

CHAPTER V – JURISDICTION IN CHILD WELFARE

CHANGE # 1-2016

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VI. FOSTER CARE

- A. **Child Placement Policies Regardless of Whether One or More County Child Welfare Agencies Are Involved**
- 1.) Nothing in this section alters the requirements for the delivery of services when a county has placement responsibility of a child. Please refer to 1201 Child Placement Services (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-10/man/>) for a full discussion of the relevant policies. The following policies are required, and if fulfilling these policies involves more than one county child welfare agency, it is the responsibility of the involved county child welfare agencies to work together to identify which county child welfare agency will conduct the activities.
  - 2.) When removal from the home is required, the county child welfare agency shall assess whether any relatives are willing and able to care for the child. The county child welfare agency shall evaluate if such placement would be in the child's best interest.
  - 3.) When temporary custody (12 or 24 hours) is initiated, the county child welfare agency shall document compliance with the following requirements:
    - (a.) that the child would have been endangered if the social worker first had to obtain a court order;
    - (b.) that the child was returned to the parents or persons from whom the child was removed unless a petition or motion for review was filed and an order for secure or non-secure custody was obtained;
    - (c.) that the parents were notified that they could be with the child while the court determined the need for secure or non-secure custody.
  - 4.) Any juvenile petition initiated by a county child welfare agency, by which a child comes into agency custody or placement responsibility, shall allege all of the conditions that would invoke jurisdiction.
  - 5.) Upon filing a juvenile petition, a non-secure order should only be requested when a child is at imminent risk. A hearing shall be held within 7 days when a child is removed from home by a non-secure order and may be postponed for no more than 10 business days with the parent's consent.
  - 6.) The non-secure order shall give specific sanction for a placement other than a licensed placement provider.

- 7.) When the initial placement is with relatives or other non-licensed persons, documentation shall show that the agency assessed the placement resource before making the placement. If continuing placement is recommended or planned with a non-licensed relative or other non-licensed person, the county child welfare agency shall conduct a thorough assessment of the placement provider. This assessment shall be documented on the Initial Kinship Care Assessment form.
- 8.) The county child welfare 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 the child's own community. A child will be moved only when it is in his or her best interests 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.
- 9.) Siblings shall be placed together whenever possible, unless contrary to the child's developmental, treatment, or safety needs.

**B. Providing Services When There are No Other Counties Involved**

- 1.) When a new CPS report is received
  - (a.) Any allegation and/or incident that meets the legal definitions of child abuse, neglect, and/or dependency received at any time during the course of Child Placement Services shall be documented as a new report. At the conclusion of the CPS Assessment, all of the information gathered during the fact finding process shall be incorporated into one case decision **and** one DSS-5104 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5104.pdf>). **All required structured assessments shall be completed.** All individuals making reports shall receive the required notices.
- 2.) When the parents move to another county

When the parents move to another county and the transfer of the case is being considered, take into consideration the following:

  - (a.) When the permanent plan for the child is reunification
    - (i.) With whom is the child being reunified and where does he or she reside?

For example, if a child is placed with a grandparent and the plan remains reunification, it may be in the best interest of the child and the family to transfer the case to the county child welfare agency where the parents reside.

- (b.) When reunification with the parent is no longer the goal or does not appear likely
    - (i.) If the grandmother is a likely candidate for permanency, it may be in the best interest of the family for the case to remain with the child welfare agency in the county where the child and grandmother reside.
  - (c.) The transfer of court cases is discussed in **VII** (Venue) of this Section.
  - (d.) Whenever the county child welfare agency who has placement responsibility for the child needs assistance from another county child welfare agency to make contacts, provide supervision, or conduct an assessment, the staff and their respective supervisors will discuss the case either face-to-face or by conference call and jointly determine the activities, timeframes, documentation required, and communication expectations.
- 3.) When a child who is in the custody of a county child welfare agency is placed with unlicensed relatives or fictive kin and the relatives or fictive kin move to another county
- (a.) Once notified that the placement relative will be moving to another county, the county child welfare agency with custody and placement responsibility shall immediately contact the child welfare agency in the county where the relatives or fictive kin will be relocating. The county child welfare agency with custody and placement authority shall request an updated kinship care assessment.
  - (b.) The new county child welfare agency shall complete a new kinship care assessment within five (5) business days.
  - (c.) A new DSS-1797 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf>) shall be completed and returned to the county child welfare agency with custody and placement responsibility.

### **C. Providing Services When Multiple Counties are Involved**

- 1.) Placement of a child out of county
- (a.) Although it is policy and best practice to place a child within his or her own county and his or her own community, it is sometimes necessary to place the child with an unlicensed relative or other court-approved resource. When a child is placed out of the county with a relative or other court-approved resource:
    - (i.) Prior notice to the other county child welfare agency of the impending placement is required. A child shall not be placed in

- another county without prior notification to that county child welfare agency.
- (ii.) In cases that the county with legal custody of the child desires to place the child in a kinship placement in another county at the time of removal, the county child welfare agency with legal custody of the child shall make a request to the county child welfare agency where the potential kinship care provider resides for an initial kinship assessment and criminal history check of the potential placement providers. This shall be completed prior to the placement of the child. The county child welfare agency conducting the kinship assessment shall complete the initial kinship care assessment and criminal history check within one (1) business day. If the initial kinship care assessment or criminal history check documents safety concerns about the proposed placement, placement of the child shall not occur.
- (iii.) If the results of the initial kinship care assessment and criminal record check are favorable, the county child welfare agency with legal custody of the child has responsibility for quarterly face-to-face contacts with the child and placement resource. The county child welfare agency where the kinship care placement is located will follow up with the comprehensive kinship care assessment, will provide any required contacts, and will provide documentation of contacts to the placing county child welfare agency on a monthly basis.
- (iv.) The county child welfare agency that has legal custody of the child shall send all pertinent documentation regarding the child to the county child welfare agency where the placement provider resides within five (5) business days. Documentation shall include case narrative, copies of the juvenile petition, non-secure custody court order, structured decision making assessments, and the Family Services Agreement.
- (v.) If the court in the county assuming custody of the child orders immediate placement with a relative or fictive kin in the other county upon issuance of the non-secure custody court order, the county child welfare agency obtaining custody of the child shall immediately notify the county child welfare agency where the placement provider resides.
- (vi.) Whenever possible, there should be careful planning for placement of a child with a relative or fictive kin. It may be that the child is already in a placement with a relative or fictive kin who may be a potential placement resource and resides in another

- county. When there is more time for assessment, the county child welfare agency with legal custody should request a Safety Assessment, Kinship Care Assessment (both initial and comprehensive), and any home study that is requested by its court. These assessments must be completed prior to placement of the child.
- (vii.) The instructions for completing the kinship care assessments are contained in the DSS-5204ins Instructions for Kinship Care Assessment (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5204ins.pdf>).
- (viii.) The DSS-1797 Inter-County Agreement on the Placement of Children (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf>), shall be completed at the time of placement. The DSS-1797 assists county child welfare agencies with the determination of responsibilities while the child is in that placement. The agreement should also indicate the timeframes for the sharing of documentation. The DSS-1797 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf>) shall also describe what should happen should the placement disrupt. If the DSS-1797 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf>) is not completed and signed, the placement of the child shall not occur.
- (ix.) If a placement with relative or fictive kin disrupts, the county child welfare agency that has legal custody of the child is responsible for making other placement arrangements for the child.
- (b.) There are times when the best placement for a child in the custody and placement authority of a county child welfare agency is a licensed family foster home, therapeutic family foster home, group home, or institution located in another county. The DSS-1797 Inter-County Agreement on the Placement of Children (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf>), shall be completed at the time of placement. The DSS-1797 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf>) assists county child welfare agencies with the determination of responsibilities while the child is in that placement. The agreement should also indicate the timeframes for the sharing of documentation.
- (c.) The social worker shall have face-to-face contact with the child at least monthly. The county child welfare agency shall have more frequent contact when indicated by the child's needs. The need for less frequent contact must be documented in writing and the documentation should include the level of contact expected. The county child welfare agency where the placement resource is located may serve as the monthly contact for the child's resident county.

- (d.) There shall be monthly contact with the placement provider in reference to the child's needs and progress, which shall be documented in the child's record. Documentation shall reflect diligent efforts made to contact.
  - (e.) In cases where a contractual party is conducting the required contacts, the county child welfare agency shall request regular status reports and have face-to-face contact with the child at least once a quarter, or there shall be documentation to reflect efforts made or rationale for not making the contact.
- 2.) Collaboration among county child welfare agencies in out of home placement cases

Collaboration among all county child welfare agencies involved in a child placement case is essential to providing continuity and stability for children and families during the times they most need it. County child welfare agencies must facilitate the transfer of information about the family from one to the other in a timely manner. A thorough transfer of information between social workers is critical. A complete and effective transfer of information facilitates continuity of services for the child and family. Sharing information also helps the child placement social worker in developing a timely Out-of-Home Family Services Agreement for the family and a parallel legal plan for achieving safety and permanency for the child within one year. All information previously obtained about the family and a history of the agency's involvement with the family must be thoroughly documented in the case record and effectively transferred from one social worker to the next.

Social workers may even overlap or share services to the child and family before, during, and after a transfer of a case from one county child welfare agency to the other. Whenever a child placement case is transferred, a transitional face-to-face visit with the child and his or her placement resource should be planned with both social workers present to allow for the child and placement resource to be introduced to the new social worker. This same kind of face-to-face meeting should be arranged with the child's birth family if the plan continues to be reunification in order for the family to be introduced to the new social worker.

Through the use of the DSS-1797 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf>), county child welfare agencies will negotiate who makes contacts with the respective individuals in their counties, and who documents or completes various pieces of the required tools.