South Carolina Department of Social Services
Human Services Policy and Procedure Manual

CHAPTER 5, Foster Care & Permanency Planning
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500. Introduction to Foster Care

The Foster Care Program of the South Carolina Department of Social Services is centered on three primary purposes: child safety, legal permanency, and child wellbeing.

All children have the right to be safe and secure in their daily lives. To this end, the agency is committed to providing thorough investigative services when informed of potential abuse and neglect. When such investigation uncovers risk or safety concerns, the agency shall make reasonable efforts to maintain children in their original homes while providing the appropriate services to ameliorate the risk or safety issues. However, in cases where a child can no longer be safely maintained in his or her home, the agency will coordinate with law enforcement or the courts to place them in foster care. For the duration of the child's stay in foster care and, in some cases, during the child's transition out of foster care, the agency will make every effort to meet the child's needs and keep them safe from harm.

Immediately upon a child's placement in foster care, the agency will begin planning and making efforts to move the child back toward the stability and security of a permanent and loving family. Foster care is intended to be a temporary intervention, and the agency will make reasonable efforts to finalize the child's permanency plan in a timely and appropriate manner. Unless statutory exceptions exist, the initial plan shall always be reunification with the parent(s) or guardian(s). If reunification in a timely manner does not seem possible, the agency shall seek to finalize a permanent family through adoption or court-ordered custody or guardianship. In rare circumstances where the permanency plans described above are inappropriate, the agency shall seek to arrange Another Planned Permanent Living Arrangement (APPLA) with a person who is permanently committed to the child. The agency shall involve and engage the child's biological family and other kin whenever possible to provide a permanent home through one of the legal mechanisms above. If the agency is unable to find and provide a permanent home by the time the child reaches the age of 18, the agency shall offer the child the option of voluntarily remaining in foster care placement until the age of 21.

While the agency works to provide a permanent family for the child, the agency is committed to providing a living situation for the child in which the child can thrive. To accomplish this, the agency will provide the child with case planning and management that is diligent, comprehensive, and trauma-informed.

The agency shall accomplish the three purposes set forth above through familycentered, trauma-sensitive, and non-discriminatory practice. At all opportunities, the agency shall collaborate with other stakeholders and agencies that serve a child to assist them in serving that child's best interests. Such stakeholders shall include, but not be limited to, the courts, the child's guardian *ad litem*, law enforcement, foster placements, mental health providers, child advocacy centers, placement providers, the Department of Juvenile Justice, and other service providers.

REFERENCES:

Legal Citations:

Multi-Ethnic Placement Act & Interethnic Adoption Provisions

- 42 U.S.C.A. § 671(a)(18): general mandates
- 42 U.S.C.A. § 622(b)(7): diligent recruitment
- 42 U.S.C.A. § 674 & 45 C.F.R. § 1355.38: enforcement
- 42 U.S.C.A. § 1996b: Title VI violations
- 42 U.S.C.A. § 2000a et seq.: Title VI of the Civil Rights Act

The Americans with Disabilities Act

- 29 U.S.C.A. § 794: Section 504 of the Rehabilitation Act of 1973
- 29 U.S.C.A. § 705(20)-(21): Section 504 definition of disability
- 42 U.S.C.A. § 12102: ADA definition of disability
- 42 U.S.C.A. § 12103: ADA definition of auxiliary aids and services
- 42 U.S.C.A. §§ 12131-12134: ADA Title II, Public Services
- 42 U.S.C.A. §§ 12181-12189: ADA Title III, Public Accommodations
- 28 C.F.R. § 35.101 et seq.: ADA Title II regulations
- 28 C.F.R. § 36.101 et seq.: ADA Title IV regulations
- 28 C.F.R. § 42.501 et seq.: Section 504 DOJ regulations
- 45 C.F.R. § 84.1 et seq.: Section 504 DHHS regulations

42 U.S.C.A. § 675(8): federal child definition
S.C. Code Ann. § 63-7-10: state purposes
S.C. Code Ann. § 63-7-20(3): state child definition
Reasonable Efforts

- 42 U.S.C.A. § 671(a)(15): federal requirements

- S.C. Code Ann. § 63-7-720: to prevent removal
- S.C. Code Ann. § 63-7-1700(H)(9): reunification
- S.C. Code Ann. § 63-7-1700(E) & (H)(10): promote and expedite permanency
- S.C. Code Ann. § 63-7-1640: foregoing reunification, concurrent planning, permanency planning and TPR timeframes

Tools:

Forms:

Practice Guidance:

REVISION COMMENTS:

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510. Foster Care Services

REVISION COMMENTS:

510.1 Entry into Foster Care

PURPOSE STATEMENT:

Children removed to foster care suffer significant trauma. The agency is committed to minimizing this trauma to the greatest extent possible through trauma-informed initial procedures when a child enters into care. Further, to provide for prompt and stable provision of resources throughout a child's stay in care, the agency is committed to making these procedures efficient and comprehensive. The following section describes the policies and procedures to be followed when a child enters foster care.

POLICY:

1. The agency shall notify the parent, guardian, or other person exercising temporary or permanent control over the child as early as reasonably possible of the nature and location of the child's placement unless there are compelling reasons for believing that disclosure of this information would be contrary to the best interests of the child.
2. Within 30 days of removal, the agency shall exercise due diligence to identify, provide notice to, and engage the following relatives: all grandparents, all parents of a sibling of the child (where such parent has legal custody of such sibling), and other adult kin of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence (see Section 510.3 for further procedures).
3. If a child is a member or is eligible for membership in a recognized tribe, the agency shall notify the tribe immediately by telephone and in writing (see Appendix C: ICWA).
4. Upon entry into foster care, a child's eligibility for Medicaid will be automatically assessed through a cooperative agreement with the Department of Health and Human Services (DHHS).
5. When appropriate, the agency shall refer the child's parents to Child Support Enforcement.
6. The agency shall seek to place a child in close proximity to the school in which the child is currently enrolled, and shall maintain the child in his or her school unless it is documented that this is not in the child's best interests (see Section 510.6).
7. The agency shall immediately arrange for as much contact and visitation between the child and his or her kin as is reasonably possible and is consistent with the best interests of the child. The agency shall not recommend parental visitation of less than two times per month unless such a schedule is documented in a signed court order. These visits shall be presumed to be unsupervised unless the agency documents that supervision is in the child's best interests (for further procedures related to visitation, see Section 510.3).
8. Reasonable efforts shall be made to place siblings removed from their home in the same placement. Exceptions will be considered if a clear and convincing rationale is documented and approved that demonstrates that such a joint placement would be contrary to the safety or well-being of any of the siblings. This rationale must include reference to and copies of evaluations by professionals and documentation of siblings' preferences, if age appropriate. Should siblings be separated, reasonable efforts shall be made to provide for frequent visitation or other ongoing interaction between the siblings, unless a clear and convincing rationale is documented and approved that demonstrates that such contact would be contrary to the safety or well-being of any of the siblings (for further procedures, see Section 510.5).

PROCEDURES:

1. **Routes to Entry**

a. Emergency Removal (see also Chapter 2: Intake & Investigation)

i. If a child enters DSS custody via emergency protective custody (EPC) and no placement alternatives were identified by law enforcement and/or the CPS Worker, the Foster Care/IFCCS Worker shall immediately move the child to a foster care placement (see Section 510.2: Placement of a Child for further details). As soon as possible, the Foster Care/IFCCS Worker shall notify the DSS Attorney of the need to initiate a probable cause hearing.

ii. If a child enters DSS custody through an ex parte order, the CPS Worker shall immediately request law enforcement assistance and shall pick up the child. The Foster Care/IFCCS Worker shall immediately move the child to a foster care placement.

iii. If law enforcement assistance is utilized to remove a child from his or her home, the worker shall (whenever possible) speak to law enforcement about the officers' willingness to use strategies to minimize the trauma of removal. Such strategies may include but shall not be limited to providing the child with an explanation of the removal process, limiting the number of officers facilitating the removal, or deploying officers in civilian clothes rather than police uniforms.

a. Non-Emergency Removal Order

i. If a child enters DSS custody through a non-emergency removal order, the CPS Worker shall request law enforcement assistance as needed to pick up the child and the Foster Care/IFCCS Worker shall immediately move the child to a foster care placement.

ii. If law enforcement assistance is utilized to remove a child from his or her home, the worker shall (whenever possible) speak to law enforcement about the officers' willingness to use strategies to minimize the trauma of removal. Such strategies may include but shall not be limited to providing the child with an explanation of the removal process, limiting the number of officers facilitating the removal, or deploying officers in civilian clothes rather than police uniforms.

a. For information related to Safe Havens for Abandoned Infants, see Special Considerations below.
b. For information related to voluntary placement, see Section 550.1.
c. For information related to voluntary relinquishment, see Chapter 6 Adoption & Birth Parent Services.

2. **Processing the Transition into Foster Care with the Child**

d. At the time of removal, the CPS Worker and/or Foster Care/IFCCS Worker shall provide specific details to the child about where the child is being taken (e.g., to a shelter, directly to a placement, to the DSS office temporarily) and how the initial placement process works.

e. The CPS Worker and Foster Care/IFCCS Worker shall, in an age-appropriate manner, communicate with the child regarding the transition into foster care at the following times:
   i. when a child is notified that he or she is going to be placed into foster care;
   ii. when a child and/or his or her possessions are physically removed from his or her home;
   iii. during the time period between removal and initial placement;
   iv. at initial placement;
   v. at the first contacts with the child after placement; and
   vi. On an ongoing basis.
f. The worker shall discuss, at a minimum, the following topics with the child and shall provide the child with an opportunity to ask any questions about each topic:
   i. the meaning and general structure of foster care and the child welfare system;
   ii. the reason for his or her placement into foster care (while reiterating that the child is not at fault for being removed from his or her family);
   iii. the child's relationship to his or her foster placement and the roles and obligations of the child, the foster placement, and child welfare professionals;
   iv. the circumstances and context of the placement in which the child will be living (e.g., how the child's basic needs will be met, who will be responsible for meeting these needs, who the child may speak to when the child has concerns, who will be residing in the home, whether the placement has pets, and the rules of the placement);
   v. the nature of the child's relationship to his or her parents and kin while in foster care;
   vi. the connections (e.g., friendships, personal items, spiritual practices, daily routines) that are important to the child and how to maintain these connections; and
   vii. How long the child can expect to be in foster care or the reasons that make this timeframe unknown.

3. **Initial Services for the Child**

g. For the initial placement of the child, see Section 510.2: Placement of a Child.
h. For the initial formulation of the case plan for the child, see Section 510.4: Case Planning & Management.
i. At the worker's first contact after a child has been removed from his or her home, the Foster Care/IFCCS Worker shall:

i. in an age-appropriate manner and without false assurances, **process the child's transition into foster care** (as described above);
ii. assess the child for **emergency medical or mental health needs**;
iii. obtain the child's **belongings**, including birth certificate, clothing, medication, school books, and any other item identified by the child as being important;
iv. provide the **HELPLINE Card** to each child, including the name and phone numbers of the worker and the worker's supervisor; and

v. Provide each child with the **Foster Care Bill of Rights** and explain the rights to each child in an age-appropriate manner. If any of the children are 14 or older or the provision of such a document is age-appropriate, the worker shall provide the child with a DSS Form 30161: Youth's Rights Case Plan Addendum and explain the rights to the child.

a. As soon as possible after removal, the Foster Care/IFCCS Worker shall obtain the child's long-form **birth certificate** and **social security card**. If a child's birth certificate indicates that the child is not a United States citizen, the worker shall follow the procedures set forth in Appendix D: Services to Non-Citizen Children and Families to obtain proper documentation and to ensure proper immigration procedures are followed in a timely manner.
b. As soon as possible after removal, the Foster Care/IFCCS Worker shall obtain the child's **developmental history** (recorded on DSS Form 1576) and identify any developmental delays that need follow up. The worker shall use DSS Form 30242 as a guide in assessing delays.
c. The Foster Care/IFCCS Worker shall schedule the **initial medical, dental, and mental health assessments** as soon as possible based on the child's needs. However, an initial medical assessment or physical shall be scheduled within 24 hours of the child's removal; a mental health assessment shall be scheduled within 48 hours of the child's removal; and the dental assessment or exam shall be scheduled within 14 days of the child's removal. A comprehensive medical exam shall be scheduled within 30 days (see Section 510.7 for further procedures).
d. As soon as possible after the time of removal, the Foster Care/IFCCS Worker shall complete the **DSS Form 30245: Education and Health Passport** with as much information as is available (see also Sections 510.6 and 510.7).
e. For children under the age of 3, the worker shall refer the child to **Baby Net** if any of the following apply:

i. the case has been indicated with the child as the subject;
ii. the child has been affected by illegal substances or prenatal drug exposure; or
iii. The child is suspected of having developmental delays or was born premature.

The referral must be made within three business days of identification of the need. The referral must include either a court order or statement on agency letterhead verifying that DSS has custody. The worker shall document the referral to Baby Net in CAPSS (see 510.7 for additional procedures).

a. For youth 14 or older, the worker shall begin **transition planning** and shall make appropriate referrals to the Chafee Program staff (see Sections 510.4: Case Planning & Management and 530: Chafee Program).
b. The worker shall, in a trauma-sensitive and child-driven manner, take a **photograph of the child** upon entering foster care and place the picture in the case file.
c. As soon as possible after entry into foster care, the Foster Care/IFCCS Worker shall **coordinate with the school** to continue the child in the same school if possible and in the child's best interest. If the child can or should not remain in the same school, the caseworker shall immediately enroll the child in school (see Section 510.6 for further procedures).
d. The Foster Care/IFCCS Worker shall begin gathering information, photographs, etc. at removal and shall begin the **Life Book** for the child.

e. During the first week of placement, and on a regular basis thereafter, the Foster Care/IFCCS Worker shall arrange a **visit with the child's parents, siblings, or other significant adults**, unless contrary to the welfare of the child, or as ordered by the court (see Section 510.3 for further procedures).
f. If **siblings have been separated**, the worker shall arrange for frequent visitation or other ongoing interaction. The worker shall continue to explore options for sibling reunification and sibling contact (see Section 510.5).
g. As soon as possible after removal, the worker shall inquire with the family and child to determine if any of the child's parents or legal guardians are currently in active duty or similar military service. If so, the worker shall notify the DSS Attorney immediately in order to confirm compliance with the Service Members Civil Relief Act.
h. The worker shall make a referral for Family Engagement Services within two hours of the child's entry into foster care and shall coordinate with Family Engagement Services staff in facilitating the following activities:
    i. initial and ongoing diligent search efforts (see Section 510.3 for further procedures);
    ii. the initial Family Team Meeting; and
    iii. Development of the child and family's placement plan.

4. **Coordination with Foster Placement**

i. At the time of placement, the Foster Care/IFCCS Worker shall provide such information to the foster placements as is necessary for the care of the child, including the nature of the maltreatment, medical and mental health history, relevant trauma history and any anticipated trauma-based reactions, any behavioral problems, and any educational and cultural needs.
j. The worker shall give the DSS Form 30245: Education and Health Passport to the foster placement at the time of placement (see Sections 510.6 and 510.7 for further procedures).
k. The worker shall provide contact information for the worker and his or her supervisor, including emergency numbers.
l. The worker shall document the contact with the foster placement in CAPSS dictation.

5. **Coordination with the Parent(s) or Other Kin**

a. As soon as reasonably possible, the worker shall notify the child's parent, guardian, or other person who has temporary or permanent control over the child of the nature and location of the child's placement, unless there are compelling reasons to believe that disclosure of this information would be contrary to the best interests of the child.
b. The worker shall assess the child's family for needs for emergency assistance or services. FLEX funds may be used to provide emergency assistance if appropriate (see Chapter 2: Intake & Investigation for procedures)
c. The worker shall conduct a diligent search for absent parents and other kin within 30 days of removal (see section 510.3 for further procedures).
d. All contacts with the parents or other kin shall be documented in CAPSS dictation.

6. **Financial Procedures**

a. Within 3 days of entry into foster care, the Foster Care/IFCCS Worker shall complete the payment type and start date on the Placement Information Screen in CAPSS to confirm receipt of **board payments**.

i. "Board Pay" should be selected for the majority of children in regular foster home or group home settings.
ii. The worker shall select "No Board Pay" if any of the following apply:

1. the child is in a therapeutic or residential placement paid by Medicaid or the Interagency System of Care for Emotionally Disturbed Children (ISCEDC);
2. the child is in a placement for which costs are covered by special state contracts;
3. the child is in an Alliance Human Services therapeutic home; or
4. The child is in a medically fragile placement that is not part of the Midlands project.

a. Upon receipt of the order placing the child in DSS custody or a voluntary placement agreement, the worker shall initiate **the IV-E application process** (see Section 510.9: IV-E Eligibility).
b. The Foster Care/IFCCS Worker shall obtain information regarding the child's **income, assets, and health insurance coverage**.

i. If the child receives Social Security benefits, SSI Funds, Veterans benefits, or other income, the Foster Care/IFCCS Worker shall take steps to redirect these funds to the State Treasurer account with DSS county office as the payee.
ii. If a child's resources exceed the board rate by $2,000 in SSI payments or $10,000 in non-SSI income, the funds must be placed in a "true trust account" under Social Security and Medicaid guidelines.

a. If the child's family has been receiving **Family Independence or SNAP benefits**, the worker shall notify the financial assistance worker of the child's removal.
b. If the child's custodian has been receiving **child support** on behalf of the child, the worker shall notify the Office of Child Support Enforcement.
c. When appropriate, the worker shall complete the **DSS Form 2738: Child Support Referral** and submit it by mail to the Office of Child Support Enforcement, P.O. Box 1469, Columbia, SC 29202. The worker shall enter a copy of the form into CAPSS.

Special Considerations:

1. **Child is an "Indian Child"**

a. If a child is a member or eligible for membership in a federally-recognized tribe, the worker shall notify the tribe as soon as possible, but in all cases notice shall be given at least 10 days prior to the child's removal/merits hearing (see Appendix C: ICWA for notification procedures).
b. In notifying the tribe, the worker shall invite a representative of the tribe to participate in all upcoming court proceedings.

c. The worker shall also notify the DSS Attorney for further action.

2. **Immigration Status**

a. If the child is not a U.S. Citizen, the worker shall immediately notify the DSS Attorney.
b. See Appendix D: Services for Non-Citizen Children and Families for additional procedures and other information regarding eligibility for services.

3. **Infants Abandoned at a Safe Haven**

a. CPS staff shall immediately, upon receiving notice that a safe haven has taken physical control of a child less than 60 days old:
   i. notify Foster Care/IFCCS staff so that placement may be arranged; and
   ii. Notify SLED for assistance in determining if the child has been reported missing.
b. CPS or Foster Care/IFCCS staff shall assume physical control and arrange a placement for the child within 24 hours of the agency receiving notice. If the child is admitted to a hospital or hospital outpatient facility, the worker shall assume physical control within 24 hours of receiving notification that the child is ready for discharge.
c. The Foster Care/IFCCS Worker shall, within 48 hours of the agency receiving notice of the abandoned infant, coordinate with the DSS Attorney to file a petition requesting a hearing alleging:
   i. that the infant has been abandoned;
   ii. that the court should dispense with reasonable efforts to preserve or reunify the family;
   iii. that continuation of keeping the infant in the home of the parent or parents would be contrary to the welfare of the infant; and
   iv. That termination of parental rights is in the best interest of the infant.

   The DSS Attorney shall arrange for the hearing to take place within 30 to 60 days after the agency received notice that the child had been abandoned. The hearing shall be the permanency planning hearing for the child.
d. The Foster Care/IFCCS Worker shall, within 48 hours of the agency receiving notice of the abandoned infant, coordinate with the DSS Attorney and the Office of Public Affairs to publish a notice regarding the child's abandonment in a newspaper of general circulation in the area where the child was abandoned and the other broadcast and print media in the area. The notice must state:
   i. the location of the safe haven;
   ii. the circumstances of the abandonment;
   iii. a description of the child;
   iv. the date, time, and place of the permanency planning hearing; and
   v. That anyone who wishes to assert his or her rights to the child must do so at the upcoming hearing.

   If the person leaving the infant identified anyone as being a parent of the infant, the notice must be sent by certified mail to the last known address of the person identified as a parent at least two weeks prior to the hearing.

e. The Foster Care/IFCCS Worker shall coordinate with Regional Adoptions staff for coordination of placement and services.
f. The Foster Care/IFCCS Worker shall attend and participate in the hearing on the petition.
    i. If the Family Court approves a permanent plan of adoption, the worker shall coordinate with the DSS Attorney to file a petition for termination of parental rights within ten days of receiving the permanency planning order (see Section 540.3 for further procedures).
    ii. If the court does not approve a plan of adoption, the worker shall begin making efforts to finalize the plan approved by the court (see Section 520 et seq.).
g. The worker shall otherwise manage the child's case in accordance with the policies and procedures set forth in this manual.

DOCUMENTATION:

- The child's demographic information, family composition, relationships, income, SSN, legal and placement data, medical and developmental information
- Results of diligent search efforts and notification to relatives
- Release of information forms for all medical, dental, vision, and educational providers
- Copies of referrals and applications for assessments and services
- Child support referral
- IV-E Application
- Verification of income
- Medicaid application and card
- Child's birth certificate, social security card, and immunization records
- Photo of the child
- Police reports for all addresses where child has resided
- Background check / CHRI on parents/ caregivers
- Information contained in the Education and Health Passport
- Life Book information
- Best interests determinations regarding sibling and school placement, if necessary
- Best interests determinations regarding family visitation
- All contacts with clients and professionals

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- Medicaid Eligibility Worker
- CPS Assessment Worker
- CPS Assessment Supervisor
- Regional Adoptions Office
- Biological Parents
- Foster parents
- Service Providers
- Law Enforcement

REFERENCES:

Legal Citations:
42 U.S.C.A. § 671(a) (17): child support enforcement
42 U.S.C.A. § 671(a) (21): health insurance for special needs children
42 U.S.C.A. § 671(a) (27): immigration status verification
42 U.S.C.A. § 671(a) (31): sibling connections
42 U.S.C.A. § 675(1): school stability
42 U.S.C.A. § 11432(g) (3) & 11434a (2): McKinney-Vento Act
50 U.S.C.A. § 3901 et seq.: The Service members Civil Relief Act
45 C.F.R. § 1356.67: ICWA transfers
S.C. Code Ann. § 59-38-10: school stability
S.C. Code Ann. § 63-7-40: Safe Haven for Abandoned Babies
S.C. Code Ann. § 63-7-630: disclosure to parent/guardian
S.C. Code Ann. § 63-7-660: assumption of legal custody following EPC
S.C. Code Ann. § 63-7-730: Expedited Relative Placement
S.C. Code Ann. § 63-7-1680: provision of worker's card, fostering connections, disclosure to parent/guardian, visitation
S.C. Code Ann. § 63-7-2310(A) (7): rights document
S.C. Code Ann. § 63-7-2320 & 2330: kinship foster care, relative foster placement
S.C. Code Ann. § 63-7-2370: provision of information to foster parents

Tools:
Seneca Search Report
Guidelines for Trauma Screening, Assessment, and Treatment for Children Entering Foster Care

Forms:
DSS Form 1576: Child Developmental History
DSS Form 2738: Child Support Referral
DSS Form 3057: Comprehensive Medical Assessment
DSS Form 30163: Foster Care Bill of Rights
DSS Form 30231: Child and Family Assessment Services Plan
DSS Form 30161: Youth's Rights Case Plan Addendum
DSS Form 30245: Education and Health Passport

Practice Guidance:

REVISION COMMENTS:

510.2 Placement of a Child

PURPOSE STATEMENT:

The agency shall promote foster children's safety and wellbeing through placing children in the least restrictive, most appropriate, and most stable placements available. The following section lays out the policies and procedures relating to making and monitoring placement decisions for children in foster care.

POLICY:

1. The agency will place all children in safe settings that are the least restrictive (most family like) and most appropriate settings available and that are in close proximity to the parents' home, consistent with the best interest and special needs of the child.
    a. Accordingly, the agency shall not place a child age 6 or younger in a group care setting, absent approval by the Child Welfare Director, in consultation with agency clinical staff, of one of the following exceptions:
        i. the child requires a degree of clinical and/or medical support that can only be provided in a group care setting and the placement is a facility that has the capacity and specialized treatment to meet the child's needs;
        ii. the child is the son or daughter of another child placed in a group care setting; or
        iii. The child is a member of a sibling group of four or larger and all efforts to secure a foster home or therapeutic foster home have failed. The facility must be able to accommodate the placement of the sibling group and maintain daily contact between the siblings. The agency will only approve this exception for 90 days, with timelimited extensions being granted if such extension is in the best interests of the child and the agency has documented intensive

and ongoing efforts to secure a family-like placement for the siblings.

b. If, after an exhaustive search, no regular foster family placement can be found for a child age 6 or younger that would satisfy the proximity and sibling group preservation requirements set forth in this section, the agency shall coordinate placement with a therapeutic foster home provider that has agreed to facilitate such placement.
c. The agency shall not place a child overnight in a DSS office, hotel, motel, or other commercial non-foster care placement.
d. If a child is placed in an emergency or temporary placement, the agency shall move the child to a long-term foster placement within 30 days. If a child is placed in more than one emergency or temporary placement within 12 months, the agency shall move the child to a long-term foster placement within seven days.

2. The agency shall, whenever possible, select placements that promote and expedite the finalization of the child's legal permanency plan.
3. The agency shall seek to place a child in close proximity to the school in which he or she is currently enrolled, and shall maintain the child in his or her school unless it is documented that this is not in the child's best interests (see Section 510.6).
4. Reasonable efforts shall be made to place siblings removed from their home in the same placement. Exceptions will only be considered if a clear and convincing rationale is documented and approved that demonstrates that such a joint placement would be contrary to the safety or well-being of any of the siblings. This rationale must include reference to and copies of any evaluations by professionals and any documentation of siblings' preferences, if age appropriate. Should siblings be placed separately, reasonable efforts to provide for frequent visitation or other ongoing interaction between the siblings shall be made, unless a clear and convincing rationale is documented and approved that demonstrates that such contact would be contrary to the safety or well-being of any of the siblings. This rationale must include reference to and copies of any evaluations by professionals and any documentation of siblings' preferences, if age appropriate (see Section 510.5 for related policies and procedures).
5. The agency will support all placements' exercise of the reasonable and prudent parent standard when such placements are deciding whether a child will participate in age- and developmentally-appropriate extracurricular, enrichment, cultural, and social activities.
6. The agency will seek to place a child with kin whenever possible. When appropriate and/or ordered by the Family Court, the agency will undertake an expedited placement process.

7. The agency will not delay or deny placement due to the child or family's race, color, national origin, religion, state of residence, age, disability, political belief, sex, or sexual orientation.
8. The agency shall notify the parent, guardian, or other person exercising temporary or permanent control over the child as early as reasonably possible of the nature and location of the child's placement unless there are compelling reasons for believing that disclosure of this information would be contrary to the best interests of the child.
9. At the time of placement, the agency shall disclose to the placement all information known or reasonably accessible to the person making the placement which could affect either (1) the ability of the placement to care for the child or (2) the health and safety of the child or the placement. This information includes, but is not limited to:
    a. medical and mental health conditions and history of the child;
    b. the nature of abuse or neglect to which the child has been subjected;
    c. behavioral problems; and
    d. Matters related to educational needs.

    If a person lacking this necessary information made the placement, a member of the child's casework team or the child's caseworker shall contact the placement and provide the information during the first working day following the physical placement of the child. The agency shall continue to update this information on an ongoing basis.

PROCEDURES:

1. Selection of a Placement

a. For requirements of licensed foster homes, see Chapter 7: Foster Family Licensing & Support.
b. The Foster Care/IFCCS Worker shall confirm, on an ongoing basis, that the child is placed in accordance with the following requirements.
    i. The worker shall place the child with kin whenever possible and in the child's best interests.
        1. If a kinship caregiver is interested in becoming a placement for the child, but the worker chooses not to place the child in the caregiver's home, the worker shall:
            a. document the reasons for this decision; and
            b. Notify the child's case planning team of the decision as soon as possible.
        2. If a kinship caregiver is not interested in becoming a licensed foster parent, the worker shall arrange for the completion

and approval of an Unlicensed Family Assessment prior to placing the child in the home.

ii. The child must be placed in the least restrictive and most appropriate setting. If the child is not placed in a family-like setting, the worker shall document the basis for this decision in the case record.

iii. The worker shall make reasonable efforts to place a child with his or her siblings unless doing so would contrary to one of the children's safety or wellbeing. For policies and procedures related to sibling placement and/or separation of siblings, see Section 510.5. iv. The worker shall place a child in close proximity to his or her home and the school in which the child is originally enrolled.

1. If the placement crosses a state or county line, but remains in close proximity, the worker shall explain this determination in CAPSS.
2. If it is not in the child's best interests to be placed in close proximity to home/school, the worker shall document the basis for this determination in CAPSS.

v. The worker shall make the child's placement without regard to the race, color, national origin, religion, state of residence, age, disability, political belief, sex, or sexual orientation of the child or placement. One of the above bases may be considered if an individualized assessment, along with supervisory approval, demonstrates that such consideration is in the child's best interests (see Special Considerations below for further procedures).

c. For **DSS-licensed foster families,** foster families managed by **child placing agencies (CPAs)**, and **low-management group homes**, the Foster Care/IFCCS Worker shall contact the Regional Foster Family and Licensing Support Coordinator (FSC) to arrange placement when kin are not available as an alternative to non-relative placement.

d. If a child requires **therapeutic foster care, a moderate or high management group home, or a psychiatric residential treatment facility**, the worker shall:

i. locate an appropriate placement for the child with assistance from the Intensive Foster Care and Clinical Services (IFCCS) Division;

ii. complete the application form for the facility or child placing agency;

iii. complete the ISCEDC packet, attaching a copy of the case summary which describes recent emotional and behavioral issues,

the child's trauma history, and any available psychological evaluations completed with the last year;

iv. within 30 days of identifying the need for such placement, submit the packet to IFCCS prior to the scheduled date of the local ISCEDC team staffing;

v. upon receipt of authorization from IFCCS or the ISCEDC team, move the child to the placement within 60 days of receiving such authorization;

vi. process paperwork for Medicaid payment for the specialized placement;

vii. maintain Medicaid coverage as long as the child meets criteria for special needs;

viii. if child becomes ineligible for Medicaid, contact IFCCS within one working day; and

ix. Reassess the child's placement type at least annually, or upon a placement disruption or material change in the child's needs.

e. If the child is **medically fragile**, the worker shall consult with staff from the Medically Fragile Children's Program (MFCP) to determine whether the child's medical condition or illness meets the program criteria. If so, the worker shall complete the program application, attaching all medical documentation, and shall send the application to MFCP staff. The worker shall participate in the assessment staffing conducted by MFCP.

f. If a child is **age 6 or younger**:

i. the Foster Care/IFCCS Worker shall contact the FSC to arrange

1. a foster home placement;
2. If no foster home placements are available within the child's county/region of origin or if no placement is able to accommodate the child's sibling group, a therapeutic foster home provider in the child's county of origin. The FSC shall consult with his or her supervisor to determine which providers have agreed to accept such children;
3. if no therapeutic foster homes are available in the child's county of origin that meets the above requirements, a therapeutic foster home placement in the child's region;
4. if no therapeutic foster homes are available in the child's region of origin that meet the above requirements, a regular or therapeutic foster home placement outside of the region;

ii. if a therapeutic foster home placement is necessary and obtained, the FSC shall complete the Non-Medicaid Therapeutic Placement

Approval Form and email the document to the State Program Management Business Office and copy the provider of the placement;

iii. If a therapeutic foster home placement is facilitated, the FSC shall arrange for the placement to receive the daily room and board rate for Treatment Foster Home Services Level 1 with no additional Rehabilitative Behavioral Health Services reimbursement for the duration of the placement. This rate shall also be applied in the following situations:

1. the provider accepts a sibling group with a child age 6 or younger and places them in two separate placements with the intent to keep sibling connections;
2. the child and/or sibling group is moved to another therapeutic placement;
3. the child or one of the child's siblings is temporarily transitioned to a higher level of care but returns to the therapeutic provider at any time;
4. the child or one of the child's siblings is still in therapeutic placement and reaches the age of 7 or older;

iv. If a child age 6 or younger is eligible for therapeutic foster home placement, the Foster Care/IFCCS Worker shall arrange for placement in the manner set forth above for therapeutic placements, and shall arrange for the usual board rate. Any therapeutic provider who provides placement for a child age 6 or younger due to his or her age may request an ISCEDC staffing for such a child;

v. the FSC may place a child in a group care setting if the worker receives prior approval from the Child Welfare Director, in consultation with agency clinical staff, that the child meets one of the following criteria:

1. the child requires a degree of clinical and/or medical support that can only be provided in a group care setting and the proposed placement has the capacity to provide specialized treatment to meet the child's needs;
2. the child is the son or daughter of a child placed in a group care setting;
3. The child is member of a sibling group of four or more and all efforts to secure foster home and therapeutic foster home placements have not produced an adequate placement. If this exception is approved, the approval is limited to up to

90 days, but can be extended for additional time-limited increments after consideration and documentation of the child's best interests and intensive and ongoing efforts to identify another appropriate placement.

2. Facilitation of Placement

a. Prior to the physical placement, the Foster Care/IFCCS Worker and/or the FSC shall provide the prospective placement with all available information relevant to (1) the ability of the foster parent to care for the child or (2) the health and safety of the child or the placement. Such information shall include, but shall not be limited to:

   i. medical and mental health conditions and history of the child, including their exposure to traumatic events;
   ii. the nature of abuse or neglect to which the child has been subjected;
   iii. behavioral problems, including those related to the child's trauma history;
   iv. matters related to educational needs; and
   v. For young children, schedules and comfort items.

   If the above information cannot be shared prior to placement, the worker shall provide the information within the first working day after the physical placement of the child. The worker shall continue to share additional information with the placement as it becomes available.

b. The worker shall discuss the placement with the child prior to placement and on an ongoing basis, and shall assess the need for additional supports to make the placement stable and successful. At a minimum, the worker shall provide the child with the following information and shall provide the child with an opportunity to ask any questions he or she may have:

   i. information about the transition into foster care, as set forth in Section 510.1: Entry into Foster Care, Procedure 2; ii. how the child's basic needs will be met and who is responsible for making sure that such needs are met;
   iii. what individuals and, if applicable, animals will be present in the home;
   iv. the household rules of the placement;
   v. the ability for the child to "personalize" his or her living space and/or the practices in the placement;
   vi. whether the child will (or may) share a bedroom;
   vii. how the placement will or will not maintain the child's connections and/or interests;

viii. what access the child will have to his or her personal belongings; and

ix. If and/or how the child's education will be impacted by foster placement.

c. If possible, the worker shall arrange for trial visits between the child and the placement.

d. The worker shall provide or arrange for transportation for the child at the time of placement.

e. The worker shall provide the family with the child's DSS Form 30245: Education and Health Passport at the time of placement, with instructions for its use and addition of information.

f. The worker shall disclose the location of the placement to the parent/guardian unless compelling reasons lead the agency to believe that doing so would be contrary to the welfare of the child.

3. Monitoring & Support of Placement

a. Within 48 hours of the placement, the Foster Care/IFCCS Worker shall conduct a safety assessment, which includes a face-to-face visit with the child and an interview outside the presence of any adults. Safety is continuously assessed thereafter through regular contacts with the child and foster care provider (see Section 510.4 for case management and monthly contact requirements).

b. As soon as possible after placement, the worker shall arrange for the foster parent and the child's parent/guardian to meet in order to exchange information about the child, unless such a meeting is contraindicated by case circumstances (see Section 510.3 for further procedures related to family engagement and involvement).

c. The worker shall promptly arrange for family and sibling visitation with the child, unless such visitation has been barred by court order (see Sections 510.3 and 510.5 for parent and sibling visitation, respectively).

d. The worker shall maintain contact with the foster care provider as follows:

i. monthly interview in person or by telephone;

ii. face-to-face interview at least once every two months in the foster home;

iii. face-to-face interviews with all adult members of the foster home at least once per quarter; and

iv. Face-to-face interview with any new adult within one month of the adult moving into the home.

More frequent contacts may be necessary for increased oversight or to provide support to the foster parent. The worker shall document all contacts with foster care providers in CAPSS.

e. For quarterly contacts conducted by Regional Foster Family and Licensing Support staff, see Chapter 7: Foster Family Licensing & Support.
f. Through ongoing contact with the foster care provider and child, the worker shall continuously assess the following, taking action to address concerns as is needed:
    i. the safety and appropriateness of the placement for the child;
    ii. the need for additional services to assist the foster care provider in caring for the child;
    iii. the relationships of the child and caregivers;
    iv. the involvement of the providers in the child and family's visitation and service planning;
    v. the foster parents' involvement in court hearings; and
    vi. The extent to which the placement is exercising the reasonable and prudent parent standard and the specific opportunities the child has to participate in age- and developmentally-appropriate activities.
g. The worker shall continuously update the placement with new information regarding the child and the child's case.
h. The worker shall to the extent possible and appropriate, involve the placement in the development of the child's case plan and shall confirm that the placement receives copies of the parts of the plan that are relevant to the placement's role. If the placement is involved in the progress of the plan, the worker shall review the placement's progress during regular contacts.
i. The worker shall monitor the stability of the placement, assessing issues that may threaten stability, such as:
    i. the foster care provider indicates inability to continue caring for child;
    ii. the appropriateness of the placement for the child becomes uncertain; or
    iii. The child runs away from the placement.
j. The worker shall arrange respite care in crisis situations or as stipulated in the child's case plan.
    i. Respite care may be offered to DSS licensed foster parents only, at the rate of ½ day for each month the foster parents have had the child. Respite can be offered for a period of 1 to 3 days, up to 6

days per federal fiscal year. This service is not available to private therapeutic foster homes or group home providers.

ii. To arrange respite care, the worker shall contact the Regional FSC.

iii. The worker shall complete a special pay request form.

iv. The worker shall document the respite period in CAPSS, coding it under temporary events in the placement section. The worker shall not put an end date or close the child's ongoing primary placement.

k. The worker shall explore available financial supports for the foster placement in caring for the child, such as the quarterly clothing allowance.

   i. Upon initial placement of child, the agency shall pay a licensed foster care provider up to the maximum allowance for clothing purchased for the child if the child remains in DSS custody after the probable cause hearing.

   ii. Clothing allowances shall continue to be paid quarterly when there is an open foster care service line, the child has been in care any day in the previous quarter, and the child is in a licensed placement or residing on a college campus.

   iii. The agency shall pay initial and quarterly clothing allowances for a child not in DSS custody if the child is in the placement with a minor parent and the agency is making a board payment on behalf of the child and minor parent.

   iv. Foster care providers shall not routinely be required to provide receipts. However, if concerns arise, the worker may request receipts.

   v. If the worker uses the allowance to purchase clothing for the child, the worker shall file receipts in the child's record.

   vi. For eligible children who are 16 or older, quarterly clothing allowances shall be paid directly to the child, provided that the child has identification necessary to cash a check, has money management as a goal in his/her case plan, and provides receipts for purchases.

4. Placement Changes

a. Procedures for removal of a child from a placement vary depending on the circumstances of the move.

b. If a child is placed in an emergency or temporary placement, the worker shall move the child to a long-term foster placement within 30 days. If a child is placed in more than one emergency or temporary placement within 12 months, the worker shall move the child to a long-term foster placement within seven days.

c. If the **placement believes** a non-emergency removal is necessary:
    i. the worker shall address reasons for the request with the placement, involving the FSC, to determine whether the placement can be maintained through additional supports or services;
    ii. if it is not appropriate or possible to maintain the placement, the worker shall contact the FSC to coordinate moving the child within six days of receiving notice of the request to move; and
    iii. The worker shall provide written confirmation to the placement, including that the removal is based on the placement's request and that the placement does not have the right to appeal.
d. If **DSS believes** a non-emergency removal is necessary:
    i. The worker shall arrange a staffing to determine if the move is in the child's best interests. The staffing should include the FSC, the child if age and developmentally appropriate, and any other members of the child's treatment team.
    ii. If a court order specifically approved the placement, the worker shall include the DSS Attorney in the staffing.
    iii. the worker shall provide advance written notice to the placement, and if the child has been in a foster home placement for 120 days or longer, this notice shall be delivered to the foster parents at least 10 days prior to the planned removal and shall inform the foster parents of their right to appeal; and
    iv. if the foster parent appeals, the child must remain in the home pending outcome of the appeal unless:
        1. the court has issued an order that provides for the removal; or
        2. The foster parents failed to supply necessary information to complete an adoption home study within 90 days of receipt of notice that adoption is the plan for the child.
e. If an **emergency removal** is necessary:
    i. If possible prior to removal, the worker shall arrange a staffing to determine if the child's health and safety is threatened by the child's continued placement in the home. The staffing should include the FSC, the child if age and developmentally appropriate, any other members of the child's treatment team, and, as appropriate, OHAN.
    ii. if the particular placement has been court ordered, the worker shall consult with the DSS Attorney to determine appropriate action;
    iii. the worker shall consult with the FSC to coordinate the immediate removal and placement of the child;

iv. the worker shall provide foster parents with written notice of the reason for removal at the time of the removal, and if the child has been in a foster home placement for 120 days or longer, the notice shall inform the foster parents of their right to appeal;

f. If DSS is seeking a **court-approved** change in placement:
   i. the worker shall prepare a supplemental report for the court, including justification for the proposed change in placement;
   ii. the worker shall provide a foster parents with advanced written notice of the proposed change in placement and their right to be heard at any hearing concerning the proposed change in placement;
   iii. If the court approves the change in placement, the worker shall notify the foster parent of the date that the child will be moved.

g. The worker and FSC shall seek to minimize the traumatic impact to the child resulting from any change in placement.
   i. The worker and FSC shall assist in preparing the child and caregiver for the move, to the extent possible. This may include, but shall not be limited to, transition meetings, transitional visits, and the formulation of a transition plan with the child and any important individuals in his or her life.
   ii. The worker and FSC shall coordinate with the child's treatment providers, school, new and former placements, and kin to promote a smooth transition for the child and a trauma-sensitive approach to the child in all areas of the child's life.
   iii. The worker shall, in an appropriate but honest manner, discuss with the child the details of the move and the implications for his or her daily life. Such conversations shall occur on an ongoing basis while the child transitions to the new placement. At a minimum, the worker shall provide the child with the following information and shall provide the child with an opportunity to ask any questions he or she may have:
      1. information about the transition into foster care, as set forth in Section 510.1: Entry into Foster Care, Procedure 2;
      2. how the child's basic needs will be met and who is responsible for making sure that such needs are met;
      3. what individuals and, if applicable, animals will be present in the home;
      4. the household rules of the placement;
      5. the ability for the child to "personalize" his or her living space and/or the practices in the placement;

6. whether the child will (or may) share a bedroom;
7. how the placement will or will not maintain the child's connections and/or interests;
8. what access the child will have to his or her personal belongings; and
9. If and/or how the child's education will be impacted by foster placement.

h. To select and facilitate the **new placement**, the worker shall:

i. adhere to the procedures set forth above for placing children;

ii. confirm that an up-to-date copy of the Education and Health Passport is given to the new foster care provider; iii. Make reasonable efforts to allow the child to continue in his or her school when it is in the child's best interests and transportation is reasonably available. If continuation in the same school is not possible, the worker shall document the efforts made to promote educational stability, and the child's case plan must include steps to facilitate educational stability;

iv. Unless the placement change is a planned or positive step for the child, complete a supervisory staffing. The staffing shall include a review of the child's needs, consideration of services that may prevent future disruptions, and development of a plan to address placement and educational stability;

v. inform the child's parents of the nature and location of the child's new placement, unless there are compelling reasons to believe that disclosure would be contrary to the child's safety or wellbeing;

vi. inform the child's guardian *ad litem* of the new placement;

vii. notify the DSS Attorney of the new placement, including the name and address of the foster care provider, for receipt of hearing notices; and

viii. Within three business days of the change, update the child's case plan and CAPSS to reflect the new placement.

Special Considerations:

1. Travel Authorizations

a. For procedures related to travel for foster children, see Section 760.3: Reasonable & Prudent Parenting.

2. Individualized Consideration of Race, Color, or National Origin (RCNO)

a. If it appears that consideration of RCNO is necessary to advance the child's best interests, the worker shall document the rationale for this consideration, including all factors weighed.
b. The worker shall locate a qualified licensed professional to conduct an individualized assessment of the child's particular needs. The worker shall provide the professional with all relevant background concerning the child's needs, all relevant psychological evaluations if available, and information on MEPA/Title VI (via DSS Form 2533: MEPA Educational Materials).
c. Licensed professional must acknowledge receipt of this information by signing DSS Form 2534.
d. If the assessment concludes that RCNO should be considered in placement, the assessment must detail how such placement is in the child's best interests, and why it is the only way to achieve the best interests of the child.
e. The worker shall forward this assessment to the State MEPA Coordinator, who submits it to OCR/ACF within 7 business days for review and comment.
f. Even if consideration of RCNO is approved, it must not be weighed more heavily than other factors relevant to the child's best interests.

3. Placements for Child Sex Offenders

a. Children entering foster care who have been adjudicated delinquent, pled guilty, or been convicted of a sex offense may not be placed in a foster home unless it is a therapeutic home or the child is the only child in the home.
b. DSS may petition the court for an order allowing placement in another foster home if good cause exists, such as to place jointly with siblings. The worker shall contact the DSS Attorney if such a placement appears to be appropriate.
c. The worker shall inform the foster care provider of the adjudication or conviction, and shall provide updated information on an ongoing basis.

4. For information related to placing a child out of state, see Section 550.5.

5. **For placement of children who are a member of or who are eligible for membership in a federally-recognized tribe, see Appendix C: ICWA.**

DOCUMENTATION:

- Contacts with prospective and current foster placements
- Contacts with child
- Safety assessments
- Referrals and applications for foster placement supports
- Placement changes

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- Regional Foster Family and Licensing Support Coordinator (FSC)
- Child Welfare Director
- IFCCS Division
- County Director
- State Director
- Medically Fragile Children's Program
- Private Child Placing Agencies
- DSS attorney
- OHAN
- State MEPA Coordinator
- State IV-E Coordinator
- State Program Management Business Office
- OCR/ACF

REFERENCES:

Legal Citations:

Multi-Ethnic Placement Act & Interethnic Adoption Provisions

- 42 U.S.C.A. § 671(a)(18): general mandates
- 42 U.S.C.A. § 622(b)(7): diligent recruitment
- 42 U.S.C.A. § 674 & 45 C.F.R. § 1355.38: enforcement
- 42 U.S.C.A. § 1996b: Title VI violations
- 42 U.S.C.A. § 2000a et seq.: Title VI of the Civil Rights Act

The Americans with Disabilities Act

- 29 U.S.C.A. § 794: Section 504 of the Rehabilitation Act of 1973

- 29 U.S.C.A. § 705(20)-(21): Section 504 definition of disability
- 42 U.S.C.A. § 12102: ADA definition of disability
- 42 U.S.C.A. § 12103: ADA definition of auxiliary aids and services
- 42 U.S.C.A. §§ 12131-12134: ADA Title II, Public Services
- 42 U.S.C.A. §§ 12181-12189: ADA Title III, Public Accommodations
- 28 C.F.R. § 35.101 et seq.: ADA Title II regulations
- 28 C.F.R. § 36.101 et seq.: ADA Title IV regulations
- 28 C.F.R. § 42.501 et seq.: Section 504 DOJ regulations
- 45 C.F.R. § 84.1 et seq.: Section 504 DHHS regulations

42 U.S.C.A. § 671(a) (10) thru (12): licensing, review, RPP standard, fair hearings
42 U.S.C.A. § 671(a) (19): relative preference
42 U.S.C.A. § 671(a) (23): prohibition on denying/delaying out-of-state placement, fair hearings
42 U.S.C.A. § 671(a) (31): sibling connections
42 U.S.C.A. § 675(1): school stability
42 U.S.C.A. § 675(5): least restrictive & best interest placement, fostering connections
42 U.S.C.A. § 675(10) thru (11): RPP standard definitions
45 C.F.R. § 1356.21(e): trial home visits
45 C.F.R. § 1356.30: foster/adoptive home requirements
S.C. Code Ann. § 59-38-10: school stability
S.C. Code Ann. § 63-7-730: Expedited Relative Placement
S.C. Code Ann. § 63-7-1680: relative/fictive kin preference, proximity of placement, disclosure to parent/guardian
S.C. Code Ann. § 63-7-2310: protecting & nurturing children in foster care
S.C. Code Ann. § 63-7-2320 & 2330: kinship foster care, relative foster placement
S.C. Code Ann. § 63-7-2350 & 2360: placement restrictions, minor sex offenders
S.C. Code Ann. § 63-7-2370: disclosure to foster parents
S.C. Code Ann. § 63-7-2390: uninsured loss
S.C. Code. Reg. § 114-140: foster parent placement removal notice requirements

Tools:

Forms:

DSS Form 2533: MEPA Educational Materials
DSS Form 2534: Licensed Professional's Statement
DSS Form 30231: Child and Family Assessment Services Plan
DSS Form 30245: Education and Health Passport
Non-Medicaid Therapeutic Placement Approval Form

Practice Guidance:

REVISION COMMENTS:

510.3 Diligent Searches, Family Engagement, & Visitation

PURPOSE STATEMENT:

The agency recognizes that the preservation of a child's family bonds and community connections can be a vital tool in minimizing the trauma of the child's removal, affirming the dignity of the child and his or her family, and pursuing timely and lasting permanency. To this end, this section describes policies and procedures related to finding, engaging, and involving relatives and communities.

POLICY:

1. Within 30 days of removal, the agency shall exercise due diligence to identify and provide notice to the following relatives (both maternal and paternal): a. all parents;
    b. all grandparents;
    c. all parents of a sibling of the child (where such parent has legal custody of such sibling); and
    d. Other adult relatives of the child (including any other adult relatives suggested by the parents).

    This notice shall be subject to exceptions due to family or domestic violence, and shall:
    a. specify that the child has been or is being removed from the custody of the parent or parents of the child;
    b. explain the options the relative has under federal, state, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice; and
    c. Describe the requirements to provide a home for the child and the additional services and supports that are available for children placed in such a home.

2. The agency shall refer all children in foster care to Family Engagement Services to provide the children's treatment teams with assistance related to diligent searches.
3. When a child has been removed from his or her home and is in the custody of the agency, the agency shall attempt to identify a relative who would be appropriate for placement of the child.
    a. If the agency determines that it is in the child's best interests to be placed with a relative, or if a relative advises the agency that the relative is interested in providing placement for the child, the agency shall inform the relative of the procedures for being licensed as a kinship foster parent and/or completing an Unlicensed Relative Assessment, assist the relative with the licensing process, and inform the relative of availability of payments and other services to kinship foster parents.
    b. The agency shall also inform the relative of all permanent placement options (including both adoption and guardianship) and shall, when in the child's best interests, assist the relative in providing permanency for the child.
4. The agency shall promote a positive and nurturing relationship between children in foster care and their kin unless maintaining the relationship is contrary to the child's safety and/or wellbeing.
5. The agency shall immediately arrange for as much contact and visitation between the child and his or her kin as is reasonably possible and consistent with the best interests of the child. The agency shall not recommend parental visitation of less than two times per month unless such a schedule is documented in a signed court order. These visits shall be presumed to be unsupervised unless the agency documents that supervision is in the child's best interests.
6. The agency shall not automatically cease efforts to retain family connections upon the termination of a child's parent's rights. Rather, the agency shall continue such efforts when doing so is in the best interests of the child.
7. For placement of and/or visitation between siblings, see Section 510.5: Preserving Sibling Connections.

PROCEDURES:

1. Diligent Searches

a. The Foster Care/IFCCS Worker shall, within 7 days of the child entering foster care (and every six months thereafter), document efforts to solicit extensive information (including names, addresses, birth dates, SSNs, places of employment, military service, government assistance,

incarceration, etc.) regarding the child's maternal relatives, paternal relatives, and fictive kin from:

i. CPS staff;

ii. DSS records; iii. the child (if age- and developmentally- appropriate); iv. the child's foster placement; and

v. The child's known family members.

b. The Foster Care/IFCCS Worker shall, within 14 days of a child entering foster care:
   i. attempt to notify, by telephone, mail, and social media, all identified adult grandparents, parents of a sibling of the child (where such parent has legal custody of such sibling), fictive kin, and other adult relatives of the child of the child's placement in foster care and the individual's options to support the child;
   ii. if domestic or family violence concerns exist that justify excluding individuals from notification, document these concerns in CAPSS;
   iii. staff with Foster Care/IFCCS Supervisor regarding diligent search efforts and strategies;
   iv. Document all efforts in CAPSS.
c. The Foster Care/IFCCS Worker shall, within 30 days of a child entering foster care (and continuously thereafter):
   i. follow up regarding any responses to diligent search efforts (see Family Engagement below); ii. make new attempts to locate and notify any other individuals whose identity has come to Worker's attention;

   iii. Document all efforts in CAPSS.
d. In conducting a diligent search, the Foster Care/IFCCS Worker should consider the following methods:
   i. searching free and fee-based online databases;
   ii. completing DSS Form 2738: Child Support Referral (with "Diligent Search" boldly written at the top of the form) to utilize Child Support Enforcement databases; iii. conducting in-person visits to parents' or relatives' last known addresses;
   iv. visiting relatives' prior employers or former neighbors;
   v. enlisting the support of the child's guardian *ad litem* and other court officials;
   vi. composing a Genogram and Ecomap (with the assistance of the child and family) for the child's maternal and paternal families;

vii. familiarizing oneself with the families' cultures and traditions regarding family relationships, language, and potential support roles in order to better communicate with potential sources for relative contacts;

viii. engaging potential relatives through social media searches; and ix. contacting other agencies and nonprofits who may have information about a potential relative, including:

1. the child's school;
2. SC Judicial Department (Clerks of Court);
3. SC Department of Corrections or local jails;
4. local Sheriff's Departments;
5. SC Department of Motor Vehicles;
6. SC Department of Revenue; 7. local hospitals; and
8. Local shelters.

e. If the non-custodial parent is located, the worker shall consult with the DSS Attorney to make the parent a party to the child's legal case.

2. Family Engagement

a. The Foster Care/IFCCS Worker shall respond to all relative and/or fictive kin inquiries and shall, on the worker's own initiative, follow up periodically with interested individuals to maintain their connections to the child.

b. The Foster Care/IFCCS Worker shall schedule Family Meetings and/or Planning Conferences:

i. within 3 days of entry;

ii. if necessary, prior to removal hearing;

iii. if necessary, after removal hearing; iv. As needed throughout the duration of the case (including through the use of Permanency Roundtables).

c. The Foster Care/IFCCS Worker shall participate in meetings and contacts with the family and shall discuss:

i. family and agency views regarding family needs;

ii. family and agency views regarding safety issues or protective capacities which must be addressed for child to be returned or placed with kin;

iii. The details and status of the agency's primary and concurrent plan for the child.

d. If the Foster Care/IFCCS Worker locates and contacts a relative or fictive kin, the worker shall discuss (in a culturally- and context-sensitive manner):
    i. the individual's relationship to the child;
    ii. the individual's willingness and ability to be a placement, respite, case planning support person, visitation, contact, mentoring, or financial resource for the child;
    iii. if appropriate, the unique strengths and needs of the child;
    iv. any barriers to the individual's involvement in the child's life;
    v. concrete steps to become a placement or other resource for the child; and
    vi. Ways in which the worker can support the relative's efforts to become a resource for the child.

3. For procedures relating to relative placement, see Section 510.2: Placement of a Child.

4. For procedures relating to sibling visitation, see Section 510.5: Preserving Sibling Connections.

5. Parent Visitation

a. As soon as possible after a child enters foster care, the Foster Care/IFCCS Worker shall:
    i. form a visitation plan with input from the child, the parents/guardians, other kin, foster parent or group home provider, and, if applicable, the child's therapist or mental health provider. This plan shall include details about locations, dates/times, types of activities, length, supervision, necessary supports, and any community connections that can be utilized to assist in cultivating a positive relationship between child and parent;
    ii. in consultation with the above individuals, determine whether supervised visits are in the child's best interests and, if applicable, document the basis for this determination;
    iii. update the visitation portion of the case plan to reflect the terms of the visitation plan;
    iv. coordinate reasonable and meaningful visitation between the child and parents in accordance with the visitation plan and courtordered case plan unless the court has determined that it is not in the child's best interests;

v. Document efforts to arrange visitation and any observations of visits in CAPSS dictation.

b. The worker shall evaluate the visitation plan during the monthly case planning staffing to determine whether visits should be modified to change the frequency, location, duration, or individuals involved.
   i. If any changes are made to the visitation plan that conflict with the court-ordered plan, the worker shall consult with the DSS Attorney to seek court approval of the modified plan.
   ii. If the agency is proposing to end all visitation between the child and parents, the worker shall:
      1. consult with the DSS Attorney to petition the court to approve such a change; and
      2. Give notice to the parents or guardian that failure to support or visit the child as provided in the plan may result in termination of parental rights.

c. If the parent cannot be contacted or located, the Foster Care/IFCCS Worker shall document efforts to locate the parent in CAPSS and the child's case plan.

d. When appropriate, the Foster Care/IFCCS Worker shall use visits and family meetings to gather information regarding non-custodial parents and other relatives for the purpose of facilitating further family support for the child. The worker shall also request background and current information regarding the child and shall include the information and/or documents in the child's Life Book.

6. Visitation with Kin

a. The Foster Care/IFCCS Worker shall:
   i. at every appropriate opportunity, ask the child, the child's parents, and any other appropriate person (including other professionals involved with the child) about the names and addresses of any relatives or fictive kin with whom the child might have an emotionally significant connection;
   ii. attempt to contact and engage any individuals disclosed by these inquiries, explaining the child's status, the possibility of the individual's involvement, and the procedures for ensuring that their
   involvement is in the child's best interests;
   iii. Interview the individual and complete background checks (including CPS CAPSS data, central registry, SLED reports, sex offender registries, and any other online resources available to the

county office) prior to establishing visitation or other contact. If observations or information cause the worker to believe visitation may not be in the best interests of the child, the worker shall staff the case with his or her supervisor to determine whether or not to agree to establish communication with the individual and child;

iv. coordinate reasonable and meaningful visitation between the child and relative or fictive kin member, in accordance with the worker's assessment of the child's best interests;

v. Document contact information, results of background checks, and efforts to coordinate contact in CAPSS.

7. Changes in Visitation

a. The Foster Care/IFCCS Worker shall notify all parties if a change in circumstances affects the implementation of the visitation plan and shall document the changes and reasoning in CAPSS.

b. If there is a need to modify the current visitation plan due to long-term or permanent changes in circumstances, the Foster Care/IFCCS Worker shall consult all parties and shall modify the case plan accordingly. Once a change in the plan is decided, the worker shall notify all parties of the changes in writing.

c. If any changes to the visitation plan (including termination of visitation with parents/guardians) require court approval, the Foster Care/IFCCS Worker shall coordinate with the DSS Attorney to petition the court for such changes.

8. Maintaining Other Connections to Neighborhood, Community, Faith, Tribe, and Friends

a. The Foster Care/IFCCS Worker shall (at all appropriate times) inquire with the child, parents, other family members, and fictive kin about family history, culturally and emotionally significant community connections, and other important connections for child.

b. The Foster Care/IFCCS Worker shall make efforts to collaborate with foster placements and arrange ongoing maintenance of these connections, including visitation, attendance at events, and participation in extracurricular or cultural activities.

c. If the child is a member of a Native American tribe, the Foster Care/IFCCS Worker shall maintain the child's connections with tribal members and shall follow the policies and procedures set forth in Appendix C: The Indian Child Welfare Act.

d. The Foster Care/IFCCS Worker shall confirm the safety of these activities through background checks and registry checks, as needed.
e. The Foster Care/IFCCS Worker shall document all efforts to provide such activities in CAPSS.

Special Considerations:

1. Family member funerals, weddings, and other significant birth family/fictive kin events

a. In the event that the Foster Care/IFCCS Worker becomes aware of a significant event, death, or illness involving the child's birth family or fictive kin, the worker shall coordinate with the foster parents, guardian *ad litem*, and mental health professionals to confirm that the child is notified and is able to process in a trauma-sensitive manner.
b. The worker shall staff with the above individuals to determine whether attendance of an event or travel by the child is appropriate and, if applicable, to plan for child's attendance or trip. Such planning shall take into account:
   i. the age of the child;
   ii. the relationship between the child and the relative or fictive kin;
   iii. the expressed wishes of the child;
   iv. any recommendations by the child's mental health provider;
   v. whether or not a DSS representative needs to accompany the child; and
   vi. Whether the attendance or trip is appropriate for the child's safety and wellbeing, given the child's trauma history.
c. Unless clear reasons suggest that the child's involvement is contrary to his or her safety or wellbeing, the Foster Care/IFCCS Worker will coordinate with the foster placement, the relatives or fictive kin, and relevant DSS support staff to provide the child with an opportunity to take part in the event.

2. Birth Family Connections After Termination of Parental Rights (TPR)

a. Children may benefit from contact with their birth family after the finalization of the TPR in certain circumstances. Unless prohibited by court order, the Foster Care/IFCCS Worker may facilitate visitation between a child and his or her biological family after the finalization of the TPR if such visitation is in the child's best interests.

b. Whenever the child's permanent plan is adoption, the Foster Care/IFCCS Worker shall staff the case with the adoption specialist to consider the impact such visitation would have on the child's permanency plan. This staffing should occur prior to the determination of whether visitation is in the child's best interests.

DOCUMENTATION:

- Contacts with child, family, fictive kin, and community members
- Determinations regarding visitation with parents, siblings, or fictive kin
- Efforts to maintain family, fictive kin, and community connections

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- Foster Placement
- Guardian *ad Litem*
- Mental Health Professionals
- Birth Family and/or Fictive Kin
- Community Members
- DSS Attorney

REFERENCES:

Legal Citations:

42 U.S.C.A. § 671(a) (19): relative preference
42 U.S.C.A. § 671(a) (29): diligent searches
42 U.S.C.A. § 675(5): least restrictive & best interest placement, fostering connections
S.C. Code Ann. § 63-7-1680: placement plans, caseworker contacts, visitation, fostering connections, relative/fictive placement preference
S.C. Code Ann. § 63-7-2320 & 2330: kinship foster care, relative foster placement

Tools:

Seneca Search Report

Forms:

DSS 30231: Child and Family Assessment and Services Plan

Practice Guidance:

REVISION COMMENTS:

510.4 Case Planning & Management

PURPOSE STATEMENT:

In order to promote the wellbeing of children in foster care and to move such children as quickly as possible toward permanency, the agency is committed to providing comprehensive, inclusive, and well-documented case planning and case management. Accordingly, this section details the procedures by which the child's case planning team formulates and implements effective plans for the child's current and future safety, wellbeing, and permanency throughout the entire duration of the child's stay in foster care.

For procedures related to:

1. the initial family meeting/assessment, see Procedure 1, pp. 45-47;
2. the initial case plan, see Procedure 2, pp. 47-50;
3. ongoing case planning, see Procedure 3, pp. 50-52;
4. case management and minimum contacts, see Procedure 4, pp. 52-56; and
5. Transition planning, see Procedure 5, pp. 56-61.

POLICY:

1. The agency shall develop an individualized case plan for every child in foster care that:

   a. provides services specifically tailored to alleviate the issues necessitating foster care placement;
   b. promotes the child's current and future safety;
   c. promotes the child's physical, social, and emotional wellbeing; and
   d. Pursues legal permanency for the child.

   To satisfy the case planning requirements of Title IV-E, the agency shall continuously assess the appropriateness of and necessity for foster care placement of the child.

1. No child shall be denied the opportunity to have a permanent family on the basis of race, color, national origin, and religion, state of residence, age, disability, political belief, sex, or sexual orientation. Further, no individual shall be denied the opportunity to become an adoptive parent or permanent legal guardian on the basis of race, color, national origin, and religion, state of residence, age, disability, political belief, sex, or sexual orientation. Neither of these opportunities shall be delayed on the above bases. Placement decisions will not be made on the above bases except in rare cases in which such consideration is in the best interests of the child. If so considered, the resulting decision will be properly supported and documented. Further, the culture of a child and/or prospective adoptive family shall not be used as a proxy for race, color, or national origin in making placement decisions.
2. The agency shall monitor a child through in-person contacts on at least a monthly basis. The agency shall require any DSS employee who has knowledge of a failure to do so to report such a failure to the DSS State Office. Such contacts shall take place at the child's residence unless it is in the child's best interests for the contacts to be made elsewhere, and, in all cases, contacts shall be made in the child's residence at least every other month.
3. All foster placements shall satisfy the reasonable and prudent parent standard when facilitating age- and developmentally-appropriate extracurricular, enrichment, cultural, and social activities for children in their care.
    a. DSS shall apply this requirement as a Standard of Care for all foster family homes (including those managed by private child placing agencies) and group homes in which children are placed.
    b. DSS shall require the exercise of this standard as a condition in each contract entered into between DSS and private placement providers.
    c. DSS shall require that all group homes designate at least one on-site official per facility to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of each child in age or developmentally-appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard.
    d. The agency shall monitor the continuing capacity of foster family homes and group home providers to utilize the knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities.
4. Prior to but no later than the date on which the child reaches 14 years of age, the agency shall begin planning for services needed to assist the child to make the transition from foster care to a successful adulthood (see also Section 530: Chafee Program services for related resources).
5. For all children age 14 and older, the agency shall:
    a. Consult with the child and, at the child's option, two support persons who are not a foster parent or caseworker about all case planning decisions. DSS may reject an individual selected by the child if at any time the agency has good cause to believe that the individual would not act in the best interests of the child. One of the individuals may be designated to be the child's advisor or, as necessary, the child's advocate with respect to the application of the reasonable and prudent parent standard to the child;
    b. Provide to the child a document describing the rights of the child with respect to education, health, visitation, court participation, access to credit reports and personal legal documents, and the right to stay safe and

free of exploitation. A copy of this document, signed by the youth, shall be documented in the child's case plan; and

c. Provide the child with annual credit reports and adequate instruction on how the child may interpret such reports.

6. Within 90 days prior to a youth's 18th birthday, the agency shall draft a personalized transition plan that:
    a. includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services;
    b. 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 law to make such decisions; and
    c. Provides the child with the option to execute a health care power of attorney, health care proxy, or other similar document recognized under state law, and is as detailed as the child may elect.
7. In the event that a case transfer of a child is requested pursuant to the Indian Child Welfare Act (see Appendix C), the agency shall provide the tribe with all essential documents and information necessary to continue the child's Title IV-E and Medicaid eligibility. This documentation shall include:
    a. all court orders documenting (1) that continuation in the home from which the child was removed and (2) that reasonable efforts to prevent removal, reunify the family, and/or finalize the child's permanency plan were made;
    b. all documentation related to the child's IV-E eligibility (see Section 510.9);
    c. all documentation regarding the child's eligibility for other benefits;
    d. the child's case plan, which shall contain or be accompanied by the child's health and education records; and
    e. Documentation of the child's placements, including a copy of the most recent provider's license and/or approval.

    For other policies and procedures related to ICWA and the transfer of a case to a tribe, see Appendix C.
8. For policies and procedures related to meeting a foster child's educational and health needs, see Sections 510.6 and 510.7.

PROCEDURES:

1. **Initial Family Assessment**
    a. The Foster Care/IFCCS Worker shall utilize the family assessment process to gather information to help the worker and parent understand the underlying problems that caused the child to be unsafe. The worker shall then plan for and implement intervention services that are aimed at addressing the identified issues (see Procedures 2 below).
    b. Prior to the initial family meeting, the Foster Care/IFCCS Worker shall staff the case with the CPS Assessment Worker, the CPS Supervisor, the Foster Care/IFCCS Supervisor, and any other relevant staff.

i. The purpose of the staffing is for the Foster Care/IFCCS Worker to:
    1. gain a thorough understanding of what behaviors or safety threats caused the children to be unsafe and resulted in removal from the home; and
    2. Determine that the placement of the child in foster care is appropriate and necessary.

ii. The Foster Care/IFCCS Worker shall document the results of the staffing in CAPSS dictation.

c. The Foster Care/IFCCS Worker shall conduct an **initial family meeting** within three days of the child entering foster care.

i. The purpose of the meeting is to gather background, health, and other information regarding the child and to determine if an in-home safety plan can be put into effect such that the child can be returned home at the Probable Cause Hearing (if one was not already attempted prior to removal).

ii. The worker shall facilitate discussion about the following topics in the meeting and at any subsequent contacts with the family:
    1. family and agency views regarding problems that led to intervention;
    2. safety threats to be successfully addressed for the child to be returned to the home;
    3. family and agency views of the protective capacities to be demonstrated in order for the child to be returned; and
    4. Primary and (if applicable) concurrent plan for the child (see Section 520 for policies and procedures related to the selection of the child's permanency plan).

iii. The worker shall also gather any relevant information, including but not limited to (1) names and locations of relatives to be notified of placement of the child and (2) whether or not the child is a member or eligible for membership in a tribe.

iv. The worker shall identify the need for any professional assessments (e.g., substance abuse, mental health, and trauma) that might be necessary to appropriately remedy the issues faced by the child or family. The worker shall utilize such assessments in developing the family's case plan.

v. The parents shall be included unless their attendance is prohibited by specific case circumstances (e.g., a restraining order, a recommendation of no contact by the child or parents' therapist). If the parents are unable to attend, they are entitled to ask someone to represent their views and/or to send written comments.

vi. The child (and if the child is 14 or older, two or more support persons identified by the child and approved by the agency—see below for procedures related to engaging child and support persons) shall participate if age- and developmentally-appropriate and unless his or her attendance is not in his or her best interests. If the child is unable to attend, he or she shall be entitled to ask someone to represent his or her views and/or to send written comments.

vii. The child's guardian *ad litem*, if one has been appointed, shall be invited to participate.

viii. A representative for any identified tribe shall be invited to participate in the family meeting if the parent requests that the representative be present.

ix. The parents shall be entitled and encouraged to invite any family or other support persons, unless the agency finds that the involvement of such support persons would be contrary to the safety or wellbeing of the child.

d. Concurrently with the initial family meeting or immediately thereafter, the Foster Care Worker shall complete the **Initial Family Assessment** according to the DSS Form 30231 Instruction and Practice Guide.
   i. The worker shall first gather the information required to complete the Family Story. This includes the family's understanding of the issues, the family's' identification of strengths and needs, a number of items related to background information, and an assessment with the family of the family's motivation to change the behaviors that led to the child being unsafe.
   ii. The worker shall consult the results of any assessments conducted by medical or mental health professionals, as well as the trauma histories of both the child and the family, when completing the Initial Family Assessment.
   iii. The worker shall then, with the family's assistance, complete the remainder of the Initial Family Assessment. As part of this process, the parents may develop their own proposal for a family plan of the services and actions to address the behaviors that must be changed. The parents' proposal shall be incorporated into the initial case plan as long as the non-negotiable issues determined by the agency are also addressed in the parent's plan.
e. The worker shall document all information gathered in the child's file, the child's case plan, and (when applicable) in the child's DSS Form 30245: Education and Health Passport.
f. The worker shall also document all contacts with the child and family, as well as all attempts to contact the child and family.

2. **Initial Case Plan**
   a. The Foster Care/IFCCS Worker shall prepare the child's and family's initial case plan prior to the Merits/Removal Hearing or within 60 days, whichever is sooner.
   b. The Foster Care/IFCCS Worker shall make reasonable efforts to secure the participation of the parent/guardian, the child, and any known service providers in the development of the plan.
   c. The worker shall utilize input from the participants in the initial family meeting and any other individuals with knowledge of the case. If additional information or involvement is needed after the initial family meeting, the worker shall schedule additional meetings or make individual contacts.
   d. If a child is aged 14 or older, the Foster Care/IFCCS Worker shall consult with the child and, at the child's option, two support persons who are not a foster parent or caseworker about all case planning decisions.
      i. The worker may reject an individual selected by the child if at any time the worker has documented good cause to believe that the individual would not act in the best interests of the child.
      ii. One of the individuals chosen by the child may be designated to be the child's advisor or, as necessary, the child's advocate with respect to the application of the reasonable and prudent parent standard to the child.
      iii. The Foster Care/IFCCS Worker shall have the child and the support persons sign the DSS Form 30161: Youth's Rights Case Plan Addendum at

every case planning meeting, making sure to explain confidentiality of information at every signing. The signed and completed form shall be uploaded to CAPSS.

e. The worker shall consult any professional assessments conducted regarding the child and family (e.g., substance abuse, mental health, trauma), and shall incorporate the professional recommendations into the family's case plan.
f. The case plan shall be documented on the DSS Form 30231; Child and Family Assessment Services Plan and shall include the following information:
    i. if reasonable efforts to reunify are required as laid out in Section 520, the **parent/guardian's placement plan** (see Section 520.1 for policies and procedures related to its formation and implementation);
    ii. if reasonable efforts to reunify are not required or a concurrent plan is necessary, the child's **permanency plan** (see Section 520 et seq.); and
    iii. The **child's placement plan**.
g. The child's placement plan shall include, but shall not be limited to:
    i. services to address education, mental health, physical health, and, if applicable, trauma, criminal behavior, parenting in foster care, sex trafficking, and/or substance use;
    ii. services to support the safety and appropriateness of the child's placement;
    iii. services to support visitation with family and/or fictive kin (see Section 510.3);
    iv. services to support and nurture sibling connections (see Section 510.5);
    v. services to address grief, trauma, and/or loss; and
    vi. Services to promote and expedite legal permanency for the child.
h. The Foster Care/IFCCS Worker shall submit the plan to his or her supervisor for review and approval.
i. Upon acquiring supervisor approval, the Foster Care/IFCCS Worker shall provide the parent with a copy of the proposed plan and explain its provisions.
    i. The Foster Care/IFCCS Worker shall receive any objections from the parent and shall notify the parent that the removal hearing is the proper time to bring these objections.
    ii. The parent must be notified that, if the objections are not raised at the removal hearing or other hearing date when the plan is approved, the parent cannot request subsequent amendments unless all parties subsequently agree on the amendments or, upon a motion for a hearing by the parent, the court finds that there is enough evidence to demonstrate the need for a change.
    iii. The Foster Care/IFCCS Worker shall inform the parent that, if the court approves the plan, failure to remedy the conditions that caused the removal within six months may result in termination of parental rights.
j. Upon acquiring supervisor approval, the Foster Care/IFCCS Worker shall consult with the DSS Attorney to present the placement plan to the court at or prior to the removal hearing. The worker shall complete a DSS Form 30252: Removal Hearing Placement Plan Outline and shall include the document in the materials presented to the court.
k. The Foster Care/IFCCS Worker shall consult with the DSS Attorney to present the initial placement plan to the Family Court:
    i. at or within 10 days after the removal hearing;
    ii. within 7 days of a court request for amendments; or

iii. At any time if amendments are requested by all parties or if a party files a motion for a hearing to amend the plan.

l. Immediately after the court approves the initial case plan, the Foster Care/IFCCS Worker shall provide a copy to the parent/guardian and shall reiterate that failure to remedy the conditions that caused the removal within six months may result in termination of parental rights.

m. The Foster Care/IFCCS Worker shall also provide copies of the plan to any party identified by the court.

   i. If the court does not specifically request that the agency provide a copy of the plan to the child, the Foster Care/IFCCS Worker shall still consider whether provision of the plan to the child would be age- and developmentally-appropriate. If provision of the plan would not be appropriate, the Foster Care/IFCCS Worker shall provide the child with age-appropriate information concerning the substance of the plan unless the court has found that disclosure of any part of the plan to the child would be inconsistent with the child's best interests.

   ii. A copy of any part of the plan that directly pertains to the foster family or the foster child shall be provided to the foster parents.

n. As soon as possible after the case plan is approved, the Foster Care/IFCCS Worker shall make the referrals for services necessary for the parents to complete the placement plan (if the agency is pursuing reunification) and for the agency to implement all other provisions in the child's placement and permanency plan. The providers shall be given copies of the portions of the case plan that identify the behaviors/issues to be addressed and the role or actions agreed upon with the parents, child, worker, provider, and (if applicable) the child's caregiver.

3. **Monthly & Ongoing Case Planning**

   a. The Foster Care/IFCCS Worker shall review the status of the case plan on a monthly basis and shall update the plan at any time if the need for a change is identified. The results of the progress review shall be documented in the child's case plan and in CAPSS dictation.

   b. For review of the child's permanency plan goals and for further procedures related to the child's specific permanency plan goal, see Section 520 et seq.

   c. If a child is age 14 or older, the Foster Care/IFCCS Worker shall consult with the child and, at the child's option, two support persons who are not a foster parent or caseworker about all case planning decisions and during all case planning meetings.

      i. The worker may reject an individual selected by the child if at any time the worker has documented good cause to believe that the individual would not act in the best interests of the child.

      ii. One of the individuals chosen by the child may be designated to be the child's advisor or, as necessary, the child's advocate with respect to the application of the reasonable and prudent parent standard to the child.

      iii. The Foster Care/IFCCS Worker shall have the child and the support persons sign the DSS Form 30161: Youth's Rights Case Plan Addendum at every case planning meeting, making sure to explain confidentiality of information at every signing. The signed and completed form shall be uploaded to CAPSS.

   d. The Foster Care/IFCCS Worker shall monitor service delivery providers to determine if services are successful in changing the behavior of the parents (if

services are being provided to the parents) and in addressing the needs of the child.

i. The Foster Care/IFCCS Worker shall request written reports/updates from service providers on at least a quarterly basis. The worker shall follow up on these reports in order to evaluate the effectiveness of the services and the compliance of the various parties.
ii. The Foster Care/IFCCS Worker shall provide copies of these reports and/or updates about the services to the guardian *ad litem* and the Foster Care Review Board (see 540.1 for FCRB procedures).
iii. The Foster Care/IFCCS Worker shall revise the plan for service delivery as is necessary.
iv. The Foster Care/IFCCS Worker shall document all service delivery reviews in the child's case plan and in CAPSS dictation.

e. The Foster Care/IFCCS Worker shall complete a **supervisory staffing** at the following times:
   i. when there is a change in circumstances such as change in placement, change in family composition, change in permanency goals, new safety or risk issues, increased level of risk, family request of any team member, or case closure;
   ii. at least every six months;
   iii. at the time of a judicial review or a permanency planning hearing;
   iv. at case transfer;
   v. at decision points in the case (e.g., considering unsupervised visitation or returning a child home); and
   vi. 90-days prior to the foster youth reaching age 18 or 90-days prior to the youth over age 18 emancipating/leaving foster care.

f. The case planning meeting shall include the family, the child (if appropriate or in all cases if the child is 14 or older), and, if the child is 14 or older, any support persons identified by the child and not rejected by the agency (see above for procedures related to involvement of child/support persons). The meeting shall be a comprehensive review of the case plan and the monthly monitoring of case activities, and shall include the following topics, if applicable:
   i. whether the child's placement in foster care remains necessary and appropriate;
   ii. the child's safety in the placement;
   iii. the child's permanency plan status (at least every 6 months);
   iv. sibling connections (see Section 510.5);
   v. any reduced safety threats in the home (when reunification is the plan);
   vi. changes in behavior that have occurred in the family members over time that are needed to create a safe environment for the child and identification of the required changes that have not been demonstrated at the time of the evaluation (when reunification is the plan);
   vii. observable behaviors of the child in foster care when behaviors are resulting in disruptions in placement or educational stability;
   viii. any child involvement with the juvenile justice system (see Section 550.2) ;
   ix. effectiveness of current services;
   x. current actions to locate absent parents, relatives, or fictive kin (see Section 510.3);
   xi. the child's transition to adulthood, beginning no later than age 14 (see Transition Planning below)

xii. The child's Final Transition Plan (see Transition Planning below).

g. The Foster Care/IFCCS Worker shall document the results of the case evaluation in the child's case plan and in CAPSS.

h. For ongoing planning and management related to Foster Care Review Board meetings and Family Court hearings, see Section 540.1 and 540.2, respectively.

4. **Ongoing Case Management & Minimum Contacts**

a. The Foster Care/IFCCS Worker shall complete all necessary activities to confirm that the child retains eligibility for benefits and services, including but not limited to:

i. board payments;
ii. entitlement programs (e.g., SSI, SSA, Veteran's Benefits);
iii. child support;
iv. Medicaid;
v. clothing allowance;
vi. funding for service delivery; and
vii. IV-E Funds (see Section 510.9).

b. The Foster Care/IFCCS Worker shall make all referrals necessary to confirm that the child's educational and health needs are met (see Sections 510.6 and 510.7 for detailed procedures related to these needs). The worker shall confirm that all education and health records are maintained in the child's case file, Education and Health Passport, and in CAPSS).

c. **Child Contacts**

i. The Foster Care/IFCCS Worker shall, at a minimum, make monthly in-person contacts with the child (or more based on the child's needs). Monthly shall be defined for purposes of minimum contacts as once each calendar month.

ii. The Foster Care/IFCCS Worker shall, at a minimum, make weekly in-person contacts with the child if the child is in an emergency shelter.

iii. The Foster Care/IFCCS Worker shall, at a minimum, make quarterly in-person contacts if the child is 18-21 years old and (1) has an aftercare agreement and (2) is attending college in-state (telephone contact is permissible if the child attends college out-of-state).

iv. In preparation for a monthly visit with the child, the worker shall review the child's case plan regarding what services should be in place for the child at the current time, make contacts regarding the status of services, and confer with individuals involved with the child.

v. The contacts shall focus on issues pertinent to case planning and service delivery to promote the child's safety, permanency, and wellbeing. The worker shall ascertain the progress made in meeting the child's needs and the continuing appropriateness of the placement.

1. A portion of the visit shall include a discussion alone with the child (outside of the presence of the caregiver) so that the safety and appropriateness of the placement can be accurately assessed.
2. When the worker is visiting multiple children in one home or a sibling group placed together, the worker shall spend time with each child individually and additional time with the children together.

3. If the child is placed in a group care facility, DJJ institution, or treatment facility, the worker shall also meet with the staff in charge of providing day-to-day care.

vi. The Foster Care/IFCCS Worker shall confirm at every visit that the child has a printed card containing a telephone number the child may use to contact the worker and the worker's office and, if not, that the child is given a new card. The worker shall explain which number the child should use if he or she feels that he or she has a problem that the worker will not resolve.

vii. The Foster Care/IFCCS Worker shall monitor whether the child's placement is following the reasonable and prudent parent standard in relation to the child (see Section 760.3 for requirements and guidance related to this standard).

1. The worker shall inquire with the child and the caregiver about what specific opportunities the child has had in the past month to engage in age- or developmentally-appropriate activities.
2. If the child is placed in a foster family home (including both DSS-licensed and privately-licensed homes), the worker shall inquire with the foster parents about their efforts to meet the standard for the individual child.
3. If the child is placed in a group home, the worker shall inquire with the official designated to apply the reasonable and prudent parent standard to decisions involving the child about the official's efforts to meet the standard and the specific activities in which the child has participated.
4. If the foster placement expresses difficulty in determining the appropriateness of or arranging such activities, the worker shall offer to assist the placement in doing so.
5. If the worker determines that the placement is not adequately providing the child with age- and developmentally-appropriate activities, the worker shall discuss this with the placement. If the placement expresses an unwillingness or inability to provide such opportunities for the child, the worker shall inform the placement that such opportunities are required by law and that a violation could constitute grounds for removal of the child and/or revocation of the placement's license. If the placement continues to object, the worker shall consult their supervisor and the Foster Family Licensing and Support Coordinator to determine an appropriate course of action.
6. All discussions with the child and his or her caregivers about efforts to meet the standard and all age- and developmentally-appropriate activities in which the child participated in the past month shall be documented in CAPSS dictation.

viii. Contacts shall take place at the child's residence unless it is in the child's best interests for the contacts to be made elsewhere, and, in all cases, contacts shall be made in the child's residence at least every other month.

ix. Documentation of every visit/contact must be entered into CAPSS prior to the end of each calendar month. When face to face contacts with the child occur in the placement setting, the CAPSS dictation codes must be "Face to Face" and "Home Visit." This is necessary to determine the percentage

of face to face contacts that occur in the placement setting for federal reporting and analysis.

x. DSS employees shall report any knowledge of a failure to make required child contacts to the State Office.

d. **Foster Placement Contacts**

i. At a minimum, the Foster Care/IFCCS Worker shall make monthly in-person or telephone contacts with the foster placement. At least every other month, these contacts shall be in person.

ii. At least quarterly in-person contacts will be made with other adults in home. Further, a foster placement must notify the agency if another adult moves into the home, and the worker must interview the adult face-to-face within one month after receiving notice

iii. The worker shall interview the foster placement or other adults in the home more frequently when conditions in the home, circumstances of the foster child, or other reasons suggest that increased oversight or casework support is appropriate.

iv. The purposes of the foster placement visits are as follows:

1. providing ongoing assessment of the foster placement's ability to maintain a safe and appropriate placement for the child;
2. identifying and arranging available services the provider may require to facilitate caring for the child (i.e. identifying what the foster placement needs to enhance care and supervision of the child such as respite, assistance with transportation needs, counseling to address the child's behaviors);
3. monitoring relationships of the child with the caregivers and others in the placement setting for safety and connection;
4. involving the foster parent/provider in development of visitation and service planning for the child;
5. keeping the foster parent/provider apprised of ongoing plans (e.g., treatment services and permanency plans in the case plan) and newly acquired information regarding the child;
6. sharing and documenting information of unusual injuries, incidents or illnesses of the foster child with the licensing worker and other agency personnel who have an interest in the foster home and taking action to promote the safety of the child, including removal from the foster home, if appropriate (see Section 510.8 for procedures to be adhered to in situations of abuse or neglect);
7. following up with the foster placement on the results of any medical treatment that may have been requested related to a child's illness, incident, or medical condition;
8. following up with the foster placement on the child's progress in school and addressing any identified problems;
9. reviewing the Education and Health Passport to obtain copies of recent medical or education documents to file in the permanent record (see Sections 510.6 and 510.7); and
10. Discussing the foster placement's participation in legal proceedings (see Section 540 et seq.).

e. **Biological Parent/Guardian Contacts**

i. The Foster Care/IFCCS Worker shall complete a minimum of monthly face-to-face contacts with the parents or guardians from whom the child was removed or to whom the child may be reunited for the purposes of:
    1. ongoing assessment of the parent or guardian's ability to maintain a safe and appropriate home for the child unless reunification has been ruled out by the court;
    2. identifying any services the parents may require to develop the protective capacities related to identified safety threats;
    3. reviewing, assessing, and monitoring progress of any ongoing services to determine if the service plan has been effective in successfully changing the behaviors or home circumstances that necessitated the child's placement in foster care;
    4. assessing and monitoring adult/parenting relationships with the child; and
    5. Sharing information with and obtaining information from the parent regarding the child's well-being.

ii. The worker shall conduct the monthly face-to-face contacts with the parent/guardian in the parent/guardian's home, whenever possible.

iii. When the agency has been relieved of providing services to reunify the parent and child, monthly contacts are not required but are maintained as needed to promote the child's well-being. Where failure to remedy is a basis for the TPR action, it may be necessary to maintain contact with the parents to monitor continued efforts to complete the treatment plan.

iv. If parent-child visitation is occurring, face-to-face contacts of the worker and parents related to visitation or visitation supervision are documented in CAPSS as face-to-face visits.

f. The Foster Care/IFCCS Worker shall be responsive to all communications from the child's guardian *ad litem*.

g. If the court orders additional contacts, the worker shall comply with the details of the court's order.

5. **Transition Planning**

a. **Service Planning After Age 14**

i. As soon as possible after a child turns 14, but no later than 30 days past the 14th birthday, the Foster Care/IFCCS Worker shall confirm that the child completes an annual life skills assessment to determine the child's goals for a successful transition to adulthood. The assessment shall be documented in the following places:
    1. a hard copy in the child's file;
    2. CAPSS dictation; and
    3. The CAPSS "All Support Services" tab for federal NYTD tracking purposes.

ii. As soon as possible after a child completes the initial life skills assessment, the worker shall meet with the child to plan for the services needed to assist the child in making the transition from foster care to a successful adulthood.
    1. The worker shall provide the youth with a Chafee Program Guidelines Booklet (DSS Booklet 30258 or 30267) at the initial meeting and at least annually thereafter.

2. The youth and the worker shall establish goals for a successful transition to adulthood based on the life skills assessment and the child's individual needs.
3. The goals for a successful transition to adulthood shall include specific goals regarding:
    a. employment;
    b. education;
    c. housing;
    d. life skills;
    e. physical and emotional health; and
    f. (If applicable) spiritual development.
4. The Foster Care/IFCCS Worker shall incorporate the goals for a successful transition to adulthood into the child's case plan and shall discuss the goals at all subsequent monthly visits with the child.
5. All plans identified shall be documented in the child's case plan, and the substance of the meeting shall be documented in CAPSS dictation. Goals for a successful transition to adulthood shall be documented in the CAPSS Child Assessment Domain 8. The worker shall document any services (whether funded or non-funded) provided to assist the child in transitioning to adulthood in the NYTD tab in CAPSS (see Section 530, Procedure 6).

iii. If a child is age 14 or older, the Foster Care/IFCCS Worker shall consult with the child and, at the child's option, two support persons who are not a foster parent or caseworker about all transition planning decisions.
1. The worker may reject an individual selected by the child if at any time the worker has documented good cause to believe that the individual would not act in the best interests of the child.
2. One of the individuals chosen by the child may be designated to be the child's advisor or, as necessary, the child's advocate with respect to the application of the reasonable and prudent parent standard to the child.
3. The Foster Care/IFCCS Worker shall have the child and the support persons sign the DSS Form 30161: Youth's Rights Case Plan Addendum at every case planning meeting, making sure to explain confidentiality of information at every signing. The signed and completed form shall be uploaded to CAPSS.

iv. At the initial transition planning meeting and every case planning meeting after the child turns 14 (or whenever it is age-appropriate to give provide the document to the child), the Foster Care/IFCCS Worker shall provide the child with a **DSS Form 30161: Youth's Rights Case Plan Addendum**, which shall describe the rights of the child with respect to education, health, visitation, court participation, access to credit reports and personal legal documents, and the right to stay safe and free of exploitation. The worker shall upload the signed and completed form to CAPSS and shall place a hard copy in the child's case file.

v. As part of the child's transition plan, the Foster Care/IFCCS Worker shall confirm that the youth receives **a copy of the youth's credit report** (or, if the youth has no credit report, an email documenting that the child has no report) on an annual basis from age 14 until the youth leaves care. The worker shall receive an annual email from the Chafee Program

Identity Theft Prevention Coordinator with the child's report and results, which the worker shall then provide in hard copy form for the child.

1. For the duties and role of the Chafee Program Identity Theft Prevention Coordinator, see Section 530: Chafee Program.
2. The Foster Care/IFCCS Worker shall coordinate with the Chafee Program Identity Theft Prevention Coordinator to confirm that, if the report contains discrepancies, the youth receives assistance in interpreting the report and resolving any inaccuracies.
3. The Foster Care/IFCCS Worker shall coordinate with the Chafee Program staff to confirm that the child participates in activities that promote a successful transition to adulthood (STA) that include information about understanding credit information.
4. Upon a youth leaving foster care, the Foster Care/IFCCS Worker shall provide the youth with information on how to obtain annual free credit reports.
5. Upon providing the child with a copy of his or her credit report or an email documenting that the child has no report, the Foster Care/IFCCS Worker shall complete the DSS Form 1598: Resource Checklist for a Successful Transition to Adulthood with the child, documenting that the child received the report/email. The form shall be uploaded to CAPSS every year.

b. **Within 90 days of a youth's 17th birthday**

i. Within 90 days prior to the youth's 17th birthday, the Foster Care/IFCCS Worker shall convene a formal Transition Planning Meeting.

ii. The meeting shall include the youth, the youth's identified case planning support team, the youth's agency case planning team, and the youth's adult support system. Service providers, foster parents, family members, and any other supportive adults with whom the youth has a positive connection should also be invited to the meeting.

iii. Although the Transition Planning Meeting is facilitated by the Foster Care/IFCCS Worker, the Transition Plan is guided by the aspirations of the youth. Federal law requires that the youth have input in the development of his or her Transition Plan. The youth must be informed of the purpose and the importance of the transition plan and that he or she is expected to actively participate.

iv. The meeting shall focus on the immediate services and skills that the youth will need upon reaching the age of 18. All of the topics below should be addressed and documented on the DSS Form 30206: Transition Planning Form (the options and resources available within these topics must be clarified):

1. Identification of adults who will be part of the youth's continuing support system. Those adults participating in the development of the transition plan are encouraged to be active participants in the implementation and execution of the transition plan. The items listed below are also important to the success of the support system for the youth:
    a. Local opportunities for mentoring and other continuing support services available through supportive connections must be explored.

b. If the youth has faith/spiritual-based beliefs, assistance with development of associated connections must be explored such as, referral to youth ministry.
c. The youth must be given the information about the importance of designating someone as health care power of attorney/health care proxy. A health care proxy is someone who is able to make health care treatment decisions on behalf of the youth if the youth is unable to do so. Participants in the transition planning may be able to assist the youth in choosing a health care proxy. The youth will be given information regarding the importance of having a health care proxy or health care Power of Attorney.

2. health care insurance (if in foster care on 18th birthday, Medicaid eligibility continues to age 26 with few exceptions);
3. health education including information relating to sexual health (including family planning) and services and resources to inform and prepare the youth to make healthy decisions about his or her life;
4. education including post-secondary school and vocational training (including whether the youth will need an educational representative as described in Section 510.6, Special Consideration 2);
5. the continued participation of the youth in any appropriate mental health treatment;
6. housing; and
7. Workforce supports and employment services.

v. Progress shall be evaluated at the worker's monthly contacts and the transition plan shall be updated monthly with input from the youth. Services shall be added, if needed, until the youth exits care.

vi. The Foster Care/IFCCS Worker shall document the Transition Planning Meeting in the child's case plan and in CAPSS documentation. The meeting shall be documented in the CAPSS "All Support Services" tab for federal NYTD tracking purposes.

c. **Within 90 days prior to a youth's 18th birthday**

i. Within 90 days prior to the youth's 18th birthday, the Foster Care/IFCCS Worker shall repeat the Transition Planning Meeting procedures above and shall update the plan according to the child's current needs.

ii. The Foster Care/IFCCS Worker shall confirm that the child is provided with the following documents:

1. an original copy of his or her official or certified birth certificate;
2. an original copy of his or her official social security card;
3. health insurance information (including an original Medicaid card);
4. a copy of the child's DSS Form 30245: Education and Health Passport;
5. a driver's license or state issued identification card;
6. the child's family tree or genogram, if available;
7. the child's Life Book or other pictures/keepsakes from his or her time in foster care;
8. a current credit report (see above);

9. an original high school diploma and/or college transcript (if applicable);
10. a copy of the child's last court order;
11. funds from personal accounts not already used for agency expenses (e.g., SSI, SSA, Veteran's Benefits); and
12. A list of the child's medications.

The worker shall complete the DSS Form 1598: Resource Checklist for a Successful Transition to Adulthood with the child and shall upload it to CAPSS. The worker shall confirm that DSS retains copies and/or scanned copies of each document provided to the youth.

iii. The Foster Care/IFCCS Worker shall discuss the option of Aftercare Placement with the youth (see Section 530), and, if appropriate, shall advise the youth to complete and sign a DSS Form 30136: Aftercare Agreement for Voluntary Placement.

d. **Within 90 days prior to a youth leaving care, if older than 18**

i. Within 90 days prior to the youth leaving care (if older than 18), the Foster Care/IFCCS Worker shall repeat the Transition Planning Meeting procedures above and shall update the plan according to the child's current needs.

ii. The Foster Care/IFCCS Worker shall also confirm that the child receives the documentation and counseling detailed in Section 560: Termination of Foster Care Services.

Special Considerations:

1. **Case Transfer**

a. **To another county**

i. When a child's parent/guardian moves to another county, it is preferred that the case stay in its country of origin. The Foster Care/IFCCS Worker may ask the new county to provide assistance to parents in accessing services in order to fulfill the goals of the parent's placement plan.

ii. In exceptional circumstances, the Foster Care/IFCCS Supervisors in the sending and receiving county may agree to transfer the case. The receiving county supervisor shall only agree to the transfer if it is in the child's best interests and:

1. the child and his/her parent have a significant connection with the receiving county, e.g. the parent has moved to the receiving county and does not have a history of frequent moves between counties; or
2. There is substantial evidence available concerning the child's present or future care, protection, training and personal relationships in the receiving county, e.g. the plan is reunification with the parent residing in the receiving county.

iii. After receiving an agreement to transfer from the receiving county, the Foster Care/IFCCS Worker shall discuss the proposed transfer with the guardian *ad litem*, service providers, and (if appropriate or the child is aged 14 or older) the child. If transfer is pursued, the Foster Care Review Board and foster care placement shall be notified.

iv. The Foster Care/IFCCS Worker shall coordinate with the DSS Attorney to schedule a Judicial Review or Permanency Planning hearing to obtain a court order transferring jurisdiction.
v. Case transfer does not necessitate a placement change.
vi. The Foster Care/IFCCS Worker shall confirm that all treatment services continue during the transfer. This may require additional transportation arrangements or, when appropriate, a transfer to another qualified provider.
vii. The Foster Care/IFCCS Worker shall confirm that all required case reviews, updates (updated treatment plans, supervisory staffing, etc.), and documentation are current and all required data updated in CAPSS. The worker shall enter the end date for the current worker assignment and the name and beginning date for the new worker assignment. The worker shall not close the foster care service line in CAPSS.

b. **To a Native American tribe**
   i. In the event of a case transfer pursuant to the Indian Child Welfare Act, the Foster Care/IFCCS Worker shall follow the procedures described in Appendix C: The Indian Child Welfare Act.
   ii. The worker shall confirm that the documentation transferred to the tribe includes the child's case plan and all related documentation.
   iii. Further, the worker shall confirm that the documentation transferred to the tribe includes the following health and education records (and shall include such documentation separately if not contained within the Health & Education Passport):
      1. the names and addresses of the child's health and educational providers;
      2. the child's grade level performance;
      3. the child's school record;
      4. a record of the child's immunizations;
      5. the child's known medical problems;
      6. the child's medications; and
      7. Any other relevant health and education information concerning the child determined to be appropriate by worker.

2. **Case Transfer to Intensive Foster Care and Clinical Services (IFCCS)**
   a. For placement procedures related to special needs children and IFCCS, see Section 510.2: Placement of a Child.
   b. If eligibility has been positively determined and finalized, IFCCS and county staff shall conduct a staffing to determine whether the case will be transferred to IFCCS.
   c. IFCCS will assume primary case management if:
      i. an IFCCS case slot is available; and
      ii. The child has been in foster care for more than 35 days (if the removal hearing has not occurred within 35 days, the county worker is still responsible for appearing at the removal hearing).
   d. IFCCS will assume primary case management of an IFCCS client's own child if the child and parent are both in foster care and are placed together.
   e. The county worker shall retain case management of:
      i. any child awaiting an IFCCS slot;
      ii. any child who has not been in foster care for 35 days;

iii. any siblings of an IFCCS-referred child who are in regular foster care placements;
iv. Any children of an IFCCS client, if the child is not in the same placement.

f. Prior to case transfer, the county Foster Care Worker shall:
   i. confirm that all initial eligibility procedures (e.g. IV-E application and IV-E eligibility, child support referrals, CAPSS data entry, etc.) have been completed prior to transfer;
   ii. Prepare for permanency planning hearings and/or FCRB meetings that are due within 60 days of the transfer. Both workers shall attend the hearing or meeting; and
   iii. Provide the entire case file to IFCCS if the child does not have siblings in regular foster care. If siblings are in care, the worker shall make copies of the pertinent information concerning the IFCCS client and place the copies in a separate file for transfer to IFCCS.

g. Upon receipt of a transferred case, the IFCCS Worker shall begin his or her own case file volume in accordance with IFCCS file organization guidelines. The DSS file will remain intact while housed at the IFCCS office.

3. **Case Planning & Transition Planning for Youth with Special Needs**

a. General Case Planning
   i. The Foster Care/IFCCS Worker shall complete all case planning tasks for special needs clients according to the procedures laid out above for clients without special needs.
   ii. When directed to consult with the child and any support persons chosen by the child, the Foster Care/IFCCS Worker shall make every effort to communicate with and involve the special needs client in case planning decisions according to the client's individual capacities and needs. Aids and services shall be provided to allow special needs children a full and equal opportunity to participate in their case planning, if necessary.
   iii. When a child is unable to choose two or more support persons for case planning purposes due to his or her special needs, the Foster Care/IFCCS Worker shall seek to communicate with the child to the greatest extent possible about individuals whom the child is comfortable with. If the child is entirely non-communicative, the worker shall attempt to identify individuals with whom the child is most comfortable (excluding the child's placement and case planning team).

b. Transition Planning
   i. Whenever possible and as appropriate, youth with special needs will be a part of staffing and discussions regarding planning for their future.
   ii. Special planning before a youth leaves care is necessary for those youth who have severe developmental, medical, and/or psychiatric conditions which will significantly prevent them from living independently.
      1. Placement recommendations will be secured from a mental health provider. If the youth is physically disabled, these recommendations should come from the youth's physician/doctor.
      2. The worker should seek out community resources and support services for the youth, i.e. relatives, mentor, former foster parents willing to remain involved with the youth, etc.
      3. The worker shall provide for a smooth transition of Medicaid coverage for youth who are not physically or emotionally capable

of meeting his or her own needs or making decisions that are in his or her best interest.

iii. If it appears that Adult Protective Services intervention may be needed due to a youth's inability to care for himself or herself, the Foster Care/IFCCS Worker and Supervisor shall staff the case with an Adult Protective Services Worker (see Adult Protective Services Manual, Section 403.11: Assessing a Vulnerable Youth Aging Out of Foster Care).

iv. After the 17th birthday of the vulnerable youth, each transition plan should address preparations necessary to provide placement for the young vulnerable adult who is transitioning into adulthood and the steps to take to make those preparations. If a family home is not an appropriate option, staff should consider other significant persons and community-based placements that may provide a connection and support for the youth.

v. Staffing for placement and other services for the vulnerable youth should involve interagency personnel and multi-agency service providers to include but not be limited to:
    1. DDSN;
    2. DMH;
    3. Vocational Rehabilitation;
    4. Continuum of Care;
    5. South Carolina School for the Deaf and the Blind; and
    6. Any other relevant individuals or organizations with knowledge of the child's needs.

vi. The following items must be included in the staffing:
    1. a discussion of services and needs that have been identified on the DSS Form 30206: Transition Planning Form;
    2. an assessment to determine if the youth will need a guardian with court-granted responsibility and authority to manage his/her health, well-being, personal and financial needs; and
    3. consideration of the need for an extension of foster care;

vii. Documentation of the multi-agency staffing must be maintained in the youth's file and a signature sheet of attendees, their titles, and the agency they represent must be attached to the staffing form.

4. **For case planning and management in cases involving Indian Children, see Appendix C: The Indian Child Welfare Act.**

DOCUMENTATION:

- All contacts and attempted contacts with the child, family, and foster placement
- Summaries of all meetings and staffing related to the child
- Copies of all finalized versions of the child's case plan
- Results of monthly case plan review
- Results of all supervisory staffing
- Dictation of reasonable and prudent parenting assessment and activities
- Copies of child's goals for a successful transition to adulthood
- All copies of DSS Form 30161: Youth's Rights Case Plan Addendum provided to the child and the child's support persons

- Copies of all credit reports provided to the child
- Copies of all court documents related to the child

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- DSS Attorney
- Child
- Family and fictive kin
- Child's GAL
- Foster Placement
- Chafee Program Staff
- Identity Theft Prevention Coordinator
- Planning Support Persons, if elected by child

REFERENCES:

Legal Citations:
The Americans with Disabilities Act

- 29 U.S.C.A. § 794: Section 504 of the Rehabilitation Act of 1973
- 29 U.S.C.A. § 705(20)-(21): Section 504 definition of disability
- 42 U.S.C.A. § 12102: ADA definition of disability
- 42 U.S.C.A. § 12103: ADA definition of auxiliary aids and services
- 42 U.S.C.A. §§ 12131-12134: ADA Title II, Public Services
- 42 U.S.C.A. §§ 12181-12189: ADA Title III, Public Accommodations
- 28 C.F.R. § 35.101 et seq.: ADA Title II regulations
- 28 C.F.R. § 36.101 et seq.: ADA Title IV regulations
- 28 C.F.R. § 42.501 et seq.: Section 504 DOJ regulations
- 45 C.F.R. § 84.1 et seq.: Section 504 DHHS regulations

42 U.S.C.A. § 622(B) (17): caseworker contacts
42 U.S.C.A. § 624(f): caseworker contacts
42 U.S.C.A. § 671(a) (15): reasonable efforts
42 U.S.C.A. § 671(a) (16): case planning
42 U.S.C.A. § 675(1): case plan requirements
42 U.S.C.A. § 675(5): APPLA, transition planning, credit reports
42 U.S.C.A. § 675A (b): 14+ year old rights document
45 C.F.R. § 1356.21(d): documentation of judicial findings
45 C.F.R. § 1356.21(g): case plan requirements
S.C. Code Ann. § 63-7-1660: removal hearings
S.C. Code Ann. § 63-7-1680: placement plans, caseworker contacts, visitation, fostering connections, relative/fictive placement preference
S.C. Code Ann. § 63-7-1690: placement plans involving substance abuse
S.C. Code Ann. § 63-7-2310: protecting & nurturing children in foster care

Tools:
DSS Form 30231 Instructions & Practice Guide
Casey Life Skills Assessment

Forms:
DSS Form 30206: Transition Planning Form
DSS Form 30231: Child and Family Services Assessment Plan
DSS Form 30161: Youth's Rights Case Plan Addendum
DSS Form 30245: Education and Health Passport
DSS Form 30252: Removal Hearing Placement Plan Outline
DSS Form 1598: Resource Checklist for a Successful Transition to Adulthood

Practice Guidance:

REVISION COMMENTS:

510.5 Preserving Sibling Connections

PURPOSE STATEMENT:

The relationship between a child and his or her siblings can be an important source of stability, comfort, and security—especially for children in foster care, who often report feelings of uncertainty and helplessness. To protect and nurture these important relationships, this section describes policies and procedures related to placement with and visitation between siblings in DSS's custody.

POLICY:

1. The term "sibling," for purposes of DSS policy and practice, shall include any individual who:
    a. shares a common biological or adoptive parent with the child; or
    b. Would share a common biological or adoptive parent with the child but for a termination or other disruption of parental rights (including the death of a parent).
2. Reasonable efforts shall be made to place siblings removed from their home in the same placement. Exceptions will only be considered if a clear and convincing rationale is documented and approved that demonstrates that such a joint placement would be contrary to the safety or well-being of any of the siblings. This rationale should include reference to and copies of any evaluations by professionals and any documentation of siblings' preferences, if age appropriate.
3. Should siblings be placed separately, the agency shall make reasonable efforts to provide for frequent visitation or other ongoing interaction between the siblings, unless a clear and convincing rationale is documented and approved that demonstrates that such contact would be contrary to the safety or well-being of any of the siblings. This rationale must include reference to and copies of any evaluations by professionals and any documentation of siblings' preferences, if age appropriate. If visitation is to occur, the agency shall provide for as much

contact between the child and sibling(s) as is reasonably possible and consistent with the best interests of the child.

PROCEDURES:

1. The Removal Worker, Foster Care/IFCCS Worker, or Adoption Specialist shall, in consultation with the FSC, seek a placement that can accommodate the entire sibling group, unless joint placement is contrary to the welfare of any of the children.
    a. If a placement is not available that can accommodate all siblings, the worker shall seek separate placements that are in as close proximity to one another as is possible.
    b. The worker shall document his or her efforts to find such placements in CAPSS dictation.

2. If the worker suspects that a child or the child's sibling's history or characteristics would make joint placement contrary to one of the children's welfare, the worker shall request a psychological evaluation to determine whether sibling separation is supported by a clinical recommendation.
    a. If an evaluation cannot be obtained prior to the separation of siblings (e.g., if safety concerns necessitate immediate separation), the worker shall seek such an evaluation as soon as possible.
    b. If separation is not supported by a clinical recommendation, the worker shall seek joint placement as described in Procedure 1.
    c. If separation is supported by a clinical recommendation, the worker shall convene a staffing with the child's case planning team as soon as possible to:
        i. determine whether any siblings can be placed together;
        ii. develop a plan and timeframe for sibling reunification; and
        iii. Determine if a therapeutic intervention could sustain or strengthen sibling relationships.
    d. If the case planning team recommends separation, the worker shall seek placements according to the clinical recommendation and plan developed in the case planning team staffing.

3. The worker shall arrange frequent visitation and other contact between separated siblings, absent a clinical recommendation to the contrary.
    a. In addition to this contact, other communications such as text messages, phone calls, emails, social media messages, and/or video calls shall be allowed and encouraged.

b. Sibling contact cannot be limited or prohibited by a placement's disciplinary methods or household rules. If sibling contact conflicts with other valid limitations or disciplinary practices, the worker shall discuss with the placement an alternative or structured means of maintaining such contact.

DOCUMENTATION:

- Contacts with the child, the child's kin, and the child's placement
- Efforts to find joint placement and, if applicable, the reasons necessitating separated placements
- Efforts to arrange contact and, if applicable, the reasons necessitating no contact
- The clinical recommendation for sibling separation
- Results of the staffing regarding sibling separation

COLLABORATION:

- Assessment Worker
- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- Adoption Specialist
- Adoption Supervisor
- Foster Parents
- Private Providers

REFERENCES:

Legal Citations:

42 U.S.C.A. § 671(a) (31): sibling connections
42 U.S.C.A. § 675(12): sibling definition
S.C. Code Ann. § 63-7-1680(E): visitation

Tools:

Seneca Search Report

Forms:

Guided Supervision/Staffing Form

Practice Guidance:

REVISION COMMENTS:

510.6 Educational Needs

PURPOSE STATEMENT:

The agency is committing to promoting child wellbeing through comprehensive, clear, and efficient procedures for meeting foster children's educational needs. The following section sets forth the policies and procedures related to supporting the child's educational goals and ensuring adequate services.

POLICY:

1. All children in foster care aged 5 to 17 must be enrolled as full-time elementary or secondary school students or must have completed secondary school. The term "elementary or secondary school student" means, with respect to a child, that the child is:
    a. enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education;
    b. instructed in elementary or secondary education at home in accordance with S.C. Code Ann. § 59-65-40 et seq.;
    c. in an independent study elementary or secondary education program which is administered by the local school or school district; or
    d. incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the case plan of the child;
2. The agency shall create case plans that include the health and education records of the child, including the most recent information available regarding:
    a. the names and addresses of the child's health and educational providers;
    b. the child's grade level performance;
    c. the child's school record;
    d. a record of the child's immunizations;
    e. the child's known medical problems;
    f. the child's medications; and

g. Any other relevant health and education information concerning the child determined to be appropriate by the agency.

A copy of the child's records will be provided to the child's foster placement and shall be supplied to the child if the child exits foster care on or after the child's 18th birthday.

3. The agency shall seek to maintain all children in their schools of origin unless such placement is not in the best interests of the child. If remaining in such school is not in the best interests of the child, the agency will work with the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child being provided to the school.

PROCEDURES:

1. Education and Health Passport

a. The Foster Care/IFCCS Worker shall gather all necessary information for completion of the child's DSS Form 30245: Education and Health Passport upon the child's entry into foster care (see Section 510.1).

b. The worker shall provide a copy of the passport to all foster placements, who shall update the document as needed.

c. The Foster Care/IFCCS Worker shall review and update the document continuously, but a least every three months.

   i. In reviewing and updating the document, the worker shall confirm that the services listed are being delivered.

   ii. The worker shall update the document as soon as possible after an important medical or educational event occurs (e.g., a new IEP is put in place or the child changes schools).

d. The worker shall confirm that an updated passport moves with the child from placement to placement.

e. When a youth age 18 or older leaves foster care, the worker shall provide the youth with an up-to-date copy of the passport, along with other important documents (see Section 560: Termination of Foster Care Services).

2. Assessing & Managing Educational Needs

a. The Foster Care/IFCCS Worker shall gather all education records prior to completing the Education and Health Passport, and shall assess and address needs on an ongoing basis.

   i. Information to be gathered for the assessment of the child's educational needs include:

1. the child's attendance record;
2. the child's achievement and/or grades;
3. the progress of actions and services (e.g., academic assistance, therapeutic interventions, disciplinary records) in meeting the child's educational needs;
4. the appropriateness of the child's current educational setting;
5. information regarding any previous dispute resolution regarding the provision of education;
6. participation in any extracurricular activities; and 7. The child's prior and current educational stability. ii. The worker shall utilize multiple sources for gathering information, including the child, parents, foster care provider, child's therapist, if applicable, and direct contact with school personnel.

iv. Examples of services provided to address identified educational needs include, but are not limited to:

1. advocacy on the part of foster parents and the caseworker;
2. ensuring that the child receives special education classes, when needed;
3. making provisions for the child to receive tutoring or educational mentoring (if needed funding is available); and/or
4. Arranging or the child to be enrolled in early intervention preschool classes, such as Head Start.

v. If the child has an Individual Education Plan (IEP) or 504 plan, the worker shall amend the child's case plan to reflect the goals and services contained in the IEP or 504 plan.

3. School Attendance

a. The worker shall confirm that all children aged 5 to 17 are **attending elementary or secondary school on a full-time basis**, unless a child (1) has graduated or (2) he or she is incapable of attending due to a documented medical condition.

i. The basis for the child not being in school must be clearly documented in the family story and supporting documentation from medical records must be filed in the child's case file and Education and Health Passport.

ii. If any school-age child is not attending elementary or secondary school full time, the worker shall notify the State IV-E Coordinator.

iii. For home-schooled children, see Special Considerations below.

4. School Stability

a. If a placement change must be made, the worker shall make reasonable efforts to **maintain the child in the same school**.

i. The worker must document all efforts that were made to prevent the child from changing schools.

ii. If the decision is made for the child to change schools, the worker shall discuss the change of school with the child and arrange for prompt transfer to the new school. The worker shall immediately enroll the child in the appropriate school and shall confirm (1) that the school requests the child's records within two days and (2) that the child's former school transfers such records within two days of the request.

iii. If a school change is made, the worker shall formulate an educational stability plan.

1. The plan shall include how the worker will determine the appropriate educational setting needed by the child and how the worker will explore options, such as arranging for reasonable transportation so that changing schools is not necessary unless there are safety concerns for the child or a change in school is in the child's best interest.
2. The educational stability plan shall also include actions to address the child who is not attending elementary or secondary school as required by state law unless the child is incapable of attending school due to a documented medical condition.

iv. Issues associated with the child's educational needs, including educational stability, shall be addressed in the education domain of the child's case plan. Educational information shall also be documented in applicable tabs in CAPSS and the DSS Form 30245: Education and Health Passport.

5. Children with Special Needs

a. The public school system considers a child to be entitled to special education services when a child aged 3 to 21 (1) has a qualifying disability that (2) interferes with the child's daily life such that special education or related services are required.

i. A qualifying disability can include: mental retardation, hearing impairment (including deafness), speech or language impairment,

visual impairment (including blindness), serious emotional disturbances, orthopedic impairments, autism, traumatic brain injury, other health impairments, and specific learning disabilities.

ii. If a child is having either academic or behavioral difficulties in school, the child may have a disability that is not obvious or readily apparent.

iii. In order for a child to receive services from the school, the child must be assessed for eligibility.

b. At the time of entry into foster care, the worker shall inquire with the biological parent(s) or foster child about whether the child attends or has ever received special education services or had an IEP or 504 Plan.

c. If the information gathered at the outset of the case indicates that a child is or may be eligible for special education services, the worker shall immediately request a screening from the school district to determine if the child is eligible for services. A screening will determine if a follow-up assessment is necessary.

i. The worker shall provide necessary information, complete any paperwork, attend any meetings, and follow up as necessary with the school district during the screening and assessment process. ii. The worker shall approve an evaluation of the child if the screening suggests that the child may have a disability. An evaluation must assess all areas related to the disability including, if appropriate, his or her health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

iii. The school district will complete an evaluation within 45 days of the agency/parent's consent.

iv. If a child is from another school district and had an evaluation that confirmed a disability, the school district to which one is currently applying to have the option to conduct another evaluation or accept the previous evaluation.

v. If the evaluation determines that a child is not eligible for services, the worker may appeal the decision through due process and/or to request an independent evaluation at public expense if he or she feels that the initial evaluation was inappropriate. The worker shall contact the Special Education Coordinator at the local school district for more information.

vi. The worker shall notify the biological parent, foster parent, and Guardian *ad Litem* of the results of the screening/evaluation as

soon as possible and inform them of any additional meetings regarding the resulting IEP or 504 plan.

d. An IEP meeting must be held within 30 days of the determination of eligibility. The purpose of the meeting is to determine the child's goals and objectives, as well as the least restrictive environment in which a free and appropriate education can be provided.
    i. A school district is only required to provide seven calendar days advance notice of an IEP meeting (unless it is an expedited meeting, in such circumstances only two business days' notice is required). The worker shall confirm that other interested parties (foster parents, GAL, biological parents, etc.) are informed that they may receive very short notice of the IEP meeting. If the scheduled time is not convenient, the meeting may be rescheduled. However, arrangements may also be made for participants to contribute by phone, videoconference, and other means.
    ii. The worker shall notify the biological parents, the foster child, foster parents and Guardian *ad Litem* of the scheduled IEP as soon as possible. The foster child has the right to participate in the meeting if the child is 14 years or older, if the child has expressed an interest in attending, or if attendance would be in his or her best interests.
    iii. The worker shall attend, participate, and assist with the IEP meeting. The worker shall forward necessary information to the IEP team that addresses the child's needs, and shall maintain confidentiality where appropriate. The worker shall encourage the child's placement to attend.
    iv. The worker shall coordinate with the school district to ensure that services to the child are provided within 30 days of the evaluation.

e. The worker shall forward copies of the IEP to the parent, foster parents, and Guardian *ad Litem*.

f. The worker shall request that the school district appoint a surrogate parent for the child in the following circumstances:
    i. the child's birth parents or guardian retain educational decisionmaking authority but cannot be located;
    ii. the child's birth parents or guardian do not have educational decision-making authority and the child's foster parent either (1) does not have an ongoing, long-term parental relationship or (2) is unwilling to represent the child's educational interests;

iii. The child's birth parents or guardian do not have educational decision-making authority and the child is placed in a group care setting.

g. The worker shall communicate with a representative from the child's school on an ongoing basis to determine the appropriateness of the child's special education services. The worker shall attend all annual and otherwise scheduled IEP meetings and shall request a meeting of the IEP team when needed.
   i. In following up with the child's services, the worker shall confirm that the services are appropriate for the child's needs and level of functioning.
   ii. The worker shall also confirm that the child remains in the least restrictive setting possible, and shall confirm that the school is providing all possible services in maintaining the child in the school environment.
   iii. The worker shall confirm that any behavioral needs are addressed in the IEP and that a behavior intervention plan (BIP) is in place when needed to minimize the removal of the child from the learning environment.

h. The worker shall revise the child's case plan to reflect the goals of the IEP, particularly the goals that address transition services. Further, the worker shall document all contacts and meetings in CAPSS dictation.

Special Considerations:

1. Home-Schooling by the Foster Family

a. Upon receiving a request by a foster or pre-adoptive family to home-school the child, the worker shall:
   i. request a written justification from the foster parent explaining what educational needs will be met by home-schooling that cannot be met by the public school;
   ii. request a written description of how special education services will be delivered if the child has an IEP or accommodations made if the child has a 504 plan;
   iii. request a written letter of recommendation from the child's teacher;
   iv. request documentation verifying that the foster parent has a high school diploma or GED; and
   v. Upon receipt of the above documents, submit the request to the Child Welfare Director for agency approval.

b. The Child Welfare Director shall approve the request after an individualized determination that home-schooling represents the optimal educational experience for the child.
c. Upon receiving approval of the request, the worker shall:
    i. coordinate with the foster parent to obtain school district approval through one of the following ways;
        1. receiving approval of the foster parent's in-home curriculum and having the foster parent sign a waiver of liability for the school district;
        2. demonstrating the foster parent's bona fide membership and compliance with the South Carolina Association of Independent Home Schools; or
        3. demonstrating the foster parent's bona fide membership and compliance with an association for home schools with no fewer than 50 members that meets state home-schooling requirements;
    ii. put in place a plan for regular monitoring of the child's safety in the home-schooling environment;
    iii. Continually ensure that the foster parent is in compliance with state home-schooling requirements as described in S.C. Code Ann. 5965-40.

2. Educational Decision-Making Authority for Disabled Youth Age 18 or Older

a. Upon a disabled youth's 18th birthday, all educational rights shall automatically transfer to the youth. The youth has the right to choose an adult to support him or her in making education decisions, and may delegate his or her rights to another adult through a power of attorney or an appropriate SC Department of Education form.
b. If a student is unable to communicate their wishes, interests, or preferences, the worker shall request that a physician, nurse practitioner, physician's assistant, psychologist, or psychiatrist certify this inability in writing. The work shall provide the medical examination to the school district and shall request that the school district appoint an educational representative to act on the student's behalf.
    i. The student may choose their representative and may challenge the selection of a representative by the district.
    ii. The representative shall have the authority to consent to educational services and participate in the development of the

educational program, but shall not have the authority to remove the child from educational services.

iii. The representative shall make educational decisions based on the student's preferences, when possible. When this is not possible, the representative shall make decisions based on the student's best interests.

iv. The representative's duties shall end:

1. when the district receives a challenge to the representative's certification;
2. when the student is no longer eligible for special education services; or
3. When the Probate Court issues a guardianship order which terminates the authority of the educational representative.

c. An individual or the agency may also petition the Probate Court to seek guardianship of the youth, which would bestow the petitioner with the authority to make educational decisions for the youth.

DOCUMENTATION:

- Contacts and attempted contacts with child and family
- Contacts with educational professionals
- Records contained in the Education and Health Passport
- Copy of IEP(s) and 504 plan(s)
- Efforts to maintain a child in his or her school of origin
- If applicable, home-schooling documents

COLLABORATION:

- Foster Care/IFCCS Worker
- Guardian *ad Litem*
- Birth family and other kin
- Foster Placement
- School Staff

REFERENCES:

Legal Citations:

42 U.S.C.A. § 671(a) (30): school enrollment
42 U.S.C.A. § 675(1): school stability, health and education records
42 U.S.C.A. § 675(5): fostering connections, review of health/education record
42 U.S.C.A. § 11432(g) (3) & 11434a (2): McKinney-Vento Act
S.C. Code Ann. § 59-33-310 et seq.: educational representatives

S.C. Code Ann. § 59-38-10: Educational Bill of Rights for Children in Foster Care
S.C. Code Ann. § 59-65-10 et seq.: compulsory attendance and home-schooling S.C. Code Reg. § 43-243: special education, surrogate parent

Forms:

DSS Form 30245: Education and Health Passport

Practice Guidance:

REVISION COMMENTS:

510.7 Health Needs & Medical Consent

PURPOSE STATEMENT:

The agency is committing to promoting child wellbeing through comprehensive, clear, and efficient procedures for meeting foster children's physical and mental health needs. The following section sets forth the policies and procedures related to supporting and managing the physical, dental, and mental health of children in foster care.

POLICY:

1. The agency will create case plans that include the health and education records of the child, including the most recent information available regarding:
    a. the names and addresses of the child's health and educational providers;
    b. the child's grade level performance;
    c. the child's school record;
    d. a record of the child's immunizations;
    e. the child's known medical and mental health problems;
    f. the child's medications and his or her response to such medications; and
    g. Any other relevant health and education information concerning the child determined to be appropriate by the agency.

    A copy of the child's up-to-date medical records will be provided to the child's foster placement and shall be supplied to the child if the child exits foster care on or after the child's 18th birthday.
2. Medical Consent
    a. When the agency has authority to make medical decisions on behalf of the child, the decision to consent to treatment shall be based on the child's best interests.
    b. A child's parent/guardian shall retain the authority to consent to medical treatment and the right to access the child's medical records unless rights have been terminated or a court order otherwise gives the agency such

authority. If a parent/guardian places his or her child in foster care by signing a Voluntary Placement Agreement, the parent/guardian shall retain the authority to consent to medical treatment.

c. The agency shall have the authority to consent to medical treatment in the following circumstances:
   i. when a child needs ordinary medical treatment;
   ii. when a child needs emergency treatment and the delay in obtaining the requisite consent would present a risk to the health or life of the child; or
   iii. When all parents' rights have been terminated or a court order otherwise gives the agency the authority to consent to major treatment.
d. The agency shall involve birth parents, other kin, caregivers, and the child in routine medical care, unless doing so is not in the best interests of the child (even in circumstances in which the agency has authority to consent to treatment). Other organizational partners and stakeholders serving the child shall be consulted when appropriate and possible.
e. When the agency has authority to consent to major treatment, authority within the agency shall be allocated as follows:
   i. major surgery or withholding of life-sustaining procedures must be consented to by the State Director;
   ii. minor surgery, invasive diagnostic procedures, or anesthesia must be consented to by the County Director or IFCCS Program Director;
   iii. Non-invasive diagnostic procedures, negligible bodily invasion, and maintenance of surgical implants must be consented to by a designee of the County Director or IFCCS Program Director.
f. The consent of the agency shall be required prior to the administration of any psychotropic medication.
g. The agency shall not consent to a foster youth obtaining an abortion. However, Adoption & Birth Parent Services staff shall assist youth who wish to petition the Family Court for the right to obtain an abortion (see Chapter 6, Section 680: Birth Parent Services).

PROCEDURES:

1. Education and Health Passport

a. The Foster Care/IFCCS Worker shall gather all necessary information for completion of the child's DSS Form 30245: Education and Health Passport upon the child's entry into foster care (see Section 510.1).

b. The worker shall provide a copy of the passport to all foster placements, who shall update the document as needed.
c. The Foster Care/IFCCS Worker shall review and update the document continuously, but at least every three months.
    i. In reviewing and updating the document, the worker shall confirm that the services listed are being delivered.
    ii. The worker shall update the document as soon as possible after an important medical or educational event occurs (e.g., a new medicine is prescribed or an allergy is identified).
d. The worker shall confirm that an updated copy of the document moves with the child from placement to placement.
e. When a youth age 18 or older **or a youth in foster care for more than six months** leaves foster care, the worker shall provide the youth with an up-to-date copy of the passport, along with other important documents (see Section 560: Termination of Foster Care Services).

2. Medical & Mental Health Assessments

a. The Foster Care/IFCCS Worker shall schedule the Initial Medical Assessment and the Initial Mental Health Assessment within one business day of a child's removal to foster care. The worker shall schedule a dental health assessment within 14 days of the child's removal into foster care.
    i. The worker shall coordinate with provider staff to confirm that the initial mental health assessment (or follow-up mental health assessment if one has been done in the recent past) and trauma assessment occur within three business days after the child's removal to foster care. ii. All assessments should be scheduled with the child's previous provider if possible.
    iii. A Medicaid provider should be used if possible. If a Medicaid provider is not available, or if the child is not eligible for Medicaid, the worker shall consult his or her supervisor for payment options. iv. The worker or another DSS employee designated by the worker's supervisor shall attend the Initial Medical and Mental Health Assessments.
    v. The worker shall request immediate verbal consultation from provider staff whenever imminent safety issues exist or the child has urgent mental, physical, or psychiatric needs.
    vi. The worker shall make efforts to document the child's history or current use of prescription or over-the-counter medications, any side effects or responses to such medications, and whether the child is allergic to any medications.
b. The worker shall facilitate completion of a Comprehensive Medical

Assessment within thirty days of the child's Initial Medical Assessment.

i. A physician may complete the Comprehensive Medical Assessment during the first consultation.

ii. The worker shall coordinate with the physician to complete the DSS Form 3057: Comprehensive Medical Assessment Form, and shall place a copy of the form in the child's DSS Form 30245: Education and Health Passport.

c. If the Initial Mental Health Assessment recommends further assessment or the provision of Mental Health Services, the worker shall complete a Comprehensive Mental Health Assessment within 30 days of the Initial Mental Health Assessment.

d. If a child is under the age of 3 at the time of his or her removal, the worker shall immediately make a referral to Baby Net, South Carolina's interagency Early Intervention System for infants and toddlers. Baby Net is administered by South Carolina First Steps, and a referral can be made by calling 1-877-621-0854 or e-mailing babynet@scfirststeps.org.

e. If a child is a suspected or known victim of acute physical abuse or sexual abuse, the worker shall schedule a forensic exam within 24 hours.

i. The worker shall coordinate with the local Children's Advocacy Center or a specialized medical provider to schedule a forensic exam, in accordance with any applicable Memorandum of Understanding.

ii. If a forensic exam is required to document physical evidence of the abuse, the worker shall work with the Children's Advocacy Center to expedite the arrangement of an appointment. If an appointment cannot be arranged within the timeframe necessary to preserve such evidence, the worker shall arrange for the exam to be conducted by Emergency Room staff.

iii. A forensic exam does not supplement or fulfill the requirement of all children in foster care receiving an Early Periodic Screening, Diagnostic, and Treatment appointment.

3. Mental/Behavioral Health

a. The Foster Care/IFCCS Worker shall identify and address the child's mental and behavioral health needs in the initial assessment and ongoing updates to the assessment and plan.

b. The worker shall coordinate and arrange the provision of any services identified. The worker shall be responsible for coordinating transportation to appointments and sharing relevant information with the child's mental or behavioral health professionals.

c. The worker shall discuss the following information during contacts with the child, caregivers, and others (as appropriate):
   i. the progress of counseling or therapy for the child if applicable; ii. any mental health/ behavioral medication prescribed;
   iii. any nonresidential and/or residential services for the child;
   iv. Follow up on development of needed skills recommended by a therapist or other provider such as enrollment in an activity to assist with social skills or to boost self-esteem.
d. The worker shall consult with the Regional Clinical Specialist on an ongoing basis, but no less frequently than every six months, about a child's psychotropic medication regimen.
e. The worker shall document all issues regarding mental and behavioral health in the child's case plan, CAPSS dictation, and the Education and Health Passport.

4. Physical and Dental Health

a. The Foster Care/IFCCS Worker shall assess and address any physical health at entry into foster care and on an ongoing basis as needed.
b. The worker shall confirm at every contact that the child's placement is arranging for routine medical and dental visits as are recommended by the child's medical professionals.
c. The worker shall coordinate and arrange completion of any ongoing services identified as needed based on the initial comprehensive medical assessment or other sources, such as ongoing periodic preventive physical and dental health screening to identify and avoid potential problems.
d. The worker shall be responsible for coordinating transportation to appointments and sharing information with the child's physician and/or dentist.
e. The worker shall determine the status of ongoing health issues and shall confer with the child, caregiver, and others (as appropriate) to determine what medications (if any) the child is prescribed, whether the medication is appropriate, and if the child is taking medication as prescribed. If concerns arise, the worker may consult the Regional Clinical Specialist for further guidance.

5. Medical Consent

a. The worker shall consult his or her supervisor (and, if necessary, the Office of General Counsel) when determining whether treatment constitutes major or ordinary medical treatment.

b. For **ordinary medical treatment**, the Foster Care/IFCCS Worker shall coordinate the child's care and involve birth parents, other kin, caregivers, and the child as appropriate.
   i. The Foster Care/IFCCS Worker shall, in conjunction with the child's physician and in an age- and developmentally-appropriate manner, inform the child of the benefits and risks of any ordinary medical treatment. The worker shall answer any questions from the child to the best of his or her abilities, and shall, if necessary, arrange for the child to discuss any concerns with agency clinical staff or a medical professional.
   ii. The Foster Care/IFCCS Worker or another DSS employee designated by the worker's supervisor must provide consent prior to the prescription of any psychotropic medication, including when a child's existing psychotropic medication regimen is changed. iii. The Foster Care/IFCCS Worker shall consult the Regional Clinical Specialist prior to the administration of newly-prescribed psychotropic medications in the following situations:
      1. an anti-psychotic medication is prescribed;
      2. a psychotropic medication is prescribed to a child under the age of 6; and/or
      3. Four or more psychotropic medications are prescribed for a child.

c. In the event of an **emergency medical situation**, the Foster Care/IFCCS Worker shall:
   i. attempt to notify the birth parents, if consent is otherwise required;
   ii. attempt to acquire consent from County Director or Regional IFCCS Program Director; and iii. If the parent and County Director or Regional IFCCS Program Director cannot be reached or if the child's condition does not permit delay, consent to emergency treatment or allow the physician to authorize such treatment.

d. When the agency **does not have authority to consent to major treatment** and such treatment is necessary, the Foster Care/IFCCS Worker shall contact the birth parent(s) to obtain consent to such treatment.

e. If, at any time, the agency does not have authority but **parent/guardian is unavailable, cannot be found, or refuses to consent**, the Foster Care/IFCCS Worker shall:
   i. convene a staffing with the County Director, GAL, Foster Care Supervisor, and caregivers to determine whether the need exists to petition court for authority to consent;

ii. consult with the DSS Attorney if a petition is needed;

iii. submit an emergency petition to Family Court; iv. follow up with court to obtain timely order; and

v. Document efforts to contact/involve parent/guardian.

f. If the agency does have authority to consent to major treatment and **County Director approval** is required, the Foster Care/IFCCS Worker shall prepare a summary for review, including:

i. a court order granting authority, TPR order, or relinquishment;

ii. the name and number of the doctor;

iii. the nature of procedure and recovery;

iv. any significant risks;

v. an explanation of the necessity of procedure and anticipated results;

vi. the opinions of caregivers and (if applicable) other significant adults;

vii. any consent forms required; and

viii. A cover letter.

g. If the agency does have authority to consent to major medical treatment and **State Director approval** is required:

i. the Foster Care/IFCCS Worker shall:

1. make an immediate request in advance of the procedure;
2. contact the State Office prior to sending faxed documents; and
3. Fax the above County Director summary for review.

ii. State Office Staff shall compile the packet and forward it to the State Director for review.

h. When a **medically fragile child** enters custody, agency staff shall consider whether court-ordered legal authority to consent to medical procedures is necessary to facilitate timely treatment.

i. If authority is given, the worker shall continue to involve and inform the child's kin in a timely manner whenever possible.

ii. If authority is not given at entry, the worker shall periodically reevaluate whether to pursue court-ordered authority

i. If the child enters custody through voluntary placement, the agency does not have authority for medical treatment and the worker shall consult the parents regarding any relevant treatment.

j. If a **child wishes to have an abortion**, the procedure shall be considered major medical or surgical treatment.

i. If a youth under the age of 17 and is considering an abortion, the worker shall inform the youth of the need to obtain consent from the child's parent or grandparent (if rights have not been terminated).

ii. The worker shall inform the youth that the youth's parent's or grandparent's consent is not be required if:

1. a physician has determined that a medical emergency exists involving the life of or grave physical injury to the pregnant youth; or
2. The pregnancy is a result of incest. iii. The agency, as the child's legal guardian, shall not consent to an abortion.

iv. If the minor cannot obtain the requisite consent, the worker shall refer the youth to Regional Adoptions staff, who shall (within 48 hours) assist the minor in petitioning the Family Court for the right to obtain an abortion (see Chapter 6, Section 680: Birth Parent Services).

v. The worker shall consult with Medicaid staff regarding any abortion procedure coverage.

DOCUMENTATION:

- Contacts and attempted contacts with child and family
- Contacts with medical professionals
- Relevant medical records
- Notes from court order staffing
- Copy of court order
- Copy of request summary
- Copies of signed consent forms

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- Regional Clinical Specialist
- County Director
- State Office Staff
- State Director
- GAL
- Caregivers
- Birth families and fictive kin
- Family Court

REFERENCES:

Legal Citations:

42 U.S.C.A. § 622(b) (15): healthcare needs plan
42 U.S.C.A. § 671(a) (21): health insurance for special needs
42 U.S.C.A. § 675(1): health and education records
42 U.S.C.A. § 675(5): fostering connections, review of health/education record
Medical Consent

- Parents: S.C. Code Ann. § 63-5-30
- Children: S.C. Code Ann. § 63-5-330 thru 370
  Abortions: S.C. Code Ann. § 44-41-10 et seq.
- Legal custody, major nonemergency: S.C. Code Ann. § 63-7-20(13)

Tools:

Medical Consent Cover Letter(s)

Forms:

DSS Form 3057: Comprehensive Medical Assessment Form
DSS Form 30245: Education and Health Passport

Practice Guidance:

REVISION COMMENTS:

510.8 Allegations of Abuse or Neglect & Child Deaths

PURPOSE STATEMENT:

The agency is committed to providing safe placements for children in foster care. This policy section seeks to further this goal through providing procedures for timely and thorough investigation of (1) suspected child abuse and neglect and (2) child fatalities involving children in care.

POLICY:

1. If, at any time during which a child is in foster care, the agency receives an allegation that a child has been subjected to abuse or neglect by or in the child's current or former foster placement, the worker shall immediately make a report to the Out of Home Abuse and Neglect (OHAN) division.
2. If, at any time during which a child is in foster care, the agency receives an allegation of sexual abuse or other criminal violation involving the child, the agency shall notify local law enforcement within 24 hours.
3. The agency shall respond to all allegations made by a child while in foster care regarding abuse and neglect that occurred prior to the child's entry to foster care through the procedures described in Chapter 2: Intake and Investigations.
4. Upon learning that a child known to the agency (as defined in the Child Death Protocol) has died, the agency shall:
    a. investigate the circumstances of the death and ensure safety for any other children in the placement or household;
    b. coordinate with law enforcement and other entities as appropriate and as set forth in the Child Death Protocol;
    c. minimize the traumatic impact on those involved with the child, including family members, caregivers, and agency staff; and
    d. Refer all public requests for information to the Office of General Counsel.

PROCEDURES:

1. OHAN Investigations

a. If, at any time during which a child is in foster care, the child or someone on the child's behalf discloses allegations of abuse or neglect occurring during a current or past placement:
   i. the Foster Care/IFCCS Worker shall immediately make a report to the OHAN division;
   ii. the Foster Care/IFCCS Worker shall coordinate with OHAN to conduct emergency removal from placement if child is in immediate danger at the time of the report or at any time during the investigation;
   iii. The Foster Care/IFCCS Worker shall notify the County Director, Foster Family and Licensing Support Coordinator (FSC), and the child's guardian *ad litem* of the ongoing investigation and the final result of the investigation.
b. If an OHAN investigation is substantiated, the Foster Care/IFCCS Worker shall remove the child from the placement.
c. If the report involves allegations of sexual abuse or other criminal violations involving the child, the worker shall notify, in writing, local law enforcement within 24 hours of the report.
d. See Section 750.1 regarding the licensing procedures that are to take place when an OHAN report is made against a member of a foster family's home.

2. Death of a Child in Foster Care

a. If a child dies while in DSS custody, the Foster Care/IFCCS Worker or the worker's supervisor shall immediately notify:
   i. all family members, fictive kin, the child's guardian *ad litem*, and other appropriate individuals related to or connected to the child;
   ii. the worker's supervisor and County Director (or IFCCS Program Director); iii. the Office of Investigation;
   iv. an appropriate medical examiner or coroner; and
   v. Law enforcement, if the Foster Care/IFCCS Worker has reason to believe that the fatality was a result of criminal activity.
b. The Foster Care/IFCCS Worker or the worker's supervisor shall immediately assess the nature of the fatality, and the risk to other children in the household or facility, to determine if CPS or OHAN action is necessary.

c. The County Director or IFCCS Program Director shall take immediate possession of all records related to the case and shall notify the Regional Director.
d. The County Director or the director's designee shall:
    i. determine within one working day, in consultation with the Office of General Counsel, whether the child is known to DSS as defined in the Child Death Protocol to ensure compliance with the procedures described in the protocol;
    ii. determine, in consultation with the worker's supervisor, what supports or services are needed to address or minimize any trauma experienced by the worker as a result of the child's death;
    iii. coordinate with state office to confirm that an accurate child fatality report is completed;
    iv. assist the biological family in funeral preparations, if appropriate;
    v. coordinate with appropriate state office staff to access funds to assist with the funeral costs; and
    vi. Cooperate with the child fatality review process.
e. The Foster Care/IFCCS Worker shall coordinate with the DSS Attorney to assist the coroner in the performance of his or her duties.
f. All staff shall refer any public request for information (formal or informal) to the Office of General Counsel and notify their immediate supervisors of the request.

DOCUMENTATION:

- All contacts with child and family
- All correspondence with agency staff
- Copy of OHAN report or CPS Intake report

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- Guardian *ad Litem*
- County Director or IFCCS Program Director
- Regional Director
- Regional Foster Family and Licensing Support Coordinator (FSC)
- Family Members & Fictive Kin
- Foster Care Program Staff
- Office of Investigation
- General Counsel

REFERENCES:

Legal Citations:

S.C. Code Ann. § 63-7-310: mandatory reporters
S.C. Code Ann. § 63-7-1210 thru 1230: OHAN investigations
S.C. Code Ann. § 63-11-1900 et seq.: Department of Child Fatalities & State Child Fatality Advisory Committee

Tools:

Child Death Protocol

Forms:

Practice Guidance:

REVISION COMMENTS:

510.9 IV-E Eligibility

PURPOSE STATEMENT:

The agency must determine and maintain IV-E eligibility for all eligible children to facilitate access to all available services. This section lays out the policies and procedures related to establishing IV-E eligibility at the beginning of a child's foster care episode and maintaining eligibility throughout the child's stay in foster care.

POLICY:

1. A determination of IV-E eligibility is completed for all children who enter foster care and, if eligible, maintained throughout the duration of the child's foster care episode.
2. For an overview of federal IV-E requirements, see Practice Guidance below.

PROCEDURES:

1. Initial Eligibility Determination

a. Immediately upon receipt of a signed judicial order sanctioning the removal of a child to foster care or upon the signing of a Voluntary Placement Agreement, the Foster Care/IFCCS Worker shall complete a DSS Form 1905: Referral for Assessment and IV-E Eligibility Determination Form. The form should be submitted to the DSS IV-E Coordinator along with copies of the following:

i. DSS Form 1908: Application for Foster Care;
ii. DSS Form 2738: Child Support Referral;
iii. DSS Form 3091: Child Welfare Face Sheet;
iv. a copy of the signed judicial order sanctioning the removal of a child to foster care or a copy of the Voluntary Placement Agreement;

1. The order sanctioning the removal of the child must include judicial findings that it was contrary to the welfare of the child to remain in the home and that reasonable efforts to prevent the removal were either made or not required.
    a. The court may find that reasonable efforts to prevent the removal were not required if the court determines one or more of the following conditions exist:
        i. the parent has subjected the child or another child while living in the parent's home to: severe or repeated abuse or neglect; sexual abuse; acts the judge finds constitute torture; or abandonment;
        ii. the parent has been convicted of or pled guilty or no contest to murder of another child;
        iii. the parent has been convicted of or pled guilty or no contest to voluntary manslaughter of another child;
        iv. the parent has been convicted of or pled guilty or no contest to aiding, abetting, attempting, soliciting, or conspiring to commit murder or voluntary manslaughter of the child or another child while living in the parent's home;
        v. physical abuse of a child resulted in the death or in-patient hospital admission and the abuse is the act for which the parent has been convicted of or pled guilty or no contest to committing, aiding, abetting, conspiring to commit, or soliciting: an offense against the person, as provided for in Title 16, Chapter 3; criminal domestic violence, as defined in § 1625-20; criminal domestic violence of a high and aggravated nature, as defined in § 16-25-65; or common law offense of assault and battery of a high and aggravated nature;
        vi. the parent's rights to another child have been terminated involuntarily; or
        vii. the parent has a diagnosable condition unlikely to change within a reasonable time including, alcohol or drug addiction, mental deficiency, mental illness, or extreme physical incapacity, and the condition makes the

parent unlikely to provide minimally acceptable care of the child.

v. the child's Birth Certificate (or other verification of child's familial relationship such as hospital records, school records, green cards);

vi. the child's Social Security Card, the application for a social security number, or other verification of the child's social security number;

vii. family and child income verification (such as a copy of check stub, award letters, client statement); and

viii. Family and child resource verification (such as bank statements, worker observation).

b. The worker shall compile copies of the above documents and place them together in the current volume of the case record in a section labeled "Title IV-E."

c. Whenever there are changes to any of the information above, the worker shall complete a DSS Form 1903: Case Review and Change Report form within 5 days and submit to DSS IV-E coordinator.

d. The DSS IV-E Coordinator shall review the application, make an eligibility determination, and complete the appropriate IV-E Initial Determination fields in CAPSS.

i. To determine IV-E eligibility, the DSS IV-E Coordinator shall determine if the child entered foster care as a result of a judicial order or Voluntary Placement Agreement that meets the criteria of this section and if the child meets the eligibility criteria for Aid to Families with Dependent Children (AFDC) that were effective July 16, 1996.

ii. A child that enters foster care as a result of a judicial order that does not include the "contrary to the welfare" and "reasonable efforts" finding described above is ineligible for IV-E funding for the entire duration of the foster care episode.

2. Maintaining Eligibility

a. The Foster Care/IFCCS Worker shall coordinate with the DSS Attorney to confirm that a child has a Permanency Planning Hearing within 12 months of the day the child entered foster care and at least every 12 months thereafter (see 540.2 for additional procedures).

i. The worker shall coordinate with the DSS Attorney to prepare and communicate sufficient information to enable the court to make

child specific findings at every permanency planning hearing that DSS has made reasonable efforts to finalize the permanent plan for the child.

ii. If the permanency planning hearing is not held within 12 months of the removal or within 12 months of the most recent previous permanency planning hearing, the child is ineligible for IV-E funding until a hearing can be held.

iii. If the court order from the permanency planning hearing does not contain the required "reasonable efforts" findings described above, the child is ineligible for IV-E funding until a proper finding is made.

iv. A child that loses eligibility based on either an untimely permanency planning hearing or not receiving a reasonable efforts may regain eligibility by curing the defect. Accordingly, permanency planning hearings should be scheduled as soon as possible to cure IV-E eligibility defects resulting from untimely hearings or invalid orders.

3. Status of Children Not IV-E Eligible

a. Whenever a child is determined to be ineligible for IV-E, regardless of the reason, Foster Care/IFCCS Worker shall notify the DSS IV-E Coordinator and confirm that the reimbursement field is State Funded in CAPPS.

b. If a child is discharged foster care, the worker shall notify the DSS IV-E Coordinator and staff from Medicaid, Child Support, and Family Independence (see Section 560: Termination of Foster Care Services).

Special Considerations:

1. Required Judicial Findings

a. If the required findings are not included in the court orders as described above, a transcript of the hearing may be used to verify the required findings were in fact made in court.

b. Neither affidavits nor Nunc pro tunic orders can be accepted to verify judicial findings.

2. Voluntary Placement Agreements

a. A child may be placed in foster care through a Voluntary Placement Agreement and be IV-E eligible. However, a Voluntary Placement Agreement shall not last more than 90 days. Worker may renew the agreement for an additional 90 days with the consent of the child's

caretaker. However, the agreement must not exceed 180 days unless the court makes a finding that the continued placement is in the best interests of the child.

b. For additional information regarding Voluntary Placement Agreements, see Section 550.1.

3. Trial Home Visits

a. A child may be placed in a trial home visit and be IV-E eligible. However, a trial home visit may not exceed six months unless authorized by the court. If a trial home visit exceeds six months or exceeds the time period authorized by the court, any subsequent placement in foster care must be considered a new removal and foster care episode and IV-E eligibility must be established under this section.

4. Transfers from the Department of Juvenile Justice

a. A child in the custody of the Department of the Juvenile Justice may be transferred to the DSS and be IV-E eligible. However, eligibility is contingent upon compliance with the requirements of this section.

DOCUMENTATION:

- Copies of court orders and/or VPAs
- Copy of eligibility packet sent to IV-E Coordinator
- Determination of initial eligibility
- Determination and/or circumstances leading to lost eligibility
- Determination and/or circumstances leading to renewed eligibility

COLLABORATION:

- Foster Care/IFCCS Worker
- DSS IV-E Coordinator
- Medicaid Worker
- Child Support Enforcement
- Family Independence Staff
- DSS Attorney
- Family Court

REFERENCES:

Legal Citations:

42 U.S.C.A. § 672: IV-E Eligibility
42 U.S.C.A. § 675(4): IV-E Payments
45 C.F.R. § 1356.21(e): IV-E Regulations & Documentation Requirements

Tools:

Forms:

DSS Form 1903: Case Review and Change Report
DSS Form 1905: Referral for Assessment & IV-E Eligibility Determination Form
DSS Form 1908: Application for Foster Care
DSS Form 2738: Child Support Referral
DSS Form 3091: Child Welfare Face Sheet

Practice Guidance:

1. Summary of IV-E Requirements (link)

REVISION COMMENTS:

520. Permanency Planning

PURPOSE STATEMENT:

All children need and deserve a family. The goal of the child welfare system is to place all children who are removed from their families in a permanent family situation as soon as possible, and research has shown that children for whom this goal is never achieved can face challenges such as homelessness, unemployment, educational deficits, early pregnancy, and criminal justice system involvement as they transition to adulthood. To this end, DSS is committed to finding legal permanency for every child who enters foster care—whether this permanency comes from reunification, adoption, or legal guardianship. The following section describes the policies and procedures to be followed throughout a case as DSS staff seek to identify, implement, and finalize timely and appropriate permanency.

POLICY:

1. In determining the permanent plan for the child and the efforts required to finalize that plan, the child's health and safety shall be the paramount concern.
2. The agency will make reasonable efforts to achieve permanency through reunification whenever feasible, timely, and appropriate (see Section 520.1). If the agency has grounds to forego reasonable efforts to reunify the family (see Special Considerations below), the agency shall evaluate whether it is in the child's best interests to seek court approval to forego such efforts.
3. If reunification cannot be achieved, the agency shall evaluate whether adoption or court-ordered guardianship with kin is possible and in the best interests of the child (see Sections 520.2 and/or 520.3).

4. If adoption or court-ordered guardianship with kin is not possible or in the best interests of the child, the agency shall evaluate whether adoption or court-ordered guardianship with an individual not previously known to the child is in the best interests of the child (see Sections 520.2 and/or 520.3).
5. A permanent plan of Another Planned Permanent Living Arrangement (APPLA) is the least desired permanency plan for a child and will only be selected if the child is 16 or older and the court has found that the agency has documented a compelling reason that demonstrates that reunification, adoption, and guardianship are not in the child's best interests (see also Section 520.4).
6. The agency shall, on an ongoing basis, evaluate whether a concurrent plan of adoption or guardianship is in the child's best interests.
7. The agency shall, whenever possible, select placements that promote and expedite the finalization of the child's legal permanency plan.
8. The agency shall make reasonable efforts to:
    a. prevent removal from the home of origin;
    b. reunify the child with his or her family of origin (unless these efforts are neither appropriate nor required by law as described below); and
    c. Promote, expedite, and finalize the child's permanent plan.
9. The agency shall confirm that all steps to finalize the child's permanent plan are documented in CAPSS dictation. When the case plan is for a child with a plan of APPLA, such documentation shall include documentation of all intensive and ongoing efforts made by the agency to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the child.
10. For all children age 14 and older, the agency shall consult with the child and, at the child's option, two support persons who are not a foster parent or caseworker about all permanency planning decisions. The agency may reject an individual selected by the child if at any time the agency has good cause to believe that the individual would not act in the best interests of the child.
11. For legal proceedings related to formation, review, or amendment of permanent plans, see Section 540 et seq.

PROCEDURES:

1. **For policy and procedures regarding selecting and implementing a plan of Reunification, see Section 520.1.**

2. **For policy and procedures regarding selecting and implementing a plan of Adoption, see Section 520.2.**

3. **For policy and procedures regarding selecting and implementing a plan of Court-Ordered Custody and/or Guardianship, see Section 520.3.**

4. **For policy and procedures regarding selecting and implementing a plan of APPLA, see Section 520.1.**

5. **Selecting a Permanency Plan**
    a. **The Foster Care/IFCCS Worker shall document the permanent plan for the child in the child's Child and Family Assessment Service Plan (DSS Form 30321).**
    b. At the outset of the case and at the time that the child's first placement plan is drafted, the Foster Care/IFCCS Worker shall select and document a permanent case plan goal of reunification, unless:
        i. federal and/or state law do not require reasonable efforts to reunify the child with her or her parents and the agency determines that reunification would not be in the child's best interests (see Special Considerations below); or
        ii. Federal and/or state law require that the agency file a termination of parental rights petition and no statutory exception exists (see Section 540.3).
    c. If, within six months of a child entering care, it is determined that the primary plan is unlikely to be accomplished within 12 months of the child entering foster care, the Foster Care/IFCCS Worker shall consider permanent plan options other than returning the child home and shall:
        i. staff the case with the Foster Care/IFCCS Supervisor regarding the likelihood and timeliness of reunification, the appropriateness of an alternative plan (i.e., adoption and/or guardianship), and the need to select or revise a concurrent plan;
        ii. if a plan of adoption is considered, staff the case with Regional Adoptions staff regarding the appropriateness of adoption as a permanent plan; and
        iii. If adoption is an appropriate plan, consult with the DSS Attorney to assess any grounds for termination of parental rights.
    d. The Foster Care/IFCCS Worker and Supervisor shall continue to hold permanency staffing to revisit the appropriateness of the child's permanency plan periodically throughout the child's stay in foster care. A permanency staffing shall be held at least every six months.
    e. If at any time during the case, the Foster Care/IFCCS Worker and Supervisor determine a different or concurrent plan should be adopted, the worker shall:
        i. in an age- and developmentally-appropriate manner, consult the child regarding any proposed change in the permanent plan (if the child is age 14 or older, see Special Considerations below for additional procedures);
        ii. update the child's placement plan to reflect a proposed change in the permanent plan;
        iii. if TPR has not been finalized, notify the parents of any proposed change in the permanent plan;
        iv. notify the placement of any proposed change in the permanent plan;
        v. request a Permanency Planning or Review Hearing to obtain judicial approval of any proposed change in the permanent plan (see Section 540.2); and

vi. Adhere to the relevant policies and procedures related to the new/concurrent plan as laid out in Sections 520.1, 520.2, 520.3, and 520.4, respectively.

Note: if the selected plan is adoption, it is not necessary to have a permanency planning hearing to approve the plan prior to filing a complaint for Termination of Parental Rights unless the hearing takes place before the petition is to be filed.

f. The Foster Care/IFCCS Worker shall abide by and make reasonable efforts to finalize any permanency plan ordered by the court or required by state and/or federal law (e.g., when mandatory termination of parental rights applies as described in Section 540.3).

6. **Concurrent Planning**

a. **If, at any point in the case (including the formation of the initial case plan), the Foster Care/IFCCS Worker determines that a concurrent plan would be in the child's best interests, the Foster Care/IFCCS Worker shall staff the case with his or her supervisor to determine whether the addition of a concurrent plan is appropriate.**
b. If the Foster Care/IFCCS Worker and Supervisor determine that a concurrent plan is appropriate, the Foster Care/IFCCS Worker shall:
   i. in an age- and developmentally-appropriate manner, consult the child regarding any proposed addition of a concurrent plan (if the child is age 14 or older, see Special Considerations below for additional procedures);
   ii. update the child's case plan to reflect the proposed change in the permanent plan;
   iii. notify the parents (if a TPR has not been finalized), explaining the implications of a concurrent plan in a manner that the parents can understand;
   iv. notify the placement of any proposed change in the permanent plan;
   v. request a Permanency Planning Hearing or Review Hearing to seek court approval of the proposed change in the permanent plan (see Section 540.2); and
   vi. Adhere to the relevant policies and procedures related to both the primary and concurrent plans as laid out in Sections 520.1, 520.2, 520.3, and 520.4, respectively.
c. The Foster Care/IFCCS Worker shall, to the extent that the concurrent plan does not contradict the primary plan, make reasonable efforts to finalize both plans.
d. The only options for concurrent plans are adoption and court-ordered custody/guardianship. A plan of APPLA can only be chosen after the demonstration of compelling reasons suggesting that all alternative plans are inappropriate, which makes a concurrent plan of APPLA incompatible with any of these ruled-out plans.
   i. The Foster Care/IFCCS Worker still must refer the child to Chafee Program services and other services that prepare the child for adulthood regardless of whether a plan of APPLA is chosen.
   ii. Further, the Foster Care/IFCCS Worker shall work a concurrent plan of APPLA if a court orders such a plan.

7. The Foster Care/IFCCS Worker shall document all steps taken to finalize the child's permanent plan (including but not limited to staffing, contacts, referrals, and court proceedings) in the child's file and in CAPSS.

8. **For legal proceedings related to the selection, review, or amendment of permanent plans, see Section 540 et seq.**

Special Considerations:

1. **Permanency planning with children 14 years and older**
    a. **When a child is 14 or older, the Foster Care/IFCCS Worker shall only develop or revise the permanency plan after consultation with the child and, at the option of the child, with up to two 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.**
    b. The Foster Care/IFCCS Worker may refuse to involve an individual chosen by the child if the worker has documented good cause to believe that the individual would not act in the best interests of the child. This is an individualized, case-by-case determination and must be approved by the Foster Care/IFCCS Supervisor prior to notification of the child and/or individual.
    c. 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 (see Section 760.3: Reasonable and Prudent Parenting).
    d. The Foster Care/IFCCS Worker shall document all contacts with and input from the child and the individuals chosen by the child in CAPSS. Further, a summary of the case planning process should be included in all court reports concerning children age 14 and older (see Section 540.2).

2. **When reasonable efforts to reunify are not required**
    a. **At any point in the case, the Foster Care/IFCCS Worker shall staff the case with his or her supervisor in order to determine whether it is in the child's best interests for efforts to reunify to be foregone when one of the following circumstances exists:**
        i. the parent has subjected the child or another child while residing in the parent's domicile to one or more of the following aggravated circumstances:

            1. severe or repeated abuse;
            2. severe or repeated neglect;
            3. sexual abuse;
            4. acts constituting torture; or
            5. abandonment;

ii. the parent has been convicted of or pled guilty or nolo contendere to murder of another child, or an equivalent offense, in this jurisdiction or another;

iii. the parent has been convicted of or pled guilty or nolo contendere to voluntary manslaughter of another child, or an equivalent offense, in this jurisdiction or another;

iv. the parent has been convicted of or pled guilty or nolo contendere to aiding, abetting, attempting, soliciting, or conspiring to commit murder or voluntary manslaughter of the child or another child while residing in the parent's domicile, or an equivalent offense, in this jurisdiction or another;

v. physical abuse of a child resulted in the death or admission to the hospital for in-patient care of that child and the abuse is the act for which the parent has been convicted of or pled guilty or nolo contendere to committing, aiding, abetting, conspiring to commit, or soliciting:

1. an offense against the person, as provided for in S.C. Code Ann. § 16-3-5 et seq.;
2. criminal domestic violence, as defined in S.C. Code Ann. § 16-25-20;
3. criminal domestic violence of a high and aggravated nature, as defined in S.C. Code Ann. § 16-25-65; or
4. the common law offense of assault and battery of a high and aggravated nature, or an equivalent offense in another jurisdiction;

vi. the parental rights of the parent to another child of the parent have been terminated involuntarily;

vii. the parent has a diagnosable condition unlikely to change within a reasonable time including, but not limited to, alcohol or drug addiction, mental deficiency, mental illness, or extreme physical incapacity, and the condition makes the parent unable or unlikely to provide minimally acceptable care of the child; or

viii. Other circumstances exist that the court finds make continuation or implementation of reasonable efforts to preserve or reunify the family inconsistent with the permanent plan for the child.

b. If one or more of the above circumstances exist and the worker and supervisor determine that it is in the child's best interests that efforts to reunify are abandoned, the Foster Care/IFCCS Worker shall consult with the DSS Attorney to request a court order relieving DSS of the obligation to provide such services.

c. If the Family Court's decision to terminate or forego reasonable efforts results from a hearing other than a permanency planning hearing, the Foster Care/IFCCS Worker shall consult with the DSS Attorney to confirm that a permanency planning hearing be held within thirty days of the date of the order.

d. If the Family Court authorizes the agency to terminate or forego reasonable efforts, the Foster Care/IFCCS Worker shall consult with the DSS Attorney to file a petition for termination of parental rights within sixty days, unless there are compelling reasons why termination of parental rights would be contrary to the best interests of the child (see Section 540.3).

3. **For permanency planning in cases involving Indian Children, see Appendix C: The Indian Child Welfare Act.**

DOCUMENTATION:

- All contacts with the child and families
- Correspondence and staffing with agency staff
- All efforts made to achieve permanency
- Compelling reasons justifying a plan of APPLA
- Copies of court documents and orders

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- Regional Adoptions staff
- DSS Attorney
- Family Court
- Child
- Support Persons Chosen by Child

REFERENCES:

Legal Citations:

42 U.S.C.A. § 675(1): documentation of efforts in child's case plan

42 U.S.C.A. § 675(5): judicial procedures, reviews, child consultation, mandatory TPR/compelling reasons, APPLA, 14+ rights

42 U.S.C.A. § 675A (a): APPLA requirements for case plan and case review

45 C.F.R. § 1356.21(h): APPLA

S.C. Code Ann. § 63-7-1700: permanency planning

S.C. Code Ann. § 63-7-1710: mandatory TPR, exceptions

S.C. Code Reg. § 114-550(j) (2): foster parent priority in specific cases

Reasonable Efforts:

- 42 U.S.C.A. § 671(a)(15): federal requirements
- 45 C.F.R. § 1356.21(b): federal regulations
- S.C. Code Ann. § 63-7-720: to prevent removal
- S.C. Code Ann. § 63-7-1700(H)(9): reunification
- S.C. Code Ann. § 63-7-1700(E) & (H)(10): promote and expedite permanent plan
- S.C. Code Ann. § 63-7-1640: foregoing reunification, concurrent A/G w/ reunification

Tools:

Forms:

DSS form 30321: Child and Family Assessment Service Plan

Practice Guidance:

REVISION COMMENTS:

520.1 Reunification

PURPOSE STATEMENT:

The agency is committed to promoting permanency through reunification with a child's family when doing so is not contrary to the wellbeing of the child. So that this process may be accomplished in the safest and most appropriate manner, the following section sets forth the policies and procedures to be followed when the agency seeks to reunify a child in foster care with his or her family.

POLICY:

1. Parents will not be denied the opportunity to parent their children due solely to their disability status. Nor will children be similarly denied the opportunity to be raised by their families. Individuals with disabilities are entitled to (1) individualized treatment and (2) full and equal opportunity. Decisions involving disabilities will be made on a case-by-case basis and shall include consideration of the aids, benefits, or other services that are necessary to provide disabled individuals with a full and equal opportunity.
2. Unless statutory authority exists to forego reasonable efforts to reunify the family and such action is in the best interests of the child (and as long as state law does not require the filing of a termination of parental rights petition), the agency shall choose a permanency plan of reunification at the outset of a foster care case. Pursuant to this plan, the agency shall make at least reasonable efforts to reunify children with their families.
3. When appropriate, the agency shall adopt a plan of adoption and/or guardianship as a concurrent plan with reunification.
4. The agency shall make at least reasonable efforts to prepare the parent's plan with the participation of the child's parents/guardians.
5. The agency shall formulate placement plans that seek to address the issues necessitating children's placements into foster care.

6. To facilitate timely reunification, the agency will make reasonable efforts to see parents through face-to-face monthly contacts. These visits will occur more frequently as the case requires or as ordered by the Family Court.

PROCEDURES:

1. Formulating the Placement Plan

a. The Foster Care/IFCCS Worker shall complete the parent's placement plan prior to the removal hearing or within 60 days of the child entering foster care, whichever is sooner (see Section 510.4 for other required provisions in the plan).

b. The Foster Care/IFCCS Worker shall consult with the following individuals in developing the plan, and shall convene a Family Group Conference if necessary:

   i. the parents/guardians;

   ii. the child (if developmentally appropriate, but in all cases if the child is 14 or older);

   iii. if the child is 14 or older, the child's support persons;

   iv. any individuals or agencies that will be required to provide services under the plan; and

   v. Any support persons identified by the parents/guardians.

c. If the parents/guardians do not participate in the formulation of the plan, the worker shall still consult with the remaining parties above. The worker shall make at least reasonable efforts to secure the parents' participation, and shall document all efforts made. These efforts shall be reported to the court at the hearing at which the plan is approved.

d. In consulting with the family about the provisions of the plan, the worker shall specify the changes that must occur before the child can be returned. The parent/guardian shall be informed that these "non-negotiable items" will be presented to the court and that these items will become a part of the parent's court-ordered plan. The parent shall be notified that failure to comply with the court-ordered plan in a timely fashion may lead to abandonment of reunification efforts and/or termination of parental rights.

e. After consulting with the family and other participants, the worker shall complete the DSS Form 30231: Child and Family Assessment Services Plan, and shall consult the DSS Form 30231 Instructions & Practice Guide.

   i. The goals formulated by the worker shall be informed by the input of the participants, but shall be limited to addressing and

remedying the circumstances necessitating the child's placement in foster care.

ii. The worker shall confirm that all goals are related to the issues necessitating the child's removal and that all goals require measurable behavioral changes that are necessary to keep the child safe.

iii. The worker shall consult any professional assessments concerning the family in determining the appropriate services under the case plan.

f. For supervisor review and presentation to the court, see Section 510.4.

2. Implementation of the Placement Plan

a. The Foster Care/IFCCS Worker shall make a minimum of monthly face-toface contacts with the parents/guardians.

b. The worker shall discuss the following topics at every monthly contact:

i. Information from the most recent safety assessment and family story. The family assessment is updated as additional information is gathered (i.e. what has worked and not worked for the family in the past; what the family thinks will help). This includes the protective capacities that the family exhibits and the protective capacities the parents need to develop;

ii. a review of the conditions for return of the child, including specific behaviors and home circumstances that must exist in order for the child to be returned home, the court ordered and statutory time frames for reunification, and the obligation to visit and support the child;

iii. the status of the following strengths and needs:

1. parenting, empathy and relationship with children;
2. mental health and intellectual ability;
3. substance abuse;
4. domestic violence and other violent or criminal behavior;
5. general history of violence or criminal behavior;
6. medical needs;
7. housing, food, employment and other basic needs;
8. history of child abuse and neglect;

9. kinship/community support system; and

10. other areas of strength/need; iv. a review of the action plan and services being offered (and, as the treatment progresses, the effectiveness of the services to achieve the behavioral changes required to keep the child safe);

1. This includes verifying that services outlined in the plan are being delivered in the amount and frequency specified. The worker shall follow up as needed to ensure services are delivered according to plan.
2. This also includes changing or ending a service that is not achieving the intended outcome.

v. A review of the effectiveness of parent-child visitation and the visitation plan. If necessary, the worker and parents shall develop a plan to address any barriers;

vi. recommendations from the guardian *ad litem* and, if available, from the Foster Care Review Board;

vii. recommendations (if appropriate) from other professionals working with the family;

viii. whether or not a safety or in-home reunification plan can be put into effect and whether the children can, with court approval, be returned to the home (see below);

ix. if there is a lack of progress, whether a concurrent/alternate plan will be implemented to promote timely permanency for the child;

x. a review of the child's physical, mental health, and educational wellbeing and, as appropriate, the parents' active participation in the child's activities, medical appointments, therapy, and/or counseling; and

xi. Any other relevant topics related to progress in the case and/or the child or parents' needs.

c. The worker shall update the Family Assessment and case plan as needed and shall document all contacts in CAPSS dictation.

3. Reevaluating the Placement Plan

a. The Foster Care/IFCCS Worker shall conduct a supervisory staffing monthlyto determine the parents'/guardians' progress in meeting the case plan goals.

i. The worker shall review documentation from and contacts with the child, the child's placement, all service providers, the child and/or parents' guardian *ad litem*, and any other relevant individuals. ii. The Foster Care/IFCCS Worker shall staff the case with his or her supervisor

to determine whether the case plan needs to be amended and whether court approval of a new or amended plan is necessary.

b. The Foster Care/IFCCS Worker shall amend the plan at any time if all parties agree to the revisions. The worker shall consult with the DSS Attorney to submit the plan to the court with a written explanation for the proposed change. Alternatively, if all parties do not agree with proposed changes, the court (upon motion of any party) also may amend the plan after a hearing based on evidence demonstrating the need for the amendment.

4. Returning a Child Home

a. Preparing a child to return home

i. When contacts and monthly progress reviews with the parents indicate that the parents have demonstrated behaviors required by the case plan to keep the child safe, the Foster Care/IFCCS Worker shall:

1. review the concerns listed in the court-ordered plan that were to be successfully completed prior to case closure (the court may order some concerns to be addressed after reunification but prior to case closure);
2. complete an updated safety assessment (from DSS Form 30231: Child and Family Assessment Services Plan);
3. if the safety assessment indicates that the parents have successfully demonstrated the necessary protective capacities and have adequately resolved all safety concerns, develop a proposed in-home plan to support reunification with the parents' input;
4. review the child's plan portion of the DSS Form 30231: Child and Family Assessment Services Plan to confirm that the child's needs would be met by an in-home reunification plan; and
5. Prepare the parents for the process and family meeting by discussing logistics and information to be presented.

ii. The Foster Care/IFCCS Worker shall review the court order(s), safety assessment, and case plan with his or her supervisor, the DSS Attorney, and the guardian *ad litem* for input in the decision to return the child home.

iii. The Foster Care/IFCCS Worker shall facilitate a family meeting to consider the proposed plan. The participants shall discuss:

1. whether or not the behaviors and/or conditions which necessitated the removal have changed, been eliminated, or been reduced to the extent that the child can be maintained safely in the home;
2. whether or not to recommend returning the child home and returning custody to the parents;
    a. The agency staff should recommend return of custody if the child is being reunified with the parents. The court, however, may approve the child going home with continued DSS legal custody for some period of time.
3. whether or not the in-home plan to support reunification addresses how the parents will maintain the children's safety after the child is returned home;
4. whether the in-home plan should be revised, if necessary, based on the information shared during the family meetingprocess;
5. what post-placement services, if any, will be offered to the family when the child is returned home and any concerns identified in the court-ordered plan that must be addressed successfully for the case to be closed, but not prior to reunification;
6. the time frame for providing post placement services; and
7. the plan for preparing the child, family, and foster care provider for reunification and termination of the foster placement;

iv. The worker shall document the outcome of the meeting in CAPSS dictation and shall confirm that participants sign the Notice and Signature Sheet in the DSS Form 30231: Child and Family Assessment Services Plan.

b. Preparation of the Child

i. The Foster Care/IFCCS Worker shall consult with the foster placement, the child's therapist, the guardian *ad litem*, and other involved parties to determine the necessary steps in the preparation process.

ii. The worker shall give the child and placement as much advance notice as possible when a child will be returning home, with a minimum of 10 days.

iii. The worker shall discuss with the child (and, if the child is over 14, his or her designed case planning team) the child's perspective and feelings about returning home.

iv. The worker shall arrange for parent-child visitation to be increased in both frequency and duration, when possible, prior to the child's permanent return home.

1. A trial home visit may not exceed six months in duration, unless a court orders a longer trial home visit. If a trial home visit extends beyond six months and has not been authorized by the court, or exceeds the time period the court has deemed appropriate, and the child is subsequently returned to foster care, that placement must then be considered a new placement and title IV-E eligibility must be newly established. Under these circumstances, the judicial determinations regarding contrary to the welfare and reasonable efforts to prevent removal are required.

v. The worker shall follow up with the child, parent/guardian, and foster care placement to determine if any problems/concerns exist which may need to be addressed prior to or after the child returns home.

c. Placement in the Home

i. The Foster Care/IFCCS Worker shall consult with the DSS Attorney to file a motion to review the case and shall participate in all necessary court proceedings.

ii. The Foster Care/IFCCS Worker shall initiate the child's actual placement in the home when ALL of the following requirements are met:

1. the case management team recommends reunification;
2. a court hearing is held to consider the agency's recommendation and the court approves or orders the return;
3. a copy of a signed and filed court order authorizing the return is received by the agency; and
4. The child has been prepared for reunification.

d. Supervision & Post-Placement Support

i. If the court orders the agency to supervise the placement with the parents or orders that legal custody remain with the agency after placement, the Foster Care/IFCCS Worker shall follow the following procedures.

1. Within 5 days of the child's return home, the worker shall make face-to-face contact in the home with the parents and child (Ren) to confirm safety of the child after reunification. The worker shall review and monitor implementation of the in-home plan to support reunification.
2. The worker shall maintain at least monthly face-to-face contacts with the child and family, continually assessing immediate safety and future risk and monitoring the inhome plan to support reunification.
    a. The worker shall confirm that services provided and the timeframe/frequency of services are in accordance with the court order and the recommendations made by the case management team prior to and after placement.
    b. If, at any time, the worker observes a safety threat to the child, the worker shall contact CPS to take appropriate action.
3. The Foster Care/IFCCS Worker shall facilitate a family meeting to complete the case planning process and to review the placement within 90 days of the child's return home. The team shall determine whether the court should be petitioned to return custody to the parents and/or if the case can be closed.
4. The Foster Care/IFCCS Worker shall consult with the DSS Attorney to request a judicial review hearing (or shall attend a hearing scheduled by prior court order) for further disposition of the case in accordance with the court order and/or the case management team's recommendations.

ii. Prior to case closure, the worker shall explain to the family how to access necessary services after the agency is no longer regularly involved.

iii. The Foster Care/IFCCS Worker shall document all case decisionmaking, contacts, legal actions, and placement changes in CAPSS.

5. Ending Reasonable Efforts to Reunify

a. The Foster Care/IFCCS Worker shall confirm that parents/guardians receive notice throughout the case that failure to accomplish objectives in the case plan may result in termination of parental rights. The worker shall document all efforts made to reunify the family, including services,

referrals, efforts to aid non-compliant parents/guardians, and contacts, in CAPSS.

b. The worker shall write each parent on a monthly basis to inform them of his or her obligation to support, to visit, and to participate in treatment and shall include notice that failure to comply could result in termination of parental rights.

c. If a parent/guardian is failing to comply with the case plan, the worker shall:
   i. notify the parent's attorney or parent's guardian *ad litem* of the parent's lack of progress;
   ii. review all relevant court orders and case plan goals to determine time frames laid out for parent progress;
   iii. confer with the Foster Care/IFCCS Supervisor on a regular basis to determine whether an alternative or concurrent permanency plan should be pursued; and
   iv. Continue to support the parents/guardians in completing their case plan.

d. If the worker and supervisor determine that an alternative permanency plan or a petition for termination of parental rights would be (1) in the best interests of the child, (2) in compliance with state law and all orders of the court, and (3) in accordance with the timeframes set forth in the case plan, the worker shall consult with the DSS Attorney to determine appropriate legal action.
   i. The worker may request that a permanency planning hearing be scheduled so that an alternative plan may be chosen (see Section 520: Permanency Planning and Section 540.2: Permanency Planning Hearings).
   ii. If appropriate and in the child's best interests, the worker and DSS Attorney may file a complaint for termination of parental rights without waiting for the scheduling of a permanency planning hearing (see Section 540.3).

Special Considerations:

1. **For circumstances in which reasonable efforts to reunify are not required by law, see Section 520: Permanency Planning, Special Consideration 2.**

2. Placement plans involving substance abuse

a. If issues related to substance abuse are identified as related to the circumstances leading to the child's placement in foster care, the Foster Care/IFCCS Worker shall confirm that the following goals/services are included in the parent's placement plan, if appropriate:
   i. completion of a treatment program by the parent/guardian;
   ii. completion of a treatment program by any other adult living in the home with the parent/guardian; and/or
   iii. Clean random drug screens for a specific period of time as specified by the agency or the court.

b. The worker shall comply with any drug-related provisions ordered by the court at or after the removal hearing.

c. The worker shall advise the parent/guardian that two or more failures to participate in or complete a treatment program may constitute grounds for termination of parental rights (see Section 540.3).

3. Working with incarcerated parents

a. The Foster Care/IFCCS Worker shall determine where the parent is incarcerated and what he or she was convicted of, his or her sentence, and his or her likely release date. If the parent has only been charged with an offense, the worker shall determine the jail location and the likelihood and estimated date for release.

b. As soon as possible, the Foster Care/IFCCS Worker shall make direct contact (whenever and however possible) with the parent to advise the parent of his or her rights and responsibilities, including the right to visitation and responsibility to support the child (either through work programs or entitlement benefits).

c. The worker will collaborate with the parent and the facility social work staff (if applicable) to determine what rehabilitation and training programs are available and applicable to the parent's case plan.

d. If visitation and/or reunification is not prohibited by court order, the worker will make diligent efforts to arrange visitation as soon and as frequently as is appropriate. Visitation may only be abandoned if doing so is in compliance with the court-ordered plan.

e. The worker will confirm that the parent is notified and, if applicable, transported to all court hearings and Foster Care Review Board meetings.

4. Working with parents residing at in-patient facilities

a. The Foster Care/IFCCS Worker shall maintain monthly face-to-face contact with the parent if allowed by the facility's staff. The worker shall inform the parent of his or her rights and responsibilities, including the right to visit the child and the responsibility to support the child.

b. The worker shall coordinate with facility staff to confirm compatibility of the parent's case plan and any services provided by the facility.

DOCUMENTATION:

- Contacts with child and family
- All efforts to reunify the child and family
- Correspondence with professionals and agency staff
- Copy of placement plan, including any amendments
- Copies of treatment records, if applicable
- Copies of court documents and orders

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- Child and/or Support Persons
- Case Management Team
- DSS Attorney
- Private Providers
- Family Court

REFERENCES:

Legal Citations:

The Americans with Disabilities Act

- 29 U.S.C.A. § 794: Section 504 of the Rehabilitation Act of 1973
- 29 U.S.C.A. § 705(20)-(21): Section 504 definition of disability
- 42 U.S.C.A. § 12102: ADA definition of disability
- 42 U.S.C.A. § 12103: ADA definition of auxiliary aids and services
- 42 U.S.C.A. §§ 12131-12134: ADA Title II, Public Services
- 42 U.S.C.A. §§ 12181-12189: ADA Title III, Public Accommodations
- 28 C.F.R. § 35.101 et seq.: ADA Title II regulations
- 28 C.F.R. § 36.101 et seq.: ADA Title IV regulations
- 28 C.F.R. § 42.501 et seq.: Section 504 DOJ regulations

- 45 C.F.R. § 84.1 et seq.: Section 504 DHHS regulations

42 U.S.C.A. § 671(a) (15): reasonable efforts
45 C.F.R. § 1356.21(b): reasonable efforts
45 C.F.R. § 1356.21(e): trial home visits
S.C. Code Ann. § 63-7-1640: foregoing reunification, concurrent planning, permanency planning and TPR timeframes, written findings
S.C. Code Ann. § 63-7-1680: placement plans, caseworker contacts, visitation, fostering connections, relative/fictive placement preference
S.C. Code Ann. § 63-7-1690: placement plans involving substance abuse
S.C. Code Ann. § 63-7-1700: permanency planning
S.C. Code Ann. § 63-7-1710: mandatory TPR, exceptions

Tools:

DSS Form 30231 Instructions & Practice Guide

Forms:

DSS Form 30231: Child and Family Assessment Services Plan

Practice Guidance:

REVISION COMMENTS:

520.2 Adoption

PURPOSE STATEMENT:

If a child cannot be safely reunited with his or her family, the agency shall make reasonable efforts to find legal permanency for the child. If adoption is chosen as the most appropriate permanency plan for the child, the following section lays out the policies and procedures to be followed when Foster Care/IFCCS staff are responsible for coordinating with Regional Adoptions staff to promote timely and appropriate permanency.

POLICY:

1. If reunification cannot be achieved, the agency will seek to achieve permanency through adoption or court-ordered guardianship with a relative or other individual known to the child, whenever feasible, timely, and appropriate (see also Section 520.3).
2. If adoption or court-ordered guardianship with a relative or other individual known to the child cannot be achieved, the agency will seek to achieve permanency through adoption or court-ordered guardianship with an individual not previously known to the child who is recruited by the agency (see also Section 520.3).
3. Foster Care staff will retain case management in all foster care cases in which adoption is the permanent plan.
4. A referral for adoption services shall be made when:
    a. adoption is the primary or concurrent plan; or
    b. The biological parents are not complying with the treatment plan and grounds for termination of parental rights exist.
5. Adoption services shall take place concurrently with the pendency of a TPR proceeding.

6. If relinquishment or termination of parental rights is necessary to achieve the permanent plan of adoption, see Section 540.3 for related policies and procedures.
7. For details regarding adoption services, recruitment, and placement, see Chapter 6: Adoption and Birth Parent Services.

PROCEDURES:

1. Referral for Adoption Services

a. If at any point in the case, the case planning team determines that adoption is the appropriate primary or concurrent plan for the child, the Foster Care/IFCCS Worker shall make a referral for Adoption Services.
b. After the Regional Adoptions staff have reviewed the appropriate information, the Foster Care/IFCCS Worker shall schedule a staffing between the Foster Care/IFCCS Worker, Foster Care/IFCCS Supervisor, Adoptions Specialist, Adoptions Supervisor, and DSS Attorney to determine the appropriateness of adoption as the case plan and the status/likelihood of success of a termination of parental rights action.
c. If adoption is deemed appropriate, the worker shall notify the following parties that adoption is being recommended:
    i. the parents/guardians;
    ii. the child, if age appropriate or if over the age of 14;
    iii. if the child is over the age of 14, the child's case planning support persons;
    iv. the child's guardian *ad litem*;
    v. any appropriate service providers; and
    vi. The child's foster placement.
d. If adoption is not deemed appropriate, the worker and Regional Adoptions staff shall reassess the child for adoption at least annually.

2. Coordination with Regional Adoptions Staff

a. The Foster Care/IFCCS Worker shall retain primary case management of all cases referred to Regional Adoptions. To this end, the Foster Care/IFCCS Worker shall continue making at least monthly contacts with the child and placement.
b. The Foster Care/IFCCS Worker shall schedule at least quarterly staffing (whether in person or by phone) between Foster Care/IFCCS staff and Regional Adoptions staff to assess the status of the case.

c. The Adoptions Specialist shall send written notification to the Foster Care/IFCCS staff within 10 days of an identification of an adoptive resource.
d. If an adoptive resource is not located within 12 months of a referral for adoption services, the Foster Care/IFCCS Worker shall assess the case with Regional Adoptions staff and the DSS Attorney to determine whether further services or an alternative permanency plan are necessary.
e. If the child's circumstances change such that adoption is no longer an appropriate plan, the Foster Care/IFCCS Worker shall notify Regional Adoptions staff at the earliest opportunity.
f. Regional Adoptions staff shall be responsible for documenting all efforts to finalize the child's plan of adoption in CAPSS dictation. The Foster Care/IFCCS Worker shall document all contacts with the child and family, and shall document all efforts to finalize any concurrent permanency plan.

3. For procedures related to Termination of Parental Rights and/or Voluntary Relinquishment, see Section 540.3.

DOCUMENTATION:

- All contacts with child and families
- All correspondence with professionals and agency staff
- Efforts to finalize a plan of adoption
- Copies of court documents and orders

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- Adoption Specialist
- Adoption Supervisor
- DSS Attorney
- Family Court

REFERENCES:

Legal Citations:

42 U.S.C.A. § 671(a) (19): relative preference
45 C.F.R. § 1356.21(e): trial home visits
S.C. Code Ann. § 63-7-1700: permanency planning
S.C. Code Ann. § 63-7-1710: mandatory TPR, exceptions
S.C. Code Reg. § 114-550(j) (2): foster parent priority in specific cases

Tools:

Forms:

Practice Guidance:

REVISION COMMENTS:

520.3 Court-Ordered Custody and/or Guardianship

PURPOSE STATEMENT:

If a child cannot be safely reunited with his or her family, the agency shall make reasonable efforts to find legal permanency for the child. If court-ordered custody or guardianship with a relative or non-relative is chosen as the most appropriate permanency plan for the child, the following section lays out the policies and procedures to be followed in order for agency staff to appropriately and efficiently finalize such a plan.

POLICY:

1. If reunification cannot be achieved, the agency will seek to achieve permanency through adoption or court-ordered guardianship with a relative or other individual known to the child, whenever feasible, timely, and appropriate (see also Section 520.2).
2. If adoption or court-ordered guardianship with a relative or other individual known to the child cannot be achieved, the agency will seek to achieve permanency through adoption or court-ordered guardianship with an individual not previously known to the child who is recruited by the agency (see also Section 520.2).
3. The agency shall not deny or delay an individual's opportunity to become a child's legal guardian based on the child's or guardian's race, color, national origin, religion, state of residence, age, disability, political belief, sex, or sexual orientation.

PROCEDURES:

1. For engagement with relatives and fictive kin, see Section 510.3.

2. Identifying Prospective Guardians

a. When a person important to the child becomes interested in providing a permanent home for the child, the Foster Care/IFCCS Worker shall explore the options of both adoption and guardianship with the individual.
b. The Foster Care/IFCCS Worker shall explain the implications of legal guardianship, including:
    i. the process for becoming a legal guardian (including expedited home studies for relative placements);
    ii. the assumption of all legal and financial obligations related to the child;
    iii. the authority of the guardian to make important decisions for the child, including parental contact;
    iv. the legal requirements for a parent to regain custody and/or guardianship of the child at a later date (the parent must show a substantial change in circumstances that took place after the award of guardianship to the guardian and the transfer of custody must be in the child's best interests); and
    v. The availability of alternative funds available to the family in providing a home for the child, such as food stamps, SSI (if applicable), etc.

3. Completion of Home Study

a. If the prospective guardian agrees to pursue court-ordered custody or guardianship, the Foster Care/IFCCS Worker shall refer the family to DSS Licensing staff or an appropriate provider for completion of a home study.
b. If ordered by the court to complete an expedited home study, the Foster Care/IFCCS Worker shall confirm compliance with the court-ordered timeframe.
c. Upon receipt of the home study, the worker shall complete a staffing with all relevant members of the case planning team and any relevant family members to determine whether court-ordered guardianship is appropriate and can be achieved in a timely fashion.

4. Court Procedures

a. Upon receipt of a favorable home study and recommendation from the case management team, the Foster Care/IFCCS Worker shall staff the case with his or her supervisor and the DSS Attorney to determine whether a motion for a review hearing should be filed.

b. The worker and supervisor shall determine whether the DSS Attorney should request post-placement supervision of the guardian and child, and should recommend a specified time at which such supervision should end.
c. The worker shall participate in any review hearing or permanency planning hearing and shall consult with the DSS Attorney to confirm that any court order awarding custody/guardianship to the individual reflects the specific conditions necessary for the parents to regain full custody.
d. The worker shall document all legal actions in the CAPSS Legal screen.

5. Supervision of Court-Ordered Guardianships

a. If the court orders the agency to supervise the placement with the guardian, the Foster Care/IFCCS Worker shall follow the following procedures.
b. Within 5 days of the child's placement, the worker shall make face-to-face contact in the home with the guardian and child to confirm safety of the child after reunification.
c. The worker shall maintain at least monthly face-to-face contacts with the child and family, continually assessing immediate safety and future risk.
    i. The worker shall confirm that the services provided and the timeframe/frequency of services are in accordance with the court order and the recommendations made by the case management team prior to and after placement.
    ii. If, at any time, the worker observes a safety threat to the child, the worker shall contact OHAN to take appropriate action.
d. The Foster Care/IFCCS Worker shall facilitate a family meeting to complete the case planning process and to review the placement within 90 days of the child's placement in the home. The team shall determine whether the court should be petitioned to return custody to the agency, whether supervision should be extended, or if the case can be closed.
e. The Foster Care/IFCCS Worker shall consult with the DSS Attorney to request a judicial review hearing (or shall attend a hearing scheduled by prior court order) for further disposition of the case in accordance with the court order and/or the case management team's recommendations.
f. Prior to case closure, the worker shall explain to the family how to access necessary services after the agency is no longer regularly involved.
g. The Foster Care/IFCCS Worker shall document all case decision-making, contacts, legal actions, and placement changes in CAPSS.

DOCUMENTATION:

- All contacts with child and families

- Correspondence with professionals and agency staff
- Copies of court documents and orders
- Copy of home study

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- Case Management Team
- DSS or Private Licensing Staff
- DSS Attorney
- Family Court

REFERENCES:

Legal Citations:

Multi-Ethnic Placement Act & Interethnic Adoption Provisions

- 42 U.S.C.A. § 671(a)(18): general mandates
- 42 U.S.C.A. § 622(b)(7): diligent recruitment
- 42 U.S.C.A. § 674 & 45 C.F.R. § 1355.38: enforcement
- 42 U.S.C.A. § 1996b: Title VI violations
- 42 U.S.C.A. § 2000a et seq.: Title VI of the Civil Rights Act

The Americans with Disabilities Act

- 29 U.S.C.A. § 794: Section 504 of the Rehabilitation Act of 1973
- 29 U.S.C.A. § 705(20)-(21): Section 504 definition of disability
- 42 U.S.C.A. § 12102: ADA definition of disability
- 42 U.S.C.A. § 12103: ADA definition of auxiliary aids and services
- 42 U.S.C.A. §§ 12131-12134: ADA Title II, Public Services
- 42 U.S.C.A. §§ 12181-12189: ADA Title III, Public Accommodations
- 28 C.F.R. § 35.101 et seq.: ADA Title II regulations
- 28 C.F.R. § 36.101 et seq.: ADA Title IV regulations
- 28 C.F.R. § 42.501 et seq.: Section 504 DOJ regulations45 C.F.R. § 84.1 et seq.: Section 504 DHHS regulations

42 U.S.C.A. § 671(a) (19): relative preference
42 U.S.C.A. § 675(7): guardianship federal definition
45 C.F.R. § 1356.21(e): trial home visits
S.C. Code Ann. § 63-7-20(10): guardianship
S.C. Code Ann. § 63-7-20(13): custody
S.C. Code Ann. § 63-7-730: Expedited Relative Placement
S.C. Code Ann. § 63-7-1700: permanency planning

S.C. Code Ann. § 63-7-2320 & 2330: kinship foster care, relative foster placement
Court-Ordered Guardianship/Custody Standards

- S.C. Code Ann. § 63-15-240(B): best interests standard
- McCutcheon v. Charleston DSS, 302 S.C. 338 (Ct. App. 1990): preference for biological parent, no preference for other relatives but relevant to best interests
- Moss v. Moss, 274 S.C. 120 (1980): modification standard (Substantial change in circumstances + change took place after custody award and before filing + changes affect child's interests/welfare)
- Skinner v. King, 272 S.C. 520 (1979): transfer of custody must be in child's best interests

Tools:

Forms:

Practice Guidance:

REVISION COMMENTS:

520.4 Another Planned Permanent Living Arrangement (APPLA)

PURPOSE STATEMENT:

The agency is committed to finding legal permanency for all children in its care, from the time they are removed from their families until the time that they either reach permanency or an age at which DSS's services must cease. However, the agency recognizes, in a number of very specific and limited circumstances, the legally permanent arrangements of reunification, adoption, and guardianship can be inappropriate or unrealistic for the child's future. Accordingly, the following policies and procedures are to be adhered to so that the plans for all children for whom reunification, guardianship, and/or adoption are not appropriate are constantly reevaluated and include necessary provisions relating to the child's health, stability, and long-term wellbeing.

POLICY:

1. A permanent plan of Another Planned Permanent Living Arrangement (APPLA) will only be selected for a child aged 16 or older in whose case the agency has documented a compelling reason that demonstrates that a plan of reunification, adoption, and/or guardianship is not in the child's best interests. The compelling reason(s) shall be approved by the Family Court at all permanency planning hearings for the child.
2. The agency will document all steps taken to support the foster care placements of children with plans of APPLA in meeting the reasonable and prudent parent standard and to confirm that such children have regular, ongoing opportunities to engage in age- or developmentally-appropriate activities. These steps will be reviewed by the Foster Care Review Board or Family Court at least every six

months, and shall be reviewed at a permanency planning hearing at least annually.

3. The agency shall make and document intensive and ongoing efforts to pursue all other permanent plans, including efforts utilizing search technology and social media to engage relatives and fictive kin. These efforts shall be reviewed at all permanency planning hearings, and shall be reviewed at least annually.
4. The agency will confirm that all children with plans of APPLA are transported to their Permanency Planning Hearings and Review Hearings in order for the judge to ask the children about the desired permanency outcome.

PROCEDURES:

1. **Selecting a Plan of APPLA**
   a. If, when reviewing the case of a child who is 16 or older through the permanency planning procedures described in Section 520, the Foster Care/IFCCS Worker and Supervisor determine (or the Family Court finds) that:
      i. reunification cannot be accomplished with the parents;
      ii. adoption is not in the best interests of the child; and
      iii. court-ordered custody and/or guardianship is not in the best interests of the child,

      The Foster Care/IFCCS Worker shall convene an inclusive, cross-disciplinary permanency meeting to discuss the child's permanency options.
   b. The Foster Care/IFCCS Worker shall consult with the child to determine who should be invited to the permanency meeting. The worker will ask the child to consider, at a minimum:
      i. all members of the child's case planning team (including the child and the individuals selected by the child);
      ii. all known members of the child's biological family, including parents;
      iii. fictive kin or important individuals known to the child;
      iv. individuals involved in providing services for the child, including a DDSN Worker if one is assigned to the child;
      v. the child's guardian *ad litem*;
      vi. the child's foster family or foster care provider (including, for children placed in a group home setting, the individual responsible on-site for ensuring that the reasonable and prudent parent standard is followed); and

vii. Any other individuals with knowledge of the child's case or who have a vested interest in the child's future.

c. The discussion at the permanency meeting shall include, but shall not be limited to:

i. the child's current situation and the stability of the child's current living arrangement;
ii. the child's current and long-term needs;
iii. the child's placement and permanency goal history;
iv. the child's perspective on important individuals in his or her life, including those not known to DSS and those who may be inappropriate for placement;
v. all efforts made to identify, locate, and engage relatives and fictive kin;
vi. any strategies for engaging possible placements or support persons that can be tried or retried;
vii. the willingness and ability of the meeting participants to support the child, provide placement for the child, and/or assist in engaging others; and
viii. The child's willingness to achieve legal permanency, any needs that may need to be addressed to be successful in a permanent placement, and (if applicable), the source of the child's unwillingness to achieve legal permanency.

d. The Foster Care/IFCCS Worker and Supervisor shall reassess the child's permanency goal after the meeting. If, after considering the information discussed in the meeting, the worker and supervisor agree that it is not in the child's best interests to be reunified, adopted, or placed through court-ordered custody/guardianship, the worker shall select a permanent plan of APPLA.

e. If a plan of APPLA is selected, the Foster Care/IFCCS Worker will establish concrete goals to facilitate the maximum amount of stability and support for the child. The worker shall consider the following criteria when forming a plan of APPLA:

i. the long-term supports in place for the child (including mental health and housing resources);
ii. whether the child will continue to have an individual who is committed having ongoing contact and who will support his or her wellbeing after the child reaches the age of majority (and what the worker can do to foster this relationship while the child remains in foster care);

iii. the long-term involvement of the child's biological family and/or fictive kin; and

iv. The child's need for services and resources related to a successful transition to adulthood (see Section 530: Chafee Program).

All efforts to finalize these goals shall be documented in the child's case plan and in CAPSS.

f. Once a plan of APPLA has been selected for the child, the Foster Care/IFCCS Worker shall:

i. notify the child, his or her case planning team, all known family members, the child's placement, and any other participants in the child's permanency meeting of the proposed plan; and

ii. Consult with the DSS Attorney to request a Permanency Planning Hearing for court approval of the plan (see below).

g. The Foster Care/IFCCS Worker shall document all staffing, meetings, contacts, and efforts (including all efforts to pursue and consideration given to alternative plans) in CAPSS.

3. **Ongoing Reassessment of and Efforts to Pursue Alternative Plans**

g. The Foster Care/IFCCS Worker shall reassess the appropriateness of reunification, adoption, and court-ordered custody/guardianship on an ongoing basis while the agency continues to serve the child.

h. The Foster Care/IFCCS Worker shall continue to make intensive and ongoing efforts to pursue reunification, adoption, and court-ordered custody/guardianship after a plan of APPLA is chosen and approved. These efforts shall include, but shall in no case be limited to:

i. discussing the benefits and possibility of legal permanency with the child and any important individuals in the child's life;

ii. utilizing search technology (including social media) to identify, locate, and engage biological family members and other individuals who have a relationship with the child;

iii. recruiting individuals on a child-specific and general basis to adopt or take custody/guardianship of the child;

iv. revisiting the appropriateness of individuals who were formerly inappropriate for involvement or placement

(including biological parents whose rights have been terminated);

v. reconvening a permanency meeting for the child (see above) at least annually; and

vi. Reevaluating the services provided to the child and the services' ability to stabilize the child's behaviors in a way that would promote success in a permanent placement.

i. If, at any time in the case, the compelling reasons for ruling out another permanent plan cease to exist or change significantly (e.g., if a prospective placement comes forward or the child's needs/circumstances change), the Foster Care/IFCCS Worker shall immediately notify the worker's supervisor and the DSS Attorney and will follow the appropriate procedures for having the child's permanency plan changed from APPLA.

j. The Foster Care/IFCCS Worker shall, throughout the case, continuously monitor whether the child's placement continues to follow the reasonable and prudent parent standard and whether the child has regular, ongoing opportunities for age- and developmentally-appropriate activities (see Section 760.3).

k. The Foster Care/IFCCS Worker shall document all ongoing efforts to pursue alternative plans and the compelling reasons that continue to justify a plan of APPLA in the child's case plan and in CAPSS.

4. **Legal Proceedings**

. Initial & Subsequent Permanency Planning Hearings

i. For scheduling and other general procedures, see Section 540.2: Review Hearings & Permanency Planning Hearings.

ii. At all permanency planning hearings for children with a plan of APPLA (including the initial hearing at which the agency requests that the court approve a plan of APPLA), the Foster Care/IFCCS Worker shall document the following subjects in the DSS Form 3058: Supplemental Court Report (in addition to the subjects routinely included in non-APPLA cases):

1. the **compelling reason(s)** for determining that, as of the date of the hearing, it would not be in the

best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption or court-ordered custody/guardianship (these reasons should be case-specific and should be reassessed/updated at every hearing);

2. the intensive, ongoing, and, as of the date of the hearing, unsuccessful **efforts** made by DSS since the last hearing to return the child home or find legal permanency for the child through adoption or court-ordered custody/guardianship, including through efforts that utilize search technology (including social media) to find biological family members for the children;
3. the ongoing opportunities the child has had (prior to and since the last hearing) to engage in age- or developmentally-appropriate activities and the steps the agency is taking to confirm that (a) the child's placement is following the **reasonable and prudent parent standard** and (b) the child has regular and ongoing opportunities to engage in **age- or developmentally-appropriate activities.**

iii. The Foster Care/IFCCS Worker shall facilitate a **child's attendance at all permanency planning hearings** when the child has a plan of APPLA (including the initial hearing at which the plan is approved). The worker shall explain to the child that such participation is required by law and is not optional. If the worker, the child, or another individual with knowledge of the case has concerns about the child's attendance, the worker shall consider the following strategies for mitigating these concerns:

1. facilitating a discussion between the child and the DSS Attorney and/or the attorney for the child's guardian *ad litem* to educate the child about the court process and answer any questions the child may have;
2. documenting the concern(s) and presenting them to the judge at the outset of the hearing so that appropriate accommodations can be made;

3. attempting to facilitate communication between the judge and the child in a way that is compatible with the child's unique situation (e.g., explaining/rehearsing the process with the child, arranging a courtroom tour in advance, requesting discussion with the child in chambers, arranging the docket to prevent long wait times, and/or, as a last resort, limiting attendance to a specific part of the hearing);
4. allowing the child to bring and/or sit with appropriate support persons during the hearing; and/or
5. Consulting the Regional Clinical Specialist regarding strategies to foster the child's participation.

   If, after attempts to remedy the child's concerns, the child does not wish to attend the hearing, the worker shall notify the DSS Attorney. The DSS Attorney shall contact the Family Court to determine whether the court would be interested in communicating with the child in an alternative manner.

iv. The Foster Care/IFCCS Worker shall consult with the DSS Attorney to confirm that the resulting court order contains the necessary findings, including:

1. that APPLA is the best plan for the child and that compelling reasons exist regarding why it continues to not be in the child's best interests for the child to be reunified, adopted, or placed through custody/guardianship;
2. that the agency has documented intensive and ongoing efforts to pursue all other permanent plans;
3. that the agency has documented steps to confirm that the reasonable and prudent parent standard is followed and that the child has regular, ongoing opportunities to engage in age- or developmentally-appropriate activities;
4. that the court asked the child about the desired permanency outcome; and

5. All other findings required by law in non-APPLA cases (see Section 540.2).

a. Foster Care Review Board Meetings

i. For scheduling and other general procedures, see Section 540.1: Foster Care Review Board Meetings.

ii. In all cases in which a child has a plan of APPLA, the Foster Care/IFCCS Worker shall document in the DSS Form 1597: Foster Care Review Board Case Summary (in addition to the information required in non-APPLA cases) the steps the agency is taking:

1. to confirm that the child's foster family home or child care institution is following the reasonable and prudent parent standard; and
2. To ascertain whether the child has regular, ongoing opportunities to engage in age- or developmentally-appropriate activities.
   The worker shall review CAPSS dictation and all relevant reports in the placement's Licensing Screen to determine the compliance of the placement and the specific opportunities provided for the child.

iii. The Foster Care/IFCCS Worker shall facilitate communication between the child and the Foster Care Review Board regarding the child's opportunity to engage in age- or developmentally-appropriate activities, whether through in-person contact or documentation provided to the Review Board.

1. If the child requests to attend a Foster Care Review Board hearing, the Foster Care/IFCCS Worker shall make the necessary arrangements to facilitate the child's attendance.

Special Considerations:

1. **Concurrent Planning & APPLA**
   a. The requirements for court approval of a plan of APPLA are incompatible with the simultaneous continuance of another permanent plan, and APPLA shall not be selected as a concurrent plan.
   b. This does not prohibit the informal development of alternative plans to be implemented if the primary plan fails and does not

prohibit referrals to Chafee Program services or any other service intended to prepare a child for adulthood.

DOCUMENTATION:

- Contacts with child, family, and other important individuals
- Summaries of all staffing, meetings, and other decision-making processes
- Consideration of all alternative permanency plans
- Compelling reason justifying plan of APPLA
- Copies of court documents and orders
- Results of reevaluation of APPLA plan
- Intensive and ongoing efforts to pursue alternative plans
- Records and discussions concerning child's involvement in age- and developmentally-appropriate activities

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- Adoptions Specialist and/or Supervisor
- DSS Attorney
- Family Court
- Foster Care Review Board
- Chafee Program Staff
- Child
- Case Planning Team
- Permanency Meeting Participants

REFERENCES:

Legal Citations:
42 U.S.C.A. § 675(5): APPLA
42 U.S.C.A. § 675A (a): APPLA requirements for case plan and case review
45 C.F.R. § 1356.21(h): APPLA
S.C. Code Ann. § 63-7-1700: permanency planning

Tools:

Forms:
DSS Form 3058: Supplemental Court Report
DSS Form 30321: Child and Family Assessment Services Plan

Practice Guidance:

REVISION COMMENTS:

South Carolina Department of Social Services

Human Services Policy and Procedure Manual

CHAPTER 5, Foster Care & Permanency Planning

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530. John H. Chafee Program for Successful Transition to Adulthood

PURPOSE STATEMENT:

The South Carolina Department of Social Services and the John H. Chafee Program for Successful Transition to Adulthood (Chafee Program) believe that foster youth and former foster youth should have the opportunities to reach and maintain successful self-sufficiency. For this purpose, the Chafee Program provides services and funding needed to enhance opportunities to develop necessary skills that promote a successful transition to adulthood to become self-reliant. This section lays out the procedures by which the SC DSS Chafee Program administers these resources.

For procedures related to:

1. funding requests, see Procedure 1, pp. 140-141;
2. general program services, see Procedure 2, pp. 141-143;
3. annual credit report checks, see Procedure 3, pp. 143-144;
4. youth seeking a post-secondary education, see Procedure 4, pp. 144-148;
5. transition planning, see Procedure 5, p.151
6. aftercare services, see Procedure 6, pp. 148-151;
7. documentation of NYTD services, see Procedure 6, p. 151; and
8. Management of program funds, see Procedure 7, pp. 151-156.

POLICY:

1. Chafee Program services shall be provided to:
    a. Chafee funds are available for all youth in foster care from age 14 up to the 21st birthday, including those in ICPC placement.
    b. Chafee funds are available for all young adults between the ages of 18 and who reached the age of majority in foster care including those in aftercare placement and those out of care.
    c. Chafee funds are available for youth who are currently in adoption preservation placement.
    d. Chafee funds are available for all youth who leave foster care due to reunification at or after the youth's 14th birthday (not eligible for housing funds)
    e. Chafee funds are available for youth who leave foster care due to reunification at or after their 14th birthday must have been in care for at least 6 months.
        1. Youth who leave foster care due to adoption, kinship care, or guardianship at or after the youth's 16th birthday.

f. Chafee funds are available for youth who leave foster care due to adoption, kinship care or guardianship at or after their 16 th birthday must have been in care for at least 6 months.
    1. Youth who leave foster care due to adoption, kinship care, or guardianship at or after the youth's 16th birthday.
g. Education and Training Voucher (ETV) funds are available for youth/young adults in all Chafee-eligible categories above up to the recipient's 26th birthday as long as youth/adult is enrolled in a postsecondary education or training program and are making satisfactory progress toward completion of that program. In no event may an ETV recipient participate in the program for more than 5 years (whether or not the years are consecutive).
h. Youth who are incarcerated are not eligible for Chafee funds, ETV funds, or aftercare placement during the time they are incarcerated (including through DJJ detention).
i. Undocumented youth are not eligible for Chafee or ETV funding.
j. Youth must have entered foster care as a result of an allegation of abuse or neglect. The case causing the youth's removal must have resulted in a finding of abuse or neglect on its merits. While in foster care, youth are eligible for services, but if the case is not founded before the youth's 18th birthday (or eligible age for those who obtain positive permanency), such youth are not eligible for Chafee Program funded services.

2. Chafee Program services shall include, but not be limited to:
    a. casework counseling;
    b. assistance in obtaining a high school diploma;
    c. career exploration;
    d. vocational training;
    e. job placement and retention;
    f. training in daily living skills;
    g. training in budgeting and financial management skills;
    h. substance abuse prevention;
    i. preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention);
    j. preparation and assistance for post-secondary training and/or education;
    k. provision of education and training vouchers;
    l. personal and emotional support (e.g., mentoring);
    m. support for regular, ongoing opportunities to engage in age- or developmentally-appropriate activities; and
    n. Financial, housing, counseling, employment, education, and other appropriate support and services.

See procedures below for detailed SC DSS Chafee Program service descriptions.

3. The following services/funds will not be provided by the Chafee Program:
    a. room and board for children under the age of 18;
    b. personal hygiene products;
    c. private mental health counseling;
    d. babysitting or most childcare expenses;
    e. non-educational school-sponsored trips;
    f. vacation travel;
    g. clothing (except for specific circumstances described below);

h. medical needs;
i. transportations for visitations (except for specific circumstances described below);
j. purchase of a car;
k. food (except for specific circumstances described below);
l. entertainment appliances/expenses;
m. services that can be funded through alternative sources (e.g., school districts or placement agencies); and
n. Memberships for organizations and/or clubs (except high school academic honorary organizations).

4. Education vouchers shall not exceed the cost of attendance.
5. The Chafee Program State Office Staff shall appoint an Identity Theft Prevention Coordinator (ITPC), who will report to the State Chafee Program Coordinator. The ITPC shall arrange for each child in foster care who has reached 14 years of age to receive a copy of his or her consumer credit report from each of the three nationwide credit report agencies each year the child remains in foster care. Youth 18 and older must authorize the agency to obtain his or her consumer credit report.
6. For additional information regarding program eligibility and procedures, see DSS Booklet 30258: Chafee Program Guidelines for Services.

PROCEDURES:

1. **Chafee Program Funding Requests**
   a. Not all services provided in a transition plan are funded services. The Foster Care/IFCCS Worker shall arrange for free services when available (e.g., public afterschool programs and nonprofit events). Further, the Foster Care/IFCCS Worker shall explore alternate sources of funds (e.g., scholarships and donations) prior to submitting a funding request.
   b. Foster Care/IFCCS Workers are not responsible for determining a youth's eligibility for Chafee funding or whether or not a service qualifies for Chafee funds. This is the responsibility of the Regional Chafee Program Coordinator and Chafee Program Financial Specialist.
   c. The youth's worker, a foster parent, a group home provider, another supportive adult, or the youth (if 17 or older) may make a funding request.
   d. The individual submitting the request shall complete a DSS Form 30198: Funding Request for Chafee Program Services and shall submit the request to the child's Regional Chafee Program Coordinator.
      i. In order to be considered for approval, funding requests for Chafee services must be connected to the youth's goals for a Successful Transition to Adulthood (STA). All funding requests should be submitted to the Regional Chafee Program Coordinator with all required documentation according to Appendix A in the Chafee Program Guidelines Booklet (DSS Booklet 30258 or 30267).
      ii. Applications can be faxed, emailed, or mailed. All non-DSS requestors must mail or fax the request form in order to protect the youth's confidentiality. Only DSS staff may email the form. Email requests may be sent to independentliving@dss.sc.gov.
   e. If funding requests are incomplete, the Regional Chafee Program Coordinator shall contact the requestor by phone or email for additional documentation. If

updates are not received after 30 days of the notice, a denial letter will be sent and a new request will have to be submitted.

f. Chafee Program Funding Requests shall be processed within two business days of receipt of the completed request. The Chafee Program State Coordinator shall review and approve/deny the request. An approval/denial email will be sent to the worker, supervisor, county Business Office staff, and Regional Chafee Program Coordinator within 10 business days from the pre-approval.
g. After a funding approval email is received, the Foster Care/IFCCS Worker shall complete a check voucher to the county Business Office in order for a check to be issued for Chafee Program services on behalf of the youth. Chafee funds are approved for specific services. Therefore, check vouchers may only be completed for items and amounts on the approval letter.
h. The Foster Care/IFCCS Worker shall keep a copy of all approval letters and check voucher requests in the youth's case file. Approvals and check voucher requests shall also be documented in CAPSS documentation.
i. The Foster Care/IFCCS Worker shall report all Chafee Program services as NYTD services (see Procedure 6 below) and shall document the services in CAPSS dictation.

2. **General Program Services**

b. Preparation for adulthood includes both funded and non-funded services that support positive youth development and successful transition to adulthood starting at age 14 and lasting until age 21.
c. For additional resources available through community partners, see DSS Booklet 30258 or 30267 for more details.
d. WIA/Workforce Investment Opportunity Act (WIOA) Referrals:
    i. The WIA/WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.
    ii. Foster Care//IFCCS workers shall contact the local workforce career center to refer any youth entering the 11th grade or turning 17 years old whichever comes first for an orientation of available services. The worker may also contact the Regional Chafee Program Coordinator for local workforce office information.

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a. Chafee Program Youth Groups
    i. Youth groups meet monthly and are to be utilized by Chafee-eligible youths (ages 14-21). The youth group has five purposes: (1) Prepare youth in foster care to transition out of care successfully, (2) Provide basic personal and social skills, (3) Develop and promote positive youth development, (4) Provide workshops related to the 14 National Youth in Transition (NYTD) categories, and (5) Provide the opportunity for the youth's voice to be heard by DSS.
    ii. The young adult groups involve a more intense curriculum for transitioning young adults, including community service projects and a focus on employment, education, financial literacy and housing.

iii. For more information on youth and young adult groups, refer to Chafee Program Youth Group Facilitator's Manual.
iv. There is a state level youth advisory board—Go Out and Learn Life (GOALL). Youth board members are nominated based on their proven leadership skills.

1. GOALL serves the two roles of advocate and advisor and meets bi-monthly. GOALL members, ages 16-21, advocate on behalf of youth in foster care through attending agency meetings, developing resource tools, and conducting workshops and trainings for human services workers, partners, youth, and providers. GOALL also advises DSS on policy and procedures within the agency.

3. **Annual Credit Report Checks**

c. The Identity Theft Prevention Coordinator (ITPC) shall submit credit report batch requests to each of the three nationwide credit report agencies for a youth entering foster care at or after the age of 14 or within the month of the youth's 14th birthday, and each subsequent year that the youth is in foster care until the youth reaches the age of 18 or leaves care.
iv. The ITPC shall upload the results of each report in CAPSS and shall keep hard copies in the state office file.
v. The ITPC shall be the only agency representative authorized to contact the credit agencies regarding credit reports for youth. Off-cycle credit reports that are needed outside the regular batch cycle must be submitted to the ITPC by youth or case manager on the Off-Cycle Request for Credit Report form.
vi. If no credit report is found, the ITPC shall document the result in CAPSS and shall forward the information to the Foster Care/IFCCS Worker. The worker shall give the youth a printout of the records showing no credit report, and shall discuss the results with the youth during their face-to-face meeting. After discussing the report with the youth, the worker shall have the child complete a DSS Form 30161: Youth's Rights Case Addendum and shall upload the form on CAPSS.
vii. If discrepancies are found on the credit report history check, the ITPC shall arrange a meeting with the youth and the case manager to be held within 30 days of identifying discrepancies on the consumer credit report.

1. The meeting will consist of assisting the youth with interpreting the results and developing a plan to resolve the discrepancies.
2. The youth shall receive a copy of his/her credit report.
3. The worker will document the findings of the credit report and the action plan discussed in the meeting in CAPSS dictation.
4. Credit reports shall not be transmitted through electronic mail (email). Credit report information shall only be shared with the youth, ITPC, and direct case manager (and supervisor when necessary). No hard copies are kept by anyone other than the youth and the ITPC.

v. If discrepancies are found on the credit report history check, then the ITPC shall make and document the following efforts to resolve the discrepancies:

1. contact the three major credit reporting agencies;
2. place an initial fraud alert;
3. consider a credit freeze;
4. call each company listed on the report where an account was fraudulently opened or misused;
5. file a report with the Federal Trade Commission (FTC);
6. file a police report in the jurisdiction the fraud occurred and keep a copy in the youth's case file; and
7. Establish an identity theft report.

If person or persons are identified as misusing a youth's personal information in reference to identity theft, charges may need to be filed. The ITPC may take the following steps in such a situation:

1. contact the credit reporting companies;
2. initiate a credit freeze;
3. file an Identity Theft Report;
4. file a police report;
5. contact SLED to initiate a law enforcement investigation of the alleged identity theft; and/or
6. Petition the court (or request that County Office of Victims' Assistance petition court for an expedited judicial determination).

vi. Youth who turn 18 and still have credit discrepancies that occurred while a minor in DSS custody will continue to receive assistance in resolving discrepancies upon request, but must sign the Youth 18 & Older Consent Form to give permission to the agency.

vii. Youth with special needs and those categorized as Level Three Case Management may not be able to actively participate in meetings to discuss credit report history. However, the worker and ITPC shall attempt to involve the youth in a developmentally-appropriate way and shall confirm that the child's caregivers are informed of the circumstances.

c. The ITPC shall document all credit report findings in the Chafee Program database for the purpose of state and federal tracking.

d. The ITPC shall make, at a minimum, the following efforts to store and protect the child's information:

vi. securing the records in the ITPC's locked files;

vii. retaining the records for three years after the youth's foster care service line is closed;

viii. destroying the records three years after the foster care service line is closed;

ix. destroying the records immediately if the youth declines to receive a credit report; and
x. Destroying the records immediately if necessary for other reasons (e.g., unnecessary copies are printed in error).

e. The ITPC shall partner with supporting agencies to conduct training that provides information on interpreting and understanding consumer credit and credit reports.

vi. Each youth shall participate in individual, group, or electronic learning related to this information.
vii. The ITPC shall generate eligible recipients of training from CAPSS and shall coordinate with the youth's worker to refer the youth to appropriate training events.

2. **Foster Youth Attending Post-Secondary Education**

b. **Preparing For College**

vi. The Foster Care/IFCCS Worker shall refer youth in foster care who are interested in attending college to school guidance staff for assistance with the following:

1. participation in ACT/SAT preparation classes or courses;
2. whether and when to take the ACT or the SAT; and
3. How to apply for multiple grants and scholarships.

ii. In addition to the ongoing services already provided to a youth in foster care, Chafee Program services also include accessing information about ongoing education. The worker should coordinate with Family Independence (FI) staff to have an educational assessment completed on the youth, as well as with the guidance office of the school where the youth is enrolled.
iii. The worker shall explore special state need-based grants that give priority to foster care youth. HOPE scholarships are available to students who graduate with a B average but do not have the test scores or class rank for other scholarships. Other resources for talented foster care youth who qualify include LIFE scholarships and Palmetto Fellowships.

1. Youth shall be encouraged to complete the Free Application for Federal Student Aid (FAFSA) form, either online or at school, as early as possible. The youth should also obtain copies of the financial aid print out and the desired school's billing statement and maximum financial aid award.
2. Youth shall be reminded to answer "yes" on the FAFSA question that at any time since age 13 the youth was a dependent or ward of the court.
3. Youth should research other scholarships and awards, including online through the SCCHE website (www.che.sc.gov) and should review the information included on DSS Form 30198: Funding Request for Chafee Program Services for Education and Training Voucher funds (ETV) or Chafee funds.

iv. The worker shall assess the future financial needs and living arrangements of the youth. In collaboration with state program staff, the worker shall review all grants, scholarships, and loans that the youth has

been officially awarded. On a case-by-case basis, a determination will be made as to the availability and amount of Chafee and ETV funds, and whether or not a board payment can be accessed. The worker shall contact the Regional Chafee Program Coordinator for more information and submit Chafee Program Funding Request forms as needed.

c. **ETV Funds**

iv. Youth and young adults are eligible for ETV funds if they are (1) in college, (2) making adequate progress, and (3) were age 22 or younger on 02/09/2018 and (4) have not reached the age of 26. A youth does not have to be in foster care/placement to be eligible. Youth are eligible to receive ETV funds until their 26th birthday if they are enrolled in post-secondary education. Recipients may participate for a maximum of 5 years (whether or not the years are consecutive).

v. The following factors shall be considered by Chafee Program staff in determining eligibility:

1. acceptance to a technical school, college, university, or other program that meets the ETV funding criteria;
2. demonstration of academic achievement or a marked improvement in educational functioning; and
3. The youth's long term goal for a Successful Transition to Adulthood and plan for meeting that goal.

ii. The Foster Care/IFCCS Worker shall request ETV funds for the youth through submission of DSS Form 30198 to the Regional Chafee Program Coordinator. The worker shall arrange for the youth to sign the ETV funding request, and shall attach copies of the required documentation (see DSS Booklet 30258 or 30267).

1. ETV requests for the fall semester shall be submitted by June 30th of each year. All funds are approved for the entire academic year of the following fall/spring semesters at this time. If a youth intends to attend summer school, funding requests shall be made at least two months before the beginning of the summer session.
2. ETV funding requests shall be submitted each year.

iii. Youth may be able to receive up to a maximum of $5,000 per year as long as funds are available.

1. The awarding of ETV funds depends on the cost of the school and the amount of grants/scholarships the youth receives. The award is to be applied to all costs associated with the cost of attendance, but (when combined with the youth's other funds) may not exceed the cost of attendance.
2. If a youth does not use all of the ETV funds during the fall or spring semesters, the remaining amount can be used for summer school.

3. Examples of the items for which ETV funds can be used can be found in DSS Booklet 30258 or 30267.

c. **Continued Support**

i. The Foster Care/IFCCS Worker shall make monthly face-to-face contact with all youth who exit care and continue to receive any Chafee funding, with the following exception: face-to-face contact can be quarterly for youth who are living in college housing, with telephone contact occurring monthly.

ii. The worker shall record the visits in CAPSS dictation.

iii. The worker shall record National Youth in Transition Database (NYTD) services monthly in CAPSS (see Procedure 6 below)

iv. The worker shall update the Education tab in the CAPSS person screen as the student progresses through his or her education.

v. All youth age 18 or older and who are receiving services must have an open Aftercare service line.

1. Those youth who remain in placement after their 18th birthday by signing the Agreement for Voluntary Placement (see below) must also have an open foster care services line. When youth live in a dormitory, the college is listed as the temporary placement.
2. If the foster care youth is not going to continue with a foster home as a home base, and will be leaving the foster care system, the foster care service line should be closed; however, an Aftercare service line must be authorized for the duration of disbursement of Chafee or Education Training Voucher (ETV) funds. Chafee Program services and funding can continue up to the youth's 21st birthday, even though the foster care service line is closed.

d. **Payments to DSS Foster Parents for Overnight Stays**

i. DSS foster parents who provide short-term care, such as weekend stays, for foster youth who live on a college campus are eligible for payment for the foster youth's overnight stays in their home. Payment is not made from respite funds or Chafee funds and is not counted as part of the respite days that foster parents earn yearly.

ii. For CAPSS documentation purposes, this is coded under "temporary events" in the placement section. Do not put an end date or close the foster youth's ongoing primary placement.

iii. The Foster Care/IFCCS Worker shall utilize the following procedures to authorize payment to the foster parents:

1. The individual to whom the payment is made must complete and sign the DSS Form 30249: Foster Care Respite/College Youth Overnight Payment Request Invoice, which is available on the Master Forms Index. The following information is included:

a. Name, address, and Social Security number of the individual to whom payment is made
b. The foster youth's name
c. Dates of overnight care
d. Name of college the foster youth attends

2. An IRS Form W-9 (Request for Taxpayer Identification Number and Certification) must be completed by the payee. The name on the W-9 must match the name on the invoice. A copy of Form W-9 is available from Financial Services or the Internal Revenue Web Site at http://www.irs.gov/.
3. The worker shall forward the completed invoice and Form W-9 to the attention of Program Development, Human Services, and State Office.
4. Program Development shall send payment directly to the foster parent who provided care for the foster youth.

iv. The following procedure is used to authorize payment for foster care youth who have a connection with a therapeutic treatment parent with a child placing agency (CPA):

1. The CPA shall be paid at a rate of $24.00 per day for short term visits, holidays and the summer.
2. For payment purposes, the youth's placement should reflect the college of attendance and the CPA placement should be coded under temporary events as respite. Payments are not furnished out of CAPSS.
3. Providers are to bill the State Office for proper reimbursement.

v. When the college youth is visiting in the foster home for a longer period of time during winter or summer break, CAPSS must be updated to reflect the foster home as placement and regular board must be authorized in CAPSS for the foster parent to receive payment.

5. Transition Planning

e. For policies and procedures related to the Transition Planning process, see Section 510.5, Procedure 5.

6. **Aftercare Services**

a. **General Aftercare Policy**

i. When a youth requests aftercare services, the county of the youth's current residence should contact the county in which the youth was in foster care to verify the date the youth exited care and to gather information about connections the youth may have had with adults in that county.

ii. The county of the youth's residence shall open an Aftercare service line in CAPSS and shall transfer the case to an Aftercare Worker.

iii. The worker shall maintain monthly face-to-face contact with the youth, or more frequently depending on the needs of the youth, for the duration of the Chafee funding period. If the youth is in college housing outside of the managing county, the worker must have monthly contact with the youth and at least one contact each quarter must be face-to-face.

iv. Using the DSS Form 30206: Transition Planning Form, the worker shall determine, with the youth who has returned for services or placement, any crisis needs that must be resolved. The worker shall assess and connect the youth with any former

connections that can be reestablished to assist the youth with emotional support and mentoring. This assessment may include faith/spiritual connections.

v. The worker shall develop a service plan with the youth. The worker shall make referrals, including Family Independence and associated services. The worker shall access county funds as needed, pending reimbursement from Chafee funds.

b. **Guidance for Providing Aftercare Services**

i. The youth is contacted monthly for a minimum of six months after leaving care to provide transition support. In addition, the worker must make monthly face-to-face contact with all youth who exit care and continue to receive any Chafee Program funding with the following exception: face-to-face contact can be quarterly for youth who are living in college housing, with telephone contact occurring monthly.

ii. Counties cannot restrict or refuse services to youths who were previously case managed by other DSS, IFCCS, and/or Adoption offices.

iii. Youths who have been in foster care in the past should apply at the DSS office of their county of residence for Aftercare Chafee Program services. The county of current residence should serve the youth in assisting with application for aftercare Chafee services as necessary.

iv. Aftercare Chafee Program services are available to eligible youths regardless of placement status (see Policy 1 above).

v. If a youth whose case is managed by another state requests aftercare services, the agency will assist the youth in obtaining services through either his or her state of origin or the county in which the youth resides. The worker shall communicate with the youth's home state to coordinate services for the youth and to ensure that the youth does not receive overlapping services from both states.

vi. The worker shall attempt to access community resources first prior to requesting funded services.

vii. The worker shall evaluate and update the Transition Planning Form monthly and shall record services in CAPSS under the National Youth in Transition Database (NYTD) tab until the Aftercare service line is closed.

c. **Aftercare Placement**

i. Youths who have been in foster care in the past should apply at the DSS office of their county of residence for Aftercare placement.

ii. Youths are eligible if they are in school, working, or have a disabling condition (see DSS Form 30136: Aftercare Agreement for Voluntary Placement for more details).

iii. Youths shall be advised of the option to remain in placement with the agency by signing DSS Form 30136: Aftercare Agreement for Voluntary Placement for Youths 18-21 Years Old prior to their 18th birthday, on their 18th birthday, and at any future date when placement may be appropriate.

d. **Housing Assistance for Aftercare**

i. If the youth requests Chafee funds for an unlicensed boarding home arrangement or for transportation provided by an individual, the case manager must attach the required documentation as follows:

7. Criminal background checks, to include the Sex Offender Registry, CPS, and SLED check must be completed by the operator of the unlicensed boarding home or the private transportation provider.
8. If the operator/provider has resided in SC for less than 5 years, the operator/provider must complete a FBI fingerprint scan as required for agency volunteers.
9. A copy of the operator's/provider's driver's license must accompany the request.

ii. For unlicensed boarding facility requests, the case manager must ensure the following:

2. The request shall be staffed between the requesting office and State Office Chafee Program staff.
3. The worker must conduct a face-to-face meeting at the facility to assess the safety and appropriateness of the facility. A note verifying the meeting took place must be added to the funding place must be added to the funding request (Page 2, letter F).
4. Monthly face-to-face visits at the boarding facility must be made by the worker until the end of the rental period for which Chafee housing assistance funds are used.

iii. If the youth is leasing an apartment, documentation of the proposed cost of the deposit and rent must be included with the request for Chafee funds. At disbursement of funds, the county must obtain a copy of the signed lease for the youth's case file. The following are also required:

3. Youth must have verification of employment/income in order to maintain rental agreement.
4. Monthly face-to-face visits at the property must be made by the worker until the end of the rental period for which Chafee housing assistance funds are used.

iv. See the Chafee Program Guidelines Booklet (DSS Booklet 30258 or 30267) for guidance on rental assistance, utility deposits, and furniture.

8. **Documentation of National Youth in Transition Database (NYTD) Services**

d. The Foster Care/IFCCS Worker shall track all Chafee Program services provided to the child by DSS, partner agencies, service providers, and the child's placement.

iv. The worker shall use DSS Form 30254: NYTD Services Provided by the Youth's Placement Provider to track services provided by the child's placement. This form may be completed by the child's placement after the worker adequately instructs the placement on its use.

v. The worker shall track both funded and non-funded services. Funded services would include any services for which Chafee and/or ETV funding has been requested. Non-funded services would include more informal activities which help prepare youth in foster care for independence, such as:

1. teaching the youth to create and maintain a budget;
2. teaching the youth to maintain self-care and hygiene;
3. attending an IEP meeting with or on behalf of the youth;
4. teaching the youth to care for and maintain a home of his or her own;
5. modeling appropriate interpersonal communication skills; or
6. Any other activity that assists the youth in developing the capacity to be successful in adulthood.

e. The worker shall document all services on a monthly basis under the NYTD tab in CAPSS and shall keep a copy of the DSS Form 30254 in the youth's case file.

iv. The worker shall use the DSS Booklet 30255: NYTD Services Booklet to determine which of the 14 federal NYTD categories to use when documenting a service in CAPSS.

v. If a worker is unsure of which category to choose, he or she shall consult with his or her supervisor or contact the Regional Chafee Program Coordinator for guidance.

8. Managing Chafee Program Funds

d. County Human Services Staff

i. Human Services staff and those accountable for county fiscal operations are responsible for ensuring that approved Chafee Program funds are issued according to the allocation noted on the Approval Letter from the state office Chafee Program.

ii. If funds are not needed for the approved purpose but are needed for another purpose to assist the youth in developing life skills for a successful transition to adulthood skills, the case manager may request in writing that funds be reallocated for another purpose. An approval letter for reallocation from the State Coordinator of the Chafee Program is needed before the check voucher request for the new service may be submitted to the county Business Office.

iii. Workers are not responsible for determining a youth's eligibility for Chafee funding or whether or not a service qualifies for Chafee funds. The Regional Chafee Program Coordinator and Chafee Program Financial Specialist determine youth eligibility and whether or not a service qualifies for funding.

iv. Regardless of the party making the request, the county Human Services staff is responsible for submitting a check voucher along with proper documentation to the county

Business Office in a timely manner before approved Chafee Program funds may be issued from the county Business Office (ideally the worker assigned to the youth for whom a Chafee Program Funding Request is made).

v. The Human Services staff submitting the check voucher to the county Business Office shall ensure that approved funds are used for the purpose for which they are allocated on the approval letter from the Chafee Program in state office.

vi. A combination of Family Independence funding, Chafee funding, Flex Funds, and other county funds will be made available for assisting youth ages 18 to 21 who were previously in foster care and returned for further services. The worker shall contact Chafee Program staff for prior approval before submitting check vouchers for county funds in anticipation of reimbursement through Chafee funding.

vii. Each check voucher request is documented and kept with the approval letter in the youth's file for tracking of funds disbursement in addition to the Business Office tracking of funds. This is to avoid over spending or misspending Chafee Program funds. A tracking tool is available through the state office Chafee Program financial specialist.

viii. When it is necessary for the county office or State Chafee Program to be reimbursed by another state (i.e., for youth who are case managed by other states), a letter from the state of origin showing approved services for the youth and promise to reimburse South Carolina is required before county or South Carolina Chafee Program funds may be disbursed.

e. County Business Office Staff

i. Those accountable for county fiscal operations along with Human Services staff are responsible for ensuring that approved Chafee funds are issued according to the allocation noted on the Approval Letter from the state office Chafee Program.

ii. Chafee funds are not client funds. They are program funds appropriated for a specific client for a specific purpose. Requirements for maintaining and processing Chafee Program funds are the same as those for local operating funds. Chafee funds are not to be co-mingled with other funds. Furthermore, required procedures are not followed by the youth (e.g., purchase receipts for work clothing are not provided within one week of the county providing funds to a youth), additional funds are to be withheld from the youth and no pending or future Chafee Program Funding Requests will be processed until the youth returns with proper documentation.

iii. To ensure approved funds are used timely for the purpose for which they were allocated, the county fiscal operations

staff is responsible for notifying the human services staff when approved funds are received.

iv. To avoid over-spending or misspending Chafee Program funds, the county fiscal operations staff is responsible for tracking Chafee Program expenditures in detail (by individual service listed on the approval letter, not by type of service).

viii. A separate Chafee Program account is to be maintained for each client. The Chafee Program account shall be named in Acumatica with the standard audit format ("IL" prefix, space, dash, space, last name, comma, space, first name—i.e., IL – Doe, John).

ix. Chafee funds are to be used only for the approved service up to the amount approved. Refer to the approval letter for amounts approved in specific categories. Funds should be entered into the county bookkeeping system as separate line items as designated on the approval letter (i.e., transportation to work, bicycle, ETV). A running balance shall be kept directly on the approval letter for back up tracking of funds.

x. If a change is needed, it must be within the same category of the initial approval. The Regional Chafee Program Coordinator at State Office must be contacted for approval to reallocate funds prior to disbursing funds.

xi. Generally, the documentation requirements for expenditures are the same as for any other expenditure from local funds.

1. A receipt, statement, contract, etc., should be obtained for all expenditures except as indicated in "g" below.
2. A copy of the documentation should be retained with the County's voucher.
3. The amount of the check should be for the amount of the receipt or the amount approved for the Chafee item, whichever is less.
4. Preferably, checks should be written to vendors, providers, etc. and not to clients. This should apply especially to large ticket items (such as rent, computers, or tuition).
5. Generally, checks to clients should be for reimbursing clients for actual expenses. Documentation from the client is required.
6. Generally, the county should avoid advancing funds to clients for future expenses (see exceptions below). When advancing funds is indicated (e.g. meals, transportation), the county should avoid advancing too much or too far in advance. The client's maturity and integrity

should be considered in determining the amount of the advance.

7. Receipts are not required for the following expenses, although the worker should oversee the case sufficiently to assure that the client is participating in the related function (school, work, etc.):
    a. meals;
    b. transportation; and
    c. Graduate awards.

v. When depositing Chafee Program funds, the County should identify Chafee funds separately from Education and Training Voucher (ETV) funds and annotate the service listed on the approval letter in the description section of Acumatica.

vi. An approval letter for reallocation is needed before funds may be issued for a purpose other than that listed on the original approval letter from the State Coordinator of the Chafee Program.

vii. The following SCEIS codes are to be used to identify Chafee and ETV funds:

SCETV – 2A00 (replaces 2J050)
110010000

Chafee – 2A29 (replaces 2J510)

Daily Living Skills 5110010031 (replaces 1101-71)

Adult Education 5110010032 (replaces 1101-72)

Educational Support 5110010033 (replaces 1101-73)

Senior Expenses 5110010034 (replaces 1101-74)

Pre-College Expenses 5110010035 (replaces 1101-75)

Special Recognition 5110010036 (replaces 1101-76)

Transportation 5110010037 (replaces 1101-77)

Employment Services 5110010038 (replaces 1101-78)

Housing & Transition Expenses 5110010039 (replaces 1101-79)

viii. Whenever it is determined that Chafee Program funds will not be used for the person or purpose intended, the unused funds should be returned to the State Office. Chafee Program funds are not to be used for Chafee Program expenditures outside the approved purpose unless a request to reallocate has been submitted to the Regional Chafee Program Coordinator and the State Coordinator of the Chafee Program issues an approval for reallocation. Chafee Program funds are not to be treated as client funds (unused Chafee funds cannot be used for personal allowances, monthly utilities, etc.). As a general rule, Chafee Program funds not used in 6 months should be returned. The bookkeeper should monitor Chafee Program accounts for activity and when an Chafee Program account with a fund balance has no activity (other than interest) for 6 or more months, case management staff should be alerted to assess the case and determine if funds should be returned.

ix. To return Chafee Program funds to the State Office, the County Business Office shall complete the following procedures:

5. The office shall deposit unused Chafee Program funds into the State Treasurer's account (Do not send a check to Financial Services in State Office).
6. The office shall send the deposit ticket along with the DSS Form 1111 receipt (and DSS Form 1111 Attachment) to Financial Services in State Office.
7. The DSS Form 1111 receipt must show the financial breakdown for each youth to include Client's Name, CAPSS Person ID, individual service description, dollar amount for each itemized service, and reason funds were not used. The Office shall indicate the Approval Letter reference number, Chafee Program Cost Center Index (L040EA3000), the SCIES PCA Code (either 2A29 or 2A00), and the SCEIS G/L account (511001). Unused Chafee Program funds can be submitted along with SSI/SSA reimbursements using the same form.
8. The office shall attach a copy of the corresponding approval letter to the DSS Form 1111.

2. Implementation of Services

Implementation of life skills-building services is provided by foster care providers, SCDSS partners, community organizations, vendors, SCDSS case management staff and through Chafee Program retreats and workshops. Life skills services through contracted partners, community organizations and statewide vendors include preparation for

and assistance in obtaining and maintaining employment through the Columbia Urban League's Level Up Program, Workforce Innovation and Opportunity Act program referrals, and SC Foster Parent Association's (SCFPA) On The Road Again vehicle donation program; support for college students through SCFPA's Computer Bundle program and Dorm Shower program as well as education consultant vendors preparing youth for academic success; establishment of safe and stable housing is offered through SCFPA's Household Shower program, financial literacy workshops through statewide vendors, and "reality check of being on your own" skills-building workshops Leadership Retreats hosted by Clemson Youth Learning Institute (YLI); YLI also continues to host Sibling Retreats to strengthen bounds between sibling groups, including those who are not in foster care. The Chafee program also collaborates with the United Way Youth In Transition (YIT) program to prevent homelessness and with able South Carolina to support young adults with special needs access community services.

Special Considerations:

6. Additional Services for Youth With Special Needs

e. Youth with special needs qualify for Chafee Program services that may not be listed in the Chafee Program Guidelines Booklet and are reviewed and approved on a case-by-case basis.
f. The Foster Care/IFCCS Worker shall submit Chafee Program Funding Requests for any needed services that will assist youth with special needs in gaining developmentally-appropriate skills for a successful transition to adulthood.
g. For Transition Planning with youth with special needs, see Section 510.4: Case Planning & Management, Special Consideration 3.

2. **Additional Services for Parenting Youth**

e. Youth who are pregnant or parenting qualify for Chafee Program services that may not be listed in the Chafee Program Guidelines Booklet and are reviewed and approved on a case-by-case basis.
f. The Foster Care/IFCCS Worker shall submit Chafee Program Funding Requests for any needed services that will assist parenting youth in gaining developmentally-appropriate skills for a successful transition to adulthood.

3. **Youth with $10,000 or Less in a Personal Account**

e. Youth in foster care who are eligible for Chafee Program services can retain up to $10,000.00 in a personal

account managed by the agency and still be potentially eligible for IV-E federal funding.

4. **Youth Travelling Across State Lines**
   e. Regardless of the state in which a youth is placed or leaves care, Chafee-funded services are delivered by the state responsible for custody or the state of residency.
   f. However, Education and Training Voucher (ETV) funds from the state of origin continue to be available to youth who are already receiving ETV funds from the state of origin before establishing residency in another state.

DOCUMENTATION:

- All contacts with child and/or family
- All correspondence with professionals and agency staff
- Copy of child's transition plan
- Copy of Chafee funding request
- NYTD services (funded and non-funded) in CAPSS
- Approval letters & check voucher requests
- Records of child participation in youth groups
- Copy of workforce career center referral
- Results of credit report check
- Efforts to resolve credit discrepancies
- Copy of signed Youth's Rights Case Plan Addendum
- Updates to Education tab in CAPSS
- Copy of Agreement for Continued Placement

COLLABORATION:

- Foster Care/IFCCS Worker
- Regional Chafee Program Coordinator
- Identity Theft Prevention Coordinator (ITPC)
- Chafee Program Financial Specialist
- Chafee Program State Coordinator
- County Business Office
- Foster Parent
- Youth
- Group Home Provider
- Credit Reporting Agencies

REFERENCES:

Legal Citations:

42 U.S.C.A. § 675(5) (I): credit reports

42 U.S.C.A. § 677: John H. Chafee Program for a Successful Transition to Adulthood

Tools:

DSS Booklet 30255: NYTD Services for a Successful Transition to Adulthood

DSS Booklet 30258: Chafee Program Guidelines for Services (adult version)

Casey Life Skills Assessment (at www.caseylifeskills.org)

WIOA Youth Orientation Referral (at https://scworks.org)

Forms:

DSS Form 30136: Aftercare Agreement for Voluntary Placement

DSS Form 30198: Funding Request for Chafee Program Services

DSS Form 30206: Transition Planning Form

DSS Form 30161: Youth's Rights Case Plan Addendum

DSS Form 30249: Foster Care Respite/College Youth Overnight Payment Request Invoice

DSS Form 30254: NYTD Services Provided by Youth's Placement Provider

Practice Guidance:

REVISION COMMENTS:

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540. Legal Proceedings

REVISION COMMENTS:

540.1 Foster Care Review Board Meetings

PURPOSE STATEMENT:

Foster Care Review Board proceedings are a unique and valuable opportunity for the agency to reevaluate a child's case, share information with partners, and think critically and collaboratively about next steps. This section lays out the policies and procedures that govern the convening of such meetings, the invitation of partners, and the sharing of information.

POLICY:

1. Every 6 months, the agency shall arrange for the Foster Care Review Board (FCRB) to review the status of and plans for children who (1) have been in foster care for four months or longer and (2) are under 18 years of age.
    a. After the probable cause hearing, the FCRB shall have the discretion to review the case of any child who has been subjected to aggravated circumstances as set forth in S.C. Code Ann. § 63-7-1640(C).
    b. Under no circumstances shall the FCRB review a child's case more than three times in a 12-month period. 2. The purpose of each meeting shall be to:
    a. determine the safety of the child;
    b. determine the continuing necessity for and appropriateness of the placement;
    c. determine the extent of compliance with the case plan;
    d. determine the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care;
    e. project a likely date by which the child may be returned to and safely maintained in the home or placed for adoption or legal guardianship; and

f. Examine the steps the agency is taking to monitor whether the child's foster family home or child care institution is following the reasonable and prudent parent standard and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including through consultation with the child in an age-appropriate manner).

3. The agency shall encourage foster parents to attend Foster Care Review Board hearings regarding children placed in their home. Foster parents shall be sent a letter of invitation at least three weeks in advance and shall be provided a progress report form if they cannot attend. However, neither failure of a foster parent to attend the proceeding nor failure to submit a report shall require the board to delay the proceeding.
4. The agency shall, in addition to those sent to foster parents, send invitations to Foster Care Review Board proceedings are sent to the following parties at least three weeks in advance:
    a. foster children age ten and older;
    b. the parents/guardians of the child;
    c. the child's guardian *ad litem*; and
    d. All relevant service providers.

PROCEDURES:

1. For notification of the FCRB for purposes of scheduling the initial review, see Section 510.1: Entry into Foster Care.

2. The Foster Care/IFCCS Worker shall mail invitations to the following parties at least three weeks prior to the FCRB meeting date, using DSS Form 3023: Notice of Meeting of the Foster Care Review Board:
    a. all biological and legal parents, unless parental rights have been terminated;
    b. legal guardians or persons who held legal custody when the child entered foster care;
    c. foster parents or the foster care provider (with enclosed DSS Form 3035: Foster Child Progress Report);
    d. the child (if ten years or older);
    e. all guardians *ad litem* for the child and parents/defendants (if appointed)
    f. any other defendants in the removal court action; and

g. Representatives from any agency involved with the child and parents/defendants for treatment or placement purposes (to include tribal entities when appropriate).

3. If the foster parents are unable to attend, the Foster Care/IFCCS Worker shall request that the foster parents complete the DSS Form 3035: Foster Child Progress Report at least three days prior to the review board meeting. The form shall be attached to the letter of invitation and the foster parents will be directed to send the form directly to the FCRB.

4. The Foster Care/IFCCS Worker shall complete DSS Form 1597: Foster Care Review Board Case Summary. The worker shall confirm consistency of the form with the child's case plan and any court orders.
   a. The worker shall attach copies of the following documents, if applicable, to the summary:
      i. six copies of the completed DSS Form 1597 for each child;
      ii. the Complaint for Removal (for 1st reviews and re-entries to foster care);
      iii. court orders from all hearings that occurred since the prior FCRB review (including orders of continuance); iv. adoption reports and adoption staffing reports;
      v. psychological evaluations;
      vi. home studies of relatives/other persons, assessments of noncustodial parents; and
      vii. If the agency is recommending a change of the child's permanency plan, the petition filed (or to be filed) which documents that the agency is requesting court approval of the change.

5. The Foster Care/IFCCS Worker shall review the DSS Form 1597: Foster Care Review Board Case Summary and accompanying documentation, and shall mail the packet to the FCRB Office at least two weeks prior to the review date. The worker shall attach a listing of the packets if more than one is included.

6. The Foster Care/IFCCS Worker shall prepare all parties for the review process, including the child and foster parents if applicable.
   a. The Foster Care/IFCCS Worker shall meet with the child and shall, in an age- and developmentally-appropriate way, determine (1) what the child's views are regarding the permanent plan, the transition plan (if applicable), and the child's opportunities to engage in age- and

developmentallyappropriate activities and (2) the manner in which the child shall present his or her views on these matters to the review board.

i. Child attendance at the meeting is the preferred means for the child's views to be shared with the review board.

ii. If the child's attendance is not age- or developmentally-appropriate or the child does not wish to attend, the worker shall consider other means of facilitating consultation between the review board and the child. Such means shall include a letter from the child, a written

report to the review board (written by DSS or by the child's guardian *ad litem*), a verbal report from the worker or the child's guardian *ad litem*, or a telephone or video call.

7. The Foster Care/IFCCS Worker shall attend the scheduled review and present a case summary to the FCRB. If the worker is unable to attend a review as scheduled, the worker and supervisor shall coordinate a substitute to present the case on behalf of worker. The substitute may be the supervisor or another worker who has knowledge of the case and family circumstances.

8. The Foster Care/IFCCS Supervisor shall review the Foster Care Review Board Child Review Report with the worker upon receipt from the FCRB and shall identify follow-up steps for any recommendations or areas of concern. A copy of the summary shall be forwarded to all invited parties. A copy of the report shall also be placed in the child's case and Legal file. The review and follow-up shall be documented in CAPSS dictation.

9. The Foster Care/IFCCS Worker shall file a copy of the summary, a copy of the packet sent to the FCRB, copies of the invitation letters, and dictation from the meeting in the child's case file and in CAPSS (on the Legal and FCRB screens)..

Special Considerations:

1. Termination or Transfer of Review

   a. The Foster Care/IFCCS Supervisor or his or her designee shall complete the FCRB Form 1B: Monthly Entered/Left Form to notify the FCRB that (1) the agency has terminated foster care services or the child has reached the age of 18 or (2) the agency has transferred case management to another county (see Section 510.4).

DOCUMENTATION:

- Copies of invitations
- Copy of Foster Care Review Board Summary
- Copy of Foster Child Progress Report
- Copy of Foster Care Review Board Child Review Report in case & legal files
- Recording of FCRB recommendation in CAPSS
- Correspondence with FCRB and other parties

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- Foster Care Placement
- Foster Care Review Board
- Guardian *ad Litem*
- Adoptions Specialist
- Providers of treatment or placement services
- Tribal agencies (if applicable)

REFERENCES:

Legal Citations:

S.C. Code Ann. § 63-7-2310: invitation of foster parents, foster parent reports S.C. Code Ann. § 63-11-700 et seq.: Foster Care Review Board

Tools:

Forms:

DSS Form 1597: Foster Care Review Board Case Summary
DSS Form 3023: Notice of Meeting of the Foster Care Review Board
DSS Form 3035: Foster Child Progress Report
FCRB Form 1B: Monthly Entered/Left Form

Practice Guidance:

REVISION COMMENTS:

540.2 Review Hearings & Permanency Planning Hearings

PURPOSE STATEMENT:

The court's role as a partner in guiding the direction and logistics of a child's plan is a valuable one—the court is charged with the responsibility of ensuring that the agency is meeting its legal obligations to children and families and that a child's safety, wellbeing, and permanency are being appropriately promoted. To further the effectiveness of this partnership and to confirm that legal requirements are satisfied, this policy section sets forth the policies and procedures to be adhered to when scheduling hearings, sharing information with the court, and participating in the court process.

POLICY:

1. Permanency planning hearings shall be held for all children in foster care who are under the age of 18. The agency shall arrange for permanency planning hearings to take place within 12 months of the child's entry into foster care and annually thereafter (or earlier if set by the court).
2. If, at the initial permanency planning hearing, the court orders extended foster care for purposes of reunification with the parent/guardian, a subsequent permanency planning hearing must be held within six months.
3. The agency shall attach a supplemental report to the motion or summons and petition. The supplemental report shall include, at a minimum (see below for additional information):
    a. the information necessary to support findings related to the appropriateness of the proposed permanency plan pursuant to S.C. Code Ann. § 63-7-1700;
    b. the recommended permanent plan and suggested timetable for attaining permanence;
    c. a statement of whether or not the court has authorized the agency to forego or terminate reasonable efforts to reunite the family;

   d. the efforts made to reunify the family and/or finalize the child's permanency plan;
   e. if the child is 14 or older, the services provided to assist the child in making the transition from foster care to a successful adulthood;
   f. if the child is 14 or older, documentation that the permanency plan was developed in consultation with the child and, at the option of the child, two support persons chosen by the child (and the results of such consultation);
   g. the steps the agency is taking to monitor whether the child's placement is following the reasonable and prudent parent standard and the specific opportunities that the child has had to engage in age- and developmentally-appropriate activities (see Section 760.3);
   h. any reports of the local foster care review board which pertain to the child; and
   i. Any other information required by Sections 520 et seq.
4. The agency shall request that the court determine, at each permanency hearing:
   a. the appropriate permanency plan for the child;
   b. whether the agency has made reasonable efforts to reunify the family or, if reunification is no longer the permanency plan, to finalize the child's permanency plan;
   c. if the child is 14 or older, the services needed to assist the child in making the transition from foster care to a successful adulthood;
   d. if the child is 14 or older, that the permanency plan was developed in consultation with the child and, at the option of the child, two support persons chosen by the child; and
   e. that the agency is taking steps to monitor whether the child's placement is following the reasonable and prudent parent standard and that the child has regular, ongoing opportunities to engage in age- and developmentallyappropriate activities.
5. The agency shall facilitate age-appropriate consultation by the court with the child regarding the proposed permanency plan, the child's transition plan, and whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities. For children with a plan of APPLA, the agency shall attempt to secure the child's physical attendance in permanency planning hearings so that the court may ask the child about the desired permanency plan.
6. For policies and procedures related to the selection and court review of the child's specific permanency plan goal (including the extra requirements required for children with a plan of APPLA), see Section 520 et seq. These goal-specific requirements shall be adhered to at the first hearing at which the new plan is

requested and at every hearing thereafter until the court approves a different plan.

PROCEDURES:

1. Preparation for Court

a. Prior to a scheduled permanency planning hearing, the Foster Care/IFCCS Supervisor shall conduct a supervisory staffing as laid out in to Section 510.4: Case Planning and Management. The child's case plan shall be updated based on the evaluation, and the worker shall use this information to provide up-to-date information and recommendations in the report provided to the court (see below).

b. The Foster Care/IFCCS Worker shall meet with the child and shall, in an age- and developmentally-appropriate way, determine (1) what the child's views are regarding the permanent plan, the transition plan (if applicable), and the child's opportunities to engage in age- and developmentallyappropriate activities and (2) the manner in which the child shall present his or her views on these matters to the court.

   i. Attendance by the child at the hearing is the preferred means for sharing the child's views with the court. Attendance is required for children with a permanency plan of APPLA, and the court must ask the child about his or her views on the recommended permanency plan (see Section 520.4).

   ii. If the worker, the child, or another individual with knowledge of the case has concerns about the child's attendance, the worker shall consider the following strategies for mitigating these concerns:

      1. facilitating a discussion between the child and the DSS Attorney and/or the attorney for the child's guardian ad litem to educate the child about the court process and answer any questions the child may have;
      2. documenting the concern(s) and presenting them to the judge at the outset of the hearing so that appropriate accommodations can be made;
      3. attempting to facilitate communication between the judge and the child in a way that is compatible with the child's unique situation (e.g., explaining/rehearsing the process with the child, arranging a courtroom tour in advance, requesting discussion with the child in chambers, arranging

the docket to prevent long wait times, and/or, as a last resort, limiting attendance to a specific part of the hearing);

4. allowing the child to bring and/or sit with appropriate support persons during the hearing; and/or
5. Consulting the Regional Clinical Specialist regarding strategies to foster the child's participation.

iii. A statement in the court report that the plan is "in the child's best interests" is not sufficient to satisfy the federal requirement that a child's views must be presented to the court.

iv. Ultimately, if the court is not satisfied that it has obtained the views of the child through these or any other mechanisms, it can request that the child be brought to the hearing or that other arrangements be made to obtain the child's views on his or her permanency plan, transition plan, or age- and developmentally-appropriate activities.

2. Completion of DSS Form 3058: Supplemental Court Report

a. The Foster Care/IFCCS Worker shall complete a supplemental report containing, at a minimum, the following information:

i. the information necessary to support findings related to the appropriateness of the proposed permanency plan pursuant to S.C. Code Ann. § 63-7-1700; ii. the recommended permanent plan and suggested timetable for attaining permanence;

iii. a statement of whether or not the court has authorized the agency to forego or terminate reasonable efforts to reunite the family;

iv. the efforts made to reunify the family and/or finalize the child's permanency plan;

v. if the child is 14 or older, the services provided to assist the child in making the transition from foster care to a successful adulthood;

vi. if the child is 14 or older, documentation that the permanency plan was developed in consultation with the child and, at the option of the child, two support persons chosen by the child;

vii. the steps the agency is taking to monitor whether the child's placement is following the reasonable and prudent parent standard and the specific opportunities that the child has had to engage in age- and developmentally-appropriate activities (see Section 760.3); viii. any reports of the local foster care review board which pertain to the child; and

ix. Any other information required by Sections 520 et seq.

b. The Foster Care/IFCCS Supervisor shall review the case and the court report to confirm that the selected permanency plan is appropriate prior to submission of the plan to the court.
c. The Foster Care/IFCCS Worker shall forward the report and any attachments to the DSS Attorney and shall coordinate with the attorney to prepare for the hearing. The worker shall assist the attorney in gathering the required information to send out notices to the relevant parties.
d. If determined to be appropriate and/or necessary, the Foster Care/IFCCS Worker shall arrange for the child to attend the hearing.
e. The Foster Care/IFCCS Worker shall attend, participate in, and (as needed) testify at the court hearing.

3. Post-Hearing Responsibilities

a. Once a copy of the signed and filed order is received, the Foster Care/IFCCS Worker shall proceed with implementation of the court order, updating the child's case plan if necessary.
b. The Foster Care/IFCCS Worker confirm that the outcome of the hearing is updated in the Legal screen and shall document the outcome in case dictation in CAPSS.
c. If the new permanent plan involves the child leaving the foster home, see Section 510.2 for procedures governing court-ordered change in placement and foster parent notification.
d. If the child is not returned home or discharged to legal permanency, the Foster Care Worker shall coordinate with the DSS Paralegal and DSS Attorney to confirm that subsequent hearings are scheduled according to the timelines set forth in state and federal law.

Special Considerations:

1. Children with Case Plans of APPLA

a. For children with a case plan of APPLA, see Section 520.4 for additional case planning and court review procedures.

2. Motion to Review filed by other party

a. If a motion to review or hold a permanency planning hearing is filed by a party other than DSS, the Foster Care/IFCCS Worker shall follow the procedures set forth above, with special attention given to ensuring that all the required steps are accomplished prior to the hearing date.

3. Hearings for Children With Pending Appeals

a. If a party appeals a court order in a child's case, the permanency planning hearings must continue to be held according to the statutory timelines laid out above.
b. The court may be asked to order or make findings on issues not affected by the appeal.

4. Proceedings Involving Parents in Military Service

a. The Foster Care/IFCCS Worker shall, as soon as possible after a child enters foster care, inquire with the family and child to determine whether the child's parents or guardians are currently in active duty or similar military service. If so, the worker shall notify the DSS Attorney to confirm compliance with the Service Members Civil Relief Act.

5. Legal Case Management

a. The DSS Paralegal or County Director's designee shall retrieve a copy of the most recent version of the Human Services Foster Care Case Management Report (Report ID - SF170-R01 or SF170-R02, case specific) and shall distribute the report to appropriate staff. This report can be accessed by logging on to CAPSS or though the DSS intranet by selecting Documents & Forms, then CAPSS Batch Reports.
b. The paralegal or designee shall retrieve the roster of cases due for hearings or other actions in 30, 60, and 90 days from LCMS and shall distribute the roster to the Foster Care/IFCCS Supervisor and to the County Director.
c. The DSS Attorney shall schedule staffing for each case in advance of court hearings with special attention focused on cases due for court review within 30 days.
d. The DSS Paralegal or DSS Attorney shall schedule hearings based on the time frames outlined in the Legal Case Management System (LCMS) and the FC Case Management Report (priority is given to cases with hearings due within 30 days).
e. The DSS Paralegal shall send out timely notices of hearings to all parties, opposing counsel, the GAL, and any other person or entity entitled to notice under state law.
f. The DSS Paralegal or designee shall send out notice to foster parents and other caregivers using the form generated by the Legal Case Management System at least 10 days prior to any hearing.
g. Within 20 days following the court's ruling, the DSS Attorney shall confirm that the order is prepared, sent to the trial judge for signature,

and upon receipt from the trial judge, filed and distributed to all persons entitled to receive a copy.

h. The DSS Attorney or the paralegal shall confirm that all information pertaining to the legal history of the case is correctly entered into LCMS.

i. The Foster Care/IFCCS Supervisor will confirm that all information pertaining to the legal history of the case has correctly transferred from LCMS to CAPSS.

DOCUMENTATION:

- Contacts with the family, child, case planning team, and placement
- Correspondence with agency staff and other parties
- Results of pre-hearing staffing
- Copy of supplemental report
- Copy of motion or summons and petition
- Copy of signed court order

Definitions:

Supervisory staffing – occurs with caseworker and supervisor on a monthly basis

Case management team – includes caseworker and 2 supervisory level staff dependent on county structure

Case planning team – can include caseworker, supervisor, GAL, family members, attorneys, ICWA leadership, child/youth as required/appropriate

Family Team Meeting – occurs within 24 business hours of child entering foster care

Family meeting – family-driven and occurs during the case planning process to include caseworker, maternal and paternal family members, child/youth if appropriate, GAL, and supervisor as necessary

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- DSS Attorney
- DSS Paralegal
- Guardian *ad Litem*
- Family Court

REFERENCES:

Legal Citations:

42 U.S.C.A. § 671(a) (15): reasonable efforts
42 U.S.C.A. § 675(5): judicial procedures, reviews, child consultation, required TPR/compelling reasons, APPLA, foster parent hearing rights
42 U.S.C.A. § 675A (a): APPLA requirements for case plan and case review
42 U.S.C.A. § 5106a (b) (2) (B) (xiii): GAL representation
45 C.F.R. § 1356.21(b): reasonable efforts
45 C.F.R. § 1356.21(d): documentation of judicial findings
45 C.F.R. § 1356.21(h): permanency planning/hearing requirements, APPLA
45 C.F.R. § 1356.21(o): foster parent hearing rights
S.C. Code Ann. § 63-7-20(15): party in interest
S.C. Code Ann. § 63-7-1670: treatment plans, review hearings
S.C. Code Ann. § 63-7-1700: permanency planning
S.C. Code Ann. § 63-7-1710: mandatory TPR, exceptions
S.C. Code Ann. § 63-11-500 et seq.: GAL program
S.C. Code Ann. § 63-15-300 thru 394: UCCJEA Other
Judicial Procedures

- S.C. Code Ann. § 63-7-710: probable cause hearing
- S.C. Code Ann. § 63-7-1610: jurisdiction and venue
- S.C. Code Ann. § 63-7-1620: legal representation of children
- S.C. Code Ann. § 63-7-1630: notice
- S.C. Code Ann. § 63-7-1660: merits/removal hearing

Tools:

Forms:

DSS Form 3058: Supplemental Court Report

Practice Guidance:

REVISION COMMENTS:

540.3 Relinquishment & Termination of Parental Rights

PURPOSE STATEMENT:

When the timely achievement of permanency for a child requires that the parents' rights be terminated (or when required by law), the agency will seek to do so in a fair and efficient manner. The following policy section seeks to assist DSS staff in accomplishing this by describing the policies and procedures regarding the severance of the parent-child relationship, whether this is accomplished by voluntary relinquishment or involuntary court proceedings.

POLICY:

1. For the decision to abandon reunification and/or the circumstances in which reunification is not required by law, see Sections 520 and 520.1.
2. When appropriate, the agency will make diligent efforts to identify and engage noncustodial parents, relatives, and fictive kin as prospective permanent placements prior to severing parental rights.
3. If no relative or kin placements are available or appropriate, relinquishment and/or termination of parental rights (TPR) will be pursued in a fair, appropriate, and timely manner in order to achieve timely permanency for the child
4. No relinquishment will be taken unless it is in the child's best interests.
5. TPR shall be pursued if reasonable efforts to reunify the family have failed, such action is in the child's best interests, and legal grounds exist (see S.C. Code Ann. § 63-7-2570).
6. The agency shall also pursue TPR or join in another party's TPR petition if required by law and such TPR would be in the best interests of the child (see S.C. Code Ann. § 63-7-1710 for circumstances in which TPR is mandatory).
7. The agency shall file a TPR petition within 60 days of receiving a court order directing the agency to proceed with TPR, and shall take steps to hold a hearing on the TPR complaint within 120 days of filing the complaint.

PROCEDURES:

1. **For procedures related to the selection of a permanency plan of adoption, see Sections 520: Permanency Planning and 520.2: Adoption.**

2. **Identification and Engagement of Relatives**
   a. Prior to discussing relinquishment with the parent and/or consulting with the DSS Attorney to file a petition for TPR, the Foster Care/IFCCS Worker shall review agency efforts to locate and engage relatives or fictive kin as permanent placements for the child and, if necessary, revisit efforts to do so (see Section 510.3).
   b. These efforts shall not delay the filing of a TPR petition when such petition is required by law or ordered by the court.

3. **Activities Concurrent with TPR and/or Relinquishment**
   a. Unless the court has ordered otherwise, the Foster Care/IFCCS Worker shall continue working with the parent/guardian and family as laid out in the placement plan while preparing for and awaiting a TPR hearing.
      i. The worker shall contact the DSS Attorney and/or the Regional Adoptions Staff if the parents' situation changes in such a way that TPR is no longer appropriate (e.g., previously absent/uncooperative parents begin accomplishing goals in a timely fashion or grounds for TPR no longer exist). ii. If an amended TPR petition is necessary, the worker shall consult with the DSS Attorney. iii. The worker shall document all contacts and continuing efforts in CAPSS dictation.
   b. The worker shall periodically consult with Regional Adoptions staff to confirm that preparatory and recruitment-related adoption activities are accomplished concurrently with the TPR process (see Section 520.2: Adoption and Chapter 6: Adoption and Birth Parent Services).

4. **Relinquishments of Parental Rights**
   a. If, at any time during the child's stay in care, the parent(s) indicate a willingness to relinquish parental rights, the Foster Care/IFCCS Worker shall confirm that the parent's decision is (1) in the best interests of the child and (2) voluntary. If so, the worker shall contact the Regional Adoptions staff to coordinate the appropriate relinquishment procedures (see Chapter 6: Adoptions and Birth Parent Services).
   b. The worker shall discuss the option of voluntary relinquishment with the parent as soon as possible after the agency decides to pursue TPR or a

court-approved plan of adoption. If the parent expresses interest in relinquishing rights to the child, the worker shall contact the Regional Adoptions staff to coordinate the appropriate relinquishment procedures (see Chapter 6: Adoptions and Birth Parent Services).

5. Preparation for and Participation in TPR Proceedings

a. The Foster Care/IFCCS Worker shall consult with the DSS Attorney and shall submit any requested documentation to the attorney within the timeframe designated by the attorney.
   i. For guidance about the information needed in the TPR packet, see Checklist Guide for TPR Packets.
   ii. The worker shall complete a transmittal letter for the County Director's signature that shall be attached to any TPR materials sent to the attorney.
   iii. All information sent to the attorney shall be stamped or have written on them the term "Client-Attorney Confidential Information," in underlined and capital letters, at the top of the first page of the correspondence.
   iv. A copy of all TPR information shall be sent to the Regional Adoption Office.
b. The Foster Care/IFCCS Worker shall attend and participate in the TPR hearing, with direction from the DSS Attorney.
c. The worker shall document all legal actions in the Legal field in CAPSS.

6. Follow-Up Procedures

a. If the court grants the agency's petition for TPR, the Foster Care/IFCCS Worker shall:
   i. if the court determines that another permanency planning hearing is not needed, facilitate the alternative plan ordered by the court and amend the child's plan accordingly; or
   ii. If the court determines that another permanency planning hearing is needed, consult with the DSS Attorney to confirm that a hearing is scheduled within 15 days of the filing of the order. The worker will present a revised permanency plan at the hearing if necessary.
b. If the court does not grant the agency's petition for TPR, the worker shall:
   i. if the court determines that another permanency planning hearing is not needed, facilitate the alternative plan ordered by the court and amend the child's plan accordingly; or
   ii. If the court determines that another permanency planning hearing is needed, consult with the DSS Attorney to confirm that a hearing

is scheduled within 15 days of the filing of the order. The worker will present a revised permanency plan at the hearing.

c. The worker shall document all follow-up actions in CAPSS dictation and all court procedures in the Legal tab.

Special Considerations:

1. To determine whether state law requires TPR or relinquishment of the rights of an unmarried father, the Foster Care/IFCCS Worker shall consult the DSS Attorney.

2. Proceedings Involving Parents in Military Service

a. The Foster Care/IFCCS Worker shall, as soon as possible after a child enters foster care, inquire with the family and child to determine whether the child's parents or guardians are currently in active duty or similar military service. If so, the worker shall notify the DSS Attorney to confirm compliance with the Service members Civil Relief Act.

3. Persons for whom TPR and/or relinquishment are not required.

a. TPR and/or relinquishment is not required for the following individuals:

i. a parent whose rights to the child have already been terminated or relinquished;

ii. a parent whom the family court finds to be mentally incapable of giving consent or relinquishment for the purpose of adoption and as to whom the court finds:

1. the parent will be unlikely to provide minimally acceptable care of the child;
2. the parent's capacity is unlikely to be restored for a reasonable period of time; and
3. In the court's judgment, it would be detrimental to the child to delay adoption.

The court shall appoint a guardian *ad litem* for an incompetent parent for whom there has been no prior appointment and shall appoint independent counsel for an incompetent parent who is indigent. However, upon good cause shown, the court may waive the requirement for the appointment of independent counsel for an incompetent and indigent parent;

iii. the biological parent of a child conceived as a result of that parent's criminal sexual conduct or incest as found by a court of competent jurisdiction unless, with respect to a conviction

for criminal sexual conduct, the sentencing court makes specific findings on the record that the conviction resulted from consensual sexual conduct where neither the victim nor the actor were younger than 14 years of age nor older than 18 years of age at the time of the offense.

b. If the parent of the child meets one of the above categories, the worker shall consult with the DSS Attorney to determine if TPR or relinquishment is necessary.

DOCUMENTATION:

- Contacts with child and families
- Continuing efforts to reunify concurrently with TPR proceedings
- Efforts to locate/engage relatives and fictive kin
- Copies of documents sent to DSS Attorney
- Copies of court documents and orders

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- County Director
- Adoption Specialist
- DSS Attorney
- Family Court

REFERENCES:

Legal Citations:

42 U.S.C.A. § 675(5): judicial procedures, reviews, child consultation, required TPR/compelling reasons, APPLA, foster parent hearing rights
42 U.S.C.A. § 5106a (b) (2) (B) (xiii): GAL representation
45 C.F.R. § 1356.21(I): TPR
S.C. Code Ann. § 63-7-1700: permanency planning
S.C. Code Ann. § 63-7-1710: mandatory TPR, exceptions
S.C. Code Ann. § 63-7-2510 thru 2620: TPR
S.C. Code Ann. § 63-9-310 et seq.: relinquishments

S.C. Code Ann. § 63-15-300 thru 394: UCCJEA S.C. Code Ann. § 63-17-10 thru 70: paternity
Reasonable Efforts:

- 42 U.S.C.A. § 671(a)(15): federal requirements
- S.C. Code Ann. § 63-7-720: to prevent removal
- S.C. Code Ann. § 63-7-1700(H)(9): reunification
- S.C. Code Ann. § 63-7-1700(E) & (H) (10): promote and expedite (adoption?)
- S.C. Code Ann. § 63-7-1640: foregoing reunification, concurrent planning, permanency planning and TPR timeframes, written findings

Tools:

Checklist Guide for TPR Packets

Forms:

Practice Guidance:

REVISION COMMENTS:

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550. Special Considerations

REVISION COMMENTS:

550.1 Voluntary Placement

PURPOSE STATEMENT:

The agency shall provide temporary foster care placement when a parent or relative requests a voluntary placement, abuse or neglect is not suspected, and it is in the child's best interests. This section describes the policies and procedures to be followed when a parent seeks to voluntarily place his or her child in foster care.

POLICY:

1. A voluntary placement agreement will only be accepted if placement is in the child's best interest and there is a reasonable expectation of securing a safe, stable, and permanent family for the child (which may include reunification of the child with the parent in a reasonable time period as designated on the agreement).
2. Voluntary placement is limited to 90 days, with the possibility of one 90-day extension.
3. The agency will file a complaint for removal if placement exceeds 180 days or if, at any time, the agency determines that returning the child to the parent would present a substantial and imminent risk of harm that justifies assumption of custody.

PROCEDURES:

1. Assessment of Request for Voluntary Placement

a. The Foster Care/IFCCS Worker shall assess the request for placement to determine whether one of the following conditions exist:

i. the parent has a temporary mental or physical condition, or situational crisis, that prevents them from performing his or her parental role but that can reasonably be expected to resolve within 90 days; ii. the parent plans to relinquish parental rights;

iii. the parent is in the custody of the agency; and iv. The relative caregiver can no longer provide home for the child.

b. If a relative requests voluntary placement of a child in his or her care, the Foster Care/IFCCS Worker shall determine whether the relative has legal custody. If the relative does not have legal custody, the worker shall attempt to contact the parent(s) to assess the situation and placement options.

2. Exploration of Alternatives to Foster Care

a. Prior to accepting a voluntary placement, the Foster Care/IFCCS Worker shall explore with the parent alternatives such as supportive services, use of emergency funds, and placement with the non-custodial parent or relative/fictive kin.

3. Voluntary Placement Agreement

a. If the request for voluntary placement is accepted, parents must sign the DSS Form 1512: Voluntary Placement Agreement.

b. Prior to facilitating the signing of the agreement, the worker shall explain to the parent/guardian that:

i. the agreement is for 90 days and may be extended for no more than one additional 90-day period;

ii. if returning the child home does not appear to be possible within 180 days, the agency may file a removal action to seek legal custody; and

iii. The parent may revoke the voluntary placement agreement and request return of the child within 15 days. However, if the agency believes that a return home would continue substantial and imminent risk of harm to the child, the agency may petition the court for a removal order.

4. Family Meeting

a. Within three days following placement in foster care, the Foster Care/IFCCS Worker shall arrange an initial family meeting to develop a case plan. The worker shall refer the family for family group conferencing.

5. Extension of Agreement

a. If voluntary placement needs to be extended beyond the initial 90 days, the worker shall execute a new Voluntary Placement Agreement prior to the end of the 90 day period.

Special Considerations:

1. IV-E Eligibility

a. For establishing and maintaining IV-E eligibility, see Section 510.9.

b. For voluntary placements, a judicial determination that reasonable efforts were made to prevent removal is not required for IV-E eligibility, as long as the period of voluntary placement does not exceed 180 days without a court order.

2. Post-Adoption Requests for Placement

a. If a family who has adopted a child from a private and/or international agency requests to voluntarily place child in foster care, a comprehensive assessment must be done to determine the appropriateness of the request. The worker shall refer families experiencing post-adoption difficulties to the Regional Adoptions Office for the completion of this assessment.

DOCUMENTATION:

- Contacts with child and family
- Efforts to support family and/or engage alternative placements
- Copy of agreement
- Copies of court documents and orders, if applicable
- Copy of IV-E Application

COLLABORATION:

- Foster Care/IFCCS Worker
- DSS Attorney

REFERENCES:

Legal Citations:

42 U.S.C.A. § 672(d) thru (g): IV-E requirements
45 C.F.R. § 1356.22: IV-E regulations
S.C. Code Ann. § 63-7-40: Save Haven for Abandoned Infants

Tools:

Forms:

DSS Form 1512: Voluntary Placement Agreement

Practice Guidance:

REVISION COMMENTS:

550.2 Juvenile Justice Involvement

PURPOSE STATEMENT:

Children and youth involved with the child welfare system are more likely to interact with the juvenile and criminal justice systems than are youth without such involvement. Because of the unique needs of dually-involved youth, it is important that caregivers, law enforcement officers, court officials, service providers, child welfare professionals, and juvenile justice professionals work closely together to ensure that the best interests of these children are served. This policy section lays out the policies and procedures to be followed so that this collaboration can be most effectively and efficiently facilitated.

POLICY:

- The agency shall coordinate with DJJ, law enforcement, children's attorneys, and the Family Court so that dually-involved children's best interests may be served and services properly put in place.
- When a foster child is placed in a juvenile justice placement, the agency shall not recommend to the Family Court or DJJ that the child remain in the placement without a charge pending or beyond the term of their disposition for the sole reason that DSS cannot find an appropriate placement. The agency shall take immediate legal and physical custody once the need for juvenile justice placement ceases, and shall immediately provide for appropriate placement.
- The agency shall not seek to be relieved of custody when a child is in DJJ custody.
- The agency shall not provide funds to pay for a child's bond or attorney. Further, the agency shall not provide legal advice or representation to children involved with DJJ or those otherwise being investigated or charged with a crime.
- If an individual reports that a child under supervision by the Department of Juvenile Justice (DJJ) has been abused or neglected, the agency shall follow regular intake procedures (see Chapter 2: Intake & Investigations). The agency shall not decline an investigation because a child is "temporarily safe" in a DJJ

placement, and shall not require that the child return to a dangerous environment prior to the agency investigating the report.

- If a child is ordered into DSS's custody as the result of a delinquency proceeding, the agency shall advocate for the inclusion of Title IV-E eligibility language (see Special Considerations below).

PROCEDURES:

1. Initial Contacts

a. The child's placement shall notify the Foster Care/IFCCS Worker immediately if a foster child in the placement's care has been charged with an offense or if any involvement with law enforcement or DJJ staff has occurred. If the activities occur after business hours, the placement shall notify the on-call worker that the child has been charged or had law enforcement contact.

b. The worker shall contact DJJ and/or law enforcement as soon as possible to determine the charges and, if the child has been detained, the child's current location.

   i. The worker shall inquire about any upcoming meetings/hearings regarding the child's case and shall offer to attend and provide ongoing input.

   ii. The worker shall request documentation about the child's case (e.g., police report, DJJ reports, etc.)

c. The worker shall notify the child's biological family members (unless TPR has taken place and such contact would be inappropriate) and the child's guardian *ad litem* as soon as possible regarding the child's charges and status.

d. If the child already has a juvenile defense attorney, the worker shall contact the attorney regarding the child's status and shall offer to provide ongoing assistance and input.

e. If the child is not yet represented by an attorney or is being investigated for a crime prior to being charged, the worker shall not offer legal advice and shall not consent to law enforcement interviews of the child.

f. The worker shall document all contacts in CAPSS dictation and shall place all documentation (e.g., police reports) in the child's case file.

2. Coordination with DJJ, Child's Attorney, and/or Law Enforcement

a. The Foster Care/IFCCS Worker shall coordinate with DJJ staff to confirm that the child's best interests are served.

i. The Foster Care/IFCCS Worker shall attend all meetings regarding the child's disposition and/or placement. In the worker's communications with DJJ staff, the worker shall confirm that he or she:
    1. involves the parents, guardian *ad litem*, and any other concerned parties in the planning process;
    2. coordinates permanent plans with both agencies and the family;
    3. coordinates resources to serve the child and family; and
    4. Shares medical, psychological evaluations, court orders, and any other relevant information for DJJ to serve the youth (the worker shall consult the DSS Attorney prior to sharing any medical records).

ii. If DJJ is recommending that the child be committed to a DJJ facility, the Foster Care/IFCCS Worker shall coordinate a joint staffing to discuss the above issues. The parents, guardian *ad litem*, and any other concerned parties (including the child's case planning team) shall be included in the meeting.

b. The worker shall also share information with the child's attorney to assist in the court proceedings.

c. If a child is placed on probation, the Foster Care/IFCCS Worker shall continue providing foster care services as described in this manual.

    i. The worker shall facilitate at least quarterly staffing (in person or by phone) with the child's probation officer to confirm proper service delivery, to determine the child's progress, and to ascertain whether the child's needs require an amendment of the child's case plan. ii. The worker shall confirm that DJJ staff are invited to the child's Foster Care Review Board meetings and Permanency Planning Hearings.

d. If a child is placed in a detention facility, see Special Considerations below.

e. If a child reaches the age of 18 while in a DJJ facility, the worker shall not seek to terminate foster care services unless emancipation has been stipulated in a prior court order. If the case is to be closed at this date, the worker shall facilitate a staffing with DJJ staff to confirm proper supports and shall follow the procedures set forth in Section 560: Termination of Foster Care Services.

3. Court Proceedings

a. The worker shall attend all DJJ hearings related to the child's case.

b. If requested by the court, the child's attorney, or the solicitor, the worker shall testify regarding the child's history, case plan, and current status.

Special Considerations:

1. Child in a Correctional Facility

a. If a child is placed in a correctional facility, the Foster Care/IFCCS Worker shall continue to provide all of the case planning and management services described in this manual.
b. The worker shall continue to make monthly contacts with the child.
c. The worker shall continue to involve the child's family, support persons, guardian *ad litem*, and DJJ staff in all case planning decisions. This planning shall include an appropriate plan for permanency and placement upon the child's release from the facility.
d. The worker shall continue to facilitate proper visitation with the parents, siblings, and other kin as described in Sections 510.3 and 510.5.
e. The worker shall maintain at least weekly contact with the facility staff if the child is in a DJJ Evaluation Center (with at least monthly face-to-face contact) or monthly face-to-face contact if the child is in a detention facility to obtain:
    i. current information regarding the child's progress in the facility, including projected discharge date, and
    ii. Relevant information needed to coordinate appropriate alternate placement arrangements upon discharge, including progress reports, psychological evaluations, and medical exams.
f. The worker shall immediately update the child's placement so that board payments cease while the child is detained.
g. If the child receives Social Security or SSI benefits, the worker shall notify the Social Security Administration of the child's placement and release date.
h. The worker shall document the child's placement changes (including between detention facilities) in CAPSS.

2. Child Charged as an Adult

a. If a youth is to be charged as an adult, the Foster Care/IFCCS Worker shall determine when the bond hearing will be held and the possible recommendation regarding bond.
b. If it appears that the child may be released on bond prior to the trial, the worker shall staff the case with IFCCS to determine a possible placement plan consistent with the conditions of the bond.

c. The worker shall follow up with court officials and the solicitor to confirm that the child has been referred to the Public Defender's Office.
d. If the child is tried as an adult, convicted, and sentenced to jail time, the worker shall staff the case with all involved parties to assess what future services the agency might be able to offer, including assistance with postincarceration living arrangements. Consideration should be given to the youth's age, the potential length of incarceration, and the nature of the charges for which the child was convicted.
    i. If it is determined that foster care services are no longer appropriate for this child, the worker shall petition the Family Court for a Permanency Planning hearing to advise the court that the child is in the custody of the Department of Corrections, that it has been determined by the staffing that there is no permanent plan that the agency can offer, and ask to be relieved of custody.
    ii. If it is determined that the child may benefit from continued foster care services or if the judge refuses to relieve the agency of custody, the worker shall follow the same procedures for ongoing services and service planning that is required for all foster children.
e. If the child is not convicted, the worker shall staff the case with IFCCS, if needed, for placement options and shall continue providing foster care services.

3. Disputes Between DJJ and DSS Staff

a. When a dispute arises between DJJ and DSS staff, the Regional Director shall attempt to resolve the dispute with the appropriate regional representative at DJJ.
b. If the dispute cannot be resolved by the Regional Director, the Regional Director shall consult with the Child Welfare Director regarding next steps.
c. If resolution is not obtained, the Child Welfare Director may refer the matter to the Children's Case Resolution System after receiving written approval from the State Director.

4. Children Ordered into DSS Custody Through DJJ Proceedings

a. The Foster Care/IFCCS Worker shall coordinate with the DSS Attorney to cooperate with any requests (e.g., by DDJ, by the court, etc.) for participation in delinquency proceedings.
b. If the Family Court notifies the agency that it is considering placing a child involved in a DJJ proceeding in emergency protective custody,

the worker shall respond immediately and make themselves available to the court for the proceeding.

c. If a child is to be ordered into DSS's custody as the result of a delinquency proceeding, the Foster Care/IFCCS Worker and the DSS Attorney shall advocate for the inclusion of Title IV-E eligibility language in the court order requiring the child's placement into foster care. In order for the child to be considered for IV-E eligibility, the order must state that:
    i. it was contrary to the welfare of the child to remain in his or her home; and
    ii. That reasonable efforts to prevent the removal were either made or were not required (see Section 510.9 for circumstances in which such efforts are not required).

d. Once a child is placed into foster care, the worker shall otherwise abide by the policies and procedures set forth in this manual.

DOCUMENTATION:

- Contacts with child and family
- Correspondence with professionals and agency staff
- Copies of police report and/or DJJ reports
- Copies of court documents and orders
- Placement changes, service changes, and amendments to case plan

COLLABORATION:

- Foster Care/IFCCS Worker
- DJJ Staff
- Law Enforcement
- Guardian *ad Litem*
- Child's Attorney
- Family Court
- Solicitor's Office

REFERENCES:

Legal Citations:

Tools:

Forms:

Practice Guidance:

REVISION COMMENTS:

550.3 Pregnant & Parenting Youth in Foster Care

PURPOSE STATEMENT:

Youth who become pregnant in foster care or who enter foster care with a child require additional supports to meet their needs and to support their roles as parents. The following section sets forth the policies and procedures to be adhered to in providing services and supports to parenting or pregnant foster care youth.

POLICY:

1. The agency shall make every effort to honor the wishes of the foster care youth who is pregnant; however, the safety of the infant will be of paramount concern.
2. The agency shall not seek custody of the child of a foster care youth solely on the basis of the youth's placement in foster care. However, agency staff shall make an intake report as set forth in Chapter 2 whenever agency staff has reasonable cause to believe that the foster care youth's child is at substantial and imminent risk of abuse or neglect.
3. When possible, parenting youth and their children will be placed together in foster family homes.
4. Foster care maintenance payments made on behalf of a child placed in a foster family home or child care institution, who is the parent of a son or daughter in the same home or institution, must include amounts which are necessary to cover costs incurred on behalf of the child's son or daughter. The foster parent or the institution should assist the minor parent in using the funds for the purposes allowed by IV-E regulations.

PROCEDURES:

1. Initial Response

a. When the Foster Care/IFCCS Worker becomes aware of the possibility that a foster child may be pregnant, the worker shall coordinate a referral to a physician or the local health department to confirm the pregnancy.
b. As soon as possible after confirming the pregnancy, the worker shall assist the foster care youth in obtaining prenatal services and related counseling on issues surrounding pregnancy.
c. If parental rights have not been terminated, the worker shall notify the youth's parents that their daughter is pregnant.
d. If the agency has reason to suspect a violation of law has occurred (i.e. incest), then the worker shall notify law enforcement.
e. If the pregnant youth indicates a desire to relinquish the child for adoption, the worker and the child shall meet with Regional Adoptions staff.
f. The worker shall contact school officials as needed to determine how the specific school handles educational services for pregnant youth.
g. The worker shall meet with pregnant youth to discuss the following issues:
    i. preferences, placement options, and plans for the care of the baby;
    ii. any array of resources available to the youth including parenting skills;
    iii. identification of, and the role and involvement of the biological father with the baby and mother;
    iv. rights of the alleged father to be informed by the agency about the pregnancy and challenge paternity; and
    v. The pregnant youth's educational needs and future employment goals.

2. Ongoing Services for Parenting Youth

a. The Foster Care/IFCCS Worker shall confirm that the parenting youth's case plan is individualized to meet the youth's needs and goals. At a minimum, the youth's plan should include (in addition to other provisions):
    i. various independent living strategies (budgeting, shopping, taxes, job hunting, leasing, etc.) to help prepare the parents towards selfsufficiency (see Section 530);
    ii. parenting skills classes for the teen parent;
    iii. educational needs and/ or vocational goals; iv. Input from the foster parents or others serving as part of the adolescent's resource network.

b. The Foster Care/IFCCS Worker shall consider the following resources for the youth:
    i. county health department programs (prenatal checkups, children's health clinics, early and periodic screenings, diagnosis and treatment for children on Medicaid, immunizations, WIC, health education, screening for and treatment of sexually transmitted diseases, evaluation and treatment of children with physical handicaps or chronic illness);
    ii. agency services (i.e., Family Independence, Medicaid, transportation, Child Support Enforcement, general case management); and
    iii. Family members or other kin.
c. The Foster Care/IFCCS Worker shall continually assess whether there are safety or risk issues while the child remains in the youth's care. If the worker believes that the foster youth's child is at substantial and imminent risk of harm, the worker shall make an intake report as set forth in Chapter 2: Intake & Investigations.
d. As long as the youth and child are placed together and no removal action is taken, the agency shall schedule Foster Care Review Board meetings and Permanency Planning hearings only for the youth.
e. The Foster Care/IFCCS Worker shall defer to the mother's consent regarding medical treatment unless the mother refuses to consent to medical services for illnesses or injuries that are considered permanently harmful or life-threatening. If the mother refuses such medical services, the worker shall consult with the DSS Attorney to pursue court intervention.
f. The worker shall document all contacts with the youth and child, as well as all efforts to support the youth-child relationship, in CAPSS dictation.

3. Placement of the Youth and Child

a. Unless removal proceedings or voluntary placement is pursued, the Foster Care/IFCCS Worker shall place the youth and child together. The worker shall place the youth and child in a foster family home if one is available and appropriate.
b. If the youth and child are placed together, the worker shall contact the State IV-E Coordinator to confirm that the board payment for the youth includes the additional amounts which are necessary to cover costs incurred on behalf of the child's son or daughter.
c. If, after the worker has made reasonable efforts to place them together, the child may no longer be placed with the youth, the Foster Care/IFCCS

Worker shall explore one of the following options to confirm the child's IVE eligibility:

i. completing a voluntary placement agreement with the youth (see Section 550.1 for further procedures); or ii. Consulting with the DSS Attorney to file a removal petition. If a youth and child are separated under one of the above mechanisms, the worker shall make at least reasonable efforts to reunify the youth and child. The child will be entitled to all procedural requirements afforded to other foster children under federal and state law and this manual.

Special Considerations:

1. Child in Foster Care Planning Marriage

a. If a youth aged 16 or 17 wishes to marry, the Foster Care/IFCCS Worker shall staff the case with his or her supervisor to determine if agency consent to the marriage is in the child's best interests. Prior to facilitating such a staffing, the worker shall determine whether the youth's prospective spouse is 16 or 17 and whether the prospective spouse is obtaining the proper consent.

b. If pregnancy or birth of a child has been established by a physician's report, the worker shall only have the authority to consider consent if the youth in care is a parenting or pregnant female.

2. Child Requests an Abortion

a. If a pregnant youth is under the age of 17 and indicates a desire to seek an abortion, the worker shall inform the youth of the need to obtain consent from the child's parent or grandparent (if rights have not been terminated). The agency, as the child's legal guardian, shall not consent to an abortion.

b. If the minor cannot obtain the requisite consent, the worker shall refer the youth to Regional Adoptions staff, who shall (within 48 hours) assist the minor in petitioning the Family Court for the right to obtain an abortion (see Chapter 6, Section 680: Birth Parent Services).

c. If consent for an abortion is obtained, the worker shall consult with Medicaid staff regarding any abortion procedure coverage.

3. Involvement of the Child's Father

a. If the child's father has been identified (or established through paternity tests or acknowledgment of paternity) and the father is seeking ongoing involvement with the baby, the Foster Care/IFCCS Worker shall involve the father in case planning and visitation.

b. If in the best interests of the youth and child, the worker shall complete a child support referral on behalf of the mother.

DOCUMENTATION:

- Contacts with child and family
- Correspondence with professionals and agency staff
- Medical records
- Copies of youth and child's plan

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- Adoptions Specialist
- DSS Attorney
- Biological Family
- Family Court
- Medical & Counseling Providers
- School Staff
- Law Enforcement

REFERENCES:

Legal Citations:

45 C.F.R. § 1356.21(j): IV-E payment amounts
S.C. Code Ann. § 20-1-10 et seq.: marriages
S.C. Code Ann. § 44-41-10 et seq.: abortions

Tools:

Forms:

Practice Guidance:

REVISION COMMENTS:

Subject:	Sex Trafficking Victims
Authority:	CAPTA, P.L. 114-22, Justice for Victims of Trafficking Act of 2015; S.C. Code § 63-7-20(6)(b); S.C. Code § 16-3-2010
Standards:	N/A
Application:	All Child Welfare Programs

Policy Statement:

CWS must identify and assess all reports involving children known or suspected to be victims of sex trafficking. CWS must coordinate with law enforcement, juvenile justice, and service providers to provide comprehensive services for children who are sex trafficking victims.

Purpose:

To set forth procedures for identifying minors who are, or who are at risk of becoming, sex trafficking victims and to provide services to those victims.

Definitions:

Sex trafficking - the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act. For minors 18 years old and under, there is no requirement of force, fraud, or coercion.

Commercial sex act - any sex act for which anything of value is given or received by any person.

Case manager – staff providing case management services, in any program area, for victims of sex trafficking.

Procedures:

A. Intake	1. Intake Practitioners (IPs) must ask all reporters if there is concern, suspicion, or knowledge of prostitution, pornography, or sexual exploitation regarding any child the reporter is calling about. A. If the answer is “yes”, this must be documented in CAPSS as follows: i. by selecting the “Victim of Sex Trafficking” characteristic in the Person screen and selecting the Typology of Sexual Abuse under the Relationship tab. ii. If the perpetator is unknown or is someone other than an individual who is in loco parentis, an unkown perpetrator can be added as a recipient. Parents can be coded as nonperpetrators. iii. Safety Factor #4 must be selected in the CPS Assessment. iv. The Sufficiency Screen must be completed with a “Yes” for both the questions regarding ability to locate and if the alleged maltreater is the parent/caregiver of the child. (For suspected victims of child sex trafficking the perpetrator does not have to meet this criteria but in order to accept the report, this must be answered with an affirmative.)

	v. Explain in the box below this statement that the perpetrators are not the parents if the perpetrator isn’t in loco parentis. vi. If information regarding the child/youth’s county of residence is not available at Intake, the county of origin defaults to the child’s location when the report is made. vii. IP and Supervisor must accept for Investigative Assessment and refer to Law Enforcement if the report wasn’t received from LE.

B. Initial Identification/ Assessment	**1. <u>Referred by Law Enforcement:</u>** If the child/youth are picked up by law enforcement and are suspected and/or identified as being a sex trafficking victim, the case worker must: a. Take the child/youth to the local hospital/ER for a medical assessment as soon as possible and no later than 24 hours. b. Consult with Regional Clinical Consultant regarding safe placement prior to initial placement being made. c. Complete DSS Form 3010: Critical Incident Reporting Form item E5 and forward to County Director with Incident Category. d. Contact the State Human Trafficking Coordinator at 803-6380566 or via email at STC@dss.sc.gov. e. Complete and link DSS Form 1544: Sex Trafficking Screening Tool into CAPSS under the Case ID. f. Document in CAPSS via the Characteristics section of the Person screen *<u>and</u>* update the Characteristics screen if the child was not initially identified as a sex trafficking victim. **2. <u>Referred by outside agency (shelter, group home, hospital, etc.)</u>** If the child/youth are referred by an outside agency and are suspected and/or identified as being a sex trafficking victim, the case manager must: a. Contact local law enforcement within 24 hours. b. Take the child/youth to the local hospital/ER for a medical assessment as soon as possible, and no later than, 24 hours. c. Consult with Regional Clinical Consultant regarding safe placement prior to initial placement being made. d. Complete DSS Form 3010: Critical Incident Reporting Form item E5 and forward to County Director with Incident Category E5. e. Contact the State Human Trafficking Coordinator at 803-6380566 or via email at STC@dss.sc.gov. f. Complete and link DSS Form 1544: Sex Trafficking Screening Tool into CAPSS under the Case ID. g. Document in CAPSS via the Characteristics section of the Person screen *<u>and</u>* update the Characteristics screen if the child was not initially identified as a sex trafficking victim. **3. <u>Self-report</u>** If the child/youth self-reports, or it is suspected, that they are a victim of sex trafficking, the case manager must:

	a. Contact local law enforcement within 24 hours. b. Take the child/youth to the local hospital/ER for a medical assessment as soon as possible, and no later than, 24 hours. c. Consult with Regional Clinical Consultant regarding safe placement prior to initial placement being made. d. Complete DSS Form 3010: Critical Incident Reporting Form item E5 and forward to County Director with Incident Category E5. e. Contact the State Human Trafficking Coordinator at 803-6380566 or via email at STC@dss.sc.gov. f. Complete and link DSS Form 1544: Sex Trafficking Screening Tool into CAPSS under the Case ID. g. Document in CAPSS via the Characteristics section of the Person screen *and* update the Characteristics screen if the child was not initially identified as a sex trafficking victim. 4. **Runaways or Missing Children** If a child/youth has run away or is missing, the case manager must immediately, but no later than 24 hours: a. Report to law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigations. b. Report to National Center for Missing & Exploited Children (NCMEC) http://cmfc.missingkids.org/ReportHere. If there are any delays in obtaining the necessary forms, contact NCMEC at 1(800)843-5678. c. Complete DSS Form 30233: Endangered Runaway Checklist for Case Managers, Child Bio Information Form and Information Release and Verification Form. d. Notify child's parent/guardian. e. Notify the State Human Trafficking Coordinator via email at STC@dss.sc.gov. f. Notify the child/youth's guardian ad litem. g. Notify child/youth's current service providers and school officials. h. Make diligent efforts to locate child/youth and document all efforts in CAPSS dictation. i. Link completed DSS Form 30233 in CAPSS.

C. Provision of Services	1. When a child/youth has been identified as victim of sex trafficking the case manager must: a. Make a referral to a Children's Advocacy Center (CAC) for a forensic interview within 24 hours. b. Make referrals to needed services as identified by CAC assessment . c. Assess family strengths and needs in order to provide services in the least restrictive environment while maintaining family stability. d. Determine the availability of evidenced based services in order to maintain family engagement and make referrals to available services. 2. Case manager must conduct face to face visits in the home with child and family, at a minimum of monthly, and conduct weekly telephone contacts with the family. a. Case manager must educate the parents about possible high risk behaviors associated with sex trafficking victims. b. Case manager must work the family to develop safety procedures such as outside cameras, an alarm system, and interior/exterior motion sensors. c. Case manager must ensure that the family addresses and monitors child/youth internet access, messaging, and telephone contacts. d. Case manager must document in CAPSS all face to face contacts, telephone contacts, and any other interactions with the child/youth and family no later than the last working day of the month.
Forms:	DSS Form 30233: Endangered Runaway Checklist for Case Managers DSS Form 1544: Sex Trafficking Screening Tool

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550.5 The Interstate Compact on the Placement of Children: The Sending State

PURPOSE STATEMENT:

The agency is committed to promoting the timely and appropriate permanency for children in foster care when a permanent family is available outside of the borders of the state in which their case originates. To this end, this section lays out the policies and procedures to be adhered to when placing South Carolina children out-of-state in accordance with the Interstate Compact on the Placement of Children (ICPC).

POLICY:

1. The agency shall not deny or delay placement of in-state or out-of-state children due solely to the state residency of the child or a prospective caregiver.
2. The agency shall emphasize safety, wellbeing, and permanency for out-of-state children to the same extent and according to the same policies as in-state children.
3. The agency shall abide by the terms of the Safe and Timely Interstate Placement of Foster Children Act and the ICPC Regulations. Accordingly, the agency shall not place a child in another state without proper approval by the receiving state. This policy applies to both family homes and residential facilities. If a child is to move from an out-of-state family home to an out-of-state residential facility, a new request and a new informational packet shall be sent to the receiving state.
4. The agency shall not impose any restriction on the ability of the receiving state agency to contract with a private agency for the completion of an ICPC home study.
5. Regulation 1 of the Interstate Compact allows a receiving state to conditionally pre-approve a placement when a foster child moves to another state with the foster parents. If a licensed family is moving outside of South Carolina, the State Office Interstate Compact (ICPC) Office shall send this information to the receiving state prior to the family arriving in the receiving state.

PROCEDURES:

1. Placement of a Child in Another State

a. If a person has been identified as a possible out-of-state placement resource, the Foster Care/IFCCS Worker shall contact the person and complete the ICPC Statement of Interest form.

b. If, after the signing of an ICPC Statement of Interest form, the Foster Care/IFCCS Worker and Foster Care/IFCCS Supervisor agree that the proposed resource should be assessed, the Foster Care/IFCCS Worker shall prepare a Regulation 2 ICPC Request Packet. The packet shall include:

   i. DSS Form 3049 (ICPC 100A), completed in CAPSS and printed/signed by the Foster Care/IFCCS Worker and/or the worker's supervisor;

   ii. a cover sheet, including the name of the child, the county holding case management, the name/relationship/address of the placement resource, the reason for the out-of-state placement, a statement indicating that DSS has legal custody and/or that the SC Family Court has jurisdiction over the case, the child's permanent plan and expected date of achievement, and a request for both monthly face to face contacts with the child in the placement and quarterly progress reports;

   iii. a detailed Child Social Summary (or the child's treatment plan if it clearly contains all of the information in the social summary outline) that includes the specific needs of the child, the reason for foster care placement, the child's permanent plan, an explanation of why the child is in custody, what parental behaviors must be changed, and specific behaviors the child may have;

   iv. a court order verifying that the agency has legal custody and the authority to place the child out of state (or an Order of Compliance designating DSS as a sending agency if the court has jurisdiction);

   v. a statement indicating whether the child is IV-E eligible and whether the child receives Medicaid or other medical coverage;

   vi. a Plan for Financial Support;

   vii. copies of the child's birth certificate and social security card;

   viii. If applicable, other documents that provide information necessary for the agency completing an evaluation to determine if the placement resource will meet the child's specific needs (this

includes but is not limited to medical reports, psychological evaluations, etc.).

c. The Foster Care/IFCCS Worker shall forward the packet to the Foster Care/IFCCS Supervisor, who shall review the packet and forward it to the State Office ICPC unit via NEICE.

d. The State Office ICPC Consultant shall promptly review the request packet for the completeness. After completing DSS Form 3049 (ICPC 100A) with his or her approval signature, the ICPC Consultant shall send the request to the proper authorities in the receiving state.

e. Upon receipt of the home assessment/study and the signed DSS Form 3049 (ICPC 100A) from the receiving state, the State Office ICPC Consultant shall forward the receiving state decision to the county office.

f. Within five calendar days of receipt of the home assessment/study, the Foster Care/IFCCS Worker and Supervisor shall review the completed home study. If an approved home study identifies circumstances or potential risk factors that suggest that placing the child in the home would not be in the child's best interests, the Foster Care/IFCCS Worker shall contact the State Office ICPC Unit within the five days allowed for review. The State Office ICPC Unit shall notify the receiving state of the agency's decision not to place the child within 14 days of receiving the home assessment/study using DSS Form 30126 (ICPC 100B).

g. If the request is denied by the receiving state, the Foster Care/IFCCS Worker and Supervisor shall make other placement arrangements for the child and shall revise the current case plan, if necessary. The Worker and Supervisor shall determine what outcomes must be achieved by the out-ofstate placement in order for the receiving state to reconsider its denial (see Special Considerations below for reconsideration procedures).

h. If the assessment/study is approved and placement is planned, the Foster Care/IFCCS Worker shall:

i. Have up to six months from the date of the Receiving State's signature to place the child without sending a new request. An extension can be requested if it is sent before this time period expires;

   ii. schedule a permanency planning hearing if court approval has not already been attained;

   iii. notify Medicaid and State Office IV-E Unit prior to child's placement out of state;

   iv. arrange air transportation, if necessary (see Special Considerations);

v. Gather necessary information that needs to accompany the child (e.g., medical records, school information, etc.) and ensure that the child has at least a 20-day supply of any medications.

i. When placement is made, the Foster Care/IFCCS Worker shall notify the receiving state of placement and shall request that the state begin supervision by completing DSS Form 30126 (ICPC 100B) and forwarding it to the State Office ICPC Unit. The Foster Care/IFCCS Worker must request monthly face to face contact with the child and caregivers, and the request must include a subsequent request to forward dictation of the visits to the Foster Care/IFCCS Worker.

j. While the child is placed out of state, the Foster Care/IFCCS Worker shall:
   i. provide case management (including permanency planning);
   ii. schedule FCRB and permanency planning hearings with the same frequency as in-state placements;
   iii. monitor and follow up on progress reports to determine if (1) monthly face to face contacts are being made and (2) additional or different services are needed;
   iv. if applicable, arrange for child to receive ILP services in the receiving state;
   v. continually assess whether the placement is appropriate and safe;
   vi. Dictate in CAPSS the receipt of face-to-face dictation by the supervising worker and place a copy of the dictation in the child's file. If timely or thorough progress reports are not received, the Foster Care/IFCCS Worker shall submit a request for reports through the State Office ICPC Unit. The ICPC Coordinator shall then contact the supervising state's ICPC Unit to request further assistance.

k. After a minimum of 6 months of out-of-state supervision and with agreement from his or her Supervisor, the Foster Care/IFCCS Worker shall seek concurrence from the receiving state regarding the need for continuing agency custody and the possibility of pursuing permanency through the out-of-state placement. All parties (including the receiving state) must agree custody is transferred to the parent, relative, or nonrelative. If permanency is not pursued, the Foster Care/IFCCS Worker shall consider whether an alternative or concurrent permanent plan should be implemented.

l. If permanency is achieved through the out-of-state placement, the Foster Care/IFCCS Worker shall notify the State Office ICPC Unit of the intent to close the case by submitting DSS Form 30126 (ICPC 100B) and the relevant court order granting adoption, custody, or guardianship to the

placement. The State Office ICPC Unit shall forward the form to the receiving state and shall give written notification via copied transmittals to the Foster Care/IFCCS Worker that the case has been closed and all actions documented in CAPSS.

2. Disruption of ICPC Placements

a. If an ICPC placement disrupts, the local worker in the receiving state shall notify the Foster Care/IFCCS Worker to make arrangements for the child's return and shall submit a written summary of the disruption to the sending state's ICPC Office. Return of the child must occur within five working days of the notice of removal unless alternative arrangements have been agreed upon by the two states.
b. The Foster Care/IFCCS Worker shall document all actions in CAPSS dictation and shall indicate the child's placement change(s).

Special Considerations:

1. Regulation 7 Priority Requests

a. ICPC Regulation 7 provides for a priority request process. The provision provides that home studies be completed within 30 business days provided that the request meets the following criteria and that criteria is stipulated in the Regulation 7 court order:
    i. Unexpected dependency due to a sudden or recent incarceration, incapacitation or death of a parent or guardian. Incapacitation means a parent or guardian is unable to care for a child due to a medical, mental or physical condition of a parent or guardian, or
    ii. the child sought to be placed is four years of age or younger, including older siblings sought to be placed with the same proposed placement resource; or
    iii. The court finds that any child in the sibling group sought to be placed has a substantial relationship with the proposed placement resource. Substantial relationship means the proposed placement has a familial or mentoring role with the child, has spent more than cursory time with the child and has established more than a minimal bond with the child; or
    iv. the child is currently in an emergency placement; AND
    v. The degree of relationship to the child is parent, step-parent; grandparent; adult brother/sister or adult aunt/uncle

(documentation must include the individual's name, address and telephone number).

b. In order to petition the court for one of the above findings, the Foster Care/IFCCS Worker must present the following documents to the family court:
    i. a Statement of Interest; and
    ii. a Statement of Readiness (in the form of a sworn affidavit) from the caseworker that states that, based upon current information known to the sending county agency, he or she is unaware of any fact that would prohibit the child being placed with the placement resource and that he or she has completed and is prepared to send all required paperwork to the State Office ICPC Unit.
c. The Foster Care/IFCCS Worker shall request that the court submit a Regulation 7 Order of Compliance to the DSS Attorney within two business days of the hearing.
d. Within two business days of receiving the court order, the Foster Care/IFCCS Worker shall send the request to the State Office ICPC Unit via NEICE.
e. Within two business days of receiving a complete request packet, the ICPC Consultant shall forward the request to the receiving state.

2. Reconsiderations of ICPC home study denials

a. DSS may request a new home study with a new Form 3049 (ICPC 100A) if the reason for the denial has been corrected. The receiving state may agree to reconsider the denial and provide a determination via home study or an addendum, if it believes the reasons for the denial have been corrected. The receiving ICPC office is not obligated to agree to a redetermination.
b. Within 90 days of a denial on an ICPC Form 100A, the sending state can request a reconsideration. If the receiving state ICPC determines that it is appropriate to review the denial, the receiving state ICPC office can either:
    i. Send the request to the appropriate county office for a new study or updated addendum that addresses the reasons for denial and if they have been corrected. The receiving local agency will have 50 days to re-examine the situation; or ii. Make a redetermination based on the evidence provided by the sending state.

c. The receiving state will convey the determination to SC DSS with a new DSS Form 3049 (ICPC 100A).

3. Out-of-State Residential Facilities

a. A "residential facility" or "residential treatment center or group home" is defined as a facility providing a level of 24-hour, supervised care that is beyond what is needed for assessment or treatment of an acute condition. Residential facilities do not include institutions primarily educational in character, hospitals, or other medical facilities. Residential facilities may also be called by other names in the receiving state, such as those listed under "Type of Care Requested on the ICPC 100A: Group Home Care, Residential Treatment Center, Child Caring Institution, and Institutional Care (Article VI), Adjudicated Delinquent." The type of license, if any, held by an institution or the type of funding source used to defray the costs of treatment does not determine whether the Interstate Compact on the Placement of Children applies.

b. If placement in an out of state residential facility is pursued, the Foster Care/IFCCS Worker shall prepare an ICPC Request Packet with the following information and/or documentation:

   i. DSS Form 3049 (ICPC 100A), completed in CAPSS and printed/signed by the worker and/or the worker's supervisor;

   ii. if the child is already placed without prior approval, DSS Form 30126 (ICPC 100B), completed in CAPSS and printed/signed by the worker and/or the worker's supervisor;

   iii. a cover letter indicating the name and address of the facility and the reason for out-of-state placement;

   iv. a court order granting authority to place the child, to include one of the following:

      1. for children in DSS custody, a copy of a court order stating DSS has legal custody and the authority to place the child out of state (or an Order of Compliance stating that the court has jurisdiction and has designating DSS as the sending agency);

      2. for delinquent children, an order indicating that the child (1) has been adjudicated delinquent, (2) that equivalent facilities are not available in the sending agency's jurisdiction, and (3) that institutional care in the receiving state is in the best interest of the child and will not produce undue hardship;

3. for children in the custody of a relative or legal guardian, a current court order or legal document indicating the sending agency has authority to place the child;
4. For children placed by parents without court involvement, a signed DSS Form 3049 (DSS 100A) with the box checked under legal status indicating that the parent has custody.

v. a letter of acceptance from the residential facility, if required by the receiving state;

vi. a current case history for the child, including custodial and social history, a chronology of court involvement, social dynamics, and any specific needs of the child; vii. a service or case plan;

viii. A financial and medical plan, including a written description of the responsibility for payment of the cost of placement and the name/address of the person or entity that will be making payments. It is expected that medical coverage will be arranged between the sending agency and the residential facility;

ix. Title IV-E eligibility verification and supporting documentation;

x. If required by the receiving state, a placement disruption agreement describing who will be responsible for the return of the child if the placement is disrupted.

c. The Foster Care/IFCCS Worker shall send the ICPC packet to the state office ICPC Consultant via NEICE.

d. The State Office ICPC Consultant shall promptly review the request packet for the completeness. After completing DSS Form 3049 (ICPC 100A) with his or her approval signature, the ICPC Consultant shall send the request to the proper authorities in the receiving state.

e. Upon receipt of the signed DSS Form 3049 (ICPC 100A) from the receiving state, the State Office ICPC Consultant shall forward the receiving state decision to the county office.

f. When the request for placement is approved, the Foster Care/IFCCS Worker shall:

i. Determine whether to use the approved placement within 30 calendar days from the date the form was signed by the receiving state. If an extension is needed, the Foster Care/IFCCS Worker shall notify the State ICPC Consultant, who will then attempt to procure an extension via mutual agreement with the receiving state;

ii. complete arrangements and notify the child, parent, and other relevant parties;

iii. Notify the receiving state of placement and request that the state begin supervision of the child by completion of DSS Form 30126 (ICPC 100B). The Foster Care/IFCCS Worker shall complete the form in CAPSS, print/sign the form, and send it to the State Office ICPC Unit via NEICE.

iv. provide case management (including permanency planning);

v. schedule FCRB and permanency planning hearings with the same frequency as in-state placements;

vi. monitor and follow up on progress reports to determine if (1) monthly face to face contacts are being made and (2) additional or different services are needed;

vii. if applicable, arrange for child to receive ILP services in the receiving state;

viii. continually assess whether the placement is appropriate and safe;

ix. Dictate in CAPSS the receipt of face-to-face dictation by the supervising worker and place a copy of the dictation in the child's file. If timely or thorough progress reports are not received, the Foster Care/IFCCS Worker shall submit a request for reports through the State Office ICPC Unit. The ICPC Coordinator shall then contact the supervising state's ICPC Unit to request further assistance.

g. When the request for placement is denied or if approval is rescinded:

i. If the child is not currently in the facility, the Foster Care/IFCCS Worker and Supervisor shall make other placement arrangements for the child and shall revise the current case plan, if necessary. The Worker and Supervisor shall determine what outcomes must be achieved by the out-of-state placement in order for the receiving state to reconsider its denial (see

Special Considerations below for reconsideration procedures);

ii. If the child is already in the facility, the receiving state may request that DSS (1) facilitate return of the child to South Carolina within five business dates unless otherwise agreed upon by the two states or (2) propose an alternative placement. The alternative placement must be approved by the receiving state before placement is made.

h. In the event that a child is placed in an out-of-state facility:

i. The residential facility is viewed as the agency responsible for the 24-hour care of a child away from the child's parental home. In that capacity, the residential facility is responsible for the supervision, protection, safety, and well-being of the child. The sending agency making the placement is expected to enter into an agreement with the residential facility regarding the program plan or expected level of supervision and treatment and the frequency and nature of any written progress or treatment reports.

ii. Receiving state local child welfare workers and probation staff are not expected to provide any monitoring or supervision of children placed in residential facility programs. The one exception is those children who may become involved in an incident or allegation occurring in the receiving state that may involve the receiving state law enforcement, probation, child protection or, ultimately, the receiving state court.

4. Out-of-State Visitation

a. If a child's stay for visitation purposes lasts no longer than 30 days, it is considered a visit and does not require ICPC approval. However, a visit may be longer than 30 days if it takes place during the child's vacation from school.
b. A visit should not occur when an ICPC request has been submitted to the receiving state unless (1) the Foster Care/IFCCS Worker notifies the receiving state through their respective ICPC Offices and (2) the receiving state grants permission for the visit.
c. A visit or pre-placement visit cannot be, in reality, an ad hoc placement. In other words, a visit cannot be used to circumvent the system in order to place a child in the home sooner than would be possible through proper procedures.

5. Air Transportation for Child

a. An escort is required to accompany all children/youth travelling by air transportation, regardless of the child's age. The Foster Care/IFCCS Worker, the foster parent, or another appropriate person who is involved in the case and is known to the child may be asked to serve as the child's escort. In the event that no other person is available, the worker shall serve as the child's escort.
b. Upon approval of the placement resource and the receipt of the DSS Form 3049 (ICPC 100A) from the receiving state, the Foster Care/IFCCS Worker or Supervisor shall:

i. contact the ICPC Administrative Assistant with notification that the request is being submitted and indicate the planned departure date for flight;

ii. fax the following to the attention of the ICPC Unit at least 7 working days prior to the planned departure date (unless there is an emergency):

1. a signed statement from the County Director/MTS Regional Director or Adoption Administrator approving the travel;
2. a copy of DSS 1103, Out of State Travel Request/ Authorization with the county cost center and County Director's approval;
3. an explanation of why placement out of state is in the child's best interests, including how the placement will facilitate implementation of the permanent plan; if siblings are separated, how contact will be maintained; if reunification is the plan, the impact on implementation if child is placed out of state; any special circumstances, such as an explanation of circumstances if emergency travel is being requested;
4. a copy of the most recent court order confirming agency custody and the court's approval for placement out of state and, if appropriate, reunification of child with parent with whom the child is being placed;
5. a copy of DSS Form 3049 (ICPC 100A) indicating that the receiving state has approved the placement; 6. A statement identifying who is to escort the child.

c. The State Office ICPC Administrative Assistant shall:

i. contact the travel agency to obtain ticket prices and flight schedules for the specific date(s) of travel;

ii. prepare the cover memo for the request to be submitted to State Director; iii. complete DSS Form 1103 for the child;

iv. forward the request for review by the Human Services Director and Deputy Director of County Operations;

v. if travel is denied, immediately notify the worker making the request;

vi. upon receipt of signed approval from State Director or designee, complete arrangements with the travel agent and notify the

Foster Care/IFCCS Worker of the flight arrangements; vii. Inform the worker by telephone of arrangements to pick up the tickets.

d. The Foster Care/IFCCS Worker shall complete DSS Form 30126 (ICPC 100B) to officially notify the receiving state to begin supervision or close the ICPC services if the child returning was in a placement made through the Compact.

DOCUMENTATION:

- All correspondence with DSS staff
- All communication with receiving/sending state staff
- All contacts with family and/or child
- Copies of all ICPC forms, reports, and documentation
- Dictation or copies of out-of-state dictation

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- State Office ICPC Unit
- ICPC Consultant
- ICPC Administrative Assistant
- Sending/Receiving State Staff
- DSS Attorney
- SC Family Court

REFERENCES:

Legal Citations:

42 U.S.C.A. § 671(a) (23): denying/delaying out-of-state placement, fair hearing
42 U.S.C.A. § 671(a) (25) & (26): ICPC
S.C. Code Ann. § 63-9-2200 thru 2290: ICPC
S.C. Code Ann. § 63-15-300 thru 394: UCCJEA ICPC Regulations, available at http://www.aphsa.org/content/AAICPC/en/ICPCRegulations.html

Tools:

National Electronic Interstate Compact Enterprise (NEICE)

Forms:

DSS Form 3049 (ICPC 100A): ICPC Request

DSS Form 30126 (ICPC 100B): ICPC Report on Child's Placement Status
ICPC Statement of Interest

Practice Guidance:

REVISION COMMENTS:

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560. Termination of Foster Care Services

PURPOSE STATEMENT:

The agency is committed to providing children with information, communication and collaboration with providers, and limited continued supervision to meet their needs after they leave foster care. Accordingly, this section lays out the policies and procedures to be followed when a child is discharged from foster care.

POLICY:

1. A child is considered to have been discharged from foster care, and foster care services should be terminated, whenever one of the following events occur:
    a. a Voluntary Placement Agreement is terminated and the child is returned home;
    b. the Family Court relieves DSS of legal custody with the child being placed with the parent(s)/guardian(s), relative, or other individual;
    c. the child is placed in an adoptive home and the adoption has been finalized by the Family Court;
    d. a child under 18 is emancipated by the court;
    e. A youth age 18 or older decides to no longer remain in foster placement.
2. If a youth age 18 or older **and any youth that was** in foster care for six months or longer prior to exiting foster care, the agency will provide the youth with the following documents:
    a. an official or certified copy of his or her birth certificate;
    b. an official social security card;
    c. health insurance information;
    d. a copy of the child's Education and Health Passport; and
    e. A driver's license or state issued identification card.

If a youth age 18 or older has been in foster care for less than six months prior to exiting foster care, the agency will make reasonable efforts to provide the above listed documents. When releasing the above documents, the agency shall comply with the confidentiality provisions of S.C. Code Ann. § 63-7-1990.

PROCEDURES:

1. **For procedures related to transition planning and exit interviews for children exiting foster care, see Section 510.4: Case Planning & Management.**

2. **Important Documents at Termination of Foster Care**
   a. If a youth age 18 or older has been in foster care for six months or longer prior to exiting foster care, the Foster Care/IFCCS Worker shall confirm that the youth physically possesses the following documents:
      i. an original copy of his or her official or certified birth certificate;
      ii. an original copy of his or her official social security card;
      iii. health insurance information (including an original Medicaid card);
      iv. a copy of the child's DSS Form 30245: Education and Health Passport; and
      v. A driver's license or state issued identification card.
   b. The worker shall complete the DSS Form 1598: Independent Living Resource Checklist with the child and shall upload it to CAPSS. The worker shall confirm that DSS retains copies and/or scanned copies of each document provided to the youth.

3. **Updates to CAPSS**
   a. The Foster Care/IFCCS Worker shall update the necessary data fields in CAPSS to confirm that (1) placement authority in the Legal tab is not coded as EPC or ex parte and (2) any missing person information such as date of birth, social security number, race, education, medical, etc. has been entered on the Person screen.
   b. Within two working days of the child leaving foster care or prior to the third working day of the next month (whichever is earliest), the Foster Care/IFCCS Worker shall end the foster care placement to ensure that any board payments are ended.
   c. The foster care services line in CAPSS shall not be kept open for the sole purpose of posting dictation. Dictation can be posted after disclosure, and

failure to update CAPSS in this manner may result in financial penalties per federal AFCARS regulations.

4. **The Foster Care/IFCCS Worker shall notify:**
    a. Medicaid staff of the changes in the child's status;
    b. Child Support Services through the completion of Section V of the Child Support Referral (DSS Form 2738);
    c. the State IV-E Coordinator via email;
    d. appropriate service providers via email;
    e. Foster Care Review Board in writing (see section 540.1).

5. **If legal custody of the child is returning to the parent/guardian or if legal custody is being transferred to a relative or other individual**, the Foster Care/IFCCS Worker shall provide the caregiver with any bench order as proof of custody at the time of discharge, as well as any final court order once it has been obtained by the court.

6. The worker shall work with the child (and any individuals responsible for caring for the child after termination of foster care services) to confirm that the child has a **safety network of two or more individuals** who are committed to making sure that the child remains safe. This safety network will be arranged regardless of whether a child is leaving foster care due to positive permanency or emancipation.

7. **Post-Discharge Supervision**
    a. The Foster Care/IFCCS Worker shall follow the terms of any court order related to the provision of services after termination of foster care services.
    b. The Foster Care/IFCCS Worker shall:
        i. if monitoring will continue, open a Program Service of "Other Child Welfare Services" on the child; ii. if services or monitoring will continue by IFCCS staff, open a Program Service of "Supervision Only IFCCS" on the child; or iii. If the child is returned to the parent/guardian and the parent/guardian is court-ordered to participate in treatment services, open a CPS Treatment Services line.

Special Considerations:

1. Vulnerable and/or special needs child leaving foster care

a. For transition planning for vulnerable and/or special needs children, see Section 510.4: Case Planning & Management, Special Consideration 3.

b. The Foster Care/IFCCS Worker shall coordinate with the child's family and fictive kin, DDSN, the child's school, and other relevant providers to plan the child's transition from foster care, and shall confirm that steps are taken to prevent a lapse in services during the transition.

2. Termination of voluntary placements

a. The Foster Care/IFCCS Worker shall:

i. facilitate a Team Decision Making meeting to review the child's case for placement at least 15 days prior to termination of the agreement;

ii. if doing so would not create a substantial and imminent risk of harm, make a plan to return the child to the parent(s)/guardian(s) and determine if any post-placement services will be necessary;

iii. if there is no substantial and imminent risk of harm but the parent requests an extension, determine whether to grant one extension for an additional 90 days or less and arrange for parent(s)/guardian(s) to sign the extension request;

iv. Provide written notice to the foster caregiver of the removal at least ten days prior to the planned removal date. Notice should indicate that the child was voluntarily placed and is being removed to be reunited with his or her family;

v. once the child is returned home, continue with any previously requested or recommended post-placement services;

vi. coordinate with the DSS attorney to file a petition for removal if:

1. the child has been in care for more than 90 days and does not appear likely to return home prior to being in care six months; and/or
2. The agency has determined that the child cannot be safely returned to the home.

If, after a removal hearing, the court upholds the agency's petition for removal, the Foster Care/IFCCS Worker shall follow the procedures in this chapter as in all other foster care cases.

DOCUMENTATION:

- Copy of transition plan
- Contacts with child
- Copies of discharge documents
- Contacts with professionals and agency staff

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- Guardian *ad Litem*
- Medicaid Staff
- Child Support Enforcement
- Department of Disabilities and Special Needs (DDSN)
- Department of Juvenile Justice (DJJ)
- State IV-E Coordinator
- Other Relevant Service Providers
- Foster Care Review Board
- DSS Attorney
- Family Court

REFERENCES:

Legal Citations:

42 U.S.C.A. § 675(5) (I): emancipation documents

Tools:

Forms:

DHEC Form 0640: Vital Records Birth/Death Certificate Application
DSS Form 2738: Child Support Referral

Practice Guidance:

REVISION COMMENTS: