

Foster Care Services: Introduction

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INTRODUCTION

PURPOSE OF FOSTER CARE SERVICES

MISSION: The mission of Georgia's Foster Care Program is to strengthen families, protect children from further abuse and neglect, and to assure that every child has a permanent family.

- GOALS:**
- (1) Preventing the disintegration of families;
 - (2) Protecting children from further abuse and neglect; and
 - (3) Fostering permanency for children in custody by:
 - Assessing the needs of the child, the birth family and the foster family;
 - Ensuring the safety, stability and security of children;
 - Helping to rebuild families where possible;
 - Moving expeditiously toward permanency;
 - Minimizing placement disruptions;
 - Meeting the needs of children and families to prevent reentry into care; and
 - Meeting the needs of youth to assure successful transitions from care into independent living.

The Adoption and Safe Families Act of 1997 (Public Law 105-89) establishes similar goals for children served in our nation's child welfare system. These goals are **safety, permanency and well-being**. Changes in foster care policy and practice emphasize the safety and health of children as being the paramount concern in providing services, in developing and reviewing Case Plans, as well as in making placement and permanency decisions. Public Law 96-272 enacted in 1980, still requires "reasonable efforts" to preserve and reunify families; however, the Adoption and Safe Families Act goes one step further to promote expedited permanency for every child in care. If a child cannot be safely returned in a timely manner, then "reasonable efforts" to finalize the permanency plan for the child must be made.

County departments must work closely with the judicial system and with community partners to achieve permanency outcomes for children. Both Federal and State law specify compressed time frames for judicial hearings, periodic reviews and decisions that are intended to move children through the child welfare system. As a result, it is anticipated that children will spend less time in foster care and will experience fewer placement disruptions. The Foster Care Program will fulfill the purpose for which it is designed by providing temporary, out-of-home care for children whose own families are unable to nurture, care for and protect them.

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BIRTH PARENT/ COUNTY DEPARTMENT RESPONSIBILITIES

The **birth parent** has the responsibility to:

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- Participate in developing written Case Plans;
- Work with county department in alleviating risk factors which led to the removal of the child from the home;
- Visit the child with regularity at times and places agreed upon with the court and/or county department; arrange for own transportation, when available and within the income of the family to the site of the visits;
- Inform the county department about major life changes, such as change of address, telephone number, job, income, health or marriage circumstances, as well as changes in relationships, household composition (including unrelated adults), etc;
- Participate actively in planning for the child by attending court hearings, periodic reviews and meetings with county department staff;
- Pay child support on behalf of their child in care, including medical coverage (if available to the parent); and
- Work with the county department in developing a permanent plan for the child to have a home intended to last indefinitely with consistent parent figures.

The **county department** has the responsibility to:

- Assist the parent in understanding the seriousness of foster care placement and the child's need for a permanency decision to be finalized within 12 months. Inform the parent that parental rights could be terminated should reunification not occur in a timely, expeditious manner;
- Enter and update the information needed for data management to assure effective tracking of all children in foster care;
- Participate with the parent in developing written Case Plans designed to achieve permanency;
- Assist the parent in alleviating the risk factors which necessitated foster care placement;
- Arrange regular visits between the parent and child at places and times agreed upon with the parent; Assist the parent in arranging for transportation, if needed;
- Share information with the parent about the child's experiences during placement;
- Inform the parent of any major illnesses of the child. Make every effort to contact the parent prior to surgery;
- Assist the parent in planning for the child by having regularly scheduled meetings;
- Return the child to the parent when the risk factors which made foster care placement necessary are sufficiently resolved for the child to be safe.

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CHILDREN ELIGIBLE FOR FOSTER CARE

- Children from birth to age 18 may enter foster care with appropriate placement authority (See 1002).
- Youth who reach age 18 while in foster care may remain until age 21 if they voluntarily consent to remain in foster care to accomplish specific goals (See [1002](#) and [1012](#)).
- Expectant mothers in need of foster care may be placed in care regardless of the mother's age. Competent expectant mothers sign a voluntary agreement if they are 18 years of age or older. Guardianship may be obtained on expectant mothers age 18 or older if they are not competent to sign a voluntary agreement. Expectant mothers under the age of 18 are placed by court order or by a voluntary agreement signed by the parent.

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LEGAL BASES

There are both Federal and State legal bases for the Foster Care Program. Compliance with regulations is directly linked with the state's eligibility for federal matching funds.

The **Federal legal bases** are:

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- Social Security Act, Title XX, Social Services Block Grant;
- Social Security Act, Titles IV-B and IV-E;
 - Adoption Assistance and Child Welfare Act of 1980 (PL 96-272)
 - The Adoption and Safe Families Act of 1997 (PL 105-89)
- Indian Child Welfare Act of 1978 (PL 95-608); and
- The Multiethnic Placement Act of 1994 (MEPA) of PL 103-382 as amended by the Removal of Barriers to Interethnic Adoption Act of 1996 of PL 104-188.

The **State legal bases** are:

- Children and Youth Act, Chapter 49-5, Article 1, Official Code of Georgia Annotated as amended;
- Juvenile Proceedings Code, Chapter 15-11, Official Code of Georgia Annotated as amended; and
- Interstate Compact on the Placement of Children, Chapter 39-4, Official Code of Georgia Annotated as amended.

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DEFINITIONS

AFPAG (Adoptive and Foster Parent Association of Georgia)

AFPAG is the state organization of adoptive and foster parents formed to improve the circumstances of children in care and in adoptive placements as well as to enhance partnership.

Adjudicatory Hearing

The adjudicatory hearing is a court hearing at which the validity of the allegations contained

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in the petition is determined by clear and convincing evidence.

AFCARS (Adoption and Foster Care Analysis and Reporting System)

AFCARS is a Federally-designed reporting system which makes it mandatory for states to collect, update and submit specific data on all children in the foster care system.

Basic Service Rate

The Basic Service Rate is the Division's established per diem for a child in care. It partially reimburses the provider for costs associated with room and board, clothing replacement, medicine chest and incidentals.

CASA (Court Appointed Special Advocates)

A CASA is a volunteer appointed by the court to act as a lay Guardian ad Litem in protecting the best interests of the child in juvenile court proceedings.

Case Plan

The Case Plan is a required written tool which is mutually developed by the Case Manager and the parent to change the circumstances and/or conditions which resulted in agency intervention.

Case Review

Case Review is a required periodic review of the Case Plan that must occur no less frequently than every six months. The purpose of a review is to determine the appropriateness of the goals and services as well as the progress being made toward the ultimate achievement of permanency for the child. Federally acceptable methods of review include Judicial, Citizen Panel and Panel Case Review.

Comprehensive Child and Family Assessment

The "Comprehensive Assessment" is a thorough evaluation of the child and family immediately following foster care placement. Approved providers assess the child's medical, psychological/developmental, educational and family strengths and needs. A multi-disciplinary staffing uses the information to plan for the child's placement and permanency needs.

Concurrent Permanency Planning

Concurrent permanency planning (also referred to as "concurrent planning"), is an optional strategy to expedite permanency by making reasonable efforts to finalize an alternate permanency plan while at the same time directing efforts in case planning and services to reunify the child and family. The purpose of having "concurrent" permanency plans is to use the time the child spends in care efficiently by having a "back-up" plan in place should one be needed.

COSTAR (County Statistical Reporting System)

COSTAR is a county-based accounting system that tracks the purchase of services and Title IV-E expenditures on behalf of children.

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CSE (Child Support Enforcement)

CSE is a DFCS program that is authorized to collect child support and medical benefits on behalf of children, including those removed from the home and placed in foster care.

Dispositional Hearing

The dispositional hearing is a court hearing which occurs immediately after the adjudicatory hearing or at a later date to determine what will happen to the child; i.e., the child will be placed in foster care, will remain in foster care or some other placement, or will remain with or be returned to the parent.

DT: MAPP (Deciding Together: Model Approach to Partnerships in Parenting)

DT:MAPP is a model of *individually* preparing families to foster and/or adopt by involving them in the integrated processes of education, self-assessment and decision-making.

Ex Parte Order

An *Ex Parte* Order is an order issued by a judge after hearing only one party involved in a case; e.g., the order required for IV-E eligibility of a child who is voluntarily surrendered for adoption.

Family Assessment

The Family Assessment is an ongoing, thorough evaluation of the family and its individual members;

strengths and needs as well as indicators for permanency are identified. The Family Assessment is the foundation for the development of the Case Plan.

Family Group Conference

The family group conference (also known as “family conferencing”) is a permanency tool that involves the extended family and other significant parties in a “team approach” to case planning and decision-making.

GPS: MAPP (Group Preparation and Selection: Model Approach to Partnerships in Parenting)

This is a model for preparing families to foster and/or adopt by involving them in group sessions designed for education, self-assessment and decision-making.

Homestead

Homestead is a program of intensive family preservation services which are family-focused, crisis-oriented and short-term (180 days), providing intensive in-home counseling and paraprofessional support to families with children at risk of foster care placement or who are ready for reunification.

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IV-E (IV-E FC)

Title IV-E is a Federal funding source for children in foster care who meet certain eligibility requirements, including parental deprivation and financial need.

ICPC (Interstate Compact on the Placement of Children)

ICPC is a uniform set of procedures governing and protecting the placement of children across state lines.

JJ vs. Ledbetter

“JJ” is a Federal class action suit settled by a Consent Order that mandated that birth parents of children in care be provided certain services as well as access to records and the right to an administrative hearing.

JL/JR

“JL/JR” is a Federal class action suit mandating policies and procedures regarding the admission, treatment and the release of minors from residential mental health facilities.

Kinship Care

Kinship care refers to the placement of a child with a relative or non-relative who may or may not receive a per diem for the care of the child.

Medically Fragile Children

Infants and children whose medical problems and disabilities place them at risk for life-threatening conditions; e.g., substance-exposed, ventilator dependent, etc.

Nunc Pro Tunc

Nunc Pro Tunc is a legal term meaning “now for then” which allows a judge to give an earlier effective date to the conditions of the order and/or to amend an order so that it contains information which may have been omitted earlier.

Parent Aide Services

Parent Aides are para-professionals who work as team members with DFCS staff to provide birth and foster families with support services such as parenting skills, behavior management, homemaking, budgeting, etc.

PL 96-272 (The Adoption Assistance and Child Welfare Act of 1980)

This landmark Federal legislation mandated such safeguards and protections for children in foster care as pre-placement preventive services, permanency planning, periodic case review, computerized tracking systems and adoption assistance.

PL 105-89 (The Adoption and Safe Families Act of 1997)

This Federal legislation expedited time frames to move children through the child welfare

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system into permanent living situations. It also reinforced and strengthened the child welfare reforms already in place as a result of PL 96-272 and focused on three national goals for children in foster care: safety, permanence and well-being.

PPST (Psychological, Psychiatric and Speech Therapy)

Psychological, psychiatric and speech therapy services from private providers are reimbursable from State funds within the limits of the amount allocated to the counties when Medicaid or more cost-efficient providers are not available or appropriate.

PUP (Prevention of Unnecessary Placement)/ Immediate Reunification

PUP services provide financial assistance to support birth and foster families with children at imminent risk of placement or ready for reunification within 60 days of initiating services. Examples of services include emergency housing assistance, counseling, psychological evaluation, drug screening, etc.

Restricted Funds Account

This type of account applies to any child who has personal income such as Social Security, VA benefits, child support, etc. Funds are deposited and applied toward per diem reimbursement. Any remaining funds are used to meet the personal needs of the child and to pay for other state reimbursable costs.

SAAG (Special Assistant Attorney General)

SAAGs are assigned by the State Law Department and provide legal services and consultation to local county departments.

Shelter/ Detention Order

The Shelter Care Order (also known as the "Detention Order") is the initial order authorizing custody which is issued as a result of the hearing held approximately 72 hours after a child is removed from the home.

SSI (Supplemental Security Income)

Supplemental Security Income is a monthly benefit for children who are disabled or who have functional limitations as determined by the Social Security Administration.

State MATCH (Multi-Agency Team for Children)

The State MATCH Committee is a multi-agency collaboration for the provision of therapeutic services for emotionally disturbed children. Roles and responsibilities of the State MATCH Team include determining placement priorities, available funding, placement resources, resource development, and program approval and monitoring.

Taylor vs. Ledbetter

A Federal suit settled by a Consent Order that mandated certain protections for children in care. Most notably, corporal punishment of children in foster homes was prohibited, immediate investigations of maltreatment in foster homes was instituted, and more timely

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decisions regarding removal of the child and closure of the home were outlined.

VPA (Voluntary Placement Agreement)

A Voluntary Placement Agreement gives the county department placement authority for some children in care. Usually, the child is placed due to a family crisis that is intended to be temporary in nature. Forms 5 or 3 are signed by the parent with the clear intent that placement services will be offered for a maximum of 90 days, with a single extension of 90 days as a possible option.

Zebley v. Sullivan

“Zebley” is a Supreme Court decision that mandates changes in how SSI eligibility is determined. When the suit was finally settled, certain children received large back payments that were deposited in an irrevocable trust fund known as the “Zebley Trust.”

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CALCULATING TIME IN FOSTER CARE

Effective July 1, 1998, ASFA (PL 105-89) defined a new way of calculating time in foster care by the date the child is “**considered to have entered foster care.**” This date was determined by selecting the EARLIER of the following two dates:

- The date of the first judicial finding that the child has been subjected to child abuse or neglect; i.e., the date the child was adjudicated deprived; **OR**
- The date that is 60 days after the child is removed from the home.

For children entering care on or after July 1, 1998, every placement case was required to have a “**Timetable for Critical Actions.**” This Timetable provided a mechanism to track and monitor due dates for certain actions such as the duration of custody, the timing of the permanency hearing, the mandatory filing for termination of parental rights, etc.

Effective March 27, 2000, Federal Regulations provide the interpretation that an earlier time frame such as **removal date** can be used to calculate time in care. Therefore, “new” children entering care as of the effective date will use “removal date” as the basis for determining when critical case actions are due.

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Requirement

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As children enter care, the Case Manager and Supervisor need to develop a means of tracking critical action dates based on the **date of the child's removal**. This date triggers the following case events:

- Initial Case Plan is completed within 30 days of removal and submitted to the court;
- Initial Case Review must occur within six months of removal (and every six months thereafter as long as the child remains in care);
- Duration of temporary custody; i.e., no longer than 12 months of removal (with one 12 month extension possible);
- Timing of permanency hearing (the finalizing of the permanency plan and the "reasonable efforts" finding by the court) within 12 months of removal (and every 12 months thereafter as long as the child remains in care);
- The mandatory filing of a petition to terminate parental rights (or document in the Case Plan the "compelling reason(s)" why such action is not in the child's best interest) for children in care "15 out of the most recent 22 months."

1001.5 PRACTICE ISSUE

The "Permanency Time Line" may be individualized for a child entering care using the dates of the above events. Instructions for explaining the Time Line to the parent are provided.

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PERMANENCY TIME LINE

INSTRUCTIONS FOR USE:

With DFCS efforts directed toward achieving a planned, permanent placement for every child in care, it is important that parents understand the seriousness of their child's removal and the time frame for making real progress toward the child's safe return. The consequences for not making the necessary changes within 12 months will mean that the agency and court will have to make another permanent plan for the child.

As a visual tool, the Case Manager may want to use the "Permanency Time Line" with a parent who may need a concrete way of understanding what will happen over the next 12 months. Ideally, this Time Line could be filled in, discussed and signed at a family conference or case planning meeting held within the first 30 days following placement. The "Time Line" could also be reviewed and updated at the time of case contacts with the parent, at case staffings, court hearings, etc.

Each month is listed with space provided for entering specific dates of upcoming case activities such as planning, reviews, family conferences, hearings, etc. Some dates are "fixed;" i.e., date of removal, date of the "15 month time limit" for filing

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termination of parental rights, etc. Other dates will be more case-specific such as the dates for initial and subsequent reviews.

Signatures of the parent(s) and Case Manager will serve as documentation that the "Permanency Time Line" was reviewed with the parents.

The "Permanency Time Line" not only serves as a reminder for parents, but also is a tool for motivating them to action!

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■ **PERMANENCY TIME LINE for _____ (child)**

Whenever a child is in foster care, planning for the child's reunification or other permanent placement begins immediately! This Time Line represents a "ticking clock" which began as soon as your child was removed. Each month, the clock "ticks" on just like time does for your child in care. Certain actions, court hearings and reviews are scheduled up to the point that a permanency decision must be settled---either the child is returned home (if this can be safely done) or another permanent placement for the child must be found. This decision must be finalized at the hearing held in 12 months. Your immediate involvement in planning for your child's permanency is a **must!** Otherwise, it may be necessary for DFCS and the court to plan for another permanent placement for your child.

- _____ Removal Hearing
- _____ 1 month Family Assessment
- _____ 2 months 30 Day Case Plan for Reunification
- _____ 3 months Hearing(s)
- _____ 4 months
- _____ 5 months
- _____ 6 months
- _____ 7 months
- _____ 8 months
- _____ 9 months
- _____ 10 months
- _____ 11 months
- _____ **12 months** Temporary custody expires; extension of custody may be required.
Permanency Hearing held and the Permanency Plan finalized.
- _____ 15 months File for termination or document to court why such action not taken.

Signature of Parent(s):

Date:

Signature of DFCS Case Manager:

Date:

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