13. Other Requirements

13.1 Confidentiality Of Records

THE RECORDS OF CHILDREN IN FOSTER CARE ARE CONFIDENTIAL AND INFORMATION ABOUT CHILDREN IN FOSTER CARE OR THEIR PARENTS OR RELATIVES IS CONFIDENTIAL. (§63.2-104) THE AGENCY MAY DISCLOSE INFORMATION:

- UPON ORDER OF THE COURT; FOR INSTANCE, TO THE GUARDIAN AD LITEM AND THE COURT APPOINTED SPECIAL ADVOCATE (CASA) WHO ARE APPOINTED TO A CHILD AS THE RESULT OF A COURT ORDER; OR
- WHEN THE AGENCY DETERMINES THAT THE PERSON HAS A LEGITIMATE INTEREST IN THE CHILD AND IT IS IN THE BEST INTERESTS OF THE CHILD TO RELEASE THE INFORMATION.

13.2 Travel Of Foster Children

13.2.1 OUT-OF-COUNTRY TRAVEL

Approval for such travel is the option of the local department.

- The director of the local agency must give written approval for a child going out of the country.
- The agency should obtain written approval from the parent(s) or guardians if whereabouts are known and parental rights have not been terminated.
- The sponsor of the out-of-country trip (residential facility, school, foster parent) must provide the local agency with the itinerary and telephone numbers where the child and/or sponsor can be contacted.
- Proper passports, visas or other requirements for traveling out of the country must be obtained.
- Written assurances must be obtained that the sponsor will provide for the health, safety and legal needs of the child during the trip.
- The agency should provide the sponsor with authorization to obtain medical care.

13.2.2 REQUIREMENT FOR APPROVED CHILD RESTRAINT DEVICES

13.2.2.1 CHILDREN AGE FIVE AND UNDER, TRANSPORTED IN A CAR BY AGENCY STAFF, FOSTER CARE PROVIDERS, OR ANY ADULT TRANSPORTING A CHILD, MUST BE SECURED IN A CHILD RESTRAINT DEVICE OF A TYPE APPROVED BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION. (SEC. 46.2-1095)

13.2.2.2 EXCEPTIONS FOR CERTAIN CHILDREN WHO MAY BE EXEMPTED FROM THE REQUIREMENTS FOR AN APPROVED RESTRAINT DEVICE IN THE FOLLOWING SITUATIONS:

- IF A PHYSICIAN STATES THAT USE OF A CHILD RESTRAINT DEVICE WOULD BE IMPRACTICAL BECAUSE OF THE CHILD'S WEIGHT, OR FOR MEDICAL REASONS. THE DRIVER MUST CARRY A STATEMENT SIGNED BY THE PHYSICIAN GIVING THE CHILD'S NAME AND THE GROUNDS FOR EXEMPTION.

- A SEAT BELT WHICH IS STANDARD EQUIPMENT IN NEW AUTOMOBILES MAY BE USED FOR CHILDREN AT LEAST THREE YEARS OF AGE WHEN THE CHILD'S WEIGHT MAKES THE USE OF A SEAT BELT PRACTICAL AND AN APPROVED RESTRAINT DEVICE IMPRACTICAL.

13.2.2.3 PENALTIES

THERE IS A CIVIL PENALTY OF FIFTY DOLLARS FOR VIOLATION OF THE REQUIREMENTS OF THIS LAW EXCEPT WHEN THE VIOLATION IS FAILURE TO CARRY A PHYSICIAN'S STATEMENT FOR WHICH THE PENALTY IS TWENTY DOLLARS.

13.2.2.4 HOW TO PAY FOR RESTRAINT DEVICES

Child restraint devices for agency use may be purchased from administrative funds. Payment for devices to be used by foster parents may be purchased from State Pool Funds in the name of the child for whom the device is being purchased.

Foster parents are eligible to apply for free child safety seats through the Department of Motor Vehicles.

13.3 Child Protective Services Reporting

13.3.1 RESPONSIBILITY TO REPORT

ANY PERSON EMPLOYED AS A SOCIAL WORKER WHO SUSPECTS A CHILD HAS BEEN ABUSED OR NEGLECTED IN FOSTER CARE PLACEMENT MUST REPORT THE MATTER IMMEDIATELY to the local agency holding custody or the agency in the locality where the child is placed or the Child Protective Services hotline at 800-552-7096. (§63.2-1509)

13.3.2 INVESTIGATING THE CPS REPORT

A protective service worker in the locality where the child resides shall be responsible for conducting the investigation. The foster care worker should cooperate with the CPS investigation and be kept informed and involved in any decision to remove the child. The local agency holding custody or having placed the child, if different than the agency of the child's residence, must be notified of the report of abuse/neglect.

13.4 The Minor Child Of A Foster Child

13.4.1 THE MAINTENANCE PAYMENT FOR A MINOR CHILD OF A FOSTER CHILD WHO LIVES WITH HIS OR HER PARENT AND IS IN CUSTODY OF THE PARENT MUST BE ADDED TO THE FOSTER CARE PAYMENT MADE FOR THE MINOR CHILD'S PARENT AND PAID TO THE FOSTER CARE PROVIDER. THE MINOR CHILD OF A FOSTER CHILD LIVING WITH HIS OR HER PARENT IN A FOSTER HOME OR RESIDENTIAL PLACEMENT IS NOT ELIGIBLE FOR TANF. THE FOSTER CARE PROVIDER IS RESPONSIBLE FOR PROVIDING ROOM AND BOARD AND ENSURING THAT THE PAYMENT IS USED TO MEET THE CHILD'S NEEDS. (Refer to Section 12.4 for payment information.)

13.4.2 The minor child of a foster child remains the responsibility of his or her parent, unless custody has been removed.

13.4.3 The minor child shall be listed in OASIS with the foster child (parent).

13.4.4 The minor child is not subject to requirements for plans, reviews, or hearings. However, the needs and safety of the minor child should be considered and documented when developing the service plan for the (foster child) parent.

13.4.5 The minor child is eligible for Medicaid, services, and child support services.

13.5 Procedures And Responsibility For Children In Custody Of The Department Of Juvenile Justice (DJJ)

The purpose of this section is to identify procedures for local social services agencies in order to provide services for foster care children committed to the Department of Juvenile Justice (DJJ). These procedures will require coordination and cooperation between staff of DJJ and local social agency staff. These procedures chronologically outline the responsibilities of a local social services agency once a foster care child is committed to the Department of Juvenile Justice. These procedures are in compliance with §16.1-291, 293 and 294.

13.5.1 YOUTH COMMITTED TO THE DEPARTMENT OF JUVENILE JUSTICE

At the time a child in custody of a local agency is committed to DJJ, the committing court determines whether the court service unit or the local social

services agency must maintain contact with the youth during commitment. In rare instances, the local agency may be ordered to maintain contact with a child previously unknown to the agency.

Maintaining contact is necessary to begin aftercare planning to return the child to the community upon completion of his/her minimum stay in the direct care of the Department of Juvenile Justice. Contact with the child must include:

- Participation in Reception and Diagnostic Center staffing;
- Participation in Juvenile Correctional Center Treatment Team meeting and subsequent development of Comprehensive Service Plan; and
- Visits, as often as needed, but at least once every three months with DJJ and the youth in order to plan and carry out services to return the child to the community and/or provide services to the family so that the plan for the child can be achieved.

When a youth is committed to DJJ, the worker must exit the child from the current placement in OASIS. The legal custody status and funding screens must also be completed to reflect appropriate changes in OASIS. There are instructions in OASIS Help Section under “Committed to Corrections” for the next steps. Payments for the cost of maintenance for the youth and purchased services are not made.

13.5.2 YOUTH ADMITTED TO RECEPTION AND DIAGNOSTIC CENTERS

The court may place a youth committed to DJJ in a local detention facility until he/she is transferred to the Reception and Diagnostic Center (R&DC).

Within five working days of youth's arrival at the R&DC, the R&DC counselor will mail a letter to the child's family and local agency stating:

- The date of the R&DC staffing; and
- The need for local agency input to the staffing.

13.5.2.1 Responsibilities of the service worker to provide input to the R&DC staffing team:

- Notify the R&DC counselor prior to the staffing date that the service worker is planning to attend the R&DC staffing; or send a letter to the R&DC counselor prior to the staffing.
- In providing input regarding the youth's treatment needs/problems, the service worker needs to state these needs/ problems in measurable, behavioral terms. At least three of the needs/problems identified are to be targeted as priorities.

13.5.3 YOUTH TRANSFERRED TO JUVENILE CORRECTIONAL CENTERS

13.5.3.1 Planning for Staffing at a Juvenile Correctional Center

The staffing at the R&DC will result in a decision to transfer the youth to a Juvenile Correctional Center operated by the Department of Juvenile Justice. Within five working days of the youth's transfer to the Center Juvenile Correctional Center, the Juvenile Correctional Center Counselor will contact the LDSS worker in order to arrange a meeting with the youth, the treatment team, and the LDSS worker. This meeting is to take place no later than 30 days from the date of the youth's transfer to the Juvenile Correctional Center.

The service worker is responsible for attending the meeting at the Juvenile Correctional Center to provide additional input regarding the youth's needs and to discuss the aftercare plan for the youth.

13.5.3.2 Agenda for Juvenile Correctional Center Meeting

The Juvenile Correctional Center counselor will conduct the meeting. The agenda for the meeting should include:

- A review and discussion of the Evaluation and Services Recommendation packet from R&DC;
- Presentation and discussion of the aftercare plan recommended by the service worker.

13.5.3.3 Preparing a Draft Aftercare Plan

The worker should prepare a draft aftercare plan in outline form prior to this meeting. The aftercare plan may include, but is not limited to:

- An outline of where/with whom the youth will reside upon release from direct care or the action plan to develop a placement; and
- The identification of services needed by the youth and guardian/provider upon youth's return to community. The worker will outline steps to be taken while the youth is in the Juvenile Correctional Center
- To assure that services are/will be coordinated and delivered in a timely manner. The aftercare placement shall maximize the youth's chances for successful reintegration into the community.
- Development of a Comprehensive Services Plan which will provide a continuum of services from the date of transfer to the Juvenile Correctional Center through the date of release from aftercare supervision. The plan shall:

- Outline and prioritize the treatment/service needs which will be addressed during the youth's stay in the Juvenile Correctional Center
- Outline the treatment/service needs which must be addressed once the youth returns to the community;
- State where/with whom, the youth will reside upon release from direct care, or outline an action plan to develop a placement;
- Outline steps to be taken with the aftercare placement while the youth is in the Juvenile Correctional Center to assure that the placement maximized the youth's chances for a successful reintegration to the community; and
- Outline strategies and time frames to meet the objectives developed.
- The plan shall be signed by the service worker, along with the treatment team members and Juvenile Correctional Center Counselor.
- If the service worker has reservations about the Comprehensive Service Plan which cannot be resolved on-site, the worker should not sign the plan (See "Resolution of Issues", section) . Upon leaving the meeting, the service worker shall obtain a copy of the Comprehensive Service Plan, signed or unsigned, for the child's case record.
- A copy of the signed typed Comprehensive Service Plan will be mailed to service worker within five working days of signature.
- Proposed changes in the Comprehensive Service Plan must be approved by the local department of social services and the Juvenile Correctional Center
- Institutional Review Committee. Documentation indicating agreement must be obtained by the Juvenile Correctional Center
- Counselor and copy sent to the local social service worker.

13.5.4 WHEN PLANNED AFTERCARE PLACEMENT IS NOT AVAILABLE

If, at any point during the youth's commitment, it becomes apparent that the proposed aftercare placement will not be available, the social service worker will notify the Juvenile Correctional Center counselor by letter within five working days of learning that the placement is not available.

13.5.4.1 Notification should discuss placement alternatives previously explored. Information should include actual placements or programs considered, whether child was accepted/denied for placement/program, and the reason child was not accepted or

resource not to be utilized. An action plan to locate placement shall also be discussed.

13.5.4.2 The Aftercare Specialist is available to assist local social service workers in locating an aftercare placement.

13.5.4.3 Upon receipt of written notification by the local agency, the Juvenile Correctional Center counselor shall prepare information for Department of Youth and Family Services files.

13.5.5 RESOLUTION OF ISSUES

13.5.5.1 On occasion, disagreement may arise between the parties responsible for providing services to youth. Issues that may lead to disagreement include, but are not limited to:

- Recipient of plans, document, etc.;
- Appropriateness of services, treatment, aftercare plans; and
- Lack of involvement by responsible parties, etc.

13.5.5.2 Disputes are to be resolved at the lowest level possible with workers attempting to resolve issues with their counterparts at DJJ initially.

13.5.5.3 Documentation of each step in the procedure, in the form of memoranda, case narrative, and correspondence is to be maintained by all involved persons and entered in the child's case record. Each issue will be resolved, via the administrative chain of authority, within 15 working days from the date of initiation.

13.5.6 POST-RELEASE SUPERVISION

13.5.6.1 Post-release supervision is the period that begins after a youth who has been committed to the Department of Juvenile Justice returns to a local community for supervision.

13.5.6.2 POST-RELEASE SUPERVISION OR PAROLE SUPERVISION OF A YOUTH IS THE RESPONSIBILITY OF DJJ and not that of the local department of social services.

13.5.6.3 EXCEPT IN EXCEPTIONAL CASES, THE COURT SHALL DESIGNATE THE LOCAL DEPARTMENT TO MAINTAIN CONTACT WITH THE YOUTH DURING COMMITMENT ONLY WHEN THE YOUTH WAS IN THE CUSTODY OF THE LOCAL DEPARTMENT IMMEDIATELY BEFORE HIS COMMITMENT. THE DEPARTMENT OF JUVENILE JUSTICE SHALL RETURN A YOUTH TO THE PREVIOUSLY DESIGNATED LOCAL SUPERVISING AGENCY AND SHALL CONSULT WITH THE LOCAL SUPERVISING AGENCY FOUR WEEKS PRIOR TO SUCH RELEASE ON PAROLE

SUPERVISION CONCERNING RETURN OF THE YOUTH TO THE LOCAL AGENCY.

13.5.6.4 IN THE EVENT THAT THE YOUTH WAS IN THE CUSTODY OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES IMMEDIATELY PRIOR TO HIS COMMITMENT TO DEPARTMENT OF JUVENILE JUSTICE AND HAS NOT ATTAINED THE AGE OF 18 YEARS, THE LOCAL DEPARTMENT OF SOCIAL SERVICES MUST RESUME CUSTODY UPON THE YOUTH'S RELEASE, UNLESS AN ALTERNATIVE ARRANGEMENT FOR THE CUSTODY HAS BEEN MADE AND COMMUNICATED IN WRITING TO DEPARTMENT OF JUVENILE JUSTICE.

13.5.6.5 Children Returned to the Community and Placed in an Out-of-Home Placement

- The case is opened in OASIS to foster care.
- The children are eligible for foster care maintenance and services. These cases are subject to requirements governing service plans, supervisory or panel reviews and dispositional hearings.
- Title IV-E eligibility must be re-determined so, if the child was Title IV-E eligible before commitment to DJJ, the foster care worker must refer the case to eligibility.

13.5.6.6 OASIS Requirements

The day the child returns to a local community or is placed outside of the child's own home is the day used to change the placement of the case in OASIS. Services to the child's family may be purchased through foster care.

13.5.7 <u>SUBMISSION OF THE FOSTER CARE SERVICE PLAN TO COURT</u>

The local agency shall submit a service plan on the child to the court within 60 days of the child's return to the community and placement outside of the child's own home.

The local agency may attach the Comprehensive Service Plan to the Foster Care Service Plan.