercare referral form to the contract Transitional Care Coach in their region Aftercare services provided by the contractor include Independent Living Placements, Emergency Services, Continuing Independent Living/Life Skill assistance, Education assistance, and Mental Health referral.