

**NORTH CAROLINA DIVISION OF SOCIAL SERVICES  
FAMILY SERVICES MANUAL  
VOLUME I: CHILDREN'S SERVICES  
CHAPTER IV: CHILD PLACEMENT**

**CHANGE# 10-2009**

**PLACEMENT DECISION MAKING**

**DECEMBER 2009**

**1201 – CHILD PLACEMENT SERVICES**

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**IV. PLACEMENT DECISION MAKING**

Placement of children in even the best foster homes causes emotional damage from their experiences of grief, loss, anxiety and/or fear caused by the separation from their families and their home. Children's experiences of "home" certainly include their experiences with their parents, but also include their experiences with siblings, friends, pets, house, neighborhood, culture, hiding places, school, play, favorite toys, chores, faith community, and so on. When children are removed from home, they are removed from all of these familiar things. Even if children have been living in a chaotic or violent environment, they may have developed skills to cope with that environment. Placing children in a different home that seems alien to them strips them of everything they know and everything that may have worked to help them survive. Therefore, removal shall not be considered until reasonable efforts are made to meet children's needs for safety and nurture in their own homes, unless no efforts are possible because children are at imminent risk of harm.

**A. MAKING THE DECISION TO REMOVE CHILDREN FROM HOME**

**1. Risk Assessment**

In making decisions about removal or reunification, the safety and health of the child is the paramount concern. The risk assessment process shall guide all decisions about the safety of children in their own homes, the need for removal of children from their homes, and whether it is appropriate to return children to their homes after removal.

The risk assessment process includes:

- the informal, ongoing assessment of risk to a child throughout an agency's involvement with the family by all social workers serving the family; and
- the formal completion of the North Carolina Safety Assessment (DSS-5231), North Carolina Family Risk Assessment of Abuse/Neglect (DSS-5230), North Carolina Family Assessment of Strengths and Needs (DSS-5229), North Carolina Family Risk Reassessment of Abuse/Neglect (DSS-5226) and the North Carolina Family Reunification Assessment (DSS-5227) at the time intervals required by administrative rule and state policy. The risk assessment process shall begin with CPS intake, continues through the CPS Assessment, and is an integral part of the case decision-making process.

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The CPS intake social worker and CPS assessment social worker gather information that, combined with their direct observations of family functioning, provide the basis for an ongoing assessment of the level of risk of continued harm to the child.

Completion of the North Carolina Safety Assessment (DSS-5231), North Carolina Family Risk Assessment of Abuse/Neglect (DSS-5230), and the North Carolina Family Strengths and Needs Assessment (DSS-5229) shall take place prior to the case decision. The Case Decision Summary/Initial Case Plan (DSS-5228) shall be completed at the time of the case decision and serves as the Initial Case Plan. The Initial Case Plan shall contain enough information to:

- determine a suitable plan of intervention; and
- determine what is needed to ensure the removal of the condition, situation, or persons that continue to threaten the safety, health or well being of the child.

The Case Decision Summary/ Initial Case Plan (DSS-5228) must document answers to the following questions:

- Has the maltreatment occurred with frequency and/or is the maltreatment severe?
- Are there current safety issues? Would the child be unsafe in the home where the abuse, neglect or dependency occurred?
- Is the child at risk of future harm?
- Is the child in need of protection?

Documentation must support the answers included on the Case Decision Summary.

Risk reassessments shall be completed when the child remains in the home and CPS In-Home Services are being provided, or the agency has legal custody and the child has not been removed from the home.

The North Carolina Family Risk Reassessment of Abuse/Neglect (DSS-5226) shall be completed at the following intervals when CPS In-Home Services are provided:

- completed at the time of the In Home Service Agreement updates;
- whenever a significant change occurs in the family; and

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- within 30 days prior to case closure.

The North Carolina Family Risk Reassessment of Abuse/Neglect (DSS-5226) shall be completed at the following intervals when the agency has legal custody and the child has not been removed from the home:

- shall track with the required scheduled Permanency Planning Action Team meetings; and
- within 30 days prior to any court hearing or review (if reviews are held frequently, documentation on the North Carolina Family Risk Reassessment of Abuse/Neglect (DSS-5226) form may state that there have been no changes since the last update and that the current information is correct)

The North Carolina Family Risk Reassessment of Abuse/Neglect (DSS-5226) shall be completed when the agency has legal custody and the child has been placed back in the home for a trial home visit and a Permanency Planning Action Team meeting falls within that trial home visit period.

For children coming into the agency's legal custody through delinquency, the North Carolina Family Risk Assessment of Abuse/Neglect (DSS-5230) shall serve as the baseline assessment documentation.

The North Carolina Family Reunification Assessment (DSS-5227) shall be completed when the agency holds legal custody and at least one child is in placement with a goal of return home (reunification). It shall be completed at the following intervals:

- shall track with the required scheduled Permanency Planning Action Team meetings;
- prior to any trial visit;
- prior to any time the child is being considered for a return home; and
- within 30 days prior to any court hearing or review. (If reviews are held frequently, documentation on the Family Reunification Assessment form may state that there have been no changes since the last update and that the current information is correct.)

When reunification is no longer the plan, the Family Reunification Assessment form is no longer required. The decisions about agency intervention, removal, reunification and best interest of the child are based on both the informal, ongoing risk assessment process and the completion of the structured North Carolina Family Assessment of Strengths and Needs (DSS-5229), North Carolina Family Risk Reassessment of Abuse/Neglect (DSS-5226) and the North Carolina Family Reunification Assessment (DSS-5227). All Children's Services social workers must be well trained in the risk assessment process and the use of these decision making and case planning tools.

## 2. **Shared Decision Making**

When it appears that placement out of the home may become necessary to protect the child, the social worker responsible for services to the family shall seek the consultation of other agency staff and the supervisor, unless an emergency situation exists that threatens the child's safety. Such a decision is one that requires more than one point of view. At a minimum, social workers shall seek the approval of their supervisor before removing a child from his/her home. For many agencies, the use of a screening team or multi-disciplinary team is an effective structure for making such decisions. Multiple Response and System of care has taught us that whenever possible, the family's support network should be involved in determining resources within the family who can help to stabilize the family or who can provide appropriate care for the child. A Community Assessment Team and/or a Child and Family Team (CFT) meeting may be used effectively to make decisions regarding removal. Please refer to the Community Assessment Teams information within Chapter IV; Section 1201: Children's Services Yellow Pages (Tools for Enhanced Practice), to Chapter VII - Child and Family Team Meetings for additional information.

When social workers take children into custody in emergency situations, the responsibility to use a shared decision-making process remains. The social worker shall call a team meeting on the next working day following the taking of a child into custody for a review and an evaluation of the decision. At a minimum, the social worker shall seek the approval of the supervisor on the next working day following the taking of a child into custody.

## 3. **Relative Notification**

When the decision has been made to remove a child from parental custody, federal law, (Fostering Connections to Success and Increasing Adoptions Act of 2008, P.L. 110-351) requires agencies to exercise *due diligence* to notify all close adult relatives of a child (including any other adult relatives suggested by the parents) within 30 days of the child's removal from the parent, of their options to participate in the care and placement of the child.

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Notification to relatives is subject to exceptions due to family or domestic violence. The intent of this part of the legislation is to ensure adult relatives of children under the care and supervision of county Departments are given the opportunity and *consideration* to be placement resources and/or to be able to participate in the child's care plan.

For the purpose of this section, *due diligence* means those efforts that are reasonably likely to identify and provide notice to adult relatives and kin suggested by parents, as well as **adult maternal and paternal, grandparents, aunts, uncles, siblings, great grandparents, nieces and nephews.** Efforts include, but are not limited to,

- Interviewing the child and the child's parents or caretakers about the child's relatives and their preferences for placement.
- Using family decision making meetings such as Child and Family Team (CFT) Meetings and Team Decision Making (TDM) Meetings to ask participants to help identify other relatives of the child.
- Contacting identified relatives and requesting names of other relatives, divulging only enough information necessary to help identify additional relatives and assess their interest in accepting placement of the child or providing a connection.
- Accessing internal agency databases such as child welfare and child support
- Utilizing internet based search tools.

This legislation strengthens North Carolina's current laws and policies as they relate to relatives. Relatives are the placement of preference for children in care (N.C.G.S. § 7B-505). Current policy suggests that parents should be asked to help identify relatives and kin who can serve as potential resources for the child (Chapter IV; Section 1201; I; D - Choosing the Best Placement Resource). The agency should work with parents and caretakers to notify relatives/kin they've suggested in addition to pursuing those close relatives that are mandated to receive notification. In keeping with family-centered practice, the agency should inform parents of the requirement to notify relatives beyond those they have identified. Parents may be able to provide necessary background and history of these relatives to assist the agency in determining their suitability. In situations of family or domestic violence, it may not be appropriate to notify such relatives if it is deemed that it would pose a risk to the child or caretaker. If after a thorough assessment of domestic violence, the agency deems that it is not in the child's best interest to contact a relative or kin member then the justification should be thoroughly documented in the case file.

a. **Notification Requirements**

The federal law lists specific requirements that shall be included in the notification to relatives. At a minimum, the relative notification shall:

- specify that the child has been removed from the custody of the parent,
- explain the options the relative has under federal, state, and local law to participate in the care and placement of the child,
- explain the options that may be lost by failing to respond to the notice,
- describe the requirements to become a foster family home,
- describe the services and supports that are available for children in a foster home, and
- describe how the relative guardians of the child may receive kinship guardianship assistance payments, if the agency has elected to offer such payments.

To this end, social workers will find the following suggested tools helpful to provide notice to relatives. The sample "Relative Notification Letter" (DSS-5317) and the "Relative Interest Form" (DSS-5316) should be sent together to identified relatives/kin as they compliment each other. The social worker may include the "Relative Search Information Form" (DSS-5318) tool with the Relative Notification letter to obtain additional relative information. The "Relative Search Information" tool may also be used by the social worker to document relative information for the case file. County Departments may choose an alternate format to notify relatives; however, it must include the minimum criteria listed above to ensure compliance with the federal law.

Although the requirement to notify relatives is within 30 days of the agency assuming legal and physical custody of the child, relative notification is an ongoing process. Social workers should follow up with relatives to discuss their desires and options in becoming resources for children.

Relatives who demonstrate ambivalence should receive support from the agency to assist them in determining their level of interest and commitment. Relatives and kin may be identified or come forward later in the case and should be afforded the same information and notification as those relatives identified earlier in the case.

The agency may also determine that it is appropriate to notify identified relatives/kin prior to assuming legal custody of a child. Social worker skill should be utilized to obtain parental consent to notify relatives prior to the child being removed from parental custody.

**b. Practice Guidance: Decision Making about Intervention and Removal, Reunification, and Best Interest of the Child**

**1. Intervention and Removal**

- The agency's primary responsibility is to **remove risk from children, not children from risk**. Efforts should **focus on maintaining the child in the family when risk can** be reduced to an acceptable level.
- Social workers should evaluate the strengths and needs of the family and the risk of continued harm to the child in the home. The question is not "is the child happy," but rather, "is the child safe?"
- Parental behavior alone does not constitute a basis for continuing intervention or removal. There is a basis for agency intervention only when the parent's behavior causes harm or risk of harm to a child.
- Social workers should consider the situation and its effect on the child before exercising the right to intervene, and most especially the need to remove a child. Social workers should consider the possibility of first reducing the risk of harm to the child through the provision of services in the home. In making the decision whether to remove a child, social workers should evaluate the risk of harm to the child in the home compared to the harm that will be caused by the removal. Harm in this instance refers to safety factors and how the factors impact the child. Harm does not refer to factors such as financial impact, school placement, etc.
- The initial decision to remove the child should be based on whether or not it is safe for the child to remain in the home. Criteria determining safety should be objective and behaviorally specific, and documented on the Safety Assessment, Family Risk Assessment, Case Decision Making Summary/Initial Case Plan, Family Risk Reassessment and Family Reunification Assessment.

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The documentation should include terms which describe specific behaviors and patterns of parental care which have resulted in, or are likely to result in harm to the child.

- Except in emergency situations that threaten the child's safety, the social worker responsible for services to the family shall seek the consultation of other agency staff and the supervisor before removing the child from his/her home. A Child and Family Team (CFT) meeting must be convened when the social worker and supervisor believe the child cannot be maintained safely in his/her own home under current circumstances. If the child's immediate safety is threatened, the social worker must ensure the child's safety first and convene a team meeting as soon as possible (i.e., next working day).
- An agency should intervene involuntarily in families when it determines that the level of care provided by the family is below a minimally sufficient level of care. The minimum sufficient level of care is the level of physical and emotional care that each child must have in order to grow and develop. Safety is the paramount concern. The agency and the Court should remove children when the family cannot or will not improve the level of care, despite services provided, or when the level of care is so far below an acceptable minimum level that the child is in immediate danger. Evaluation of safety should include consideration of cultural practices that, while perhaps different from that of the evaluator, may meet the safety needs of the child.
- Removal of a child from his home has negative consequences for the child, even when necessary to protect the child's safety. Therefore, removal should be approached with great caution. Removal will never be in the child's best interest unless the removal is part of an overall plan, not only for safety but also for a timely, appropriate and permanent resolution.
- All allegations, whether contained in the original report or uncovered during the course of the investigative assessment, shall be documented and addressed and any potential risk to the child shall be thoroughly assessed.

## 2. Reunification

The primary consideration for the child's return home should be whether or not the child can be assured of at least a minimally sufficient level of care. Society can require that parents provide this level of basic care, and the County Department of Social Services has been given the authority to intervene when that level of care is not provided. Conversely, social workers should recognize that personal values can lead them to feel that children deserve the "better" life offered by placement than can ever be provided by the parents. Social workers should be careful that their personal standards do not cloud their professional judgment about removal or decisions about reunification.

Family Preservation Services, if available in the county, are a resource for strengthening the reunification process (please refer to Chapter IV; Section 1201; III - Placement Prevention for more information on Family Preservation Services).

## 3. Effects of Foster Care Placement on Children

Social workers should understand the effects of foster care placement on children and keep these concerns in mind at each decision point in the agency's involvement with the family:

- Grief is a persistent issue for children and families who have been disrupted. Grieving takes energy. For children in placement, the energy they use in grieving takes away from developmentally normal behavior.
- Within functional families, parents help children learn to make choices from available options, helping them to make the connection that each choice affects future choices. When the environment shifts in a seemingly random manner, children feel powerless and without options. Confusion, anger, and alienation can occur.
- Children learn who they are from their experiences within their family and from the continuity provided by their family. Children also learn how to have sustained relationships by being a member of a family. When children lose their connections to their family, they lose a part of themselves, and may begin to doubt that stable relationships are possible.

This increases with each move, whether the move is from foster home to foster home or continuously from parental home to foster home to parental home.

- The development of self-esteem requires a sense of permanency and a sense of identity. Permanency brings a sense of security, belonging, loving, and being loved. It is difficult to develop a positive sense of self in a world that constantly shifts.
- The child's "best interest" is always connected to the goal of permanency. A permanent home assures commitment and continuity in a child's life. Efforts to achieve a permanent home for a child may not succeed, but agencies have the responsibility to search out viable permanency options for every child.

### C. Legal Authority for Placement in Foster Care

A County Department of Social Services has the authority to place a child in foster care only if one of the following situations exists:

- The child has been placed in the legal custody of the Department of Social Services by a court of competent jurisdiction and the court order states that the agency has the authority to determine the most appropriate foster care placement resource;
- The child has no natural guardian or has been abandoned, and has been placed in the custody of the DSS in accordance with N.C.G.S. § 35A-1220;
- The child is made a ward of the Court with the Department of Social Services given placement responsibility and the court order specifies that the child is to be placed in foster care;
- The rights of the parents have been terminated and the agency has been given responsibility by the court to place the child for adoption.
- The County Department of Social Services has accepted voluntary relinquishment of parental rights of one or both parents;

- The agency has accepted a Voluntary Placement Agreement that has been signed by the parent or legal guardian of the child being placed; or
- The agency has accepted a CARS Agreement that has been signed by a child who becomes 18 years of age while in foster care or who has become emancipated while in foster care. Also, a youth who was discharged from agency custody between the ages of 16 and 21 and who, between the ages of 18 and 21, wishes to re-enter DSS placement authority under a CARS agreement shall be allowed to do so under certain conditions (please refer to Chapter IV; Section 1201; VII - Adolescent Services (NC LINKS) for more information).

#### 1. Voluntary Placement Agreements

Voluntary Placement Agreements (VPA) (DSS-1789) **should not be used in cases of abuse or neglect.** A VPA may be appropriate when:

- a parent or guardian is requesting time-limited placement due to a family crisis; or
- the Court orders a parent to arrange for placement for a child adjudicated delinquent or undisciplined.

The agency has the option of accepting Voluntary Placement Agreements. The agreement shall be signed by the agency representative and the parent or guardian. A VPA does not confer on the agency the degree of authority and control that judicially obtained legal custody confers. Because the agreement is voluntary, any party to the agreement may terminate the agreement at any time.

Agencies only have the authority specified in the agreement signed by the parents. Generally, a VPA gives the agency the authority to consent to routine or emergency medical care for the child and to provide food, clothing, medical care and other needed social services. Any additional authority that the parents give to the agency must be specified in the agreement.

Placement of non-emancipated minors made by Voluntary Placement Agreement shall not exceed 90 consecutive days without a court hearing that results in a judicial determination that the placement is in the best interest of the child.

If the VPA is renewed, a petition must be filed and a hearing held prior to the end of the second 90 days. Reviews are not required for emancipated minors or youth over the age of 18 under a CARS agreement.

The agency shall file a petition alleging abuse, neglect or dependency when it determines that an unemancipated minor is at risk of harm.

#### **D. Choosing the Best Placement Resource**

A foster care placement resource shall be chosen for the child that ensures that the child is placed in the least restrictive, most family-like setting available and in close proximity to the parent's home consistent with the safety and best interests, strengths and special needs of the child. Interstate placements shall comply with the Interstate Compact on the Placement of Children (ICPC). Counties are required to:

- Consider in-state and out-of-state options when making reasonable efforts to place the child in accordance with the permanency plan and to finalize the permanency plan.
- Consider in-state and out-of-state permanent placement options at permanency hearings. If a child is in an out-of-state placement at the time of the hearing, the permanency hearing must determine whether the out-of-state foster care placement continues to be appropriate and in the child's best interests

The agency shall arrange for and maintain a single, stable living arrangement for each child based on the needs and attachments of the child. This placement shall be within his community.

A child will be moved only when it is in his best interest and there are clear indicators documented to support the necessity of the move. Documentation shall reflect diligent efforts made to maintain a single placement in the child's community or reasons why this is not possible.

Carefully choosing the best placement resource is critical to the goal of one single, stable, safe foster care placement within the child's own community.

1. **Placement with Relatives and Kin (Kinship Care)**

MRS and System of Care principles instruct County Departments of Social Services to acknowledge and support the importance of the family in meeting the needs of its members. When children cannot be assured safety in their own homes, the best alternative resource can often be found within the extended family and other "kin." Kinship is the **self-defined relationship between two or more people and is based on biological, legal, and/or strong family-like ties**. Most people have loosely structured kinship networks that are available in times of difficulty. Parents and guardians facing the risk of child placement should be given a reasonable opportunity to identify and come together with their kinship network to plan for and provide safety, care, nurture, and supervision for the child. The agency has the responsibility of assessing the suggested resource to assure that the child will receive appropriate care.

Informal kinship care arrangements are commonplace in times of shared crisis for many families. Such arrangements are most effective when other members of the family and community resources provide emotional and tangible support to the care provider. When a DSS becomes involved in a family, informal kinship supports may not exist and the family may be too embarrassed or angry to seek such support. For instance, during a child protective services investigative assessment, a DSS may require the parent to choose and arrange for a temporary placement for their child in order to protect the child from further harm. Agency staff may need to help the temporary care provider locate and develop support and resources needed in caring for the child. In addition, **the agency shall remain involved with the family providing placement and the birth family until the child's ongoing safety is assured and the placement is legally secure or until the DSS files petition for custody**. These informal arrangements are NOT legally secure for the child or for the caregiver.

One critical piece of information for the relative or kin considering taking the child into their home has to do with the potential for adoption should the plan for reunification not be achieved. If the child has never been in the custody of a county DSS before being adopted, Adoption Assistance is not an option.

There have been situations where DSS has been involved with a child and family and the parents place the child with a safety resource and DSS never has custody. If that relative or kin later adopts the child, they cannot receive Adoption Assistance. According to policy, DSS shall not close the case until legal security for the child has been established through reunification with the parents or custody or guardianship to the relative or kin. It is very difficult for relatives to understand that DSS may be involved and not have custody; therefore it is critical because of future implications as described above, that this be made very clear when working with relatives.

At other times, DSS files a petition for abuse or neglect and obtains a non-secure custody order. At the adjudication/disposition, DSS does not ask for custody but recommends custody to the relative or kinship caregiver. Adoption Assistance later would be an option because the child was in the custody of a DSS, though briefly.

In any of these situations, these distinctions are not readily apparent. At the first conversations with relatives or kin about having the child placed with them, either by the parent with DSS involvement, or by the DSS through court order, **it is critical that county Department of Social Services thoroughly consider and have a thorough discussion about all options with the caregiver.**

This should occur during the kinship care assessment, as well as ongoing when changes in the planning occur. In this manner, the relative or kinship caregiver can make informed decisions.

**a. Involvement in Planning**

The agency should help to mobilize the family's kinship network in the process of:

- assessing the risk of harm to the child;
- assessing the resources of the kinship network to eliminate that risk;
- developing a plan for the protection, permanence, and well-being of the child;
- tailoring that plan to the needs, resources, support and desires of the family;

- implementing the plan; and
- evaluating and monitoring the implementation of the plan.<sup>1</sup>

**b. Legal Preference for Placement with Relatives**

County Departments of Social Services shall strive to strengthen and preserve the family. In keeping with Federal law, North Carolina law and policy require that, when a juvenile must be removed from his home, the County DSS Director shall give preference to an adult relative or other kin when determining placement, provided that (1) the placement is assessed by the agency to be in the best interests of the child in terms of both safety and nurture; and (2) the prospective caregiver and the living situation are assessed and determined to meet relevant standards. The Juvenile Court is required to ask at each hearing, including non-secure custody, adjudication, disposition, review, and permanency planning, whether or not a relative is willing and able to provide proper care and supervision for the child and, if so, to order placement with that relative if the home is assessed to be appropriate. See the Instructions for Kinship Care Assessment form ([DSS-5204ins](#)).

When relatives and/or other kin are identified as potential caregivers for children at risk, the agency shall assess the suitability of those resources. Kinship care may be considered as the primary plan and/or as an alternative permanent plan if the primary plan is found to be inappropriate.

The social worker should, therefore, address the issue of available and appropriate relatives in each court report, including the results of assessments of those relatives.

When necessary and appropriate to the needs of the child, the agency shall make efforts to provide or procure reasonable assistance to help families and kin meet assessment and/or licensing standards so that they can provide care for the child.

<sup>1</sup>James P. Gleeson, Ph.D., [Achieving Permanency for Children in Kinship Foster Care](#). Jane Addams College of Social Work, University of Illinois at Chicago. 1995. Handout distributed to Annual Conference for the National Association of State Foster Care Managers, page 11.

When possible, child support should be paid directly to the caregiver, involving IV-D Child Support Enforcement as needed. Potential caregivers shall be informed of available agency resources, such as child-only Work First grants, subsidized guardianship assistance<sup>2</sup>, medical coverage, day care, and food stamps. When needed, families shall also be informed of any available community resources for free or low-cost clothing or furniture, minor home repairs, or other such incidental needs that may unnecessarily prohibit their being approved to provide care for children. If the kinship caregiver wishes to be licensed as a foster parent, the agency is required to determine whether or not the family meets state licensing requirements<sup>3</sup>, thus enabling them to receive foster care assistance payments, Medicaid, and other benefits. Since foster care placement, even with licensed relatives, is not a permanent plan, the kinship care providers should be assessed for their interest and ability to adopt the child or to assume guardianship or legal custody.

**c. Utilizing the Family's Own Resources**

Often agencies emphasize the importance of publicly supported helping systems (e.g. mental health, schools, social services, juvenile justice) over that of informal systems such as the extended family, kin, the spiritual community and other community resources. By doing so, they frequently overburden the formal systems while missing an opportunity to involve people who can better address many family needs.

System of Care and the family centered principles of partnership expect that Social workers should use the resources of the formal child welfare system to **strengthen and support** rather than **replace** the informal system.<sup>4</sup>

Whether licensed as a foster home or not, kinship care providers should be valued and treated as partners with the birth family and the agency.

<sup>2</sup> Available only in N.C. County Departments of Social Services that chose this option for service.

<sup>3</sup> Miller v. Youakim, 440 U.S. 125 (1979)

<sup>4</sup> Gleeson, *Ibid.*, page 13.

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This includes notifying relatives providing care for a child of any court review or hearing to be held about the child and of their opportunity to be heard in court. Social workers should receive additional training regarding the development of collaborative working relationships with kin.

Children who have been abused or neglected do not respond appropriately to corporal punishment, since often they have already experienced and survived extreme discipline from their parents. Kinship care providers may not be aware of the impact of abuse, and may be reluctant to agree to a non-corporal punishment policy. The agency shall discuss and formalize a child-specific alternative discipline plan for children in agency custody.

Social workers should use family-centered practice tools, such as Child and Family Team meetings which focus on a mutual sharing of information among agency staff, other professionals, the family, and their kinship network. Families, along with their kinship network, should be fully involved in the decision-making process from the point of initiation of services so that the resources and wisdom of the family and its culture can be tapped. The family's understanding incorporates an historical perspective of the problems faced by the family, as well as their efforts to remedy those problems. They are in a position to confront the problems and to help provide realistic supports needed to help the child and his/her family of origin move toward healing.

Child and Family Team meetings provides a model for engaging the kinship network at the earliest stages of agency involvement.

The agency aligns with the members of the kinship network and shares responsibility for planning. This model helps the family, their relatives, and other kin to take ownership of the family's needs, to bring their own resources to address those needs, to reduce the likelihood of child placement outside the kinship network, and to provide a system of benevolent oversight to the family's progress in the resolution of their issues.

Child and Family Team meetings takes this model a step further by disengaging the agency and other professionals from the family meeting after a period of information sharing about the issues that led to agency involvement. The family then assumes responsibility for developing and writing the plan. While the DSS maintains "veto power" regarding approval of the plan devised by the family, agencies that have adopted the model report that the large majority of these plans are approved. In addition, since the family resources are engaged first, unnecessary and unwanted agency resources are not wasted. Please refer to Chapter VII - Child and Family Team Meetings or the Community Assessment Teams information within Chapter IV; Section 1201; Children's Services Yellow Pages (Tools for Enhanced Practice), to for additional information.

**d. Kinship Care Assessment: Licensure and Approval**

In order to maximize the possibility of a positive kinship placement, a thorough assessment shall be conducted to evaluate the suitability of the placement (please refer to the Instructions for Kinship Care Assessment DSS-5204ins.) It is critical that the agency develop and nurture staff sensitivity to the unique issues that are present when relatives and other kin are assessed for their suitability to parent children. Assessment should be based on an understanding of the kinship family's culture and community, child rearing approaches, and family dynamics, and should focus on the ability of the family to meet the immediate and ongoing needs of the child.<sup>5</sup>

If a placement is determined to be suitable for the care and nurturing of the child, but the home cannot meet all foster care licensing requirements, the agency may submit justification for a waiver to the Section Chief of Children's Services, Division of Social Services.

In North Carolina, many licensure requirements may be considered for waiver if approval is in the best interest of the child(ren); if the health, safety and protection of the child is assured, and if the local agency recommends that the waiver(s) be granted.

<sup>5</sup> Child Welfare League of America., Kinship Care: A Natural Bridge, 1994, Washington, D.C. p.44.

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At this time there are no waivers for training requirements, for well inspection requirements, or for placement of outside toilet facilities. Any relative or other kinship caregiver should be licensed as a foster parent if they want to be licensed and meet licensing requirements.

In addition to completing the initial and comprehensive assessment, agency staff shall maintain sufficient contact with the kinship care provider and the child to assure that the basic physical and emotional needs of the child are being met and that the care provider is receiving adequate informal and formal support to meet those needs. Whether or not the home is licensed as a foster home, social workers shall have face-to-face contact with the kinship caregiver at least once within the first week of placement and at least monthly thereafter.

If the agency has custody or CPS involvement with the child and has sanctioned placement with a non-licensed relative, services should be provided to assure that the kinship caregiver has the best chance of meeting the child's needs for physical and emotional security. Whether or not the agency has custody, kinship caregivers may need agency supportive services. Some services that are frequently requested by caregivers are:

- "grandparent" support groups open to all kinship caregivers regardless of age;
- legal assistance in obtaining permission to enroll the child in school, to obtain medical attention or to obtain legal custody or guardianship;
- assistance negotiating the social services system to get approved for food stamps, Work First grants, Medicaid or state supported insurance coverage for the child, child support, or day care services; and
- information and referral services to connect with informal and formal service providers in the local community.

## 2. Non-Relative Placement Resources

If a relative cannot be identified as an appropriate placement resource for the child, a foster care placement resource shall be chosen for the child that ensures that the child is placed in the least restrictive, most family-like setting available and in close proximity to the parent's home consistent with the best interests and special needs of the child.

Foster care placement resources shall be carefully evaluated and prepared prior to placement to help assure that the child will remain in that placement until reunification or other permanent home is achieved. Every child deserves one single, stable foster care placement within his/her own community. If the agency is relieved of reunification efforts, the foster family is frequently the first alternative for permanent placement through adoption. Concurrent planning requires that the agency develop a viable alternative permanency plan that can be implemented if the primary plan is determined to be inappropriate (please refer to the Concurrent Permanency Planning information found within Chapter IV; Section 1201; Children's Services Yellow Pages (Tools for Enhanced Practice) for additional information).

### a. Foster Care Placement Resources Include:

- A foster family home or group home supervised by the County Department of Social Services and licensed by the N.C. Department of Health and Human Services;
- A child-caring institution, which is licensed or approved by the N.C. Department of Health and Human Services and that is in compliance with Title VI of the Civil Rights Act;
- A foster care facility that is under the auspices of a licensed or approved private child care or child placing agency. Such foster care facilities must be licensed by the N.C. Department of Health and Human Services and be in compliance with Title VI of the Civil Rights Act;
- A foster care facility that is licensed by the N.C. Department of Health and Human Services as a public or private group home and that is in compliance with Title VI of the Civil Rights Act;

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- A foster care facility located in another state. The child's placement must have been approved in compliance with the Interstate Compact on the Placement of Children (ICPC). The other state must agree to supervise the child and the facility must be in compliance with Title VI of the Civil Rights Act and must be licensed or approved by that state;
- A therapeutic home that is a residential facility primarily located in a private residence that provides professionally trained parent substitutes and is licensed by the N.C. Department of Health and Human Services;
- A licensed residential treatment facility that provides a structured living environment for children and adolescents who are primarily mentally ill and who may also be multi-handicapped and for whom removal from the home is essential to procure appropriate treatment;
- A licensed residential therapeutic camp that is a residential treatment facility provided in a camping environment which is designed to help individuals develop behavior control, coping skills, self-esteem, and interpersonal skills; or
- A school or institution operated by the N.C. Department of Health and Human Services;
- An unlicensed home, including the home of a relative, that is approved by the court and designated in the court order.

In order to have a readily available pool of foster family resources, County Departments of Social Services must have a current recruitment plan for recruiting foster families that reflect the ethnic and racial diversity of children in need of foster homes in their county. The strengths of foster families in meeting the needs of children should be clearly documented in order to select a foster family for a specific child that can best meet that child's needs.

Agencies may also recruit foster/adopt families (also called permanency planning foster families) that are willing to work as partners with the agency and birth family during case planning for a child in their care and to consider becoming the permanent placement resource for the child if reunification fails.

**b. Special Considerations for Children Under Twelve Years of Age**

Placement of children under 12 years of age in group care should only be considered after other less restrictive and/or more family-like options have been seriously pursued. Residential/group care should only be used when it clearly meets the well-being needs of the child and no other family setting is available for that child. NC's goal is for every child to be placed in a family setting **and** to have the opportunity to remain in their own community.

In addition, the Federal Child and Family Services Review assesses (in Permanency Outcome 2) the states performance in (1) placing children in foster care in close proximity to their parents and close relatives; (2) placing siblings together; (3) ensuring frequent visitation between children and their parents and siblings in foster care; (4) preserving connections of children in foster care with extended family, community, cultural heritage, religion and schools; (5) seeking relatives as potential placement resources; and (6) promoting the relationship between children and their parents while the children are in foster care.

There appears to be two general issues given as reasons for placing children under twelve in group care. They are: 1) Keeping siblings together. 2) Meeting the specific needs of the child. In many of these placements, a sibling group may in reality not be placed together at all, but rather in different cottages that may not even be close together. It is important to consider the specifics of the situation when placing children in group care. Children should not be placed in residential/group care unless there is a clear need to do so, based on the specific needs of the child.

It is especially concerning when children are placed in group home care solely due to a lack of available foster homes. When this is the case, the county should develop a plan to address the need for recruiting and licensing new foster homes and to support and maintain current foster homes.

### 3. Siblings

Siblings shall be placed together, whenever possible, unless contrary to the child's developmental, treatment or safety needs. Through the eyes of the child, it is traumatic to be removed from parents and home. To be separated from siblings adds to the impact of loss and trauma. When siblings are able to remain together in an out of home placement, there can be a greater sense of continuity of family. Frequently, older children will have had some responsibilities for caring for younger siblings when in their own home, and they may feel worried and protective regarding these siblings if separated from them. Likewise, the younger siblings may have looked to their older siblings for comfort and guidance.

Because it is important to place siblings together, the agency shall recruit and prepare foster families who are willing to take sibling groups. Foster families need special preparation regarding issues of sibling relationships among children in foster care, as well as the impact of separation and loss on those relationships.

There are times when it is not in the child's best interest to be placed with siblings because of each child's developmental, treatment, and/or safety needs. In some situations, for example, children may be endangered by unsupervised contact with their more aggressive or sexually active sibling.

When this is this case, it is the responsibility of the agency to provide for frequent supervised or unsupervised visitation and ongoing contact for the siblings in order to maintain their ties to one another. Social workers shall document the basis for the decision not to place siblings together.

**E. SPECIAL LEGAL CONSIDERATIONS IN PLACEMENT DECISION MAKING**

**1. Multiethnic Placement Act of 1994 and Amendment (MEPA-IEP)**

All state and county agencies that use federal funds must comply with the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of 1996 (MEPA-IEP). The Multiethnic Placement Act is designed to “prevent discrimination in the placement of children in foster care and adoption on the basis of race, color, or national origin; decrease the length of time that children wait to be adopted; and facilitate the identification and recruitment of foster and adoptive parents.” The Act prohibits states or agencies that receive federal funds from delaying or denying the placement of any child on the basis of race, color, or national origin. Further, **any** consideration of race or ethnicity must be done in the context of individualized needs of the child, with the rationale specifically documented in the placement record. An agency may not rely on generalizations about the needs of children of a particular race or ethnicity, or on generalizations about the abilities of prospective parents of one race or ethnicity to care for a child of another race or ethnicity. Any violation of MEPA-IEP will be deemed a violation of Title VI of the Civil Rights Act.

Every agency must have a recruitment plan to comply with MEPA-IEP. The major thrust of MEPA's recruitment requirements is that agencies provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State or county for whom foster and adoptive homes are needed. Federal guidelines specifically call for a thorough recruitment effort that includes both general and targeted campaigns and encompasses the following features:

- Prospective foster and adoptive families throughout the community should be supplied with information regarding waiting children, the adoption process, and supports available to foster and adoptive families.

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- All community members should be reached through a general media campaign such as radio, television, and print.
- Information should be disseminated to targeted communities through community organizations such as churches or other religious institutions.
- Agencies should enhance their ability to reach various populations by developing partnerships with groups from the communities from which foster children come “to help identify and support potential foster and adoptive families and to conduct activities which make the waiting children more visible.”

To comply with MEPA’s “diligent efforts requirements,” each county’s recruitment plan must include the above-listed features. In addition, each plan must also include the following information:

- A description of the characteristics of foster and adoptive children in the custody of the agency (e.g. age, race, time in care, special needs, etc.);
- Specific strategies to reach all parts of the community (as reflected in the demographics of the foster care population);
- Diverse methods of disseminating general and child specific information;
- Strategies for assuring that all prospective parents have equitable access to the preparation and selection process and the location and hours of services that facilitate access by all members of the community;
- Strategies for training foster and adoptive staff in cultural, racial and economic diversity and dealing with linguistic barriers;
- Assurance of non-discrimination in any fee structures;

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- Procedures for ensuring a timely search for prospective parents for a waiting child, including the use of exchanges and other inter-agency efforts, provided that such procedures ensure that placement of a child in an appropriate household is not delayed by the search for a same race or ethnic placement; and
- Assurance that the agency does not use any "arbitrary or unnecessary" standards (such as those related to age, income, education, or housing situation) which exclude groups of prospective parents on the basis of race, color, or national origin.

The primary purpose of the Multiethnic Placement Act is to find permanent homes for foster children on a timely basis. The best strategy for full compliance with the Act is a comprehensive recruitment strategy that targets the general public and also specifically targets those communities that reflect the racial and ethnic diversity of your foster care population.

All state and county agencies using federal Title IV-E funds must comply with MEPA as amended by the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996. The amendment requires that race, culture or ethnicity may not be used as the basis for any denial of placement, nor may such factors be used as a reason to delay any foster or adoptive placement. Agencies, therefore, are prohibited from delaying or denying foster and adoptive placements on the basis of race, color or national origin.

MEPA-IEP specifically provides that it has no effect on the Indian Child Welfare Act of 1978.

## **2. Indian Child Welfare Act of 1978**

The Indian Child Welfare Act of 1978 established nationwide procedures for the handling of Indian child placements and authorized the establishment of Indian child and family service programs. The act requires specific actions on behalf of a child who is a member of a federally recognized Indian Tribe, Aleuts, or members of certain native Alaskan villagers. Whenever it is suspected that a child may fit into any of these populations, the procedures outlined in this Act shall be followed.

a. **Definition of Terms in This Act**

**Indian:** An Indian is defined as any person who is a member of an Indian tribe, or who is an Alaskan Native and a member of a Regional Corporation, as defined in the Alaska Native Claims Settlement Act.

**Indian Child:** An Indian child means any unmarried person who is under 18 and is either (a) a member of an Indian tribe; or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. Tribes determine their own standards for membership eligibility.

**Indian Tribe:** Any Indian tribe, band, nation, or other organized group of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan Native villager as defined in section 3(c) of the Alaska Native Claims Settlement Act.

**Indian Child's Tribe:** An Indian child's tribe is defined as (a) the Indian tribe in which an Indian child is a member or eligible for membership or (b) in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the most significant contacts.

**Indian Reservation:** Indian country as defined in Section 1151 of Title 18, United States Code and any lands, not covered under such section, title to which is either held by the United States in trust for any Indian tribe or individual subject to a restriction by the United States against alienation.

The Act applies to Indian child custody proceedings and includes:

- foster care placement, when the parent or custodian cannot have the child returned on demand (as in Voluntary Placement Agreements), but where parental rights have not been terminated;
- in termination of parental rights proceedings;

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- in pre-adoptive and adoptive placements; and
- proceedings regarding juvenile court assigned custody or guardianship of the person of the juvenile.

The Act does not apply to a placement based on an act which, if committed by an adult would be deemed a crime (as in any situation in which a child was adjudicated delinquent and placed in foster care or a group home), or upon an award, in a divorce proceeding, of custody to one of the parents.

The only Federally recognized tribal grounds in North Carolina are those of the Eastern Band of the Cherokee. Cherokee Family Services is the agency of the Eastern Band of the Cherokee that handles the cases that involve the Indian Child Welfare act. Barbara Jones is the director of Cherokee Family Services. If there is belief that the child is a Cherokee Indian child, you can contact Cherokee Family Services at P.O. Box 507 Cherokee, North Carolina 28719, (828)-497-6092. They can assist in checking with the enrollment office to determine whether the child is an "Indian child." If the child is an "Indian child," then Cherokee Family Services will be the representative of the Tribe that will be involved in the case. Members of other federally recognized tribes live and work in North Carolina and are afforded the protections of this Act. The Bureau of Indian Affairs (BIA) has a listing updated each year of the appropriate tribal person to receive questions about membership and ICWA proceedings <http://www.doi.gov/bia/>.

**b. State Recognized Tribes**

While the Indian Child Welfare Act only protects members of federally recognized tribes, children in state recognized tribes merit similar consideration. N.C.G.S. § 143B-139.5A was enacted in 2001 to support collaboration between the Division of Social Services, the NC Directors of Social Services Association and the Commission of Indian Affairs.

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The goal of this legislation is to create relationships so tribes can receive reasonable notice when Indian children are placed in foster care or for adoption, recruitment of North Carolina Indians as foster and adoptive parents can be increased, and training on Indian culture and history can be provided to social workers and foster and adoptive parents. It is important to remember that the Multi Ethnic Placement Act applies to the placement of Indian children who are not covered by ICWA. When considering placement for any Indian child, every effort should be made to involve the tribal community in planning for the child in a setting that reflects his or her Indian culture.

The North Carolina Commission of Indian Affairs (919-789-5900) is a good resource for counties who are working with Indian children and families. The Commission can help in regard to local tribes and can also facilitate contact with tribal leadership for tribes located in other parts of the country. Many North Carolina Indians are members of state recognized tribes:

- Coharie Tribe (Harnett and Sampson Counties);
- The Haliwa-Saponi Tribe (Halifax and Warren Counties);
- The Lumbee Tribe of North Carolina (Hoke, Robeson and Scotland Counties);
- The Meherrin Indian Tribe (Hertford County);
- Occaneechi Band of Saponi Nation (Alamance and Orange Counties);
- Sappony (Person County); and
- Waccamaw-Siouan Development Association (Bladen and Columbus).

Organizations:

- The Cumberland County Association for Indian People (Fayetteville);

- The Guilford Native American Association (Greensboro);
- Metrolina Native American Association (Charlotte); and
- Triangle Native American Society (Raleigh)  
Contact Information is available at  
<http://www.doa.state.nc.us/cia/tribesorg.htm>

c. **Procedures**

**Nothing in the Indian Child Welfare Act shall be construed as preventing the emergency removal of an Indian child in order to prevent imminent physical damage or harm to that child. Therefore, if a social worker believes that a child is in imminent danger, the same procedures are followed as in any other emergency removal.**

The ICWA specifies that tribal courts have exclusive jurisdiction of children who reside on the reservation. If the child is a ward of a tribal court, but does not reside on a reservation, the jurisdiction of the case must be transferred to the tribal court. In any action leading to a foster care placement or in any termination of parental rights action affecting an Indian child who does not reside on the reservation, the parents, guardian or custodian of the child may petition for transfer of jurisdiction to a tribal court.

At any time during proceedings of a foster care placement, the Indian custodian and Indian tribe have the right to intervene in the proceedings at any time. Tribal courts have the same authority as any State court and any decisions made by them that follow the ICWA guidelines have the effect of any other court decision.

As in any other proceedings, the parents of the child must be notified of the pending foster care proceedings. However, the parent, Indian custodian and Indian tribe must be informed by registered mail, return receipt requested, of the proceedings and of their right to intervene at any point in the proceedings. The notice must include the following information:

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- the name of the Indian child and tribal affiliation;
- name and address of the petitioner and petitioner's attorney;
- location, mailing address and telephone number of the court;
- statement of right of Indian custodian and tribe to intervene and petition for transfer to tribal court;
- statement that if the parent or Indian custodian is unable to afford counsel, the court will appoint counsel;
- statement that the parent, custodian or tribe may request 20 days to prepare for the proceeding;
- statement of the potential legal consequences of an adjudication on future custodial rights of the parent or Indian custodian; and
- a statement that the proceeding is confidential and should not be revealed except to authorized tribal members.

Parents and Indian custodians have the right to a court appointed lawyer in custody proceedings whenever indigence is a factor and the court may also appoint an attorney for the child to ensure that his/her interests are protected.

If the agency is unable to locate the parent, Indian custodian, or cannot determine the Indian tribe, then the agency must notify the Secretary of the Bureau of Indian Affairs at the appropriate office by registered mail, return receipt requested, of the child's pending court proceedings. There is no provision for service by publication. The Secretary has fifteen (15) days after receipt of this notice to inform the parent, Indian custodian and Indian tribe of the foster care proceedings. Under ICWA, "parent" does not include the unwed father where paternity has not been acknowledged or established.

For NC proceedings, BIA notice should be sent to Gloria York, Indian Child Welfare Services, BIA Regional Office, 545 Marriot Drive, Suite 700, Nashville, TN 37214 (615) 564-6740. The BIA Eastern Region stretches from Maine to Florida and west to eastern Oklahoma. Parents have 10 days beyond the 15 day period before any foster care proceeding can take place. However, the parent, Indian custodian or the tribe may request and be granted up to a 20 day extension to prepare for the proceedings. Thus DSS may have to ask the court to continue a 7-day or other hearing to comply with ICWA. If ICWA requirements are not met, the tribe, Indian custodian or parent can move to vacate the proceeding and begin again.

**d. Special Provisions**

Though procedures for obtaining legal custody and placement responsibility of an Indian child are similar to those regarding any other child, there are some major differences. For instance, all agencies must demonstrate to the court that "active" efforts were made to maintain the child in his/her own home. In the case of an Indian child, the agency must also specifically detail what remedial efforts and rehabilitative programs were provided to the family to keep it intact and how these efforts were unsuccessful. These are efforts that take into account the social and cultural conditions of the tribe and use the resources of the extended family, tribe and Indian social service agencies. Thus, active efforts can be more extensive than reasonable efforts. In addition, the agency must prove by clear and convincing evidence that staying in the home would **result in serious emotional or physical damage** to the child. That finding must be based on testimony from a "qualified expert witness" who is, in priority order;

- (1) a member of the child's tribe recognized by tribe knowledge in tribal custom,
- (2) a lay expert witness with substantial experience in the delivery of family services to Indians and knowledge of tribal child rearing practices, or

- (3) a professional person having substantial educational and experience in his specialty. The BIA can assist in identifying a qualified expert witness, if requested to do so by a party or the court. If foster care placement is to be made using State laws, each party to the case has the right to examine the documents filed with the court which serve as the basis of a decision by the court. In addition, the agency must demonstrate that it has offered remedial services to maintain the child with the family and that these efforts have failed.

**e. Choosing a Placement**

Whenever placement is contemplated for a child who may be eligible for the Indian Child Welfare Act, the placement must be the least restrictive setting which most approximates a family and in which his special needs, if any, may be met. The child must also be placed within reasonable proximity to his or her home. Placement resources for the child should be chosen based on the following preferences:

- a member of the Indian child's kinship network;
- a foster home licensed, approved, or specified by the Indian child's tribe;
- an Indian foster home licensed or approved by an authorized non-Indian
- licensing authority; or
- an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

Good cause to deviate from these preferences exists if the parents or child "of sufficient age" so request or the extraordinary needs of the child require another placement or no families meeting the preference criteria can be found after a diligent search.

These procedures pertain to initial foster care placements of Indian children. The Act contains other procedures relating to termination of parental rights and adoption.

**f. Voluntary Placement Agreements under the ICWA**

For children that fall under the special provisions of the Indian Child Welfare Act, Voluntary Placement Agreements (DSS-1789) between the agency and parent or guardian have additional requirements.

A Voluntary Placement Agreement will not be considered valid unless the agreement is signed before a judge of competent jurisdiction and is accompanied by a judge's certificate stating that the terms and conditions of the agreement were fully explained and understood by the parent or Indian custodian of the child. The certificate must also state that the parent or Indian custodian had the agreement explained either in English or through an interpreter in a language that the parent or Indian custodian understood.

Any consent given prior to or within ten (10) days of the birth of the Indian child shall not be valid. At any time that the parent or Indian custodian of the child requests that the child be returned, the agency must return the child as in any other Voluntary Placement Agreement. If the agency feels that the child would be harmed, then it must petition the Court ensuring that all of the rights and duties of an agency are followed in relation to the Indian child.

**g. Termination of Parental Rights**

To terminate parental rights, the state court must make the same findings as previously discussed, using expert testimony, but the likelihood of damage must be established **beyond a reasonable doubt**. For a case example where a county DSS terminated the parental rights on an Indian child following both NC and ICWA requirements, see In Re: Bluebird, 105 NC App 42 (1992). Absent good cause to the contrary, the child must be placed for adoption with a member of his extended family, other members of his tribe or other Indian families.

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**NOTE:** An excellent resource tool known as the Indian Child Welfare Act Compliance Checklist (DSS-5291) is available on the forms website to assist with navigating the many procedures to comply with ICWA.

Attachment 1 – Sample Notice to the Bureau of Indian Affairs, Sample Notice of Inquiry, and Sample Notice of Placement Change